

AMENDMENTS TO LB1110

Introduced by Business and Labor.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 5 of this act shall be known and may be
4 cited as the Nebraska Workforce Innovation and Opportunity Act.

5 Sec. 2. The Legislature finds and declares:

6 (1) In order for Nebraska to remain prosperous and competitive, it
7 needs to have a well-educated and highly skilled workforce;

8 (2) The following principles shall guide the state's workforce
9 investment system:

10 (a) Workforce investment programs and services shall be responsive
11 to the needs of employers, workers, and students by accomplishing the
12 following:

13 (i) Providing Nebraska students and workers with the skills
14 necessary to successfully compete in the global economy;

15 (ii) Producing greater numbers of individuals who obtain industry-
16 recognized certificates and career-oriented degrees in competitive and
17 emerging industry sectors and filling critical labor market skills gaps;

18 (iii) Adapting to rapidly changing local and regional labor markets
19 as specific workforce skill requirements change over time;

20 (iv) Preparing workers for jobs that pay well and foster economic
21 security and upward mobility; and

22 (v) Aligning employment programs, resources, and planning efforts
23 regionally around industry sectors that drive regional employment to
24 connect services and training directly to jobs;

25 (b) State and local workforce development boards are encouraged to
26 collaborate with other public and private institutions, including
27 businesses, unions, nonprofit organizations, schools from kindergarten

1 through grade twelve, career technical education programs, adult career
2 technical education and basic skills programs, apprenticeships, community
3 college career technical education and basic skills programs,
4 entrepreneurship training programs, where appropriate, and county-based
5 social and employment services, to better align resources across
6 workforce, training, education, and social service delivery systems and
7 build a well-articulated workforce investment system by accomplishing the
8 following:

9 (i) Adopting local and regional training and education strategies
10 that build on the strengths and fill the gaps in the education and
11 workforce development pipeline in order to address the needs of job
12 seekers, workers, and employers within regional labor markets by
13 supporting sector strategies; and

14 (ii) Leveraging resources across education and workforce training
15 delivery systems to build career pathways and fill critical skills gaps;

16 (c) Workforce investment programs and services shall be data-driven
17 and evidence-based when setting priorities, investing resources, and
18 adopting practices;

19 (d) Workforce investment programs and services shall develop strong
20 partnerships with the private sector, ensuring industry involvement in
21 needs assessment, planning, and program evaluation and:

22 (i) Shall encourage industry involvement by developing strong
23 partnerships with an industry's employers and the unions that represent
24 the industry's workers; and

25 (ii) May consider the needs of employers and businesses of all
26 sizes, including large, medium, small, and microenterprises, when setting
27 priorities, investing resources, and adopting practices;

28 (e) Workforce investment programs and services shall be outcome-
29 oriented and accountable, measuring results for program participants,
30 including, but not limited to, outcomes related to program completion,
31 employment, and earnings; and

1 (f) Programs and services shall be accessible to employers, the
2 self-employed, workers, and students who may benefit from their
3 operation, including individuals with employment barriers, such as
4 persons with economic, physical, or other barriers to employment;

5 (3) Screening designed to detect unidentified disabilities,
6 including learning disabilities, improves workforce preparation and
7 enhances the use of employment and training resources;

8 (4) Section 134(c)(2) of the federal Workforce Innovation and
9 Opportunity Act, 29 U.S.C. 3174(c)(2), allows for the use of funds for
10 the initial assessment of skill levels, aptitudes, abilities, and support
11 services, including, when appropriate, comprehensive and specialized
12 assessments of skill levels and service needs, including, but not limited
13 to, diagnostic testing and the use of other assessment tools and in-depth
14 interviewing and evaluation to identify employment barriers and
15 appropriate employment goals; and

16 (5) One-stop career centers are encouraged to maximize the use of
17 federal Workforce Innovation and Opportunity Act resources and other
18 federal and state workforce development resources for screening designed
19 to detect unidentified disabilities, and if indicated, to provide
20 appropriate diagnostic assessment.

21 Sec. 3. For purposes of the Nebraska Workforce Innovation and
22 Opportunity Act, career pathway means an identified series of positions,
23 work experiences, or educational benchmarks or credentials with multiple
24 access points that offers occupational and financial advancement within a
25 specified career field or related fields over time. Career pathways offer
26 combined programs of rigorous and high-quality education, training, and
27 other services that do all of the following:

28 (1) Align with the skill needs of industries in the state and
29 regional economies;

30 (2) Prepare an individual to be successful in any of a full range of
31 secondary or postsecondary education options, including apprenticeships

1 registered under the National Apprenticeship Act, 29 U.S.C. 50 et seq.,
2 except apprenticeships under 29 U.S.C. 3226;

3 (3) Include counseling to support an individual in achieving the
4 individual's education and career goals;

5 (4) Include, as appropriate, education offered concurrently with and
6 in the same context as workforce preparation activities and training for
7 a specific occupation;

8 (5) Organize education, training, and other services to meet the
9 particular needs of an individual in a manner that accelerates the
10 educational and career advancement of the individual to the extent
11 practicable;

12 (6) Enable an individual to attain a secondary school diploma or its
13 recognized equivalent and at least one recognized postsecondary
14 credential; and

15 (7) Help an individual enter or advance within a specific
16 occupation.

17 Sec. 4. On or before November 30 of each year, the Commissioner of
18 Labor shall submit a copy of the performance report required by section
19 116(d) of the federal Workforce Innovation and Opportunity Act, 29 U.S.C.
20 3141(d), to the Governor, the Legislature, and the Nebraska Workforce
21 Development Board. The report shall cover the prior program year and
22 shall include the total amount of federal funding provided to the state
23 and to each of the local workforce development areas for the adult,
24 youth, and dislocated worker programs and the amount expended within each
25 program for training services. The report to the Legislature shall be
26 submitted electronically.

27 Sec. 5. (1) The Department of Labor shall have the authority to
28 administer the requirements of Title I of the federal Workforce
29 Innovation and Opportunity Act, including, but not limited to,
30 establishing accounting, monitoring, auditing, and reporting procedures
31 and criteria in order to ensure state compliance with the objectives and

1 requirements of Title I of the federal Workforce Innovation and
2 Opportunity Act.

3 (2) The department may adopt and promulgate any rules and
4 regulations necessary to implement the Nebraska Workforce Innovation and
5 Opportunity Act.

6 Sec. 6. Sections 6 to 12 of this act shall be known and may be
7 cited as the Sector Partnership Program Act.

8 Sec. 7. (1) The Legislature finds and declares that sector
9 partnerships are a proven strategy for engaging employers in key
10 industries, helping workers train for and access good jobs, and
11 coordinating education, training, and workforce development activities in
12 response to industry needs.

13 (2) It is the intent of the Legislature and the purpose of the
14 Sector Partnership Program Act to support local sector partnerships that
15 will close skill gaps in high-demand sectors of business and industry. By
16 conducting labor availability and skills gap studies, the Sector
17 Partnership Program will connect education and training providers with
18 employers and will ensure that the state's workforce and economic
19 development activities align with the needs of employers in the state's
20 key industries.

21 Sec. 8. For purposes of the Sector Partnership Program Act:

22 (1) Department means the Department of Labor;

23 (2) Local area means a workforce development area authorized by the
24 federal Workforce Innovation and Opportunity Act and established in
25 Nebraska;

26 (3) Local sector partnership or partnership means a workforce
27 collaborative that organizes key stakeholders in a particular sector of
28 business or industry in a local area into a working group that focuses on
29 the shared goals and human resources needs of such sector;

30 (4) Local workforce development board means a local workforce
31 development board authorized by the federal Workforce Innovation and

1 Opportunity Act and established in Nebraska; and
2 (5) Nebraska Workforce Development Board means the state workforce
3 development board authorized by the federal Workforce Investment and
4 Opportunity Act and established in Nebraska.

5 Sec. 9. (1) The Sector Partnership Program is created. The program
6 shall be administered by the Department of Labor in conjunction with the
7 Department of Economic Development. In establishing and administering the
8 program, the Department of Labor shall consult with the Nebraska
9 Workforce Development Board, the Department of Economic Development, and
10 the State Department of Education.

11 (2) The Department of Labor, in conjunction with the Department of
12 Economic Development shall:

13 (a) Establish a study process to conduct labor availability and
14 skills gap studies;

15 (b) Determine the laborshed areas of the state; and

16 (c) Complete labor availability and skills gap studies for all
17 laborshed areas of the state on a rotating basis as determined by the
18 Department of Labor.

19 (3) The Department of Labor and the Department of Economic
20 Development may contract with other entities to conduct additional labor
21 availability, skills gap, and sector partnership studies.

22 (4) The Department of Labor, in conjunction with the Department of
23 Economic Development shall provide technical assistance to local sector
24 partnerships and persons interested in forming partnerships. Technical
25 assistance may include providing: (a) Direction and counseling on forming
26 and sustaining partnerships; (b) professional development and capacity
27 building through academies, toolkits, and peer sharing networks; (c)
28 customized labor market and economic analysis; and (d) information on
29 career pathways, worker training resources, skill standards, and
30 industry-based certifications.

31 (5) Except to the extent otherwise provided in state or federal law,

1 all completed labor availability and skills gap studies shall be public
2 information.

3 Sec. 10. (1) The Sector Partnership Program Fund is created. The
4 fund shall be administered by the Department of Labor. The fund shall be
5 used to pursue sector partnership activities, including, but not limited
6 to, labor availability and skills gap studies by the Department of Labor
7 and the Department of Economic Development pursuant to the Sector
8 Partnership Program Act. The fund may also be used for administrative
9 costs of the Department of Labor and the Department of Economic
10 Development associated with sector partnership activities.

11 (2) The fund shall consist of such money as is: (a) Transferred to
12 the fund from the Job Training Cash Fund and the Nebraska Training and
13 Support Cash Fund; (b) otherwise appropriated to the fund by the
14 Legislature; (c) donated as gifts, bequests, or other contributions to
15 the fund from public or private entities; and (d) made available by any
16 department or agency of the United States if so directed by such
17 department or agency. Any money in the fund available for investment
18 shall be invested by the state investment officer pursuant to the
19 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
20 Act.

21 Sec. 11. On or before July 31 of each year, the department shall
22 provide an annual report to the Governor and the Business and Labor
23 Committee of the Legislature. The report submitted to the Legislature
24 shall be submitted electronically. The report shall detail the process
25 and results of the labor availability and skills gap studies.

26 Sec. 12. The department may adopt and promulgate rules and
27 regulations to carry out the Sector Partnership Program Act.

28 Sec. 13. Section 48-622.02, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 48-622.02 (1) Until July 1, 2015:

31 (a) There is in the state treasury a special fund to be known as the

1 Nebraska Training and Support Trust Fund. Any money in the fund available
2 for investment shall be invested by the state investment officer pursuant
3 to the Nebraska Capital Expansion Act and the Nebraska State Funds
4 Investment Act. All money deposited or paid into the fund is hereby
5 appropriated and made available to the commissioner. No expenditures
6 shall be made from the fund without the written authorization of the
7 Governor upon the recommendation of the commissioner. Any interest earned
8 on money in the State Unemployment Insurance Trust Fund shall be credited
9 to the Nebraska Training and Support Trust Fund;

10 (b) Money in the Nebraska Training and Support Trust Fund shall be
11 used for (i) administrative costs of establishing, assessing, collecting,
12 and maintaining state unemployment insurance tax liability and payments,
13 (ii) administrative costs of creating, operating, maintaining, and
14 dissolving the State Unemployment Insurance Trust Fund and the Nebraska
15 Training and Support Trust Fund, (iii) support of public and private job
16 training programs designed to train, retrain, or upgrade work skills of
17 existing Nebraska workers of for-profit and not-for-profit businesses,
18 (iv) recruitment of workers to Nebraska, (v) training new employees of
19 expanding Nebraska businesses, (vi) the costs of creating a common web
20 portal for the attraction of businesses and workers to Nebraska, and
21 (vii) payment of unemployment insurance benefits if solvency of the
22 state's account in the Unemployment Trust Fund and of the State
23 Unemployment Insurance Trust Fund so require; and

24 (c) There is within the Nebraska Training and Support Trust Fund a
25 separate account to be known as the Administrative Costs Reserve Account.
26 Money shall be allocated from the Nebraska Training and Support Trust
27 Fund to the Administrative Costs Reserve Account in amounts sufficient to
28 pay the anticipated administrative costs identified in subdivision (1)(b)
29 of this section.

30 (2) On and after July 1, 2015:

31 (a) The Nebraska Training and Support Cash Fund is created. Any

1 money in the fund available for investment shall be invested by the state
2 investment officer pursuant to the Nebraska Capital Expansion Act and the
3 Nebraska State Funds Investment Act. On July 1, 2015, the State Treasurer
4 shall transfer any money in the Nebraska Training and Support Trust Fund
5 to the Nebraska Training and Support Cash Fund. No expenditures shall be
6 made from the Nebraska Training and Support Cash Fund without the written
7 authorization of the Governor upon the recommendation of the
8 commissioner. Any interest earned on money in the State Unemployment
9 Insurance Trust Fund shall be credited to the Nebraska Training and
10 Support Cash Fund;

11 (b) Money in the Nebraska Training and Support Cash Fund shall be
12 used for (i) administrative costs of establishing, assessing, collecting,
13 and maintaining state unemployment insurance tax liability and payments,
14 (ii) administrative costs of creating, operating, maintaining, and
15 dissolving the State Unemployment Insurance Trust Fund and the Nebraska
16 Training and Support Cash Fund, (iii) support of public and private job
17 training programs designed to train, retrain, or upgrade work skills of
18 existing Nebraska workers of for-profit and not-for-profit businesses,
19 (iv) recruitment of workers to Nebraska, (v) training new employees of
20 expanding Nebraska businesses, (vi) the costs of creating a common web
21 portal for the attraction of businesses and workers to Nebraska, (vii)
22 developing and conducting labor availability and skills gap studies
23 pursuant to the Sector Partnership Program Act, for which money may be
24 transferred to the Sector Partnership Program Fund as directed by the
25 Legislature, and (viii ~~vii~~) payment of unemployment insurance benefits if
26 solvency of the state's account in the Unemployment Trust Fund and of the
27 State Unemployment Insurance Trust Fund so require;~~and~~

28 (c) The Administrative Costs Reserve Account is created within the
29 Nebraska Training and Support Cash Fund. Money shall be allocated from
30 the Nebraska Training and Support Cash Fund to the Administrative Costs
31 Reserve Account in amounts sufficient to pay the anticipated

1 administrative costs identified in subdivision (2)(b) of this section;
2 and -

3 (d) The State Treasurer shall transfer two hundred fifty thousand
4 dollars from the Nebraska Training and Support Cash Fund to the Sector
5 Partnership Program Fund no later than July 15, 2016.

6 Sec. 14. Section 81-1201.21, Revised Statutes Supplement, 2015, is
7 amended to read:

8 81-1201.21 (1) There is hereby created the Job Training Cash Fund.
9 The fund shall be under the direction of the Department of Economic
10 Development. Money may be transferred to the fund pursuant to subdivision
11 (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the
12 direction of the Legislature. The department shall establish a subaccount
13 for all money transferred from the Cash Reserve Fund to the Job Training
14 Cash Fund on or after July 1, 2005.

15 (2) The money in the Job Training Cash Fund or the subaccount
16 established in subsection (1) of this section shall be used (a) to
17 provide reimbursements for job training activities, including employee
18 assessment, preemployment training, on-the-job training, training
19 equipment costs, and other reasonable costs related to helping industry
20 and business locate or expand in Nebraska, (b) to provide upgrade skills
21 training of the existing labor force necessary to adapt to new technology
22 or the introduction of new product lines, (c) to provide grants pursuant
23 to section 81-1210.02, ~~or~~ (d) as provided in section 79-2308, or (e) as
24 provided in section 10 of this act. The department shall give a
25 preference to job training activities carried out in whole or in part
26 within an enterprise zone designated pursuant to the Enterprise Zone Act.

27 (3) The department shall establish a subaccount within the fund to
28 provide training grants for training employees and potential employees of
29 businesses that (a) employ twenty-five or fewer employees on the
30 application date, (b) employ, or train for potential employment,
31 residents of rural areas of Nebraska, or (c) are located in or employ, or

1 train for potential employment, residents of high-poverty areas as
2 defined in section 81-1203. The department shall calculate the amount of
3 prior year investment income earnings accruing to the fund and allocate
4 such amount to the subaccount for training grants under this subsection.
5 The subaccount shall also be used as provided in the Teleworker Job
6 Creation Act and as provided in section 81-1210.02. The department shall
7 give a preference to training grants for businesses located in whole or
8 in part within an enterprise zone designated pursuant to the Enterprise
9 Zone Act.

10 (4) The State Treasurer shall transfer:

11 (a) Two ~~two~~ hundred fifty thousand dollars from the Job Training
12 Cash Fund to the General Fund no later than July 15 of 2015 and 2016;
13 and -

14 (b) Two hundred fifty thousand dollars from the Job Training Cash
15 Fund to the Sector Partnership Program Fund on or before July 15, 2016.

16 (5) Any money in the Job Training Cash Fund available for investment
17 shall be invested by the state investment officer pursuant to the
18 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
19 Act.

20 Sec. 15. Original section 48-622.02, Revised Statutes Cumulative
21 Supplement, 2014, and section 81-1201.21, Revised Statutes Supplement,
22 2015, are repealed.

23 Sec. 16. Since an emergency exists, this act takes effect when
24 passed and approved according to law.