

As Introduced

**130th General Assembly
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H. B. No. 1

Representatives Derickson, Romanchuk

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A B I L L

To amend sections 6301.01, 6301.02, 6301.03, 6301.04, 1
6301.06, 6301.07, 6301.08, 6301.09, 6301.10, and 2
6301.12 of the Revised Code to require a local 3
workforce investment area to use OhioMeansJobs as 4
the local workforce investment area's job 5
placement system, to rename county one-stop 6
systems, and to make other changes to Ohio's 7
Workforce Development Law. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 6301.01, 6301.02, 6301.03, 6301.04, 9
6301.06, 6301.07, 6301.08, 6301.09, 6301.10, and 6301.12 of the 10
Revised Code be amended to read as follows: 11

Sec. 6301.01. As used in this chapter: 12

(A) "Local area" means any of the following: 13

(1) A municipal corporation that is authorized to administer 14
and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 15
29 U.S.C.A. 2801, as amended, under this chapter and is not 16
joining in partnership with any other political subdivisions in 17
order to do so; 18

(2) A single county; 19

(3) A consortium of any of the following political subdivisions:	20
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(a) A group of two or more counties in the state;	22
(b) One or more counties and one municipal corporation in the state;	23
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(c) One or more counties with or without one municipal corporation in the state and one or more counties with or without one municipal corporation in another state, on the condition that those in another state share a labor market area with those in the state.	25
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"Local area" does not mean a region for purposes of determinations concerning administrative incentives.	30
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(B) "Municipal corporation" means a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2831(a)(2) or (3), but that does not request that the governor grant such automatic or temporary designation, and that instead elects to administer and enforce workforce development activities pursuant to this chapter.	32
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(C) "County" means a county that is eligible to be designated as a local workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but that does not request such designation, and instead elects to administer and enforce workforce development activities pursuant to this chapter.	40
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(D) "Workforce development agency" means the entity given responsibility for workforce development activities that is designated by the board of county commissioners in accordance with section 330.04 of the Revised Code, the chief elected official of a municipal corporation in accordance with section 763.05 of the	46
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Revised Code, or the chief elected officials of a local area 51
defined in division (A)(3) of this section. 52

(E) "Workforce development activity" means a program, grant, 53
or other function, the primary goal of which is to do one or more 54
of the following: 55

(1) Help individuals maximize their employment opportunities; 56

(2) Help employers gain access to skilled workers; 57

(3) Help employers retain skilled workers; 58

(4) Help develop or enhance the skills of incumbent workers; 59

(5) Improve the quality of the state's workforce; 60

(6) Enhance the productivity and competitiveness of the 61
state's economy. 62

(F) "Chief elected officials," when used in reference to a 63
local area, means the board of county commissioners of the county 64
or of each county in the local area or, if the county has adopted 65
a charter under Section 3 of Article X, Ohio Constitution, the 66
chief governing body of that county, and the chief elected 67
official of the municipal corporation, if the local area includes 68
a municipal corporation, except that when the local area is the 69
type defined in division (A)(1) of this section, "chief elected 70
officials" means the chief elected official of the municipal 71
corporation. 72

(G) "State board" means the state governor's executive 73
workforce ~~policy~~ board established by section 6301.04 of the 74
Revised Code. 75

(H) "Local board" means a local workforce ~~policy~~ investment 76
board ~~created pursuant to section 6301.06 of the Revised Code~~ 77
established in each local area of the state and certified by the 78
governor to set policy for the portion of the statewide workforce 79
investment system within the local area and implement the 80

"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801. 81

(I) "OhioMeansJobs" means the electronic job placement system 82
operated by the state. 83

Sec. 6301.02. The director of job and family services shall 84
administer the "Workforce Investment Act of 1998," 112 Stat. 936, 85
29 U.S.C.A. 2801, as amended, the "Wagner-Peyser Act," 48 Stat. 86
113 (1933), 29 U.S.C.A. 49, as amended, and the funds received 87
pursuant to those acts. In administering those acts and funds 88
received pursuant to those acts, the director shall assist the 89
state ~~workforce policy~~ board in establishing and administering a 90
workforce development system that is designed to provide 91
leadership, support, and oversight to locally designed workforce 92
development systems. The director shall conduct investigations and 93
hold hearings as necessary for the administration of this chapter. 94

To the extent permitted by state and federal law, the 95
director may adopt rules pursuant to Chapter 119. of the Revised 96
Code to establish any program or pilot program for the purposes of 97
providing workforce development activities or family services to 98
individuals who do not meet eligibility criteria for those 99
activities or services under applicable federal law. Prior to the 100
initiation of any program of that nature, the director of budget 101
and management shall certify to the governor that sufficient funds 102
are available to administer a program of that nature. The state 103
board shall have final approval of any such program. 104

Unless otherwise prohibited by state or federal law, every 105
state agency, board, or commission shall provide to the state 106
board and the director all information and assistance requested by 107
the state board and the director in furtherance of workforce 108
development activities. 109

Sec. 6301.03. (A) In administering the "Workforce Investment 110

Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 111
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 112
amended, the funds received pursuant to those acts, and the 113
workforce development system, the director of job and family 114
services may, at the direction of the state board, make 115
allocations and payment of funds for the local administration of 116
the workforce development activities established under this 117
chapter. 118

(B) The director shall allocate to local areas all funds 119
required to be allocated to local areas pursuant to the "Workforce 120
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 121
amended. The director shall make allocations only with funds 122
available. Local areas, as defined by either section 101 of the 123
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 124
2801, as amended, or section 6301.01 of the Revised Code, and 125
subrecipients of a local area shall establish a workforce 126
development fund and the entity receiving funds shall deposit all 127
funds received under this section into the workforce development 128
fund. All expenditures for activities funded under this section 129
shall be made from the workforce development fund, including 130
reimbursements to a county public assistance fund for expenditures 131
made for activities funded under this section. 132

(C) The use of funds, reporting requirements, and other 133
administrative and operational requirements governing the use of 134
funds received by the director pursuant to this section shall be 135
governed by internal management rules adopted by and approved by 136
the state board pursuant to section 111.15 of the Revised Code. 137

(1) A local area described in division (B) of this section 138
shall use OhioMeansJobs as the job placement system for the area. 139

(2) No additional workforce funds shall be used to build or 140
maintain any job placement system that is duplicative to 141
OhioMeansJobs. 142

(D) To the extent permitted by state or federal law, the state board, director, local areas, counties, and municipal corporations authorized to administer workforce development activities may assess a fee for specialized services requested by an employer. The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the nature and amount of those types of fees.

Sec. 6301.04. The governor shall establish a state workforce policy board and appoint members to the board, who serve at the governor's pleasure, to perform duties under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, as authorized by the governor. The board is not subject to sections 101.82 to 101.87 of the Revised Code. All state agencies engaged in workforce development activities shall assist the board in the performance of its duties.

~~(A)(1) The governor shall designate nine members of the board to be voting members. All other members shall be ex officio, nonvoting members.~~

~~(2) The governor shall choose the voting members in a way that a majority of the voting board members represent business interests.~~

~~(B)~~ The board shall have the power and authority to do all of the following:

~~(1)~~(A) Provide oversight and policy direction to ensure that the state workforce development activities are aligned and serving the needs of the state's employers, incumbent workers, and job seekers;

~~(2)~~(B) Adopt rules necessary to administer state workforce development activities;

~~(3)~~(C) Adopt rules necessary for the auditing and monitoring

of subrecipients of the workforce development system grant funds;	173
(4) (D) Designate local workforce investment areas in	174
accordance with 29 U.S.C. 2831;	175
(5) (E) Develop a unified budget for all state and federal	176
workforce funds;	177
(6) (F) Establish a statewide employment and data collection	178
system;	179
(7) (G) Develop statewide performance measures for workforce	180
development and investment;	181
(8) (H) Develop a state workforce development plan;	182
(9) (I) Prepare the annual report to the United States	183
secretary of labor, pursuant to section 136(d) of the "Workforce	184
Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as	185
amended;	186
(10) (J) Carry out any additional functions, duties, or	187
responsibilities assigned to the board by the governor.	188
Sec. 6301.06. (A) The chief elected officials of a local area	189
shall create a workforce policy <u>local</u> board, which shall consist	190
of the following individuals:	191
(1) The chief elected official from the municipal corporation	192
with the largest population in the local area, except that if the	193
municipal corporation is a local area as defined in division	194
(A)(1) of section 6301.01 of the Revised Code, the chief elected	195
official of that municipal corporation may determine whether to be	196
a member of the board. Notwithstanding division (B) of section	197
6301.01 of the Revised Code, as used in division (A)(1) of this	198
section, "municipal corporation" means any municipal corporation.	199
(2) The following individuals appointed to the board by the	200
chief elected officials of the local area, who shall make those	201

appointments according to all of the following specifications:	202
(a) At least five members of the board shall be	203
representatives of private sector businesses in the general labor	204
market area that includes that local area, and shall be appointed	205
from among individuals nominated by local business organizations	206
and business trade associations. Among these members, at least one	207
shall represent small businesses, at least one shall represent	208
medium-sized businesses, and at least one shall represent large	209
businesses. When determining what constitutes small, medium-sized,	210
and large businesses for purposes of this division, the chief	211
elected officials of the local area shall define those sizes as	212
those sizes are generally understood within the labor market area	213
that includes that local area. A majority of the members of the	214
board shall be representatives of private sector businesses.	215
(b) At least two members of the board shall represent	216
organized labor and shall be appointed from nominations submitted	217
by local federations of labor representing workers employed in the	218
local area.	219
(c) At least two members of the board shall be	220
representatives of local educational entities. For purposes of	221
this division, "local educational entities" includes local	222
educational agencies, school district boards of education,	223
entities providing educational and literacy activities, and	224
post-secondary educational institutions.	225
(d) At least one member of the board shall be a	226
representative of consumers of workforce development activities.	227
(e) Any other individuals the chief elected officials of the	228
local area determine are necessary.	229
(B) Members of the board serve at the pleasure of the chief	230
elected officials of the local area. Members shall not be	231
compensated but may be reimbursed for actual, reasonable, and	232

necessary expenses incurred in the performance of their duties as 233
board members. Those expenses shall be paid from funds allocated 234
pursuant to section 6301.03 of the Revised Code. 235

The chief elected officials of a local area may provide 236
office space, staff, or other administrative support as needed to 237
the board. For purposes of section 102.02 of the Revised Code, 238
members of the board are not public officials or employees. 239

(C) The chief elected officials of a local area other than a 240
local area as defined in division (A)(1) of section 6301.01 of the 241
Revised Code, shall coordinate the workforce development 242
activities of the county family services planning committees and 243
the ~~workforce policy~~ local boards in the local area in any manner 244
that is efficient and effective to meet the needs of the local 245
area. The chief elected officials of the local area may, but are 246
not required to, consolidate all boards and committees as they 247
determine appropriate into a single board for purposes of 248
workforce development activities. A majority of the members of 249
that consolidated board shall represent private sector businesses. 250
The membership of that consolidated board shall include a 251
representative from each group granted representation as described 252
in division (A) of this section and also a member who represents 253
consumers of family services and a member who represents the 254
county department of job and family services. The membership of 255
that consolidated board may include a representative of one or 256
more groups and entities that may be represented on a county 257
family services planning committee, as specified in section 329.06 258
of the Revised Code. 259

Sec. 6301.07. (A) For purposes of this section, "performance 260
character" means the career-essential relational attributes that 261
build trust with others, including respect, honesty, integrity, 262
task-excellence, responsibility, and resilience. 263

(B) Every local ~~workforce policy~~ board, under the direction 264
and approval of the state ~~workforce policy~~ board and with the 265
agreement of the chief elected officials of the local area, and 266
after holding public hearings that allow public comment and 267
testimony, shall prepare a workforce development plan. The plan 268
shall accomplish all of the following: 269

(1) Identify the workforce investment needs of businesses in 270
the local area, identify projected employment opportunities, and 271
identify the job skills and performance character necessary to 272
obtain and succeed in those opportunities; 273

(2) Identify the local area's workforce development needs for 274
youth, dislocated workers, adults, displaced homemakers, incumbent 275
workers, and any other group of workers identified by the local 276
~~workforce policy~~ board; 277

(3) Determine the distribution of workforce development 278
resources and funding to be distributed for each workforce 279
development activity to meet the identified needs, utilizing the 280
funds allocated pursuant to the "Workforce Investment Act of 281
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended; 282

(4) Give priority to youth receiving independent living 283
services pursuant to sections 2151.81 to 2151.84 of the Revised 284
Code when determining distribution of workforce development 285
resources and workforce development activity funding; 286

(5) Review the minimum curriculum required by the state 287
~~workforce policy~~ board for certifying training providers and 288
identify any additional curriculum requirements to include in 289
contracts between the training providers and the chief elected 290
officials of the local area; 291

(6) Establish performance standards for service providers 292
that reflect local workforce development needs; 293

(7) Describe any other information the chief elected 294

officials of the local area require. 295

(C) A local ~~workforce policy~~ board may provide policy 296
guidance and recommendations to the chief elected officials of a 297
local area for any workforce development activities. 298

(D) Nothing in this section prohibits the chief elected 299
officials of a local area from assigning, through a partnership 300
agreement, any duties in addition to the duties under this section 301
to a local ~~workforce policy~~ board, except that a local ~~workforce~~ 302
~~policy~~ board cannot contract with itself for the direct provision 303
of services in its local area. A local ~~workforce policy~~ board may 304
consult with the chief elected officials of its local area and 305
make recommendations regarding the workforce development 306
activities provided in its local area at any time. 307

Sec. 6301.08. Every local area shall participate in a 308
one-stop system for workforce development activities. Each board 309
of county commissioners and the chief elected official of a 310
municipal corporation shall ensure that at least one delivery 311
method is available in the local area, either through a physical 312
location, or by electronic means approved by the state board, for 313
the provision of workforce development activities. 314

Within six months after the effective date of this amendment, 315
every local area shall name its one-stop system as "OhioMeansJobs 316
(name of county) County." 317

A one-stop system may be operated by a private entity or a 318
public agency, including a workforce development agency, any 319
existing facility or organization that is established to 320
administer workforce development activities in the local area, and 321
a county family services agency. 322

A one-stop system shall include representatives of all the 323
partners required under the "Workforce Investment Act of 1998," 324

112 Stat. 936, 29 U.S.C.A. 2801, as amended. 325

Sec. 6301.09. The provision under division (g) of section 111 326
of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 327
U.S.C.A. 2801, as amended, applies to the state ~~workforce policy~~ 328
board created under section 6301.04 of the Revised Code. The 329
provision under division (e) of section 117 of the "Workforce 330
Investment Act of 1998" applies to the ~~workforce policy~~ local 331
boards established pursuant to section ~~6301.04~~ 6301.06 of the 332
Revised Code. 333

Sec. 6301.10. Beginning January 1, 2013, and each calendar 334
year thereafter, the state board, with the assistance of all state 335
agencies engaged in workforce development activities, shall 336
prepare a report concerning the state of Ohio's workforce. ~~The~~ 337
Upon completion of the annual workforce report, the state board 338
shall ~~distribute~~ provide an electronic copy of the report to the 339
president ~~and minority leader~~ of the senate, and the speaker ~~and~~ 340
~~minority leader~~ of the house of representatives, ~~the governor's~~ 341
~~office of Appalachian Ohio, the commission on Hispanic-Latino~~ 342
~~affairs, and the commission on African-American males~~ shall post 343
the report on the state board's internet web site. 344

Sec. 6301.12. (A) The office of workforce development within 345
the department of job and family services shall comprehensively 346
review the direct and indirect economic impact of businesses 347
engaged in the production of horizontal wells in this state and, 348
based on its findings, prepare an annual Ohio workforce report. 349
The report shall include at least all of the following with 350
respect to the industry: 351

(1) The total number of jobs created or retained during the 352
previous year; 353

(2) The total number of Ohio-based contractors that employ 354

skilled construction trades;	355
(3) The number of employees who are residents of this state;	356
(4) The total economic impact;	357
(5) A review of the state's regional workforce development	358
plans required by the "Workforce Investment Act of 1998," 112	359
Stat. 936, 29 U.S.C.A. 2801, as amended, that outline workforce	360
development efforts including goals and benchmarks toward	361
maximizing job training, education, and job creation opportunities	362
in the state.	363
(B) The <u>Upon the completion of the office's annual Ohio</u>	364
<u>workforce report, the</u> office shall submit its annual Ohio	365
workforce <u>provide an electronic copy of the</u> report to the members	366
of the general assembly <u>president of the senate and the speaker of</u>	367
<u>the house of representatives</u> and post it on the office's internet	368
web site.	369
Section 2. That existing sections 6301.01, 6301.02, 6301.03,	370
6301.04, 6301.06, 6301.07, 6301.08, 6301.09, 6301.10, and 6301.12	371
of the Revised Code are hereby repealed.	372