

HOUSE BILL NO. 125

INTRODUCED BY W. CURDY

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS PERTAINING TO WORKFORCE INVESTMENT
6 AND INNOVATION; CHANGING REFERENCES TO THE WORKFORCE INVESTMENT ACT OF 1998 TO THE
7 WORKFORCE INNOVATION AND OPPORTUNITY ACT; REVISING MEMBERSHIP REQUIREMENTS ON THE
8 MONTANA STATE WORKFORCE INNOVATION BOARD; REVISING PERFORMANCE INDICATOR
9 REQUIREMENTS; REVISING COORDINATION OF SERVICE REQUIREMENTS; ELIMINATING LOCAL
10 WORKFORCE INVESTMENT BOARDS; AMENDING SECTIONS 2-18-1203, 39-51-2116, 39-51-2602,
11 53-2-1202, 53-2-1203, 53-2-1205, 53-2-1206, AND 53-2-1207, MCA; REPEALING SECTION 53-2-1204, MCA;
12 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 **Section 1.** Section 2-18-1203, MCA, is amended to read:

17 **"2-18-1203. General protection.** (1) An employee whose position is eliminated as a result of
18 privatization, reorganization of an agency, closure of or a reduction in force at an agency, or other actions by the
19 legislature is entitled to:

20 (a) access to any job retraining and career development programs provided by the state through the
21 service delivery areas dislocated worker programs under the Workforce ~~Investment~~ Innovation and Opportunity
22 Act of ~~1998~~, 29 U.S.C. ~~2804~~ 3101, et seq., provided that the employee begins participating in a program within
23 1 year after the elimination of the employee's position; and

24 (b) inclusion in a special job register from which all agencies may attempt to hire employees prior to
25 seeking applications from the general public. Nothing in this section requires an agency to attempt to hire
26 employees from the special job register prior to seeking applications from the general public. An employee's
27 eligibility to participate in the job register terminates 2 years from the effective date of the employee's layoff or
28 2 years from the date of the employee's completion of job training provided under subsection (1)(a), whichever
29 is later.

30 (2) Each state agency shall pay to the department of labor and industry a set amount that is equal to the



1 department's average cost of providing the retraining and development services for state employees in the
 2 previous fiscal year for each involuntarily terminated state employee who requests access to any job training and
 3 career development program provided by the department."
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5 **Section 2.** Section 39-51-2116, MCA, is amended to read:

6 **"39-51-2116. Participation in worker training program -- eligibility for training benefits.** (1) Subject
 7 to the requirements of this section, training benefits are available to an individual who has exhausted all rights
 8 to regular unemployment compensation benefits and who is attending an approved worker training program.

9 (2) An unemployed individual who is participating and making satisfactory progress in a state-approved
 10 training program or a job training program authorized by the Workforce ~~Investment~~ Innovation and Opportunity
 11 Act of ~~1998~~ that is necessary for the individual's reemployment is eligible to receive training benefits if, as
 12 determined by the department:

13 (a) the individual was:

14 (i) separated from a declining occupation; or

15 (ii) involuntarily and indefinitely separated from employment as a result of a permanent reduction of
 16 operations at the individual's place of employment;

17 (b) the training enhances the individual's marketable skills and earning power; and

18 (c) the training is targeted to those industries or skills that are in demand within the labor market.

19 (3) Benefits must be paid under this section at the individual's average weekly benefit amount during the
 20 applicable benefit year and under the same terms and conditions as regular benefits.

21 (4) Benefits are payable under this section only for weeks during which the individual is attending an
 22 approved training program.

23 (5) An employer's account may not be charged for payment of benefits to an individual under this
 24 section."
 25

26 **Section 3.** Section 39-51-2602, MCA, is amended to read:

27 **"39-51-2602. Approved training under federal programs.** (1) Notwithstanding any other provisions
 28 of this chapter, an otherwise eligible individual may not be denied benefits for any week:

29 (a) because of participation in training approved under section 236(a)(1) of the federal Trade Act of 1974
 30 (19 U.S.C. 2296) or under Title I-B of the Workforce ~~Investment~~ Innovation and Opportunity Act, of 1998 (29

1 U.S.C. ~~2804~~ 3101, et seq.}, when the individual is receiving Title I-B services as a dislocated worker;

2 (b) because of participation in approved training described in subsection (1)(a) by reason of leaving work
3 to enter the training if the work left is not suitable employment; or

4 (c) because of the application to any week in training of the provisions in this chapter or any federal
5 unemployment insurance law administered by this agency, relating to availability for work, active search for work,
6 or refusal to accept work.

7 (2) For purposes of this section, "suitable employment" means work of a substantially equal or higher
8 skill level than the individual's past adversely affected employment, as defined for purposes of the federal Trade
9 Act of 1974, and for which the wages are not less than 80% of the individual's average weekly wage as
10 determined for the purposes of the federal Trade Act of 1974."

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12 **Section 4.** Section 53-2-1202, MCA, is amended to read:

13 **"53-2-1202. Definitions.** For the purposes of this part, unless the context otherwise requires, the
14 following definitions apply:

15 (1) "Act" means the federal Workforce ~~Investment~~ Innovation and Opportunity Act of 1998, Public Law
16 ~~105-220 113-128~~, {29 U.S.C. ~~2804~~ 3101, et seq.}:

17 ~~(2) "Local board" means a local workforce investment board provided for in 53-2-1204.~~

18 (2) "Board" means the Montana state workforce innovation board provided for in 53-2-1203.

19 (3) "One-stop center" means one or more entities designated or certified under section 121(d) of the Act,
20 {29 U.S.C. ~~2841(d)~~ 3151(d)}.

21 (4) "One-stop delivery system" means a system under which entities responsible for administering
22 separate workforce investment, educational, and other human resource programs and funding sources
23 collaborate to create a seamless system of service delivery to enhance access to the programs' services and
24 improve long-term employment outcomes for individuals receiving assistance.

25 ~~(5) "State board" means the state workforce investment board provided for in 53-2-1203.~~

26 ~~(6) "Workforce investment area" means a local area designated by the governor in accordance with~~
27 ~~section 116 of the Act (29 U.S.C. 2831):"~~

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29 **Section 5.** Section 53-2-1203, MCA, is amended to read:

30 **"53-2-1203. State Montana state workforce investment innovation board -- membership -- duties.**

- 1 (1) There is a Montana state workforce investment innovation board.
- 2 (2) ~~The state board consists of:~~
- 3 ~~—— (a) the governor or a person designated by the governor to act on behalf of the governor;~~
- 4 ~~—— (b) subject to 5-5-234, two members of the house of representatives, one from the majority party and~~
- 5 ~~one from the minority party, and two members of the senate, one from the majority party and one from the~~
- 6 ~~minority party, appointed by the presiding officer of each respective chamber; and~~
- 7 ~~—— (c) individuals appointed by the governor, including:~~
- 8 ~~—— (i) representatives of businesses located in Montana who:~~
- 9 ~~—— (A) are owners of businesses, chief executive or operating officers of businesses, and or other business~~
- 10 ~~executives or employers with optimum policymaking or hiring authority, including business members of local~~
- 11 ~~boards; and;~~
- 12 ~~—— (B) represent:~~
- 13 ~~—— (I) businesses with employment opportunities that reflect the employment opportunities in Montana; that~~
- 14 ~~provide employment opportunities that, at a minimum, include high-quality, work-relevant training and~~
- 15 ~~development of in-demand industry sectors or occupations in Montana; or~~
- 16 ~~—— (II) organizations representing businesses described in subsection (2)(c)(i)(B)(I); and~~
- 17 ~~—— (C) are appointed from among individuals nominated by Montana business organizations and business~~
- 18 ~~trade associations;~~
- 19 ~~—— (ii) chief elected officials of local government;~~
- 20 ~~—— (iii)(ii) representatives of labor organizations the workforce of Montana, who:~~
- 21 ~~—— (A) must include at least two representatives of labor organizations who have been nominated by~~
- 22 ~~Montana labor federations; and~~
- 23 ~~—— (B) must include at least one representative from a joint labor management apprenticeship program who~~
- 24 ~~is member of a labor organization or a training director or, if no such joint program exists in Montana, a~~
- 25 ~~representative of an apprenticeship program in Montana;~~
- 26 ~~—— (iv) representatives of individuals and organizations who have experience with respect to youth activities;~~
- 27 ~~—— (v) representatives of individuals and organizations who have experience and expertise in the delivery~~
- 28 ~~of workforce investment activities;~~
- 29 ~~—— (iii) at least two chief elected executives of local governments;~~
- 30 ~~—— (vi)(iv) representatives of the state agencies who are responsible for the programs and activities that are~~

1 carried out by the one-stop centers, including but not limited to:

2 ——— (A) the department of labor and industry;

3 ——— (B) the department of public health and human services;

4 ——— (C) the office of the commissioner of higher education; and

5 ——— (D) the office of public instruction;

6 ——— (vii) at least one representative of military veterans; and

7 ——— (viii)(v) other representatives whom the governor may designate.

8 ——— (3) The selection and appointment of members of the state board must follow the nominating provisions
9 of section 111 101(b) of the Act, 29 U.S.C. 2821 3111(b).

10 ——— (4) (a) The governor shall appoint enough individuals described in subsection (2)(c)(i) so that those
11 persons compose must constitute a majority of the membership of the state board.

12 ——— (b) The individuals described in subsection (2)(c)(ii) must constitute at least 20% of the membership of
13 the board.

14 (2) THE BOARD:

15 (A) MUST CONSIST OF INDIVIDUALS WHO FULFILL THE MEMBERSHIP ROLES AND SELECTION CRITERIA REQUIRED
16 BY SECTION 101(B)(1) OF THE ACT, 29 U.S.C. 3111(B)(1); AND

17 (B) MAY INCLUDE INDIVIDUALS WHO FULFILL THE MEMBERSHIP ROLES AND SELECTION CRITERIA PERMITTED BY
18 SECTION 101(B)(1) OF THE ACT, 29 U.S.C. 3111(B)(1).

19 (5)(3) The governor shall consider the special needs of Montana's hard-to-serve Indian population and
20 the state's relationship with tribal governments when making appointments to the ~~state~~ board.

21 (6)(4) The ~~state~~ board shall perform the functions described in section 444 101(d) of the Act, 29 U.S.C.
22 2824 3111(d)."

23

24 **Section 6.** Section 53-2-1205, MCA, is amended to read:

25 **"53-2-1205. Workforce investment development program.** (1) There is a workforce ~~investment~~
26 development program to implement the provisions of Title I-B of the Act, {29 U.S.C. 2804 3101, et seq.},
27 operate the one-stop delivery system to adults, dislocated workers, and youth.

28 (2) The one-stop delivery system must be administered in accordance with a ~~5-year strategic statewide~~
29 workforce investment 4-year combined state plan that meets the requirements of section 442 103 of the Act, {29
30 U.S.C. 2822 3113}. The ~~strategic statewide~~ combined state plan must be created with the assistance of the ~~state~~

1 board.

2 ~~(3) There must be a 5-year local workforce investment plan for each workforce investment area. The~~
 3 ~~local plan must be created by the local board. The local plan must meet the requirements of the state plan and~~
 4 ~~section 116 of the Act (29 U.S.C. 2834)."~~

5
 6 **Section 7.** Section 53-2-1206, MCA, is amended to read:
 7 **"53-2-1206. Performance indicators.** ~~(1) The 5-year strategic statewide workforce investment~~ The
 8 4-year combined state plan must contain performance indicators to measure the effectiveness and operation of
 9 the programs identified in Title I-B of the Act, ~~(29 U.S.C. 2804 3101, et seq.)~~; ~~The strategic statewide combined~~
 10 state plan must contain the expectation of continuous improvement, as negotiated with the secretary of the U.S.
 11 department of labor, and conform to the requirements of section ~~112 103~~ of the Act, ~~(29 U.S.C. 2822 3113)~~.

12 ~~(2) Each 5-year local workforce investment plan must include a description of the local levels of~~
 13 ~~performance to be used to measure the performance of the local area and to be used by the local board for~~
 14 ~~measuring the performance of the one-stop delivery system and the one-stop centers providing services in the~~
 15 ~~local area. The local plan must include the performance accountability systems required by section 136 of the~~
 16 ~~Act (29 U.S.C. 2871)."~~

17
 18 **Section 8.** Section 53-2-1207, MCA, is amended to read:
 19 **"53-2-1207. Coordination of services.** (1) ~~The state~~ board shall assist the governor in developing and
 20 continuously improving the statewide system of activities that are provided within the state workforce investment
 21 development systems by:

22 ~~(a)~~ developing linkages in order to ensure coordination among the programs described in section 121(b)
 23 of the Act, ~~(29 U.S.C. 2841(b) 3151(b))~~; and

24 ~~(b)~~ reviewing local plans, which include a description of the one-stop delivery system to be established
 25 ~~or designated in the local area.~~

26 ~~(2) Local boards shall coordinate services provided to Indians with providers offering services pursuant~~
 27 ~~to section 166 of the Act (29 U.S.C. 2911) and providers offering services pursuant to the Indian Employment,~~
 28 ~~Training and Related Services Demonstration Act of 1992, Public Law 102-477 (25 U.S.C. 3401)."~~

29
 30 NEW SECTION. **Section 9. Repealer.** The following section of the Montana Code Annotated is

1 repealed:

2 53-2-1204. Local workforce investment boards.

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4 NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval.

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