

AMENDED IN SENATE JUNE 16, 2021

AMENDED IN ASSEMBLY MAY 3, 2021

AMENDED IN ASSEMBLY MARCH 24, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 628**

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**Introduced by Assembly Member Eduardo Garcia  
(Coauthors: Assembly Members Chiu, Cristina Garcia, Reyes, and  
Blanca Rubio)**

February 12, 2021

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An act to amend Sections 14031, 14032, 14033, 14034, 14035, and 14037 of the Unemployment Insurance Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 628, as amended, Eduardo Garcia. Breaking Barriers to Employment Initiative.

Existing law, the California Workforce Innovation and Opportunity Act, makes programs and services available to individuals with employment barriers and requires the California Workforce Development Board to assist the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. Existing law establishes the Breaking Barriers to Employment Initiative, which includes a grant program administered by the board to support prescribed education and training activities.

Existing law specifies that the initiative is not intended to duplicate or replicate existing programs or to create new workforce and education

programs, but rather to provide supplemental funding and services to ensure the success of individuals either preparing to enter or already enrolled in workforce and education programs operating under the policy vision of this division and the state plan under this division.

This bill would instead provide that the initiative is intended to focus on innovative approaches to, and proven practices for, addressing racial, ethnic, and socioeconomic disparities in the labor market. The bill would require the executive director of the board to convene ~~an advisory~~ *a temporary stakeholder working group*, as prescribed, to make recommendations to the board on grant application ~~criteria and criteria~~, parameters for eligible organizations, *rating factors and process, and size and types of grants available*. *The bill would also require the stakeholder working group to review and make recommendations to the board regarding grant proposals, support identification of prospective grantees, support technical assistance opportunities, the plan to build awareness and interest in the grant program among community-based organizations* and make recommendations to the board to strengthen implementation. The bill would require the board to consider the recommendations of the ~~advisory~~ *stakeholder working group*.

Existing law states that the primary purpose of the initiative is to provide individuals with barriers to employment the services they need to enter, participate in, and complete broader workforce preparation, training, and education programs aligned with regional labor market needs. Existing law establishes specific goals for people completing these programs. Existing law requires special emphasis to be given to grant applications that integrate individuals from target populations into career pathway programs aligned with regional labor market needs.

This bill would further provide that the program should strive to address racial and ethnic exclusion and inequity in the labor force and enhance racial and economic justice. The bill would provide that projects should create pipelines to quality jobs, upward mobility, and income security for workers historically excluded from quality jobs and economic prosperity.

Existing law requires the board to develop criteria for the selection of grant recipients, to include prescribed requirements, establishes requirements for grant applications, requires grants to be evaluated using specific criteria, specifies the populations that are eligible to be served by grants, and specifies the activities eligible for grant funding.

This bill would instead require the ~~advisory~~ *stakeholder working group and the board* to develop those criteria and would revise the

existing grant selection criteria requirements. The bill would also revise the grant application requirements, the grant evaluation criteria, the populations that are eligible to be served by grants, and the activities eligible for grant funding. *The bill would require the board to issue an interim and a final report, to be posted on its internet website within certain timeframes, containing information on the programmatic impact on the target populations, the fiscal savings associated with the program, and other specified information.*

Existing law creates the Breaking Barriers to Employment Initiative Fund, as specified, in the State Treasury. Moneys in the fund are subject to appropriation by the Legislature for the purpose of carrying out these provisions in support of the initiative. Implementation of the initiative is contingent upon the board notifying the Department of Finance that sufficient moneys have been appropriated by the Legislature for this purpose.

The bill would provide that not more than 5% of any annual appropriation to the Breaking Barriers to Employment Initiative Fund shall be available to, or used by, the board for state operations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14031 of the Unemployment Insurance  
2 Code is amended to read:

3 14031. (a) All efforts funded under this initiative are intended  
4 to supplement and be aligned with the broader workforce and  
5 education system in the State of California. The initiative is  
6 intended to focus on innovative approaches to, and proven practices  
7 for, addressing racial, ethnic, and socioeconomic disparities in the  
8 labor market.

9 (b) The primary purpose of the initiative is to provide individuals  
10 with barriers to employment the services they need to enter,  
11 participate in, and complete broader workforce preparation,  
12 training, and education programs aligned with regional labor  
13 market needs. Those who complete these programs should have  
14 the skills and competencies necessary to successfully enter the  
15 labor market, retain employment, and earn wages that lead to  
16 self-sufficiency, and eventually, economic mobility and security.

- 1 (c) (1) ~~The~~ *During the period before the request for proposals*  
 2 *has been issued, the executive director of the California Workforce*  
 3 *Development Board shall convene a ~~seven-member advisory~~*  
 4 *~~nine-member group~~, temporary stakeholder working group to meet*  
 5 *monthly on the initiative and to be disbanded prior to the release*  
 6 *of the request for proposals, and for no longer than six months,*  
 7 *in accordance with paragraph (3), as follows:*
- 8 (A) Two representatives from advocacy organizations.  
 9 (B) Three representatives from community-based organizations.  
 10 (C) Two workforce professionals.  
 11 (D) *Two representatives of organized labor.*
- 12 (2) The members of the ~~advisory stakeholder working group~~  
 13 shall serve at the pleasure of the executive director of the California  
 14 Workforce Development Board.
- 15 (3) The executive director shall consider for selection of  
 16 ~~advisory~~ *the stakeholder working group* members experience  
 17 serving the targeted populations in Section 14034, as well as local  
 18 experience administering local workforce programming. Selected  
 19 members shall be inclusive of community organizations with a  
 20 proven history of leadership and partnership serving targeted  
 21 populations.
- 22 (4) The ~~advisory stakeholder working group~~ shall do all the  
 23 following:
- 24 (A) Make recommendations to the California Workforce  
 25 Development Board on grant application ~~criteria and criteria,~~  
 26 parameters for eligible ~~organizations.~~ *organizations, the rating*  
 27 *factors and process, and the size and types of grants available.*
- 28 (B) Review and make recommendations to the California  
 29 Workforce Development Board regarding ~~grant proposals.~~ *the plan*  
 30 *to build awareness and interest in the grant program among*  
 31 *community-based organizations.*
- 32 ~~(C) Support identification of prospective grantees.~~  
 33 ~~(D) Support technical assistance opportunities.~~  
 34 ~~(E)~~
- 35 (C) Make recommendations to the California Workforce  
 36 Development Board to strengthen implementation.
- 37 (5) The California Workforce Development Board shall consider  
 38 the recommendations of the ~~advisory stakeholder working group~~  
 39 pursuant to paragraph (4).

1 (d) The distinguishing characteristic of the initiative is the  
2 manner in which services will be delivered at the local and regional  
3 level. Under the initiative, services shall be delivered principally  
4 through a collaborative partnership between mission-driven,  
5 community-based organizations with experience in providing  
6 services and relevant relationships to targeted populations,  
7 consistent with the objectives of this initiative and to the  
8 populations specified, which may include, but are not limited to,  
9 faith-based, business-based, labor-based, *including*  
10 *labor-management partnerships and labor-community*  
11 *partnerships*, cultural-based, and services-based organizations,  
12 employment social enterprises, worker centers, and local workforce  
13 development boards to strengthen the America's Job Center of  
14 California system. The role of the community-based organizations  
15 shall be to use their expertise in working with targeted populations  
16 and employers to ensure that individuals from these targeted  
17 populations receive the necessary supplemental, supportive,  
18 remedial, and wraparound services they need to successfully enter,  
19 participate in, and complete workforce and education programs  
20 and enter, be retained, and advance in the labor market. The role  
21 of local workforce development boards is to ensure a connection  
22 between community-based organizations and the America's Job  
23 Center of California system to integrate individuals served by  
24 community-based organizations under this initiative into the  
25 education system and broader workforce for employment.

26 SEC. 2. Section 14032 of the Unemployment Insurance Code  
27 is amended to read:

28 14032. (a) Funding for the initiative shall be subject to  
29 appropriation by the Legislature, but only for the purposes  
30 expressed in this article, and shall not draw from, supplant, or  
31 redirect existing state or federally funded education, workforce,  
32 or employment services programs, except that those funds may,  
33 but shall not be required to, be used as leverage with initiative  
34 funds.

35 (b) Implementation of the initiative shall be contingent upon  
36 the California Workforce Development Board notifying the  
37 Department of Finance that sufficient moneys have been  
38 appropriated by the Legislature for this purpose.

1 ~~(e) The advisory group established pursuant to Section 14031~~  
 2 ~~shall develop criteria for the selection of grant recipients that~~  
 3 ~~include, but are not limited to, all of the following:~~

4 ~~(1)~~

5 ~~(c) Outreach and technical assistance shall be provided to~~  
 6 ~~prospective applicants to prepare applications, especially for small~~  
 7 ~~community-based organizations, organizations without a~~  
 8 ~~preexisting relationship to the local workforce boards, and~~  
 9 ~~organizations serving rural and small population areas. applicants,~~  
 10 ~~especially for small community-based organizations, organizations~~  
 11 ~~without a preexisting relationship to the local workforce boards,~~  
 12 ~~and organizations serving rural and small population areas.~~

13 ~~(2)~~

14 ~~(d) Grants shall be awarded on a competitive basis.~~

15 ~~(e) The stakeholder working group established pursuant to~~  
 16 ~~Section 14031 and the California Workforce Development Board~~  
 17 ~~shall develop criteria for the selection of grant recipients that~~  
 18 ~~include, but are not limited to, all of the following:~~

19 ~~(3)~~

20 ~~(1) Grant recipients have demonstrated experience working to~~  
 21 ~~ensure populations who have been historically disenfranchised~~  
 22 ~~from the labor market have access to quality jobs in their regions.~~

23 ~~(4)~~

24 ~~(2) Applications shall explain the community-based~~  
 25 ~~organization's capacity to provide services to relevant target~~  
 26 ~~populations and provide evidence of this capacity.~~

27 ~~(5)~~

28 ~~(3) Each grant proposal shall be consistent with the purposes~~  
 29 ~~of the initiative.~~

30 ~~(6)~~

31 ~~(f) Each application shall be submitted to the California~~  
 32 ~~Workforce Development Board and shall, at a minimum, include~~  
 33 ~~all of the following:~~

34 ~~(1) Designation of a lead workforce development board or~~  
 35 ~~community-based organization with experience in providing~~  
 36 ~~services consistent with the objectives of this initiative and to the~~  
 37 ~~populations specified, which may include, but is not limited to,~~  
 38 ~~faith-based, business-based, labor-based, including~~  
 39 ~~labor-management partnerships and labor-community~~  
 40 ~~partnerships, cultural-based, and services-based organizations.~~

1 (2) The designation of one or more targeted populations that  
2 will be served by the grant.

3 (3) The designation of a service area, which may include one  
4 or more neighborhoods, local jurisdictions, regions, or statewide.  
5 A grant proposal that proposes to serve clients across one or more  
6 workforce development areas shall include a commitment to notify  
7 each workforce development board in the proposed service area.

8 (4) An explanation of the specific purpose and goals of the grant  
9 award, the roles and responsibilities of the lead applicant and  
10 partner entities, and a discussion of how funds will be used and  
11 success will be measured, the number of individuals who will be  
12 served, and the services provided to these individuals.  
13 Documentation shall be included to demonstrate that each  
14 partnering entity has agreed to the activities in the grant proposal.

15 (5) A description of how the grant proposal is designed to  
16 complement the work of, and integrate the individuals being served  
17 with, the broader workforce, education, and employment system  
18 within the proposed service area, and evidence that the proposal  
19 incorporates innovative strategies or proven practices for service  
20 delivery that will lead to improved outcomes, sustainability, and  
21 systems improvement.

22 (6) A grant application may be submitted by a workforce  
23 development board or community-based organization ~~or jointly~~  
24 ~~by one or more community-based organizations and workforce~~  
25 ~~development boards.~~ *as a single fiscal agent and may include*  
26 *additional partners.*

27 SEC. 3. Section 14033 of the Unemployment Insurance Code  
28 is amended to read:

29 14033. (a) The purpose of the initiative shall be to provide  
30 individuals with barriers to employment the services they need to  
31 enter, participate in, and complete broader workforce preparation,  
32 training and education programs, and, ultimately, to obtain and  
33 retain employment. Specifically, the program should strive to  
34 address racial and ethnic exclusion and inequity in the labor force  
35 and enhance racial and economic justice. Projects should create  
36 pipelines to quality jobs, upward mobility, and income security  
37 for workers historically excluded from quality jobs and economic  
38 prosperity. Special emphasis shall be given to applications that  
39 integrate individuals from target populations into career pathway  
40 programs aligned with regional labor market needs.

1 (b) Grants shall be evaluated using the following criteria:

2 (1) Ability to provide the services proposed in the grant to the  
3 number of individuals specified in the grant as evidenced by,  
4 among other things, whether the grantee completed the work  
5 proposed.

6 (2) Ability of individuals to successfully complete relevant  
7 programming funded under the grant as demonstrated by relevant  
8 measures directly related to the purpose of the program.

9 (3) Ability of individuals to transition into or be integrated into  
10 the broader workforce and education system as evidenced by  
11 employment and enrollment in relevant programs.

12 (4) Ability of individuals to succeed in both the broader  
13 workforce and education system and labor market once they  
14 transition into the broader system. This shall be measured by  
15 tracking these individuals utilizing the existing performance  
16 monitoring systems and metrics governing relevant programs and  
17 outcomes once they transition into the broader system.

18 (5) Ability for program participants to inform programming on  
19 an ongoing basis and evaluate program performance and success.

20 (6) The degree to which program activities acknowledge and  
21 address historic racial inequity and socioeconomic barriers to labor  
22 force participation for targeted population groups.

23 (7) *The degree to which leadership at the executive level of the*  
24 *lead applicant organization reflects the target populations in*  
25 *Section 14034.*

26 (8) *The degree to which at least 25 percent of the lead applicant*  
27 *organization's staff reflects the target populations in Section*  
28 *14034.*

29 (c) Grant applicants shall provide all necessary information to  
30 the California Workforce Development Board to facilitate grant  
31 performance evaluation.

32 (d) Grant applicants and partners may be required to participate  
33 in technical assistance activities, including, but not limited to, the  
34 convening of communities of practice to identify and help replicate  
35 evidence-based practices and to help facilitate an assessment and  
36 evaluation of grant performance and initiative success.

37 (e) *The California Workforce Development Board shall issue*  
38 *an interim and a final report, to be posted on its internet website.*  
39 *The interim report shall be posted no later than six months*  
40 *following the midpoint of the program and the final report shall*

1 *be posted no later than one year following the completion of the*  
 2 *program. The reports shall include, but not be limited to, the*  
 3 *programmatic impact on the target populations, the fiscal savings*  
 4 *associated with the program, key conclusions, the benefits*  
 5 *conferred or realized using quantitative and qualitative data, and*  
 6 *policy recommendations to provide guidance to the Legislature*  
 7 *and the Governor in scaling a permanent program.*

8 SEC. 4. Section 14034 of the Unemployment Insurance Code  
 9 is amended to read:

10 14034. Populations eligible to be served by grants include, but  
 11 are not limited to, all of the following:

- 12 (a) Youths who are at risk of disconnection or disconnected  
 13 from the education system or employment.
- 14 (b) Women seeking training or education to move into  
 15 nontraditional fields of employment.
- 16 (c) Displaced workers and long-term unemployed.
- 17 (d) Low-wage workers.
- 18 (e) Persons for whom English is not their primary language.
- 19 (f) Economically disadvantaged persons.
- 20 (g) CalWORKs participants.
- 21 (h) Persons who are incarcerated and soon to be released or  
 22 formerly incarcerated.
- 23 (i) Armed services veterans.
- 24 (j) Native Americans.
- 25 (k) Migrants or seasonal farmworkers.
- 26 (l) Persons with developmental or other disabilities.
- 27 (m) Any other population with barriers to employment identified  
 28 in subdivision (j) of Section 14005.
- 29 (n) Immigrants.
- 30 (o) ~~Persons who are at risk of committing violence or are~~  
 31 ~~survivors of domestic violence or community violence. reside in~~  
 32 ~~cities that are disproportionately impacted by violence or are~~  
 33 ~~enrolled in violence prevention or mitigation programs.~~
- 34 (p) *Persons who are victims of domestic violence or community*  
 35 *violence.*
- 36 ~~(p)~~
- 37 (q) *Persons over 50 years of age who need retraining for*  
 38 *in-demand skills.*
- 39 ~~(q)~~

1 (r) Population groups with disproportionate numbers of people  
2 living in ZIP Codes of concentrated poverty.

3 ~~(r)~~

4 (s) Population groups that are disproportionately impacted by  
5 occupational—~~segregation~~: *segregation and who are*  
6 *underrepresented in jobs as defined by the Department of Fair*  
7 *Employment and Housing in their enforcement of the California*  
8 *Equal Pay Act.*

9 (t) *Populations that have been disproportionately impacted by*  
10 *unemployment, job interruption, and displacement during the*  
11 *pandemic.*

12 SEC. 5. Section 14035 of the Unemployment Insurance Code  
13 is amended to read:

14 14035. Eligible activities for initiative and grant funds shall  
15 include, but are not limited to, all of the following:

16 (a) English language improvement training.

17 (b) Culturally and linguistically relevant academic enrichment,  
18 basic skills training, tutoring, and adult education.

19 (c) High school diploma and GED acquisition.

20 (d) Skills and vocational training that aligns with regional labor  
21 market needs identified as part of the California Workforce  
22 Innovation and Opportunity Act regional planning process.

23 (e) Work experience.

24 (f) On-the-job training.

25 (g) Stipends, income, and language supports for trainees.

26 (h) Earn and learn training.

27 (i) Industry certifications.

28 (j) Preapprenticeship programming offered in a manner that is  
29 consistent with the requirements of Section 14230, regardless of  
30 whether the preapprenticeship program funding source includes  
31 California Workforce Innovation and Opportunity Act funds.

32 (k) Mentoring.

33 (l) Other remedial education and work readiness skills.

34 (m) Supportive—~~services under the California Workforce~~  
35 ~~Innovation and Opportunity Act~~: *services.*

36 (n) Entrepreneurial training and support for small business  
37 development.

38 ~~(o) Microloans and other related activities to support~~  
39 ~~microlending for small businesses.~~

1 ~~(p) Wage subsidies or the application of hazard pay or a hero~~  
2 ~~bonus for frontline workers.~~

3 ~~(q)~~

4 (o) Know-your-rights training.

5 ~~(r)~~

6 (p) Mental health services, trauma-informed care, and  
7 wraparound support services.

8 ~~(s)~~

9 (q) Activities undertaken pursuant to subdivision (d) of Section  
10 14033.

11 SEC. 6. Section 14037 of the Unemployment Insurance Code  
12 is amended to read:

13 14037. (a) There is hereby created in the State Treasury the  
14 Breaking Barriers to Employment Initiative Fund. All moneys in  
15 the fund shall be available, upon appropriation by the Legislature,  
16 to carry out this article in support of the initiative. Subject to the  
17 approval of the Department of Finance, all moneys appropriated,  
18 or those collected or received from gifts, bequests, or donations,  
19 shall be deposited in the Breaking Barriers to Employment  
20 Initiative Fund in accordance with the terms of the gift or donation  
21 from which the moneys are derived and in accordance with  
22 Sections 8647, 11005, 11005.1, and 16302 of the Government  
23 Code.

24 (b) No more than 5 percent of any annual appropriation to the  
25 Breaking Barriers to Employment Initiative Fund shall be available  
26 to, or used by, the California Workforce Development Board for  
27 state operations.

O