82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

House Bill 3306

Sponsored by Representatives HOLVEY, GRAYBER, LIVELY, RUIZ

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires entity that receives funds for certain workforce program initiatives to establish wage standards for individuals who participate in program administered by entity if, under program, entity provides individuals with paid work experience. Provides that individual that performs work for recipient under program shall be considered employee of recipient for purposes of state wage and hour laws and state laws prohibiting discrimination and retaliation.

Requires additional information to be included in report submitted by Higher Education Coordinating Commission to interim committee of Legislative Assembly.

A BILL FOR AN ACT

Relating to requirements concerning certain workforce development investment initiatives; creating new provisions; and amending sections 3, 9, 10 and 12, chapter 28, Oregon Laws 2022.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 3, chapter 28, Oregon Laws 2022, is amended to read:

Sec. 3. (1) The Prosperity 10,000 Program is established in the Higher Education Coordinating Commission for the following purposes:

(a) To provide career coaching, occupational training and job placement services;

(b) To provide wraparound supports and services that are necessary to facilitate reengagement in the workforce, including, but not limited to, transportation, child care and rental assistance;

(c) To provide paid work experiences, including stipends and wages and other income supports for individuals from priority populations; and

(d) To support targeted recruitment and engagement efforts.

(2) The goals of the Prosperity 10,000 Program are to:

(a) Include at least 10,000 total individuals who participate in the program;

(b) Improve the capacity and responsiveness of the public workforce system in this state by providing assistance for workforce development program navigation, expanding access to community-based career counseling and wraparound supports and services, and providing opportunities to earn industry-recognized certificates, credentials and degrees through work-based learning experiences;

(c) Ensure that services and benefits available through workforce programs are provided to individuals from priority populations;

(d) Provide increased access for priority populations to services and benefits available through workforce programs;

(e) Ensure that at least 50 percent of the individuals who participate in the program are women;

(f) Ensure that at least 80 percent of the individuals who participate successfully complete the program;

(g) Ensure that at least 75 percent of the individuals who participate in the program successfully
obtain employment; and

(h) Ensure that at least 75 percent of the individuals who participate in the program earn at least $17 per hour.

(3)(a) The Prosperity 10,000 Program shall be administered by local workforce development boards. The local workforce development boards shall:

(A) Distribute resources and available funds to nonprofit community-based organizations, educational institutions, labor organizations and other workforce service providers to facilitate the provision of workforce development services and wraparound supports to individuals who participate in the program;

(B) Coordinate with state workforce agencies and other workforce partners to expand regional community-based partnerships that work to support and sustain workforce development services and wraparound supports; and

(C) Connect with businesses and organizations in targeted industry sectors to identify training needs and ensure that business needs relating to a skilled workforce are met.

(b) An entity that collaborates with a local workforce development board to accomplish the workforce development activities described under this subsection shall, in accordance with ORS 660.327, participate with local workforce development boards in developing a proposed local plan.

(4)(a) If an entity receives funds distributed from a local workforce development board under this section and provides paid work experience to individuals who participate in a workforce program established under this section, the entity shall:

(A) Notwithstanding ORS 653.025 and subsection (2)(h) of this section, pay wages to the individuals at a rate that is equivalent to the average area wage standard for an hour’s work in the same trade or occupation in the locality where the labor is performed;

(B) Develop a training plan for individuals who participate in the program administered by the entity that includes, at a minimum, the applicable wage standard described under subparagraph (A) of this paragraph; and

(C) Provide each individual participating in the program with a copy of the training plan described under subparagraph (B) of this paragraph, on the date on which the individual first begins participation in the program.

(b) Each individual who performs work for an entity described under this subsection shall be considered an employee of the entity for purposes of state wage and hour laws and state laws prohibiting employment discrimination and retaliation.


(b) To the extent possible, the Department of Human Services shall:

(A) Incorporate the Prosperity 10,000 Program into the statewide plan for the SNAP Employment and Training Program;

(B) Seek federal reimbursement for 50 percent of the Prosperity 10,000 Program’s costs and for other eligible activities as reported by the local workforce development boards;

(C) Refer individuals who receive supplemental nutrition assistance under ORS 411.806 to 411.845 to participate in the Prosperity 10,000 Program; and

(D) Distribute moneys received as reimbursement under subparagraph (B) of this paragraph to local workforce development boards, not later than 60 days after the department receives an invoice that is consistent with requirements under the SNAP Employment and Training Program, for rein-
vestment in workforce development and wraparound supports and services provided under the Prosperity 10,000 Program.

[5(5) (6) The State Workforce and Talent Development Board, in consultation with the Committee for Continuous Improvement, shall:

(a) Oversee the progress of the Prosperity 10,000 Program;
(b) Ensure that program goals are met; and
(c) Identify areas for program improvement.

SECTION 2. Section 9, chapter 28, Oregon Laws 2022, is amended to read:

Sec. 9. (1) As used in this section:
(a) “Community-based organization” has the meaning given that term in section 4, chapter 28, Oregon Laws 2022 [of this 2022 Act].
(b) “Community college” has the meaning given that term in ORS 341.005.
(c) “Workforce service provider” includes:
(A) Nonprofit and public workforce education, training and career services providers.
(B) Governmental entities that are providers of workforce development services.
(2) There is established in the Higher Education Coordinating Commission a program to award grants to workforce service providers and community-based organizations that administer workforce programs in the health care, manufacturing and technology industry sectors and that prioritize equitable program participation by individuals from priority populations.

(3) The commission shall establish criteria and standards by which a workforce service provider or a community-based organization may submit a proposal to receive a grant under this section. In establishing criteria and standards, the commission shall consider federal nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act. The commission shall award grants on a competitive basis, taking into consideration proposals that:
(a) Describe how the workforce service provider or the community-based organization intends to engage with employers in the targeted industry sectors to provide workforce development opportunities to individuals from priority populations.
(b) Demonstrate the workforce service provider's or the community-based organization’s experience serving individuals from priority populations.
(c) Describe how the workforce service provider or the community-based organization intends to collaborate with one or more of the following entities to increase accessibility for priority populations to workforce programs and opportunities:
(A) Other workforce service providers or community-based organizations;
(B) Kindergarten through grade 12 schools;
(C) Community colleges;
(D) Education and training partners;
(E) Local workforce development boards;
(F) Economic development organizations;
(G) Industry associations; and
(H) Universities, as defined in section 8, chapter 28, Oregon Laws 2022 [of this 2022 Act].
(d) Demonstrate that a workforce partner with which a workforce service provider or a community-based organization intends to partner possesses specific qualifications, including the organizational and technical capacity, necessary to carry out the purposes described under subsection (5)(a) to (d) of this section.
(e) Prioritize opportunities to leverage the use of other funding sources, including federal funds
(4) In awarding grants under this section, the commission shall consult with the State Workforce and Talent Development Board and shall incorporate input from local workforce development boards and industry consortia convened under section 10, chapter 28, Oregon Laws 2022 [of this 2022 Act].

(5) Grant moneys awarded under this section shall be expended for one or more of the following purposes:

(a) To provide paid work experience, including stipends and wages;
(b) To offer tuition and fee assistance for workforce programs;
(c) To provide wraparound workforce development services;
(d) To develop culturally and linguistically specific career pathways for obtaining certificates, credentials or degrees recognized by targeted industry sectors; and
(e) To fund organizational investments, including, but not limited to:
   (A) Hiring staff;
   (B) Developing organizational development strategies;
   (C) Purchasing equipment, technology or other training-related supplies;
   (D) Covering administrative costs; and
   (E) Any other activities identified in a grant proposal as necessary to administer workforce programs described under this section.

(6)(a) If a grant recipient expends moneys to provide paid work experience to individuals participating in a workforce program administered by the grant recipient under this section, the grant recipient shall:

(A) Notwithstanding ORS 653.025, pay wages to individuals who perform work for the grant recipient at a rate that is equivalent to the average area wage standard for an hour's work in the same trade or occupation in the locality where the labor is performed;
(B) Develop a training plan for participating individuals that includes, at a minimum, the applicable wage standard described under subparagraph (A) of this paragraph; and
(C) Provide each individual participating in the program with a copy of the training plan described under subparagraph (B) of this paragraph, on the date on which the individual first begins participating in the program.

(b) An individual who performs work for grant recipient described under paragraph (a) of this subsection shall be considered an employee of the grant recipient for purposes of state wage and hour laws and state laws prohibiting employment discrimination and retaliation.

[(6)] (7) The commission shall compile information from each recipient of a grant under this section regarding the status and use of grant funds to ensure funding is expended for permissible purposes. At a minimum, the information must include, where applicable:

(a) The number of individuals who have registered for or completed a workforce program in health care, manufacturing or technology;
(b) The number of workforce programs developed and administered by a workforce service provider or a community-based organization;
(c) The job placement rate for and income earnings by individuals participating in a workforce program described under this section;
(d) The number of individuals from priority populations who receive services or benefits from workforce programs administered by a workforce service provider or a community-based organization; and
(e) A description of the types and amount of wraparound workforce development services provided by a workforce service provider or a community-based organization.

[7] (8) The commission may adopt any rules necessary for carrying out the provisions of this section.

SECTION 3. Section 10, chapter 28, Oregon Laws 2022, is amended to read:

Sec. 10. (1) As used in this section, “community-based organization” has the meaning given that term in section 4, chapter 28, Oregon Laws 2022 [of this 2022 Act].

(2)(a) The Higher Education Coordinating Commission, in consultation with the State Workforce and Talent Development Board, shall establish a program to convene statewide industry consortia that represent the health care, manufacturing and technology industry sectors. Each individual consortium established under this section shall represent a single targeted industry sector.

(b) The purpose of the program is to:

(A) Establish strategic partnerships to align workforce development activities that aim to increase participation in workforce programs by individuals from priority populations;

(B) Develop structured processes to address mutual goals and promote consensus in decision-making;

(C) Identify industry-specific workforce needs in this state, including the need for high-value credentials, to inform the development and implementation of culturally and linguistically diverse workforce education and training curricula;

(D) Develop targeted recruitment strategies to increase equitable participation by individuals from priority populations; [and]

(E) Promote workforce development programs and activities in the targeted industry sectors[.]; and

(F) Establish wage rate standards for each skilled occupation within each of the sectors specified in paragraph (a) of this subsection, varied by locality.

(3)(a) An industry consortium established under this section shall operate under the direction of a leadership team composed of the following representatives from the consortium’s targeted industry sector:

(A) A representative who is a business leader.

(B) A representative of a community-based organization that administers one or more workforce programs.

(C) One or more representatives of workforce education and training providers.

(D) A representative of a labor organization.

(b) To the extent practicable, members of the leadership team shall include individuals who are representative of priority populations.

(c) The membership of an industry consortium established under this section must include, in addition to the members of the leadership team, the following:

(A) One or more representatives from the State Workforce and Talent Development Board.

(B) One or more representatives of the Racial Justice Council within the Office of the Governor.

(C) One or more representatives of employers.

(D) One or more representatives of an industry association.

(E) One or more representatives of labor organizations.

(F) One or more representatives of local workforce development boards.

(G) One or more representatives of economic developers.

(4) The State Workforce and Talent Development Board, or any other neutral entity designated
by the board, shall serve as the intermediary between the industry consortia members.

(5) The commission may adopt any rules necessary to carry out the provisions of this section.

SECTION 4, Section 12, chapter 28, Oregon Laws 2022, is amended to read:

Sec. 12. (1) The Higher Education Coordinating Commission, in collaboration with the State Workforce and Talent Development Board, the Bureau of Labor and Industries and the Department of Education, shall review each of the programs established under sections 3, 4, 6, 7, 8, 9, 10 and 11, chapter 28, Oregon Laws 2022, [of this 2022 Act] to assess performance and expenditure outcomes of the programs. In evaluating the programs, the commission shall compile the following information:

(a) For the programs established under sections 3, 4, 6, 8, 9, 10 and 11, chapter 28, Oregon Laws 2022 [of this 2022 Act];

(A) The number of individuals from priority populations who have registered for and who have completed a workforce program, including apprenticeship and preapprenticeship training programs;

(B) Data on job placement rates, wages and salary earnings and health and retirement benefits provided for individuals who participated in an established program;

(C) A description of any new or expanded workforce programs, including training programs, career pathway programs and apprenticeship and preapprenticeship training programs, established as a result of the programs described under sections 3, 4, 6, 8, 9, 10 and 11, chapter 28, Oregon Laws 2022 [of this 2022 Act]; and

(D) The types and amounts of any wraparound supports and services provided to individuals from priority populations.

(b) For the program established under section 7, chapter 28, Oregon Laws 2022 [of this 2022 Act]:

(A) The number of youth or young adults from priority populations who have registered for or completed a youth workforce program;

(B) Data on job placement rates for youth or young adults from priority populations who have completed a youth workforce program; and

(C) A description of any new or expanded paid work experiences, workforce readiness training or job placement services created as a result of grants awarded under section 7, chapter 28, Oregon Laws 2022 [of this 2022 Act].

(2) In carrying out the duties described under subsection (1) of this section, the commission shall coordinate its activities with relevant state agencies and other workforce partners to:

(a) Identify opportunities for leveraging existing partnerships to align data collection standards and practices and to integrate data with any common data system among those partnerships;

(b) Support the commission’s assessment efforts and identify areas for future workforce development investments; and

(c) Facilitate communication with workforce stakeholders, including but not limited to job seekers, employers, community-based organizations and workforce service providers, in an inclusive manner and, when appropriate, provide stakeholders with access to the results and findings resulting from the commission’s review.

(3) By December 31 of each year, the commission shall prepare and submit a report that includes the information described in subsection (1) of this section, disaggregated by race, age, gender and geographical area, including any recommendations for future investments and opportunities to leverage private and federal funding to support investments, to the Governor and to the interim committees of the Legislative Assembly related to workforce development, in the manner provided in
ORS 192.245. In addition to including the information described under subsection (1) of this section, the report shall:

(a) Provide baseline estimates of statewide labor force participation rates that include, at a minimum:

(A) Long-term employment projections for health care and manufacturing;

(B) The progress made toward achieving the statewide educational attainment goals established under ORS 350.014 and 350.018; and

(C) Projections related to post-secondary educational attainment needs; and

(b) Describe how the programs established under sections 3, 4, 6, 8, 9, 10 and 11, chapter 28, Oregon Laws 2022, [of this 2022 Act] contributed to statewide labor force participation by demonstrating, at a minimum, the following:

(A) The percentage of individuals who participated in an established program as compared to the share of the statewide labor force, by race;

(B) The percentage of individuals who participated in an established program as compared to the share of the statewide labor force, by gender;

(C) The percentage of individuals who participated in an established program as compared to the share of the statewide labor force, by priority population, as applicable;

[(C)] (D) The percentage of individuals who participated in an established program and who received a post-secondary certificate, credential or degree as compared to the share of the statewide labor force, disaggregated by race, age, gender and geographical area;

[(D)] (E) The number of individuals who participated in an established program and who received a post-secondary certificate, credential or degree as compared to the statewide educational attainment goals described under ORS 350.014 and 350.018, disaggregated by race, age, gender and geographical area; [and]

[(E)] (F) The job placement rates of individuals who participated in an established program as compared to long-term employment projections for health care and manufacturing, disaggregated by race, age, gender and geographical area.; and

(G) The percentage increase or decrease in the participation rates by individuals from priority populations in health care and manufacturing as compared to the baseline estimates of statewide labor force participation rates in those industries.

(4) In collecting, compiling, processing, examining and reporting on the information and data under this section, the commission shall take reasonable measures to minimize the potential for double-counting individuals where certain priority populations, services provided or program participation may overlap.

[(4)] (5) As used in this section:

(a) “Community-based organization” has the meaning given that term in section 4, chapter 28, Oregon Laws 2022 [of this 2022 Act].

(b) “Priority population” has the meaning given that term in ORS 660.300.

[(b)] (c) “Workforce service provider” has the meaning given that term in section 9, chapter 28, Oregon Laws 2022 [of this 2022 Act].

[(c)] (d) “Youth workforce program” has the meaning given that term in section 7, chapter 28, Oregon Laws 2022 [of this 2022 Act].

SECTION 5. The amendments to sections 3 and 9, chapter 28, Oregon Laws 2022, by sections 1 and 2 of this 2023 Act apply to entities that receive funds on or after the effective date of this 2023 Act.