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A BILL
20-773

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

9 To amend the Workforce Investment Implementation Act of 2000 to update and conform the law
10 with the current functions of the Workforce Investment Council and federal law; and to
11 amend the Workforce Investment Implementation Individual Training Accounts
12 Limitation Amendment Act of 2004 to provide that beginning January 1, 2015, no
13 eligible training provider shall be eligible to receive funding for more than 5 individual
14 training accounts in a calendar year unless at least 25% of the students participating in the
15 entity's training programs are funded by sources other than the individual training
16 accounts and beginning January 1, 2016, to increase the minimum percent to 50%.
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18 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
19 act may be cited as the “Workforce Investment Implementation Amendment Act of 2014”.

20 Sec. 2. The Workforce Investment Implementation Act of 2000, effective July 18, 2000
21 (D.C. Law 13-150; D.C. Official Code § 32-1601 *et seq.*), is amended as follows:

22 (a) Section 3 (D.C. Official Code § 32-1602) is amended as follows:

23 (1) Paragraph (1) is repealed.

24 (2) New paragraphs (1A) and (1B) are added to read as follows:

25 “(1A) “Eligible training provider” means an organization that is approved to
26 receive funds for individual training accounts for employment and training services, in
27 accordance with criteria and procedures established by the Workforce Investment Council.

28 “(1B) “Individual Training Account” and “ITA” means the primary way
29 individuals receive funds for training pursuant to the Federal Act.”.

30 (3) Paragraph (2) is amended by striking the phrase “means the” and inserting the
31 phrase “or “WIA” means the” in its place.

32 (3) Paragraph (3) is amended to read as follows:

33 “(3) “Self-sufficiency” means the self-sufficiency level as established annually by
34 the Workforce Investment Council.”.

35 (4) Paragraph (4) is repealed.

36 (5) A new paragraph (5) is added to read as follows:

37 “(5) “WIC” means the Workforce Investment Council as established by the
38 Workforce Investment Implementation Amendment Act of 2014, as introduced on April 9, 2014
39 (D.C. Bill 20-773).

40 (b) Section 4 (D.C. Official Code § 32-1603) is amended as follows:

41 (1) Subsection (a) is amended to read as follows:

42 “(a) There is created a Workforce Investment Council that shall serve as the District’s
43 state workforce investment board pursuant to section 111 of the Federal Act, which shall carry
44 out the functions of a local workforce investment board as assigned by the Mayor pursuant to
45 section 117(c)(4) of the Federal Act.”.

46 (2) Subsection (b) is repealed.

47 (3) New subsections (e), (f), (g), (h), (i), and (j) are added to read as follows:

48 “(e) The Mayor shall appoint members of WIC in a manner consistent with the
49 requirements of section 111(b) and (c) of the Federal Act.

50 “(f) The WIC shall :

51 “(1) Assist the Mayor in the selection of the WIC Executive Director;

52 “(2) In cooperation with the WIA administrative entity:

53 “(A) Develop the District’s state plan consistent with the requirements of
54 section 112 of the Federal Act;

55 “(B) Negotiate the District’s state performance measures as required under
56 section 136(b) of the Federal Act;

57 “(C) Develop the District’s annual report as required under section 136(d)
58 of the Federal Act;

59 “(3) Establish policies and guidance for the District’s American Job Center
60 system as required under section 134(c) of the Federal Act;

61 “(4) In coordination with the WIA administrative entity, develop and implement
62 District-wide employment and training activities as required under section 134(a) of the Federal
63 Act;

64 “(7) Develop and implement a workforce intermediary pilot project, as described
65 in section 5b of the First Source Employment Agreement Act of 1984, effective February 24,
66 2012 (D.C. Law 19-84; D.C. Official Code § 2-219.04b); and

67 “(6) Develop applications for incentive grants pursuant to section 503 of the
68 Federal Act.

69 “(g) The Mayor shall certify WIC as the local workforce investment board for the District
70 of Columbia not less than once every 2 years, consistent with the requirements of section 117(c)
71 of the Federal Act.

72 “(h) The Mayor shall designate that the WIC:

73 “(1) Certify American Job Centers;

74 “(2) Select and terminate American Job Centers;

75 “(3) In coordination with the WIA administrative entity, develop a memorandum
76 of agreement with mandatory partner programs for the administration of American Job Centers,
77 which shall include a resource sharing agreement;

78 “(4) Establish eligibility and performance requirements for training providers to
79 be considered eligible to receive ITA funds;

80 (5) Identify demand occupations for which training may be provided and
81 develop a demand occupation list not less than once every 2 years;

82 “(6) Implement a procedure for determining initial and subsequent eligibility of
83 training providers;

84 “(7) Establish and implement eligibility and performance requirements for
85 providers of training services other than those provided through ITA’s, including on-the-job
86 training and customized training services;

87 “(8) Develop and implement a policy for the selection of providers of youth
88 employment and training services consistent with section 123 of the Federal Act;

89 “(9) Establish a youth council consistent with section 117(h) of the Federal Act;

90 “(10) Develop an annual operating budget for WIC;

91 “(11) In cooperation with the WIA administrative entity, advise the Mayor and
92 the Office of the Chief Financial Officer of the District of Columbia on the annual budget and
93 spending plan for youth activities as described in section 129 of the Federal Act and employment
94 and training activities as described in section 134 of the Federal Act; and

95 “(12) Coordinate workforce development activities with economic development
96 strategies and other employer linkages.

97 “(i)(1) The WIC shall direct the WIA administrative entity to disburse funds received
98 pursuant to sections 127 and 132 of the Federal Act to support the activities described in
99 subsections (d) and (e) of this section, consistent with WIC policies.

100 “(2) The WIA administrative entity shall disburse the funds described in
101 paragraph (1) of this subsection immediately upon the direction of the local workforce
102 investment board; provided, that the direction does not violate a provision of the Federal Act or
103 District law.”

104 “(j) The WIC may hire staff to assist it in carrying out its responsibilities, as described in
105 subsections (f) and (h) of this section.”.

106 (c) A new section (4a) is added to read as follows:

107 “Sec. 4a. WIA Administrative Entity.

108 “The Mayor shall designate an agency to serve as the WIA administrative entity, which
109 shall:

- 110 “(1) In cooperation with the WIC:
- 111 “(A) Develop the District’s state plan;
- 112 “(B) Negotiate the District’s state performance measures as required under
- 113 section 136(b) of the Federal Act;
- 114 “(C) Develop the District’s annual report as required under section 136(d)
- 115 of the Federal Act;
- 116 “(D) Develop and submit all reports required under the Federal Act;
- 117 “(E) Advise the Mayor and the Office of the Chief Financial Officer of
- 118 the District of Columbia on the annual budget and spending plan for youth activities as described
- 119 in section 129 of the Federal Act and employment and training activities as described in section
- 120 134 of the Federal Act;
- 121 “(2) Serve as the fiscal agent for all funds described in section 127 and section
- 122 132 of the Federal Act;
- 123 “(3) Develop and administer a Districtwide employment statistics system
- 124 consistent with section 309 of the Federal Act;
- 125 “(4) Subject to certification by WIC:
- 126 “(A) Serve as the operator of American Job Centers;
- 127 “(B) Provide core services as described in section 134(d)(2) of the Federal
- 128 Act through the American Job Centers;
- 129 “(C) Provide intensive services as described in section 134(d)(3) of the
- 130 Federal Act through the American Job Centers;

131 “(5) Administer all grants and contracts for training services as described in
132 section 134(d)(4) of the Federal Act, subject to policies established by WIC; and

133 “(6) Administer all grants and contracts with youth providers identified by WIC
134 through the process described in section 11a.”

135 (d) Section 5 (D.C. Official Code § 32-1604) is amended to read as follows:

136 “Sec. 5. Council approval of State Workforce Plans.

137 “Upon the Mayor’s approval of the state plan described in section 4(1)(A), or any
138 modification of such plan, the Mayor shall transmit the state plan to the Council for a 10-day
139 period of review. If the Council does not approve or disapprove the state plan or modification by
140 resolution within the 10-day review period, the State Workforce Plan shall be deemed
141 approved.”.

142 (e) Section 6 (D.C. Official Code § 32-1605) is repealed.

143 (f) Section 7 (D.C. Official Code § 32-1606) is repealed.

144 (g) Section 8 (D.C. Official Code § 32-1607) is amended as follows:

145 (1) The heading is amended to read as follows:

146 “Sec. 8. Training services criteria and performance accountability.”.

147 (2) Subsection (a) is amended as follows:

148 (A) Designate the existing introductory text as subsection (a)(1).

149 (B) The newly designated paragraph (1) is amended to read as follows:

150 “(a)(1)(A) Except as provided in subsection (e) of this section, training services funded

151 under section 133 of the Federal Act shall be provided through the use of individual training

152 accounts. ITA funds may only be used to pay for employment and training services that are
153 provided by organizations that have been approved as eligible training providers by WIC,
154 according to criteria and procedures developed by WIC.

155 “(B) The criteria and procedures required by subparagraph (A) of this
156 paragraph shall be submitted to the Council for a 10-day period of review, excluding days of
157 Council recess. If the Council does not approve or disapprove the procedures and criteria by
158 resolution within the 10-day period of review, the procedures and criteria shall be deemed
159 approved.”.

160 (C) Existing paragraphs (1) and (2) are redesignated paragraphs (2) and
161 (3).

162 (D) The newly designated paragraph (2) is amended by striking the phrase
163 “Each service provider shall” and inserting the phrase “The criteria and procedures shall require
164 organizations seeking to become eligible training providers to” in its place.

165 (E) The newly designated paragraph (3) is amended by striking the phrase
166 “The service provider shall also” and inserting the phrase “The criteria and procedures shall
167 require organizations seeking to become eligible training providers to” in its place.

168 (F) A new Paragraph (4) is added to read as follows:

169 “(4)(A) The criteria and procedures required by this subsection shall include a list
170 of demand occupations in the District for which training may be provided.

171 “(B) The criteria and procedures shall require eligible training providers to
172 meet minimum performance requirements with respect to:

173 “(i) Placement in employment;

174 “(ii) Employment retention;

175 “(iii) Average wages, and

176 “(iv) Other requirements established by WIC.

177 “(C) Eligible training providers shall submit the required data to WIC to
178 enable WIC to determine performance.

179 (3) Subsection (c) is repealed.

180 (4) Subsection (d) is repealed.

181 (5) New subsections (e) and (f) are added to read as follows:

182 “(e)(1) Training services funded under section 133 of the Federal Act may be provided
183 pursuant to a contract in lieu of an individual training account to the extent that such contracts
184 are permitted under the Federal Act and District law.

185 “(2) No funds may be provided under this section except according to criteria and
186 procedures developed by the Workforce Investment Council.

187 “(f)(1) All training services funded under section 133 shall be provided in a manner that
188 maximizes consumer choice.

189 “(2) The WIC shall publish annual report cards for each eligible training provider
190 that includes performance data and cost information in a manner that helps enhance customer
191 choice in selecting training services.”.

192 (h) The lead-in text of section 9 (D.C. Official Code § 32-1608) is amended to
193 read as follows:

194 “Participants in training activities funded pursuant to section 6 shall not be assigned or
195 placed to work for any employer or worksite where:”.

196 (i) Section 10 D.C. Official Code § 32-1609) is amended by striking the phrase “Office
197 of Human Rights” and inserting the phrase “Workforce Investment Council” in its place.

198 (j) Section 11 D.C. Official Code § 32-16010) is amended as follows:

199 (1) Subsection (a) is amended as follows:

200 (A) Strike the word “Council” and insert the phrase “District’s state
201 workforce investment board” in its place.

202 (B) Strike the phrase “advise the Mayor as required pursuant to section
203 112 of the Federal Act and on matters” and insert the phrase “develop policies and procedures”
204 in its place.

205 (2) Subsection (b) is repealed.

206 (3) New subsections (b-1) and (b-2) are added to read as follows:

207 “(b-1) The WIC shall establish policies and procedures for the development of a one-stop
208 delivery system consistent with the requirements of sections 121 and 134(c) of the Federal Act,
209 including policies and procedures for the certification of American Job Centers and the selection
210 of one-stop operators consistent with the requirements of section 121(d) of the Federal Act.

211 “(b-2) The WIC shall develop policies and procedures to ensure that American Job
212 Centers provide:

213 “(1) Core services, as described in section 134(d)(2) of the Federal Act;

214 “(2) Access to intensive career services, as described in section 134(d)(3) of the
215 Federal Act; and

216 “(3) Training services, as described in 134(d)(4) of the Federal Act and consistent
217 with the requirements in section 6 of this act.”.

218 (1) Subsection (d) is repealed.

219 (2) A new subsection (d-1) is added to read as follows:

220 “(d-1) The policies and procedures described in subsection (b-2) of this section shall
221 ensure that eligible individuals seeking services through American Job Centers receive an initial
222 assessment of aptitudes and abilities that is non-gender biased and that assesses a woman’s
223 interest in high-wage employment, including for positions that is nontraditional employment for
224 women.

225 (k) A new section 11a is added to read as follows:

226 “Sec. 11a. Youth activities.

227 “(a) The WIC shall develop policies and procedures for the selection of providers of
228 youth employment and training services consistent with the requirements of section 123 of the
229 Federal Act.

230 “(b) The policies and procedures required by subsection (a) of this section shall ensure
231 that the providers of youth employment and training activities are selected on a competitive
232 basis.”.

233 (l) Section 12 is repealed.

234 (m) A new section 12a is added to read as follows:

235 “Sec. 12a. Mandatory partners programs.

236 “(a) With the approval of the Mayor, WIC shall develop and enter into a memorandum of
237 agreement with mandatory partner programs consistent with the requirements of section 121(c)
238 of the Federal Act.

239 “(b) To the extent that they are available in the District, the mandatory partner programs
240 required by subsection (a) of this section shall include the:

241 “(1) Workforce Investment Act Adult program;

242 “(2) Workforce Investment Act Youth program;

243 “(3) Workforce Investment Act Dislocated Worker program;

244 “(4) Wagner-Peyser Act programs and activities;

245 “(5) Local Veterans Outreach Program;

246 “(6) Disabled Veterans Outreach Program;

247 “(7) Trade Adjustment Assistance;

248 “(8) Senior Community Service Employment Program, as authorized under Title
249 V of the Older Americans Act of 1965, approved October 17, 2006 (120 Stat. 2522; 42 USC
250 3056);

251 “(9) Unemployment Insurance Programs authorized under District of Columbia
252 unemployment compensation laws;

253 “(10) Vocational Rehabilitation Programs as authorized under Parts A and B of
254 the Title I of the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1093; 29 U.S.C.
255 720);

256 “(11) Any postsecondary career and technical education activities authorized
257 under the Vocational Education Act of 1963, approved August 12, 2006 (120 Stat. 684; 20 USC
258 2301);

259 “(12) Adult Education and Literacy activities authorized under Title II of WIA;

260 “(13) Employment and training activities carried out under the Community
261 Services Block Grant Act, approved October 27, 1998 (112 Stat. 2728; 42 U.S.C. 9901);

262 “(14) Job readiness training and employment placement assistance under section 3
263 of the Housing and Urban Development Act of 1968, approved August 1, 1968 (82 Stat. 476; 12
264 U.S.C. 1701u); or

265 “(15) Job Corps activities.”.

266 (n) A new section 13a is added to read as follows:

267 “Sec. 13a. Reference.

268 “(a) Except as otherwise specified, a reference in this act to a section or provision of the
269 Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822
270 shall be deemed to be a reference to the corresponding provision of the Workforce Innovation
271 and Opportunity Act, approved July 22, 2014 (Pub. L. No 113-128; 128 Stat. 1425).

272 “(b) This section shall apply as of July 22, 1014.”.

273

274 Sec. 3. Section 1142 of The Workforce Investment Implementation Individual Training
275 Accounts Limitation Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-205;
276 D.C. Official Code § 32-1631), is amended as follows:

277 (a) Subsections (a)and (b) are amended to read as follows:

278 (b) “(a) Beginning January 1, 2015,or upon the effective date of the Workforce
279 Investment Implementation Amendment Act of 2014, introduced on April 9, 2014 (D.C. Bill 20-
280 773), whichever occurs first, no eligible training provider shall be eligible to receive funding for
281 more than 5 individual training accounts in a fiscal year unless at least 25% of the students
282 participating in the entity's training programs are funded by sources other than the individual
283 training accounts.

284 “(b) Beginning January 1, 2016, no eligible training provider shall be eligible to receive
285 funding for more than 5 individual training accounts in a calendar year unless at least 50% of the
286 students participating in the entity's training programs are funded by sources other than the
287 individual training accounts.

288 (b)(1) Subsection (c) is amended as follows:

289 (A) The lead-in text is amended to read as follows:

290 “WIC shall establish a procedure by which eligible training providers shall certify as to:”

291 .

292 (B) Paragraph (1) is amended by striking the word “entity’s” and inserting
293 the phrase “eligible training provider’s” in its place.

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294 (C) Paragraph (2) is amended by striking the phrase “the District
295 government” and inserting the phrase “individual training accounts” in its place.

296 (2) This section shall apply as of October 1, 2014.

297 Sec. 4. Fiscal impact statement.

298 The Council adopts the fiscal impact statement in the committee report as the fiscal
299 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
300 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

301 Sec. 5. Effective date.

302 This act shall take effect following approval by the Mayor (or in the event of veto by the
303 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
304 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
305 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
306 Columbia Register.