

Assembly Bill No. 628

Passed the Assembly September 9, 2021

Chief Clerk of the Assembly

Passed the Senate September 8, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 628, 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 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.

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.

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 revise the existing grant selection criteria requirements, 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.

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

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

14031. (a) All efforts funded under this initiative are intended to supplement and be aligned with the broader workforce and education system in the State of California. The initiative is intended to focus on innovative approaches to, and proven practices

for, addressing racial, ethnic, and socioeconomic disparities in the labor market.

(b) 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. Those who complete these programs should have the skills and competencies necessary to successfully enter the labor market, retain employment, and earn wages that lead to self-sufficiency, and eventually, economic mobility and security.

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

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

14032. (a) Funding for the initiative shall be subject to appropriation by the Legislature, but only for the purposes expressed in this article, and shall not draw from, supplant, or

redirect existing state or federally funded education, workforce, or employment services programs, except that those funds may, but shall not be required to, be used as leverage with initiative funds.

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

(c) Outreach shall be provided to prospective applicants, especially for small community-based organizations, organizations without a preexisting relationship to the local workforce boards, and organizations serving rural and small population areas.

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

(e) The California Workforce Development Board shall develop criteria for the selection of grant recipients that include, but are not limited to, all of the following:

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

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

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

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

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

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

(3) The designation of a service area, which may include one or more neighborhoods, local jurisdictions, regions, or statewide. A grant proposal that proposes to serve clients across one or more

workforce development areas shall include a commitment to notify each workforce development board in the proposed service area.

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

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

(6) A grant application may be submitted by a workforce development board or community-based organization as a single fiscal agent and may include additional partners.

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The California Workforce Development Board shall issue an interim and a final report, to be posted on its internet website. The interim report shall be posted no later than six months following the midpoint of the program and the final report shall be posted no later than one year following the completion of the program. The reports shall include, but not be limited to, the programmatic impact on the target populations, the fiscal savings associated with the program, key conclusions, the benefits conferred or realized using quantitative and qualitative data, and

policy recommendations to provide guidance to the Legislature and the Governor in scaling a permanent program.

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

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

- (a) Youths who are at risk of disconnection or disconnected from the education system or employment.
- (b) Women seeking training or education to move into nontraditional fields of employment.
- (c) Displaced workers and long-term unemployed.
- (d) Low-wage workers.
- (e) Persons for whom English is not their primary language.
- (f) Economically disadvantaged persons.
- (g) CalWORKs participants.
- (h) Persons who are incarcerated and soon to be released or formerly incarcerated.
- (i) Armed services veterans.
- (j) Native Americans.
- (k) Migrants or seasonal farmworkers.
- (l) Persons with developmental or other disabilities.
- (m) Any other population with barriers to employment identified in subdivision (j) of Section 14005.
- (n) Immigrants.
- (o) Persons who reside in cities that are disproportionately impacted by violence or are enrolled in violence prevention or mitigation programs.
- (p) Persons who are victims of domestic violence or community violence.
- (q) Persons over 50 years of age who need retraining for in-demand skills.
- (r) Population groups with disproportionate numbers of people living in ZIP Codes of concentrated poverty.
- (s) Population groups that are disproportionately impacted by occupational segregation and who are underrepresented in jobs as defined by the Department of Fair Employment and Housing in their enforcement of the California Equal Pay Act.
- (t) Populations that have been disproportionately impacted by unemployment, job interruption, and displacement during the pandemic.

(u) Persons diagnosed with autism.

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

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

- (a) English language improvement training.
- (b) Culturally and linguistically relevant academic enrichment, basic skills training, tutoring, and adult education.
- (c) High school diploma and GED acquisition.
- (d) Skills and vocational training that aligns with regional labor market needs identified as part of the California Workforce Innovation and Opportunity Act regional planning process.
- (e) Work experience.
- (f) On-the-job training.
- (g) Stipends and income and language supports for trainees.
- (h) Earn and learn training.
- (i) Industry certifications.
- (j) Preapprenticeship programming offered in a manner that is consistent with the requirements of Section 14230, regardless of whether the preapprenticeship program funding source includes California Workforce Innovation and Opportunity Act funds.
- (k) Mentoring.
- (l) Other remedial education and work readiness skills.
- (m) Supportive services.
- (n) Entrepreneurial training and support for small business development.
- (o) Know-your-rights training.
- (p) Mental health services, trauma-informed care, and wraparound support services.
- (q) Employer education.
- (r) Activities undertaken pursuant to subdivision (d) of Section 14033.

Approved _____, 2021

Governor