

Requested by Representative REARDON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3437**

1 On page 1 of the printed bill, line 2, after “development;” delete the rest
2 of the line and delete line 3 and insert “amending ORS 285C.050, 329.850,
3 350.075, 350.150, 350.170, 413.231, 413.435, 418.658, 458.675, 461.740, 470.710,
4 657.345, 657.380, 657.610, 657.665, 657.710, 657.730, 657.734, 660.120, 660.300,
5 660.302, 660.312, 660.318, 660.321, 660.324, 660.327, 660.330, 660.333, 660.336,
6 660.339, 660.340, 660.343, 660.346, 660.349, 660.353, 660.358, 660.361, 660.364 and
7 678.425; repealing ORS 284.290, 284.292, 284.294 and 284.297; and prescribing
8 an effective date.”.

9 Delete lines 5 through 30 and delete pages 2 through 5 and insert:

10 **“SECTION 1.** ORS 660.300 is amended to read:

11 “660.300. As used in ORS 660.300 to 660.364:

12 “(1) ‘Chief elected official’ means a county commissioner, a county judge
13 or the mayor of the City of Portland.

14 “(2) ‘Federal Act’ or ‘federal Workforce [*Investment*] **Innovation and**
15 **Opportunity Act**’ means the federal Workforce [*Investment Act of 1998 (en-*
16 *acted as P.L. 105-220 and codified as 29 U.S.C. 2801 et seq.)*] **Innovation and**
17 **Opportunity Act (29 U.S.C. 3101 et seq.)**.

18 “(3) ‘Local workforce [*investment*] **development area**’ means the City of
19 Portland or a county when the city or county has been designated as a local
20 workforce [*investment*] **development area** under ORS 660.324. ‘Local
21 workforce [*investment*] **development area**’ may include two or more counties

1 that have joined together to form a local workforce [*investment*] **develop-**
2 **ment** area and that have been designated as a local workforce [*investment*]
3 **development** area under ORS 660.324.

4 “(4) ‘Local workforce [*investment*] **development** board’ means a board
5 established pursuant to section [2832] **3122** of the federal Workforce [*Invest-*
6 *ment Act of 1998*] **Innovation and Opportunity Act**.

7 “(5) ‘Office’ means the Office of Community Colleges and Workforce De-
8 velopment.

9 “(6) ‘Participant’ means a person receiving services under [*Title I-B of the*
10 *federal Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)*] **the federal**
11 **Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.)**.

12 “(7) ‘Participant records’ means records relating to matters such as
13 grades, conduct, personal and academic evaluations, results of psychometric
14 testing, counseling, disciplinary actions, if any, and other personal matters.

15 “(8) ‘State workforce agencies’ means state agencies that administer
16 workforce programs.

17 “[9] ‘*Title I-B*’ means the adult, dislocated worker and youth programs
18 delivered under the federal Workforce Investment Act of 1998 (29 U.S.C. 2801
19 et seq.).]”

20 “[10] (9) ‘Workforce development’ means services designed to help indi-
21 viduals attain employment and progress along career pathways and to help
22 businesses better achieve business goals by more easily finding skilled em-
23 ployees. ‘Workforce development’ includes:

24 “(a) Education, training and apprenticeship services;

25 “(b) Labor market analysis;

26 “(c) Employment and reemployment services;

27 “(d) Employee recruitment and retention services; and

28 “(e) Convening, coordinating, oversight and evaluation services for busi-
29 ness and state workforce agencies.

30 “[11] (10) ‘Workforce programs’ means programs that have a primary

1 mission of helping individuals become employed, retain employment, increase
2 wages and progress along career pathways and that are responsible for out-
3 comes related to the primary mission.

4 **“SECTION 2.** ORS 660.302 is amended to read:

5 “660.302. (1) The Legislative Assembly finds that:

6 **“(a)** A robust and effective workforce system is necessary to produce a
7 highly skilled workforce, to advance more Oregonians into family wage jobs
8 and to help Oregon businesses compete in a global economy.

9 **“(b) Oregon’s economy is strongest when all workers are self-
10 sufficient and all businesses can find the talented workforce they need
11 to grow.**

12 **“(2)** *[Therefore,]* The Legislative Assembly declares that:

13 **“(a) It will be beneficial to consolidate state-level coordination,
14 employer engagement and oversight responsibilities within the State
15 Workforce and Talent Development Board and to align state invest-
16 ments in workforce development, economic development and educa-
17 tion to meet the needs of identified key industries in this state.**

18 **“(b)** It is the policy of this state to promote the coordinated provision of
19 education, employment, economic development and job training to:

20 **“[(1)] (A)** Develop a workforce system that is flexible, accountable,
21 outcome-focused and data-driven;

22 **“[(2)] (B)** Meet the needs of employers for skilled, committed and inno-
23 vative employees;

24 **“[(3)] (C)** Deliver an effective, efficient, highly integrated and responsive
25 workforce system;

26 **“[(4)] (D)** Offer services;

27 **“[(5)] (E)** Ensure equity in program access, services and outcomes for
28 populations that have historically experienced high levels of unemployment,
29 underemployment and poverty;

30 **“[(6)] (F)** Provide greater economic security and grow a more inclusive

1 and dynamic economy;

2 “[7] (G) Support the economic health of local communities throughout
3 this state with workforce solutions that meet community needs and advance
4 the prosperity of Oregonians and Oregon-based businesses;

5 “[8] (H) Build on the WorkSource Oregon network of state workforce
6 agencies, local workforce [*investment*] **development** boards, public and pri-
7 vate secondary and post-secondary institutions of education and other public
8 and private partners to deliver a comprehensive, robust and outcome-oriented
9 array of services to unemployed and underemployed individuals and to busi-
10 nesses seeking employees; and

11 “[9] (I) Support the achievement of Oregon’s 40-40-20 goal in conjunction
12 with the education system and private industry to ensure that more
13 Oregonians may access opportunities to gain skills and earn credentials to
14 support their employment goals.

15 **“SECTION 3.** ORS 660.312 is amended to read:

16 “660.312. (1) The Governor shall be responsible for a coordinated and
17 comprehensive response to education and workforce issues. The Governor
18 shall appoint an Education and Workforce Policy Advisor, who serves at the
19 pleasure of the Governor. The advisor shall, with the advice of such advisory
20 committees as may be appointed or assigned, advise the Governor on policy,
21 planning and coordination for education and workforce development in
22 Oregon.

23 “(2) The duties of the advisor shall include:

24 “(a) Guiding the development of state-level policy related to education
25 and workforce issues;

26 “(b) Providing general direction and serving as a liaison between state
27 and local efforts in education, training and workforce development;

28 “(c) Ensuring, through collaboration with the leadership of local
29 workforce [*investment*] **development** boards, the alignment of statewide and
30 local strategic plans, and the periodic reporting of performance in the im-

1 plementation of such plans; and

2 “(d) Consulting with local workforce [*investment*] **development** boards
3 on the development and implementation of a workforce performance meas-
4 urement system.

5 “(3) In the performance of duties, the advisor shall collectively involve
6 state agencies, including but not limited to:

7 “(a) The Department of Education;

8 “(b) The Higher Education Coordinating Commission;

9 “(c) The Oregon Business Development Department;

10 “[*d*] *The Office of Community Colleges and Workforce Development;*]

11 “[*e*] **(d)** The Employment Department;

12 “[*f*] **(e)** The Department of Human Services;

13 “[*g*] **(f)** The Bureau of Labor and Industries;

14 “[*h*] **(g)** The Department of Corrections; and

15 “[*i*] **(h)** The public universities with governing boards listed in ORS
16 352.054.

17 “(4) The advisor shall seek input from key interested parties to help guide
18 policy development, including but not limited to representatives of:

19 “(a) Businesses and industry organizations;

20 “(b) Labor and labor organizations;

21 “(c) Local education providers, community colleges and other public and
22 private post-secondary institutions of education and their governing boards;

23 “(d) Local government;

24 “(e) Student, teacher, parent and faculty organizations;

25 “(f) Community-based organizations;

26 “(g) Public-private partnership organizations;

27 “(h) Independent nonprofit and proprietary post-secondary colleges and
28 schools; and

29 “(i) The State Workforce [*Investment*] **and Talent Development** Board
30 and local workforce [*investment*] **development** boards.

1 “(5) The advisor shall meet, on a regularly scheduled basis, with the local
2 workforce [*investment*] **development** boards and such others as necessary to
3 ensure that local interests are represented. The advisor shall seek input,
4 advice and feedback on policy issues affecting state and local education and
5 workforce development from interested parties and any advisory committees
6 appointed or assigned under this section.

7 “(6) Pursuant to ORS chapter 183, the advisor may adopt rules necessary
8 to carry out the duties of the advisor.

9 **“SECTION 4.** ORS 660.318 is amended to read:

10 “660.318. (1) To implement and oversee state implementation of [*Title*
11 *I-B*] **the federal Workforce Innovation and Opportunity Act**, the [*Office*
12 *of Community Colleges and Workforce Development*] **Higher Education Co-**
13 **ordinating Commission** may:

14 “(a) Receive federal youth activities funds allotted to this state by the
15 Secretary of Labor pursuant to [*Title I-B*] **the federal Workforce Inno-**
16 **vation and Opportunity Act** and allocate those funds that are not reserved
17 according to an allocation formula recommended by the State Workforce
18 [*Investment*] **and Talent Development** Board and approved by the Governor.

19 “(b) Receive federal adult employment and training activities funds al-
20 lotted to this state by the Secretary of Labor pursuant to [*Title I-B*] **the**
21 **federal Workforce Innovation and Opportunity Act** and allocate those
22 funds that are not reserved according to an allocation formula recommended
23 by the State Workforce [*Investment*] **and Talent Development** Board and
24 approved by the Governor.

25 “(c) Receive federal dislocated worker funds allotted to this state by the
26 Secretary of Labor pursuant to [*Title I-B*] **the federal Workforce Inno-**
27 **vation and Opportunity Act** and allocate those funds that are not reserved
28 according to an allocation formula recommended by the State Workforce
29 [*Investment*] **and Talent Development** Board and approved by the Governor.

30 “(d) Establish a procedure for use by local workforce [*investment*] **devel-**

1 **opment** boards to identify eligible providers of training services according
2 to section [2864] **3174** of the federal Act and to maintain the list of providers
3 identified as eligible by the boards in all local workforce [*investment*] **de-**
4 **velopment** areas in this state.

5 “(e) Receive the comprehensive strategic plan developed and implemented
6 by each local workforce [*investment*] **development** board and review the
7 plan, with input from representatives of state and local workforce programs,
8 to determine if the plan meets the requirements of section [2833] **3123** of the
9 federal Act and state policy.

10 “(f) Approve the plans, after review by the State Workforce [*Investment*]
11 **and Talent Development** Board, that are found to meet the requirements
12 of [*Title I-B*] **the federal Workforce Innovation and Opportunity Act** and
13 review and approve any amendments to the plans.

14 “(g) Carry out the required and allowable activities described in section
15 [2864] **3174** of the federal Act with the advice of the Education and
16 Workforce Policy Advisor.

17 “(h) Pursuant to ORS 660.339, establish procedures to maintain the
18 confidentiality of the names and records of participants in workforce pro-
19 grams for which the [*office*] **commission** is responsible, including circum-
20 stances under which the names and records may be disclosed.

21 “(i) Establish a method to set performance standards for the Secretary of
22 Labor as required under section [2871] **3141** of the federal Act.

23 “(j) Perform planning functions related to [*Title I-B*] programs and per-
24 formance reporting **under the federal Workforce Innovation and Oppor-**
25 **tunity Act.**

26 “(2)(a) Subject to the availability of funds from the federal Workforce
27 [*Investment*] **Innovation and Opportunity Act**, the [*Office of Community*
28 *Colleges and Workforce Development*] **commission** shall create and operate
29 a summer youth employment program that reestablishes meaningful summer
30 work experience for persons between the ages of 14 and 24 and that meets

1 the requirements for funding under the federal Act.

2 “(b) Programs funded under this subsection:

3 “(A) Must include representatives of the business community in the
4 planning, implementation and evaluation of the program.

5 “(B) May provide for private and public sector employment opportunities.

6 “(C) Shall be managed by local workforce [*investment*] **development**
7 boards in a manner that coordinates regional state-sponsored youth work
8 experience programs.

9 “(c) Local workforce [*investment*] **development** boards responsible for
10 managing programs created under this subsection shall provide training for
11 business, labor and education leaders in use of best practices that ensure
12 positive summer work experiences for participants.

13 “(3) The [*Office of Community Colleges and Workforce Development*]
14 **commission** shall collaborate with the State Workforce [*Investment*] **and**
15 **Talent Development** Board and local workforce [*investment*] **development**
16 boards to collect data on summer work experience programs that identify
17 successful summer work experiences and allow for the identification and
18 dissemination of promising practices.

19 “(4) The [*Higher Education Coordinating*] commission, in consultation
20 with the State Workforce [*Investment*] **and Talent Development** Board, may
21 adopt rules pursuant to ORS chapter 183 to implement this section.

22 “**SECTION 5.** ORS 660.321 is amended to read:

23 “660.321. (1) A State Workforce [*Investment*] **and Talent Development**
24 Board shall be created under section [2821(b) and (c)] **3111** of the [*Workforce*
25 *Investment Act of 1998*] **federal Workforce Innovation and Opportunity**
26 **Act** to assist in the development of the [*State Unified*] Workforce **and Tal-**
27 **ent Development** Plan established under ORS 660.324 [*and*], to carry out
28 the other functions described by the federal Act[.] **and to provide strategic**
29 **planning and recommendations related to state talent development.**

30 “(2) The membership of the board must be in accordance with the re-

1 requirements of section [2821(b)] **3111(b)** of the federal Act.

2 “(3) Representatives of business described in section [2821(b)(1)(C)(i)]
3 **3111(b)(1)(C)(i)** of the federal Act who are appointed to the board must be
4 confirmed by the Senate in the manner prescribed under ORS 171.562 and
5 171.565.

6 “(4) The Governor shall select a chairperson in accordance with the re-
7 quirements of section [2821(c)] **3111(c)** of the federal Act.

8 “(5) The Governor shall appoint one member who is a representative of
9 a local workforce [*investment*] **development** board.

10 “(6) A majority of the board must be representatives of business, as de-
11 scribed in section [2821(b)(1)(C)(i)] **3111(b)(1)(C)(i)** of the federal Act.

12 “(7) Members of the Legislative Assembly appointed to the board are
13 nonvoting members of the board and may act in an advisory capacity only.

14 “(8) To transact business at a meeting of the board, a quorum of voting
15 members must participate. A quorum consists of a majority of the voting
16 members. At least 25 percent of the members participating must be repre-
17 sentatives of business, as described in section [2821(b)(1)(C)(i)]
18 **3111(b)(1)(C)(i)** of the federal Act.

19 “(9) Members of the board are not entitled to compensation, but may be
20 reimbursed for actual and necessary travel and other expenses incurred by
21 them in the performance of their official duties in the manner and amount
22 provided for in ORS 292.495.

23 **“SECTION 6.** ORS 660.324 is amended to read:

24 “660.324. [(1) *The State Workforce Investment Board shall develop and*
25 *submit to the Governor a single, unified state plan that outlines a strategy,*
26 *with quantitative goals, for the statewide workforce investment system for the*
27 *State of Oregon in accordance with section 2821 of the federal Workforce In-*
28 *vestment Act of 1998. In addition, the state plan must convey the expectations*
29 *for performance and the priorities for delivery of services to local workforce*
30 *investment boards and state workforce agencies. Upon the Governor’s approval*

1 *of the state plan, the Governor shall cause the State Unified Workforce Plan*
2 *to be delivered to the Legislative Assembly.]*

3 “[(2) *The board shall develop and include in the state plan goals designed*
4 *to promote Oregonians’ self-sufficiency. In addition to requirements under the*
5 *federal Act regarding wage and other goals, the state plan shall include*
6 *quantifiable goals that will empower Oregonians to gain independence from*
7 *public assistance and move up the socioeconomic ladder.]*

8 “(1) **The State Workforce and Talent Development Board shall**
9 **identify:**

10 “(a) **Key industries in this state and the workforce skills needed for**
11 **key industries to grow and thrive;**

12 “(b) **In collaboration with workforce representatives, needs for ed-**
13 **ucation, training, work experience, and job preparation to ensure**
14 **Oregonians access to stable high-wage jobs and employment advance-**
15 **ment; and**

16 “(c) **Opportunities for partnerships with key industry sectors to**
17 **coordinate workforce development, economic development and educa-**
18 **tion in response to industry and workforce needs.**

19 “[3] (2) The board shall assist the Governor in:

20 “(a) Developing Oregon’s workforce [*investment*] **development** system;

21 “(b) Ensuring timely consultation and collaboration with chief elected
22 officials, local workforce [*investment*] **development** boards and other
23 workforce stakeholders, including but not limited to business and labor or-
24 ganizations and organizations working with persons with disabilities, persons
25 living at or below 100 percent of the federal poverty guidelines and the
26 chronically unemployed and underemployed;

27 “(c) Reviewing and approving local workforce plans;

28 “(d) Developing, as required by the federal Act, allocation formulas for
29 the distribution of funds to local workforce [*investment*] **development** areas
30 for adult employment and training activities and for youth activities that are

1 developed by the local workforce [*investment*] **development** boards;

2 “(e) Working with local workforce [*investment*] **development** boards to
3 increase efficiencies and align workforce programs and services with local
4 needs;

5 “(f) Recommending the duties and responsibilities of state agencies to
6 implement the federal Act, to avoid conflicts of interest and to capitalize on
7 the experience developed by workforce partners that are efficient and effec-
8 tive at meeting the requirements of the federal Act;

9 “(g) Participating in the development of a coordinated statewide system
10 of activities and services that includes both mandatory and optional partners
11 of the one-stop delivery system, as provided in the federal Act;

12 “(h) Providing for the development, accountability and continuous im-
13 provement of comprehensive workforce performance measures to assess the
14 effectiveness of the workforce [*investment*] **development** activities in this
15 state;

16 “(i) Developing a statewide employment statistics system, as described in
17 section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49L-2(e)); and

18 “(j) Preparing an annual report and submitting it to [*the United States*
19 *Department of Education, the United States Department of Health and Human*
20 *Services and*] the United States Department of Labor.

21 “[~~4~~] **(3)** The State Workforce [*Investment*] **and Talent Development**
22 Board, in partnership with the Governor, shall establish criteria for use by
23 chief elected officials in appointing members to local workforce [*investment*]
24 **development** boards in accordance with the requirements of section [2832
25 *of the federal Workforce Investment Act of 1998*] **3122 of the federal**
26 **Workforce Innovation and Opportunity Act**. The State Workforce [*In-*
27 *vestment*] **and Talent Development** Board shall establish the following re-
28 quirements:

29 “(a) To transact business at a meeting of a local workforce [*investment*]
30 **development** board, a quorum of members must participate. A quorum shall

1 consist of a majority of the members. At least 25 percent of the members
2 participating must be representatives of business[, *as described in section*
3 *2821(b)(1)(C)(i) of the federal Act*].

4 “(b) When appropriate and upon a request from the chief elected official
5 of a county or the City of Portland, the State Workforce [*Investment*] **and**
6 **Talent Development** Board shall consider the county or the City of
7 Portland to be a candidate for designation as a local workforce [*investment*]
8 **development** area. The board shall consult with the county or the City of
9 Portland before designating it as a local workforce [*investment*] **develop-**
10 **ment** area. After considering the criteria in section [2831] **3121** of the federal
11 Act for designating local workforce [*investment*] **development** areas, chief
12 elected officials may submit a request to the board to combine their units
13 of government into a local workforce [*investment*] **development** area. The
14 board shall make recommendations to the Governor about the designation
15 of local workforce [*investment*] **development** areas. Only the Governor may
16 designate local workforce [*investment*] **development** areas. The Governor
17 must show just cause for not designating a requested local workforce [*in-*
18 *vestment*] **development** area. A county or the City of Portland may submit
19 an appeal to the board, as provided in section [2831] **3121** of the federal Act,
20 if the Governor does not grant the county’s or the city’s request to designate
21 a local workforce [*investment*] **development** area.

22 “[5] (4) The State Workforce [*Investment*] **and Talent Development**
23 Board shall provide guidance and direction to local workforce [*investment*]
24 **development** boards in the development of local workforce plans. The State
25 Workforce [*Investment*] **and Talent Development** Board shall adopt policies
26 that:

27 “(a) Require each local workforce [*investment*] **development** board, in
28 partnership with its chief elected officials and in accordance with section
29 [2833] **3123** of the federal Act, to develop and submit to the Governor and the
30 State Workforce [*Investment*] **and Talent Development** Board a strategic

1 local workforce plan that includes, but is not limited to, performance goals;
2 and

3 “(b) Permit each local workforce [*investment*] **development** board, in
4 consultation with its chief elected officials:

5 “(A) To determine, consistent with the requirements of the federal Act,
6 the appropriate level of services based on the workforce needs in the local
7 workforce [*investment*] **development** area; and

8 “(B) To **designate or** certify [*local*] one-stop operators **and to terminate**
9 **for cause the eligibility of such operators.**

10 “(5) **The State Workforce and Talent Development Board may**
11 **charter and enter into performance compacts with local workforce**
12 **development boards.**

13 “(6) The State Workforce [*Investment*] **and Talent Development** Board
14 shall:

15 “(a) Function as the primary advisory committee to the Employment De-
16 partment in conjunction with the Employment Department Advisory Council
17 established under ORS 657.695;

18 “(b) Collaborate with other advisory bodies also tasked with workforce
19 development, including but not limited to the Oregon State Rehabilitation
20 Council, the Commission for the Blind, the State Apprenticeship and Train-
21 ing Council and the Higher Education Coordinating Commission;

22 “(c) Work with the Chief Education Office and the Oregon Business De-
23 velopment Commission to identify areas of common interest to efficiently
24 align resources, recommend common strategies and provide accountability
25 for reaching statewide goals; and

26 “(d) Hold state workforce agencies and local workforce [*investment*] **de-**
27 **velopment** boards accountable for meeting performance goals and system
28 outcomes.

29 “[*(7) The State Workforce Investment Board may charter and enter into*
30 *performance compacts with the local workforce investment boards.*]

1 **“(7) The State Workforce and Talent Development Board shall**
2 **convene, engage and coordinate with senior executives of identified**
3 **key industries in this state, the Oregon Business Development Com-**
4 **mission, the Higher Education Coordinating Commission, the Depart-**
5 **ment of Education, the Bureau of Labor and Industries, the STEM**
6 **Investment Council, local workforce development boards, the Em-**
7 **ployment Department, the Department of Human Services, the Com-**
8 **mission for the Blind, the Chief Education Office, the Youth**
9 **Development Council and any other partners from training or**
10 **workforce development entities in this state to:**

11 **“(a) Determine needs across identified key industries in this state,**
12 **including challenges and opportunities in developing and growing rel-**
13 **evant talent pipelines;**

14 **“(b) Ensure that the talent pipeline development infrastructure in-**
15 **cludes:**

16 **“(A) A listening process to collect workforce needs of employers**
17 **from identified key industries in this state;**

18 **“(B) Curriculum alignment for high-demand occupation skill needs;**

19 **“(C) Prediction and monitoring of national trends relating to high-**
20 **demand industries and occupations;**

21 **“(D) Occupation-aligned education and training options with a**
22 **clearly articulated progression;**

23 **“(E) Skills assessments; and**

24 **“(F) Academic career counseling;**

25 **“(c) Utilize sector partnerships to:**

26 **“(A) Advise the development of career pathway programs for crit-**
27 **ical occupations in identified key industries in this state; and**

28 **“(B) Ensure the coordination of education, economic development,**
29 **business and workforce initiatives between key partners to develop a**
30 **strong talent pipeline;**

1 “(d) Leverage and optimize existing measures and data systems to
2 improve systems alignment and interagency communication; and

3 “(e) Ensure state alignment and coordination between industry
4 sector partnerships and initiatives in the local workforce development
5 areas.

6 “(8)(a) Every biennium, the State Workforce and Talent Develop-
7 ment Board shall coordinate and collaborate with entities listed under
8 subsection (7) of this section to create a single, unified state
9 Workforce and Talent Development Plan.

10 “(b) The Workforce and Talent Development Plan must include:

11 “(A) A strategy, with quantitative goals, for the statewide
12 workforce development system for the State of Oregon in accordance
13 with section 3111 of the federal Workforce Innovation and Opportunity
14 Act;

15 “(B) Quantifiable goals designed to promote Oregonians’ self-
16 sufficiency and that will empower Oregonians to gain independence
17 from public assistance and move up the socioeconomic ladder;

18 “(C) Expectations for performance and the priorities for delivery
19 of services to local workforce development boards and state workforce
20 agencies;

21 “(D) Industry-based information and data from the Employment
22 Department and other agencies and entities listed in subsection (7) of
23 this section related to talent needs and gaps;

24 “(E) Analysis of data regarding the skills required for identified key
25 industry jobs;

26 “(F) Information regarding the status of career pathway programs
27 targeted at identified key industries in this state;

28 “(G) Recommendations related to advancing talent pipeline and ca-
29 reer pathways development based on the identified talent issues and
30 trends;

1 **“(H) Recommendations regarding the alignment and consistency of**
2 **data nomenclature, collection practices and data sharing;**

3 **“(I) Utilization and, as appropriate, expansion of existing data-**
4 **sharing agreements between agencies and partners;**

5 **“(J) Identification of talent issues and trends related to identified**
6 **key industries in this state that are in strategic alignment with state**
7 **and local workforce and economic priorities;**

8 **“(K) Identification and prioritization of the urgent talent gaps of**
9 **identified key industries in this state;**

10 **“(L) A response to immediate talent needs through the creation of**
11 **additional opportunities for Oregonians to pursue education and**
12 **training in disciplines critical to the advancement of identified key**
13 **industries in this state;**

14 **“(M) Ways to strengthen efforts to enhance student work experi-**
15 **ence and job preparedness in high-demand and critical occupations;**

16 **“(N) New means of delivering workforce training and proficiency-**
17 **based education to enhance program efficiency, upgrading and sharing**
18 **resources and facilities and improving student outcomes and access**
19 **to typically underrepresented populations while meeting talent needs**
20 **of traded sector and high growth industries; and**

21 **“(O) Ways to increase the skills of the existing professional and**
22 **technical workforce, including the issuance of certifications, badges**
23 **and industry-based credentials.**

24 **“(c) The State Workforce and Talent Development Board shall:**

25 **“(A) Update the plan every biennium; and**

26 **“(B) Submit a report about the plan every year to:**

27 **“(i) The Governor; and**

28 **“(ii) The Legislative Assembly in the manner provided by ORS**
29 **192.245.**

30 **“(9) The State Workforce and Talent Development Board shall seek,**

1 **accept and expend funds received from gifts, grants or other sources**
2 **as necessary to perform activities authorized under this section.**

3 **“SECTION 7.** ORS 660.324, as amended by section 65, chapter 774, Oregon
4 Laws 2015, is amended to read:

5 *“660.324. [(1) The State Workforce Investment Board shall develop and*
6 *submit to the Governor a single, unified state plan that outlines a strategy,*
7 *with quantitative goals, for the statewide workforce investment system for the*
8 *State of Oregon in accordance with section 2821 of the federal Workforce In-*
9 *vestment Act of 1998. In addition, the state plan must convey the expectations*
10 *for performance and the priorities for delivery of services to local workforce*
11 *investment boards and state workforce agencies. Upon the Governor’s approval*
12 *of the state plan, the Governor shall cause the State Unified Workforce Plan*
13 *to be delivered to the Legislative Assembly.]*

14 *“[(2) The board shall develop and include in the state plan goals designed*
15 *to promote Oregonians’ self-sufficiency. In addition to requirements under the*
16 *federal Act regarding wage and other goals, the state plan shall include*
17 *quantifiable goals that will empower Oregonians to gain independence from*
18 *public assistance and move up the socioeconomic ladder.]*

19 **“(1) The State Workforce and Talent Development Board shall**
20 **identify:**

21 **“(a) Key industries in this state and the workforce skills needed for**
22 **key industries to grow and thrive;**

23 **“(b) In collaboration with workforce representatives, needs for ed-**
24 **ucation, training, work experience, and job preparation to ensure**
25 **Oregonians access to stable high-wage jobs and employment advance-**
26 **ment; and**

27 **“(c) Opportunities for partnerships with key industry sectors to**
28 **coordinate workforce development, economic development and educa-**
29 **tion in response to industry and workforce needs.**

30 *“[(3)] (2) The board shall assist the Governor in:*

1 “(a) Developing Oregon’s workforce [*investment*] **development** system;

2 “(b) Ensuring timely consultation and collaboration with chief elected
3 officials, local workforce [*investment*] **development** boards and other
4 workforce stakeholders, including but not limited to business and labor or-
5 ganizations and organizations working with persons with disabilities, persons
6 living at or below 100 percent of the federal poverty guidelines and the
7 chronically unemployed and underemployed;

8 “(c) Reviewing and approving local workforce plans;

9 “(d) Developing, as required by the federal Act, allocation formulas for
10 the distribution of funds to local workforce [*investment*] **development** areas
11 for adult employment and training activities and for youth activities that are
12 developed by the local workforce [*investment*] **development** boards;

13 “(e) Working with local workforce [*investment*] **development** boards to
14 increase efficiencies and align workforce programs and services with local
15 needs;

16 “(f) Recommending the duties and responsibilities of state agencies to
17 implement the federal Act, to avoid conflicts of interest and to capitalize on
18 the experience developed by workforce partners that are efficient and effec-
19 tive at meeting the requirements of the federal Act;

20 “(g) Participating in the development of a coordinated statewide system
21 of activities and services that includes both mandatory and optional partners
22 of the one-stop delivery system, as provided in the federal Act;

23 “(h) Providing for the development, accountability and continuous im-
24 provement of comprehensive workforce performance measures to assess the
25 effectiveness of the workforce [*investment*] **development** activities in this
26 state;

27 “(i) Developing a statewide employment statistics system, as described in
28 section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49L-2(e)); and

29 “(j) Preparing an annual report and submitting it to [*the United States*
30 *Department of Education, the United States Department of Health and Human*

1 *Services and*] the United States Department of Labor.

2 “[~~(4)~~] **(3)** The State Workforce [*Investment*] **and Talent Development**
3 Board, in partnership with the Governor, shall establish criteria for use by
4 chief elected officials in appointing members to local workforce [*investment*]
5 **development** boards in accordance with the requirements of section [2832
6 *of the federal Workforce Investment Act of 1998*] **3122 of the federal**
7 **Workforce Innovation and Opportunity Act**. The State Workforce [*In-*
8 *vestment*] **and Talent Development** Board shall establish the following re-
9 quirements:

10 “(a) To transact business at a meeting of a local workforce [*investment*]
11 **development** board, a quorum of members must participate. A quorum shall
12 consist of a majority of the members. At least 25 percent of the members
13 participating must be representatives of business[, *as described in section*
14 *2821(b)(1)(C)(i) of the federal Act*].

15 “(b) When appropriate and upon a request from the chief elected official
16 of a county or the City of Portland, the State Workforce [*Investment*] **and**
17 **Talent Development** Board shall consider the county or the City of
18 Portland to be a candidate for designation as a local workforce [*investment*]
19 **development** area. The board shall consult with the county or the City of
20 Portland before designating it as a local workforce [*investment*] **develop-**
21 **ment** area. After considering the criteria in section [2831] **3121** of the federal
22 Act for designating local workforce [*investment*] **development** areas, chief
23 elected officials may submit a request to the board to combine their units
24 of government into a local workforce [*investment*] **development** area. The
25 board shall make recommendations to the Governor about the designation
26 of local workforce [*investment*] **development** areas. Only the Governor may
27 designate local workforce [*investment*] **development** areas. The Governor
28 must show just cause for not designating a requested local workforce [*in-*
29 *vestment*] **development** area. A county or the City of Portland may submit
30 an appeal to the board, as provided in section [2831] **3121** of the federal Act,

1 if the Governor does not grant the county’s or the city’s request to designate
2 a local workforce [*investment*] **development** area.

3 “[~~(5)~~] **(4)** The State Workforce [*Investment*] **and Talent Development**
4 Board shall provide guidance and direction to local workforce [*investment*]
5 **development** boards in the development of local workforce plans. The State
6 Workforce [*Investment*] **and Talent Development** Board shall adopt policies
7 that:

8 “(a) Require each local workforce [*investment*] **development** board, in
9 partnership with its chief elected officials and in accordance with section
10 [2833] **3123** of the federal Act, to develop and submit to the Governor and the
11 State Workforce [*Investment*] **and Talent Development** Board a strategic
12 local workforce plan that includes, but is not limited to, performance goals;
13 and

14 “(b) Permit each local workforce [*investment*] **development** board, in
15 consultation with its chief elected officials:

16 “(A) To determine, consistent with the requirements of the federal Act,
17 the appropriate level of services based on the workforce needs in the local
18 workforce [*investment*] **development** area; and

19 “(B) To **designate or certify** [*local*] one-stop operators **and to terminate**
20 **for cause the eligibility of such operators.**

21 “**(5) The State Workforce and Talent Development Board may**
22 **charter and enter into performance compacts with local workforce**
23 **development boards.**

24 “(6) The State Workforce [*Investment*] **and Talent Development** Board
25 shall:

26 “(a) Function as the primary advisory committee to the Employment De-
27 partment in conjunction with the Employment Department Advisory Council
28 established under ORS 657.695;

29 “(b) Collaborate with other advisory bodies also tasked with workforce
30 development, including but not limited to the Oregon State Rehabilitation

1 Council, the Commission for the Blind, the State Apprenticeship and Train-
2 ing Council and the Higher Education Coordinating Commission;

3 “(c) Work with the Oregon Business Development Commission to identify
4 areas of common interest to efficiently align resources, recommend common
5 strategies and provide accountability for reaching statewide goals; and

6 “(d) Hold state workforce agencies and local workforce [*investment*] **de-**
7 **velopment** boards accountable for meeting performance goals and system
8 outcomes.

9 “[*(7) The State Workforce Investment Board may charter and enter into*
10 *performance compacts with the local workforce investment boards.*]

11 “**(7) The State Workforce and Talent Development Board shall**
12 **convene, engage and coordinate with senior executives of identified**
13 **key industries in this state, the Oregon Business Development Com-**
14 **mission, the Higher Education Coordinating Commission, the Depart-**
15 **ment of Education, the Bureau of Labor and Industries, the STEM**
16 **Investment Council, local workforce development boards, the Em-**
17 **ployment Department, the Department of Human Services, the Com-**
18 **mission for the Blind, the Chief Education Office, the Youth**
19 **Development Council and any other partners from training or**
20 **workforce development entities in this state to:**

21 “**(a) Determine needs across identified key industries in this state,**
22 **including challenges and opportunities in developing and growing rel-**
23 **evant talent pipelines;**

24 “**(b) Ensure that the talent pipeline development infrastructure in-**
25 **cludes:**

26 “**(A) A listening process to collect workforce needs of employers in**
27 **identified key industries in this state;**

28 “**(B) Curriculum alignment for high-demand occupation skill needs;**

29 “**(C) Prediction and monitoring of national trends relating to high-**
30 **demand industries and occupations;**

1 **“(D) Occupation-aligned education and training options with a**
2 **clearly articulated progression;**

3 **“(E) Skills assessments; and**

4 **“(F) Academic career counseling;**

5 **“(c) Utilize sector partnerships to:**

6 **“(A) Advise the development of career pathway programs for crit-**
7 **ical occupations in identified key industries in this state; and**

8 **“(B) Ensure the coordination of education, economic development,**
9 **business and workforce initiatives between key partners to develop a**
10 **strong talent pipeline;**

11 **“(d) Leverage and optimize existing measures and data systems to**
12 **improve systems alignment and interagency communication; and**

13 **“(e) Ensure state alignment and coordination between industry**
14 **sector partnerships and initiatives in the local workforce development**
15 **areas.**

16 **“(8)(a) Every biennium, the State Workforce and Talent Develop-**
17 **ment Board shall coordinate and collaborate with entities listed under**
18 **subsection (7) of this section to create a single, unified state**
19 **Workforce and Talent Development Plan.**

20 **“(b) The Workforce and Talent Development Plan must include:**

21 **“(A) A strategy, with quantitative goals, for the statewide**
22 **workforce development system for the State of Oregon in accordance**
23 **with section 3111 of the federal Workforce Innovation and Opportunity**
24 **Act;**

25 **“(B) Quantifiable goals designed to promote Oregonians’ self-**
26 **sufficiency and that will empower Oregonians to gain independence**
27 **from public assistance and move up the socioeconomic ladder;**

28 **“(C) Expectations for performance and the priorities for delivery**
29 **of services to local workforce development boards and state workforce**
30 **agencies;**

1 **“(D) Industry-based information and data from the Employment**
2 **Department and other agencies and entities listed in subsection (7) of**
3 **this section related to talent needs and gaps;**

4 **“(E) Analysis of data regarding the skills required for identified key**
5 **industry jobs;**

6 **“(F) Information regarding the status of career pathway programs**
7 **targeted at identified key industries in this state;**

8 **“(G) Recommendations related to advancing talent pipeline and ca-**
9 **reer pathways development based on the identified talent issues and**
10 **trends;**

11 **“(H) Recommendations regarding the alignment and consistency of**
12 **data nomenclature, collection practices and data sharing;**

13 **“(I) Utilization and, as appropriate, expansion of existing data-**
14 **sharing agreements between agencies and partners;**

15 **“(J) Identification of talent issues and trends related to identified**
16 **key industries in this state that are in strategic alignment with state**
17 **and local workforce and economic priorities;**

18 **“(K) Identification and prioritization of the urgent talent gaps of**
19 **identified key industries in this state;**

20 **“(L) A response to immediate talent needs through the creation of**
21 **additional opportunities for Oregonians to pursue education and**
22 **training in disciplines critical to the advancement of identified key**
23 **industries in this state;**

24 **“(M) Ways to strengthen efforts to enhance student work experi-**
25 **ence and job preparedness in high-demand and critical occupations;**

26 **“(N) New means of delivering workforce training and proficiency-**
27 **based education to enhance program efficiency, upgrading and sharing**
28 **resources and facilities and improving student outcomes and access**
29 **to typically underrepresented populations while meeting talent needs**
30 **of traded sector and high growth industries; and**

1 “(O) Ways to increase the skills of the existing professional and
2 technical workforce, including the issuance of certifications, badges
3 and industry-based credentials.

4 “(c) The State Workforce and Talent Development Board shall:

5 “(A) Update the plan every biennium; and

6 “(B) Submit a report about the plan every year to:

7 “(i) The Governor; and

8 “(ii) The Legislative Assembly in the manner provided by ORS
9 192.245.

10 “(9) The State Workforce and Talent Development Board shall seek,
11 accept and expend funds received from gifts, grants or other sources
12 as necessary to perform activities authorized under this section.

13 “SECTION 8. ORS 660.327 is amended to read:

14 “660.327. In accordance with section [2832] **3122** of the federal Act, each
15 local workforce [*investment*] **development** board shall:

16 “(1) Consistent with section [2833] **3123** of the federal Act, in partnership
17 with the chief elected official for the local area involved, develop and submit
18 a local plan to the Governor. The local plan must:

19 “(a) Be developed by the local workforce [*investment*] **development** board
20 with local workforce partners;

21 “(b) Identify strategies and outcomes that the local workforce
22 [*investment*] **development** board will implement in the local workforce [*in-*
23 *vestment*] **development** area;

24 “(c) Make all parties to the local plan accountable for carrying out the
25 strategies and achieving the outcomes identified in the local plan; and

26 “(d) Be submitted to and approved by the State Workforce [*Investment*]
27 **and Talent Development** Board.

28 “(2) Consistent with section [2841(d)] **3151(d)** of the federal Act, with the
29 agreement of the chief elected official, designate or certify one-stop operators
30 as described in section [2841(d)(2)(A)] **3151(d)(2)(A)** of the federal Act and

1 may terminate for cause the eligibility of such operators.

2 “(3) Consistent with section [2843] **3153** of the federal Act, identify eligible
3 providers of youth activities in the local area and award grants or contracts
4 on a competitive basis to those providers, based on recommendations of a
5 youth council.

6 “(4) Consistent with section [2842] **3152** of the federal Act, identify eligible
7 providers of training services described in section [2864(d)(4)] **3174(d)(4)** of
8 the federal Act.

9 “(5) Subject to the approval of the chief elected official, develop a budget
10 for the purpose of carrying out the duties of the local workforce
11 [*investment*] **development** board under section [2832] **3122** of the federal Act.

12 “(6) In partnership with the chief elected official, provide oversight of
13 local programs of youth activities authorized under section [2854] **3164** of the
14 federal Act, local employment and training activities authorized under sec-
15 tion [2864] **3174** of the federal Act and the one-stop delivery system in the
16 local area.

17 “(7) With the chief elected official and the Governor, negotiate and reach
18 agreement on local performance measures as described in section [2871(c)]
19 **3141(c)** of the federal Act.

20 “(8) Coordinate the workforce [*investment*] **development** activities au-
21 thorized under the federal Act and carried out in the local area with eco-
22 nomic development strategies and develop other employer linkages with such
23 activities.

24 “(9) Promote the participation of private sector employers in the state-
25 wide workforce [*investment*] **development** system and ensure the effective
26 provision, through the system, of connecting, brokering and coaching activ-
27 ities, through intermediaries such as the one-stop operator in the local area
28 or through other organizations, to assist such employers in meeting hiring
29 needs.

30 “**SECTION 9.** ORS 660.330 is amended to read:

1 “660.330. (1) The State Workforce [*Investment*] **and Talent Development**
2 Board and local workforce [*investment*] **development** boards shall ensure
3 that Oregon’s one-stop delivery system under the federal Workforce [*Invest-*
4 *ment Act of 1998*] **Innovation and Opportunity Act** is the foundation of
5 local service delivery to employers and participants.

6 “(2) One-stop partners shall include, but are not limited to, those de-
7 scribed in section [2841] **3151** of the federal Act and programs referenced
8 under section [2841(b)(1) and (2)] **3151(b)** of the federal Act.

9 “(3) This section does not restrict the authority of local workforce [*in-*
10 *vestment*] **development** boards to select providers and one-stop operators, or
11 to set goals or policies, under the federal Act.

12 “**SECTION 10.** ORS 660.333 is amended to read:

13 “660.333. (1) The State Workforce [*Investment*] **and Talent Development**
14 Board shall advise the Governor as required under section [2821] **3111** of the
15 **federal** Workforce [*Investment Act of 1998*] **Innovation and Opportunity**
16 **Act** and on matters pertaining to the use of funds under section [2864] **3174**
17 of the federal Act.

18 “(2) As a part of the core services required by section [2864(d)(2)(E)(i)]
19 **3174(c)(2)(A)(vi)(I)** of the federal Act, the one-stop delivery system, as de-
20 scribed in section [2864(c)] **3151(e)** of the federal Act, shall provide timely
21 listings of all job opportunities, consistent with statute or rule, to a partic-
22 ipant immediately upon application by the participant for services offered
23 by the one-stop delivery system.

24 “(3) Intensive services offered by the one-stop delivery system may include
25 drug and alcohol rehabilitative services meeting minimum standards estab-
26 lished pursuant to ORS 430.357.

27 “(4) Local workforce [*investment*] **development** boards shall determine
28 whether funds will be used as provided in section [2864(e)(3)] **3174(d)(3)** of
29 the federal Act.

30 “(5) Participants may receive training in accordance with section [2864]

1 **3174** of the federal Act. In addition, a participant who is employed in a sub-
2 sidized or unsubsidized job and who needs training may receive an individual
3 training account that allows the participant to choose among training pro-
4 viders, except as provided in section [2864(d)(4)(G)(ii)] **3174(c)(3)(G)(ii)** of the
5 federal Act.

6 “(6) Any funds expended under ORS 660.300 to 660.364 shall be from funds
7 appropriated by the Legislative Assembly or within any expenditure limita-
8 tions placed on federal funds by the Legislative Assembly.

9 **“SECTION 11.** ORS 660.336 is amended to read:

10 “660.336. (1) The designated state agency and state level fiscal agent for
11 the federal Workforce [*Investment Act of 1998 (P.L. 105-220)*] **Innovation and**
12 **Opportunity Act** shall provide customers of the one-stop delivery system
13 with reports containing information about the performance of training pro-
14 viders and programs in each local area.

15 “(2) In order for customers to have choices in deciding the training pro-
16 gram that best fits their needs and the organization that best provides that
17 service, and in order for customers to have information about how well
18 training providers succeed in preparing people for jobs, the reports shall in-
19 clude information about:

20 “(a) Training programs and the organizations that provide the programs;
21 and

22 “(b) The success rate of the programs in preparing people for jobs.

23 “(3) The reports shall present the information in a manner that allows a
24 customer to easily understand the options that are available in choosing a
25 program of training services.

26 **“SECTION 12.** ORS 660.339 is amended to read:

27 “660.339. (1) All participant records maintained by the local workforce
28 [*investment*] **development** boards or any public or private agency involved
29 in [*Title I-B*] programs **under the federal Workforce Innovation and**
30 **Opportunity Act** shall be confidential and except as provided in ORS

1 660.300 to 660.364 shall be open for inspection only in accordance with
2 [rules] **policies** adopted by the [Office of Community Colleges and Workforce
3 Development] **Higher Education Coordinating Commission**.

4 “(2) A participant may provide written consent for the examination or
5 release of any record pertaining to the participant.

6 “(3) All information contained in participant files shall be available for
7 inspection by the participant and by the participant’s parent or legal guard-
8 ian if the participant is under 18 years of age. Participant behavioral records
9 shall be released only in the presence of an individual qualified to explain
10 or interpret the records.

11 “(4) The [office] **commission** may adopt **policies and** rules to provide the
12 circumstances under which participant names or records may be made
13 available for inspection when:

14 “(a) Ordered by a court of competent jurisdiction.

15 “(b) Necessary to protect the health or safety of a participant or another.

16 “(c) Necessary to provide information to state and local agencies admin-
17 istering ORS 412.001 to 412.161 and 412.991 and ORS chapters 418 and 657,
18 other programs under the federal Workforce [Investment Act of 1998] **Inno-**
19 **vation and Opportunity Act** and other mandatory programs under this
20 state’s one-stop service delivery system.

21 “(d) Necessary for program staff work or studies of a statistical or de-
22 mographic nature.

23 “(e) Necessary to carry out the planning and coordinating functions be-
24 tween state and local agencies under [Title I-B of] the federal Workforce
25 [Investment] **Innovation and Opportunity Act**, other applicable state laws
26 or those functions assigned by the Education and Workforce Policy Advisor.

27 **“SECTION 13.** ORS 660.340 is amended to read:

28 “660.340. (1) There is created in the [Office of Community Colleges and
29 Workforce Development] **Higher Education Coordinating Commission** the
30 Oregon Employer Workforce Training Program. Subject to the availability

1 of funding, **and in consultation with the State Workforce and Talent**
2 **Development Board**, the [*office*] **commission** shall [*create and*] operate,
3 and local workforce [*investment*] **development** boards shall manage, the
4 program for the purpose of:

5 “(a) Assisting businesses and consortia of businesses in implementing
6 projects that identify and provide cost-effective solutions to the issues of
7 employee training, retention and advancement;

8 “(b) Maximizing the utilization of public and private resources for pro-
9 viding training to employed persons in skills that are responsive to the need
10 of businesses and industries in Oregon to become and to remain competitive
11 on the national and international level; and

12 “(c) Responding to the need of workers in Oregon to develop current job
13 skills necessary to meet the current and future needs of employers.

14 “(2)(a) Businesses in industries identified in the plans developed by local
15 workforce [*investment*] **development** boards as required by ORS 660.327 are
16 eligible to participate in projects selected for participation in the program.

17 “(b) Priority for approval of projects submitted under this subsection shall
18 be given to businesses in industries that have the greatest impact on the
19 local economy and emerging green jobs.

20 “(3) Local workforce [*investment*] **development** boards shall:

21 “(a) Identify businesses and consortia of businesses for potential partic-
22 ipation in the program;

23 “(b) Develop and implement an application process for projects proposed
24 for the program;

25 “(c) Notwithstanding the provisions of the Public Contracting Code, use
26 an open and competitive procurement process for agreements entered into
27 with participants in the program;

28 “(d) Require that businesses participating in a project provide private
29 sector funding equal to the amount of state funding provided for the project;
30 and

1 “(e) Track and report to the [*office*] **commission** the outcomes of projects
2 implemented in the local workforce [*investment*] **development** area, includ-
3 ing, but not limited to:

4 “(A) The number of businesses participating in approved projects;

5 “(B) The number and types of projects completed;

6 “(C) The number of employees receiving training;

7 “(D) The number of jobs retained or created by the businesses partic-
8 ipating in the project; and

9 “(E) The value of the private sector funding provided.

10 “(4) The [*Higher Education Coordinating*] commission shall adopt rules
11 necessary for the implementation and operation of the program created under
12 subsection (1) of this section. The rules shall include, but are not limited to,
13 a process by which moneys may be appropriated and allocated to the local
14 workforce [*investment*] **development** boards to support projects identified by
15 the local workforce [*investment*] **development** boards under subsection (3)
16 of this section.

17 **“SECTION 14.** ORS 660.343 is amended to read:

18 “660.343. (1) There is created in the [*Office of Community Colleges and*
19 *Workforce Development*] **Higher Education Coordinating Commission** the
20 Oregon National Career Readiness Certification Program to certify the
21 workplace and college readiness skills of Oregonians and to better prepare
22 Oregonians for continued education and workforce training, successful em-
23 ployment and career advancement in a demand-driven, skills-based economy.

24 “(2) Program services may be offered through public high schools, com-
25 munity colleges, local and regional career centers and any other institutions
26 determined to be appropriate by the [*office*] **commission** to residents of
27 Oregon and to employees of businesses located in Oregon.

28 “(3) Services provided by the program shall include, but are not limited
29 to:

30 “(a) An assessment process that identifies the proficiency level of program

1 participants in work-ready skills including, but not limited to, reading, ap-
2 plied mathematics, locating information and any additional skills determined
3 by the [office] **commission** to be necessary to meet business and industry
4 skill demands;

5 “(b) Targeted instruction and remedial skills training to provide work-
6 ready skills in which program participants are not proficient, as determined
7 by the assessment process described in paragraph (a) of this subsection, and
8 that have been identified by the [office] **commission** as work-ready skills
9 required by local employers;

10 “(c) Issuance of a National Career Readiness Certificate to program par-
11 ticipants who demonstrate proficiency in work-ready skills, as determined by
12 the assessment process described in paragraph (a) of this subsection, and who
13 satisfy any other requirements for certification adopted by the [office] **com-**
14 **mission** by rule;

15 “(d) Providing information to school districts, community colleges and
16 community college service districts about the National Career Readiness
17 Certificate and the assessments, targeted instruction and remedial skills
18 training available through the program; and

19 “(e) An online database that:

20 “(A) Serves as the repository for National Career Readiness Certificate
21 attainment data.

22 “(B) Provides online access to program data that enables employers to
23 determine the work skill proficiency level of individual program participants
24 and to locate certified individuals on a statewide or regional basis.

25 “(C) Provides individual program participants the opportunity for career
26 exploration, continuing education, job readiness practice and job searches.

27 “(D) Provides individual program participants the opportunity to opt out
28 of the database in accordance with rules adopted by the [office]
29 **commission**.

30 “(4) The [*Office of Community Colleges and Workforce Development*]

1 **commission**, after consultation with [*the Higher Education Coordinating*
2 *Commission,*] the State Workforce [*Investment*] **and Talent Development**
3 Board and the Department of Education, shall adopt rules for the imple-
4 mentation and administration of the program created under subsection (1)
5 of this section.

6 “(5) By September 1 of each year, school districts, community colleges and
7 community college service districts shall report to the [*Office of Community*
8 *Colleges and Workforce Development*] **commission** the rate of participation
9 in and the total number of students enrolled in the district or community
10 college who utilized the services provided by the program in the most re-
11 cently concluded school year.

12 “(6) The [*Office of Community Colleges and Workforce Development*]
13 **commission** shall submit a report on program outcomes and recommen-
14 dations for improving and funding the program to the appropriate interim
15 legislative committees and to the Governor by December 1 of each year. The
16 report shall include a summary of the information required under subsection
17 (5) of this section.

18 “**SECTION 15.** ORS 660.346 is amended to read:

19 “660.346. (1)(a) The [*Office of Community Colleges and Workforce Develop-*
20 *ment*] **Higher Education Coordinating Commission**, in collaboration with
21 the Employment Department and the State Workforce [*Investment*] **and**
22 **Talent Development** Board, shall develop and implement a demand-driven,
23 skills-based integrated workforce delivery system focused on skills and talent
24 development.

25 “(b) The integrated workforce delivery system implemented under para-
26 graph (a) of this subsection must include, and the [*office*] **commission** shall
27 maintain, a workforce training inventory of prioritized occupations.

28 “(c) The [*office*] **commission** shall prioritize recommendations for the al-
29 location of workforce training resources by the integrated workforce delivery
30 system based on occupational prioritization data developed by the Employ-

1 ment Department.

2 “(2) The [office] **commission** shall adopt rules necessary for the imple-
3 mentation and administration of the integrated workforce delivery system
4 developed under subsection (1) of this section.

5 **“SECTION 16.** ORS 660.349 is amended to read:

6 “660.349. (1)(a) There is created in the Office of Community Colleges and
7 Workforce Development a program to make grants to pilot projects to pro-
8 mote hands-on experience and education in the fundamentals and core com-
9 petencies in architecture, construction trades and engineering for high
10 school juniors and seniors.

11 “(b) Pilot projects funded by the program created under this subsection
12 shall be based on collaborative efforts between local school districts, com-
13 munity colleges, business organizations and labor organizations that provide
14 participants the opportunity for education and training in skills required to
15 meet the workforce development needs of local, regional and statewide em-
16 ployers.

17 “(c) The office may apply for and receive grants and gifts from public and
18 private sources to fund grants provided under this section.

19 “(2) The program created under subsection (1) of this section for making
20 grants to pilot projects shall ensure that:

21 “(a) Local communities are informed about the availability of the grants;

22 “(b) The pilot projects are geographically distributed throughout Oregon;

23 “(c) Urban and rural participants have equal opportunity to access qual-
24 ity educational opportunities;

25 “(d) Representatives of related, ongoing community efforts assist in the
26 implementation of architecture, construction trades and engineering educa-
27 tion and training; and

28 “(e) The program and timelines are designed to minimize barriers to re-
29 ceiving funds.

30 “(3) When considering applications for grants, the program shall give

1 priority to pilot projects that:

2 “(a) Provide access for high school juniors and seniors to architecture,
3 construction trades and engineering education and training through the ef-
4 forts of local and regional career centers and public-private consortia;

5 “(b) In combination with other projects receiving funds, contribute to ar-
6 chitecture, construction trades and engineering education and training op-
7 portunities in every part of the state;

8 “(c) Use private and federal funds;

9 “(d) Facilitate sharing of resources through public-private partnerships
10 including collaboration among local school districts, community colleges,
11 business organizations and labor organizations;

12 “(e) Have a long-term strategic plan and lack only the necessary financial
13 resources;

14 “(f) Help students connect education and training with career planning
15 and job opportunities through local and regional career centers implemented
16 under the federal Workforce [*Investment*] **Innovation and Opportunity** Act;

17 “(g) Provide articulated secondary and post-secondary education programs
18 that are designed to lead to a degree or industry-specific skills certification;
19 and

20 “(h) Establish short-term training programs that meet the immediate
21 needs of local and regional employers.

22 “(4)(a) The office shall include in the program created under subsection
23 (1) of this section a process for the certification of instructors for the pro-
24 gram to provide education and practical experience in architecture, con-
25 struction trades and engineering.

26 “(b) The office shall adopt by rule requirements for the certification of
27 instructors described in paragraph (a) of this subsection.

28 “(c) Notwithstanding the requirements adopted under paragraph (b) of
29 this subsection, a person qualified to serve as an instructor in a state-
30 recognized apprenticeship program is qualified for certification as an in-

1 structor for projects implemented under this section.

2 **“SECTION 17.** ORS 660.353 is amended to read:

3 “660.353. (1) There is created in the [*Office of Community Colleges and*
4 *Workforce Development*] **Higher Education Coordinating Commission** the
5 Oregon Youth Employment Program. Subject to the availability of funding,
6 the [*office*] **commission** shall create and operate, and local workforce [*in-*
7 *vestment*] **development** boards shall manage, the program to provide mean-
8 ingful work experience and workforce training for persons between the ages
9 of 14 and 24.

10 “(2) The program shall provide to participants in the program case man-
11 agement and support services that include, but are not limited to:

12 “(a) Developing an individual development plan for the participant that
13 outlines work readiness, career and educational goals;

14 “(b) Work readiness instruction;

15 “(c) At least 12 weeks of paid internships or other work experience; and

16 “(d) Academic support for earning high school graduation credit, com-
17 pletion of a General Educational Development (GED) certificate program or
18 earning college credit for work experience or internships provided through
19 the program.

20 “(3) The program:

21 “(a) Plan, implementation procedures and evaluation criteria shall be de-
22 scribed in the local plan developed by a local workforce [*investment*] **devel-**
23 **opment** board under ORS 660.327.

24 “(b) May provide for public and private sector employment opportunities.

25 “(4) Local workforce [*investment*] **development** boards responsible for
26 managing the program shall ensure appropriate training and positive work
27 experiences for participants.

28 “(5) The [*office*] **commission** shall collaborate with the local workforce
29 [*investment*] **development** boards to collect data on youth work experience
30 programs that identify successful work experiences and allow for the iden-

1 tification and dissemination of the most promising practices. The data col-
2 lected shall also include the number of participants in the program, the
3 number of participants that complete the program, the cost of internships
4 and other work experiences provided, the academic credit earned by partic-
5 ipants and the number of General Educational Development (GED) certifi-
6 cates earned by participants.

7 “(6) The [office] **commission** shall adopt rules necessary for the imple-
8 mentation and operation of the program created under subsection (1) of this
9 section. The rules shall include, but are not limited to, establishing eligibil-
10 ity criteria for persons participating in the program.

11 **“SECTION 18.** ORS 660.358 is amended to read:

12 “660.358. (1) The State Workforce [*Investment*] **and Talent Development**
13 Board, in consultation with the Governor, the Education and Workforce
14 Policy Advisor and other parties deemed appropriate by the board and after
15 consideration of the clean energy and energy efficiency policies of this state,
16 shall develop a plan for a green jobs growth initiative to promote the de-
17 velopment of emerging technologies and innovations that lead to, create or
18 sustain family wage green jobs.

19 “(2) The plan for the initiative developed by the board shall:

20 “(a) Identify industries that are high demand green industries based on
21 current and projected creation of family wage green jobs and the potential
22 for career pathways created for such jobs.

23 “(b) Use the needs of identified high demand green industries as the basis
24 for the planning of workforce development activities that promote the de-
25 velopment of emerging green technologies and innovations. These activities
26 include, but are not limited to, such efforts undertaken by community col-
27 leges, public universities listed in ORS 352.002, designated signature research
28 centers, registered apprenticeship programs and other private sector training
29 programs.

30 “(c) Leverage and align existing public workforce development programs

1 and other public and private resources to the goal of recruiting, supporting,
2 educating and training of targeted populations of workers.

3 “(d) Require the board to work collaboratively with stakeholders from
4 business, labor and low income advocacy groups in the regional economy to
5 develop and implement the initiative.

6 “(e) Link adult basic and remedial education programs with job training
7 for skills necessary for green jobs.

8 “(f) Require the board to collaborate with employers and labor organiza-
9 tions to identify skills and competencies necessary for green job career
10 pathways.

11 “(g) Ensure that support services are integrated with education and
12 training for green jobs and that such services are provided by organizations
13 with direct access to and experience with targeted populations.

14 “(h) Include an analysis of occupations in the forest products industry to:

15 “(A) Determine key growth factors and employment projections for green
16 jobs in the forest products industry; and

17 “(B) Define the educational and skill standards required for current and
18 emerging green occupations in the forest products industry.

19 “(3) Based on the analysis conducted under subsection (2)(h) of this sec-
20 tion, the State Workforce [*Investment*] **and Talent Development** Board, in
21 consultation with the Education and Workforce Policy Advisor, shall iden-
22 tify those forest products industries to be classified as high-demand green
23 industries, taking into consideration current and future job creation and the
24 strategic importance of the development of high-demand green forest pro-
25 ducts industry jobs to the development and growth of the state’s green
26 economy.

27 “(4) As used in this section, ‘forest products industry’ includes, but is not
28 limited to, businesses that grow, manage, harvest, transport or process forest,
29 wood and paper products.

30 **“SECTION 19.** ORS 660.361 is amended to read:

1 “660.361. The State Workforce [*Investment*] **and Talent Development**
2 Board, in consultation with state agencies, boards, commissions and private
3 entities deemed appropriate by the State Workforce [*Investment*] **and Talent**
4 **Development** Board shall develop a list of defined terms related to green
5 jobs and the green economy that are consistent with current workforce de-
6 velopment and economic development terminology.

7 **“SECTION 20.** ORS 660.364 is amended to read:

8 “660.364. The Oregon Business Development Department, in consultation
9 with the State Workforce [*Investment*] **and Talent Development** Board,
10 shall:

11 “(1) Develop criteria for existing investments and new or expanded fi-
12 nancial incentives and comprehensive strategies to recruit, retain and expand
13 green economy industries, including but not limited to forest products in-
14 dustries as defined in ORS 660.358, and small businesses.

15 “(2) Make recommendations for new or expanded financial incentives and
16 comprehensive strategies to stimulate research and development of green
17 technology and innovation.

18 **“SECTION 21.** ORS 350.075, as amended by section 5, chapter 30, Oregon
19 Laws 2016, and section 55, chapter 117, Oregon Laws 2016, is amended to
20 read:

21 “350.075. (1) As used in this section, ‘student access programs’ means
22 scholarship, loan, grant and access programs described in ORS chapter 348.

23 “(2) The Higher Education Coordinating Commission shall be guided by
24 the legislative findings in ORS 341.009, 350.001 and 350.005 and the goals and
25 mission of post-secondary education set forth in ORS 350.009 and 350.014.

26 “(3) The Higher Education Coordinating Commission shall:

27 “(a) Develop state goals for the state post-secondary education system,
28 including community colleges and public universities listed in ORS 352.002,
29 and for student access programs.

30 “(b) Determine strategic investments in the state’s community colleges,

1 public universities and student access programs necessary to achieve state
2 post-secondary education goals.

3 “(c) Coordinate the post-secondary elements of data collection and struc-
4 ture, with the advice and recommendation of the state’s independent insti-
5 tutions, community colleges and public universities, as appropriate, in order
6 to construct a state longitudinal data system.

7 “(d) Adopt a strategic plan for achieving state post-secondary education
8 goals, taking into consideration the contributions of this state’s independent
9 institutions, philanthropic organizations and other organizations dedicated
10 to helping Oregonians reach state goals. State post-secondary education
11 goals as described in this section should include, but need not be limited to:

12 “(A) Increasing the educational attainment of the population;

13 “(B) Increasing this state’s global economic competitiveness and the
14 quality of life of its residents;

15 “(C) Ensuring affordable access for qualified Oregon students at each
16 college or public university;

17 “(D) Removing barriers to on-time completion; and

18 “(E) Tracking progress toward meeting the state’s post-secondary educa-
19 tion goals established in the strategic plan described in this paragraph.

20 “(e)(A) Each biennium, after receiving funding requests from the state’s
21 community colleges and public universities as authorized by law, recommend
22 to the Governor a consolidated higher education agency request budget
23 aligned with the strategic plan described in paragraph (d) of this subsection,
24 including appropriations for:

25 “(i) Student access programs;

26 “(ii) Public universities listed in ORS 352.002, including but not limited
27 to education and general operations, statewide public services and state-
28 funded debt service;

29 “(iii) Community colleges, including but not limited to education and
30 general operations and state-funded debt service;

1 “(iv) New facilities or programs;

2 “(v) Capital improvements and deferred maintenance; and

3 “(vi) Special initiatives and investments.

4 “(B) In the development of the consolidated higher education agency re-
5 quest budget:

6 “(i) Determine the costs necessary to provide quality post-secondary edu-
7 cation;

8 “(ii) Solicit input from educators, education policy experts, appropriate
9 legislative committees, students and other persons interested in the develop-
10 ment of the funding model; and

11 “(iii) Solicit public input regarding educational priorities.

12 “(f) Adopt rules governing the distribution of appropriations from the
13 Legislative Assembly to community colleges, public universities listed in
14 ORS 352.002 and student access programs. These rules must be based on al-
15 location formulas developed in consultation with the state’s community col-
16 leges and public universities, as appropriate.

17 “(g) Approve or disapprove any significant change to the academic pro-
18 gram of a community college or a public university listed in ORS 352.002. In
19 reaching a decision under this paragraph, the commission shall consider the
20 recommendation from the community college or public university seeking to
21 make the change to an academic program that is issued pursuant to the ob-
22 ligation of the governing board of a community college or public university
23 to review and approve academic programs. The commission shall ensure that
24 approved programs:

25 “(A) Are consistent with the mission statement of the community college
26 or public university;

27 “(B) Do not unnecessarily duplicate academic programs offered by
28 Oregon’s other community colleges or public universities;

29 “(C) Are not located in a geographic area that will cause undue hardship
30 to Oregon’s other community colleges or public universities; and

1 “(D) Are allocated among Oregon’s community colleges and public uni-
2 versities to maximize the achievement of statewide needs and requirements.

3 “(h) For public universities listed in ORS 352.002:

4 “(A) Approve the mission statement adopted by a governing board of a
5 public university.

6 “(B) Review and determine whether a proposed annual increase of resi-
7 dent undergraduate enrollment fees of greater than five percent is appropri-
8 ate.

9 “(C) Advise the Governor and the Legislative Assembly on issues of uni-
10 versity governance.

11 “(D) Approve and authorize degrees.

12 “(E) Perform the evaluation and certification required by ORS 350.095.

13 “(i) Authorize degrees to be offered by independent post-secondary insti-
14 tutions in this state under ORS 348.594 to 348.615.

15 “(j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

16 “(k) Have the authority to enter into and administer interstate agree-
17 ments regarding the provision of post-secondary distance education. The
18 participation by an educational institution that is not based in this state in
19 distance learning courses or programs that are part of an interstate agree-
20 ment entered into and administered under this paragraph does not constitute
21 operating in this state for purposes of ORS 348.594 to 348.615. The commis-
22 sion, by rule, may impose a fee on any educational institution that seeks to
23 operate under or participate in such interstate agreements. The fee amount
24 shall be established to recover designated expenses incurred by the commis-
25 sion in participating in such agreements.

26 “(L) Coordinate and collaborate with the Chief Education Office as pro-
27 vided by section 1, chapter 519, Oregon Laws 2011.

28 “(4)(a) The Higher Education Coordinating Commission shall implement
29 a process to resolve student complaints against any school operating in this
30 state. As part of the process implemented under this subsection, the com-

1 mission may:

2 “(A) Receive student complaints from students regarding a school;

3 “(B) Specify the type of information that must be included in a student
4 complaint;

5 “(C) Investigate any student complaint filed against a school;

6 “(D) Establish a process to review and resolve student complaints against
7 a school, including but not limited to reviewing school records, holding ad-
8 ministrative hearings and issuing final orders;

9 “(E) Assess a fee to cover the costs of any proceeding brought under this
10 subsection, including but not limited to the costs of an investigation or ad-
11 ministrative hearing;

12 “(F) Require a school to make full or partial restitution to a student or
13 to cease an act or practice that is challenged in a student complaint;

14 “(G) Adopt rules to implement the provisions of this subsection; and

15 “(H) Enter into agreements to implement the provisions of this sub-
16 section.

17 “(b) Any hearing held under this subsection is subject to the provisions
18 of ORS chapter 183.

19 “(c) As used in this subsection:

20 “(A) ‘School’ means a school that meets the requirements of ORS 348.597
21 (2)(a); and

22 “(B) ‘Student’ means a person who is enrolled or accepted for enrollment
23 at a school for the purpose of obtaining a degree, certificate or other recog-
24 nized educational credential offered by that school.

25 “(5) In addition to the duties described in subsections (2) to (4) of this
26 section, the Higher Education Coordinating Commission shall advise the
27 Legislative Assembly, the Governor, community colleges, public universities
28 and other state boards and commissions on policies in order to:

29 “(a) Ensure or improve access to higher education by diverse and under-
30 served populations.

1 “(b) Encourage student success and completion initiatives.

2 “(c) Improve the coordination of the provision of educational services,
3 including:

4 “(A) Transfers and coenrollment throughout the higher education system;

5 “(B) Accelerated college credit programs for high school students;

6 “(C) Applied baccalaureate and other transfer degrees;

7 “(D) Programs and grants that span multiple institutions; and

8 “(E) Reciprocity agreements with other states.

9 “(d) In coordination with the State Board of Education, enhance the use
10 and quality of dual credit, career and technical pathways and efforts to cre-
11 ate a culture of college attendance in this state.

12 “(e) In coordination with the State Workforce [*Investment*] **and Talent**
13 **Development** Board, local workforce [*investment*] **development** boards, the
14 Oregon Health and Science University and independent institutions, ensure
15 that the state’s colleges and universities offer programs in high-demand oc-
16 cupations that meet Oregon’s workforce needs.

17 “(f) Improve economies of scale by encouraging and facilitating the use
18 of the shared services among post-secondary institutions in this state.

19 “(6) The Higher Education Coordinating Commission, in a manner con-
20 sistent with ORS chapter 183, may adopt administrative rules.

21 “(7) With the exception of the rulemaking authority granted in subsection
22 (6) of this section, the Higher Education Coordinating Commission may del-
23 egate any of its powers, duties or functions to a committee of the commission
24 or to the executive director of the commission.

25 “(8) The Higher Education Coordinating Commission may establish tech-
26 nical or advisory committees to assist the commission in exercising its pow-
27 ers, duties and functions.

28 “(9) The Higher Education Coordinating Commission may exercise only
29 powers, duties and functions expressly granted by the Legislative Assembly.
30 Except as otherwise expressly provided by law, all other authorities reside

1 at the institutional level with the respective boards of the post-secondary
2 institutions.

3 **“SECTION 22.** ORS 350.075, as amended by section 61, chapter 774,
4 Oregon Laws 2015, section 6, chapter 30, Oregon Laws 2016, and section 56,
5 chapter 117, Oregon Laws 2016, is amended to read:

6 “350.075. (1) As used in this section, ‘student access programs’ means
7 scholarship, loan, grant and access programs described in ORS chapter 348.

8 “(2) The Higher Education Coordinating Commission shall be guided by
9 the legislative findings in ORS 341.009, 350.001 and 350.005 and the goals and
10 mission of post-secondary education set forth in ORS 350.009 and 350.014.

11 “(3) The Higher Education Coordinating Commission shall:

12 “(a) Develop state goals for the state post-secondary education system,
13 including community colleges and public universities listed in ORS 352.002,
14 and for student access programs.

15 “(b) Determine strategic investments in the state’s community colleges,
16 public universities and student access programs necessary to achieve state
17 post-secondary education goals.

18 “(c) Coordinate the post-secondary elements of data collection and struc-
19 ture, with the advice and recommendation of the state’s independent insti-
20 tutions, community colleges and public universities, as appropriate, in order
21 to construct a state longitudinal data system.

22 “(d) Adopt a strategic plan for achieving state post-secondary education
23 goals, taking into consideration the contributions of this state’s independent
24 institutions, philanthropic organizations and other organizations dedicated
25 to helping Oregonians reach state goals. State post-secondary education
26 goals as described in this section should include, but need not be limited to:

27 “(A) Increasing the educational attainment of the population;

28 “(B) Increasing this state’s global economic competitiveness and the
29 quality of life of its residents;

30 “(C) Ensuring affordable access for qualified Oregon students at each

1 college or public university;

2 “(D) Removing barriers to on-time completion; and

3 “(E) Tracking progress toward meeting the state’s post-secondary educa-
4 tion goals established in the strategic plan described in this paragraph.

5 “(e)(A) Each biennium, after receiving funding requests from the state’s
6 community colleges and public universities as authorized by law, recommend
7 to the Governor a consolidated higher education agency request budget
8 aligned with the strategic plan described in paragraph (d) of this subsection,
9 including appropriations for:

10 “(i) Student access programs;

11 “(ii) Public universities listed in ORS 352.002, including but not limited
12 to education and general operations, statewide public services and state-
13 funded debt service;

14 “(iii) Community colleges, including but not limited to education and
15 general operations and state-funded debt service;

16 “(iv) New facilities or programs;

17 “(v) Capital improvements and deferred maintenance; and

18 “(vi) Special initiatives and investments.

19 “(B) In the development of the consolidated higher education agency re-
20 quest budget:

21 “(i) Determine the costs necessary to provide quality post-secondary edu-
22 cation;

23 “(ii) Solicit input from educators, education policy experts, appropriate
24 legislative committees, students and other persons interested in the develop-
25 ment of the funding model; and

26 “(iii) Solicit public input regarding educational priorities.

27 “(f) Adopt rules governing the distribution of appropriations from the
28 Legislative Assembly to community colleges, public universities listed in
29 ORS 352.002 and student access programs. These rules must be based on al-
30 location formulas developed in consultation with the state’s community col-

1 leges and public universities, as appropriate.

2 “(g) Approve or disapprove any significant change to the academic pro-
3 gram of a community college or a public university listed in ORS 352.002. In
4 reaching a decision under this paragraph, the commission shall consider the
5 recommendation from the community college or public university seeking to
6 make the change to an academic program that is issued pursuant to the ob-
7 ligation of the governing board of a community college or public university
8 to review and approve academic programs. The commission shall ensure that
9 approved programs:

10 “(A) Are consistent with the mission statement of the community college
11 or public university;

12 “(B) Do not unnecessarily duplicate academic programs offered by
13 Oregon’s other community colleges or public universities;

14 “(C) Are not located in a geographic area that will cause undue hardship
15 to Oregon’s other community colleges or public universities; and

16 “(D) Are allocated among Oregon’s community colleges and public uni-
17 versities to maximize the achievement of statewide needs and requirements.

18 “(h) For public universities listed in ORS 352.002:

19 “(A) Approve the mission statement adopted by a governing board of a
20 public university.

21 “(B) Review and determine whether a proposed annual increase of resi-
22 dent undergraduate enrollment fees of greater than five percent is appropri-
23 ate.

24 “(C) Advise the Governor and the Legislative Assembly on issues of uni-
25 versity governance.

26 “(D) Approve and authorize degrees.

27 “(E) Perform the evaluation and certification required by ORS 350.095.

28 “(i) Authorize degrees to be offered by independent post-secondary insti-
29 tutions in this state under ORS 348.594 to 348.615.

30 “(j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

1 “(k) Have the authority to enter into and administer interstate agree-
2 ments regarding the provision of post-secondary distance education. The
3 participation by an educational institution that is not based in this state in
4 distance learning courses or programs that are part of an interstate agree-
5 ment entered into and administered under this paragraph does not constitute
6 operating in this state for purposes of ORS 348.594 to 348.615. The commis-
7 sion, by rule, may impose a fee on any educational institution that seeks to
8 operate under or participate in such interstate agreements. The fee amount
9 shall be established to recover designated expenses incurred by the commis-
10 sion in participating in such agreements.

11 “(4)(a) The Higher Education Coordinating Commission shall implement
12 a process to resolve student complaints against any school operating in this
13 state. As part of the process implemented under this subsection, the com-
14 mission may:

15 “(A) Receive student complaints from students regarding a school;

16 “(B) Specify the type of information that must be included in a student
17 complaint;

18 “(C) Investigate any student complaint filed against a school;

19 “(D) Establish a process to review and resolve student complaints against
20 a school, including but not limited to reviewing school records, holding ad-
21 ministrative hearings and issuing final orders;

22 “(E) Assess a fee to cover the costs of any proceeding brought under this
23 subsection, including but not limited to the costs of an investigation or ad-
24 ministrative hearing;

25 “(F) Require a school to make full or partial restitution to a student or
26 to cease an act or practice that is challenged in a student complaint;

27 “(G) Adopt rules to implement the provisions of this subsection; and

28 “(H) Enter into agreements to implement the provisions of this sub-
29 section.

30 “(b) Any hearing held under this subsection is subject to the provisions

1 of ORS chapter 183.

2 “(c) As used in this subsection:

3 “(A) ‘School’ means a school that meets the requirements of ORS 348.597
4 (2)(a); and

5 “(B) ‘Student’ means a person who is enrolled or accepted for enrollment
6 at a school for the purpose of obtaining a degree, certificate or other recog-
7 nized educational credential offered by that school.

8 “(5) In addition to the duties described in subsections (2) to (4) of this
9 section, the Higher Education Coordinating Commission shall advise the
10 Legislative Assembly, the Governor, community colleges, public universities
11 and other state boards and commissions on policies in order to:

12 “(a) Ensure or improve access to higher education by diverse and under-
13 served populations.

14 “(b) Encourage student success and completion initiatives.

15 “(c) Improve the coordination of the provision of educational services,
16 including:

17 “(A) Transfers and coenrollment throughout the higher education system;

18 “(B) Accelerated college credit programs for high school students;

19 “(C) Applied baccalaureate and other transfer degrees;

20 “(D) Programs and grants that span multiple institutions; and

21 “(E) Reciprocity agreements with other states.

22 “(d) In coordination with the State Board of Education, enhance the use
23 and quality of dual credit, career and technical pathways and efforts to cre-
24 ate a culture of college attendance in this state.

25 “(e) In coordination with the State Workforce [*Investment*] **and Talent**
26 **Development** Board, local workforce [*investment*] **development** boards, the
27 Oregon Health and Science University and independent institutions, ensure
28 that the state’s colleges and universities offer programs in high-demand oc-
29 cupations that meet Oregon’s workforce needs.

30 “(f) Improve economies of scale by encouraging and facilitating the use

1 of the shared services among post-secondary institutions in this state.

2 “(6) The Higher Education Coordinating Commission, in a manner con-
3 sistent with ORS chapter 183, may adopt administrative rules.

4 “(7) With the exception of the rulemaking authority granted in subsection
5 (6) of this section, the Higher Education Coordinating Commission may del-
6 egate any of its powers, duties or functions to a committee of the commission
7 or to the executive director of the commission.

8 “(8) The Higher Education Coordinating Commission may establish tech-
9 nical or advisory committees to assist the commission in exercising its pow-
10 ers, duties and functions.

11 “(9) The Higher Education Coordinating Commission may exercise only
12 powers, duties and functions expressly granted by the Legislative Assembly.
13 Except as otherwise expressly provided by law, all other authorities reside
14 at the institutional level with the respective boards of the post-secondary
15 institutions.

16 **“SECTION 23.** ORS 413.231 is amended to read:

17 “413.231. The Oregon Health Authority, through the Health Care
18 Workforce Committee created pursuant to ORS 413.017, shall work with in-
19 terested parties, which may include Travel Oregon, the State Workforce
20 [*Investment*] **and Talent Development** Board, medical schools, physician
21 organizations, hospitals, county and city officials, local chambers of com-
22 merce, organizations that promote Oregon or local communities in Oregon,
23 and organizations that recruit health care professionals, to develop a stra-
24 tegic plan for recruiting primary care providers to Oregon. The strategic
25 plan must address:

26 “(1) Best recruitment practices and existing recruitment programs;

27 “(2) Development of materials and information promoting Oregon as a
28 desirable place for primary care providers to live and work;

29 “(3) Development of a pilot program to promote coordinated visiting and
30 recruitment opportunities for primary care providers;

1 “(4) Potential funding opportunities; and
2 “(5) The best entities to implement the strategic plan.

3 **“SECTION 24.** ORS 413.435 is amended to read:

4 “413.435. (1) The Oregon Health Authority, in collaboration with the State
5 Workforce [*Investment*] **and Talent Development** Board, shall convene a
6 work group to develop standards for administrative requirements for student
7 placement in clinical training settings in Oregon. The work group may in-
8 clude representatives of:

9 “(a) State education agencies;

10 “(b) A public educational institution offering health care professional
11 training;

12 “(c) Independent or proprietary educational institutions offering health
13 care professional training;

14 “(d) An employer of health care professionals; and

15 “(e) The Health Care Workforce Committee established under ORS
16 413.017.

17 “(2)(a) The work group shall develop standards for:

18 “(A) Drug screening;

19 “(B) Immunizations;

20 “(C) Criminal records checks;

21 “(D) Health Insurance Portability and Accountability Act orientation; and

22 “(E) Other standards as the work group deems necessary.

23 “(b) The standards must apply to students of nursing and allied health
24 professions. The standards may apply to students of other health professions.

25 “(c) The standards must pertain to clinical training in settings including
26 but not limited to hospitals and ambulatory surgical centers, as those terms
27 are defined in ORS 442.015.

28 “(3) The work group shall make recommendations on the standards de-
29 veloped under this section and the initial and ongoing implementation of the
30 standards to the Oregon Health Policy Board established in ORS 413.006.

1 “(4) The authority may establish by rule standards for student placement
2 in clinical training settings that incorporate the standards developed under
3 this section and approved by the Oregon Health Policy Board.

4 **“SECTION 25.** ORS 470.710 is amended to read:

5 “470.710. (1) The State Department of Energy shall collaborate with the
6 State Workforce [*Investment*] **and Talent Development** Board and other
7 interested parties to identify opportunities for apprenticeship and for job
8 training and development that would further the goals of ORS 470.500 to
9 470.710 and provide valuable skills to Oregon workers.

10 “(2) In adopting any rules for carrying out apprenticeship and job training
11 and development under the energy efficiency and sustainable technology loan
12 program, the department and the board shall consult with representatives
13 from:

14 “(a) State workforce programs;

15 “(b) Organized labor;

16 “(c) The State Apprenticeship and Training Council;

17 “(d) The Bureau of Labor and Industries; and

18 “(e) Consumer advocacy organizations.

19 “(3) In addition to consulting with entities described in subsection (2) of
20 this section, in adopting any rules for carrying out apprenticeship and job
21 training and development under the energy efficiency and sustainable tech-
22 nology loan program, the department and the board may seek input from
23 organizations representing construction contractors.

24 **“SECTION 26.** ORS 657.710 is amended to read:

25 “657.710. (1) The Director of the Employment Department shall establish
26 and maintain such free public employment offices, including such branch or
27 affiliate offices, as may be necessary for the proper administration of this
28 chapter and for participation in Oregon’s workforce [*investment*] **develop-**
29 **ment** system.

30 “(2) The director may enter into such contracts or memoranda of under-

1 standing with designated workforce [*investment*] **development** system part-
2 ners, including but not limited to other states and governments, government
3 entities, state agencies, units of local government, intergovernmental enti-
4 ties, community colleges and persons, as appropriate to administer the
5 workforce [*investment*] **development** system.

6 “(3) The director may enter into contracts or memoranda of understanding
7 to share confidential information as authorized under federal law and regu-
8 lations for purposes of a national performance accounting system, including
9 receiving and making available wage records to the extent the wage records
10 are required by another state to carry out that state’s workforce
11 [*investment*] **development** system performance plan.

12 “(4) All moneys made available by or received by the state for the Oregon
13 State Employment Service shall be paid to and expended from the Unem-
14 ployment Compensation Administration Fund.

15 “(5) Each contracting agency shall provide to the director timely infor-
16 mation pertinent to all existing job vacancies over which the contracting
17 agency exercises employment control and for which there will be open
18 recruitment. Such information shall be made available to the public by the
19 director. As used in this subsection, ‘contracting agency’ has the meaning
20 given that term in ORS 279A.010.

21 **“SECTION 27.** ORS 660.120 is amended to read:

22 “660.120. (1) The State Apprenticeship and Training Council, under the
23 direction of the Apprenticeship and Training Division of the Bureau of Labor
24 and Industries, shall enforce the provisions of ORS 660.002 to 660.210 in order
25 to carry out the intent and purposes of those provisions. The State Director
26 of Apprenticeship and Training, the division and the council may conduct
27 investigations, issue subpoenas and subpoenas duces tecum, obtain evidence,
28 administer oaths and take testimony in all matters relating to the council’s
29 duties and functions as set forth in ORS 660.002 to 660.210 when the infor-
30 mation sought is relevant to a lawful investigative purpose and is reasonable

1 in scope. The council and the division shall adopt rules for gathering infor-
2 mation through subpoenas or testimony. The rules must include procedures
3 through which a party may object to providing information. After being
4 served with a subpoena, if a person refuses, without reasonable cause, to be
5 examined, to answer any question or to produce any document or other thing
6 as required by the subpoena, the director, the division or the council may
7 petition the circuit court in the county in which the investigation is pending
8 for an order directing the person to show cause why the person has not
9 complied with the subpoena and should not be held in contempt. The direc-
10 tor, division or council shall serve the court's order upon the person in the
11 manner provided by ORCP 55 D. If the person fails to show cause for the
12 noncompliance, the court shall order the person to comply with the subpoena
13 within such time as the court shall direct and may hold the person in con-
14 tempt.

15 “(2) The division, on behalf of the council, may bring suit in a court of
16 proper jurisdiction in the name of the Bureau of Labor and Industries, or in
17 the name of an apprentice on behalf of the apprentice, through the district
18 attorney or the Attorney General.

19 “(3) The council and the division may adopt rules that are reasonably
20 necessary to enforce and administer ORS 660.002 to 660.210. In adopting the
21 rules, the council and the division shall comply with ORS chapter 183. In
22 addition, if the council and the division find that it would be impractical for
23 a number or all of the local joint committees in the state to develop criteria
24 concerning a particular matter, the council and the division may adopt rules
25 on the matter. The rules shall govern on that matter except to the extent
26 that a local joint committee's approved standards contain exceptions.

27 “(4) The council and the division also shall:

28 “(a) Establish policy of the program so as to encourage the promotion,
29 expansion and improvement of programs of apprenticeship and training;

30 “(b) Approve and register program standards and modifications to pro-

1 gram standards that are submitted by appropriate local joint committees as
2 provided in ORS 660.126, if the standards and modifications are in substan-
3 tial conformity with the statewide standards approved under ORS 660.155;

4 “(c) Establish committees and approve nominations of members and al-
5 ternates to local joint committees and state joint committees to ensure bal-
6 anced representation of employer and employee groups;

7 “(d) Deregister standards and terminate entire programs, and remove any
8 or all members of any committee, for inactivity or inadequate activity, or for
9 failure to abide by the provisions of ORS 660.002 to 660.210 or by the rules
10 and policies of the council and the division;

11 “(e) Cooperate with interested state and federal agencies, including the
12 Department of Education, the State Workforce [*Investment*] **and Talent De-**
13 **velopment** Board and other providers of related training and curriculum
14 such as community college districts, community college service districts, ed-
15 ucation service districts and recognized industry programs; and

16 “(f) Perform such other functions and duties as are necessary or appro-
17 priate to carry out the purposes of ORS 660.002 to 660.210.

18 “(5) The council shall hold at least four regular public meetings each
19 year. Executive sessions shall be held on call of the chairperson, or at the
20 written request of a majority of the members of the council.

21 **“SECTION 28.** ORS 678.425 is amended to read:

22 “678.425. The Oregon Center for Nursing and the Oregon Healthcare
23 Workforce Institute may serve in advisory capacities to the State Workforce
24 [*Investment*] **and Talent Development** Board, the Higher Education Coor-
25 dinating Commission and other related entities. The Oregon Center for
26 Nursing may advise on education and workforce development issues affecting
27 nursing. The Oregon Healthcare Workforce Institute may advise on educa-
28 tion and workforce development issues affecting doctors, dentists and other
29 allied health professionals. The Oregon Center for Nursing and the Oregon
30 Healthcare Workforce Institute may work together to develop comprehensive

1 solutions to the healthcare workforce shortages in Oregon.

2 **“SECTION 29.** ORS 285C.050 is amended to read:

3 “285C.050. As used in ORS 285C.050 to 285C.250, unless the context re-
4 quires otherwise:

5 “(1) ‘Assessment date’ and ‘assessment year’ have the meanings given
6 those terms in ORS 308.007.

7 “(2) ‘Authorized business firm’ means an eligible business firm that has
8 been authorized under ORS 285C.140.

9 “(3) ‘Business firm’ means a person operating or conducting one or more
10 trades or businesses, a people’s utility district organized under ORS chapter
11 261 or a joint operating agency formed under ORS chapter 262, but does not
12 include any other governmental agency, municipal corporation or nonprofit
13 corporation.

14 “(4) ‘County average annual wage’ means:

15 “(a) The most recently available average annual covered payroll for the
16 county in which the enterprise zone is located, as determined by the Em-
17 ployment Department; or

18 “(b) If the enterprise zone is located in more than one county, the highest
19 county average annual wage as determined under paragraph (a) of this sub-
20 section.

21 “(5) ‘Electronic commerce’ means engaging in commercial or retail trans-
22 actions predominantly over the Internet or a computer network, utilizing the
23 Internet as a platform for transacting business, or facilitating the use of the
24 Internet by other persons for business transactions, and may be further de-
25 fined by the Oregon Business Development Department by rule.

26 “(6) ‘Eligible business firm’ means a firm engaged in an activity described
27 under ORS 285C.135 that may file an application for authorization under
28 ORS 285C.140.

29 “(7) ‘Employee’ means a person who works more than 32 hours per week,
30 but does not include a person with a temporary or seasonal job or a person

1 hired solely to construct qualified property.

2 “(8) ‘Enterprise zone’ means one of the 30 areas designated or terminated
3 and redesignated by order of the Governor under ORS 284.160 (1987 Re-
4 placement Part) before October 3, 1989, one of the areas designated by the
5 Director of the Oregon Business Development Department under ORS
6 285C.080 before October 5, 2015, an area designated under ORS 285C.065, a
7 federal enterprise zone area designated under ORS 285C.085, an area desig-
8 nated under ORS 285C.250 or a reservation enterprise zone designated, or a
9 reservation partnership zone cosponsored, under ORS 285C.306.

10 “(9) ‘Federal enterprise zone’ means any discrete area wholly or partially
11 within this state that is designated as an empowerment zone, an enterprise
12 community, a renewal community or some similar designation for purposes
13 of improving the economic and community development of the area.

14 “(10) ‘First-source hiring agreement’ means an agreement between an au-
15 thorized business firm and a publicly funded job training provider whereby
16 the provider refers qualified candidates to the firm for new jobs and job
17 openings in the firm.

18 “(11) ‘In service’ means being used or occupied or fully ready for use or
19 occupancy for commercial purposes consistent with the intended operations
20 of the business firm as described in the application for authorization.

21 “(12) ‘Modification’ means modernization, renovation or remodeling of an
22 existing building, structure or real property machinery or equipment.

23 “(13) ‘New employees hired by the firm’:

24 “(a) Includes only those employees of an authorized business firm engaged
25 for a majority of their time in eligible operations.

26 “(b) Does not include individuals employed in a job or position that:

27 “(A) Is created and first filled after December 31 of the first tax year in
28 which qualified property of the firm is exempt under ORS 285C.175;

29 “(B) Existed prior to the submission of the relevant application for au-
30 thorization; or

1 “(C) Is performed primarily at a location outside of the enterprise zone.

2 “(14) ‘Publicly funded job training provider’ includes but is not limited
3 to a community college, a service provider under the federal Workforce [*In-*
4 *vestment Act Title I-B (29 U.S.C. 2801 et seq.)*] **Innovation and Opportunity**
5 **Act**, or a similar program.

6 “(15) ‘Qualified business firm’ means a business firm described in ORS
7 285C.200, the qualified property of which is exempt from property tax under
8 ORS 285C.175.

9 “(16) ‘Qualified property’ means property described under ORS 285C.180.

10 “(17) ‘Rural enterprise zone’ means:

11 “(a) An enterprise zone located in an area of this state in which an urban
12 enterprise zone could not be located; or

13 “(b) A reservation enterprise zone designated, or a reservation partnership
14 zone cosponsored, under ORS 285C.306.

15 “(18) ‘Sparsely populated county’ means a county with a density of 100
16 or fewer persons per square mile, based on the most recently available pop-
17 ulation figure for the county from the Portland State University Population
18 Research Center.

19 “(19) ‘Sponsor’ means:

20 “(a) The city, county or port, or any combination of cities, counties or
21 ports, that received approval of an enterprise zone under ORS 284.150 and
22 284.160 (1987 Replacement Part), under ORS 285C.080 before October 5, 2015,
23 or under ORS 285C.085 or 285C.250 or that designated an enterprise zone
24 under ORS 285C.065 or 285C.250;

25 “(b) The tribal government, in the case of a reservation enterprise zone;

26 “(c) The tribal government and the cosponsoring city, county or port, in
27 the case of a reservation partnership zone; or

28 “(d) A city, county or port that joined the enterprise zone through a
29 boundary change under ORS 285C.115 (6) or a port that joined the enterprise
30 zone under ORS 285C.068.

1 “(20) ‘Tax year’ has the meaning given that term in ORS 308.007.

2 “(21) ‘Urban enterprise zone’ means an enterprise zone in a metropolitan
3 statistical area, as defined by the most recent federal decennial census, that
4 is located inside a regional or metropolitan urban growth boundary.

5 “(22) ‘Year’ has the meaning given that term in ORS 308.007.

6 **“SECTION 30.** ORS 350.150 is amended to read:

7 “350.150. (1) The Office of Community Colleges and Workforce Develop-
8 ment is established within the Higher Education Coordinating Commission.
9 The office shall function under the direction and control of the commission,
10 with the Director of the Office of Community Colleges and Workforce De-
11 velopment serving as an administrative officer for community college mat-
12 ters.

13 “(2) Except as provided in subsection (3) of this section, the commission
14 may adopt any rules necessary for the effective and efficient administration
15 of the office or for the administration of laws that the office is charged with
16 administering.

17 “(3) The commission, in consultation with **the State Workforce and**
18 **Talent Development Board, workforce partners** [*the office*] and the Edu-
19 cation and Workforce Policy Advisor and pursuant to ORS chapter 183, may
20 adopt any rules necessary for the administration of laws related to the fed-
21 eral Workforce [*Investment*] **Innovation and Opportunity** Act that the of-
22 fice **or commission** is charged with administering.

23 **“SECTION 31.** ORS 350.170 is amended to read:

24 “350.170. (1) The Higher Education Coordinating Commission shall estab-
25 lish by rule a process for making grants or loans to public-private partner-
26 ships to provide advanced technology education and training opportunities.
27 The purpose of the grants and loans is to support the development and im-
28 plementation of public-private partnerships to provide advanced technology
29 education and training opportunities in all business and industry sectors for
30 individuals in communities throughout Oregon. The partnerships shall be

1 between public and private entities and may include joint ventures among
2 business and industry, school districts, education service districts, eligible
3 post-secondary institutions as defined in ORS 348.180 and public bodies as
4 defined in ORS 174.109.

5 “(2) A public-private partnership that receives a grant or loan under this
6 section must provide advanced technology education and training opportu-
7 nities that:

8 “(a) Address current and future workforce development needs dictated by
9 Oregon’s rapidly changing economy;

10 “(b) Facilitate sustainable and dynamic economic development in com-
11 munities by creating flexible opportunities for workforce development;

12 “(c) Establish results oriented, collaborative investments of public and
13 private resources in communities throughout Oregon;

14 “(d) Ensure that Oregon’s capacity for economic growth and vitality is
15 not limited by a lack of opportunities for workforce development; and

16 “(e) Provide support to existing community efforts to establish innovative
17 strategies for delivering advanced technology education and training.

18 “(3) The process established by the commission for making grants and
19 loans shall ensure that:

20 “(a) Local communities are informed about the availability of the grants
21 and loans;

22 “(b) Advanced technology education and training projects are geograph-
23 ically distributed throughout Oregon;

24 “(c) There is equal opportunity for urban and rural access to quality ed-
25 ucation and training opportunities;

26 “(d) Representatives of related, ongoing community efforts assist in the
27 implementation of advanced technology education and training projects; and

28 “(e) Procedures and timelines are designed to minimize barriers to re-
29 ceiving funds.

30 “(4) When considering applications for grants and loans, the Office of

1 Community Colleges and Workforce Development shall give priority to ad-
2 vanced technology education and training projects that:

3 “(a) Provide or increase access for individuals to advanced technology
4 education and training through the efforts of local and regional career cen-
5 ters and partnerships and distance education technology available locally
6 and regionally;

7 “(b) In combination with other projects receiving funds, contribute to
8 advanced technology education and training opportunities in every part of
9 the state;

10 “(c) Use federal funds;

11 “(d) Have widespread community support as evidenced by a memorandum
12 of agreement or similar documentation;

13 “(e) Represent an effective sharing of resources through public-private
14 partnerships among business and industry, school districts, education service
15 districts, eligible post-secondary institutions as defined in ORS 348.180 and
16 public bodies as defined in ORS 174.109;

17 “(f) Have a long-term strategic plan and lack only the necessary financial
18 resources;

19 “(g) Provide state-of-the-art technology that meets current standards of
20 business and industry and addresses local and regional economic develop-
21 ment priorities;

22 “(h) Help individuals connect education and training with career planning
23 and job opportunities through local and regional career centers as imple-
24 mented under the federal Workforce [*Investment*] **Innovation and Oppor-**
25 **tunity Act**;

26 “(i) Provide articulated education programs that lead to a degree or an
27 industry-specific skills certification; and

28 “(j) Establish short-term training programs that meet the immediate needs
29 of local employers in their communities.

30 “(5)(a) A public-private partnership awarded a grant or loan under this

1 section shall use the grant or loan for any of the following:

2 “(A) Infrastructure construction or reconstruction.

3 “(B) Equipment or technology purchases.

4 “(C) Curriculum development.

5 “(D) Expansion or revision of a current project to increase the capacity
6 of the project, alter the project plan, change the members of the partnership
7 or address education or employment deficiencies in the community served by
8 the public-private partnership.

9 “(b) A grant or loan awarded under this section for the purpose described
10 in paragraph (a)(D) of this subsection may not exceed \$25,000.

11 “(6) The application for a grant or loan under this section shall include:

12 “(a) The names of the members of the public-private partnership;

13 “(b) A description of standards used to assess the performance of the
14 project;

15 “(c) An estimate of the number of individuals who will be served by the
16 project;

17 “(d) The name of the fiscal agent of the public-private partnership;

18 “(e) A project plan covering at least the first two years after receipt of
19 a grant or loan; and

20 “(f) The name of the person who will be responsible for convening the
21 public-private partnership on a regular basis.

22 “(7) The commission may accept contributions of funds and assistance
23 from the United States Government or its agencies or from any other source,
24 public or private, and agree to conditions placed on the funds not inconsis-
25 tent with the purposes of this section.

26 “(8) Any moneys received by the commission through repayment of a loan
27 awarded under this section, or received by the commission under subsection
28 (7) of this section, shall be deposited by the commission in the Advanced
29 Technology Education and Training Fund established under ORS 350.165.

30 **“SECTION 32.** ORS 418.658 is amended to read:

1 “418.658. (1) The program director of the Oregon Youth Conservation
2 Corps shall establish a separate program known as the Oregon Community
3 Stewardship Corps. In addition to the established purposes of the Oregon
4 Youth Conservation Corps, the purpose of the Oregon Community
5 Stewardship Corps is to promote community service activities throughout the
6 state for a broad cross section of Oregon disadvantaged and at-risk youth
7 through programs that also include appropriate educational and job training
8 opportunities for participants.

9 “(2) In addition to projects submitted under ORS 418.660 (1), projects of
10 the Oregon Community Stewardship Corps may include, but shall not be
11 limited to:

12 “(a) Child care services.

13 “(b) Elderly and disabled care services.

14 “(c) Literacy education programs.

15 “(d) Recycling and other waste reduction services.

16 “(3) The Oregon Community Stewardship Corps shall offer employment
17 and educational opportunities of at least three but not more than 12 months’
18 duration for selected participants.

19 “(4) Under rules adopted by the Higher Education Coordinating Commis-
20 sion, participants who successfully complete any 12-month program under
21 this section shall be eligible for \$1,500 in tuition vouchers that can be used
22 at any career school or post-secondary educational institution that is quali-
23 fied to receive assistance through the Executive Director of the Office of
24 Student Access and Completion.

25 “(5) All Oregonians who are at least 13 years of age and under 25 years
26 of age are eligible to participate in the program. To ensure that Oregon
27 Community Stewardship Corps participants represent a broad cross section
28 of Oregonians, special emphasis shall be given to recruiting school dropouts
29 and other disadvantaged and at-risk youth, according to criteria established
30 by the Oregon Youth Conservation Corps Advisory Committee.

1 “(6) To the extent practicable, the program director shall enlist state and
2 federal agencies, local government, nonprofit organizations and private
3 businesses, and any combination of such entities, to act as sponsors for pro-
4 grams administered under this section. Selection of sponsors shall be based
5 on criteria that include the following:

6 “(a) The availability of other resources on a matching basis, including
7 contributions from private sources, other federal, state and local agencies,
8 and moneys available through the federal Workforce [*Investment Act of 1998*
9 (*29 U.S.C. 2801 et seq.*)] **Innovation and Opportunity Act**;

10 “(b) The provision of related educational and job training programs to
11 participants, including but not limited to school and college coursework,
12 General Educational Development (GED) tests equivalency training, project-
13 related education and professional training;

14 “(c) Assurances that proposed projects will not displace existing employ-
15 ees or duplicate existing private or government programs; and

16 “(d) Assurances that proposed projects are devoted to the enhancement
17 of the community and are not based in maintenance activities and that these
18 projects meet an identified need.

19 “(7) In consultation with the advisory committee [*and the Director of the*
20 *Office of Community Colleges and Workforce Development*], the program di-
21 rector shall make grants for programs administered under this section.

22 “**SECTION 33.** ORS 657.345 is amended to read:

23 “657.345. (1) Individuals who are identified as dislocated workers under
24 the federal Workforce [*Investment Act of 1998 (29 U.S.C. 2801 et seq.)*] **In-**
25 **novation and Opportunity Act**, and implementing regulations, and who
26 attend training programs identified under the Act shall be considered to be
27 in approved career and technical training. The training shall be for occupa-
28 tions or skills for which there are or are expected to be reasonable employ-
29 ment opportunities in the area or in another area to which the individual is
30 willing to relocate or which relate to the development of a self-employment

1 enterprise for which there is reasonable opportunity for success.

2 “(2) In approving career and technical training for eligible dislocated
3 workers who do not attend training programs identified in subsection (1) of
4 this section, the Director of the Employment Department shall require:

5 “(a) That the career and technical training relates to an occupation or
6 skill for which there are, or are expected to be, reasonable employment op-
7 portunities in this state or relates to the development of a self-employment
8 enterprise for which there is a reasonable opportunity for success.

9 “(b) That the individual has the qualifications and aptitudes to success-
10 fully complete such career and technical training.

11 **“SECTION 34.** ORS 329.850 is amended to read:

12 “329.850. (1) The Education and Workforce Policy Advisor, in consultation
13 with the Department of Education, the [*Office of Community Colleges and*
14 *Workforce Development*] **Higher Education Coordinating Commission**, the
15 Bureau of Labor and Industries, the Oregon Business Development Depart-
16 ment and the Department of Human Services, shall propose policies and
17 strategies consistent with this chapter.

18 “(2) The Education and Workforce Policy Advisor’s policies and strategies
19 must take into account that:

20 “(a) The state must promote innovative thinking with respect to the cur-
21 riculum and educational delivery system of Oregon public schools;

22 “(b) The state must require of all youth a level of achievement that pre-
23 pares them to pursue college, career and technical education programs, ap-
24 prenticeships, work-based training and school-to-work programs;

25 “(c) Greater employer investment is essential in the ongoing training of
26 all workers to meet workforce needs;

27 “(d) The state must encourage Oregon businesses to improve productivity
28 by creating high performance work organizations that provide high skills and
29 high wage opportunities for youth and adults; and

30 “(e) All employment-related training, education and job placement ser-

1 vices and sources of funds must be coordinated among state agencies and
2 boards and must complement the state’s overall efforts on behalf of youth
3 and adults.

4 **“SECTION 35.** ORS 458.675 is amended to read:

5 “458.675. The Legislative Assembly finds that:

6 “(1) The problem of poverty will not be solved solely by government pro-
7 grams and income subsidies.

8 “(2) Family economic well-being does not come solely from income,
9 spending or consumption, but instead requires savings, investment and the
10 accumulation of assets.

11 “(3) It is appropriate for the state to institute an asset-based antipoverty
12 strategy.

13 “(4) The state has an opportunity to take advantage of private and federal
14 resources by making the transition to an asset-based antipoverty strategy.
15 Those resources include, but are not limited to, the Assets for Independence
16 Act (42 U.S.C. 604) and the Workforce [*Investment Act (P.L. 105-220)*] **Inno-**
17 **vation and Opportunity Act (29 U.S.C. 3101 et seq.).**

18 “(5) Investment through an individual development account system will
19 help lower income households obtain the assets they need to succeed. Com-
20 munities and this state will experience resultant economic and social bene-
21 fits accruing from the promotion of job training and higher education, home
22 ownership and small business development.

23 “(6) It is desirable for this state to enact legislation that enables an au-
24 thorized fiduciary organization sufficient flexibility to receive private, state
25 and federal moneys for individual development accounts. The Legislative
26 Assembly should periodically review the provisions of ORS 458.675 to 458.700
27 to ensure that this state maximizes the receipt of available federal moneys
28 for individual development accounts.

29 **“SECTION 36.** ORS 461.740 is amended to read:

30 “461.740. (1) It is the policy of the State of Oregon that any firm receiving

1 benefit from state lottery-funded programs should undertake a good faith ef-
2 fort to hire and retain as employees low-income individuals who have re-
3 ceived job training assistance from publicly funded job training providers.

4 “(2) The Oregon Business Development Department may require any firm
5 receiving benefit from state lottery-funded programs the department admin-
6 isters to enter into a first-source hiring agreement with publicly funded job
7 training providers.

8 “(3) Publicly funded job training providers shall coordinate their services
9 and establish an agreement outlining the process by which they will respond
10 to firms receiving benefit. This agreement shall be submitted to the depart-
11 ment for its review and approval.

12 “(4) As used in this section:

13 “(a) ‘Firm receiving benefit’ means any business that benefits directly or
14 substantially from any program financed by state lottery funds and is certi-
15 fied as such a firm by the state agency that administers the lottery-funded
16 program.

17 “(b) ‘First-source hiring agreement’ means an agreement between a firm
18 receiving benefits and a publicly funded job training provider whereby the
19 job provider refers qualified candidates to the firm for new jobs and job
20 openings, excluding professional, managerial, technical and seasonal posi-
21 tions which the Director of the Oregon Business Development Department
22 determines cannot be filled by persons likely to be referred by publicly
23 funded job training providers.

24 “(c) ‘Publicly funded job training provider’ includes, but is not limited to,
25 community colleges, service providers under the federal Workforce [*Invest-*
26 *ment Act Title I-B (29 U.S.C. 2801 et seq.)*] **Innovation and Opportunity**
27 **Act** and other similar programs.

28 “**SECTION 37.** ORS 657.380 is amended to read:

29 “657.380. (1) Notwithstanding any other provision of this chapter, for the
30 purposes of ORS 657.370 to 657.390, an individual is unemployed and eligible

1 to receive shared work benefits with respect to any week if, in addition to
2 meeting all other eligibility requirements of this chapter, the Director of the
3 Employment Department finds that:

4 “(a) During the week the individual is employed as a member of an af-
5 fected group in an approved plan that was approved prior to the week and
6 is in effect for the week.

7 “(b) During the week the individual’s normal weekly hours of work were
8 reduced, in accordance with an approved plan, at least 20 percent but not
9 more than 40 percent, with a corresponding reduction in wages.

10 “(2) Shared work benefits may not be paid to an eligible individual in an
11 amount greater than 26 times the individual’s weekly benefit amount of
12 regular benefits.

13 “(3) The total amount of regular benefits and shared work benefits paid
14 to an individual in a benefit year may not exceed the total for the benefit
15 year as provided in ORS 657.150 (5).

16 “(4) An otherwise eligible individual may not be denied benefits under
17 this section:

18 “(a) Because of the application of any provision of this chapter relating
19 to availability for work, active search for work or refusal to apply for or
20 accept work from other than the individual’s shared work employer.

21 “(b) For participating in training to enhance the job skills of the indi-
22 vidual, if the training is sponsored by the employer or funded under the
23 federal Workforce [*Investment Act of 1998 (29 U.S.C. 2801 et seq.)*] **Inno-**
24 **vation and Opportunity Act**, and approved by the director.

25 “**SECTION 38.** ORS 657.610 is amended to read:

26 “657.610. The Director of the Employment Department may:

27 “(1) For purposes of administration and control, and with the approval
28 of the Governor, organize and reorganize the department in whatever manner
29 the director considers appropriate to carry out the duties, functions and
30 powers of the department.

1 “(2) Appoint all subordinate officers and employees of the department,
2 whether classified or unclassified, and prescribe their duties and compen-
3 sation, subject to applicable provisions of the State Personnel Relations Law.

4 “(3) Delegate to departmental officers and employees such responsibility
5 and authority as the director determines necessary.

6 “(4)(a) Determine all questions of general policy for this chapter;

7 “(b) Adopt rules for this chapter; and

8 “(c) Administer and enforce this chapter.

9 “(5) Sue and be sued in the name of the director, and shall have a seal
10 bearing the name of the Employment Department.

11 “(6) Adopt proper rules to regulate the mode and manner of all investi-
12 gations.

13 “(7) Prescribe the time, place and manner of making claims for benefits
14 under this chapter, the kind and character of notices required thereunder
15 and the procedure for investigating and deciding claims.

16 “(8) Enter into contracts relating to the federal Workforce [*Investment*]
17 **Innovation and Opportunity** Act deemed necessary by the director to ful-
18 fill the mission of the department. The director may enter into contracts with
19 other states or governments, public bodies or persons to provide or receive
20 services. Contracts entered into by the director shall be executed in the name
21 of the state, by and through the Employment Department.

22 “**SECTION 39.** ORS 657.665 is amended to read:

23 “657.665. (1) Except as provided in subsections (2) to (5) of this section,
24 all information in the records of the Employment Department pertaining to
25 the administration of the unemployment insurance, employment service and
26 labor market information programs:

27 “(a) Is confidential and for the exclusive use and information of the Di-
28 rector of the Employment Department in administering the unemployment
29 insurance, employment service and labor market information programs in
30 Oregon.

1 “(b) May not be used in any court action or in any proceeding pending
2 in the court unless the director or the state is a party to the action or pro-
3 ceeding or unless the proceeding concerns the establishment, enforcement or
4 modification of a support obligation and support services are being provided
5 by the Division of Child Support or the district attorney pursuant to ORS
6 25.080.

7 “(c) Is exempt from disclosure under ORS 192.410 to 192.505.

8 “(2) The Employment Department shall disclose information:

9 “(a) To any claimant or legal representative, at a hearing before an ad-
10 ministrative law judge, to the extent necessary for the proper presentation
11 of an unemployment insurance claim.

12 “(b) Upon request to the United States Secretary of Labor. The Employ-
13 ment Department shall disclose the information in a form and containing the
14 information that the United States Secretary of Labor may require. The in-
15 formation disclosed is confidential and may not be used for any other pur-
16 pose.

17 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request
18 to any agency of the United States charged with the administration of public
19 works or assistance through public employment. Under this paragraph, the
20 Employment Department shall disclose the name, address, ordinary occupa-
21 tion and employment status of each recipient of unemployment insurance
22 benefits and a statement of the recipient’s right to further benefits under this
23 chapter. The information disclosed is confidential and may not be used for
24 any other purpose.

25 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Rail-
26 road Retirement Board. Under this paragraph, the Employment Department
27 shall disclose unemployment insurance records. The information disclosed is
28 confidential and may not be used for any other purpose. The costs of dis-
29 closing information under this paragraph shall be paid by the board.

30 “(e) Pursuant to section 303(d) of the Social Security Act, upon request

1 to officers and employees of the United States Department of Agriculture and
2 to officers or employees of any state Supplemental Nutrition Assistance
3 Program agency for the purpose of determining an individual's eligibility for
4 or the amount of supplemental nutrition assistance. The information dis-
5 closed is confidential and may not be used for any other purpose. The costs
6 of disclosing information under this paragraph shall be paid by the United
7 States Department of Agriculture.

8 “(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act,
9 to state or local child support enforcement agencies enforcing child support
10 obligations under Title IV-D of the Social Security Act for the purposes of
11 establishing child support obligations, locating individuals owing child sup-
12 port obligations and collecting child support obligations from those individ-
13 uals. The information disclosed is confidential and may not be used for any
14 other purpose. The costs of disclosing information under this paragraph shall
15 be paid by the child support enforcement agency.

16 “(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to
17 agencies participating in the income and eligibility verification system for
18 the purpose of verifying an individual's eligibility for benefits, or the amount
19 of benefits, under unemployment insurance, temporary assistance for needy
20 families, Medicaid, the Supplemental Nutrition Assistance Program, Supple-
21 mental Security Income, child support enforcement or Social Security pro-
22 grams. The information disclosed is confidential and may not be used for any
23 other purpose. The costs of disclosing information under this paragraph shall
24 be paid by the requesting agency.

25 “(h) Pursuant to section 303(h) of the Social Security Act and section
26 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States
27 Department of Health and Human Services National Directory of New Hires.
28 The information disclosed is confidential and may not be used for any other
29 purpose. The costs of disclosing information under this paragraph shall be
30 paid by the United States Department of Health and Human Services.

1 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and
2 employees of the United States Department of Housing and Urban Develop-
3 ment and to representatives of a public housing agency for the purpose of
4 determining an individual’s eligibility for benefits, or the amount of benefits,
5 under a housing assistance program of the United States Department of
6 Housing and Urban Development. The information disclosed is confidential
7 and may not be used for any other purpose. The costs of disclosing informa-
8 tion under this paragraph shall be paid by the United States Department of
9 Housing and Urban Development or the public housing agency.

10 “(j) Pursuant to regulations of the United States Secretary of Health and
11 Human Services issued under section 3304(a)(16)(A) of the Federal Unem-
12 ployment Tax Act, and except as required by section 303 of the Social Secu-
13 rity Act, to the state, a political subdivision or a federally recognized Indian
14 tribe that has signed an agreement with the Department of Human Services
15 to administer Part A of Title IV of the Social Security Act for the purpose
16 of determining an individual’s eligibility for assistance, or the amount of
17 assistance, under a program funded under Part A of Title IV of the Social
18 Security Act. The information disclosed is confidential and may not be used
19 for any other purpose.

20 “(k) Upon request, to the United States Attorney’s Office. Under this
21 paragraph, the Employment Department may disclose an individual’s em-
22 ployment and wage information in response to a federal grand jury subpoena
23 or for the purpose of collecting civil and criminal judgments, including
24 restitution and special assessment fees. The information disclosed is confi-
25 dential and may not be used for any other purpose. The costs of disclosing
26 information under this paragraph shall be paid by the United States
27 Attorney’s Office.

28 “(3) The Employment Department may disclose information secured from
29 employing units:

30 “(a) To agencies of this state, federal agencies and local government

1 agencies to the extent necessary to properly carry out governmental plan-
2 ning, performance measurement, program analysis, socioeconomic analysis
3 and policy analysis functions performed under applicable law. The informa-
4 tion disclosed is confidential and may not be disclosed by the agencies in any
5 manner that would identify individuals, claimants, employees or employing
6 units. If the information disclosed under this paragraph is not prepared for
7 the use of the Employment Department, the costs of disclosing the informa-
8 tion shall be paid by the agency requesting the information.

9 “(b) As part of a geographic information system. Points on a map may be
10 used to represent economic data, including the location, employment size
11 class and industrial classification of businesses in Oregon. Information pre-
12 sented as part of a geographic information system may not give specific de-
13 tails regarding a business’s address, actual employment or proprietary
14 information. If the information disclosed under this paragraph is not pre-
15 pared for the use of the Employment Department, the costs of disclosing the
16 information shall be paid by the party requesting the information.

17 “(c) In accordance with ORS 657.673.

18 “(4) The Employment Department may:

19 “(a) Disclose information to public employees in the performance of their
20 duties under state or federal laws relating to the payment of unemployment
21 insurance benefits, the provision of employment services and the provision
22 of labor market information.

23 “(b) At the discretion of the Director of the Employment Department and
24 subject to an interagency agreement, disclose information to public officials
25 in the performance of their official duties administering or enforcing laws
26 within their authority and to the agents or contractors of public officials.
27 The public official shall agree to assume responsibility for misuse of the in-
28 formation by the official’s agent or contractor.

29 “(c) Disclose information pursuant to an informed consent, received from
30 an employer or claimant, to disclose the information.

1 “(d) Disclose information to partners under the federal Workforce [*In-*
2 *vestment Act of 1998*] **Innovation and Opportunity Act** for the purpose of
3 administering state workforce programs under the Act. The information dis-
4 closed is confidential and may not be used for any other purpose. The costs
5 of disclosing information under this paragraph shall be paid by the request-
6 ing partner.

7 “(e) Disclose the names and addresses of employing units to the Bureau
8 of Labor and Industries for the purpose of disseminating information to em-
9 ploying units. The names and addresses disclosed are confidential and may
10 not be used for any other purpose. If the information disclosed under this
11 paragraph is not prepared for the use of the Employment Department, the
12 costs of disclosing the information shall be paid by the bureau.

13 “(f) Disclose information to the Commissioner of the Bureau of Labor and
14 Industries for the purpose of performing duties under ORS 279C.800 to
15 279C.870, 658.005 to 658.245 or 658.405 to 658.503 or ORS chapter 652, 653 or
16 659A. The information disclosed may include the names and addresses of
17 employers and employees and payroll data of employers and employees. The
18 information disclosed is confidential and may not be used for any other
19 purpose. If the information disclosed under this paragraph is not prepared
20 for the use of the Employment Department, the costs of disclosing the in-
21 formation shall be paid by the bureau.

22 “(g) Disclose information required under ORS 657.660 (3) and (4) to the
23 Public Employees Retirement System for the purpose of determining the el-
24 igibility of members of the retirement system for disability retirement al-
25 lowances under ORS chapter 238. The information disclosed is confidential
26 and may not be used for any other purpose. The costs of disclosing informa-
27 tion under this paragraph shall be paid by the Public Employees Retirement
28 System.

29 “(h) Disclose to the Oregon Business Development Commission informa-
30 tion required by the commission in performing its duty under ORS 285A.050

1 to verify changes in employment levels following direct employer partic-
2 ipation in Oregon Business Development Department programs or indirect
3 participation through municipalities under ORS 285B.410 to 285B.482. The
4 information disclosed to the commission may include an employer's employ-
5 ment level, total subject wages payroll and whole hours worked. The infor-
6 mation disclosed is confidential and may not be used for any other purpose.
7 The commission may not disclose the information in any manner that would
8 identify an employing unit or employee except to the extent necessary to
9 carry out the commission's duty under ORS 285A.050. If the information
10 disclosed under this paragraph is not prepared for the use of the Employment
11 Department, the costs of disclosing the information shall be paid by the
12 commission.

13 “(i) Disclose information to the Department of Revenue for the purpose
14 of performing its duties under ORS 293.250 or under the revenue and tax laws
15 of this state. The information disclosed may include the names and addresses
16 of employers and employees and payroll data of employers and employees.
17 The information disclosed is confidential and may not be disclosed by the
18 Department of Revenue in any manner that would identify an employing unit
19 or employee except to the extent necessary to carry out the department's
20 duties under ORS 293.250 or in auditing or reviewing any report or return
21 required or permitted to be filed under the revenue and tax laws adminis-
22 tered by the department. The Department of Revenue may not disclose any
23 information received to any private collection agency or for any other pur-
24 pose. If the information disclosed under this paragraph is not prepared for
25 the use of the Employment Department, the costs of disclosing the informa-
26 tion shall be paid by the Department of Revenue.

27 “(j) Disclose information to the Department of Consumer and Business
28 Services for the purpose of performing its duties under ORS chapters 654 and
29 656. The information disclosed may include the name, address, number of
30 employees and industrial classification code of an employer and payroll data

1 of employers and employees. The information disclosed is confidential and
2 may not be disclosed by the Department of Consumer and Business Services
3 in any manner that would identify an employing unit or employee except to
4 the extent necessary to carry out the department's duties under ORS chap-
5 ters 654 and 656, including administrative hearings and court proceedings in
6 which the Department of Consumer and Business Services is a party. If the
7 information disclosed under this paragraph is not prepared for the use of the
8 Employment Department, the costs of disclosing the information shall be
9 paid by the Department of Consumer and Business Services.

10 “(k) Disclose information to the Construction Contractors Board for the
11 purpose of performing its duties under ORS chapter 701. The information
12 disclosed to the board may include the names and addresses of employers and
13 status of their compliance with this chapter. If the information disclosed
14 under this paragraph is not prepared for the use of the Employment De-
15 partment, the costs of disclosing the information shall be paid by the board.

16 “(L) Disclose information to the State Fire Marshal to assist the State
17 Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The in-
18 formation disclosed may include the name, address, telephone number and
19 industrial classification code of an employer. The information disclosed is
20 confidential and may not be disclosed by the State Fire Marshal in any
21 manner that would identify an employing unit except to the extent necessary
22 to carry out duties under ORS 453.307 to 453.414. If the information disclosed
23 under this paragraph is not prepared for the use of the Employment De-
24 partment, the costs of disclosing the information shall be paid by the office
25 of the State Fire Marshal.

26 “(m) Disclose information to the Higher Education Coordinating Com-
27 mission for the purpose of performing the commission's duties under ORS
28 chapter 348 and Title IV of the Higher Education Act of 1965. The informa-
29 tion disclosed may include the names and addresses of employers and em-
30 ployees and payroll data of employers and employees. The information

1 disclosed is confidential and may not be disclosed by the commission in any
2 manner that would identify an employing unit or employee except to the
3 extent necessary to carry out the commission's duties under ORS chapter 348
4 or Title IV of the Higher Education Act of 1965. If the information disclosed
5 under this paragraph is not prepared for the use of the Employment De-
6 partment, the costs of disclosing the information shall be paid by the com-
7 mission.

8 “(n) Disclose information to the Department of Transportation to assist
9 the Department of Transportation in carrying out the duties of the Depart-
10 ment of Transportation relating to collection of delinquent and liquidated
11 debts, including taxes, under ORS 184.610 to 184.656, 184.670 to 184.733 and
12 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information
13 disclosed may include the names and addresses of employers and employees
14 and payroll data of employers and employees. The information disclosed is
15 confidential and may not be disclosed by the Department of Transportation
16 in any manner that would identify an employing unit or employee except to
17 the extent necessary to carry out the Department of Transportation's duties
18 relating to collection of delinquent and liquidated debts or in auditing or
19 reviewing any report or return required or permitted to be filed under the
20 revenue and tax laws administered by the Department of Transportation. The
21 Department of Transportation may not disclose any information received to
22 any private collection agency or for any other purpose. If the information
23 disclosed under this paragraph is not prepared for the use of the Employment
24 Department, the costs of disclosing the information shall be paid by the De-
25 partment of Transportation.

26 “(o) Disclose information to the Department of Human Services and the
27 Oregon Health Authority to assist the Department of Human Services and
28 the Oregon Health Authority in the collection of debts that the Department
29 of Human Services and the Oregon Health Authority are authorized by law
30 to collect. The information disclosed may include the names, addresses and

1 payroll data of employers and employees. The information disclosed is con-
2 fidential and may not be disclosed by the Department of Human Services or
3 the Oregon Health Authority in a manner that would identify an employing
4 unit or employee except to the extent necessary for the collection of debts
5 as described in this paragraph. The Department of Human Services and the
6 Oregon Health Authority may not disclose information received under this
7 paragraph to a private collection agency or use the information for a purpose
8 other than the collection of debts as described in this paragraph. If the in-
9 formation disclosed under this paragraph is not prepared for the use of the
10 Employment Department, the costs of disclosing the information shall be
11 paid by the Department of Human Services or the Oregon Health Authority.

12 “(p) Disclose to the Alcohol and Drug Policy Commission information
13 required by the commission in evaluating and measuring the performance of
14 alcohol and drug prevention and treatment programs under ORS 430.242 or
15 the impact of the programs on employment. The information disclosed to the
16 commission may include total subject wages payroll and whole hours worked.
17 The information disclosed under this paragraph is confidential and may not
18 be used for any other purpose. The commission may not disclose the infor-
19 mation in any manner that would identify an employing unit or employee
20 except to the extent necessary to carry out the commission’s duties under
21 ORS 430.242. If the information disclosed under this paragraph is not pre-
22 pared for the use of the Employment Department, the costs of disclosing the
23 information shall be paid by the commission.

24 “(q) Disclose to any person establishment level information secured pur-
25 suant to this chapter from federal, state and local government employing
26 units. If the information disclosed under this paragraph is not prepared for
27 the use of the Employment Department, the costs of disclosing the informa-
28 tion shall be paid by the party requesting the information.

29 “(r) Disclose to any person the industrial classification code assigned to
30 an employing unit. If the information disclosed under this paragraph is not

1 prepared for the use of the Employment Department, the costs of disclosing
2 the information shall be paid by the party requesting the information.

3 “(5) The Employment Department may make public all decisions of the
4 Employment Appeals Board.

5 “(6) Any officer appointed by or any employee of the Director of the
6 Employment Department who discloses confidential information, except with
7 the authority of the director, pursuant to rules or as otherwise required by
8 law, may be disqualified from holding any appointment or employment with
9 the Employment Department.

10 “(7) Any person or any officer or employee of an entity to whom infor-
11 mation is disclosed by the Employment Department under this section who
12 divulges or uses the information for any purpose other than that specified
13 in the provision of law or agreement authorizing the use or disclosure may
14 be disqualified from performing any service under contract or disqualified
15 from holding any appointment or employment with the state agency that
16 engaged or employed that person, officer or employee. The Employment De-
17 partment may immediately cancel or modify any information sharing agree-
18 ment with an entity when a person or an officer or employee of that entity
19 discloses confidential information, other than as specified in law or agree-
20 ment.

21 **“SECTION 40.** ORS 657.730 is amended to read:

22 “657.730. (1) As used in this section, unless the context requires otherwise:

23 “(a) ‘Labor market analysis’ means the measurement and evaluation of
24 economic forces as they relate to the employment process in the local labor
25 market area. Variables affecting labor market relationships include, but are
26 not limited to, such factors as labor force changes and characteristics, pop-
27 ulation changes and characteristics, occupational and industrial structure
28 and development, technological developments, shifts in consumer demand,
29 volume and extent of unionization and trade disputes, recruitment practices,
30 wage levels, conditions of employment and training opportunities.

1 “(b) ‘Labor market area’ means an economically integrated geographic
2 area within which individuals can reside and find employment within a rea-
3 sonable distance or can readily change employment without changing their
4 place of residence. Such areas shall be identified in accordance with criteria
5 used by the Bureau of Labor Statistics of the United States Department of
6 Labor in defining such areas or similar criteria established by the Director
7 of the Employment Department. The area generally takes the name of its
8 community. The boundaries depend primarily on economic and geographic
9 factors. The State of Oregon is divided into labor market areas, which usu-
10 ally include a county or group of contiguous counties.

11 “(c) ‘Labor market information’ means the body of information generated
12 from measurement and evaluation of the socioeconomic factors and variables
13 influencing the employment process in the state and specific labor market
14 areas. These socioeconomic factors and variables affect labor demand and
15 supply relationships and include:

16 “(A) Labor force information, which includes but is not limited to em-
17 ployment, unemployment, labor force participation, labor turnover and mo-
18 bility, average hours and earnings and changes and characteristics of the
19 population and labor force within specific labor market areas and the state;

20 “(B) Occupational information, which includes but is not limited to oc-
21 cupational supply and demand estimates and projections, characteristics of
22 occupations, wage levels, job duties, training and education requirements,
23 conditions of employment, unionization, retirement practices and training
24 opportunities;

25 “(C) Economic information, which includes but is not limited to number
26 of business starts and stops by industry and labor market area, information
27 on employment growth and decline by industry and labor market area, em-
28 ployer establishment data and number of union disputes and strikes by in-
29 dustry and labor market area; and

30 “(D) Program information, which includes but is not limited to program

1 participant or student information gathered in cooperation with other state
2 and local agencies along with related labor market information to evaluate
3 the effectiveness, efficiency and impact of state and local employment,
4 training, education and job creation efforts in support of planning, manage-
5 ment, implementation and evaluation.

6 “(2) The Director of the Employment Department shall have the following
7 duties:

8 “(a) Oversight, operation and management of a statewide comprehensive
9 labor market and occupational supply and demand information system, in-
10 cluding development of a five-year employment forecast for state and labor
11 market areas.

12 “(b) Preparation of local labor market information packages for the
13 state’s workforce system, including special studies and job impact analyses
14 in support of state and local employment, training, education and job cre-
15 ation programs, especially activities that prevent job loss, reduce unemploy-
16 ment and create jobs.

17 “(c) Coordination with other appropriate public agencies to improve em-
18 ployment estimates by enhancing data on corporate officers, improving busi-
19 ness establishment listings, expanding samples for employment estimates and
20 developing business entry or exit analysis relevant to the generation of oc-
21 cupational and economic forecasts.

22 “(d) Production of long-term and occupational employment forecasts in
23 cooperation with other appropriate agencies.

24 “(e) Coordination with state workforce agencies as defined in ORS 660.300
25 to study ways to standardize federal and state multiagency administrative
26 records, such as unemployment insurance information and other information
27 to produce employment, training, education and economic analysis needed to
28 improve labor market information products and services.

29 “(f) Production of labor market information and economic analysis needed
30 to facilitate the efficient and effective matching of the supply and demand

1 of labor critical to an effective labor exchange in Oregon. Information col-
2 lected will be coordinated with other public agencies through cooperative
3 data collection efforts for statistical analysis, research or studies including,
4 but not limited to, agricultural labor supply and demand, high performance
5 organizations, targeted industries programs, and industrial improvement and
6 expansion.

7 “(g) Administration of other appropriate labor market information activ-
8 ities including support of efforts by local workforce [*investment*] **develop-**
9 **ment** boards, as defined in ORS 660.300, to align economic development,
10 education and training with workforce development investments and services
11 for job seekers and businesses to efficiently address local labor market needs
12 and statewide workforce development priorities.

13 “(3) To implement this section, the director shall have authority to:

14 “(a) Establish rules and procedures to recover reasonable costs incurred
15 in producing and providing:

16 “(A) Labor market information products developed by the Employment
17 Department in the ordinary course of business when the request results in
18 costs over and above the ordinary costs of production including, but not
19 limited to, special publication runs, photocopying or supplying the copy in
20 some other medium; and

21 “(B) Special labor market information products in response to individual
22 requests that incur costs beyond the ordinary costs of doing business in-
23 cluding, but not limited to, computer time, staff costs, preparation and dis-
24 tribution of surveys, electronic scanning, and special data collection,
25 formatting and analysis. The director may enter into agreements with other
26 public agencies to provide special labor market information products in a
27 quid pro quo arrangement.

28 “(b) Receive federal set aside funds from federal programs that are au-
29 thorized to fund state and local labor market information and are required
30 to use such information in support of their programs.

1 “(c) Enter into agreements for statistical analysis, research or evaluation
2 studies of privately and publicly funded employment, training, education and
3 economic development programs.

4 **“SECTION 41.** ORS 657.734 is amended to read:

5 “657.734. (1) As used in this section:

6 “(a) ‘Public body’ has the meaning given that term in ORS 192.410.

7 “(b) ‘System participant’ means:

8 “(A) Mandatory partners under the federal Workforce [*Investment Act of*
9 *1998 (enacted as P.L. 105-220 and codified as 29 U.S.C. 2801 et seq.)*] **Inno-**
10 **vation and Opportunity Act** and other one-stop system partners, which
11 may include public bodies and private organizations; and

12 “(B) Public bodies and private organizations that have been approved by
13 the Director of the Employment Department, in consultation with the Edu-
14 cation and Workforce Policy Advisor, to participate in the Performance Re-
15 porting Information System.

16 “(2) There is established the Performance Reporting Information System
17 for the purpose of collecting, analyzing and sharing statistical and demo-
18 graphic data for the development and reporting of workforce system per-
19 formance measures.

20 “(3) The Performance Reporting Information System is intended to share
21 the data described in subsection (2) of this section, by agreement, with all
22 system participants.

23 “(4) The Director of the Employment Department shall administer and, in
24 consultation with the Education and Workforce Policy Advisor, oversee the
25 development of the Performance Reporting Information System. System par-
26 ticipants shall be designated as participants in the system by rule of the
27 Employment Department, in consultation with the Education and Workforce
28 Policy Advisor. A system participant shall enter into an interagency or other
29 applicable agreement with the director that:

30 “(a) Establishes protocols for the collection and sharing of data in the

1 system;

2 “(b) Establishes safeguards for protecting the confidentiality of data in
3 the system;

4 “(c) Includes provisions regarding informed consent for sharing informa-
5 tion obtained from individuals; and

6 “(d) Provides for the sharing of costs for developing and maintaining the
7 system.

8 “(5)(a) All individual record information in the Performance Reporting
9 Information System is confidential and may not be disclosed as a public re-
10 cord under the provisions of ORS 192.410 to 192.505. As administrator of the
11 system, the director may view all data or individual record information in
12 the system. System participants may not allow public access to information
13 received from the system that identifies a particular individual unless re-
14 quired by law. System participants shall limit the disclosure of, or refuse to
15 disclose, aggregate or summary level information when a small number of
16 aggregated records or some other factor creates a reasonable risk that the
17 identity of individuals may be discovered or disclosed.

18 “(b) System participants shall provide information in a format that en-
19 codes identifying data, including the client’s Social Security number, using
20 a formula unique to the system participant. In disclosing Social Security
21 numbers to the system, system participants shall comply with any state and
22 federal laws that govern the collection and use of Social Security numbers
23 by the system participant and any additional requirements specified by the
24 director, in consultation with the Education and Workforce Policy Advisor,
25 that are included in the agreement entered into under subsection (4) of this
26 section.

27 “(6) The information in the Performance Reporting Information System
28 is not a public record for purposes of ORS 192.410 to 192.505. For purposes
29 of ORS 192.410 to 192.505, the information submitted to the system and the
30 information received from the system is a public record, and the custodian

1 of such information is the system participant that submits or receives the
2 information. If the system participant receiving the information is not a
3 public body, the department shall keep a copy of the system information sent
4 to that system participant and shall be the custodian of that copy for pur-
5 poses of ORS 192.410 to 192.505. As custodian, the department shall limit the
6 disclosure of, or refuse to disclose, aggregate or summary level information
7 when a small number of aggregated records or some other factor creates a
8 reasonable risk that the identity of individuals may be discovered or dis-
9 closed. The department shall refer all other requests for disclosure of system
10 information to the public body that is the custodian of the information.

11 “(7) The department may charge a reasonable fee under ORS 192.440 for
12 the disclosure of reports containing only aggregate data to individuals, pub-
13 lic bodies or private organizations.

14 “(8) If a system participant prepares or acquires a record that is confi-
15 dential under federal or state law, including ORS 192.502 (2), the system
16 participant does not violate state confidentiality laws by providing the in-
17 formation described in this section to the Performance Reporting Information
18 System. Notwithstanding the provisions of ORS 279C.815 (4), 279C.850 (3),
19 657.665 and 660.339, the Bureau of Labor and Industries, the [*Office of Com-*
20 *munity Colleges and Workforce Development*] **Higher Education Coordinat-**
21 **ing Commission** and the Employment Department are authorized to provide
22 information to the system.

23 “(9) Any individual who, without proper authority, discloses confidential
24 information under this section may be disqualified from holding any ap-
25 pointment or employment with the State of Oregon. The department shall
26 adopt by rule procedures to prevent disclosure of confidential information
27 submitted to the Performance Reporting Information System.

28 “**SECTION 42. ORS 284.290, 284.292, 284.294 and 284.297 are repealed.**

29 “**SECTION 43. This 2017 Act takes effect on the 91st day after the**
30 **date on which the 2017 regular session of the Seventy-ninth Legislative**

1 **Assembly adjourns sine die.”.**

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