

HOUSE No.

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT



CHARLES D. BAKER
GOVERNOR

KARYN POLITO
LIEUTENANT GOVERNOR

June 5, 2015

To the Honorable Senate and House of Representatives,

I am filing for your consideration the attached proposed legislation entitled “An Act Establishing a State Workforce Development Board.” The legislation would replace the existing 65-member Workforce Investment Board constituted pursuant to G. L. c. 23H, § 7 with a 33-member Workforce Development Board. This substitution is required as a result of certain amendments to the Workforce Investment Act of 1998 made through enactment of the Workforce Innovation and Opportunity Act of 2014 (WIOA) by the United States Congress in July 2014.

The 2014 federal legislation introduced a number of significant changes to the public workforce system aimed at better aligning workforce investment, education, and economic development efforts with the needs of business employers seeking a high-quality, skilled workforce and the needs of job seekers who may face barriers to employment. Among these changes was the requirement that each State monitor the effectiveness of its federally-funded workforce development programs through a statewide Workforce Development Board. The federal legislation requires that at least 51 percent of this new board’s members be drawn from the business community, that at least 20 percent of its members represent members of the workforce within the commonwealth, and that certain designated public officials serve as members of the board.

The attached proposed legislation establishes board membership according to the requirements of the federal statute. In addition, the proposed legislation sets the size of the newly constituted Workforce Development Board at 33 members. This is intended to maximize the effectiveness of the new board. Past experience demonstrated that the 65-member size of the Workforce Investment Board is unwieldy, and the difficulty of achieving a quorum made board action sometimes impossible.

The federal Department of Labor has set July 2015 as a target date for introduction of this new Workforce Development Board. Prompt consideration and passage of this legislation is important to the Commonwealth's ability to support workforce development in reliance on federal funding resources. I therefore urge your early and favorable consideration of the bill.

Respectfully submitted,

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act establishing a State Workforce Development Board.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expeditiously bring the commonwealth’s workforce development efforts into conformity with federal requirements so as to maintain funding of critical workforce development programs, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Whereas, the United States Congress enacted and on July 22, 2014 the President signed into law the Workforce Innovation and Opportunity Act (Public Law 113-128) amending and updating the Workforce Investment Act of 1998; and

Whereas, the Workforce Innovation and Opportunity Act (WIOA) is intended to improve the nation’s public workforce development system by better aligning workforce development and education efforts with the needs of employers, to improve opportunities for job seekers facing barriers to employment, and to meet the changing workforce needs of employers; and

Whereas, in order to achieve these goals, WIOA directs the commonwealth to administer WIOA in part through means of a State Workforce Development Board which shall replace the State Workforce Investment Board originally constituted under the Workforce Investment Act of 1998 and pursuant to section 7 of chapter 23H of the General Laws; and

Whereas, WIOA specifies certain parameters for the membership of the State Workforce Development Board, including requirements that at least 51 percent of the board’s members represent business employers, that at least 20 percent of its members represent members of the workforce within the commonwealth, that the board include certain designated public officials, and that its members be drawn from diverse geographic areas of the commonwealth; and

Whereas, the existing State Workforce Investment Board consists of 65 members, a size that has limited its effectiveness and hindered its ability to reach quorum; and

Whereas creation of the State Workforce Development Board presents an opportunity to form a streamlined and effective body to assist in the administration of WIOA and to advise the governor on how best to promote and coordinate workforce development across the various regional economies of the commonwealth; NOW therefore,

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 23H, as appearing in the 2012 Official Edition, is hereby amended
2 by striking out section 7, and inserting in place thereof the following section:--

3 “Section 7. (a) There shall be in the department, but not subject to the jurisdiction
4 thereof, a state workforce development board, hereinafter called the board.

5 (b) The board shall consist of 33 members, which shall include

6 (1) the governor (or designee);

7 (2) a member of the senate who is appointed by the senate president and a member of the
8 house who is appointed by the speaker of the house;

9 (3) 17 members appointed by the governor representing business and industry, who—

10 (i) are owners of businesses, chief executives or operating officers of businesses, or other
11 business executives or employers with optimum policymaking or hiring authority;

12 (ii) represent businesses (including small businesses), or organizations representing
13 businesses that provide employment opportunities that, at a minimum, include high-quality,
14 work-relevant training and development in in-demand industry sectors or occupations in the
15 commonwealth; and

16 (iii) have been nominated for appointment by commonwealth business organizations and
17 business trade associations;

18 (4) 7 members appointed by the governor who are representatives of the workforce
19 within the commonwealth, which number shall include

20 (i) 2 representatives of labor organizations, who have been nominated by commonwealth
21 labor federations;

22 (ii) 1 representative, who shall be a member of a labor organization or a training director,
23 from a joint labor-management apprenticeship program;

24 (iii) 4 representatives of community-based organizations that have demonstrated
25 experience and expertise in addressing the employment, training, or education needs of
26 individuals facing barriers to employment, or experience and expertise in addressing the
27 employment, training, or education needs of youth, including representatives of organizations
28 that serve out-of-school youth.

29 (5) the balance of the board shall include –

30 (i) the secretary of the executive office of labor and workforce development (or
31 designee);

32 (ii) the secretary of the executive office of housing and economic development (or
33 designee);

34 (iii) the secretary of the executive office of health and human services (or
35 designee);

36 (iii) the secretary of the executive office of education (or designee); and

37 (iv) 2 chief elected officials from designated local workforce development areas as
38 defined by the Workforce Innovation and Opportunity Act of 2014, appointed by the governor.

39 (c) No person shall serve as a member for more than one category of the board.

40 (d) The members of the board shall represent diverse geographic areas of the
41 commonwealth, including urban, rural, and suburban areas.

42 (e) The members shall each serve two-year terms at the pleasure of the governor and
43 shall serve without compensation.

44 (f) The governor shall select an individual to chair the board from among the members
45 representing business and industry. The chair shall serve at the pleasure of the governor.

46 (g) The board shall adopt by-laws to govern its proceedings and shall carry out the
47 responsibilities required of it under the federal Workforce Innovation and Opportunity Act of
48 2014. The board shall provide assessments and recommendations to the governor, the workforce
49 skills cabinet, local workforce boards, and other entities as needed regarding the effectiveness of
50 the public workforce development system in the commonwealth, shall assist in measuring the
51 effectiveness of this system and in pursuing its continuous improvement, and shall generally
52 assist in meeting the regional workforce needs of the commonwealth. The board shall seek to
53 promote innovative and performance driven models for workforce development and shall seek to
54 maximize the effectiveness of the local workforce boards.

55 (h) The administrative staff of the board shall be supervised by and shall report to the
56 director of the department of career services. The board may contract with said department for

57 personnel services and other operating needs. The department of career services may promulgate
58 and carry out operational policies for the benefit of board without requiring express board
59 approval. Notwithstanding any law or special act to the contrary, other departments, agencies,
60 divisions, commissions, boards and bureaus of the commonwealth are authorized to provide such
61 information and support as the board may from time to time require in the course of carrying out
62 its responsibilities.”