

HB 907 INTRODUCED BY COBB
IMPLEMENTING THE JOB TRAINING PARTNERSHIP ACT

3/30 INTRODUCED

3/30 REFERRED TO APPROPRIATIONS

3/31 TABLED IN COMMITTEE

1 House BILL NO. 907
2 INTRODUCED BY Cobb

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT THE
5 FEDERAL JOB TRAINING PARTNERSHIP ACT IN MONTANA; AND TO
6 APPROPRIATE MONEY TO SERVICE DELIVERY AREAS AND TO THE
7 ADMINISTERING DEPARTMENT."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Purpose. (1) The legislature finds and
11 declares that section 126 of the federal Job Training
12 Partnership Act (29 U.S.C. 1536) allows the state to enact
13 legislation providing for the implementation, consistent
14 with the provisions of the act, of the programs assisted
15 under the Job Training Partnership Act.

- 16 (2) It is the intent of the legislature to:
17 (a) promote a system of job preparation and training
18 that is responsive to the needs of private enterprise; and
19 (b) integrate and coordinate state employment and
20 training services, public assistance programs, and other
21 state and local education and training programs designed to
22 prepare Montana citizens for employment.

23 Section 2. Definitions. In [sections 2 and 4 through
24 13], the following definitions apply:

25 (1) "Administrative entity" means the agency or

1 organization designated by a local council as the recipient
2 and administrator of funds awarded to the state and
3 allocated to the local council's service delivery area under
4 the Job Training Partnership Act.

5 (2) "Chief elected official or officials" means the
6 county commissioners of a service delivery area or their
7 authorized representative or representatives, as provided in
8 sections 102 and 103 of the Job Training Partnership Act (29
9 U.S.C. 1512 and 1513).

10 (3) "Department" means the executive branch agency
11 designated by the governor to administer the provisions of
12 [this act].

13 (4) "Dislocated worker" means an individual who has
14 been:

15 (a) terminated or laid off or has received notice of
16 termination or layoff from employment, is eligible for or
17 has exhausted his entitlement to unemployment compensation,
18 and is unlikely to return to his previous occupation or
19 industry;

20 (b) terminated or has received notice of termination
21 of employment as a result of a permanent closure of a plant
22 or factory;

23 (c) chronically unemployed and has limited
24 opportunities for employment in the same or a similar
25 occupation in the area of residence or is an older



1 individual who has substantial barriers to employment by
2 reason of age; or

3 (d) a farmer or is otherwise self-employed and is
4 unemployed as a result of general economic conditions or
5 natural disasters, as defined by the secretary of labor.

6 (5) "Economically disadvantaged" means an individual
7 who:

8 (a) receives or is a member of a family that receives
9 a total family income, exclusive of unemployment
10 compensation, child support payments, and welfare payments,
11 which in relation to family size does not exceed the higher
12 of:

13 (i) the poverty level determined by the office of
14 management and budget; or

15 (ii) 70% of the lower living standard income level;

16 (b) receives or is a member of a family that receives
17 cash welfare payments under a federal, state, or local
18 welfare program;

19 (c) receives food stamps under the Food Stamp Act of
20 1977;

21 (d) is a foster child on behalf of whom state or local
22 government payments are made; or

23 (e) is a handicapped adult whose own income meets the
24 requirements of subsection (5)(a) or (5)(b) but whose family
25 income does not meet these requirements.

1 (6) "Handicapped" means a person who has a physical or
2 mental disability that constitutes or results in a
3 substantial barrier to employment for that individual.

4 (7) "Local council" means the private industry council
5 required for each service delivery area under section 102 of
6 the Job Training Partnership Act (29 U.S.C. 1512).

7 (8) "Performance standard" means a measure of the
8 extent to which participation in Job Training Partnership
9 Act programs increases employment and earnings of
10 participants and decreases their dependency on welfare.
11 Examples include rate of placement in unsubsidized
12 employment, rate of retention in unsubsidized employment,
13 average hourly wage, reduction in the number of individuals
14 and families receiving cash welfare payments, and other
15 measures designated by the secretary of labor. Specific
16 standards may be prescribed by the governor within
17 parameters established by the secretary of labor.

18 (9) "Service delivery area" means an area designated
19 by the state council and comprised of one or more units of
20 local government, as provided in section 101 of the Job
21 Training Partnership Act (29 U.S.C. 1511).

22 (10) "Service provider" or "program operator" means a
23 person, agency, or organization under contract with the
24 administrative entity to provide job training and related
25 services under the Job Training Partnership Act in a service

1 delivery area. The service provider may provide services on
2 a statewide basis.

3 (11) "State council" means the state job training
4 coordinating council established under section 122 of the
5 Job Training Partnership Act (29 U.S.C. 1532).

6 Section 3. Appropriation. (1) Money allocated to the
7 governor under sections 201(b), 202(a)(1), and 251 of the
8 Job Training Partnership Act (29 U.S.C. 1601, 1602, 1631) is
9 appropriated to the department for each service delivery
10 area for distribution to the agencies and organizations
11 selected as service providers under Title II of the act.

12 (2) (a) Money allocated to the governor under sections
13 201(b) and 202(b)(1) of the Job Training Partnership Act (29
14 U.S.C. 1601, 1602) is appropriated to the superintendent of
15 public instruction for distribution to state agencies that
16 are responsible for education and training and have
17 cooperative agreements with local education agencies to
18 provide services to eligible participants, as provided in
19 section 9 and in section 123 of the act (29 U.S.C. 1533).

20 (b) If no cooperative agreement has been reached on
21 the use of funds allocated to the governor under section
22 202(b)(1) of the act (29 U.S.C. 1602), the money is
23 appropriated to the governor for activities under section
24 121 of the act (29 U.S.C. 1531).

25 (3) Money allocated to the governor under sections

1 201(b) and 202(b)(2) of the Job Training Partnership Act (29
2 U.S.C. 1601, 1602) is appropriated to the department for the
3 purpose of financing training programs for older workers, as
4 provided in section 124 of the act (29 U.S.C. 1534).

5 (4) Money allocated to the governor under sections
6 201(b) and 202(b)(3) of the Job Training Partnership Act (29
7 U.S.C. 1601, 1602) is appropriated to the department for
8 incentive grants and technical assistance.

9 (5) Money allocated to the governor under sections
10 201(b) and 202(b)(4) of the Job Training Partnership Act (29
11 U.S.C. 1601, 1602) is appropriated to the department for
12 auditing and administrative activities, including the
13 expenses described in section 13, and for activities under
14 sections 121 and 122 of the act (29 U.S.C. 1531, 1532).

15 (6) Money allocated to the governor under section 301
16 of the Job Training Partnership Act (29 U.S.C. 1651) is
17 appropriated to the department for the purposes described in
18 section 10 and section 303 of the act (29 U.S.C. 1653).

19 Section 4. Eligibility for services. (1) Under
20 section 203 of the Job Training Partnership Act (29 U.S.C.
21 1603), a person who receives services in programs assisted
22 under Title II of the act must be economically
23 disadvantaged, except that up to 10% of the participants in
24 all programs in a service delivery area receiving assistance
25 under Title II may be individuals who are not economically

1 disadvantaged but have encountered barriers to employment.

2 (2) A person who receives services in programs
3 assisted under section 303 of the Job Training Partnership
4 Act (29 U.S.C. 1653) must be a dislocated worker.

5 Section 5. State council -- membership -- duties. (1)
6 The state job training coordinating council consists of nine
7 or more individuals appointed by the governor as an advisory
8 council under 2-15-122. Members of the council shall
9 include:

10 (a) three or more representatives of business and
11 industry;

12 (b) at least one member of the legislature;

13 (c) at least one representative of a state agency or
14 organization other than the department who has a direct
15 interest in employment and training;

16 (d) two or more representatives of local government;
17 and

18 (e) two or more representatives of organized labor,
19 community-based organizations, or local educational
20 agencies.

21 (2) The council shall:

22 (a) recommend to the governor a statement of specific
23 and measurable goals and objectives for job training and
24 placement programs that will provide policy guidelines for
25 the department and the local councils during the ensuing 2

1 program years;

2 (b) recommend to the governor the biennial
3 coordination and special services plan required by section
4 121 of the Job Training Partnership Act (29 U.S.C. 1531)
5 that must include:

6 (i) criteria for coordinating activities under the act
7 with programs and services provided by state and local
8 education, training, public assistance, and rehabilitation
9 agencies; and

10 (ii) projected use of resources under sections 202(b)
11 and 301 of the Job Training Partnership Act (29 U.S.C. 1602,
12 1651);

13 (c) recommend to the governor service delivery areas
14 that meet the criteria provided in section 101 of the Job
15 Training Partnership Act (29 U.S.C. 1511) and that are
16 consistent with the legislative purpose defined in [section
17 1];

18 (d) advise the governor on job training plans prepared
19 under [section 6] and certify the consistency of these plans
20 with the provisions of [section 6] and section 104 of the
21 Job Training Partnership Act (29 U.S.C. 1514);

22 (e) recommend to the governor variations in the
23 performance standards adopted by the U.S. secretary of
24 labor, as provided in section 106(e) of the Job Training
25 Partnership Act (29 U.S.C. 1516);

1 (f) review the operation of the labor market and
 2 occupational supply and demand information system required
 3 by section 125 of the Job Training Partnership Act (29
 4 U.S.C. 1535);

5 (g) monitor all state employment and training
 6 programs;

7 (h) identify employment, training, and vocational
 8 education needs in Montana and assess the extent to which
 9 existing programs and services represent a consistent,
 10 integrated approach to meeting such needs; and

11 (i) prepare a biennial report to the legislature
 12 summarizing the annual reports submitted by the local
 13 councils under section 104(b)(10) of the Job Training
 14 Partnership Act (29 U.S.C. 1514).

15 Section 6. Local councils -- job training plans. (1)
 16 A private industry council consisting of at least 12 members
 17 must be appointed for each service delivery area by:

18 (a) the chief elected officials of local government
 19 units in the area, if the local government units have
 20 entered an agreement concerning the service delivery area,
 21 as provided in section 102(d)(2) of the Job Training
 22 Partnership Act (29 U.S.C. 1512); or

23 (b) the governor, if there is no agreement among local
 24 government units in the service delivery area.

25 (2) The majority of the members of each local council

1 must be owners or managerial employees of private for-profit
 2 organizations who were nominated by business organizations
 3 in the service delivery area. The remaining members of the
 4 council shall represent educational agencies, organized
 5 labor, rehabilitation agencies, community-based
 6 organizations, economic development agencies, and the state
 7 job service and must be nominated by interested
 8 organizations, as provided in section 102(c) of the Job
 9 Training Partnership Act (29 U.S.C. 1512).

10 (3) Each local council shall prepare in alternate
 11 years a plan for the ensuing 2 program years. A plan must
 12 designate the agency or organization that will receive the
 13 funds and administer the plan, as provided in section
 14 103(b)(1)(B) of the Job Training Partnership Act (29 U.S.C.
 15 1513), and include:

16 (a) the council's priorities for services and groups
 17 to be served;

18 (b) the services and training to be provided;

19 (c) procedures to be used in identifying and selecting
 20 participants and in determining and verifying their
 21 eligibility;

22 (d) criteria for evaluating the content and quality of
 23 training;

24 (e) recommended performance standards for the service
 25 delivery area within the parameters established by the U.S.

1 secretary of labor under section 106 of the Job Training
2 Partnership Act (29 U.S.C. 1516);

3 (f) procedures for selecting the agencies and
4 organizations that will provide services in the service
5 delivery area, as provided in [section 7] and section 107 of
6 the Job Training Partnership Act (29 U.S.C. 1517);

7 (g) an estimated budget for the ensuing 2 program
8 years that conforms to [section 8] and section 108 of the
9 Job Training Partnership Act (29 U.S.C. 1518);

10 (h) an assessment of local economic conditions,
11 including anticipated changes in the local labor market that
12 would affect the number or type of jobs to be filled and the
13 number of workers available;

14 (i) procedures for ensuring that programs operated
15 under the plan meet the provisions of sections 141 through
16 171 of the Job Training Partnership Act (29 U.S.C. 1551
17 through 1581); and

18 (j) procedures for preparing and submitting to the
19 governor an annual report that describes the activities
20 conducted under the act during the program year, summarizes
21 the characteristics of participants, and indicates the
22 extent to which the activities exceeded or failed to meet
23 the performance standards adopted in the previous plan.

24 (4) At least 120 days before the beginning of the
25 first program year covered by a job training plan, a draft

1 must be made available for review and comment to:

2 (a) each house of the legislature or, if the
3 legislature is not in session, an interim committee selected
4 by the majority and minority leaders of the house and
5 senate;

6 (b) the local government advisory committee;

7 (c) labor organizations and educational and other
8 public agencies in the service delivery area; and

9 (d) the general public, by means of a public hearing.

10 (5) The final job training plan must be approved by
11 the chief elected officials and, if approved, published and
12 submitted to the governor not later than 80 days before the
13 beginning of the first program year. The governor shall
14 approve or disapprove the plan, as provided in section 105
15 of the Job Training Partnership Act (29 U.S.C. 1515).

16 (6) Each local council shall:

17 (a) monitor the programs operated in its service
18 delivery area to assess the extent to which program
19 operators are in compliance with the plan and to ensure that
20 training programs are responsive to the needs of existing
21 and potential employers and compatible with business and
22 economic development in the area;

23 (b) promote the integration of the programs assisted
24 under the Job Training Partnership Act with other job
25 training programs, vocational education, and public

1 assistance programs in the area; and

2 (c) develop and implement a plan for facilitating
3 participation in planning, program development, and program
4 evaluation by representatives of eligible participants,
5 service providers, public assistance recipients, education
6 and training agencies, and child care providers in the
7 service delivery area.

8 Section 7. Selection of service providers. (1) Each
9 local council shall adopt criteria for selecting agencies
10 and organizations to provide training and related services,
11 including but not limited to:

12 (a) the effectiveness of the agency or organization in
13 delivering comparable or related services or its
14 demonstrated performance as a service provider under the Job
15 Training Partnership Act; and

16 (b) the extent to which the proposal submitted by the
17 agency or organization is consistent with the council's job
18 training plan.

19 (2) If a local council has designated the department
20 of labor and industry as the administrative entity for its
21 service delivery area, it may select a division, bureau, or
22 other unit of the department of labor and industry as a
23 service provider only if separate management information and
24 fiscal accounting systems are established for the division,
25 bureau, or unit selected as a service provider.

1 Section 8. Limitation on certain costs. (1) Not more
2 than 15% of the funds available to a service delivery area
3 for any fiscal year under Title IIA of the Job Training
4 Partnership Act may be expended for the cost of
5 administration. For purposes of this section, the term
6 "administration" includes:

7 (a) activities of the administrative entity; and
8 (b) activities of a service provider that are not
9 directly related to training or counseling participants.

10 (2) Costs of program support that are directly related
11 to the provision of education or training, and additional
12 costs that are attributable to the development of training
13 programs are not counted as part of the cost of
14 administration.

15 Section 9. Administration of funds allocated to the
16 governor for education. (1) Federal funds allocated to the
17 governor under section 202(b)(1) of the Job Training
18 Partnership Act (29 U.S.C. 1602) to provide assistance to a
19 state agency responsible for education and training must be
20 used to provide education and training, including vocational
21 education, for eligible participants through cooperative
22 agreements among state agencies, the administrative entity
23 of each service delivery area, and, where appropriate, local
24 educational agencies.

25 (2) The cooperative agreements described in subsection

1 (1) must provide for a contribution from the superintendent
 2 of public instruction or another state or local educational
 3 agency equal to 80% of the amount allocated to the governor
 4 under section 202(b)(1) of the Job Training Partnership Act
 5 (29 U.S.C. 1602). This contribution may include the direct
 6 cost of employment or training provided by the educational
 7 agencies.

8 (3) At least 75% of the funds allocated to the
 9 governor under section 202(b)(1) of the Job Training
 10 Partnership Act (29 U.S.C. 1602) must be spent for services
 11 to economically disadvantaged individuals.

12 Section 10. Matching funds for dislocated worker
 13 programs. (1) If the governor's coordination and special
 14 services plan includes training and related services to
 15 dislocated workers, the department shall include in its
 16 budget an amount of money for this purpose equal to the
 17 amount allocated to the state under section 301(b) of the
 18 Job Training Partnership Act (29 U.S.C. 1651), except as
 19 provided in section 304(a)(2) of the act (29 U.S.C. 1654).
 20 These matching funds must include the direct cost of
 21 employment and training services provided by state or local
 22 programs, private nonprofit organizations, or private
 23 for-profit employers.

24 (2) Funds expended by the state to provide
 25 unemployment insurance benefits to a dislocated worker

1 enrolled in a training program assisted under Title III of
 2 the Job Training Partnership Act may be credited for up to
 3 50% of the matching funds required by section 304 of the act
 4 (29 U.S.C. 1654).

5 Section 11. Role of department. The department shall:

6 (1) provide technical and administrative support to
 7 the state council;

8 (2) review and comment on the job training plans
 9 submitted by the local councils under [section 6] but may
 10 have no authority to approve or disapprove these plans;

11 (3) allocate Job Training Partnership Act funds to
 12 service delivery areas;

13 (4) develop and implement management information and
 14 fiscal accounting systems that meet the requirements of
 15 state law and sections 164 and 165 of the Job Training
 16 Partnership Act (29 U.S.C. 1574, 1575);

17 (5) administer funds allocated to the governor under
 18 section 202(b)(3) of the Job Training Partnership Act (29
 19 U.S.C. 1602) for incentive grants to service providers that
 20 exceed service delivery area performance standards;

21 (6) provide technical assistance and followup
 22 activities as required by section 202(b)(3) of the Job
 23 Training Partnership Act (29 U.S.C. 1602);

24 (7) administer funds allocated to the governor under
 25 section 202(b)(2) of the Job Training Partnership Act (29

1 U.S.C. 1602) for training programs for individuals who are
2 55 years of age or older and economically disadvantaged, as
3 provided in section 124 of the Job Training Partnership Act
4 (29 U.S.C. 1534).

5 Section 12. Expenses of council and elected officials.
6 Expenses incurred by council members and chief elected
7 officials in performing their duties under [this act] must
8 be paid by the department from funds allocated to the
9 governor under section 202(b)(4) of the Job Training
10 Partnership Act (29 U.S.C. 1602).

11 Section 13. Rulemaking authority. The department shall
12 adopt rules necessary to implement the provisions of
13 [sections 11 and 12].

14 Section 14. Codification instruction. Sections 1, 2,
15 and 4 through 13 are intended to be codified as an integral
16 part of Title 39, and the provisions of Title 39 apply to
17 sections 1, 2, and 4 through 13.

-End-