

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1110

Introduced by Mello, 5.

Read first time January 20, 2016

Committee: Business and Labor

1 A BILL FOR AN ACT relating to labor; to adopt the Nebraska Workforce

2 Innovation and Opportunity Act.

3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and may be
2 cited as the Nebraska Workforce Innovation and Opportunity Act.

3 Sec. 2. The Legislature finds and declares:

4 (1) In order for Nebraska to remain prosperous and competitive, it
5 needs to have a well-educated and highly skilled workforce;

6 (2) The following principles shall guide the state's workforce
7 investment system:

8 (a) Workforce investment programs and services shall be responsive
9 to the needs of employers, workers, and students by accomplishing the
10 following:

11 (i) Preparing Nebraska students and workers with the skills
12 necessary to successfully compete in the global economy;

13 (ii) Producing greater numbers of individuals who obtain industry-
14 recognized certificates and career-oriented degrees in competitive and
15 emerging industry sectors and filling critical labor market skills gaps;

16 (iii) Adapting to rapidly changing local and regional labor markets
17 as specific workforce skill requirements change over time;

18 (iv) Preparing workers for good paying jobs that foster economic
19 security and upward mobility; and

20 (v) Aligning employment programs, resources, and planning efforts
21 regionally around industry sectors that drive regional employment to
22 connect services and training directly to jobs;

23 (b) State and local workforce development boards are encouraged to
24 collaborate with other public and private institutions, including
25 businesses, unions, nonprofit organizations, kindergarten and grades one
26 through twelve, inclusive, career technical education programs, adult
27 career technical education and basic skills programs, apprenticeships,
28 community college career technical education and basic skills programs,
29 entrepreneurship training programs, where appropriate, and county-based
30 social and employment services, to better align resources across
31 workforce, training, education, and social service delivery systems and

1 build a well-articulated workforce investment system by accomplishing the
2 following:

3 (i) Adopting local and regional training and education strategies
4 that build on the strengths and fill the gaps in the education and
5 workforce development pipeline in order to address the needs of job
6 seekers, workers, and employers within regional labor markets by
7 supporting sector strategies; and

8 (ii) Leveraging resources across education and workforce training
9 delivery systems to build career pathways and fill critical skills gaps;

10 (c) Workforce investment programs and services shall be data driven
11 and evidence based when setting priorities, investing resources, and
12 adopting practices;

13 (d) Workforce investment programs and services shall develop strong
14 partnerships with the private sector, ensuring industry involvement in
15 needs assessment, planning, and program evaluation and:

16 (i) Shall encourage industry involvement by developing strong
17 partnerships with an industry's employers and the unions that represent
18 the industry's workers; and

19 (ii) May consider the needs of employers and businesses of all
20 sizes, including large, medium, small, and microenterprises, when setting
21 priorities, investing resources, and adopting practices;

22 (e) Workforce investment programs and services shall be outcome
23 oriented and accountable, measuring results for program participants,
24 including, but not limited to, outcomes related to program completion,
25 employment, and earnings; and

26 (f) Programs and services shall be accessible to employers, the
27 self-employed, workers, and students who may benefit from their
28 operation, including individuals with employment barriers, such as
29 persons with economic, physical, or other barriers to employment;

30 (3) Screening designed to detect unidentified disabilities,
31 including learning disabilities, improves workforce preparation and

1 enhances the use of employment and training resources;

2 (4) Section 134(c)(2) of the federal Workforce Innovation and
3 Opportunity Act, Public Law 113-128, as such act and section existed on
4 January 1, 2016, allows for the use of funds for initial assessment of
5 skill levels, aptitudes, abilities, and support services, including, when
6 appropriate, comprehensive and specialized assessments of skill levels
7 and service needs, including, but not limited to, diagnostic testing and
8 the use of other assessment tools and in-depth interviewing and
9 evaluation to identify employment barriers and appropriate employment
10 goals; and

11 (5) The Legislature encourages one-stop career centers to maximize
12 the use of federal Workforce Innovation and Opportunity Act resources and
13 other federal and state workforce development resources for screening
14 designed to detect unidentified disabilities, and if indicated,
15 appropriate diagnostic assessment.

16 Sec. 3. For purposes of the Nebraska Workforce Innovation and
17 Opportunity Act, career pathways means an identified series of positions,
18 work experiences, or educational benchmarks or credentials with multiple
19 access points that offer occupational and financial advancement within a
20 specified career field or related fields over time. Career pathways offer
21 combined programs of rigorous and high quality education, training, and
22 other services that do all of the following:

23 (1) Align with the skill needs of industries in the economy of the
24 state or regional economy involved;

25 (2) Prepare an individual to be successful in any of a full range of
26 secondary or postsecondary education options, including apprenticeships
27 registered under the National Apprenticeship Act, 29 U.S.C. 50 et seq.,
28 except as in section 3226 of Title 29 of the United States Code;

29 (3) Include counseling to support an individual in achieving the
30 individual's education and career goals;

31 (4) Include, as appropriate, education offered concurrently with and

1 in the same context as workforce preparation activities and training for
2 a specific occupation;

3 (5) Organize education, training, and other services to meet the
4 particular needs of an individual in a manner that accelerates the
5 educational and career advancement of the individual to the extent
6 practicable;

7 (6) Enable an individual to attain a secondary school diploma or its
8 recognized equivalent and at least one recognized postsecondary
9 credential; and

10 (7) Help an individual enter or advance within a specific
11 occupation.

12 Sec. 4. The Commissioner of Labor shall report annually to the
13 Governor, the Legislature, and the Nebraska Workforce Investment Board no
14 later than November 30 regarding the training expenditures made by local
15 workforce development boards in the prior fiscal year. The Department of
16 Labor shall specify what expenditures qualify as training expenditures
17 using the definition of training provided for in section 3174(c)(3)(D) of
18 Title 29 of the United States Code. The annual report shall specify the
19 total amount of federal funding provided to the state and to each of the
20 local workforce investment areas for the adult and dislocated persons
21 programs and the amount within each program expended for training
22 services. The report to the Legislature shall be submitted
23 electronically.

24 Sec. 5. (1) The Department of Labor shall have the authority to
25 administer the requirements of the federal Workforce Innovation and
26 Opportunity Act including, but not limited to, establishing accounting,
27 monitoring, auditing, and reporting procedures and criteria in order to
28 ensure state compliance with the objectives and requirements of the
29 federal Workforce Innovation and Opportunity Act.

30 (2) The department shall adopt and promulgate any rules and
31 regulations necessary to implement the Nebraska Workforce Innovation and

1 Opportunity Act.

2 Sec. 6. The Consolidated Work Program Fund is created. The fund
3 shall be used for the receipt of all money deposited pursuant to the
4 federal Workforce Innovation and Opportunity Act. The Department of Labor
5 shall be responsible for administering this section. Money in the fund
6 shall be made available, upon appropriation by the Legislature, to the
7 department for expenditures consistent with the purposes of the federal
8 Workforce Innovation and Opportunity Act and the state plan required by
9 the federal Workforce Innovation and Opportunity Act.