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THE STATE SENATE
Tuesday, April 3, 2001

Committee Substitute for
ENGROSSED
House Bill No. 1388

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1388 - By: FIELDS
of the House and STIPE of the Senate.

An Act relating to workforce development; enacting the Oklahoma Workforce Investment Act; providing for reference to federal statute; stating purpose of Oklahoma Workforce Investment Act; defining terms; requiring Governor to establish State Workforce Investment Board; providing for membership of Board; prescribing representation requirements; providing for chairperson; requiring State Board to assist Governor in certain matters; prohibiting votes by Board members on certain matters; providing State Board and subgroups of State Board subject to Oklahoma Open Meeting Act and Oklahoma Open Records Act; providing certain information public; prescribing quorum requirement; authorizing creation of subgroups; prescribing requirements related to subgroups; providing for legal representation; authorizing requests for assistance by local workforce investment boards; requiring State Board to respond to waiver requests; requiring Governor to designate local workforce investment areas; prescribing requirements related thereto; requiring consideration of certain matters; requiring approval of certain requests for designation; authorizing approval with respect to units of local government; requiring establishment and certification of local workforce investment boards; requiring establishment of criteria; prescribing criteria; providing for representation; prescribing certain representation requirements; providing for election of chairperson; authorizing appointment of members of local board; authorizing agreements; authorizing Governor to make appointments under certain circumstances; providing for consultation; requiring certification by Governor; requiring submission of waiver requests to certain entities; prescribing procedure in event of certification failure; prohibiting decertification under certain circumstances;

1 prescribing procedures in the event of decertification;
2 providing for functions of local workforce investment
3 boards; requiring budget; providing for distribution of
4 grants; authorizing grant subrecipients and providing
5 procedures related thereto; providing for disbursement of
6 funds; authorizing employment of staff; providing for
7 ability of staff or local board to perform certain services;
8 authorizing grants and donations; providing for oversight;
9 providing for local performance measures; providing for
10 development of statewide employment statistics system;
11 providing for coordination of activities; requiring
12 promotion of certain participation; providing for
13 applicability of Oklahoma Open Meeting Act and Oklahoma Open
14 Records Act; prescribing quorum requirements; prescribing
15 requirements for functions; prescribing provision of certain
16 services; providing exception; authorizing waiver;
17 prescribing requirements for waiver requests; authorizing
18 delivery of certain services; requiring provision of certain
19 services by staff; providing for construction of act;
20 prohibiting votes on certain matters; authorizing requests
21 for legal assistance; requiring reservation of funds for
22 statewide offender employment training program; authorizing
23 modification of allocation; imposing limit on reallocation;
24 amending Section 3, Chapter 282, O.S.L. 1993, as last
25 amended by Section 1, Chapter 148, O.S.L. 2000 (25 O.S.
26 Supp. 2000, Section 307.1), which relates to certain
27 meetings; authorizing State Workforce Investment Board and
28 certain local boards to conduct teleconferences; amending 25
29 O.S. 1991, Sections 1301, as amended by Section 1, Chapter
30 100, O.S.L. 1992 and 1502 (25 O.S. Supp. 2000, Sections 1301
31 and 1502), which relate to discrimination in employment;
32 amending definition of employer; extending period for filing
33 a complaint; providing for codification; and providing an
34 effective date.

35 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

36 SECTION 1. NEW LAW A new section of law to be codified
37 in the Oklahoma Statutes as Section 9101 of Title 74, unless there
38 is created a duplication in numbering, reads as follows:

39 This act shall be known and may be cited as the "Oklahoma
40 Workforce Investment Act" (OWIA).

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9102 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 For the purposes of this act, the Workforce Investment Act of
5 1998 (P.L. 105-220) shall be known and referred to as "WIA".

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 9103 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 The purpose of OWIA is to establish a state policy for the
10 workforce investment system that is intended to strengthen and
11 preserve local control of workforce development, prevent a "one size
12 fits all" approach to workforce development and enhance and improve
13 the implementation of WIA in the State of Oklahoma.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 9104 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 As used in this act:

18 1. "Administration", pursuant to the Governor's designation,
19 means the Oklahoma Employment Security Commission which will be the
20 lead state agency for administering OWIA and WIA and as such will
21 make the determinations, take the enforcement actions, and carry out
22 other duties described in OWIA and WIA;

1 2. "Business" means private for-profit and private not-for-
2 profit employers and shall include small, medium and large
3 businesses where a small business may be considered one which
4 employs less than twenty employees, a medium business may be
5 considered one which employs between twenty-one and fifty employees,
6 and a large business may be considered one which employs more than
7 fifty-one employees;

8 3. "Chief elected official" means:

- 9 a. the chief elected executive officer of a unit of
10 general local government in a local area, and
- 11 b. in a case in which a local area includes more than one
12 unit of general local government, the individuals
13 designated under the agreements described in this act
14 and WIA;

15 4. "Economic development agencies" means local planning and
16 zoning commissions or boards, community development agencies, and
17 other local agencies and institutions responsible for regulating,
18 promoting, or assisting in local economic development and may
19 include, but not be limited to, local area chambers of commerce;

20 5. "Employment and training activity" means an activity
21 described in WIA that is carried out for an adult or dislocated
22 worker;

1 6. "Labor market area" means an economically integrated
2 geographic area within which individuals can reside and find
3 employment within a reasonable distance or can readily change
4 employment without changing their place of residence. Such an area
5 shall be identified in accordance with criteria used by the Bureau
6 of Labor Statistics of the Department of Labor in defining such
7 areas or similar criteria established by the Governor;

8 7. "Local area" means a local workforce investment area
9 designated under WIA and by this act;

10 8. "Local board" means a local workforce investment board
11 established under WIA and by this act and shall not include in its
12 definition the designated staff to the board;

13 9. "Local educational agency" has the meaning given the term in
14 Section 14101 of the Elementary and Secondary Education Act of 1965
15 (20 U.S.C. 8801);

16 10. "Offender" means any adult or juvenile who is or has been
17 subject to any stage of the criminal justice process, for whom
18 services under this act and WIA may be beneficial, or who requires
19 assistance in overcoming artificial barriers to employment resulting
20 from a record of arrest or conviction;

21 11. "Participant" means an individual who has been determined
22 to be eligible to participate in and who is receiving services
23 (except follow-up services authorized under WIA) under a program

1 authorized by WIA and this act. Participation shall be deemed to
2 commence on the first day, following determination of eligibility,
3 on which the individual began receiving subsidized employment,
4 training, or other services provided under WIA and OWIA;

5 12. "Postsecondary educational institution" means an
6 institution of higher education, as defined in Section 481 of the
7 Higher Education Act of 1965 (20 U.S.C. 1088);

8 13. "Secondary school" has the meaning given the term in
9 Section 14101 of the Elementary and Secondary Education Act of 1965
10 (20 U.S.C. 8801);

11 14. "State Board" means a State Workforce Investment Board
12 established under WIA and by this act;

13 15. "Subgroup(s)" means any subcommittee(s), task force(s),
14 working group(s), or council(s) not specifically defined or created
15 by WIA which may be established to assist the state or any local
16 workforce investment board in the state;

17 16. "Unit of general local government" means any general
18 purpose political subdivision of the state that has the power to
19 levy taxes and spend funds, as well as general corporate and police
20 powers;

21 17. "Vocational education" has the meaning given the term in
22 Section 521 of the Carl D. Perkins Vocational and Applied Technology
23 Education Act (20 U.S.C. 2471);

1 18. "Workforce investment activity" means an employment and
2 training activity and a youth activity;

3 19. "Youth activity" means an activity described in WIA that is
4 carried out for eligible youth (or as described in WIA); and

5 20. "Youth council" means a council established under WIA.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 9105 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Governor of the state shall establish a State Workforce
10 Investment Board to assist in the development of the state plan
11 described in WIA and to carry out the other functions described in
12 WIA and this act.

13 B. The State Workforce Investment Board shall include:

14 1. The Governor;

15 2. Four members of the Oklahoma State Legislature, two of whom
16 are to be appointed by the Speaker of the Oklahoma House of
17 Representatives, and two of whom are to be appointed by the
18 President Pro Tempore of the Oklahoma State Senate; and

19 3. Representatives appointed by the Governor as provided by
20 WIA.

21 C. The members of the Board shall represent large, medium, and
22 small businesses as defined by this act and shall be from diverse
23 regions of the state, including urban, rural, and suburban areas.

1 D. Pursuant to the provisions in WIA, a majority of the members
2 of the State Board shall be representatives of business as defined
3 in this act and described in WIA.

4 E. The Governor shall select a chairperson for the State Board
5 from among the representatives of business as defined in this act
6 and as described in WIA.

7 F. The State Board shall assist the Governor in:

8 1. Development of the state plan;

9 2. Development and continuous improvement of a statewide system
10 of activities as provided by WIA, including:

11 a. development of linkages in order to assure
12 coordination and nonduplication among the programs and
13 activities described in WIA, and

14 b. review of local plans;

15 3. Commenting at least once annually on the measures taken
16 pursuant to Section 113(b)(14) of the Carl D. Perkins Vocational and
17 Applied Technology Education Act (20 U.S.C. 2323(b)(14));

18 4. Designation of local areas as required in WIA and by this
19 act;

20 5. Unless otherwise provided by state or federal law,
21 development of allocation formulas for the distribution of funds for
22 adult employment and training activities and youth activities to
23 local areas as permitted by WIA and this act;

1 6. Development and continuous improvement of comprehensive
2 performance measures, including adjusted levels of performance, to
3 assess the effectiveness of the workforce investment activities as
4 required under WIA;

5 7. Preparation of the annual report to the United States
6 Secretary of Labor as described in WIA;

7 8. Development of the statewide employment statistics system
8 described in Section 15(e) of the Wagner-Peyser Act; and

9 9. Development of an application for an incentive grant under
10 WIA.

11 G. A member of the State Board may not vote on a matter under
12 consideration by the State Board regarding the provision of services
13 by such member (or by an entity that such member represents) or that
14 would provide direct financial benefit to such member or the
15 immediate family of such member or engage in any other activity
16 determined by the Governor to constitute a conflict of interest as
17 specified in the state plan.

18 H. The State Board and any subgroups of the State Board as
19 defined by this act shall be subject to the Oklahoma Open Meeting
20 Act and the Oklahoma Open Records Act and shall make available to
21 the public information regarding the activities of the State Board
22 and any subgroups of the State Board including information regarding
23 the state plan prior to submission of the plan, information

1 regarding membership, information regarding the budget of the State
2 Board and, on request, minutes of meetings of the State Board and
3 any of its subgroups.

4 I. Unless otherwise provided by law, in order for the State
5 Board to conduct official business, a quorum of its members must be
6 present. A quorum of the State Board shall be considered a majority
7 of its appointed members whereby the majority of the quorum shall be
8 a majority of business representatives as described in WIA.

9 J. The State Board is hereby authorized to create subgroups, as
10 defined by this act, of the Board to assist the Board in carrying
11 out its duties as authorized by WIA and OWIA, provided that:

12 1. Subgroups must be created in an open meeting and by a
13 majority vote of all Board members;

14 2. Subgroups must be provided with specific assignments by the
15 Board and must report to the Board at least quarterly on their
16 activities; and

17 3. Unless otherwise provided by this act, any expenses incurred
18 by the activities of any subgroup may be reimbursed by the
19 administrative portion of funds allocated by WIA to the lead state
20 agency as defined by this act and WIA under "Administration".

21 K. The legal division of the Oklahoma Employment Security
22 Commission shall provide the State Board with legal representation
23 and assistance in interpreting the provisions of this act and WIA

1 for the purposes of conducting its business and implementing this
2 act and WIA. The chairman of any local workforce investment board
3 or the chief elected official of any local workforce investment
4 board may request legal assistance in interpreting, clarifying, and
5 implementing OWIA and WIA from the legal division of the Oklahoma
6 Employment Security Commission through a request made by the State
7 Board.

8 L. To preserve the sanctity of local planning and program
9 development, the State Board shall pursue for approval any waiver
10 requests or recommendations submitted by local boards to the
11 Governor or to the United States Secretary of Labor pursuant to WIA
12 for their local workforce investment area provided that the waiver
13 requests or recommendations substantially meet the provisions of
14 this act and WIA.

15 M. 1. Prior to the start of each legislative session, the
16 State Workforce Investment Board shall submit an annual report to
17 the Speaker of the Oklahoma House of Representatives and the
18 President Pro Tempore of the Oklahoma State Senate.

19 2. The State Workforce Investment Board annual report shall
20 include but not be limited to a summary of programs, activities,
21 performance measures, expenditures and revenues of the Board and the
22 local workforce investment boards. The report should also include a

1 list of all Board members and local board members by the area which
2 they represent.

3 N. The State Board is hereby authorized to solicit funds from
4 various state, federal and local agencies to support the activities
5 of the Board and any of its subgroups, provided that, prior to any
6 solicitation of funds, the various state and local agencies are
7 notified in writing of such a request and that the oversight board
8 or commission of said agencies approves the request at a regularly
9 scheduled board or commission meeting prior to any transfer or
10 payment of funds.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 9106 of Title 74, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Unless otherwise provided by law, the Governor shall
15 designate local workforce investment areas within the state:

- 16 1. Through consultation with the State Board;
17 2. After consultation with chief elected officials; and
18 3. After consideration of comments received through the public
19 comment process as described in WIA.

20 B. In making the designation of local areas, the Governor shall
21 take into consideration the following:

- 22 1. House Concurrent Resolution No. 1021 (O.S.L. 1999);

1 2. Geographic areas served by local educational agencies and
2 intermediate educational agencies;

3 3. Geographic areas served by postsecondary educational
4 institutions and career and technology centers;

5 4. The extent to which such local areas are consistent with
6 labor market areas;

7 5. The distance that individuals will need to travel to receive
8 services provided in such local areas; and

9 6. The resources of such local areas that are available to
10 effectively administer the activities carried out under WIA.

11 C. The Governor shall approve any request for designation as a
12 local area from any unit of general local government with a
13 population of five hundred thousand (500,000) or more, or of any
14 area served by a rural concentrated employment program grant
15 recipient of demonstrated effectiveness that served as a service
16 delivery area or substate area under the Job Training Partnership
17 Act, if the grant recipient has submitted a request.

18 D. The Governor shall approve a request from any unit of
19 general local government (including a combination of such units) for
20 designation (including temporary designation) as a local area if the
21 State Board determines, taking into account the factors described in
22 this act and Sections 116(a) (2) and 116(a) (3) of WIA, and recommends
23 to the Governor, that such area should be related to the approval of

1 requests from any unit of general local government for designation
2 as a local area if the State Board determines and recommends to the
3 Governor that such an area be so designated and may approve a
4 request pursuant to Section 116(a)(4) of WIA related to the approval
5 of requests from any unit of general local government for
6 designation as a local area if the State Board determines and
7 recommends to the Governor that such an area be so designated.

8 E. A unit of general local government (including a combination
9 of such units) or grant recipient that requests but is not granted
10 designation of an area as a local area under this act or WIA may
11 submit an appeal to the State Board under an appeal process
12 established in the state plan and if subsequently denied by the
13 State Board may submit an appeal to the Secretary of the United
14 States Department of Labor pursuant to the provisions set forth in
15 WIA.

16 SECTION 7. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 9107 of Title 74, unless there
18 is created a duplication in numbering, reads as follows:

19 A. There shall be established in each local area of the state,
20 and certified by the Governor, a local workforce investment board,
21 to set policy for the portion of the statewide workforce investment
22 system within the local area (referred to in WIA as a "local
23 workforce investment system").

1 B. The Governor, in partnership with the State Board, shall
2 establish criteria for use by chief elected officials in the local
3 areas for the appointment of members of the local boards in such
4 local areas in accordance with the requirements of WIA and this act.
5 Such criteria shall require, at a minimum, that the membership of
6 each local board shall include:

- 7 1. Representatives of business as defined by this act who:
- 8 a. are located in the local area, and who are owners of
9 businesses, chief executives or operating officers of
10 businesses, and other business executives or employers
11 with optimum policymaking or hiring authority,
 - 12 b. proportionally represent businesses as defined by this
13 act with employment opportunities that reflect the
14 employment opportunities of the local area, and
 - 15 c. are appointed from among individuals nominated by
16 local business organizations and business trade
17 associations which may include, but not be limited to,
18 local area chambers of commerce;

19 2. Representatives of local educational entities, including but
20 not limited to local school boards, entities providing adult
21 education and literacy activities, and postsecondary educational
22 institutions (including representatives of community colleges, where
23 such entities exist), selected from among individuals nominated by

1 regional or local educational agencies, institutions, or
2 organizations representing such local educational entities;

3 3. Representatives of labor organizations (for a local area in
4 which employees are represented by labor organizations), nominated
5 by local federations, or (for a local area in which no employees are
6 represented by such organizations), other representatives of
7 employees;

8 4. Representatives of community-based organizations (including
9 organizations representing individuals with disabilities and
10 veterans, for a local area in which such organizations are present);

11 5. Representatives of economic development agencies, including
12 private sector economic development entities;

13 6. Representatives of each of the one-stop partners; and

14 7. May include such other individuals or representatives of
15 entities as the chief elected official in the local area may
16 determine to be appropriate.

17 C. A majority of the members of the local board shall be
18 representatives of business as defined in this act and WIA.

19 D. The local board shall elect a chairperson for the local
20 board from among the representatives of business, as defined by this
21 act.

1 E. The chief elected official in a local area is authorized to
2 appoint the members of the local board for such area, in accordance
3 with the state criteria established in this act and by WIA.

4 F. In a case in which a local area includes more than one unit
5 of general local government, the chief elected officials of such
6 units may execute an agreement that specifies the respective roles
7 of the individual chief elected officials in the appointment of the
8 members of the local board from the individuals nominated or
9 recommended to be such members in accordance with the criteria
10 established by this act and WIA and in carrying out any other
11 responsibilities assigned to such officials by this act and WIA.

12 G. If, after a reasonable effort, the chief elected officials
13 are unable to reach an agreement as provided by this act and WIA,
14 the Governor may appoint the members of the local board from
15 individuals so nominated or recommended.

16 H. In the case of a local area designated in accordance with
17 this act and by WIA, the governing body of the concentrated
18 employment program involved shall act in consultation with the chief
19 elected official in the local area to appoint members of the local
20 board, in accordance with the state criteria established by this act
21 and WIA, and to carry out any other responsibility relating to
22 workforce investment activities assigned to such official under this
23 act and WIA.

1 I. The Governor shall certify one local board for each local
2 area in the state pursuant to the provisions of this act and WIA.
3 Such certification shall be based on criteria established by this
4 act and WIA.

5 J. Where the local area has been denied and to preserve the
6 sanctity of local planning and program development, the local board
7 shall submit for approval any appeal requests related to
8 designations of local workforce investment areas determined to be
9 beneficial to the local workforce investment area to the Governor or
10 the United States Secretary of Labor pursuant to Section 116(a) (5)
11 of WIA, provided that any appeal requests submitted substantially
12 meet the provisions of this act and Section 116(a) (5) of WIA.

13 K. Failure of a local board to achieve certification shall
14 result in reappointment and certification of another local board for
15 the local area pursuant to the process described in this act and
16 WIA.

17 L. The Governor shall not decertify a local board for any
18 reason nor at any time after a local board has been certified
19 without providing local board members the proper written notice and
20 an opportunity for a public hearing and written comments from the
21 local board members and the general public within the local area
22 pursuant to the provisions of Section 136(h) of WIA and 20 C.F.R.,
23 Sections 667.645 and 667.650.

1 M. If the Governor decertifies a local board for a local area,
2 the Governor may require that a new local board be appointed and
3 certified for the local area pursuant to a reorganization plan
4 developed by the Governor, in consultation with the chief elected
5 officials in the local area, and in accordance with the criteria
6 established under this act and WIA.

7 N. Pursuant to the provisions of Section 117(h) of WIA there
8 shall be established, as a subgroup within each local board, a youth
9 council appointed by the local board, in cooperation with the chief
10 elected official for the local area.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 9108 of Title 74, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The function of the local board shall include the following:

15 1. Consistent with this act and WIA, each local board, in
16 partnership with the chief elected official for the local area
17 involved, shall develop and submit a local plan to the Governor;

18 2. Consistent with this act and WIA, the local board, with the
19 agreement of the chief elected official shall designate or certify
20 one-stop operators as described in WIA and may terminate for cause
21 the eligibility of such operators;

22 3. Consistent with WIA, the local board shall identify eligible
23 providers of youth activities in the local area by awarding grants

1 or contracts on a competitive basis, based on the recommendations of
2 the youth council;

3 4. Consistent with WIA, the local board shall identify eligible
4 providers of training services described in WIA in the local area;
5 and

6 5. If the one-stop operator does not provide intensive services
7 in a local area, the local board shall identify eligible providers
8 of intensive services described in WIA in the local area by awarding
9 contracts.

10 B. The local board shall develop a budget for the purpose of
11 carrying out the duties of the local board under this act and WIA,
12 subject to the approval of the chief elected official.

13 C. The chief elected official in a local area shall serve as
14 the local grant recipient for, and shall be liable for any misuse of
15 the grant funds allocated to the local area unless the chief elected
16 official reaches an agreement with the Governor for the Governor to
17 act as the local grant recipient and bear such liability.

18 D. In order to assist in the administration of the grant funds,
19 the chief elected official or the Governor, where the Governor
20 serves as the local grant recipient for a local area, may designate
21 an entity to serve as a local grant subrecipient for such funds or
22 as a local fiscal agent. Such designation shall not relieve the

1 chief elected official or the Governor of the liability for any
2 misuse of grant funds as described in WIA.

3 E. The local grant recipient or an entity designated pursuant
4 to the provisions of this act and WIA shall disburse such funds for
5 workforce investment activities at the direction of the local board,
6 pursuant to the requirements of this act and WIA, if the direction
7 does not violate a provision of this act or WIA. The local grant
8 recipient or entity designated pursuant to the provisions of this
9 act and WIA shall disburse the funds immediately on receiving such
10 direction from the local board.

11 F. The local board may employ staff. Nothing in this act or
12 WIA shall preclude the chief elected official in consultation with
13 the local board from recommending to the state administering agency
14 pursuant to Sections 117(f) (1) and 117(f) (2) of WIA that the staff
15 of the local board provide the training or core services or
16 intensive services or both core and intensive services, as defined
17 by this act, WIA or other programs operated by the local board
18 staff. For the purposes of this section, the term "consultation"
19 shall not require a vote of the local board.

20 G. The local board may solicit and accept grants and donations
21 from sources other than federal funds made available by WIA for the
22 purpose of providing additional or enhanced adult and youth training
23 and core services and intensive services as defined by this act and

1 WIA, provided that, prior to any solicitation of funds, the local
2 board notify in writing any other entity of such a request and that
3 the oversight board or commission of said entity approves the
4 request at a regularly scheduled board meeting prior to any transfer
5 or payment of funds.

6 H. The local board, in partnership with the chief elected
7 official, shall conduct oversight with respect to local programs of
8 youth activities authorized under this act and WIA, local employment
9 and training activities authorized under this act and WIA, and the
10 one-stop delivery system in the local area.

11 I. The local board, the chief elected official, and the
12 Governor shall negotiate and reach agreement on local performance
13 measures as described in WIA.

14 J. The local board shall assist the Governor in developing the
15 statewide employment statistics system described in Section 15(e) of
16 the Wagner-Peyser Act.

17 K. The local board shall coordinate the workforce investment
18 activities authorized under WIA and carried out in the local area
19 with economic development strategies and develop other employer
20 linkages with such activities.

21 L. The local board shall promote the participation of private
22 sector employers in the statewide workforce investment system and
23 ensure the effective provision, through the system, of connecting,

1 brokering, and coaching activities, through intermediaries such as
2 the one-stop operator in the local area or through other
3 organizations, to assist such employers in meeting hiring needs.

4 M. The local workforce investment board, and any subgroups of
5 the local workforce investment board, shall be subject to the
6 Oklahoma Open Meeting Act and the Oklahoma Open Records Act and
7 shall make available to the public information regarding the
8 activities of the local board and any subgroups of the local board,
9 including information regarding the local plan prior to submission
10 of the plan, information regarding membership, and, on request,
11 minutes of meetings of the local board and any of its subgroups.

12 N. Unless otherwise provided by law, in order for the local
13 workforce investment boards to conduct official business, a quorum
14 of members must be present. A quorum of local workforce investment
15 boards shall be considered a majority of the appointed members
16 whereby the majority of the quorum shall be a majority of business
17 representatives as described in this act and WIA.

18 O. Except as provided in this act and WIA, no local board may
19 provide training services described in WIA.

20 P. The Governor may, pursuant to a request from the local
21 board, grant a written waiver of the prohibition set forth in this
22 act and WIA relating to the provision of training services for a

1 program of training services, if the local board submits to the
2 Governor a proposed request for the waiver that:

3 1. Includes satisfactory evidence that there is an insufficient
4 number of eligible providers of such a program of training services
5 to meet local demand in the local area;

6 2. Includes information demonstrating that the board meets the
7 requirements for an eligible provider of training services under
8 WIA;

9 3. Includes information demonstrating that the program of
10 training services prepares participants for an occupation that is in
11 demand in the local area;

12 4. Makes the proposed request available to eligible providers
13 of training services and other interested members of the public for
14 a public comment period of not less than thirty (30) days; and

15 5. Includes, in the final request for the waiver, the evidence
16 and information and comments described in this act and WIA.

17 Q. A local board may provide core services or intensive
18 services through a one-stop delivery system or be designated or
19 certified as a one-stop operator only with the agreement of the
20 chief elected official, in consultation with the local board, and
21 the Governor. For the purposes of this section, the term
22 "consultation" shall not require a vote of the local board.

1 R. Nothing in this act shall be construed to provide a local
2 board with the authority to mandate curricula for common schools or
3 career and technology centers as defined by this act and WIA.

4 S. A member of a local board may not vote on a matter under
5 consideration by the local board regarding the provision of services
6 by such member (or by an entity that such member represents) or that
7 would provide direct financial benefit to such member or the
8 immediate family of such member or engage in any other activity
9 determined by the Governor to constitute a conflict of interest as
10 specified in the state plan.

11 T. The chairman of any local workforce investment board or the
12 chief elected official of any local workforce investment board may
13 request legal assistance in interpreting, clarifying and
14 implementing OWIA and WIA from the legal division of the Oklahoma
15 Employment Security Commission through a written request made to the
16 State Board as provided by this act.

17 U. To preserve the sanctity of local planning and program
18 development, the local board shall submit for approval any waiver
19 requests determined to be beneficial to the local workforce
20 investment area to the Governor for submittal to the United States
21 Secretary of Labor pursuant to the provisions of Section 189(i)(4)
22 of WIA and 20 C.F.R., Sections 661.400, 661.420 and 661.430.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9109 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. From any funds allocated to the state by Title I, Subtitle
5 B, Chapter IV, and the adult allocation provided for by Chapter V of
6 WIA, the sum of Seven Hundred Four Thousand Dollars (\$704,000.00),
7 or so much thereof as may be necessary, shall be reserved for use by
8 the Oklahoma Department of Career and Technology Education to
9 administer a statewide offender employment training program within
10 the Oklahoma Department of Career and Technology Education system.

11 B. The Oklahoma Department of Career and Technology Education,
12 upon request of the State Board, shall provide the Board with an
13 annual report of the statewide offender employment training program
14 and shall comply with all federal laws, rules and guidelines as
15 issued by the United States Department of Labor related to WIA and
16 this act. The State Board, upon review of said annual report, shall
17 make recommendations to the Oklahoma Department of Career and
18 Technology Education concerning program improvements.

19 C. The State Board may increase the dollar amount provided to
20 the Oklahoma Department of Career and Technology Education for the
21 statewide offender employment training program, provided that such
22 amounts do not exceed the allocation limitations provided for adult
23 training services and administration by WIA.

1 SECTION 10. AMENDATORY Section 3, Chapter 282, O.S.L.
2 1993, as last amended by Section 1, Chapter 148, O.S.L. 2000 (25
3 O.S. Supp. 2000, Section 307.1), is amended to read as follows:

4 Section 307.1 A. No public body shall hold meetings by
5 teleconference except:

- 6 1. Oklahoma Futures;
- 7 2. The Oklahoma State Regents for Higher Education;
- 8 3. The Oklahoma Board of Medical Licensure and Supervision;
- 9 4. The State Board of Osteopathic Examiners;
- 10 5. The Board of Dentistry;
- 11 6. The Variance and Appeals Boards created in Sections 1021.1,
12 1697 and 1850.16 of Title 59 of the Oklahoma Statutes;
- 13 7. A public trust whose beneficiary is a municipality; however,
14 no more than twenty percent (20%) of a quorum of the trustees may
15 participate by teleconference and during any such meetings all votes
16 shall be roll call votes;
- 17 8. The Native American Cultural and Educational Authority;
- 18 9. The Corporation Commission; ~~and~~
- 19 10. The State Board of ~~Vocational~~ Career and ~~Technical~~
20 Technology Education;
- 21 11. The State Workforce Investment Board and any subgroups
22 created by the Board pursuant to the Oklahoma Workforce Investment
23 Act; and

1 12. Local workforce investment boards and any subgroups of the
2 local workforce investment boards pursuant to the Oklahoma Workforce
3 Investment Act.

4 B. No public body authorized to hold meetings by teleconference
5 shall conduct an executive session by teleconference.

6 SECTION 11. AMENDATORY 25 O.S. 1991, Section 1301, as
7 amended by Section 1, Chapter 100, O.S.L. 1992 (25 O.S. Supp. 2000,
8 Section 1301), is amended to read as follows:

9 Section 1301. In Sections 1101 through 1706 of this title:

10 1. "Employer" means a person who has ~~fifteen~~ five or more
11 employees for each working day in each of twenty (20) or more
12 calendar weeks in the current or preceding calendar year, or a
13 person who as a contractor or subcontractor is furnishing the
14 material or performing work for the state or a governmental entity
15 or agency of the state and includes an agent of such a person but
16 does not include an Indian tribe or a bona fide membership club not
17 organized for profit;

18 2. "Employment agency" means a person regularly undertaking
19 with or without compensation to procure employees for an employer or
20 to procure for employees opportunities to work for an employer and
21 includes an agent of such a person;

22 3. "Labor organization" includes:

- 1 a. an organization of any kind, an agency or employee
2 representation committee, group, association, or plan
3 in which employees participate and which exists for
4 the purpose, in whole or in part, of dealing with
5 employers concerning grievances, labor disputes,
6 wages, rates of pay, hours, or other terms or
7 conditions of employment,
- 8 b. a conference, general committee, joint or system
9 board, or joint council so engaged which is
10 subordinate to a national or international labor
11 organization, or
- 12 c. an agent of a labor organization;

13 4. "Handicapped person" means a person who has a physical or
14 mental impairment which substantially limits one or more of such
15 person's major life activities, has a record of such an impairment
16 or is regarded as having such an impairment; and

17 5. "Age discrimination in employment" means discrimination in
18 employment of persons who are at least forty (40) years of age.

19 SECTION 12. AMENDATORY 25 O.S. 1991, Section 1502, is
20 amended to read as follows:

21 Section 1502. A. A person claiming to be aggrieved by a
22 discriminatory practice, his attorney, the Attorney General, a
23 nonprofit organization chartered for the purpose of combatting

1 discrimination or a member of the Commission, may file with the
2 Commission a written sworn complaint stating that a discriminatory
3 practice has been committed, and setting forth the facts upon which
4 the complaint is based, and setting forth facts sufficient to enable
5 the Commission to identify the person charged, hereinafter called
6 the respondent. The Commission or a member of the Commission or the
7 staff shall promptly furnish the respondent with a copy of the
8 complaint and shall promptly investigate the allegations of
9 discriminatory practice set forth in the complaint. The complaint
10 must be filed within ~~one hundred eighty (180)~~ three hundred sixty-
11 five (365) days after the alleged discriminatory practice occurs.

12 B. If within sixty (60) days after the complaint is filed it is
13 determined by the Commission or a member of the Commission or the
14 staff that there is no reasonable cause to believe that the
15 respondent has engaged in a discriminatory practice, the Commission
16 shall issue an order dismissing the complaint and shall furnish a
17 copy of the order to the complainant, the respondent, the Attorney
18 General and such other public officers and persons as the Commission
19 deems proper.

20 C. The complainant, within thirty (30) days after receiving a
21 copy of an order dismissing the complaint, may file with the
22 Commission an application for reconsideration of the order. Upon
23 such application, the Commission or a designated member of the

1 Commission shall make a new determination whether there is a
2 reasonable cause to believe that the respondent has engaged in a
3 discriminatory practice. If it is determined within thirty (30)
4 days after the application is filed that there is no reasonable
5 cause to believe that the respondent has engaged in a discriminatory
6 practice, the Commission shall issue an order dismissing the
7 complaint and furnish a copy of the order to the complainant, the
8 respondent, the Attorney General, and such other public officers and
9 persons as the Commission deems proper.

10 D. This section does not apply to persons claiming to be
11 aggrieved by a discriminatory housing practice to the extent that it
12 is inconsistent with specific provisions of this act relating to a
13 discriminatory housing complaint.

14 SECTION 13. This act shall become effective November 1, 2001.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-28-01 - DO
16 PASS, As Amended.