House of Representatives

General Assembly

File No. 110

February Session, 2002

Substitute House Bill No. 5464

House of Representatives, March 22, 2002

The Committee on Labor and Public Employees reported through REP. DONOVAN of the 84th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE CONNECTICUT EMPLOYMENT AND TRAINING COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 31-3i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a) The members of the Connecticut Employment and Training Commission shall be**]**

<u>(a) On and after October 1, 2002, no person shall serve as a member of the Connecticut Employment and Training Commission unless</u> appointed as specified in subsection (b) of this section.

(b) (1) The **[**commission**]** <u>Connecticut Employment and Training Commission</u> shall consist of **[**twenty-four**]** <u>thirty-five</u> members, **[**a majority**]** <u>exactly eighteen</u> of whom shall represent business and industry and the remainder of whom shall represent state and local

12 governments, organized labor, education, [and] community based
13 organizations, including a representative of a community action
14 agency, as defined in section 17b-885, and any other entity required by
15 the provisions of subsection (b) of Section 111 of the federal Workforce
16 Investment Act of 1998, P.L. 105-220, as from time to time amended.
17 Each member shall be appointed by the Governor from
18 recommendations submitted by the president pro tempore of the
19 Senate, the speaker of the House of Representatives, the majority
20 leader of the Senate, the majority leader of the House of
21 Representatives, the minority leader of the Senate and the minority
22 leader of the House of Representatives. The chairpersons and ranking
23 members of the joint standing committee of the General Assembly
24 having cognizance of matters relating to labor and public employees
25 and the select committee on workforce development shall serve as ex-
26 officio members of the commission.

27 [(2) Effective six months after the United States Secretary of Labor
28 approves the single Connecticut workforce development plan
29 submitted to said secretary in accordance with the provisions of
30 subsection (b) of section 31-11r, the Governor shall fill any vacancy on
31 the commission from recommendations submitted by the president
32 pro tempore of the Senate, the speaker of the House of
33 Representatives, the majority leader of the Senate, the majority leader
34 of the House of Representatives, the minority leader of the Senate and
35 the minority leader of the House of Representatives.]

36 (2) Each member shall serve for a term of four years or until the
37 member's successor is appointed, whichever is later. Any vacancy shall
38 be filled in the same manner as the original appointment. A member
39 appointed to fill a vacancy shall be appointed for the unexpired term
40 of the member whom the newly appointed member is to succeed.

41 (3) The Governor shall appoint a chairperson from among the
42 commission members, with the advice and consent of either house of
43 the General Assembly.

44 [(c) Members appointed to the commission prior to June 23, 1999,

shall continue to serve on the commission as if they were appointed to the commission as of June 23, 1999. The commission shall meet no less than once every calendar quarter.]

(c) The commission shall meet not less than once every calendar quarter. A majority of the members of the commission shall constitute a quorum. Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from office.

Sec. 2. Section 31-11m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) All funds received by the state of Connecticut under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, shall be deposited into the General Fund.

(b) (1) Funds reserved for state-wide investment activities by the state of Connecticut from the amounts allotted to the state under Sections 127(b)(1)(C), 132(b)(1)(B) and 132(b)(2)(B) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, shall be consistent with the provisions of Section 128(a) of said act.

(2) Such reserved funds may be used only to carry out state-wide youth activities described in Section 129(b) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, or state-wide employment and training activities, for adults or for dislocated workers, described in Section 134(a)(2)(B) or Section 134(a)(3) of said act, provided such use is consistent with the Connecticut workforce development plan developed by the Connecticut Employment and Training Commission under section 31-11p. The percentage of such reserved funds that are used for administrative costs shall be consistent with the provisions of Section 134(a)(3)(B) of said act. For purposes of this subdivision and subdivision (3) of this subsection, "administrative costs" has the same meaning as in 20 CFR Part 667, Subpart B.

77 (3) Any request by a regional workforce development board to the
78 Connecticut Employment and Training Commission for automatic,
79 temporary or subsequent designation as a local workforce investment
80 area shall be approved or denied utilizing the criteria set forth in
81 Section 116 of the federal Workforce Investment Act of 1998, P.L. 105-
82 220, as from time to time amended, not later than three months from
83 the date the chairperson of the commission receives such request.

84 (4) No state funds or funds received by the state of Connecticut
85 under the federal Workforce Investment Act of 1998, P.L. 105-220, as
86 from time to time amended, shall be used for the purpose of
87 reconfiguring, modifying, eliminating or adding any local workforce
88 investment area in the state unless such reconfiguration, modification,
89 elimination or addition has first been approved by the General
90 Assembly.

91 Sec. 3. Section 31-11p of the general statutes is amended by adding
92 subsection (d) as follows (*Effective from passage*):

93 (NEW) (d) On and after the effective date of this act, the Connecticut
94 Employment and Training Commission shall submit any proposed
95 modifications to the single Connecticut workforce development plan
96 developed pursuant to section 31-11p to the General Assembly for
97 review. The commission shall not implement any of its proposed
98 modifications to the plan, including, but not limited to, any
99 reconfiguration of the local workforce investment areas in the state,
100 unless the proposed modifications are first approved by the General
101 Assembly.

This act shall take effect as follows:	
Section 1	*from passage*
Sec. 2	*from passage*
Sec. 3	*from passage*

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The Connecticut Employment and Training Commission will not incur a cost as a result of this bill. The bill increases the number of members of the commission from 24 to 35 but the members do not get compensated for commission business.

OLR Bill Analysis
sHB 5464

AN ACT CONCERNING THE CONNECTICUT EMPLOYMENT AND TRAINING COMMISSION

SUMMARY:
This bill expands the membership of the Connecticut Employment and Training Commission (CETC) from 24 to 35 members and modifies how they are appointed. CETC prepared and oversees the implementation of the state's workforce development plan, which is required by the federal Workforce Investment Act (WIA) in order to receive federal job training funds.

The bill requires CETC to obtain legislative approval before changing the plan or reconfiguring workforce investment areas designated under WIA.

EFFECTIVE DATE: Upon passage

CETC MEMBERSHIP

By law, the governor appoints CETC's members. He must fill vacancies from a list of people nominated by legislative leaders (the Senate president pro tempore, House speaker, and majority and minority leaders of both chambers). Under the bill, starting October 1, 2002, the governor must appoint all of the members from the leaders' lists. It appears that this provision requires him to renominate or replace those members who were not originally recommended by the leaders. The bill also makes the chairmen and ranking members of the Labor and Public Employees and Workforce Development committees ex-officio members of CETC.

The bill retains the requirement that a majority of CETC's members (13 under current law, 18 under the bill) represent business and industry. (This is also required by WIA.) By law, the non-business members of CETC must represent state and local governments, organized labor, education, and community-based organizations. The bill conforms state law to federal law by additionally requiring that entities whose

membership on the commission is required by WIA be represented on the commission.

Under current law, the members' terms are coterminous with the governor's. The bill instead makes their terms four years or until their successors are appointed, whichever is later. It requires that any member appointed to fill a vacancy serve out that member's term. It specifies that a majority of the commission's members constitute a quorum. Any member who misses three consecutive meetings or fails to attend half of the meetings in any calendar year is considered to have resigned. The bill requires the governor to appoint the commission's chairperson, with the advice and consent of either the House or the Senate.

WORKFORCE DEVELOPMENT PLAN AND AREAS

WIA made states eligible for funding for a wide range of job training and support service programs, if they filed a plan and designated workforce improvement areas based on specific criteria. State law (PA 99-195) required CETC to develop the plan in consultation with the state's regional workforce development boards. It required CETC to get legislative approval of the plan and submit it to the governor. The governor had to submit the plan to the U.S. Department of Labor (USDOL) by March 15, 2000.

Under current law, the governor may modify the USDOL-approved plan, with CETC's assistance, if (1) he obtains the approval of the Appropriations, Educations, Labor and Public Employees, and Human Services committees and (2) the modification complies with WIA.

The bill requires CETC to submit any proposed modifications to the plan to the legislature for review. (It is not clear whether (1) CETC itself can modify the plan or (2) this provision supersedes the current law.) CETC cannot implement any of the changes, including reconfiguration of the local workforce investment areas unless the legislature approves the change. Nor can it use state or WIA funds to reconfigure, modify, eliminate, or add workforce investment areas without legislative approval.

The commission must act on requests by a workforce development board for designation as a local workforce investment area within three months after the chairperson receives the request. The

commission must approve or deny the application for automatic, temporary, or subsequent designation under WIA in accordance with the federal law.

BACKGROUND

Related Documents Regarding Workforce Development Areas

On February 8, 2002, the attorney general issued an advisory opinion that stated that WIA limits the circumstances under which the state can consolidate workforce development areas or force a workforce development board to change its current service area or method of operation. According to the opinion, the state can take these steps only if the governor determines that a workforce development board has not demonstrated adequate fiscal capability or achieved satisfactory performance results.

On the other hand, the USDOL has informed the governor that it generally will not question an agreement reached by the state on the designation of such areas.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute
Yea 9 Nay 5