

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

SENATE BILL 791

5 By: Senator J. Hutchinson  
6

## For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE ARKANSAS WORKFORCE INNOVATION  
9 AND OPPORTUNITY ACT; TO REPEAL THE ARKANSAS WORKFORCE  
10 INVESTMENT ACT; TO REPEAL THE TEMPORARY ASSISTANCE  
11 FOR NEEDY FAMILIES OVERSIGHT BOARD AND ESTABLISH IT  
12 AS A COMMITTEE OF THE ARKANSAS WORKFORCE DEVELOPMENT  
13 BOARD; TO DECLARE AN EMERGENCY; AND FOR OTHER  
14 PURPOSES.

## Subtitle

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18 TO ESTABLISH THE ARKANSAS WORKFORCE  
19 INNOVATION AND OPPORTUNITY ACT; TO REPEAL  
20 THE TEMPORARY ASSISTANCE FOR NEEDY  
21 FAMILIES OVERSIGHT BOARD; AND TO DECLARE  
22 AN EMERGENCY.  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 11-10-314(h), concerning disclosure of  
28 information by the Department of Workforce Services, is amended to read as  
29 follows.

30 (h) Notwithstanding any other provisions of this chapter, information  
31 obtained in the administration of this chapter and in the administration of  
32 and concerning ~~the Job Training Partnership Act, 29 U.S.C. § 1501 et seq.~~  
33 ~~{repealed}, and its successor, the Workforce Investment Act, Pub. L. No. 105-~~  
34 220 programs under the Workforce Innovation and Opportunity Act, Pub. L. No.  
35 113-128, programs by the Department of Workforce Services shall be made  
36 available to persons and agencies for purposes appropriate to the Department



1 of Workforce Services' operation and administration of ~~the Job Training~~  
2 ~~Partnership Act [repealed] and its successor, the Workforce Investment Act,~~  
3 ~~Pub. L. No. 105-220~~ programs under the Workforce Innovation and Opportunity  
4 Act, Pub. L. No. 113-128, programs.

5 (2) Pursuant to Under an agreement between the Department of  
6 Workforce Services and the appropriate agencies, the director shall establish  
7 safeguards as are necessary to protect the confidential information made  
8 available pursuant to this section.

9  
10 SECTION 2. Arkansas Code § 11-10-609(a)(2)(B), concerning the  
11 eligibility for compensation of a shared work plan, is amended to read as  
12 follows:

13 (B) However, an otherwise eligible individual shall not be  
14 denied benefits with respect to any week in which he or she is in training to  
15 enhance job skills, including employer-sponsored training and worker training  
16 funded under the ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.~~  
17 Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., if  
18 the training has been approved by the director.

19  
20 SECTION 3. Arkansas Code Title 15, Chapter 4, is amended to add an  
21 additional subchapter to read as follows:

22 Subchapter 37 – Arkansas Workforce Innovation and Opportunity Act

23  
24 15-4-3701. Title.

25 This subchapter shall be known and may be cited as the “Arkansas  
26 Workforce Innovation and Opportunity Act”.

27  
28 15-4-3702. Purpose.

29 The purpose of this subchapter is to outline a workforce development  
30 plan for Arkansas and to comply with the Workforce Innovation and Opportunity  
31 Act of 2014, Pub. L. No. 113-128, by increasing access for Arkansans,  
32 particularly those individuals with barriers to employment, to opportunities  
33 for employment, education, training, and the support services they need to  
34 succeed in the labor market through alignment of workforce development,  
35 education, and economic development systems in support of a comprehensive,  
36 accessible, and high-quality workforce development system in the state to

1 better address the employment and skill needs of workers, jobseekers, and  
2 employers, and, as a result, ensure family-sustaining wages for individuals  
3 and economic growth for communities, regions, and the global competitiveness  
4 of the state.

5  
6 15-4-3703. Definitions.

7 As used in this subchapter:

8 (1)(A) “Chief elected official” means the chief elected  
9 executive officer of a unit of general local government in a local area.

10 (B) If a local area includes more than one (1) unit of  
11 general local government, the chief elected officials of each unit shall  
12 execute an agreement specifying the respective roles of the individual chief  
13 elected officials;

14 (2) “Core programs” means:

15 (A) Youth, adult, and dislocated worker programs funded by  
16 the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128;

17 (B) Adult education and literacy activities;

18 (C) Employment services funded by the Wagner-Peyser Act,  
19 29 U.S.C. § 49 et seq.; and

20 (D) Subchapter 1 of the Rehabilitation Act of 1973, 29  
21 U.S.C. § 701 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741;

22 (3) “One-stop partner program” means:

23 (A) Youth, adult, and dislocated worker programs funded by  
24 the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128;

25 (B) Adult education and literacy activities;

26 (C) Employment services funded by the Wagner-Peyser Act,  
27 29 U.S.C. § 49 et seq.;

28 (D) Subchapter 1 of the Rehabilitation Act of 1973, 29  
29 U.S.C. § 701 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741;

30 (E) Activities authorized under Title V of the Older  
31 Americans Act of 1965, 42 U.S.C. § 3056 et seq.;

32 (F) Career and technical education programs at the  
33 postsecondary level authorized under the Carl D. Perkins Career and Technical  
34 Education Improvement Act of 2006, 20 U.S.C. § 2301 et seq.;

35 (G) Activities authorized under Part 2 of Subchapter II of  
36 the Trade Act of 1974, 19 U.S.C. § 2271 et seq.;

1 (H) Activities authorized under Chapter 41 of Title 38,  
2 United States Code;

3 (I) Employment and training activities carried out under  
4 the Community Services Block Grant Act, 42 U.S.C. § 9901 et seq.;

5 (J) Employment and training activities carried out by the  
6 United States Department of Housing and Urban Development;

7 (K) Programs authorized under state unemployment  
8 compensation laws in accordance with applicable federal law;

9 (L) Programs authorized under Section 212 of the Second  
10 Chance Act of 2007, 42 U.S.C. § 17532; and

11 (M)(i) Programs authorized under Part A of Title IV of the  
12 Social Security Act, 42 U.S.C. § 601 et seq., subject to subparagraph (C).

13 (ii) "One-stop partner program" does not include a  
14 program under subdivision (3)(M)(i) of this section if the Governor  
15 determines that the program will not be a one-stop partner and communicates  
16 this determination in writing to the Secretary of the United States  
17 Department of Labor as required by Workforce Innovation and Opportunity Act,  
18 Pub. Law No. 113-128.

19  
20 15-4-3704. Arkansas Workforce Development Board.

21 (a) The Arkansas Workforce Development Board is created.

22 (b) The Arkansas Workforce Development Board shall consist of:

23 (1) The Governor;

24 (2) The following members to be appointed by the Governor,  
25 subject to confirmation by the Senate:

26 (A) Members constituting a majority of the Arkansas  
27 Workforce Development Board who are representatives of businesses in Arkansas  
28 and who:

29 (i) Are owners of businesses, chief executives or  
30 operating officers of businesses, or other business executives or employers  
31 with optimum policymaking or hiring authority, and who may be members of a  
32 local workforce development board;

33 (ii) Represent businesses, including small  
34 businesses, or organizations representing businesses, providing employment  
35 opportunities that, at a minimum, include high-quality, work-relevant  
36 training and development in in-demand industry sectors or occupations in

1 Arkansas; and

2 (iii) Are appointed from among individuals nominated  
3 by Arkansas business organizations and business trade associations; and

4 (B) Members constituting not less than twenty percent  
5 (20%) of the membership of the Arkansas Workforce Development Board who are  
6 representatives of the workforce within the state, to include:

7 (i) Two (2) members who are representatives of labor  
8 organizations to be nominated by the Arkansas Labor Federation;

9 (ii) One (1) member who is a representative of a  
10 labor organization or a training director, from a joint labor-management  
11 apprenticeship program, or if no such joint program exists in the state, a  
12 representative of an apprenticeship program in Arkansas;

13 (iii) At least one (1) member who is a  
14 representative of a community-based organization that has demonstrated  
15 experience and expertise in addressing the employment, training, or education  
16 needs of individuals with barriers to employment, including community-based  
17 organizations that serve veterans or that provide or support competitive,  
18 integrated employment for individuals with disabilities;

19 (iv) At least one (1) member who is a representative  
20 from the Department of Higher Education representing post secondary  
21 organizations that have demonstrated experience and expertise in addressing  
22 the employment, training, or education needs of eligible youth;

23 (v) At least one (1) member who is a representative  
24 of community-based organizations that have demonstrated experience and  
25 expertise in addressing the employment, training, or education needs of  
26 eligible youth, including community-based organizations that serve out-of-  
27 school youth;

28 (3) The Director of the Department of Career Education;

29 (4) The Director of the Department of Workforce Services;

30 (5) The Director of Arkansas Rehabilitation Services of the  
31 Department of Career Education;

32 (6) The Director of the Division of State Services for the Blind  
33 of the Department of Human Services;

34 (7) The Director of the Arkansas Economic Development  
35 Commission;

36 (8) One (1) chief elected official nominated by the Arkansas

1 Municipal League; and

2 (9) One (1) chief elected official nominated by the Association  
3 of Arkansas Counties.

4 (c)(1) The Arkansas Workforce Development Board shall not consist of  
5 more than thirty-eight (38) members.

6 (2) A person may not serve in dual capacity as a member of the  
7 Arkansas Workforce Development Board.

8 (d) The members of the Arkansas Workforce Development Board shall  
9 represent diverse geographic areas of the state, including urban, rural, and  
10 suburban areas.

11 (e) The Governor shall annually select on June 1 of each year a chair  
12 for the Arkansas Workforce Development Board from among the members  
13 representing businesses.

14 (f)(1) Appointed members shall serve four-year staggered terms.

15 (2) The staggered terms shall be assigned by lot.

16 (g) In the event of a vacancy on the Arkansas Workforce Development  
17 Board in one (1) of the appointed positions, the vacancy shall be filled for  
18 the unexpired portion of the term by appointment by the original appointing  
19 authority of a person meeting the same qualifications required for initial  
20 appointment.

21 (h)(1) By a majority vote of the total membership of the Arkansas  
22 Workforce Development Board cast during its first regularly scheduled meeting  
23 of each calendar year, the Arkansas Workforce Development Board may authorize  
24 payment to the appointed members of a stipend not to exceed one hundred ten  
25 dollars (\$110) per meeting attended of the full Arkansas Workforce  
26 Development Board or its committees, and the Arkansas Workforce Development  
27 Board members shall receive no other compensation, expense reimbursement, or  
28 in-lieu-of payments except as provided in § 25-16-902.

29 (2) The stipend shall be paid from Workforce Innovation and  
30 Opportunity Act funding awarded to the state and authorized for Arkansas  
31 Workforce Development Board activities.

32 (i) The Arkansas Workforce Development Board shall make available to  
33 the public on a regular basis, through electronic means and open meetings,  
34 the following information regarding:

35 (1) The activities of the Arkansas Workforce Development Board;

36 (2) The state workforce development plan, or any modification of

1 the state workforce development plan, before submission of either the state  
2 workforce development plan or any modification of the state workforce  
3 development plan;

4 (3) Membership of the Arkansas Workforce Development Board; and

5 (4) On request, minutes of formal meetings of the Arkansas  
6 Workforce Development Board.

7 (j) A member of the Arkansas Workforce Development Board shall not:

8 (1) Vote on a matter under consideration by the Arkansas  
9 Workforce Development Board:

10 (A) Regarding the provision of services by the member or  
11 by an entity that the member represents; or

12 (B) That would provide direct financial benefit to the  
13 member or the immediate family of the member; or

14 (2) Engage in another activity determined by the Governor or law  
15 to constitute a conflict of interest.

16 (k)(1) The Arkansas Workforce Development Board shall not directly  
17 hire staff.

18 (2) Staff support shall be provided by the Arkansas Department  
19 of Workforce Services.

20 (3) The Governor shall appoint a chair and vice chair of the  
21 Arkansas Workforce Development Board.

22 (l) The Arkansas Workforce Development Board shall meet at least  
23 quarterly or at the call of the chair or upon the written request of a  
24 majority of the members of the Arkansas Workforce Development Board.

25 (m) Each appointed member shall be a resident of the State of  
26 Arkansas.

27 (n) Each member shall have voting rights.

28 (o) A simple majority of members in attendance shall constitute a  
29 quorum.

30  
31 15-4-3705. Arkansas Workforce Development Board committees.

32 (a)(1) To comply with the requirements and responsibilities assigned  
33 under this subchapter, the Arkansas Workforce Development Board shall select  
34 from its membership an executive committee to be composed of at least nine  
35 (9) members but no more than eleven (11) members.

36 (2) The Chair of the Arkansas Workforce Development Board and

1 the Vice Chair of the Arkansas Workforce Development Board shall serve as  
2 chair and vice chair of the executive committee, respectively.

3 (3) The membership of the executive committee shall include:

4 (A) At least five (5) members representing businesses;

5 (B) At least one (1) chief elected official;

6 (C) At least two (2) representatives from among members  
7 appointed under § 15-4-3704(b)(4)(B).

8 (b)(1) The Arkansas Workforce Development Board shall have a standing  
9 committee to provide oversight of the Temporary Assistance for Needy Families  
10 Program and ensure that all program participants are receiving the  
11 assistance, the information, and the services needed to help these low-income  
12 parents prepare for and connect with employment that will lead to a self-  
13 sufficient wage.

14 (2) The membership of the standing committee shall include:

15 (A) At least five (5) members representing businesses;

16 (B) At least one (1) chief elected official;

17 (C) At least one (1) member from among those members  
18 appointed under § 15-4-3704(b)(4)(B);

19 (D) The Director of the Department of Workforce Services;  
20 and

21 (E) The Director of the Division of County Operations of  
22 the Department of Human Services, as a standing committee voting member who  
23 is also not a member of the Arkansas Workforce Development Board.

24 (c) The Arkansas Workforce Development Board may form other committees  
25 as needed.

26 (d) Membership on any committee shall not extend beyond the member's  
27 term of service on the Arkansas Workforce Development Board.

28  
29 15-4-3706. Powers and duties of the Arkansas Workforce Development  
30 Board.

31 (a) The Arkansas Workforce Development Board shall assist the Governor  
32 in:

33 (1) The development, implementation, and modification of the  
34 state workforce development plan;

35 (2) The review of statewide policies, of statewide programs, and  
36 of recommendations on actions that should be taken by the state to align

1 state workforce development programs in a manner that supports a  
2 comprehensive and streamlined state workforce development system, including  
3 the review and provision of comments on the state workforce development plan,  
4 if any, for programs and activities of one-stop partners that are not core  
5 programs;

6 (3) The development and continuous improvement of the state  
7 workforce development system, including without limitation:

8 (A) The identification of barriers to employment that may  
9 exist between programs and the means for removing the barriers between  
10 programs to better coordinate, align, and avoid duplication among the  
11 programs and activities carried out through the state workforce development  
12 system;

13 (B) The development of strategies to support the use of  
14 career pathways for the purpose of providing individuals, including low-  
15 skilled adults, youth, and individuals with barriers to employment, including  
16 individuals with disabilities, with workforce investment activities,  
17 education, and supportive services to gain or retain employment;

18 (C) The development of strategies for providing effective  
19 outreach to and improved access for individuals and employers who could  
20 benefit from services provided through the state workforce development  
21 system;

22 (D) The development and expansion of strategies for  
23 meeting the needs of employers, workers, and jobseekers, particularly through  
24 industry or sector partnerships related to in-demand industry sectors and  
25 occupations;

26 (E) The identification of regions, including planning  
27 regions, after consultation with local workforce development boards and chief  
28 elected officials;

29 (F) The development and continuous improvement of the one-  
30 stop delivery system in local areas, including providing assistance to local  
31 workforce development boards, one-stop operators, one-stop partners, and  
32 providers, with planning and delivering services, including training services  
33 and supportive services, to support effective delivery of services to  
34 workers, jobseekers, and employers; and

35 (G) The development of strategies to support staff  
36 training and awareness across programs supported under the state workforce

1 development system;

2 (4) The development and updating of comprehensive state  
3 performance accountability measures, including state adjusted levels of  
4 performance, to assess the effectiveness of the core programs in the state;

5 (5) The identification and dissemination of information on best  
6 practices, including best practices for:

7 (A) The effective operation of one-stop centers relating  
8 to the use of business outreach, partnerships, and service delivery  
9 strategies, including strategies for serving individuals with barriers to  
10 employment;

11 (B) The development of effective local workforce  
12 development boards, which may include information on factors that contribute  
13 to enabling local workforce development boards to exceed negotiated local  
14 levels of performance, sustain fiscal integrity, and achieve other measures  
15 of effectiveness; and

16 (C) Effective training programs that respond to real-time  
17 labor market analysis and effectively use direct assessment and prior  
18 learning assessment to measure an individual's prior knowledge, skills,  
19 competencies, and experiences, and that evaluate such skills and competencies  
20 for adaptability to support efficient placement into employment or career  
21 pathways;

22 (6) The development and review of statewide policies affecting  
23 the coordinated provision of services through the state's one-stop delivery  
24 system, including the development of:

25 (A) Objective criteria and procedures for use by local  
26 workforce development boards in assessing the effectiveness and continuous  
27 improvement of one-stop centers;

28 (B) Guidance for the allocation of one-stop center  
29 infrastructure funds; and

30 (C) Policies relating to the appropriate roles and  
31 contributions of entities carrying out one-stop partner programs within the  
32 one-stop delivery system, including approaches to facilitating equitable and  
33 efficient cost allocation in the one-stop delivery system;

34 (7) The development of strategies for technological improvements  
35 to facilitate access to, and improve the quality of, services and activities  
36 provided through the one-stop delivery system, including the improvements to:

1                   (A) Enhance digital literacy skills;

2                   (B) Accelerate the acquisition of skills and recognized  
3 postsecondary credentials by participants;

4                   (C) Strengthen the professional development of providers  
5 and workforce professionals; and

6                   (D) Ensure the technology is accessible to individuals  
7 with disabilities and individuals residing in remote areas;

8                   (8) The development of strategies for aligning technology and  
9 data systems across one-stop partner programs to enhance service delivery and  
10 improve efficiencies in reporting on performance accountability measures,  
11 including the design and implementation of common intake, data collection,  
12 case management information, and performance accountability measurement and  
13 reporting processes and the incorporation of local input into the design and  
14 implementation, to improve coordination of services across one-stop partner  
15 programs;

16                   (9) The development of allocation formulas for the distribution  
17 of funds for employment and training activities for adults, and youth  
18 workforce investment activities, to local areas;

19                   (10) The preparation of an annual report;

20                   (11) The development of the statewide workforce and labor market  
21 information system; and

22                   (12) The development of such other policies as may promote  
23 statewide objectives for, and enhance the performance of, the workforce  
24 development system in the state.

25

26                   15-4-3707. Unified states workforce development plan requirements.

27                   (a) By March 3, 2016, the Governor shall submit to the United States  
28 Department of Labor and other approval authorities, as appropriate, a state  
29 plan outlining the state's four-year strategy for the core programs of the  
30 state under this subchapter.

31                   (b) The state plan shall be a unified plan addressing services  
32 available through all core programs and developed jointly by the Department  
33 of Workforce Services, Department of Career Education, Arkansas  
34 Rehabilitation Services, and the Division of State Services for the Blind of  
35 the Department of Human Services, in coordination with the Arkansas Workforce  
36 Development Board.

1           (c) The state plan shall include:

2                   (1) A strategic vision and goals for preparing an educated and  
3 skilled workforce that include:

4                           (A) An analysis of the economic conditions in the state,  
5 including without limitation:

6                                   (i) Existing and emerging in-demand industry sectors  
7 and occupations; and

8                                   (ii) The employment needs of employers, including a  
9 description of the knowledge, skills, and abilities needed in those  
10 industries and occupations;

11                           (B) An analysis of the current workforce, employment and  
12 unemployment data, labor market trends, and the educational and skill levels  
13 of the workforce that take into account individuals with barriers to  
14 employment and individuals with disabilities, in the state;

15                           (C) An analysis of the workforce development activities,  
16 including education and training, in the state, including an analysis of the  
17 strengths and weaknesses of such activities, and the capacity of state  
18 entities to provide such activities in order to address the identified  
19 education and skill needs of the workforce and the employment needs of  
20 employers in the state;

21                           (D) A description of the state's strategic vision and  
22 goals for preparing an educated and skilled workforce, including preparing  
23 youth and individuals with barriers to employment, and for meeting the  
24 skilled workforce needs of employers, including goals relating to performance  
25 accountability measures based on primary indicators of performance described  
26 in Pub. L. No. 113-128, in order to support economic growth and economic  
27 self-sufficiency, and of how the state will assess the overall effectiveness  
28 of the workforce investment system in the state; and

29                           (E) Taking into account analyses described in subdivisions  
30 (c)(1)(A)-(C) of this section, a strategy for aligning the core programs, as  
31 well as other resources available to the state, to achieve the strategic  
32 vision and goals described in subdivision (c)(1)(D) of this section.

33                   (2) An operational plan that includes:

34                           (A) How the Arkansas Workforce Development Board will  
35 implement the functions assigned under § 15-4-3706;

36                           (B) How the lead state agency with responsibility for the

1 administration of a core program will implement the strategy described in  
2 subdivision (c)(1)(E) of this section, including a description of:

3 (i) The activities that will be funded by the  
4 entities carrying out the respective core programs to implement the strategy  
5 and how the activities will be aligned across the programs and among the  
6 entities administering the programs, including using co-enrollment and other  
7 strategies;

8 (ii) How the activities described in subdivision  
9 (c)(2)(B)(i) of this section will be aligned with activities provided under  
10 employment, training, education, including career and technical education,  
11 and human services programs not covered by the operational plan, as  
12 appropriate, avoiding duplication and assuring coordination;

13 (iii) How the entities carrying out the respective  
14 core programs will coordinate activities and provide comprehensive, high-  
15 quality services, including supportive services, to individuals;

16 (iv) How the state's strategy will engage the  
17 state's community colleges and area career and technical education schools as  
18 partners in the workforce development system and enable the state to leverage  
19 other federal, state, and local investments that have enhanced access to  
20 workforce development programs at those institutions;

21 (v) How the activities will be coordinated with  
22 economic development strategies; and

23 (vi) How the state's strategy will improve access to  
24 activities leading to a recognized postsecondary credential, including a  
25 credential that is an industry recognized certificate or certification,  
26 portable, and stackable;

27 (C) A description of the state operating systems and  
28 policies that will support the implementation of the strategy, including a  
29 description of:

30 (i) The board, including the activities to assist  
31 members of the Arkansas Workforce Development Board and the staff of the  
32 board in carrying out the functions of the board effectively, but funds for  
33 the activities shall not be used for long-distance travel expenses for  
34 training or development activities available locally or regionally;

35 (ii) How the respective core programs will be  
36 assessed each year, including an assessment of the quality, effectiveness,

1 and improvement of programs, analyzed by local area or by provider, based on  
 2 state performance accountability measures;

3 (iii) How other one-stop partner programs will be  
 4 assessed each year;

5 (iv) The methods and factors the state will use in  
 6 distributing funds under the core programs;

7 (v) How the lead state agencies with responsibility  
 8 for the administration of the core programs will align and integrate  
 9 available workforce and education data on core programs, unemployment  
 10 insurance programs, and education through postsecondary education;

11 (vi) How the agencies will use the workforce  
 12 development system to assess the progress of participants who are exiting  
 13 from core programs in entering, persisting in, and completing postsecondary  
 14 education, or entering or remaining in employment;

15 (vii) The privacy safeguards incorporated in the  
 16 system, including safeguards required by Section 444 of the National Defense  
 17 Education Program, 20 U.S.C. §§ 401-589, and the General Education Provisions  
 18 Act, 20 U.S.C. § 1221 et seq., and other applicable federal laws;

19 (viii) How the state will implement the priority of  
 20 service provisions for veterans in accordance with the requirements of 38  
 21 U.S.C. § 4215; and;

22 (ix) How the one-stop delivery system, including  
 23 one-stop operators and the one-stop partners, will comply with Section 188 of  
 24 the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, if  
 25 applicable, and applicable provisions of the Americans with Disabilities Act  
 26 of 1990, 42 U.S.C. § 12101 et seq., regarding the physical and programmatic  
 27 accessibility of facilities, programs, services, technology, and materials,  
 28 for individuals with disabilities, including complying through providing  
 29 staff training and support for addressing the needs of individuals with  
 30 disabilities;

31 (D) State policies or guidance, for the statewide  
 32 workforce development system, including without limitation:

33 (i) The local areas designated in the state,  
 34 including the process used for designating local areas, and the process used  
 35 for identifying any planning, including a description of how the Arkansas  
 36 Workforce Development Board consulted with the local boards and chief elected

1 officials in determining the planning regions;

2 (ii) The appeals process relating to designation of  
3 local areas;

4 (iii) The appeals process relating to determinations  
5 for infrastructure funding; and

6 (iv) Information identifying the criteria to be used  
7 by local boards in awarding grants for youth workforce investment activities  
8 and describing how the local boards will take into consideration the ability  
9 of the providers to meet performance accountability measures based on primary  
10 indicators of performance for the youth program;

11 (E) How the Department of Career Education will, if  
12 applicable, align content standards for adult education with state-adopted  
13 challenging academic content standards, as adopted under Section 1111(b)(1)  
14 of the Elementary and Secondary Education Act of 1965, 20 U.S.C. §  
15 6311(b)(1);

16 (F) How the state will fund local activities including:

17 (i) Adult education and literacy activities;

18 (ii) Programs for corrections education and other  
19 institutionalized individuals;

20 (iii) Programs for integrated English literacy and  
21 civics education; and

22 (iv) Integrated education and training;

23 (G) How adult education and literacy activities will be  
24 aligned with other core programs and one-stop partners, including eligible  
25 providers;

26 (H) How English literacy and civics education will be  
27 aligned with other core programs and one-stop partners to prepare and place  
28 adults who are English-language learners in unsubsidized employment in demand  
29 occupations that lead to economic self-sufficiency; and

30 (I) How the quality of providers of adult education and  
31 literacy activities will be assessed and actions to improve the quality of  
32 the activities.

33 (d) One (1) time every two (2) years, the Arkansas Workforce  
34 Development Board shall review the unified state plan and submit  
35 modifications to the unified state plan to reflect changes in labor market  
36 and economic conditions or in other factors affecting the implementation of

1 the unified state plan.

2  
3 15-4-3708. Designation of local workforce development areas.

4 (a) No later than July 1, 2015, the Governor shall designate local  
5 workforce development areas within the state:

6 (1) Through consultation with the Arkansas Workforce Development  
7 Board; and

8 (2) After consultation with chief elected officials and local  
9 boards, and after consideration of comments received through the public  
10 comment process.

11 (b) In making the designation of local workforce development areas,  
12 the Governor shall take into consideration that local workforce development  
13 areas:

14 (1) Are consistent with labor market areas in the state;

15 (2) Are consistent with regional economic development areas in  
16 the state; and

17 (3) Have available the federal and non-federal resources  
18 necessary to effectively administer activities under Subtitle B of the  
19 Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, including  
20 whether the workforce development areas have the appropriate education and  
21 training providers, such as institutions of higher education and area career  
22 and technical education schools.

23 (c) During the first two (2) full program years, the Governor shall  
24 approve a request for initial designation as a local workforce development  
25 area from any area that was designated as a local workforce development area  
26 for purposes of the Workforce Investment Act of 1998, U.S.C. § 9201 et seq.,  
27 for the two-year period preceding the effective date of this subchapter,  
28 performed successfully, and sustained fiscal integrity.

29 (d) After the period for which a local workforce development area is  
30 initially designated under this section, the Governor shall approve a request  
31 for subsequent designation as a local workforce development area from the  
32 local workforce development area, if the local workforce development area:

33 (1) Performed successfully;

34 (2) Sustained fiscal integrity; and

35 (3) In the case of a local workforce development area in a  
36 planning region described in § 15-4-3714, met the requirements of § 15-4-

1 3714.

2  
3 15-4-3709. Local workforce development boards.

4 (a) There shall be established by July 1, 2015 and certified by the  
5 Governor, a local workforce development board in each local workforce  
6 development area to carry out the functions described in § 15-4-3711.

7 (b) The Governor, in partnership with the Arkansas Workforce  
8 Development Board, shall establish criteria for use by chief elected  
9 officials in the local workforce development areas for appointment of members  
10 of the local workforce development boards.

11 (c) The criteria shall require, at a minimum, that the membership of  
12 each local workforce development board be so constituted that:

13 (1) A majority of the members of each local workforce  
14 development board are representatives of business in the local workforce  
15 development area who:

16 (A) Are owners of businesses, chief executives or  
17 operating officers of businesses, or other business executives or employers  
18 with optimum policymaking or hiring authority;

19 (B) Represent businesses, including small businesses, or  
20 organizations representing businesses described in this subdivision (c)(1),  
21 that provide employment opportunities that, at a minimum, include high-  
22 quality, work-relevant training and development in in-demand industry sectors  
23 or occupations in the local workforce development area; and

24 (C) Are appointed from among individuals nominated by  
25 local business organizations and business trade associations;

26 (2) Not less than twenty percent (20%) of the members of each  
27 local workforce development board are representatives of the workforce within  
28 the local workforce development area who:

29 (A) Include representatives of labor organizations for a  
30 local workforce development area in which employees are represented by labor  
31 organizations who have been nominated by local labor federations or for a  
32 local workforce development area in which no employees are represented by  
33 such organizations, other representatives of employees;

34 (B) Include a representative who is a member of a labor  
35 organization or a training director from a joint labor-management  
36 apprenticeship program or, if no such joint program exists in the local

1 workforce development area, a representative of an apprenticeship program in  
2 the local workforce development area, if such a program exists;

3 (C) May include representatives of community-based  
4 organizations that have demonstrated experience and expertise in addressing  
5 the employment needs of individuals with barriers to employment, including  
6 without limitation organizations that serve veterans or that provide or  
7 support competitive integrated employment for individuals with disabilities;  
8 and

9 (D) May include representatives of organizations that have  
10 demonstrated experience and expertise in addressing the employment, training,  
11 or education needs of eligible youth, including without limitation  
12 representatives of organizations that serve out-of-school youth;

13 (3) Each local workforce development board includes  
14 representatives of entities administering education and training activities  
15 in the local workforce development area who:

16 (A) Include a representative of eligible providers  
17 administering adult education and literacy activities;

18 (B) Include a representative of institutions of higher  
19 education providing workforce investment activities, including without  
20 limitation community colleges; and

21 (C) May include representatives of local educational  
22 agencies, and of community-based organizations with demonstrated experience  
23 and expertise in addressing the education or training needs of individuals  
24 with barriers to employment;

25 (4) Each local workforce development board includes  
26 representatives of governmental and economic and community development  
27 entities serving the local workforce development area who:

28 (A) Include a representative of economic and community  
29 development entities;

30 (B) Include an appropriate representative from the state  
31 employment service office under the Wagner-Peyser Act, 29 U.S.C. § 49 et  
32 seq., serving the local workforce development area;

33 (C) Include an appropriate representative of the programs  
34 carried out under Subchapter 1 of the Rehabilitation Act of 1973, 29 U.S.C. §  
35 701 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741, serving  
36 the local workforce development area;

1           (D) May include representatives of agencies or entities  
2 administering programs serving the local workforce development area relating  
3 to transportation, housing, and public assistance; and

4           (E) May include representatives of philanthropic  
5 organizations serving the local workforce development area; and

6           (5) Each local workforce development board may include other  
7 individuals or representatives of entities that the chief elected official in  
8 the local workforce development area may determine to be appropriate.

9           (d) The members of the local workforce development board shall elect a  
10 chairperson annually for the local workforce development board from among the  
11 business representatives described in subdivision (c)(1) of this section.

12           (e) Each local workforce development board shall meet at least  
13 quarterly and may meet more often at the call of the chairperson or upon the  
14 written request of a majority of the members of the local workforce  
15 development board.

16           (f) A simple majority of the local workforce development board shall  
17 constitute a quorum.

18           (g)(1) The chief elected official in a local workforce development  
19 area may appoint the members of the local workforce development board for the  
20 local workforce development area in accordance with the criteria under this  
21 section.

22           (2) If a local workforce development area includes more than one  
23 (1) unit of general local government, the chief elected officials of the  
24 units shall execute an agreement that specifies the respective roles of the  
25 individual chief elected officials:

26           (A) In the appointment of the members of the local  
27 workforce development board from the individuals nominated or recommended to  
28 be members under § 15-4-3708(b); and

29           (B) In carrying out other responsibilities assigned to the  
30 chief elected officials under the Workforce Innovation and Opportunity Act,  
31 Pub. L. No. 113-128.

32           (3) If, after a reasonable effort, the chief elected officials  
33 are unable to reach agreement, the Governor may appoint the members of the  
34 local workforce development board from among the individuals nominated or  
35 recommended for those memberships.

36

1           15-4-3710. Local workforce development certification.

2           (a) One (1) time every (two) 2 years, the Governor shall certify one  
3 (1) local workforce development board for each local workforce development  
4 area in the state.

5           (b) The certification under this section shall be based on criteria  
6 established under § 15-4-3709, and for a second or subsequent certification,  
7 the extent to which the local workforce development board has ensured that  
8 workforce investment activities carried out in the local workforce  
9 development area have enabled the local workforce development area to meet  
10 the corresponding performance accountability measures and achieve sustained  
11 fiscal integrity.

12           (c) Failure of a local workforce development board to achieve  
13 certification shall result in the appointment and certification of a new  
14 local workforce development board.

15           (d) After providing notice and an opportunity for comment, the  
16 Governor may decertify a local workforce development board at any time for:

17                   (1) Fraud or abuse;

18                   (2) Failure to carry out the functions specified for the local  
19 workforce development board; or

20                   (3) Failure to meet the local performance accountability  
21 measures under this subchapter for two (2) consecutive program years.

22           (e) If the Governor decertifies a local workforce development board,  
23 the Governor may require that a new local workforce development board be  
24 appointed and certified for the local workforce development area pursuant to  
25 a reorganization plan developed by the Governor in consultation with the  
26 chief elected official in the local workforce development area.

27  
28           15-4-3711. Powers and duties of local workforce development boards.

29           (a) The functions of a local workforce development board include:

30                   (1)(A) Developing and submitting a local plan to the Governor  
31 that meets the requirements in § 15-4-3713.

32                   (B) If the local workforce development area is part of a  
33 planning region that includes other local workforce development areas, the  
34 local workforce development board shall collaborate with the other local  
35 workforce development boards and chief elected officials from the other local  
36 workforce development areas in the preparation and submission of a regional

1 plan;

2 (2) Carrying out analyses of:

3 (A) Economic conditions in the region;

4 (B) Needed knowledge and skills for the region;

5 (C) The workforce in the region; and

6 (D) Workforce development activities, including without  
7 limitation education and training;

8 (3) Regularly updating the information analyzed under  
9 subdivision (a)(2)(A) of this section;

10 (4) Assisting the Governor in developing the statewide workforce  
11 and labor market information system, specifically in the collection,  
12 analysis, and use of workforce and labor market information for the region;

13 (5) Conducting other research, data collection, and analysis  
14 related to the workforce needs of the regional economy as the local workforce  
15 development board, after receiving input from a wide array of stakeholders,  
16 determines to be necessary to carry out its functions;

17 (6) Convening local workforce development system stakeholders to  
18 assist in the development of the local plan and in identifying nonfederal  
19 expertise and resources to leverage support for workforce development  
20 activities;

21 (7) Leading efforts to engage with a diverse range of employers  
22 and with entities in the region involved to:

23 (A) Promote business representation on the local workforce  
24 development board, particularly with representatives with optimal  
25 policymaking or hiring authority from employers whose employment  
26 opportunities reflect existing and emerging employment opportunities in the  
27 region;

28 (B) Develop effective linkages, including without  
29 limitation the use of intermediaries, with employers in the region to support  
30 employer utilization of the local workforce development system and to support  
31 local workforce investment activities;

32 (C) Ensure that workforce investment activities meet the  
33 needs of employers and support economic growth in the region by enhancing  
34 communication, coordination, and collaboration among employers, economic  
35 development entities, and service providers; and

36 (D) Develop and implement proven or promising strategies

1 for meeting the employment and skill needs of workers and employers, such as  
2 the establishment of industry and sector partnerships that provide the  
3 skilled workforce needed by employers in the region and that expand  
4 employment and career advancement opportunities for workforce development  
5 system participants in in-demand industry sectors or occupations;

6 (8) With representatives of secondary and postsecondary  
7 education programs, leading efforts in the local workforce development area  
8 to develop and implement career pathways within the local workforce  
9 development area by aligning the employment, training, education, and  
10 supportive services that are needed by adults and youth, particularly  
11 individuals with barriers to employment;

12 (9) Leading efforts in the local workforce development area to:

13 (A) Identify and promote proven and promising strategies  
14 and initiatives for meeting the needs of employers, workers, and jobseekers,  
15 including without limitation individuals with barriers to employment, in the  
16 local workforce development system, including without limitation providing  
17 physical and programmatic accessibility for persons with disabilities; and

18 (B) Identify and disseminate information on proven and  
19 promising practices carried out in other local workforce development areas  
20 for meeting such needs;

21 (10) Developing strategies for using technology to maximize the  
22 accessibility and effectiveness of the local workforce development system for  
23 employers, workers, and jobseekers, by:

24 (A) Facilitating connections among the intake and case  
25 management information systems of the one-stop partner programs to support a  
26 comprehensive workforce development system in the local workforce development  
27 area;

28 (B) Facilitating access to services provided through the  
29 one-stop delivery system involved, including facilitating the access in  
30 remote areas;

31 (C) Identifying strategies for better meeting the needs of  
32 individuals with barriers to employment, including strategies that augment  
33 traditional service delivery and increase access to services and programs of  
34 the one-stop delivery system, such as improving digital literacy skills; and

35 (D) Leveraging resources and capacity within the local  
36 workforce development system, including resources and capacity for services

1 for individuals with barriers to employment;

2 (11) In partnership with the chief elected official for the  
3 local workforce development area:

4 (A) Conducting oversight for local youth workforce  
5 investment activities, local employment and training activities, and the one-  
6 stop delivery system in the local workforce development area;

7 (B) Ensuring the appropriate use and management of funds;  
8 and

9 (C) Ensuring the appropriate use, management, and  
10 investment of funds to maximize performance outcomes;

11 (12) Negotiating and reaching agreement on local performance  
12 accountability measures;

13 (13) Selecting operators and providers; including:

14 (A) With the agreement of the chief elected official for  
15 the local area:

16 (i) Designating or certify one-stop operators; and  
17 (ii) Terminating for cause the eligibility of such  
18 operators;

19 (B) Both:

20 (i) Identifying eligible providers of youth  
21 workforce investment activities in the local workforce development area by  
22 awarding grants or contracts on a competitive basis, based on the  
23 recommendations of the youth standing committee; and

24 (ii) Terminating for cause the eligibility of such  
25 providers;

26 (C) Identifying eligible providers of training services in  
27 the local area;

28 (D) If the one-stop operator does not provide career  
29 services, identifying eligible providers of those career services in the  
30 local workforce development area by awarding contracts;

31 (E) Working with the state to ensure that there are  
32 sufficient numbers and types of providers of career services and training  
33 services, including without limitation eligible providers with expertise in  
34 assisting individuals with disabilities and eligible providers with expertise  
35 in assisting adults in need of adult education and literacy activities,  
36 servicing the local workforce development area and providing the services

1 involved in a manner that maximizes consumer choice, as well as providing  
2 opportunities that lead to competitive integrated employment for individuals  
3 with disabilities;

4 (14) Coordinating activities with education and training  
5 providers in the local workforce development area, including without  
6 limitation providers of workforce investment activities, providers of adult  
7 education and literacy activities, providers of career and technical  
8 education as defined in Section 3 of the Carl D. Perkins Career and Technical  
9 Education Act of 2006, 20 U.S.C. § 2302, and local agencies administering  
10 plans under Subchapter 1 of the Rehabilitation Act of 1973, 29 U.S.C § 701 et  
11 seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741.

12 (15) Annually assessing the physical and programmatic  
13 accessibility, in accordance with Section 188 of the Workforce Innovation and  
14 Opportunity Act, Pub. L. No. 113-128, if applicable, and applicable  
15 provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101  
16 et seq., of all one-stop centers in the local workforce development area; and

17 (16)(A) Developing a budget for the activities of the local  
18 workforce development board in the local workforce development area,  
19 consistent with the local plan and the duties of the local workforce  
20 development area, subject to the approval of the chief elected official.

21 (B) The chief elected official in a local area shall serve  
22 as the local grant recipient for, and shall be liable for any misuse of, the  
23 grant funds allocated to the local workforce development area under Sections  
24 128 and 133 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-  
25 128, unless the chief elected official reaches an agreement with the Governor  
26 for the Governor to act as the local grant recipient and bear liability.

27 (b)(1)(A) In order to assist in the administration of the grant funds,  
28 the chief elected official or the Governor, when the Governor serves as the  
29 local grant recipient for a local workforce development area, may designate  
30 an entity to serve as a local grant recipient for such funds or as a local  
31 fiscal agent.

32 (B) A designation under subdivision (b)(1)(A) of this  
33 section shall not relieve the chief elected official or the Governor of the  
34 liability for any misuse of grant funds.

35 (2) The local grant recipient or an entity designated as the  
36 local grant recipient shall disburse the grant funds for workforce investment

1 activities at the direction of the local workforce development board.

2 (3)(A) The local workforce development board may solicit and  
3 accept grants and donations from sources other than federal funds made  
4 available under this subchapter.

5 (B) For purposes of this subchapter, a local workforce  
6 development board may incorporate, and may operate as an entity described in  
7 26 U.S.C. § 501(c)(3) that is exempt from taxation under 26 U.S.C. § 501(a).

8 (c) The local workforce development board shall make available to the  
9 public, on a regular basis through electronic means and open meetings,  
10 information regarding the activities of the local workforce development  
11 board, including without limitation information regarding the local plan  
12 before submission of the local plan, and regarding membership, the  
13 designation and certification of one-stop operators, and the award of grants  
14 or contracts to eligible providers of youth workforce investment activities,  
15 and on request, minutes of formal meetings of the local workforce development  
16 board.

17 (d)(1) The local workforce development board may hire a director and  
18 other staff to assist in carrying out the functions described in this section  
19 using funds available under Sections 128(b) and 133(b) as described in  
20 Section 128(b)(4) of the Workforce Innovation and Opportunity Act, Pub. L.  
21 No. 113-128.

22 (2) The local workforce development board shall establish and  
23 apply a set of objective qualifications for the position of director that  
24 ensures that the individual selected has the requisite knowledge, skills, and  
25 abilities, to meet identified benchmarks and to assist in effectively  
26 carrying out the functions of the local workforce development board.

27 (3) The director and staff described in this subsection are  
28 subject to the limitations on the payment of salaries and bonuses prescribed  
29 for level II of the Executive Schedule under 5 U.S.C. § 5313.

30 (e) A member of a local workforce development board or a member of a  
31 standing committee of a local workforce development board shall not:

32 (1) Vote on a matter under consideration by the local workforce  
33 development board:

34 (A) Regarding the provision of services by the member or by  
35 an entity that the member represents; or

36 (B) That would provide direct financial benefit to the

1 member or the immediate family of the member; or

2 (2) Engage in another activity determined by the Governor to  
3 constitute a conflict of interest as specified in the state plan.

4  
5 15-4-3712. Local workforce development board committees.

6 (a)(1) The local workforce development board shall designate and  
7 direct the activities of standing committees to provide information and to  
8 assist the local workforce development board in carrying out activities under  
9 this subchapter.

10 (2) A standing committee shall be:

11 (A) Chaired by a member of the local workforce development  
12 board;

13 (B) May include other members of the local workforce  
14 development board; and

15 (C) Shall include other individuals appointed by the local  
16 workforce development board who are not members of the local workforce  
17 development board and who the local workforce development board determines  
18 have appropriate experience and expertise.

19 (b) At a minimum, the local workforce development board shall  
20 designate each of the following:

21 (1)(A) A standing committee to provide information and assist  
22 with operational and other issues relating to the one-stop delivery system.

23 (B) A standing committee designated under subdivision  
24 (b)(1)(A) of this section may include as members representatives of the one-  
25 stop partners;

26 (2)(A) A standing committee to provide information and to assist  
27 with planning, operational, and other issues relating to the provision of  
28 services to youth.

29 (B) A standing committee designated under subdivision  
30 (b)(2)(A) of this section shall include community-based organizations with a  
31 demonstrated record of success in serving eligible youth; and

32 (3) A standing committee to provide information and to assist  
33 with operational and other issues relating to the provision of services to  
34 individuals with disabilities, including without limitation issues relating  
35 to compliance with Section 188 of the Workforce Innovation and Opportunity  
36 Act, Pub. L. No. 113-128, if applicable, and applicable provisions of the

1 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., regarding  
2 providing programmatic and physical access to the services, programs, and  
3 activities of the one-stop delivery system, as well as appropriate training  
4 for staff on finding employment opportunities for individuals with  
5 disabilities, including providing the appropriate supports and accommodations  
6 to employment for individuals with disabilities.

7 (c) A local workforce development board may designate standing  
8 committees in addition to the standing committees specified in subsection (b)  
9 of this section.

10  
11 15-4-3713. Local workforce development planning requirements.

12 (a)(1) Each local workforce development board shall develop and submit  
13 to the Governor a comprehensive four-year local plan, in partnership with the  
14 chief elected official.

15 (2) The local workforce development board shall support the  
16 strategy described in the state plan and be consistent with the state plan.

17 (3) If the local area is part of a planning region, the local  
18 workforce development board shall comply with preparation and submission of a  
19 regional plan.

20 (4) At the end of the first two-year period of the four (4) year  
21 local plan, each local workforce development board shall review the local  
22 plan, and the local workforce development board, in partnership with the  
23 chief elected official, shall prepare and submit modifications to the local  
24 plan to reflect changes in labor market and economic conditions or in other  
25 factors affecting the implementation of the local plan.

26 (b) The local plan shall include:

27 (1) A description of the strategic planning elements consisting  
28 of:

29 (A) An analysis of the regional economic conditions,  
30 including without limitation:

31 (i) Existing and emerging in-demand industry sectors  
32 and occupations; and

33 (ii) The employment needs of employers in those  
34 industry sectors and occupations;

35 (B) An analysis of the knowledge and skills needed to meet  
36 the employment needs of the employers in the region, including without

1 limitation employment needs in in-demand industry sectors and occupations;

2 (C) An analysis of the workforce in the region, including  
3 without limitation current labor force employment and unemployment data,  
4 information on labor market trends, and the educational and skill levels of  
5 the workforce in the region, including without limitation individuals with  
6 barriers to employment;

7 (D) An analysis of the workforce development activities,  
8 including without limitation education and training in the region, and an  
9 analysis of the strengths and weaknesses of such services and the capacity to  
10 provide such services to address the identified education and skill needs of  
11 the workforce and the employment needs of employers in the region;

12 (E) A description of the local workforce development  
13 plan's strategic vision and goals for preparing an educated and skilled  
14 workforce, including without limitation youth and individuals with barriers  
15 to employment, including goals relating to the performance accountability  
16 measures based on primary indicators of performance in order to support  
17 regional economic growth and economic self-sufficiency; and

18 (F) Taking into account analyses described in subdivisions  
19 (b)(1)(A)-(D) of this section, a strategy to work with the entities that  
20 carry out the core programs to align resources available to the local area,  
21 to achieve the strategic vision and goals described in subdivision (b)(2)(E);

22 (2) A description of the workforce development system in the  
23 local area that identifies the programs that are included in that system and  
24 how the local board will work with the entities carrying out core programs  
25 and other workforce development programs to support alignment to provide  
26 services, including programs of study authorized under the Carl D. Perkins  
27 Career and Technical Education Act of 2006, 20 U.S.C. § 2301 et seq., that  
28 support the strategy identified in the state workforce development plan;

29 (3) A description of how the local workforce development board,  
30 working with the entities carrying out core programs, will expand access to  
31 employment, training, education, and supportive services for eligible  
32 individuals, particularly eligible individuals with barriers to employment,  
33 and how the local workforce development board will facilitate the development  
34 of career pathways and co-enrollment, as appropriate, in core programs, and  
35 improve access to activities leading to a recognized postsecondary credential  
36 that is industry-recognized, portable, and stackable;

1           (4) A description of the strategies and services that will be  
2 used in the local area:

3           (A) To:

4                   (i) Facilitate engagement of employers, including  
5 without limitation small employers and employers in in-demand industry  
6 sectors and occupations in workforce development programs;

7                   (ii) Support a local workforce development system  
8 that meets the needs of businesses in the local area;

9                   (iii) Better coordinate workforce development  
10 programs and economic development; and

11                   (iv) Strengthen linkages between the one-stop  
12 delivery system and unemployment insurance programs; and

13           (B) That may include the implementation of initiatives  
14 designed to meet the needs of employers in the corresponding region in  
15 support of the strategy described in subdivision (b)(1)(F) of this section  
16 such as:

17                   (i) Career pathways initiatives;

18                   (ii) Customized training programs;

19                   (iii) Incumbent worker training programs;

20                   (iv) Industry and sector strategies;

21                   (v) On-the-job training programs;

22                   (vi) Use of effective business intermediaries; and

23                   (vii) Other business services and strategies;

24           (5) A description of how the local workforce development board  
25 will coordinate workforce investment activities carried out in the local area  
26 with economic development activities carried out in the planning region or in  
27 the workforce development region in which the local workforce development  
28 area is located and promote entrepreneurial skills training and  
29 microenterprise services;

30           (6) A description of the one-stop delivery system in the local  
31 area, including:

32                   (A) A description of how the local workforce development  
33 board will ensure the continuous improvement of eligible providers of  
34 services through the one-stop delivery system and ensure that the providers  
35 meet the employment needs of local employers, workers, and jobseekers;

36                   (B) A description of how the local workforce development

1 board will facilitate access in remote areas to services provided through the  
2 one-stop delivery system, including without limitation, in remote areas,  
3 through the use of technology and other means;

4 (C) A description of how entities within the one-stop  
5 delivery system, including one-stop operators and the one stop partners, will  
6 comply with Section 188 of the Workforce Innovation and Opportunity Act, Pub.  
7 L. No. 113-128, if applicable, and applicable provisions of the Americans  
8 with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., regarding the  
9 physical and programmatic accessibility of facilities, programs and services,  
10 technology, and materials for individuals with disabilities, including  
11 providing staff training and support for addressing the needs of individuals  
12 with disabilities; and

13 (D) A description of the roles and resource contributions  
14 of the one-stop partners;

15 (7) A description and assessment of the type and availability of  
16 adult and dislocated worker employment and training activities in the local  
17 area;

18 (8) A description of how the local workforce development board  
19 will coordinate workforce investment activities carried out in the local area  
20 with statewide rapid response activities for dislocated workers;

21 (9) A description and assessment of the type and availability of  
22 youth workforce investment activities in the local area, including without  
23 limitation activities for youth who are individuals with disabilities, which  
24 description and assessment shall include an identification of successful  
25 models of the youth workforce investment activities;

26 (10) A description of how the local workforce development board  
27 will coordinate education and workforce investment activities carried out in  
28 the local area with relevant secondary and postsecondary education programs  
29 and activities to coordinate strategies, enhance services, and avoid  
30 duplication of services;

31 (11) A description of how the local workforce development board  
32 will coordinate workforce investment activities with the provision of  
33 transportation, including without limitation public transportation, and other  
34 appropriate supportive services in the local area;

35 (12) A description of plans and strategies for and assurances  
36 concerning maximizing coordination of services provided by the state

1 employment service under the Wagner-Peyser Act, 29 U.S.C. § 49 et seq., and  
2 services provided in the local area through the one-stop delivery system to  
3 improve service delivery and avoid duplication of services;

4 (13) A description of how the local workforce development board  
5 will coordinate workforce investment activities carried out under this  
6 subchapter in the local area with the provision of adult education and  
7 literacy activities in the local area, including a description of how the  
8 local workforce development board will carry out the review of local  
9 applications submitted under title II of the Workforce Innovation and  
10 Opportunity Act, Pub. L. No. 113-128;

11 (14) A description of the replicated cooperative agreements  
12 between the local workforce development board and the local office of a  
13 designated state agency or designated state unit administering programs  
14 carried out under 29 U.S.C. § 720 et seq., with respect to efforts that will  
15 enhance the provision of services to individuals with disabilities and to  
16 other individuals, such as cross training of staff, technical assistance, use  
17 and sharing of information, cooperative efforts with employers, and other  
18 efforts at cooperation, collaboration, and coordination;

19 (15) An identification of the entity responsible for the  
20 disbursal of grant funds as determined by the chief elected official or the  
21 Governor under § 15-4-3711;

22 (16) A description of the competitive process to be used to  
23 award the subgrants and contracts in the local area;

24 (17) A description of the local levels of performance negotiated  
25 with the Governor and chief elected officials to be used to measure the  
26 performance of the local area and to be used by the local workforce  
27 development board for measuring the performance of the local fiscal agent,  
28 eligible providers, and the one-stop delivery system, in the local area;

29 (18) A description of the actions the local workforce  
30 development board will take toward becoming or remaining a high-performing  
31 board consistent with the factors developed by the Arkansas Workforce  
32 Development Board;

33 (19) A description of how training services will be provided,  
34 including, if contracts for the training services will be used, how the use  
35 of the contracts will be coordinated with the use of individual training  
36 accounts and how the local workforce development board will ensure informed

1 customer choice in the selection of training programs regardless of how the  
2 training services are to be provided;

3 (20) A description of the process used by the local workforce  
4 development board to provide an opportunity for public comment, including  
5 comment by representatives of businesses and comment by representatives of  
6 labor organizations, and input into the development of the local workforce  
7 development plan, prior to submission of the local workforce development  
8 plan;

9 (21) A description of how one-stop centers are implementing and  
10 transitioning to an integrated, technology-enabled intake and case management  
11 information system for programs carried out under this subchapter and  
12 programs carried out by one-stop partners; and

13 (22) Other information the Governor may require.

14 (d) Before the date on which the local workforce development board  
15 submits a local workforce development plan under this section, the local  
16 workforce development board shall:

17 (1) Make available copies of a proposed local workforce  
18 development plan to the public through electronic and other means, such as  
19 public hearings and local news media;

20 (2) Allow members of the public, including without limitation  
21 representatives of business, representatives of labor organizations, and  
22 representatives of education, to submit to the local workforce development  
23 board comments on the proposed local workforce development plan, not later  
24 than the end of the thirty-day period beginning on the date on which the  
25 proposed local workforce development plan is made available; and

26 (3) Include with the local workforce development plan submitted  
27 to the Governor under this section any comments that represent disagreement  
28 with the local plan.

29 (e) A local plan submitted to the Governor under this section,  
30 including a modification to a local plan shall be considered to be approved  
31 by the Governor at the end of the ninety-day period beginning on the day the  
32 Governor receives the local plan, unless the Governor makes a written  
33 determination during the ninety-day period that:

34 (1) There are deficiencies in the local plan;

35 (2) The local plan does not comply with requirements; or

36 (3) The local plan does not align with the state plan.

1  
2 15-4-3714. Regional planning.

3 (a) No later than June 30, 2016, the Arkansas Workforce Development  
4 Board shall identify regions in the state after consultation with the local  
5 workforce development boards and chief elected officials in the local areas.

6 (b) The board shall identify:

7 (1) Which regions are comprised of one (1) local area that is  
8 aligned with the region;

9 (2) Which regions are comprised of two (2) or more local areas  
10 that are collectively aligned with the planning regions; and

11 (3) Which of the regions described in subdivisions (b)(1) and (2)  
12 are interstate areas contained within two (2) or more states, and consist of  
13 labor market areas, economic development areas, or other appropriate  
14 contiguous sub-areas of those states.

15  
16 SECTION 4. Arkansas Code §§ 15-4-2201 – 15-4-2212 are repealed.

17 ~~15-4-2201.—Title.~~

18 ~~This subchapter shall be known and may be cited as the "Arkansas~~  
19 ~~Workforce Investment Act".~~

20  
21 ~~15-4-2202.—Purpose.~~

22 ~~The purpose of this subchapter is to outline a workforce development~~  
23 ~~plan for Arkansas and to comply with the federal Workforce Investment Act of~~  
24 ~~1998 by providing workforce investment activities, through statewide and~~  
25 ~~local workforce investment systems, that increase the employment, retention,~~  
26 ~~and earning of participants, and increasing occupational skill attainment by~~  
27 ~~participants, and as a result improving the quality of the workforce,~~  
28 ~~reducing welfare dependency, and enhancing the productivity and~~  
29 ~~competitiveness of the State of Arkansas.~~

30  
31 ~~15-4-2203.—Definitions.~~

32 ~~As used in this subchapter:~~

33 ~~(1) "Chief elected official" means:~~

34 ~~(A) The chief elected executive officer of a unit of~~  
35 ~~general local government in a local area.~~

36 ~~(B) However, in a case in which a local area includes more~~

1 ~~than one (1) unit of general local government, the chief elected officials~~  
2 ~~shall include the county judge or judges and the mayor or mayors of the city~~  
3 ~~or cities of the first class. These officials may include other mayors, in~~  
4 ~~accordance with the agreement cited in subdivision (1)(C) of this section;~~

5 ~~(C) In a case in which a local area includes more than one~~  
6 ~~(1) unit of general local government, the chief elected officials of each~~  
7 ~~unit shall execute an agreement specifying the respective roles of the~~  
8 ~~individual chief elected officials;~~

9 ~~(2) "General local government" means any general purpose~~  
10 ~~political subdivision of Arkansas that has the power to levy taxes and spend~~  
11 ~~funds, as well as general corporate and police powers; and~~

12 ~~(3) "Local educational agency" has the meaning given the term in~~  
13 ~~section 14101 of the Elementary and Secondary Education Act of 1965.~~

14  
15 ~~15-4-2204. Arkansas Workforce Investment Board established.~~

16 ~~(a) There is created the Arkansas Workforce Investment Board.~~

17 ~~(1) The board shall consist of:~~

18 ~~(A) The Governor;~~

19 ~~(B) Two (2) members to be appointed by the President Pro~~  
20 ~~Tempore of the Senate;~~

21 ~~(C) Two (2) members to be appointed by the Speaker of the~~  
22 ~~House of Representatives;~~

23 ~~(D) The following members to be appointed by the Governor,~~  
24 ~~subject to confirmation by the Senate:~~

25 ~~(i) One (1) chief elected official nominated by the~~  
26 ~~Arkansas Municipal League;~~

27 ~~(ii) One (1) chief elected official nominated by the~~  
28 ~~Association of Arkansas Counties;~~

29 ~~(iii) No fewer than two (2) representatives of labor~~  
30 ~~organizations to be nominated by the Arkansas Labor Federation;~~

31 ~~(iv) No fewer than two (2) representatives of~~  
32 ~~individuals and organizations who have experience with respect to youth~~  
33 ~~activities and programs;~~

34 ~~(v) No fewer than two (2) representatives of~~  
35 ~~individuals and organizations who have experience and expertise in the~~  
36 ~~delivery of workforce investment activities of which:~~



1 ~~within their respective organizations, agencies, and entities.~~

2 ~~(f) (1) Nonlegislative members shall be appointed for four year~~  
 3 ~~staggered terms.~~

4 ~~(2) The staggered terms shall be assigned by lot.~~

5 ~~(3) The terms shall begin on July 1 of each year.~~

6 ~~(g) The Governor shall annually select on June 1 a chair for the board~~  
 7 ~~among the representatives of businesses described in subdivision (b)(1)(D) of~~  
 8 ~~this section.~~

9 ~~(h) In the event of a vacancy on the board, the vacancy shall be~~  
 10 ~~filled for the unexpired portion of the term by the appointment of a person~~  
 11 ~~meeting the same qualifications required for initial appointment.~~

12 ~~(i)(1) By a majority vote of the total membership of the board~~  
 13 ~~east during its first regularly scheduled meeting of each calendar year, the~~  
 14 ~~board may authorize payment to its members of a stipend not to exceed one~~  
 15 ~~hundred ten dollars (\$110) per meeting attended. The board members shall~~  
 16 ~~receive no other compensation, expense reimbursement, or in lieu of payments~~  
 17 ~~as provided in § 25-16-902.~~

18 ~~(2) The stipend shall be paid from the Arkansas Workforce~~  
 19 ~~Investment Fund.~~

20 ~~(j) Legislative members shall receive in lieu of reimbursement for~~  
 21 ~~meals, lodging, and travel the same per diem and mileage allowance for each~~  
 22 ~~day of attending meetings of the board as is authorized by law for attending~~  
 23 ~~meetings of the interim committees of the General Assembly, to be payable~~  
 24 ~~from the Arkansas Workforce Investment Fund.~~

25 ~~(k) A member of the board shall not:~~

26 ~~(1) Vote on a matter under consideration by the board:~~

27 ~~(A) Regarding the provision of services by the member or~~  
 28 ~~by an entity that the member represents; or~~

29 ~~(B) That would provide direct financial benefit to the~~  
 30 ~~member or the immediate family of the member; or~~

31 ~~(2) Engage in any other activity determined by the Governor or~~  
 32 ~~by law to constitute a conflict of interest.~~

33 ~~(l) Meetings of the board shall be held at least quarterly or at the~~  
 34 ~~call of the chair or upon the written request of a majority of the members of~~  
 35 ~~the board.~~

36

~~15-4-2205. Arkansas Workforce Investment Board Executive Committee.~~

~~(a) In order to comply with the requirements and responsibilities assigned within this subchapter, the Arkansas Workforce Investment Board shall select from its membership an executive committee to be composed of at least thirteen (13) members but no more than fifteen (15) members.~~

~~(b) The chair and vice chair of the board shall serve as the chair and vice chair of the Arkansas Workforce Investment Board Executive Committee, respectively.~~

~~(c) The membership of the executive committee shall include:~~

~~(1) At least seven (7) business members, at least one (1) of whom serves on a local workforce investment board;~~

~~(2) At least two (2) Arkansas labor federation representatives;~~

~~(3) At least one (1) community college representative; and~~

~~(4) At least one (1) chief elected official.~~

~~(d) The board shall form such other committees as needed.~~

~~(e) Membership on any committee shall not extend beyond the term of service on the board.~~

~~(f) The executive committee shall meet as needed between the quarterly board meetings at the call of the chair of the executive committee or upon the request of seventy five percent (75%) of the executive committee members, and the chair of the executive committee shall report any actions of the executive committee to the board at the quarterly meetings.~~

~~(g) Compensation for the members of the executive committee shall be as provided in § 15-4-2204(i).~~

~~15-4-2206. Powers and duties of Arkansas Workforce Investment Board.~~

~~(a) The Arkansas Workforce Investment Board shall advise and assist the Governor and the General Assembly in the:~~

~~(1) Development of a state workforce development plan;~~

~~(2) Development and continuous improvement of a statewide system of activities that are funded under this subchapter or carried out through a one-stop delivery system which receives funds under this subchapter including:~~

~~(A) Development of linkages in order to assure coordination and nonduplication among the programs and activities; and~~

~~(B) Review of local plans;~~

- 1           ~~(3) [Repealed.]~~
- 2           ~~(4) Designation of local workforce investment areas;~~
- 3           ~~(5) Development of an allocation formula for the distribution of~~  
 4 ~~funds for adult employment and training activities and youth activities to~~  
 5 ~~local areas;~~
- 6           ~~(6) Development and continuous improvement of comprehensive~~  
 7 ~~state performance measures, including state adjusted levels of performance,~~  
 8 ~~to assess the effectiveness of the workforce investment activities in the~~  
 9 ~~state;~~
- 10          ~~(7) Preparation of the annual report to the United States~~  
 11 ~~Secretary of Labor;~~
- 12          ~~(8) Development of a statewide employment statistics system as~~  
 13 ~~described in section 15(c) of the Wagner-Peyser Act;~~
- 14          ~~(9) Development of an application for an incentive grant;~~
- 15          ~~(10) Recommendation of the programs identified in § 15-4-~~  
 16 ~~2207(b)(8)(A) which may be consolidated or realigned;~~
- 17          ~~(11) Creation of workforce investment program accountability~~  
 18 ~~measures and standards;~~
- 19          ~~(12) Development of workforce training standards;~~
- 20          ~~(13) Evaluation of the entire Arkansas workforce investment~~  
 21 ~~system, including, but not limited to, the education system, the career~~  
 22 ~~development system, and the youth programs, to determine if it is meeting the~~  
 23 ~~goals of this subchapter;~~
- 24          ~~(14) Reevaluation of this subchapter;~~
- 25          ~~(15) Coordination of state agencies to assist in the development~~  
 26 ~~of the state workforce development plan;~~
- 27          ~~(16) Development of additional state workforce development plans~~  
 28 ~~every three (3) years;~~
- 29          ~~(17) Use of federal, state or private funds, donations, and~~  
 30 ~~grants made available for the development of the Arkansas workforce~~  
 31 ~~development plan;~~
- 32          ~~(18) Establishing procedures that will be taken by the state to~~  
 33 ~~assure coordination of and to avoid duplication among workforce investment~~  
 34 ~~programs; and~~
- 35          ~~(19) Provide a report prior to each regular session to the~~  
 36 ~~General Assembly with recommendations for appropriate statutory changes which~~

1 ~~may enhance the delivery of workforce investment in and for Arkansas.~~

2 ~~(b) The board may recommend to the Governor the resolution of any~~  
 3 ~~disagreements between or among state agencies pertaining to their duties and~~  
 4 ~~responsibilities in the state workforce investment plan. The board shall~~  
 5 ~~notify the agencies involved of the recommendation in writing.~~

6 ~~(c) The board may recommend to the Governor that he or she require~~  
 7 ~~state agencies to cooperate with the board in implementing the state~~  
 8 ~~workforce investment plan, including, but not limited to, providing~~  
 9 ~~information to the board and providing staff assistance.~~

10 ~~(d) The board shall have the authority to promulgate any rules or~~  
 11 ~~regulations necessary to carry out the provisions of this subchapter and to~~  
 12 ~~comply with the federal Workforce Investment Act of 1998.~~

13 ~~(e) The board shall present a report quarterly to the Legislative~~  
 14 ~~Council concerning the progress, performance, and compliance with the federal~~  
 15 ~~Workforce Investment Act of 1998 and this subchapter and shall provide to the~~  
 16 ~~Legislative Council any information requested of it.~~

17 ~~(f) Based upon measures established through subdivision (a)(11) of~~  
 18 ~~this section, the board shall recommend performance incentives and shall~~  
 19 ~~recommend sanctions for failure to achieve such measures.~~

20 ~~(g)(1) The Director of the Arkansas Workforce Investment Board shall~~  
 21 ~~be appointed by the Governor with the consent of the board and be subject to~~  
 22 ~~confirmation by the Senate.~~

23 ~~(2) The director shall hire the necessary staff to carry out the~~  
 24 ~~provisions of this subchapter.~~

25  
 26 ~~15-4-2207. State plan for workforce investment system strategy.~~

27 ~~(a) By April 1, 2000, the Governor shall submit to the United States~~  
 28 ~~Secretary of Labor and other approval authorities, as appropriate, a state~~  
 29 ~~plan outlining the state's five-year strategy for the statewide workforce~~  
 30 ~~investment system of the state.~~

31 ~~(b) The state plan shall include:~~

32 ~~(1) A description of the state board, including a description of~~  
 33 ~~the manner in which the board collaborated in the development of the state~~  
 34 ~~plan and a description of how the board will continue to collaborate in~~  
 35 ~~carrying out the functions described in this section;~~

36 ~~(2) A description of state imposed requirements for the~~

1 ~~statewide workforce investment system;~~

2 ~~(3) A description of the state performance accountability system~~  
 3 ~~developed for the workforce investment activities to be carried out through~~  
 4 ~~the statewide workforce investment system, including, but not limited to,~~  
 5 ~~information identifying state performance measures;~~

6 ~~(4) Information describing:~~

7 ~~(A) The needs of the state with regard to current and~~  
 8 ~~projected employment opportunities by occupation;~~

9 ~~(B) The job skills necessary to obtain employment~~  
 10 ~~opportunities;~~

11 ~~(C) The skills and economic development needs of the~~  
 12 ~~state; and~~

13 ~~(D) The type and availability of workforce investment~~  
 14 ~~activities in the state;~~

15 ~~(5) An identification of local areas designated in the state,~~  
 16 ~~including a description of the process used for the designation of the areas;~~

17 ~~(6) An identification of criteria to be used by chief elected~~  
 18 ~~officials for the appointment of members of local boards;~~

19 ~~(7) The detailed plans required under section 8 of the Wagner-~~  
 20 ~~Peyser Act, 29 U.S.C. § 49g;~~

21 ~~(8)(A) A description of the procedures that will be taken by the~~  
 22 ~~state to assure coordination of and avoid duplication among:~~

23 ~~(i) Workforce investment activities authorized under~~  
 24 ~~this subchapter;~~

25 ~~(ii) Other activities authorized under this~~  
 26 ~~subchapter;~~

27 ~~(iii) Programs authorized under the Wagner-Peyser~~  
 28 ~~Act, 29 U.S.C. § 49 et seq., title I of the Rehabilitation Act of 1973, 29~~  
 29 ~~U.S.C. § 720 et seq., part A of title IV of the Social Security Act, 42~~  
 30 ~~U.S.C. § 601 et seq., and section 6(d)(4) of the Food Stamp Act of 1977, 7~~  
 31 ~~U.S.C. § 2015(d)(4); activities authorized under title V of the Older~~  
 32 ~~Americans Act of 1965, 42 U.S.C. § 3056 et seq.; and postsecondary vocational~~  
 33 ~~education activities authorized under the Carl D. Perkins Vocational and~~  
 34 ~~Applied Technology Education Act, 20 U.S.C. § 2301 et seq.;~~

35 ~~(iv) Work programs authorized under section 6(o) of~~  
 36 ~~the Food Stamp Act of 1977, 7 U.S.C. § 2015(o);~~

1 ~~(v) Activities authorized under chapter 2 of title~~  
2 ~~II of the Trade Act of 1974, 19 U.S.C. § 2271 et seq.;~~

3 ~~(vi) Activities authorized under chapter 41 of title~~  
4 ~~38, United States Code;~~

5 ~~(vii) Employment and training activities carried out~~  
6 ~~under the Community Services Block Grant Act, 42 U.S.C. § 9901 et seq.;~~

7 ~~(viii) Activities authorized under the National and~~  
8 ~~Community Service Act of 1990, 42 U.S.C. § 12501 et seq.;~~

9 ~~(ix) Employment and training activities carried out~~  
10 ~~by the Department of Housing and Urban Development; and~~

11 ~~(x) Programs authorized under state unemployment~~  
12 ~~compensation laws; and~~

13 ~~(B) A description of the common data collection and~~  
14 ~~reporting processes used for the programs and activities;~~

15 ~~(9) A description of the process used by the state to provide an~~  
16 ~~opportunity for public comment, including comment by representatives of~~  
17 ~~businesses and representatives of labor organizations, and input into~~  
18 ~~development of the plan, prior to submission of the plan;~~

19 ~~(10) Information identifying how the state will use funds the~~  
20 ~~state receives under this subchapter to leverage other federal, state, local,~~  
21 ~~and private resources in order to maximize the effectiveness of the resources~~  
22 ~~and to expand the participation of business, employees, and individuals in~~  
23 ~~the statewide workforce investment system;~~

24 ~~(11) Assurances that the state will provide for fiscal control~~  
25 ~~and fund accounting procedures that may be necessary to ensure the proper~~  
26 ~~disbursement of and accounting for funds paid to the state;~~

27 ~~(12)(A) A description of the methods and factors the state will~~  
28 ~~use in distributing funds to local areas for youth activities and adult~~  
29 ~~employment and training activities, including:~~

30 ~~(i) A description of how the individuals and~~  
31 ~~entities represented on the state board were involved in determining the~~  
32 ~~methods and factors of distribution; and~~

33 ~~(ii) A description of how the state consulted with~~  
34 ~~chief elected officials in local areas throughout the state in determining~~  
35 ~~the distribution;~~

36 ~~(B) Assurances that the funds will be distributed~~

1 equitably throughout the state, and that no local areas will suffer  
2 significant shifts in funding from year to year; and

3           (C) A description of the formula prescribed by the  
4 Governor for the allocation of funds to local areas for dislocated worker  
5 employment and training activities;

6           (13) Information specifying the actions that constitute a  
7 conflict of interest;

8           (14) With respect to the one-stop delivery systems, a  
9 description of the strategy of the state for assisting local areas in  
10 development and implementation of fully operational one-stop delivery systems  
11 in the state;

12           (15) A description of the appeals process;

13           (16) A description of the competitive process to be used by the  
14 state to award grants and contracts in the state for activities carried out  
15 under this subchapter;

16           (17) With respect to the employment and training activities for  
17 adults:

18           (A) A description of:

19           (i) The employment and training activities that will  
20 be carried out with the funds received by the state through the allotment;

21           (ii) How the state will provide rapid response  
22 activities to dislocated workers from funds reserved for the purposes,  
23 including the designation of an identifiable state rapid response dislocated  
24 worker unit to carry out statewide rapid response activities;

25           (iii) The procedures the local boards in the state  
26 will use to identify eligible providers of training services; and

27           (iv) How the state will serve the employment and  
28 training needs of dislocated workers, low-income individuals, individuals  
29 training for nontraditional employment, and other individuals with multiple  
30 barriers to employment; and

31           (B) An assurance that veterans will be afforded the  
32 employment and training activities by the state, to the extent practicable;

33           (18) With respect to youth activities, information:

34           (A) Describing the state strategy for providing  
35 comprehensive services to eligible youth, particularly those eligible youth  
36 who are recognized as having significant barriers to employment;

1                   ~~(B) Identifying the criteria to be used by local boards in~~  
2 ~~awarding grants for youth activities, including criteria that the Governor~~  
3 ~~and local boards will use to identify effective and ineffective youth~~  
4 ~~activities and providers of the activities;~~

5                   ~~(C) Describing how the state will coordinate the youth~~  
6 ~~activities carried out in the state with the services provided by Job Corps~~  
7 ~~centers in the state; and~~

8                   ~~(D) Describing how the state will coordinate youth~~  
9 ~~activities with activities carried out through the youth opportunity grants;~~

10                   ~~(19) A description of the eligibility criteria set by the state~~  
11 ~~to certify training providers including postsecondary institutions certified~~  
12 ~~under the Higher Education Act, apprenticeship programs registered under the~~  
13 ~~National Apprenticeship Act, and other public or private providers of~~  
14 ~~training. Criteria shall be established for both initial and subsequent~~  
15 ~~eligibility and shall be applied equitably to all training providers. The~~  
16 ~~state shall develop this criteria with input from the public and the training~~  
17 ~~providers; and~~

18                   ~~(20) A description of how the state will ensure that local~~  
19 ~~workforce investment board plans include information as to how they will~~  
20 ~~support the Transitional Employment Assistance implementation plans for the~~  
21 ~~counties in its service areas.~~

22                   ~~(c) The state plan submitted to the United States Secretary of Labor~~  
23 ~~shall be considered to be approved by the United States Secretary of Labor at~~  
24 ~~the end of the ninety-day period beginning on the day the United States~~  
25 ~~Secretary of Labor receives the plan, unless the United States Secretary of~~  
26 ~~Labor makes a written determination, during the ninety-day period, that:~~

27                   ~~(1) The plan is inconsistent with the provisions of this~~  
28 ~~subchapter; and~~

29                   ~~(2) In the case of the portion of the plan described in section~~  
30 ~~8(a) of the Wagner-Peyser Act, 29 U.S.C. § 49g(a), the portion does not~~  
31 ~~satisfy the criteria for approval.~~

32                   ~~(d) The state may submit modifications to a state plan in accordance~~  
33 ~~with the requirements of this section as necessary during the five-year~~  
34 ~~period covered by the plan.~~

35                   ~~(e) The General Assembly authorizes for inclusion in the state plan~~  
36 ~~those programs referenced in section 501(b)(2)(A) of Pub. L. No. 105-220.~~

1 Such inclusion shall have the concurrence of the State Board of Workforce  
 2 Education and Career Opportunities.

3  
 4 ~~15-4-2208. Local workforce investment areas.~~

5 ~~(a) No later than September 30, 1999, the Governor shall designate~~  
 6 ~~local workforce investment areas within the state.~~

7 ~~(1) Through consultation with the Arkansas Workforce Investment~~  
 8 ~~Board; and~~

9 ~~(2) After consultation with chief elected officials and after~~  
 10 ~~consideration of comments received through the public comment process, as~~  
 11 ~~described in section 112(b)(9) of the federal Workforce Investment Act of~~  
 12 ~~1998.~~

13 ~~(b) In making the designation of local areas, the Governor shall take~~  
 14 ~~into consideration the following:~~

15 ~~(1) Geographic areas served by local educational agencies and~~  
 16 ~~intermediate educational agencies;~~

17 ~~(2) Geographic areas served by postsecondary educational~~  
 18 ~~institutions and area vocational education schools;~~

19 ~~(3) The extent to which the local areas are consistent with~~  
 20 ~~labor market areas;~~

21 ~~(4) The distance that individuals will need to travel to receive~~  
 22 ~~services provided in the local areas; and~~

23 ~~(5) The resources of the local areas that are available to~~  
 24 ~~effectively administer the activities carried out under this subchapter.~~

25 ~~(c) The Governor shall approve any request for designation as a local~~  
 26 ~~area:~~

27 ~~(1) From any unit of general local government with a population~~  
 28 ~~of five hundred thousand (500,000) or more;~~

29 ~~(2) Of the area served by a rural concentrated employment~~  
 30 ~~program grant recipient of demonstrated effectiveness that served as a~~  
 31 ~~service delivery area or substate area under the Job Training Partnership~~  
 32 ~~Act, if the grant recipient has submitted the request; and~~

33 ~~(3) Of an area that served as a service delivery area under~~  
 34 ~~section 101(a)(4)(A)(ii) of the Job Training Partnership Act as effective on~~  
 35 ~~September 1, 1999, in a state that has a population of not more than one~~  
 36 ~~million one hundred thousand (1,100,000) and a population density greater~~

1 ~~than nine hundred (900) persons per square mile.~~

2 ~~(d)(1) The Governor shall approve any request made not later than the~~  
3 ~~date of submission of the initial state plan under this subchapter for~~  
4 ~~temporary designation as a local area from any unit of general local~~  
5 ~~government, including a combination of the units, with a population of two~~  
6 ~~hundred thousand (200,000) or more that was a service delivery area under the~~  
7 ~~Job Training Partnership Act as effective on September 1, 1999, if the~~  
8 ~~Governor determines that the area:~~

9 ~~(A) Performed successfully in each of the last two (2)~~  
10 ~~years prior to the request for which data are available in the delivery of~~  
11 ~~services to participants under part A of title II and title III of the Job~~  
12 ~~Training Partnership Act as effective on September 1, 1999; and~~

13 ~~(B) Has sustained the fiscal integrity of the funds used~~  
14 ~~by the area to carry out the activities.~~

15 ~~(2) A temporary designation shall be for a period of not more~~  
16 ~~than two (2) years, after which the designation shall be extended until the~~  
17 ~~end of the period covered by the state plan if the Governor determines that,~~  
18 ~~during the temporary designation period, the area substantially met the local~~  
19 ~~performance measures for the local area and sustained the fiscal integrity of~~  
20 ~~the funds used by the area to carry out activities under this subchapter.~~

21 ~~(e) The Governor may approve a request from any unit of general local~~  
22 ~~government for designation as a local area if the board, after consultation~~  
23 ~~with and agreement of the local chief elected officials, recommends to the~~  
24 ~~Governor that the area should be so designated.~~

25 ~~(f) A unit of general local government or grant recipient that~~  
26 ~~requests but is not granted designation of an area as a local area may submit~~  
27 ~~an appeal to the board under an appeal process established in the state plan.~~  
28 ~~If the appeal does not result in the designation, the United States Secretary~~  
29 ~~of Labor, after receiving a request for review from the unit or grant~~  
30 ~~recipient and on determining that the unit or grant recipient was not~~  
31 ~~accorded procedural rights under the appeal process established in the state~~  
32 ~~plan or that the area meets the requirements of this section, may require~~  
33 ~~that the area be designated as a local area.~~

34  
35 ~~15-4-2209. Local workforce investment boards to be established.~~

36 ~~(a) There shall be established by January 15, 2000, in each local area~~

1 of the state and certified by the Governor a local workforce investment board  
 2 to set policy for the portion of the statewide workforce investment system  
 3 within the local area.

4 (b) The Governor in partnership with the Arkansas Workforce Investment  
 5 Board shall establish criteria for use by chief elected officials in the  
 6 local areas for appointment of members of the local boards.

7 (c) At a minimum, the criteria shall require that the membership of  
 8 each local board include representatives in the local area who are  
 9 representatives of:

10 (1) Businesses in the local area who:

11 (A) Are owners of businesses, chief executives or  
 12 operating officers of businesses, and other business executives or employers  
 13 with policymaking or hiring authority;

14 (B) Represent businesses with employment opportunities  
 15 that reflect the employment opportunities of the local area; and

16 (C) Are appointed from among individuals nominated by  
 17 local business organizations and business trade associations;

18 (2) Local educational entities, including:

19 (A) Local educational agencies;

20 (B) Local school boards;

21 (C) Two-year colleges and universities;

22 (D) Entities providing adult education and literacy  
 23 activities; and

24 (E) Postsecondary educational institutions, selected from  
 25 among individuals nominated by regional or local educational agencies,  
 26 institutions, or organizations representing local educational entities;

27 (3) Labor organizations nominated by Arkansas local labor  
 28 federations or other representatives of employees if no employees are  
 29 represented by labor organizations;

30 (4) Community-based organizations;

31 (5) Economic development agencies, including private sector  
 32 economic development entities;

33 (6) Each of the one-stop partners;

34 (7) One (1) member who:

35 (A) Is an individual with a disability and is familiar  
 36 with vocational rehabilitation; and

1                   ~~(B)(i) Represents an organization of Arkansans with~~  
2 ~~disabilities; or~~

3                   ~~(ii) Complies with subdivision (c)(1) of this~~  
4 ~~section; and~~

5                   ~~(8) One (1) member who represents veterans' organizations.~~

6                   ~~(d) A majority of the members of the local board shall be~~  
7 ~~representatives described in subdivision (c)(1) of this section.~~

8                   ~~(e) The chief elected official shall ensure that the local board~~  
9 ~~membership shall reflect the same percentage of minorities as in the 2000~~  
10 ~~Federal Decennial Census for the local workforce investment areas of the~~  
11 ~~board.~~

12                   ~~(f) The local board shall elect a chair for the local board from among~~  
13 ~~the representatives described in subsection (c) of this section.~~

14                   ~~(g)(1) The chief elected official in a local area is authorized to~~  
15 ~~appoint the members of the local board for the area in accordance with the~~  
16 ~~state criteria.~~

17                   ~~(2) In the event a local area includes more than one (1) unit of~~  
18 ~~general local government, the chief elected officials of the units shall~~  
19 ~~execute an agreement that specifies the respective roles of the individual~~  
20 ~~chief elected officials.~~

21                   ~~(A) In the appointment of the members of the local board~~  
22 ~~from the individuals nominated or recommended to be the members in accordance~~  
23 ~~with the criteria; and~~

24                   ~~(B) In carrying out any other responsibilities assigned to~~  
25 ~~the officials under this section.~~

26                   ~~(3) If after a reasonable effort the chief elected officials are~~  
27 ~~unable to reach agreement, the Governor may appoint the members of the local~~  
28 ~~board from individuals so nominated or recommended.~~

29                   ~~(h) The local board may include other individuals or representatives~~  
30 ~~of entities as the chief elected official in the local area may determine to~~  
31 ~~be appropriate.~~

32  
33                   ~~15-4-2210. Certification of local workforce investment boards.~~

34                   ~~(a) One (1) time every two (2) years, the Governor shall certify one~~  
35 ~~(1) local board for each local area in the state.~~

36                   ~~(b) The certification shall be based on criteria established under §~~

1 ~~15-4-2209 and, for a second or subsequent certification, the extent to which~~  
 2 ~~the local board has ensured that workforce investment activities carried out~~  
 3 ~~in the local area have enabled the local area to meet the local performance~~  
 4 ~~measures.~~

5 ~~(c) Failure of a local board to achieve certification shall result in~~  
 6 ~~reappointment and certification of another local board.~~

7 ~~(d) The Governor may decertify a local board at any time after~~  
 8 ~~providing notice and an opportunity for comment for:~~

9 ~~(1) Fraud or abuse; or~~

10 ~~(2) Failure to carry out the functions specified for the local~~  
 11 ~~board.~~

12 ~~(e) The Governor may decertify a local board if a local area fails to~~  
 13 ~~meet the local performance measures for the local area for two (2)~~  
 14 ~~consecutive years.~~

15 ~~(f) If the Governor decertifies a local board for a local area, the~~  
 16 ~~Governor may require that a new local board be appointed and certified for~~  
 17 ~~the local area pursuant to a reorganization plan developed by the Governor,~~  
 18 ~~in consultation with the chief elected official in the local area.~~

19  
 20 ~~15-4-2211. Powers and duties of local workforce investment board.~~

21 ~~(a) The functions of the local board shall include the following:~~

22 ~~(1) Development of a local plan in accordance with § 15-4-2212;~~

23 ~~(2) The local board, with the agreement of the chief elected~~  
 24 ~~official;~~

25 ~~(A) Shall designate or certify one-stop operators; and~~

26 ~~(B) May terminate for cause the eligibility of the~~  
 27 ~~operators;~~

28 ~~(3) The local board shall identify eligible providers of youth~~  
 29 ~~activities in the local area by awarding grants or contracts on a competitive~~  
 30 ~~basis, based on the recommendations of the youth council;~~

31 ~~(4) The local board shall identify eligible providers of~~  
 32 ~~training services using criteria established by the state;~~

33 ~~(5) If the one-stop operator does not provide intensive services~~  
 34 ~~in a local area, the local board shall identify eligible providers of~~  
 35 ~~intensive services in the local area;~~

36 ~~(6) The local board shall develop a budget for the purpose of~~

1 carrying out the duties of the local board under this section, subject to the  
2 approval of the chief elected official; and

3           ~~(7) The local board annually shall provide a progress report to  
4 the Arkansas Workforce Investment Board.~~

5           ~~(b) The chief elected official in a local area shall serve as the  
6 local grant recipient for and shall be liable for any misuse of the grant  
7 funds allocated to the local area, unless the chief elected official reaches  
8 an agreement with the Governor for the Governor to act as the local grant  
9 recipient and bear the liability.~~

10           ~~(c) In order to assist in the administration of the grant funds, the  
11 chief elected official or the Governor, when the Governor serves as the local  
12 grant recipient for a local area, may designate an entity to serve as a local  
13 grant subrecipient for the funds or as a local fiscal agent. The designation  
14 shall not relieve the chief elected official or the Governor of the liability  
15 for any misuse of grant funds.~~

16           ~~(d) The local grant recipient or an entity shall disburse the funds  
17 for workforce investment activities at the direction of the local board,  
18 pursuant to the requirements of this subchapter. The local grant recipient or  
19 entity shall disburse the funds immediately on receiving the direction from  
20 the local board.~~

21           ~~(e) The local board may contract for some or all of its administrative  
22 services in an amount consistent with the grant, but in no case shall the  
23 cost of administrative services exceed ten percent (10%) of the total cost of  
24 the program.~~

25           ~~(f) The local board may solicit and accept grants and donations from  
26 sources other than federal funds.~~

27           ~~(g) The local board, in partnership with the chief elected official,  
28 shall conduct oversight with respect to local programs of youth activities,  
29 local adult employment and training, and the one-stop delivery system in the  
30 local area.~~

31           ~~(h) The local board, the chief elected official, and the Governor  
32 shall negotiate and reach an agreement on local performance measures.~~

33           ~~(i) The local board shall assist the Governor in developing the  
34 statewide employment statistics system described in section 15(e) of the  
35 Wagner Peyser Act, as effective on September 1, 1999.~~

36           ~~(j) The local board shall coordinate the workforce investment~~

1 ~~activities carried out in the local area with economic development strategies~~  
 2 ~~and develop other employer linkages with the activities.~~

3 ~~(k) The local board shall promote the participation of private sector~~  
 4 ~~employers in the statewide workforce investment system and ensure the~~  
 5 ~~effective provision through the system of connecting, brokering, and coaching~~  
 6 ~~activities through intermediaries like the one-stop operator in the local~~  
 7 ~~area or through other organizations to assist the employers in meeting hiring~~  
 8 ~~needs.~~

9 ~~(l)(1) No local board may provide training services unless pursuant to~~  
 10 ~~a request from the Governor the local board grants a written waiver of the~~  
 11 ~~prohibition for a program of training services, if the local board:~~

12 ~~(A) Submits to the Governor a proposed request for the~~  
 13 ~~waiver that includes:~~

14 ~~(i) Satisfactory evidence that there is an~~  
 15 ~~insufficient number of eligible providers of the program of training services~~  
 16 ~~to meet local demand in the local area; and~~

17 ~~(ii) Information demonstrating that:~~

18 ~~(a) The local board meets the requirements for~~  
 19 ~~an eligible provider of training services; and~~

20 ~~(b) The program of training services prepares~~  
 21 ~~participants for an occupation that is in demand in the local area;~~

22 ~~(B) Makes the proposed request available to eligible~~  
 23 ~~providers of training services and other interested members of the public for~~  
 24 ~~a public comment period of not less than thirty (30) calendar days; and~~

25 ~~(C) Includes in the final request for a waiver the~~  
 26 ~~evidence and information described in subdivisions (l)(1)(A) and (B) of this~~  
 27 ~~section.~~

28 ~~(2) A waiver granted to a local board shall apply for a period~~  
 29 ~~not to exceed one (1) year. The waiver may be renewed for additional periods~~  
 30 ~~not to exceed one (1) year, pursuant to requests from the local board.~~

31 ~~(3) The Governor may revoke a waiver granted if the state~~  
 32 ~~determines that the local board involved has engaged in a pattern of~~  
 33 ~~inappropriate referrals to training services operated by the local board.~~

34 ~~(m) Nothing in this section shall be construed to provide a local~~  
 35 ~~board with the authority to mandate curricula for schools.~~

36 ~~(n) A member of a local board may not:~~

1           ~~(1) Vote on a matter under consideration by the local board;~~

2                   ~~(A) Regarding the provision of services by the member or~~  
3 ~~by an entity that the member represents; or~~

4                   ~~(B) That would provide direct financial benefit to the~~  
5 ~~member or the immediate family of the member; or~~

6           ~~(2) Engage in any other activity determined by the Governor or~~  
7 ~~by law to constitute a conflict of interest as specified in the state plan.~~

8           ~~(o)(1) There shall be established as a subgroup within each local~~  
9 ~~board a youth council appointed by the local board, in cooperation with the~~  
10 ~~chief elected official for the local area.~~

11           ~~(2)(A) The membership of each youth council shall include:~~

12                   ~~(i) Members of the local board with special interest~~  
13 ~~or expertise in youth policy;~~

14                   ~~(ii) Representatives of youth service agencies,~~  
15 ~~including juvenile justice and local law enforcement agencies;~~

16                   ~~(iii) Representatives of local public housing~~  
17 ~~authorities;~~

18                   ~~(iv) Parents of eligible youth seeking assistance~~  
19 ~~under this subchapter;~~

20                   ~~(v) Individuals, including former participants, and~~  
21 ~~representatives of organizations that have experience relating to youth~~  
22 ~~activities; and~~

23                   ~~(vi) Representatives of the Job Corps, as~~  
24 ~~appropriate.~~

25           ~~(B) The membership of each youth council may include other~~  
26 ~~individuals as the chair of the local board, in cooperation with the chief~~  
27 ~~elected official, determines to be appropriate.~~

28           ~~(3) Members of the youth council who are not members of the~~  
29 ~~local board shall be voting members of the youth council and nonvoting~~  
30 ~~members of the board.~~

31           ~~(4) The duties of the youth council include:~~

32                   ~~(A) Developing the portions of the local plan relating to~~  
33 ~~eligible youth, as determined by the chair of the local board;~~

34                   ~~(B) Subject to the approval of the local board:~~

35                   ~~(i) Recommending eligible providers of youth~~  
36 ~~activities, to be awarded grants or contracts on a competitive basis by the~~

1 ~~local board to carry out the youth activities; and~~

2 ~~(ii) Conducting oversight with respect to the~~  
 3 ~~eligible providers of youth activities in the local area;~~

4 ~~(C) Coordinating youth activities in the local area; and~~

5 ~~(D) Other duties determined to be appropriate by the chair~~  
 6 ~~of the local board.~~

7 ~~(p) A local board may provide core services or intensive services, or~~  
 8 ~~both, as defined in the federal Workforce Investment Act of 1998, or may be~~  
 9 ~~designated or certified as a one-stop operator, only with the agreement of~~  
 10 ~~the chief elected official or officials and the Governor.~~

11  
 12 ~~15-4-2212. Local plan for workforce investment system strategy.~~

13 ~~(a) Each local board shall develop and submit to the Governor a~~  
 14 ~~comprehensive five-year local plan in partnership with the appropriate chief~~  
 15 ~~elected official. The plan shall be consistent with the state plan and shall~~  
 16 ~~be updated every three (3) years thereafter.~~

17 ~~(b) The local plan shall include:~~

18 ~~(1) An identification of:~~

19 ~~(A) The workforce investment needs of businesses, job~~  
 20 ~~seekers, and workers in the local area;~~

21 ~~(B) The current and projected employment opportunities in~~  
 22 ~~the local area; and~~

23 ~~(C) The job skills necessary to obtain the employment~~  
 24 ~~opportunities;~~

25 ~~(2) A description of the one-stop delivery system to be~~  
 26 ~~established or designated in the local area, including:~~

27 ~~(A) A description of how the local board will ensure the~~  
 28 ~~continuous improvement of eligible providers of services through the system~~  
 29 ~~and ensure that the providers meet the employment needs of local employers~~  
 30 ~~and participants; and~~

31 ~~(B) A copy of each memorandum of understanding concerning~~  
 32 ~~the operation of the one-stop delivery system in the local area;~~

33 ~~(3) A description of the local levels of performance negotiated~~  
 34 ~~with the Governor and chief elected official to be used to measure the~~  
 35 ~~performance of the local area and to be used by the local board for measuring~~  
 36 ~~the performance of the local fiscal agent, eligible providers, and the one-~~

1 ~~stop delivery system, in the local area;~~

2 ~~(4) A description and assessment of the type and availability of~~  
3 ~~adult and dislocated worker employment and training activities in the local~~  
4 ~~area;~~

5 ~~(5) A description of how the local board will coordinate~~  
6 ~~workforce investment activities carried out in the local area with statewide~~  
7 ~~rapid response activities, as appropriate;~~

8 ~~(6) A description and assessment of the type and availability of~~  
9 ~~youth activities in the local area, including an identification of successful~~  
10 ~~providers of the activities;~~

11 ~~(7) A description of the process used by the local board to~~  
12 ~~provide an opportunity for public comment, including comment by~~  
13 ~~representatives of businesses and comment by representatives of labor~~  
14 ~~organizations, and input into the development of the local plan, prior to~~  
15 ~~submission of the plan;~~

16 ~~(8) An identification of the entity responsible for the~~  
17 ~~disbursal of grant funds as determined by the chief elected official or the~~  
18 ~~Governor;~~

19 ~~(9) A description of the competitive process to be used to award~~  
20 ~~the grants and contracts in the local area for activities carried out under~~  
21 ~~this subchapter; and~~

22 ~~(10) Other information as the Governor may require.~~

23 ~~(c) Prior to the date on which the local board submits a local plan~~  
24 ~~under this section, the local board shall:~~

25 ~~(1) Make available copies of a proposed local plan to the public~~  
26 ~~through public hearings and local news media;~~

27 ~~(2) Allow members of the local board and members of the public,~~  
28 ~~including representatives of business and representatives of labor~~  
29 ~~organizations, to submit comments on the proposed local plan to the local~~  
30 ~~board, not later than the end of the thirty-calendar-day period beginning on~~  
31 ~~the date on which the proposed local plan is made available; and~~

32 ~~(3) Include with the local plan submitted to the Governor under~~  
33 ~~this section any comments that represent a disagreement with the plan.~~

34 ~~(d) The local plan submitted to the Governor under this section shall~~  
35 ~~be considered to be approved by the Governor at the end of the ninety-day~~  
36 ~~period beginning on the day the Governor receives the plan, unless the~~

1 Governor makes a written determination during the ninety-day period that:

2 (1) ~~Deficiencies in activities carried out under this subchapter~~  
3 ~~have been identified through audits or otherwise, and the local area has not~~  
4 ~~made acceptable progress in implementing corrective measures to address the~~  
5 ~~deficiencies; or~~

6 (2) ~~The plan does not comply with this subchapter.~~

7  
8 SECTION 5. Arkansas Code § 19-7-503 is amended to read as follows;  
9 19-7-503. Additional procedures and limitations.

10 In addition to the limitations and procedures established in § 19-7-  
11 502, the following additional procedures and limitations shall be held in  
12 strict compliance:

13 (1) All new or additional federal funds or ~~Arkansas Workforce~~  
14 ~~Investment Act, § 15-4-2201 et seq.~~ new or additional state funds under the  
15 Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., or  
16 ~~its successor's funds~~ expended by the benefiting agency under the authority  
17 of any appropriation provided by the General Assembly for such purposes and  
18 transferred through the provisions and procedures established in this section  
19 shall be deposited into, and expended from, the State Treasury;

20 (2)(A) Appropriations authorized by the General Assembly for  
21 such purpose and transferred pursuant to the procedures set out in this  
22 section shall be strictly used for the expenditure of the ~~Arkansas Workforce~~  
23 ~~Investment Act, § 15-4-2201 et seq.~~ Arkansas Workforce Innovation and  
24 Opportunity Act, § 15-4-3701 et seq., or its successor's, grant-in-aid moneys  
25 or other federal grant-in-aid moneys received, reimbursements from the  
26 federal government, and local or private funds designated as matching funds  
27 for these federal projects.

28 (B) ~~These amounts are to~~ Amounts appropriated under  
29 subdivision (2)(A) of this section shall be deposited into the State Treasury  
30 for the benefit of the State of Arkansas, or any of its agencies, for use in  
31 emergency relief needs or for the operation of any ~~Arkansas Workforce~~  
32 ~~Investment Act, § 15-4-2201 et seq.~~ Arkansas Workforce Innovation and  
33 Opportunity Act, § 15-4-3701 et seq., or its successor's, programs or any  
34 other programs approved by the federal government for which no appropriations  
35 or insufficient appropriations were provided elsewhere for such purposes;

36 (3)(A) Additional positions authorized under § 19-7-502 ~~must~~

1 ~~shall~~ be paid from the ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.,~~  
 2 Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., ~~or~~  
 3 ~~its successor's,~~ funds deposited into the State Treasury for that specific  
 4 ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.,~~ Arkansas Workforce  
 5 Innovation and Opportunity Act, § 15-4-3701 et seq., or its successor's,  
 6 program as may be authorized through the provisions of this subchapter or  
 7 from federal, local, or private funds deposited into the State Treasury for  
 8 that specific federal program as may be authorized through ~~the provisions of~~  
 9 this subchapter.

10 (B) However, general, special, trust, or miscellaneous  
 11 state funds may not be used for the purpose of paying salaries of the  
 12 positions so authorized;

13 (4) The Chief Fiscal Officer of the State ~~is authorized to~~ may  
 14 promulgate ~~such rules, regulations, procedures, and guidelines as~~ rules he or  
 15 she may deem necessary and proper in order to carry out ~~the provisions of~~  
 16 this subchapter;

17 (5) ~~The provisions of §§ Sections~~ Sections 19-4-1807 and 19-4-1901, or  
 18 their successors, ~~which that~~ establish the federal grants, aid, and  
 19 reimbursements procedures and federal funds procedures of the General  
 20 Accounting and Budgetary Procedures Law, § 19-4-101 et seq., shall be  
 21 strictly complied with;

22 (6) Unless provided elsewhere, all federal funds received by  
 23 state agencies, departments, boards, and commissions benefiting from the  
 24 establishment of the biennial operations appropriation acts authorized by the  
 25 General Assembly for new federal or ~~Arkansas Workforce Investment Act, § 15-~~  
 26 ~~4-2201 et seq.,~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701  
 27 et seq., or its successor's, programs shall be deposited into the State  
 28 Treasury, except when such deposit is expressly prohibited, in writing, as a  
 29 condition for approval of the grant or reimbursement by the federal grant or  
 30 agency; and

31 (7) ~~No~~ An appropriation as authorized by the General Assembly  
 32 for new federal or ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.,~~  
 33 Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., or  
 34 its successor's, programs ~~which that~~ the Chief Fiscal Officer of the State  
 35 transfers or causes to be transferred to the various agencies ~~may~~ shall not  
 36 be utilized for entering into or making payments for personal service

1 contracts.

2

3 SECTION 6. Arkansas Code § 20-76-101 is amended to read as follows.

4 20-76-101. Definitions.

5 As used in this chapter:

6 (1) "Assessment services" means an evaluation to determine the  
 7 abilities, talents, proficiencies, and deficiencies of applicants and  
 8 recipients with regard to the ability of the individual to move into  
 9 employment;

10 ~~(2) "Board" means the Temporary Assistance for Needy Families~~  
 11 ~~Oversight Board;~~

12 ~~(3)~~(2) "Date of enrollment" means the date that an applicant is  
 13 approved as eligible for the Transitional Employment Assistance Program;

14 ~~(4) "Department" means the Department of Human Services;~~

15 ~~(5)~~(3) "Diversion from assistance" means a one-time loan of  
 16 money or the furnishing of nonmonetary assistance to an applicant who is  
 17 eligible for but does not require enrollment in the program;

18 ~~(6)~~(4) "Education or training" means basic remedial education,  
 19 adult education, high school education, education to obtain the equivalent of  
 20 a high school diploma, education to learn English as a second language,  
 21 applied technology training, and postsecondary education and training;

22 ~~(7)~~(5) "Employment assistance" means financial assistance, child  
 23 care, assistance to secure full-time employment, assistance in obtaining  
 24 education and training that leads to full-time employment, case management  
 25 services, and other services designed to assist recipients in achieving self-  
 26 sufficiency through employment;

27 ~~(8)~~(6) "Extended support services" means assistance to a  
 28 recipient who has obtained employment under the ~~program~~ Transitional  
 29 Employment Assistance Program, which may include, but is not limited to,  
 30 child care and medical assistance;

31 ~~(9)~~(7) "Full-time education or training" means education or  
 32 training on a full-time basis as defined by the ~~department~~ Department of  
 33 Human Services;

34 ~~(10)~~(8) "Medical assistance" means assistance furnished  
 35 pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396-1396w5,  
 36 commonly referred to as Medicaid, or a state-funded medical assistance

1 program;

2 ~~(11)~~(9) "Personal responsibility agreement" means an agreement  
3 between the department and the recipient specifying the recipient's  
4 responsibilities that are a condition of receiving employment assistance,  
5 which may include an employment plan that describes what the recipient and  
6 the department will do to assist the recipient in achieving self-sufficiency  
7 through employment;

8 ~~(12)~~(10) "Positive reinforcement outcome bonus" means a one-time  
9 cash assistance bonus for achieving an employment plan goal;

10 ~~(13)~~(11) "Relocation assistance" means assistance to an eligible  
11 recipient who lives in an area of limited job opportunities to enable the  
12 recipient to relocate for purposes of full-time employment that the recipient  
13 has secured;

14 ~~(14)~~(12) "Support services" means child care, transportation,  
15 financial assistance, medical assistance, substance abuse treatment, life  
16 skills training, parenting skills training, and other similar assistance;

17 ~~(15)~~ "TEA" means the Transitional Employment Assistance Program;

18 ~~(16)~~(13) "Temporary Assistance for Needy Families Program" means  
19 all Arkansas programs funded by federal Temporary Assistance to Needy  
20 Families block grant funds or state funds claimed as maintenance of effort  
21 under the federal Temporary Assistance for Needy Families program, including:

- 22 (A) The Transitional Employment Assistance Program;
- 23 (B) The Arkansas Work Pays Program;
- 24 (C) The Career Pathways Initiative; and
- 25 (D) The Community Investment Initiative; and

26 ~~(17)~~(14) "Unearned income" means all income that a recipient  
27 receives from sources other than employment, including child support  
28 payments, supplemental security income, supplemental security disability  
29 income, workers' compensation, and unemployment insurance.

30

31 SECTION 7. Arkansas Code § 20-76-102(c), concerning coordination of  
32 state agency service delivery related to the Temporary Assistance for Needy  
33 Families Program, is amended to read as follows.

34 (c) All agencies of the state and local governments providing program  
35 services shall work cooperatively with and provide any necessary assistance  
36 to the General Assembly and the ~~Temporary Assistance for Needy Families~~

1 ~~Oversight Board~~ Arkansas Workforce Development Board and shall furnish, in a  
 2 timely manner, complete and accurate information regarding the program to  
 3 legislative committees and the ~~board~~ Arkansas Workforce Development Board  
 4 upon request.

5  
 6 SECTION 8. Arkansas Code § 20-76-105 is repealed.

7 ~~20-76-105. Temporary Assistance for Needy Families Oversight Board.~~

8 ~~(a) The Temporary Assistance for Needy Families Oversight Board is~~  
 9 ~~created.~~

10 ~~(b) The board shall be composed of the following members:~~

11 ~~(1) The Director of the Department of Workforce Services;~~

12 ~~(2) The Director of the Arkansas Workforce Investment Board;~~

13 ~~(3) The Director of the Division of County Operations of the~~  
 14 ~~Department of Human Services;~~

15 ~~(4)(A) Four (4) members appointed by the Governor.~~

16 ~~(B) One (1) member appointed under subdivision (b)(4)(A)~~  
 17 ~~of this section shall be a current or former recipient of transitional~~  
 18 ~~employment assistance or Aid to Families with Dependent Children;~~

19 ~~(5) One (1) member appointed by the Speaker of the House of~~  
 20 ~~Representatives; and~~

21 ~~(6) One (1) member appointed by the President Pro Tempore of the~~  
 22 ~~Senate.~~

23 ~~(c)(1) The board is designed to be an agent of change and challenge to~~  
 24 ~~the existing federal, state, and local agency service delivery mechanisms for~~  
 25 ~~programs serving low-income parents.~~

26 ~~(2) The challenge shall be to ensure that persons in the~~  
 27 ~~Temporary Assistance for Needy Families Program are getting the assistance,~~  
 28 ~~the information, and the services needed to help these low-income persons~~  
 29 ~~become self-sufficient.~~

30 ~~(3) The chair and the appointed members of the board shall be~~  
 31 ~~selected on the basis of their:~~

32 ~~(A) Experience and knowledge in administering and~~  
 33 ~~overseeing public assistance and work programs; and~~

34 ~~(B) Understanding and commitment to active oversight of~~  
 35 ~~these programs.~~

36 ~~(d) The appointed members of the board shall serve four-year terms.~~

1           ~~(e) The Governor shall appoint the Chair of the Temporary Assistance~~  
 2 ~~for Needy Families Oversight Board from among the appointed members.~~

3           ~~(f) Five (5) members including at least three (3) appointed members of~~  
 4 ~~the board shall constitute a quorum.~~

5           ~~(g) The board shall meet as often as necessary to complete its~~  
 6 ~~statutory responsibilities, but no less than one (1) time every three (3)~~  
 7 ~~months.~~

8           ~~(h) The Governor may remove an appointed member for cause.~~

9           ~~(i) Vacancies on the board shall be filled in the same manner as~~  
 10 ~~the original appointment for the unexpired portion of the term.~~

11           ~~(j)(1) The Director of the Department of Workforce Services shall~~  
 12 ~~designate a senior manager of the Department of Workforce Services as staff~~  
 13 ~~director for the board.~~

14           ~~(2) Additional staff support to the board shall be provided by~~  
 15 ~~the Department of Workforce Services and the Department of Human Services.~~

16           ~~(k) The responsibilities of the board include:~~

17           ~~(1)(A) Developing a vision and blueprint for the Temporary~~  
 18 ~~Assistance for Needy Families Program to:~~

19                   ~~(i) Provide effective services to the Transitional~~  
 20 ~~Employment Assistance Program and Arkansas Work Pays Program clients;~~

21                   ~~(ii) Improve performance on the Transitional~~  
 22 ~~Employment Assistance Program client outcomes; and~~

23                   ~~(iii) Integrate Transitional Employment Assistance~~  
 24 ~~Program services, Arkansas Work Pays Program services, and services offered~~  
 25 ~~in local workforce offices.~~

26           ~~(B) The board shall submit its recommended vision and~~  
 27 ~~blueprint to the Governor and the House Committee on Public Health, Welfare,~~  
 28 ~~and Labor and the Senate Committee on Public Health, Welfare, and Labor no~~  
 29 ~~later than December 31, 2007;~~

30           ~~(2) Reviewing and developing recommendations to the Governor,~~  
 31 ~~the General Assembly, the Department of Workforce Services, and other state~~  
 32 ~~agencies on the following topics:~~

33                   ~~(A) Budget planning and the use of state and federal~~  
 34 ~~Temporary Assistance for Needy Families Program funds;~~

35                   ~~(B) Measurement and performance on the Transitional~~  
 36 ~~Employment Assistance Program outcomes;~~

1                   ~~(C) Performance management of the operation of the~~  
2 ~~Temporary Assistance for Needy Families Program;~~

3                   ~~(D) Administrative operations, including without~~  
4 ~~limitation;~~

5                                 ~~(i) Dividing responsibilities among participating~~  
6 ~~agencies;~~

7   ~~(ii) Information systems; and~~

8   ~~(iii) The integration of the Transitional Employment~~  
9 ~~Assistance Program and workforce systems;~~

10                   ~~(E) Rules developed by the Department of Workforce~~  
11 ~~Services and other state agencies dealing with the Transitional Employment~~  
12 ~~Assistance Program, the Arkansas Work Pays Program, the Arkansas Career~~  
13 ~~Pathways Initiative, the Community Investment Initiative, and other~~  
14 ~~initiatives within the Temporary Assistance for Needy Families Program;~~

15                   ~~(F) Policy and administration of the Transitional~~  
16 ~~Employment Assistance Program, the Arkansas Work Pays Program, the Career~~  
17 ~~Pathways Initiative, the Community Investment Initiative, and other~~  
18 ~~initiatives within the Temporary Assistance for Needy Families Program; and~~

19                   ~~(G) Additional initiatives that may be included within the~~  
20 ~~Temporary Assistance for Needy Families Program or funded with Temporary~~  
21 ~~Assistance for Needy Families Program funds;~~

22                                 ~~(3) Determining the scope of work and timeline for the~~  
23 ~~independent evaluation of the Temporary Assistance for Needy Families~~  
24 ~~Program;~~

25                                 ~~(4) Making reports to the Governor and to the House Committee on~~  
26 ~~Public Health, Welfare, and Labor and the Senate Committee on Public Health,~~  
27 ~~Welfare, and Labor on the operations of the Transitional Employment~~  
28 ~~Assistance Program, the Arkansas Work Pays Program, the Career Pathways~~  
29 ~~Initiative, the Community Investment Initiative, and other Temporary~~  
30 ~~Assistance for Needy Families initiatives; and~~

31                                 ~~(5) Other responsibilities determined by a majority of the~~  
32 ~~board.~~

33  
34                   SECTION 9. Arkansas Code § 20-76-106(a)(2)(B), concerning the  
35 statewide implementation for the Temporary Assistance for Needy Families  
36 Program, is amended to read as follows.

1 (B) The statewide implementation plan shall be subject to  
2 the review and recommendation of the ~~Temporary Assistance for Needy Families~~  
3 ~~Oversight Board~~ Arkansas Workforce Development Board.

4  
5 SECTION 10. Arkansas Code § 20-76-113(b), concerning Temporary  
6 Assistance for Needy Families Program performance indicators, is amended to  
7 read as follows.

8 (b) The Department of Workforce Services shall develop and maintain  
9 the indicators for the Transitional Employment Assistance Program outcomes  
10 listed in subdivisions (a)(1)-(5) of this section, subject to review and  
11 approval by the ~~Temporary Assistance for Needy Families Oversight Board~~  
12 Arkansas Workforce Development Board.

13  
14 SECTION 11. Arkansas Code § 20-76-402(b), concerning the Temporary  
15 Assistance to Needy Families work activities, is amended to read as follows.

16 (b) All occupational training ~~must~~ shall meet at least one (1) of the  
17 following requirements:

18 (1) Be on the statewide or appropriate area list of occupations  
19 in the “Guide to Educational Training Program for Demand Occupations”  
20 published by the Department of Workforce Services;

21 (2) Be on that list for another area within the state to which  
22 the ~~program~~ Transitional Employment Assistance Program recipient has signed a  
23 commitment to relocate;

24 (3) Be for a specific position for which an employer has  
25 submitted a letter demonstrating intent to hire persons upon successful  
26 completion of training; and

27 (4) Be in an occupation in local demand but not shown on the  
28 state or area demand list if the local demand is documented or will be  
29 documented by the area ~~workforce investment board~~ workforce development board  
30 through a state-prescribed methodology.

31  
32 SECTION 12. Arkansas Code § 20-76-445(b)(1)(A), concerning the Career  
33 Pathways Initiative, is amended to read as follows.

34 (b)(1)(A) The Department of Workforce Services, the Department of  
35 Higher Education, and the ~~Arkansas Workforce Investment Board~~ Arkansas  
36 Workforce Development Board shall work jointly to develop a plan for the

1 Career Pathways Initiative.

2  
3 SECTION 13. DO NOT CODIFY. The Governor shall call the first meeting  
4 of the Arkansas Workforce Development Board within ninety (90) days after the  
5 appointment of all members.

6  
7 SECTION 14. DO NOT CODIFY. (a) On the effective date of this act,  
8 the terms of all current members of the Arkansas Workforce Investment Board  
9 expire and the Arkansas Workforce Development Board shall be established  
10 consisting of the membership designated or appointed under § 15-4-3704.

11 (b) Effective July 1, 2015, the terms of all current members of the  
12 ten (10) local workforce investment boards under the Arkansas Workforce  
13 Investment Act, § 15-4-220 et seq., expire and the local workforce  
14 development boards under the shall be established consisting of the  
15 membership designated or appointed under § 15-4-3709.

16  
17 SECTION 15. EMERGENCY CLAUSE. (a) It is found and determined by the  
18 General Assembly of the State of Arkansas that federal law requires the  
19 implementation of state-level workforce development acts to authorize federal  
20 funding for workforce development programs; that the Arkansas Workforce  
21 Development Board must begin work immediately to prepare for the inauguration  
22 of local workforce development boards; that the first phase of work by the  
23 Arkansas Workforce Development Board must be completed to coincide with the  
24 beginning of the 2015-2016 fiscal year on July 1, 2015. Therefore, an  
25 emergency is declared to exist, and § 15-4-37-3704 being immediately  
26 necessary for the preservation of the public peace, health, and safety shall  
27 become effective on:

28 (1) The date of its approval by the Governor;

29 (2) If the bill is neither approved nor vetoed by the Governor,  
30 the expiration of the period of time during which the Governor may veto the  
31 bill; or

32 (3) If the bill is vetoed by the Governor and the veto is  
33 overridden, the date the last house overrides the veto.

34 (b) It is found and determined by the General Assembly, that the  
35 Constitution of the State of Arkansas prohibits the appropriation of funds  
36 for more than a one (1) year period; that the effectiveness of this act on

1 July 1, 2015, is essential to the inauguration of the programs for which this  
2 act is provided, and that in the event of an extension of the legislative  
3 session, the delay in the effective date of this act beyond July 1, 2015,  
4 could work irreparable harm upon the proper administration and provision of  
5 essential programs created in the act. Therefore, an emergency is hereby  
6 declared to exist and, except for § 15-4-3704, this act being necessary for  
7 the immediate preservation of the public peace, health and safety shall be in  
8 full force and effect from and after July 1, 2015.

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