

CHAPTER 370

LABOR AND INDUSTRY

HOUSE BILL 00-1083

BY REPRESENTATIVES Berry, Coleman, and Kester;
also SENATOR Owen.

AN ACT

CONCERNING ADOPTION OF THE "COLORADO WORK FORCE INVESTMENT ACT", AND MAKING AN
APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 71 of title 8, Colorado Revised Statutes, is amended BY
THE ADDITION OF A NEW PART to read:

**PART 2
WORK FORCE INVESTMENT ACT**

8-71-201. Short title. THIS PART 2 SHALL BE KNOWN AND MAY BE CITED AS THE
"COLORADO WORK FORCE INVESTMENT ACT".

8-71-202. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS
AND DECLARES THAT:

(a) PASSAGE OF THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", 29
U.S.C.A. SEC. 2801 ET SEQ., GIVES THE STATE A UNIQUE OPPORTUNITY TO DEVELOP
A WORK FORCE PROGRAM AND EMPLOYMENT SYSTEM DESIGNED TO MEET THE NEEDS
OF EMPLOYERS, JOB SEEKERS, AND THOSE WHO WANT TO FURTHER THEIR CAREERS;

(b) THE FEDERAL ACT REQUIRES THAT TRAINING AND EMPLOYMENT PROGRAMS BE
DESIGNED AND MANAGED AT THE LOCAL GOVERNMENT LEVEL, WHERE THE NEEDS OF
BUSINESSES AND INDIVIDUALS ARE BEST UNDERSTOOD;

(c) THE FEDERAL ACT REQUIRES THE INVOLVEMENT OF BUSINESS, BOTH TO PROVIDE
INFORMATION AND LEADERSHIP AND TO PLAY AN ACTIVE ROLE IN ENSURING THAT THE
SYSTEM PREPARES PEOPLE FOR CURRENT AND FUTURE JOBS;

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions
from existing statutes and such material not part of act.*

(d) PASSAGE OF THE FEDERAL ACT PROVIDED LOCAL GOVERNMENTS WITH THE CONTROL AND FLEXIBILITY TO CARRY OUT THE FEDERAL ACT'S PURPOSES, SUBJECT TO THE FINAL AUTHORITY AND APPROVAL OF THE GOVERNOR; AND

(e) THEREFORE, IT IS IN THE STATE'S BEST INTEREST TO ADOPT THE COLORADO WORK FORCE INVESTMENT PROGRAM SET FORTH IN THIS PART 2.

(2) THE GENERAL ASSEMBLY RECOMMENDS THAT:

(a) TO THE EXTENT POSSIBLE, COUNTIES OR MULTI-COUNTY AREAS INTEGRATE THEIR WORK FORCE INVESTMENT PROGRAM SOURCES OF FUNDING TO MAXIMIZE THE RESOURCES AVAILABLE AT THE LOCAL LEVEL TO PROVIDE THE SERVICES AUTHORIZED UNDER THIS PART 2; AND

(b) AS THE RESPONSIBILITY FOR IMPLEMENTING WORK FORCE PROGRAMS CONTINUES TO BE DEVOLVED TO LOCAL GOVERNMENTS, TITLE I MONEYS IDENTIFIED FOR STATE ADMINISTRATION OF PROGRAMS IMPLEMENTED AT THE LOCAL LEVEL BE AS SPECIFIED IN TITLE I OF THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998".

8-71-203. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COLORADO WORK FORCE INVESTMENT PROGRAM" OR "WORK FORCE INVESTMENT PROGRAM" MEANS THE PROGRAM OF WORK FORCE DEVELOPMENT CREATED IN THIS PART 2.

(2) "CONSORTIUM LOCAL ELECTED OFFICIALS BOARD" MEANS THE LOCAL ELECTED OFFICIALS APPOINTED BY EACH LOCAL WORK FORCE INVESTMENT BOARD IN THE CONSORTIUM WORK FORCE INVESTMENT AREA TO SERVE AS THE LOCAL ELECTED OFFICIAL FOR A CONSORTIUM WORK FORCE INVESTMENT AREA.

(3) "CONSORTIUM WORK FORCE INVESTMENT AREA" OR "CONSORTIUM AREA" MEANS AN AREA DESIGNATED BY THE GOVERNOR AS A FEDERAL WORK FORCE INVESTMENT AREA. THE CONSORTIUM WORK FORCE INVESTMENT AREA MAY CONTAIN ONE OR MORE LOCAL WORK FORCE INVESTMENT AREAS.

(4) "CONSORTIUM WORK FORCE INVESTMENT BOARD" OR "CONSORTIUM BOARD" MEANS THE WORK FORCE BOARD APPOINTED BY THE CONSORTIUM LOCAL ELECTED OFFICIALS BOARD. THE CONSORTIUM WORK FORCE INVESTMENT BOARD SERVES, ON BEHALF OF THE LOCAL WORK FORCE BOARDS IN THE CONSORTIUM AREA, AS THE LOCAL WORK FORCE INVESTMENT BOARD FOR SPECIFIC FUNCTIONS UNDER THE FEDERAL ACT.

(5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN SECTION 24-1-121, C.R.S., OR ANY OTHER STATE AGENCY SPECIFIED BY THE GOVERNOR THROUGH EXECUTIVE ORDER OR OTHERWISE.

(6) "DESIGNATED WORK FORCE INVESTMENT AREA" MEANS A COUNTY OR GROUP OF COUNTIES THAT HAVE Banded TOGETHER THROUGH AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE A WORK FORCE INVESTMENT PROGRAM AND THAT IS

DESIGNATED BY THE GOVERNOR AS A FEDERAL WORK FORCE INVESTMENT AREA. A DESIGNATED WORK FORCE INVESTMENT AREA IS NOT THE SAME AS THE CONSORTIUM WORK FORCE INVESTMENT AREA.

(7) "DESIGNATED WORK FORCE INVESTMENT BOARD" MEANS THE LOCAL WORK FORCE INVESTMENT BOARD FOR A FEDERALLY DESIGNATED WORK FORCE INVESTMENT AREA.

(8) "FEDERAL ACT" MEANS TITLE I OF THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", 29 U.S.C.A. SEC. 2801 ET SEQ.

(9) "LOCAL ELECTED OFFICIALS" MEANS THE BOARDS OF COUNTY COMMISSIONERS OF THE COUNTY OR COUNTIES OPERATING WORK FORCE INVESTMENT PROGRAMS; EXCEPT THAT, IN THE CASE OF A CITY AND COUNTY, "LOCAL ELECTED OFFICIALS" MEANS THE MAYOR.

(10) "LOCAL PLAN" MEANS A PLAN, DEVELOPED AND EXECUTED BY A LOCAL WORK FORCE INVESTMENT BOARD, THAT OUTLINES THE FUNCTIONS AND RESPONSIBILITIES FOR DELIVERY OF SERVICES WITHIN A WORK FORCE INVESTMENT AREA.

(11) "LOCAL WORK FORCE INVESTMENT BOARD" MEANS THE WORK FORCE BOARD OF A LOCAL WORK FORCE INVESTMENT AREA WITHIN A CONSORTIUM WORK FORCE INVESTMENT AREA.

(12) "NATIONAL PROGRAM GRANT" MEANS A GRANT UNDER SUBTITLE D OF TITLE I OF THE FEDERAL ACT.

(13) "ONE-STOP OPERATOR" MEANS THE ENTITY SELECTED BY A WORK FORCE BOARD, WITH CONCURRENCE BY THE LOCAL ELECTED OFFICIALS, TO OPERATE THE ONE-STOP CAREER CENTER IN A LOCAL AREA.

(14) "ONE-STOP PARTNER" MEANS A PERSON OR ORGANIZATION DESCRIBED IN SECTION 8-71-216.

(15) "STATE COUNCIL" MEANS THE STATE WORK FORCE DEVELOPMENT COUNCIL CREATED IN SECTION 24-46.3-101, C.R.S.

(16) "STATE PLAN" MEANS A PLAN, DEVELOPED BY THE GOVERNOR WITH THE ASSISTANCE OF THE STATE COUNCIL AND BASED UPON LOCAL PLANS, FOR THE DELIVERY OF SERVICES STATEWIDE UNDER THE FEDERAL ACT.

(17) "TITLE I" MEANS TITLE I OF THE FEDERAL ACT.

(18) "TITLE I MONEYS" MEANS MONEYS DISTRIBUTED PURSUANT TO TITLE I.

(19) "WAGNER-PEYSER ACT" MEANS THE FEDERAL "WAGNER-PEYSER ACT", 29 U.S.C. SEC. 49a ET SEQ.

(20) "WAGNER-PEYSER FUNDS" MEANS FEDERAL MONEYS RECEIVED BY THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT PURSUANT TO THE WAGNER-PEYSER ACT AND TITLE III OF THE FEDERAL ACT.

(21) "WORK FORCE BOARD" MEANS EITHER THE DESIGNATED WORK FORCE INVESTMENT BOARD OR A LOCAL WORK FORCE INVESTMENT BOARD.

(22) "WORK FORCE INVESTMENT AREA" MEANS EITHER THE DESIGNATED WORK FORCE INVESTMENT AREA OR A LOCAL WORK FORCE INVESTMENT AREA.

8-71-204. Work force investment program - legislative declaration - purposes. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THIS PART 2 IS ADOPTED PURSUANT TO THE REQUIREMENTS OF THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", AND IS INTENDED TO COMPLY WITH THE FEDERAL ACT'S EXPRESS REQUIREMENTS FOR PARTICIPANTS IN THE OPERATION OF WORK FORCE INVESTMENT PROGRAMS.

(2) THE PURPOSES OF THIS PART 2 ARE TO:

(a) ESTABLISH A CENTRAL, COORDINATED DELIVERY SYSTEM AT THE LOCAL OR REGIONAL LEVEL THROUGH WHICH ANY CITIZEN MAY LOOK FOR A JOB, EXPLORE WORK PREPARATION AND CAREER DEVELOPMENT SERVICES, AND ACCESS A RANGE OF EMPLOYMENT, TRAINING, AND OCCUPATIONAL EDUCATION PROGRAMS OFFERING THEIR SERVICES THROUGH LOCAL OR REGIONAL WORK FORCE INVESTMENT PROGRAMS;

(b) DEVELOP STRATEGIES AND POLICIES THAT ENCOURAGE JOB TRAINING, EDUCATION AND LITERACY, AND VOCATIONAL PROGRAMS;

(c) CONSOLIDATE AND COORDINATE PROGRAMS AND SERVICES TO ENSURE A MORE STREAMLINED AND FLEXIBLE WORK FORCE DEVELOPMENT SYSTEM AT THE LOCAL OR REGIONAL LEVEL;

(d) ESTABLISH SINGLE CONTACT POINTS FOR EMPLOYERS; AND

(e) ALLOW COUNTIES INCREASED RESPONSIBILITY FOR THE ADMINISTRATION OF THE WORK FORCE INVESTMENT PROGRAM.

8-71-205. Work force investment program - creation - administration.

(1) UNDER AUTHORITY OF THE GOVERNOR, THE DEPARTMENT SHALL COOPERATE WITH THE STATE COUNCIL TO HELP ESTABLISH AND OPERATE A NETWORK OF WORK FORCE INVESTMENT AREAS AS SET FORTH IN THIS PART 2.

(2) WORK FORCE INVESTMENT AREAS MAY BE ESTABLISHED AT A COUNTY LEVEL OR AT A MULTI-COUNTY LEVEL THROUGH INTERGOVERNMENTAL AGREEMENTS REACHED BY THE APPLICABLE LOCAL ELECTED OFFICIALS OF THE WORK FORCE INVESTMENT AREA AND SUBJECT TO APPROVAL BY THE GOVERNOR.

(3) LOCAL ELECTED OFFICIALS SHALL GOVERN THE OPERATION OF WORK FORCE INVESTMENT AREAS WITH POLICY GUIDANCE FROM WORK FORCE BOARDS APPOINTED BY THE LOCAL ELECTED OFFICIALS. AT THE OPTION OF THE LOCAL ELECTED OFFICIALS AND THE WORK FORCE BOARD, WORK FORCE INVESTMENT PROGRAMS MAY BE OPERATED BY A COUNTY, THE DEPARTMENT, OTHER GOVERNMENTAL AGENCIES, NONPROFIT OR NOT-FOR-PROFIT ORGANIZATIONS, OR PRIVATE ENTITIES; EXCEPT THAT WAGNER-PEYSER FUNDS SHALL NOT BE USED TO AWARD CONTRACTS TO NONPROFIT

OR NOT-FOR-PROFIT ORGANIZATIONS OR PRIVATE ENTITIES. ANY ENTITY THAT APPLIES TO BECOME A WORK FORCE PROGRAM OPERATOR AND IS NOT SELECTED MAY APPEAL SUCH DECISION THROUGH ANY AVAILABLE APPEAL PROCESS OF THE APPLICABLE LOCAL GOVERNMENTAL ENTITY.

(4) IF FEDERAL OR STATE FINANCIAL SUPPORT FOR THE PROVISION OF EMPLOYMENT AND TRAINING SERVICES IS ELIMINATED OR IS REDUCED BY AN AMOUNT THAT IS CONSIDERED SUBSTANTIAL BY THE LOCAL ELECTED OFFICIALS, THE LOCAL ELECTED OFFICIALS SHALL NOT BE REQUIRED TO CONTINUE FUNDING OR OPERATING WORK FORCE INVESTMENT PROGRAMS.

(5) THE STATE COUNCIL SHALL ENSURE THAT A WORK FORCE INVESTMENT AREA MAY FUNCTION AS A FEDERALLY DESIGNATED WORK FORCE INVESTMENT AREA IN APPLYING FOR AVAILABLE NATIONAL PROGRAM GRANTS UNDER THE FEDERAL ACT. EACH WORK FORCE BOARD MAY APPLY FOR A GRANT FOR ITS OWN AREA IN THE MANNER IT DEEMS MOST APPROPRIATE. A WORK FORCE BOARD MAY APPLY FOR A GRANT FOR ITS OWN AREA AND RECEIVE ANY CORRESPONDING MONEYS AWARDED EXCLUSIVELY OR MAY APPLY THROUGH OTHER MEANS AND WITH OTHER WORK FORCE AREAS. ANY GRANT MONEYS AWARDED TO A WORK FORCE INVESTMENT AREA SHALL BE A DIRECT PASS-THROUGH FROM THE FEDERAL GOVERNMENT TO THE APPLICABLE WORK FORCE INVESTMENT AREA OR AREAS.

(6) ANY WORK FORCE INVESTMENT AREA CREATED PURSUANT TO THIS PART 2 SHALL BE AUTHORIZED BY THE GOVERNOR TO OPERATE WITH THE SAME AUTHORITY AND FUNCTIONS AS IF THE AREA WERE A FEDERALLY DESIGNATED WORK FORCE INVESTMENT AREA.

8-71-206. Local elected officials - function - authority. THE LOCAL ELECTED OFFICIALS SHALL MAINTAIN A STRONG ROLE IN ALL PHASES AND LEVELS OF IMPLEMENTATION OF THE FEDERAL ACT. THE LOCAL ELECTED OFFICIALS, IN AGREEMENT WITH THE WORK FORCE BOARD, OF A WORK FORCE INVESTMENT AREA SHALL BE AUTHORIZED TO AWARD CONTRACTS FOR THE ADMINISTRATION, IMPLEMENTATION, OR OPERATION OF ANY ASPECT OF THE WORK FORCE INVESTMENT PROGRAM TO ANY APPROPRIATE PUBLIC, PRIVATE, OR NONPROFIT ENTITY IN ACCORDANCE WITH APPLICABLE COUNTY REGULATIONS AND FEDERAL LAW; EXCEPT THAT WAGNER-PEYSER FUNDS SHALL NOT BE USED TO AWARD CONTRACTS TO PRIVATE OR NONPROFIT ENTITIES.

8-71-207. Designated work force investment boards - consortium work force investment boards - local work force investment boards - authority - functions.

(1) DESIGNATED WORK FORCE INVESTMENT BOARDS SHALL BE SUBJECT TO THIS PART 2 AND THE FEDERAL ACT. DESIGNATED WORK FORCE INVESTMENT BOARDS OPERATE FOR A FEDERALLY DESIGNATED WORK FORCE INVESTMENT AREA.

(2) (a) THE CONSORTIUM WORK FORCE INVESTMENT BOARD SHALL DELEGATE TO THE LOCAL WORK FORCE INVESTMENT BOARDS THE FUNCTIONS AND REQUIREMENTS SPECIFIED IN THIS PART 2 AND IN THE FEDERAL ACT FOR WORK FORCE BOARDS. SUBJECT TO THE LIMITS SPECIFIED IN THIS PART 2, THE CONSORTIUM BOARD OPERATES AS THE LOCAL WORK FORCE INVESTMENT BOARD FOR THE FEDERALLY DESIGNATED CONSORTIUM WORK FORCE INVESTMENT AREA.

(b) THE CONSORTIUM LOCAL ELECTED OFFICIALS BOARD FUNCTIONS ONLY AS THE LOCAL ELECTED OFFICIAL FOR THE CONSORTIUM WORK FORCE INVESTMENT BOARD. THE CONSORTIUM LOCAL ELECTED OFFICIALS BOARD PERFORMS ONLY THOSE SPECIFIED FUNCTIONS AUTHORIZED IN SECTION 8-71-214.

(3) LOCAL WORK FORCE INVESTMENT BOARDS OPERATE AS THE WORK FORCE BOARDS FOR THE LOCAL WORK FORCE INVESTMENT AREAS OPERATING WITHIN THE CONSORTIUM WORK FORCE INVESTMENT AREA AND AS FURTHER SPECIFIED IN SECTION 8-71-213. TO THE EXTENT POSSIBLE, LOCAL WORK FORCE INVESTMENT BOARDS SHALL BE SUBJECT TO THE REQUIREMENTS CONTAINED IN THIS PART 2 AND THE FEDERAL ACT. IF A LOCAL WORK FORCE INVESTMENT BOARD FINDS THAT COMPLIANCE WITH ANY SUCH REQUIREMENT IS NOT PRACTICABLE, THE WORK FORCE BOARD SHALL INCLUDE IN ITS LOCAL PLAN A DESCRIPTION OF THE REQUIREMENT AND AN EXPLANATION OF WHY COMPLIANCE IS IMPRACTICABLE. REQUIREMENTS THAT MAY BE SO DESCRIBED AND EXPLAINED INCLUDE, BUT ARE NOT LIMITED TO, WORK FORCE BOARD MEMBERSHIP REQUIREMENTS AS SPECIFIED IN SECTION 8-71-210, YOUTH COUNCIL MEMBERSHIP REQUIREMENTS LISTED IN SECTION 8-71-212, AND REQUIREMENTS FOR PARTNERS DESCRIBED IN SECTION 8-71-216. ALTHOUGH EACH LOCAL WORK FORCE INVESTMENT BOARD HAS SUCH DISCRETION, IT NEVERTHELESS SHALL BE SUBJECT TO THE OUTCOME AND PERFORMANCE MEASURES REQUIRED BY THE FEDERAL ACT AND AS NEGOTIATED WITH THE CONSORTIUM WORK FORCE INVESTMENT BOARD IN APPROVING THE LOCAL PLAN. EACH LOCAL WORK FORCE INVESTMENT BOARD SHALL BE REQUIRED TO MEET THE INTENT AND PURPOSES OF THIS PART 2 AND THE FEDERAL ACT.

8-71-208. Implementation - local plans. (1) (a) THE COLORADO WORK FORCE INVESTMENT PROGRAM SHALL BE ADMINISTERED ACCORDING TO THE STATE FIVE-YEAR PLAN PREPARED IN ACCORDANCE WITH THE LOCAL PLANS CREATED PURSUANT TO THIS SECTION. EACH DESIGNATED WORK FORCE INVESTMENT AREA SHALL SUBMIT A PLAN THAT MEETS THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION TO THE GOVERNOR FOR APPROVAL.

(b) THE CONSORTIUM WORK FORCE INVESTMENT BOARD SHALL DEVELOP A LOCAL PLAN THAT SHALL CONSIST OF A COMPILATION OF LOCAL PLANS SUBMITTED BY EACH LOCAL WORK FORCE INVESTMENT BOARD. THE CONSORTIUM WORK FORCE INVESTMENT BOARD SHALL ENSURE THAT THE LOCAL PLAN FOR THE CONSORTIUM AREA, IN TOTAL, MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND SHALL SUBMIT SUCH PLAN TO THE GOVERNOR FOR APPROVAL. LOCAL WORK FORCE INVESTMENT BOARDS WITHIN THE CONSORTIUM WORK FORCE INVESTMENT AREA SHALL SUBMIT LOCAL PLANS TO THE CONSORTIUM WORK FORCE INVESTMENT BOARD FOR APPROVAL.

(2) **Local plans for work force investment areas.** SUBJECT TO THE APPROVAL OF, AND IN PARTNERSHIP WITH, THE LOCAL ELECTED OFFICIALS, EACH WORK FORCE BOARD SHALL DEVELOP A COMPREHENSIVE FIVE-YEAR LOCAL PLAN. THE PLAN SHALL INCLUDE:

(a) A DESCRIPTION OF:

(1) THE WORK FORCE DEVELOPMENT NEEDS OF BUSINESSES, JOB SEEKERS, AND WORKERS IN THE AREA;

(II) THE CURRENT AND PROJECTED EMPLOYMENT OPPORTUNITIES IN THE AREA; AND

(III) THE JOB SKILLS NECESSARY TO OBTAIN SUCH EMPLOYMENT OPPORTUNITIES;

(b) A DESCRIPTION OF THE WORK FORCE INVESTMENT PROGRAM TO BE ESTABLISHED IN THE WORK FORCE INVESTMENT AREA, INCLUDING:

(I) HOW THE WORK FORCE BOARD WILL ENSURE THE CONTINUOUS IMPROVEMENT OF ELIGIBLE PROVIDERS OF SERVICES THROUGH THE SYSTEM AND ENSURE THAT SUCH PROVIDERS MEET THE EMPLOYMENT NEEDS OF LOCAL EMPLOYERS AND PARTICIPANTS;

(II) A COPY OF EACH MEMORANDUM OF UNDERSTANDING BETWEEN THE WORK FORCE BOARD AND EACH OF THE FEDERALLY REQUIRED ONE-STOP PARTNERS CONCERNING THE OPERATION OF THE WORK FORCE INVESTMENT PROGRAM IN THE LOCAL AREA; AND

(III) A DESCRIPTION OF THE LOCAL LEVELS OF PERFORMANCE NEGOTIATED WITH THE GOVERNOR AND LOCAL ELECTED OFFICIALS, FOR THE PURPOSE OF MEASURING THE PERFORMANCE OF THE LOCAL AREA AND TO BE USED BY THE WORK FORCE BOARD FOR MEASURING THE PERFORMANCE OF THE LOCAL FISCAL AGENT, IF DESIGNATED, ELIGIBLE PROVIDERS, AND THE WORK FORCE INVESTMENT PROGRAM IN THE LOCAL AREA;

(c) A DESCRIPTION AND ASSESSMENT OF THE TYPE AND AVAILABILITY OF ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES IN THE LOCAL AREA;

(d) A DESCRIPTION OF HOW THE WORK FORCE BOARD WILL COORDINATE WORK FORCE INVESTMENT ACTIVITIES CARRIED OUT IN THE AREA WITH STATEWIDE RAPID RESPONSE ACTIVITIES, AS APPROPRIATE;

(e) A DESCRIPTION AND ASSESSMENT OF THE TYPE AND AVAILABILITY OF YOUTH ACTIVITIES IN THE AREA, INCLUDING AN IDENTIFICATION OF SUCCESSFUL PROVIDERS OF SUCH ACTIVITIES;

(f) A DESCRIPTION OF THE PROCESS USED BY THE WORK FORCE BOARD TO PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT, INCLUDING COMMENT BY REPRESENTATIVES OF BUSINESSES AND LABOR ORGANIZATIONS, WHERE APPLICABLE, AND INPUT INTO THE DEVELOPMENT OF THE LOCAL PLAN PRIOR TO SUBMISSION OF THE PLAN;

(g) IDENTIFICATION OF THE ENTITY RESPONSIBLE FOR THE DISBURSAL OF TITLE I MONEYS DESCRIBED IN SECTION 8-71-219 AS DETERMINED BY THE LOCAL ELECTED OFFICIALS OR THE GOVERNOR PURSUANT TO SAID SECTION;

(h) A DESCRIPTION OF THE COMPETITIVE PROCESS TO BE USED TO AWARD THE GRANTS AND CONTRACTS IN THE WORK FORCE INVESTMENT AREA FOR ACTIVITIES IMPLEMENTED PURSUANT TO THIS PART 2; AND

(i) SUCH OTHER INFORMATION AS THE GOVERNOR MAY REQUIRE.

(3) **Process.** PRIOR TO THE DATE THE WORK FORCE BOARD SUBMITS A LOCAL PLAN

UNDER THIS SECTION, THE WORK FORCE BOARD SHALL:

(a) MAKE AVAILABLE COPIES OF THE LOCAL PLAN TO THE PUBLIC THROUGH SUCH MEANS AS PUBLIC HEARINGS AND LOCAL NEWS MEDIA INCLUDING, WHERE FEASIBLE, THE INTERNET;

(b) ALLOW MEMBERS OF THE WORK FORCE BOARD AND MEMBERS OF THE PUBLIC, INCLUDING REPRESENTATIVES OF BUSINESS AND LABOR ORGANIZATIONS, TO SUBMIT COMMENTS ON THE PROPOSED PLAN TO THE WORK FORCE BOARD BEGINNING ON THE DATE ON WHICH THE PROPOSED LOCAL PLAN IS MADE AVAILABLE AND CONTINUING FOR A PERIOD OF THIRTY DAYS; AND

(c) INCLUDE WITH THE LOCAL PLAN SUBMITTED TO THE GOVERNOR UNDER THIS SECTION ANY SUCH COMMENTS THAT REPRESENT DISAGREEMENT WITH THE PLAN.

(4) **Plan submission and approval.** A LOCAL PLAN SUBMITTED TO THE GOVERNOR UNDER THIS SECTION SHALL BE CONSIDERED TO BE APPROVED BY THE GOVERNOR AT THE END OF THE NINETY-DAY PERIOD THAT SHALL BEGIN ON THE DAY THE GOVERNOR RECEIVES THE PLAN, UNLESS THE GOVERNOR MAKES A WRITTEN DETERMINATION DURING THE NINETY-DAY PERIOD THAT:

(a) DEFICIENCIES IN ACTIVITIES CARRIED OUT UNDER THIS PART 2 HAVE BEEN IDENTIFIED, AND THE AREA HAS NOT MADE ACCEPTABLE PROGRESS IN IMPLEMENTING CORRECTIVE MEASURES TO ADDRESS THE DEFICIENCIES; OR

(b) THE PLAN DOES NOT COMPLY WITH REQUIREMENTS UNDER THE FEDERAL ACT.

8-71-209. State work force investment plan. (1) IN ACCORDANCE WITH THE FEDERAL ACT, THE GOVERNOR SHALL SUBMIT TO THE FEDERAL GOVERNMENT A STATE PLAN THAT OUTLINES A FIVE-YEAR STRATEGY FOR THE COLORADO WORK FORCE INVESTMENT PROGRAM THAT MEETS THE REQUIREMENTS OF THE FEDERAL ACT. IN ADDITION TO THE PLAN REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THE STATE PLAN SHALL BE BASED UPON AND CONSISTENT WITH THE LOCAL PLANS SUBMITTED TO THE GOVERNOR PURSUANT TO SECTION 8-71-208.

(2) **Content.** THE STATE PLAN SHALL INCLUDE:

(a) A DESCRIPTION OF THE STATE COUNCIL, INCLUDING HOW THE STATE COUNCIL COLLABORATED IN THE DEVELOPMENT OF THE STATE PLAN AND A DESCRIPTION OF HOW THE STATE COUNCIL WILL CONTINUE TO COLLABORATE IN CARRYING OUT THE FUNCTIONS OF THE STATE COUNCIL SPECIFIED IN SECTION 8-71-222;

(b) A DESCRIPTION OF STATE-IMPOSED REQUIREMENTS FOR THE COLORADO WORK FORCE INVESTMENT PROGRAM;

(c) A DESCRIPTION OF THE PERFORMANCE ACCOUNTABILITY STANDARDS THAT APPLY TO WORK FORCE ACTIVITIES;

(d) INFORMATION DESCRIBING:

(I) THE NEEDS OF THE STATE WITH REGARD TO CURRENT AND PROJECTED

EMPLOYMENT OPPORTUNITIES, BY OCCUPATION;

(II) THE JOB SKILLS NECESSARY TO OBTAIN SUCH EMPLOYMENT OPPORTUNITIES;

(III) THE SKILLS AND ECONOMIC NEEDS OF THE STATE'S EXISTING WORK FORCE;
AND

(IV) THE TYPE AND AVAILABILITY OF WORK FORCE ACTIVITIES IN THE STATE;

(e) AN IDENTIFICATION OF THE WORK FORCE INVESTMENT AREAS IN THE STATE, DESIGNATED WORK FORCE INVESTMENT AREAS, THE CONSORTIUM WORK FORCE INVESTMENT AREA, AND THE LOCAL WORK FORCE INVESTMENT AREAS IN THE CONSORTIUM AREA, WHICH SHALL INCLUDE A DESCRIPTION OF THE PROCESS USED FOR THE DESIGNATION OF SUCH AREAS;

(f) IDENTIFICATION OF THE CRITERIA TO BE USED BY LOCAL ELECTED OFFICIALS FOR THE APPOINTMENT OF MEMBERS OF WORK FORCE BOARDS;

(g) THE DETAILED PLANS REQUIRED UNDER THE FEDERAL "WAGNER-PEYSER ACT", 29 U.S.C. SEC. 49a ET SEQ.;

(h) A DESCRIPTION OF THE PROCEDURES THAT WILL BE TAKEN BY THE STATE TO ASSURE COORDINATION OF AND AVOID DUPLICATION AMONG:

(I) WORK FORCE INVESTMENT ACTIVITIES AUTHORIZED PURSUANT TO THE FEDERAL ACT AND THIS PART 2;

(II) ADDITIONAL FEDERAL PROGRAMS AUTHORIZED TO BE INCLUDED IN WORK FORCE SYSTEMS;

(i) A DESCRIPTION OF THE COMMON DATA COLLECTION AND REPORTING PROCESSES USED FOR THE PROGRAMS AND ACTIVITIES DESCRIBED IN PARAGRAPH (h) OF THIS SUBSECTION (2);

(j) A DESCRIPTION OF THE PROCESS USED BY THE STATE, CONSISTENT WITH THE PROCESS FOR LOCAL PLANS SPECIFIED IN SECTION 8-71-208 (3), TO PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT, INCLUDING COMMENT BY REPRESENTATIVES OF BUSINESSES AND REPRESENTATIVES OF LABOR ORGANIZATIONS, AND INPUT INTO DEVELOPMENT OF THE PLAN PRIOR TO SUBMISSION OF THE PLAN;

(k) INFORMATION IDENTIFYING HOW THE STATE WILL USE TITLE I MONEYS THE STATE RECEIVES UNDER THE FEDERAL ACT TO LEVERAGE OTHER FEDERAL, STATE, LOCAL, AND PRIVATE RESOURCES IN ORDER TO MAXIMIZE THE EFFECTIVENESS OF SUCH RESOURCES AND TO EXPAND THE PARTICIPATION OF BUSINESS, EMPLOYEES, AND INDIVIDUALS IN THE COLORADO WORK FORCE INVESTMENT PROGRAM;

(l) ASSURANCES THAT THE STATE WILL CONTINUE TO PROVIDE, IN ACCORDANCE WITH FEDERAL REQUIREMENTS FOR FISCAL CONTROL, ACCOUNTING PROCEDURES THAT MAY BE NECESSARY TO ENSURE THE PROPER DISBURSEMENT OF, AND ACCOUNTING FOR, TITLE I MONEYS PAID BY THE FEDERAL GOVERNMENT TO THE STATE AND ALLOCATED TO THE WORK FORCE INVESTMENT AREAS;

(m) A DESCRIPTION OF THE METHODS AND FACTORS THE STATE WILL USE IN DISTRIBUTING TITLE I MONEYS TO LOCAL AREAS FOR YOUTH ACTIVITIES AND ADULT EMPLOYMENT AND TRAINING ACTIVITIES, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 8-71-221;

(n) A DESCRIPTION OF HOW THE STATE CONSULTED WITH THE LOCAL ELECTED OFFICIALS IN WORK FORCE INVESTMENT AREAS THROUGHOUT THE STATE IN DETERMINING SUCH MONEY DISTRIBUTION, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 8-71-221;

(o) A DESCRIPTION OF THE FORMULA FOR THE ALLOCATION OF TITLE I MONEYS TO WORK FORCE INVESTMENT AREAS FOR DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 8-71-221;

(p) INFORMATION SPECIFYING THE ACTIONS THAT CONSTITUTE A CONFLICT OF INTEREST PROHIBITED IN THE STATE AS SET FORTH FOR MEMBERS OF THE STATE COUNCIL DESCRIBED IN SECTION 24-46.3-101, C.R.S., OR MEMBERS OF WORK FORCE BOARDS;

(q) A DESCRIPTION OF THE STRATEGY OF THE STATE FOR ASSISTING LOCAL GOVERNMENTS IN THE DEVELOPMENT AND IMPLEMENTATION OF A FULLY OPERATIONAL WORK FORCE INVESTMENT PROGRAM IN THE STATE;

(r) A DESCRIPTION OF THE APPEALS PROCESS ALLOWING A COUNTY OR GROUP OF COUNTIES THAT REQUESTS BUT IS NOT GRANTED AUTHORITY TO FORM A WORK FORCE INVESTMENT AREA TO SUBMIT AN APPEAL OF SUCH DECISION TO THE STATE COUNCIL;

(s) A DESCRIPTION OF THE COMPETITIVE PROCESS TO BE USED BY THE STATE TO AWARD GRANTS AND CONTRACTS IN THE STATE FOR ACTIVITIES CARRIED OUT BY THE STATE UNDER THIS PART 2; AND

(t) A DESCRIPTION OF THE EMPLOYMENT AND TRAINING ACTIVITIES AND YOUTH ACTIVITIES PROVIDED BY WORK FORCE INVESTMENT AREAS.

(3) THE STATE PLAN SHALL ALSO INCLUDE, TO THE EXTENT PRACTICABLE, HOW THE STATE WILL PURSUE COORDINATION AND INTEGRATION WITH OTHER APPLICABLE FEDERAL AND STATE PROGRAMS IN WORK FORCE INVESTMENT AREAS.

8-71-210. Work force boards - membership. (1) THERE SHALL BE ESTABLISHED, IN EACH WORK FORCE INVESTMENT AREA OF THE STATE, A WORK FORCE BOARD, WHICH SHALL BE APPOINTED BY THE LOCAL ELECTED OFFICIALS OF THE WORK FORCE INVESTMENT AREA TO OVERSEE THE ONE-STOP CAREER CENTER OR WORK FORCE INVESTMENT PROGRAM IN THAT COUNTY OR AREA. WORK FORCE BOARDS OPERATE IN PARTNERSHIP WITH AND SUBJECT TO THE APPROVAL OF THE LOCAL ELECTED OFFICIALS FOR THE WORK FORCE INVESTMENT AREA. SUCH BOARDS ARE AUTHORIZED TO OPERATE ONLY WITH THE APPROVAL OF THE LOCAL ELECTED OFFICIALS. SUBJECT TO REQUIREMENTS UNDER THE FEDERAL ACT, THE MEMBERSHIP AND FUNCTIONS OF THE BOARDS SHALL BE DETERMINED BY THE LOCAL ELECTED OFFICIALS.

(2) MEMBERSHIP OF EACH SUCH BOARD SHALL INCLUDE, AT A MINIMUM:

(a) REPRESENTATIVES OF BUSINESS IN THE WORK FORCE INVESTMENT AREA WHO ARE OWNERS OF BUSINESSES, WHO REPRESENT BUSINESSES WITH EMPLOYMENT OPPORTUNITIES THAT REFLECT THE EMPLOYMENT OPPORTUNITIES OF THE LOCAL AREA, AND WHO ARE APPOINTED FROM AMONG INDIVIDUALS NOMINATED BY LOCAL BUSINESS ORGANIZATIONS AND BUSINESS TRADE ASSOCIATIONS;

(b) REPRESENTATIVES OF LOCAL EDUCATIONAL ENTITIES, WHICH MAY INCLUDE PUBLIC SCHOOLS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, PRIVATE OCCUPATIONAL SCHOOLS, AND PRIVATE OR CHARTER SCHOOLS;

(c) REPRESENTATIVES OF ORGANIZED LABOR FOR THOSE WORK FORCE INVESTMENT AREAS THAT HAVE ORGANIZED LABOR ORGANIZATIONS;

(d) REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS AT LEAST ONE OF WHOM MAY REPRESENT THE NEEDS OF PERSONS WITH DISABILITIES;

(e) REPRESENTATIVES OF ECONOMIC DEVELOPMENT AGENCIES, INCLUDING PRIVATE SECTOR ECONOMIC DEVELOPMENT ENTITIES; AND

(f) REPRESENTATIVES OF EACH OF THE WORK FORCE PARTNERS FOR THE WORK FORCE INVESTMENT AREA.

(3) MEMBERS OF THE WORK FORCE BOARD WHO REPRESENT ORGANIZATIONS, AGENCIES, OR OTHER ENTITIES SHALL BE INDIVIDUALS WITH OPTIMUM POLICY-MAKING AUTHORITY WITHIN SUCH ORGANIZATIONS, AGENCIES, OR ENTITIES.

(4) A MAJORITY OF THE MEMBERS OF EACH WORK FORCE BOARD SHALL BE THE BUSINESS REPRESENTATIVES SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

(5) EACH WORK FORCE BOARD SHALL ELECT A CHAIRPERSON FOR THE BOARD FROM AMONG THE BUSINESS REPRESENTATIVES SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

8-71-211. Functions of work force boards. (1) EACH WORK FORCE BOARD SHALL, IN PARTNERSHIP WITH AND SUBJECT TO THE APPROVAL OF THE LOCAL ELECTED OFFICIALS FOR THE WORK FORCE INVESTMENT AREA, CONDUCT THE FOLLOWING FUNCTIONS:

(a) DEVELOP THE LOCAL PLAN;

(b) DESIGNATE, CERTIFY, AND OVERSEE WORK FORCE INVESTMENT PROGRAMS;

(c) SELECT ONE-STOP OPERATORS TO OPERATE THE ONE-STOP CAREER CENTER IN A LOCAL AREA;

(d) AUTHORIZE GRANTS FOR YOUTH SERVICES;

(e) IDENTIFY ELIGIBLE PROVIDERS OF INTENSIVE SERVICES, IF ONE-STOP OPERATORS DO NOT PROVIDE SUCH SERVICES, AND TRAINING SERVICES;

(f) DEVELOP AND ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH WORK FORCE PARTNERS SPECIFIED IN SECTION 8-71-216 (1);

(g) DEVELOP A BUDGET FOR THE PURPOSE OF CARRYING OUT THE DUTIES OF THE WORK FORCE BOARD;

(h) NEGOTIATE LOCAL PERFORMANCE MEASURES;

(i) OVERSEE AND ASSIST IN STATEWIDE EMPLOYMENT STATISTICS SYSTEMS;

(j) COORDINATE AND DEVELOP EMPLOYER LINKAGES WITH WORK FORCE INVESTMENT ACTIVITIES CARRIED OUT IN THE LOCAL AREA, INCLUDING COORDINATION OF ECONOMIC DEVELOPMENT STRATEGIES; AND

(k) PROMOTE PARTICIPATION OF PRIVATE EMPLOYERS WITH THE WORK FORCE INVESTMENT PROGRAM WHILE ENSURING THE EFFECTIVE PROVISION, THROUGH THE WORK FORCE SYSTEM, OF CONNECTING, BROKERING, AND COACHING ACTIVITIES THROUGH INTERMEDIARIES SUCH AS THE ONE-STOP OPERATOR IN THE LOCAL AREA OR THROUGH OTHER ORGANIZATIONS TO ASSIST SUCH EMPLOYERS IN MEETING THEIR HIRING NEEDS.

(2) THE WORK FORCE BOARD SHALL NOT PROVIDE TRAINING SERVICES; EXCEPT THAT THE GOVERNOR MAY WAIVE THIS PROHIBITION ANNUALLY IF THE WORK FORCE BOARD IS A QUALIFIED PROVIDER OF TRAINING THAT IS IN DEMAND AND IN SHORT SUPPLY FOR THAT COUNTY OR AREA.

(3) WORK FORCE BOARDS ARE AUTHORIZED TO OPERATE ONLY WITH THE APPROVAL OF THE LOCAL ELECTED OFFICIALS AND GOVERNOR.

8-71-212. Youth council. (1) EACH WORK FORCE BOARD SHALL ESTABLISH, AS A SUBGROUP WITHIN THE WORK FORCE BOARD, A YOUTH COUNCIL. THE YOUTH COUNCIL SHALL BE APPOINTED BY THE WORK FORCE BOARD WITH THE COOPERATION AND APPROVAL OF THE LOCAL ELECTED OFFICIALS. MEMBERS OF THE YOUTH COUNCIL WHO ARE NOT MEMBERS OF THE WORK FORCE BOARD SHALL BE VOTING MEMBERS OF THE YOUTH COUNCIL, BUT NOT VOTING MEMBERS OF THE WORK FORCE BOARD.

(2) **Membership.** MEMBERSHIP OF THE YOUTH COUNCIL SHALL BE AS REQUIRED UNDER THE FEDERAL ACT AND SHALL INCLUDE:

(a) MEMBERS OF THE WORK FORCE BOARD WITH A SPECIAL INTEREST OR EXPERTISE IN YOUTH POLICY;

(b) REPRESENTATIVES OF YOUTH SERVICE AGENCIES, INCLUDING JUVENILE JUSTICE AND LOCAL LAW ENFORCEMENT AGENCIES, AND REPRESENTATIVES OF LOCAL PUBLIC HOUSING AUTHORITIES;

(c) PARENTS OF ELIGIBLE YOUTH SEEKING ASSISTANCE UNDER THE YOUTH GRANT PROVISIONS OF THE FEDERAL ACT THAT MAY INCLUDE PARENTS REPRESENTING ISSUES AFFECTING YOUTH WITH DISABILITIES;

(d) INDIVIDUALS, INCLUDING FORMER PARTICIPANTS AND REPRESENTATIVES OR ORGANIZATIONS, THAT HAVE EXPERIENCE RELATING TO YOUTH ACTIVITIES;

(e) REPRESENTATIVE OF THE FEDERAL JOB CORPS IF REPRESENTED IN THE LOCAL AREA; AND

(f) OTHER INDIVIDUALS AS THE BOARD, IN COOPERATION WITH AND WITH THE APPROVAL OF THE LOCAL ELECTED OFFICIALS, DETERMINE TO BE APPROPRIATE.

(3) **Duties.** THE YOUTH COUNCIL SHALL PERFORM THE FOLLOWING DUTIES AS SPECIFIED IN THE FEDERAL ACT:

(a) DEVELOP THE PORTION OF THE LOCAL PLAN RELATING TO ELIGIBLE YOUTH, AS DETERMINED BY THE CHAIRPERSON OF THE WORK FORCE BOARD;

(b) SUBJECT TO THE APPROVAL OF THE WORK FORCE BOARD AND CONSISTENT WITH SECTION 123 OF THE FEDERAL ACT, RECOMMEND ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES TO BE AWARDED GRANTS OR CONTRACTS ON A COMPETITIVE BASIS BY THE BOARD TO CARRY OUT YOUTH ACTIVITIES;

(c) CONDUCT PERFORMANCE OVERSIGHT OF ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES IN THE LOCAL AREA;

(d) COORDINATE YOUTH ACTIVITIES AUTHORIZED UNDER SECTION 129 OF THE FEDERAL ACT IN THE LOCAL AREA; AND

(e) OTHER DUTIES DETERMINED TO BE APPROPRIATE BY THE CHAIRPERSON OF THE WORK FORCE BOARD.

8-71-213. Consortium work force investment board. (1) THERE SHALL BE ESTABLISHED IN THE CONSORTIUM WORK FORCE INVESTMENT AREA THE CONSORTIUM WORK FORCE INVESTMENT BOARD, WHICH SHALL BE APPOINTED BY THE CONSORTIUM LOCAL ELECTED OFFICIALS BOARD. AT A MINIMUM, THE MEMBERSHIP OF THE CONSORTIUM BOARD SHALL CONSIST OF REPRESENTATIVES WHO ARE MEMBERS OF LOCAL WORK FORCE INVESTMENT BOARDS. THE CONSORTIUM BOARD SHALL MEET THE MEMBERSHIP REQUIREMENTS UNDER THE FEDERAL ACT FOR A WORK FORCE BOARD FOR EACH LOCAL WORK FORCE INVESTMENT AREA OF THE CONSORTIUM; EXCEPT THAT MEMBERS, AS APPROPRIATE, MAY REPRESENT MORE THAN ONE ENTITY SPECIFIED BY THE FEDERAL ACT FOR THE PURPOSE OF MEETING LOCAL WORK FORCE INVESTMENT BOARD MEMBERSHIP REQUIREMENTS. THE CONSORTIUM BOARD SHALL DEVELOP ITS OWN OPERATIONAL PROCEDURES.

(2) **Functions of consortium board - delegation to local boards.** UNLESS OTHERWISE SPECIFIED IN THIS SECTION AND SUBJECT TO FEDERAL LAW, THE CONSORTIUM BOARD SHALL DELEGATE TO THE LOCAL WORK FORCE INVESTMENT BOARDS IN THE CONSORTIUM AREA SUCH LOCAL WORK FORCE INVESTMENT BOARD AUTHORITY AND FUNCTIONS SPECIFIED UNDER THIS PART 2 AND THE FEDERAL ACT. AUTHORITY AND FUNCTIONS OF THE CONSORTIUM BOARD SHALL BE LIMITED TO THE FOLLOWING:

(a) MEETING THE FEDERAL MEMBERSHIP REQUIREMENTS FOR A DESIGNATED WORK

FORCE INVESTMENT BOARD FOR THE LOCAL WORK FORCE INVESTMENT AREAS;

(b) NEGOTIATING WITH, AND APPROVING LOCAL PLANS SUBMITTED BY, LOCAL WORK FORCE INVESTMENT BOARDS;

(c) COMPILING AND CONSOLIDATING EACH APPROVED LOCAL PLAN OF THE CONSORTIUM AREA INTO ONE LOCAL PLAN FOR THE CONSORTIUM AREA AND ENSURING THAT SUCH PLAN MEETS THE REQUIREMENTS UNDER THE FEDERAL ACT FOR A LOCAL PLAN;

(d) SUBMITTING SUCH LOCAL PLAN TO THE GOVERNOR FOR APPROVAL;

(e) NEGOTIATING WITH THE GOVERNOR FOR PERFORMANCE STANDARDS FOR THE CONSORTIUM AREA;

(f) MAKING RECOMMENDATIONS TO THE GOVERNOR CONCERNING PROCEDURES TO TEMPORARILY REPLACE OR CORRECT A LOCAL WORK FORCE INVESTMENT AREA THAT IS OUT OF COMPLIANCE WITH ITS LOCAL PLAN, AS APPROPRIATE;

(g) FACILITATING AND COORDINATING LOCAL WORK FORCE INVESTMENT AREA GRANT APPLICATIONS, AS APPROPRIATE;

(h) ENSURING THAT ANY GRANT MONEYS AWARDED TO A LOCAL WORK FORCE INVESTMENT AREA OR AREAS SHALL BE A DIRECT PASS-THROUGH FROM THE FEDERAL GOVERNMENT TO THE ELIGIBLE LOCAL WORK FORCE INVESTMENT AREA OR AREAS;

(i) ESTABLISHING, AS A SUBGROUP WITHIN THE CONSORTIUM BOARD, A YOUTH COUNCIL APPOINTED BY THE CONSORTIUM BOARD IN COOPERATION WITH THE CONSORTIUM LOCAL ELECTED OFFICIAL BOARD. ESTABLISHMENT OF A CONSORTIUM YOUTH COUNCIL SHALL SERVE TO MEET THE FEDERAL ACT REQUIREMENTS FOR YOUTH COUNCIL MEMBERSHIP. THE CONSORTIUM YOUTH COUNCIL SHALL REVIEW AND COMMENT, AS APPROPRIATE, UPON THAT PORTION OF THE LOCAL PLAN RELATING TO ELIGIBLE YOUTH AND SHALL SUBMIT SUCH PLAN TO THE CONSORTIUM WORK FORCE BOARD. SUBJECT TO FEDERAL LAW, THE CONSORTIUM BOARD SHALL DELEGATE TO THE LOCAL WORK FORCE INVESTMENT BOARDS IN THE CONSORTIUM AREA DUTIES AND FUNCTIONS SPECIFIED IN THE FEDERAL ACT AND IN SECTION 8-71-212 CONCERNING YOUTH COUNCILS.

(j) SUBJECT TO FEDERAL LAW, DELEGATING TO THE LOCAL WORK FORCE INVESTMENT BOARDS IN THE CONSORTIUM AREA DUTIES AND FUNCTIONS SPECIFIED IN THE FEDERAL ACT AND IN SECTIONS 8-71-216 AND 8-71-217 OUTLINING REQUIREMENTS FOR ONE-STOP PARTNERS AND THE MEMORANDUM OF UNDERSTANDING BETWEEN WORK FORCE BOARDS AND ONE-STOP PARTNERS.

(3) **Local work force investment boards.** (a) TO THE EXTENT POSSIBLE AND AS OUTLINED IN THE APPLICABLE LOCAL PLAN, EACH LOCAL WORK FORCE INVESTMENT BOARD SHALL FUNCTION AS SET FORTH IN THE FEDERAL ACT. IN CARRYING OUT ITS DUTIES, THE LOCAL WORK FORCE INVESTMENT BOARD SHALL OPERATE IN PARTNERSHIP WITH, AND SUBJECT TO THE APPROVAL OF, THE LOCAL ELECTED OFFICIALS FOR THE DESIGNATED WORK FORCE INVESTMENT AREA.

(b) **Membership.** NOTWITHSTANDING SECTION 8-71-210 (3), MEMBERS OF EACH LOCAL WORK FORCE INVESTMENT BOARD SHALL BE APPOINTED BY THE LOCAL ELECTED OFFICIALS. MEMBERSHIP, TO THE EXTENT POSSIBLE, SHALL MEET THE REQUIREMENTS OF THE FEDERAL ACT.

(c) **Functions.** NOTWITHSTANDING SECTION 8-71-211, AT A MINIMUM, FUNCTIONS OF THE LOCAL WORK FORCE INVESTMENT BOARD SHALL BE AS SET FORTH IN THIS PART 2 AND THE FEDERAL ACT. IN ADDITION, EACH LOCAL WORK FORCE INVESTMENT BOARD SHALL:

(I) UPON THE APPROVAL OF AND IN PARTNERSHIP WITH THE LOCAL ELECTED OFFICIALS, DEVELOP A COMPREHENSIVE FIVE-YEAR LOCAL PLAN FOR ITS LOCAL WORK FORCE INVESTMENT AREA AND SHALL SUBMIT SUCH LOCAL PLAN FOR APPROVAL TO THE CONSORTIUM WORK FORCE INVESTMENT BOARD. SUCH PLAN SHALL INCLUDE A DESCRIPTION OF THOSE REQUIREMENTS UNDER THE FEDERAL ACT THAT THE LOCAL WORK FORCE INVESTMENT BOARD DETERMINES CANNOT BE REASONABLY MET WHILE STILL FULFILLING THE INTENT AND PURPOSES OF THE FEDERAL ACT.

(II) APPLY FOR FEDERAL GRANTS. EACH LOCAL WORK FORCE INVESTMENT BOARD MAY APPLY FOR NATIONAL PROGRAM GRANTS ON BEHALF OF THE AREA OR IN PARTNERSHIP WITH ANY OTHER WORK FORCE INVESTMENT AREA. ANY NATIONAL PROGRAM GRANT MONEYS AWARDED TO A LOCAL WORK FORCE INVESTMENT AREA SHALL BE A DIRECT PASS-THROUGH FROM THE FEDERAL GOVERNMENT TO THE APPLICABLE WORK FORCE INVESTMENT AREA OR AREAS.

(III) TO THE EXTENT POSSIBLE AND AS OUTLINED IN THE LOCAL PLAN, WITH THE AGREEMENT OF THE LOCAL ELECTED OFFICIALS AND NOTWITHSTANDING THE PROVISIONS OF SECTIONS 8-71-216 AND 8-71-217, DESIGNATE OR CERTIFY THE ONE-STOP PARTNERS AND DEVELOP AND NEGOTIATE THE MEMORANDUM OF UNDERSTANDING AS SET FORTH IN SECTIONS 8-71-216 AND 8-71-217.

(IV) ESTABLISH, AS A SUBGROUP WITHIN THE LOCAL WORK FORCE INVESTMENT BOARD, A YOUTH COUNCIL TO BE APPOINTED BY THE WORK FORCE BOARD IN COOPERATION WITH THE LOCAL ELECTED OFFICIALS. TO THE EXTENT POSSIBLE AND AS OUTLINED IN THE LOCAL PLAN, THE YOUTH COUNCIL'S MEMBERSHIP AND FUNCTIONS SHALL BE AS SET FORTH IN THE FEDERAL ACT AND SECTION 8-71-212.

(V) OVERSEE THE ONE-STOP SYSTEM IN THE LOCAL WORK FORCE INVESTMENT AREA.

8-71-214. Consortium local elected officials board. (1) IN ORDER TO SATISFY REQUIREMENTS UNDER THE FEDERAL ACT FOR THE ROLE OF LOCAL ELECTED OFFICIALS IN A WORK FORCE AREA, THERE SHALL BE A CONSORTIUM LOCAL ELECTED OFFICIALS BOARD FOR THE CONSORTIUM LOCAL WORK FORCE INVESTMENT BOARD. THE CONSORTIUM LOCAL ELECTED OFFICIALS BOARD SHALL CONSIST OF ONE LOCAL ELECTED OFFICIAL APPOINTED BY EACH LOCAL WORK FORCE INVESTMENT AREA IN THE CONSORTIUM. MEMBERSHIP SHALL BE FOR A TERM OF TWO YEARS, WHICH TERM MAY BE RENEWABLE.

(2) FUNCTIONS OF THE CONSORTIUM LOCAL ELECTED OFFICIALS BOARD SHALL BE TO APPOINT MEMBERS TO THE CONSORTIUM WORK FORCE INVESTMENT BOARD AND

ENSURE THAT THE CONSORTIUM WORK FORCE INVESTMENT BOARD MEETS FEDERAL REQUIREMENTS FOR MEMBERSHIP AND DELEGATE FISCAL RESPONSIBILITY AND CONTRACTUAL RESPONSIBILITY TO THE LOCAL ELECTED OFFICIALS OF LOCAL WORK FORCE INVESTMENT AREAS. THE CONSORTIUM LOCAL ELECTED OFFICIALS BOARD SHALL DEVELOP ITS OWN OPERATIONAL PROCEDURES.

8-71-215. Designation of work force investment areas. (1) SUBJECT TO SECTION 116(a) OF CHAPTER 2 OF THE FEDERAL ACT CONCERNING DESIGNATION OF WORK FORCE AREAS, ANY CURRENT OR PREVIOUSLY RECOGNIZED SERVICE DELIVERY AREA OPERATING BEFORE THE EFFECTIVE DATE OF THE FEDERAL ACT MAY AUTOMATICALLY BE DESIGNATED AS A WORK FORCE INVESTMENT AREA.

(2) IF AN AREA DOES NOT QUALIFY FOR AUTOMATIC DESIGNATION, ON AN ANNUAL BASIS ANY COUNTY OR GROUP OF COUNTIES MAY PETITION THE GOVERNOR TO FORM A NEW WORK FORCE INVESTMENT AREA.

(3) SUBJECT TO THE GOVERNOR'S APPROVAL, COUNTIES MAY CHOOSE, THROUGH INTERGOVERNMENTAL AGREEMENTS, TO BAND TOGETHER TO FORM A WORK FORCE INVESTMENT AREA FOR AN AREA CONSISTING OF MORE THAN ONE COUNTY OR MAY CHOOSE TO OPERATE A WORK FORCE INVESTMENT AREA AS A SINGLE COUNTY. IT IS RECOMMENDED THAT, IF THE PROPOSED WORK FORCE INVESTMENT AREA MEETS THE MINIMUM FEDERAL REQUIREMENTS FOR AN AREA AS SET FORTH IN THE FEDERAL ACT, THE GOVERNOR NOT UNREASONABLY WITHHOLD APPROVAL OF THE WORK FORCE INVESTMENT AREA.

(4) THE GOVERNOR MAY AUTHORIZE AND APPROVE AS A FEDERALLY DESIGNATED WORK FORCE INVESTMENT AREA ANY AREA THAT APPLIES AND QUALIFIES AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. AUTOMATIC DESIGNATION AS A DESIGNATED WORK FORCE INVESTMENT AREA SHALL BE GRANTED TO ANY UNIT OF LOCAL GOVERNMENT WITH A POPULATION OF FIVE HUNDRED THOUSAND OR MORE. AUTOMATIC TEMPORARY DESIGNATION AS A DESIGNATED WORK FORCE INVESTMENT AREA SHALL BE GRANTED TO ANY UNIT OR UNITS OF LOCAL GOVERNMENT WITH A TOTAL POPULATION OF TWO HUNDRED THOUSAND OR MORE THAT CONSTITUTED A SERVICE DELIVERY AREA BEFORE THE EFFECTIVE DATE OF THE FEDERAL ACT AND THAT REQUESTS SUCH DESIGNATION. TEMPORARY DESIGNATION SHALL BE FOR A PERIOD OF NOT MORE THAN TWO YEARS; EXCEPT THAT THE PERIOD MAY BE EXTENDED UNTIL THE END OF THE PERIOD COVERED BY THE FIVE-YEAR PLAN IF THE WORK FORCE INVESTMENT AREA HAS SUBSTANTIALLY MET THE LOCAL PERFORMANCE MEASURES AND SUSTAINED THE FISCAL INTEGRITY OF ITS TITLE I FUNDS.

(5) (a) THE GOVERNOR SHALL DESIGNATE AN ADDITIONAL FEDERALLY DESIGNATED WORK FORCE INVESTMENT AREA FOR THE STATE, SPECIFIED AS THE "CONSORTIUM OF LOCAL WORK FORCE INVESTMENT AREAS", WHICH SHALL CONSIST OF ALL APPROVED LOCAL WORK FORCE INVESTMENT AREAS. ANY CURRENT OR PREVIOUSLY RECOGNIZED SERVICE DELIVERY AREA OPERATING AFTER THE EFFECTIVE DATE OF THE FEDERAL ACT MAY ENTER INTO OR WITHDRAW FROM THE CONSORTIUM OF LOCAL WORK FORCE INVESTMENT AREAS. SUCH DECISION SHALL BE ALLOWED ON AN ANNUAL BASIS, WITH NOTICE TO BE GIVEN BY FEBRUARY 1, FOR ANY DESIGNATION TO GO INTO EFFECT FOR THE SUBSEQUENT PROGRAM YEAR BY JULY 1 OF THE SAME YEAR.

(b) ANY APPROVED LOCAL WORK FORCE INVESTMENT AREA IN THE CONSORTIUM

WORK FORCE INVESTMENT AREA SHALL OPERATE WITH THE SAME AUTHORITY AS, AND FUNCTION AS IF IT WERE, A FEDERALLY DESIGNATED WORK FORCE INVESTMENT AREA.

8-71-216. Required and optional partners of work force boards.

(1) **Required partners.** EACH WORK FORCE BOARD, WITH THE AGREEMENT OF THE LOCAL ELECTED OFFICIALS, IS AUTHORIZED TO DESIGNATE OR CERTIFY THE FOLLOWING PARTNERS FOR PURPOSES OF PARTICIPATING IN THE DELIVERY OF SERVICES FOR THE ONE-STOP SYSTEM OR WORK FORCE INVESTMENT PROGRAM IN THE WORK FORCE INVESTMENT AREA:

(a) WORK FORCE INVESTMENT PROGRAMS;

(b) ADULT EDUCATION AND LITERACY PROGRAMS;

(c) WELFARE-TO-WORK PROGRAMS;

(d) PROGRAMS UNDER THE FEDERAL "CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT", 20 U.S.C.A. SEC. 2301 ET SEQ.;

(e) COMMUNITY SERVICE BLOCK GRANTS;

(f) UNEMPLOYMENT INSURANCE;

(g) WAGNER-PEYSER SERVICES;

(h) VOCATIONAL REHABILITATION PROGRAMS;

(i) PROGRAMS UNDER THE FEDERAL "OLDER AMERICANS ACT OF 1965";

(j) PROGRAMS UNDER THE FEDERAL "TRADE ADJUSTMENT ASSISTANCE REFORM AND EXTENSION ACT OF 1986";

(k) PROGRAMS UNDER CHAPTER 41 OF TITLE 38, U.S.C., CONCERNING LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES AND DISABLED VETERANS' OUTREACH PROGRAMS; AND

(l) EMPLOYMENT AND TRAINING PROGRAMS ADMINISTERED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(2) **Optional partners.** OPTIONAL PARTNERS MAY INCLUDE, BUT ARE NOT LIMITED TO:

(a) PROGRAMS AUTHORIZED UNDER PART A OF TITLE IV OF THE FEDERAL "SOCIAL SECURITY ACT";

(b) PROGRAMS AUTHORIZED UNDER THE FEDERAL "FOOD STAMP ACT OF 1977";

(c) PROGRAMS AUTHORIZED UNDER THE FEDERAL "NATIONAL AND COMMUNITY SERVICE ACT OF 1990";

(d) PROGRAMS RESULTING FROM THE FEDERAL "TICKET TO WORK AND WORK

INCENTIVES IMPROVEMENT ACT OF 1999"; AND

(e) OTHER APPROPRIATE FEDERAL, STATE, OR LOCAL PROGRAMS, INCLUDING PROGRAMS IN THE PRIVATE SECTOR.

(3) **Functions of required partners.** ALL REQUIRED ONE-STOP PARTNERS SHALL PERFORM THE FOLLOWING FUNCTIONS:

(a) MAKE AVAILABLE TO PARTICIPANTS THROUGH THE ONE-STOP SYSTEM THE CORE SERVICES THAT ARE REQUIRED OF AND APPLICABLE TO THE PARTNER'S PROGRAMS;

(b) SERVE AS REPRESENTATIVES ON THE WORK FORCE BOARD;

(c) USE A PORTION OF MONEYS, PERSONNEL, AND OTHER AVAILABLE RESOURCES TO CREATE AND MAINTAIN A ONE-STOP SYSTEM; EXCEPT THAT, TO THE EXTENT SUCH USE WOULD VIOLATE FEDERAL LAW OR LEAD TO A LOSS OF FEDERAL MONEYS, THIS PARAGRAPH (c) SHALL NOT APPLY; AND

(d) ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE WORK FORCE BOARD RELATING TO THE OPERATION OF THE ONE-STOP CAREER CENTER, INCLUDING A DESCRIPTION OF SERVICES, HOW THE COST OF THE IDENTIFIED SERVICES AND OPERATING COSTS OF THE SYSTEM WILL BE FUNDED, AND METHODS FOR REFERRALS OF INDIVIDUALS.

(4) **Functions of optional partners.** (a) OPTIONAL ONE-STOP PARTNERS SHALL PERFORM THE FOLLOWING FUNCTIONS:

(I) MAKE AVAILABLE TO PARTICIPANTS THROUGH THE ONE-STOP SYSTEM THE CORE SERVICES THAT ARE REQUIRED OF AND APPLICABLE TO THE PARTNER'S PROGRAMS;

(II) PARTICIPATE IN THE OPERATION OF SUCH ONE-STOP SYSTEM, CONSISTENT WITH THE TERMS OF THE MEMORANDUM OF UNDERSTANDING APPROVED BY THE WORK FORCE BOARD AND WITH THE REQUIREMENTS OF THE FEDERAL ACT IN WHICH THE PROGRAM IS AUTHORIZED, IF THE WORK FORCE BOARD AND LOCAL ELECTED OFFICIAL APPROVE SUCH PARTICIPATION.

(b) IF AN OPTIONAL PARTNER IS DESIGNATED OR CERTIFIED PURSUANT TO SUBSECTION (1) OF THIS SECTION, ITS FUNCTIONS AND RESPONSIBILITIES SHALL BE THE SAME AS THOSE OF A REQUIRED PARTNER AS SET FORTH IN SUBSECTION (3) OF THIS SECTION.

8-71-217. Memorandum of understanding - one-stop operators. (1) (a) THE WORK FORCE BOARD, WITH THE AGREEMENT OF THE LOCAL ELECTED OFFICIALS, SHALL DEVELOP AND ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE WORK FORCE BOARD AND THE ONE-STOP PARTNERS CONCERNING THE PROVISION OF SERVICES IN THE ONE-STOP SYSTEM IN THE LOCAL AREA.

(b) EACH MEMORANDUM OF UNDERSTANDING SHALL CONTAIN PROVISIONS DESCRIBING:

(I) THE SERVICES TO BE PROVIDED THROUGH THE ONE-STOP SYSTEM;

(II) HOW THE COSTS OF SUCH SERVICES AND THE OPERATING COSTS OF THE SYSTEM WILL BE FUNDED;

(III) METHODS FOR REFERRAL OF INDIVIDUALS BETWEEN THE ONE-STOP OPERATOR AND ONE-STOP PARTNERS FOR THE APPROPRIATE SERVICES AND ACTIVITIES;

(IV) THE DURATION OF THE MEMORANDUM OF UNDERSTANDING AND THE PROCEDURES FOR AMENDING THE MEMORANDUM OF UNDERSTANDING DURING THE TERM OF THE MEMORANDUM OF UNDERSTANDING; AND

(V) SUCH OTHER PROVISIONS, CONSISTENT WITH THE FEDERAL ACT, AS THE PARTIES TO THE AGREEMENT DETERMINE TO BE APPROPRIATE.

(2) **One-stop operators.** (a) CONSISTENT WITH THE REQUIREMENTS OF THE FEDERAL ACT FOR ONE-STOP PARTNERS, THE WORK FORCE BOARD, WITH THE AGREEMENT OF THE LOCAL ELECTED OFFICIAL, IS AUTHORIZED TO DESIGNATE OR CERTIFY ONE-STOP OPERATORS AND TO TERMINATE FOR CAUSE THE ELIGIBILITY OF SUCH OPERATORS.

(b) TO BE ELIGIBLE TO RECEIVE MONEYS TO OPERATE A ONE-STOP CAREER CENTER, AN ENTITY, WHICH MAY BE A CONSORTIUM OF ENTITIES, SHALL BE DESIGNATED OR CERTIFIED AS A ONE-STOP OPERATOR BY ANY OF THE FOLLOWING THREE METHODS:

(I) IF A ONE-STOP SYSTEM OR WORK FORCE INVESTMENT PROGRAM WAS ESTABLISHED IN A LOCAL AREA PRIOR TO THE EFFECTIVE DATE OF THE FEDERAL ACT, THE WORK FORCE BOARD AND LOCAL ELECTED OFFICIAL FOR THAT AREA MAY AGREE WITH EACH OTHER AND WITH THE GOVERNOR, ON A CASE-BY-CASE BASIS, TO DESIGNATE OR CERTIFY AS A ONE-STOP OPERATOR AN ENTITY CARRYING OUT ACTIVITIES UNDER SUCH PREEXISTING SYSTEM OR PROGRAM, SUBJECT TO THE REQUIREMENTS OF SECTIONS 8-71-216 AND 8-71-217 AND OF THE MEMORANDUM OF UNDERSTANDING.

(II) AN ENTITY MAY BE SELECTED FOR DESIGNATION OR CERTIFICATION AS A ONE-STOP OPERATOR THROUGH A COMPETITIVE PROCESS.

(III) AN ENTITY MAY BE SELECTED FOR DESIGNATION OR CERTIFICATION AS A ONE-STOP OPERATOR IN ACCORDANCE WITH AN AGREEMENT REACHED BETWEEN THE WORK FORCE BOARD AND A CONSORTIUM OF ENTITIES THAT, AT A MINIMUM, INCLUDES THREE OR MORE OF THE REQUIRED ONE-STOP PARTNERS DESCRIBED IN SECTION 8-71-216 AND MAY BE A PUBLIC OR PRIVATE ENTITY, OR CONSORTIUM OF ENTITIES, OF DEMONSTRATED EFFECTIVENESS IN THE LOCAL AREA AND MAY INCLUDE THE FOLLOWING:

(A) A POSTSECONDARY EDUCATIONAL INSTITUTION;

(B) AN EMPLOYMENT SERVICE AGENCY ESTABLISHED UNDER THE FEDERAL "WAGNER-PEYSER ACT", 29 U.S.C. SEC. 49a ET SEQ.;

(C) A PRIVATE, NONPROFIT ORGANIZATION, WHICH MAY INCLUDE A

COMMUNITY-BASED ORGANIZATION;

(D) A PRIVATE FOR-PROFIT ENTITY;

(E) A GOVERNMENT AGENCY; AND

(F) ANOTHER INTERESTED ORGANIZATION OR ENTITY, WHICH MAY INCLUDE A LOCAL CHAMBER OF COMMERCE OR OTHER BUSINESS ORGANIZATION.

(c) ELEMENTARY SCHOOLS AND SECONDARY SCHOOLS SHALL NOT BE ELIGIBLE FOR DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS; EXCEPT THAT NONTRADITIONAL PUBLIC SECONDARY SCHOOLS AND AREA VOCATIONAL EDUCATION SCHOOLS SHALL BE ELIGIBLE FOR SUCH DESIGNATION OR CERTIFICATION.

8-71-218. Core services. (1) A CORE SET OF SERVICES, AS DEFINED BY THE FEDERAL ACT, SHALL BE AVAILABLE TO INDIVIDUALS WHO ARE ADULTS OR DISLOCATED WORKERS. SUCH SERVICES SHALL BE PROVIDED THROUGH THE WORK FORCE INVESTMENT PROGRAM AS IMPLEMENTED THROUGH ONE-STOP CAREER CENTERS AND SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

(a) ACCESS FOR JOB SEEKERS TO A COMPREHENSIVE ARRAY OF SERVICES AND INFORMATION, WHICH MAY INCLUDE:

(I) REGISTRATION INTO THE CENTRALIZED COMPUTER SYSTEM;

(II) CAREER CENTER OPERATIONS;

(III) EDUCATION AND TRAINING PROGRAM INFORMATION;

(IV) A MULTI-MEDIA RESOURCE LIBRARY PROVIDING ACCESS TO INTERNET-BASED SERVICES;

(V) LABOR MARKET INFORMATION;

(VI) SKILL ASSESSMENT SERVICES THAT ARE DESIGNED TO DETERMINE EACH PARTICIPANT'S EMPLOYABILITY, APTITUDES, ABILITIES, AND INTERESTS, BY MEANS OF INDIVIDUAL INTERVIEWS WHENEVER POSSIBLE;

(VII) JOB REFERRAL AND PLACEMENT;

(VIII) SELF-HELP RESUME PREPARATION RESOURCES;

(IX) REFERRAL SERVICES FOR COMMUNITY AND SOCIAL SERVICES, INCLUDING WELFARE-TO-WORK PROGRAMS, EMPLOYMENT PROGRAMS FOR PERSONS WITH DISABILITIES, EMPLOYMENT PROGRAMS FOR OLDER WORKERS, COMMUNITY-BASED ORGANIZATIONS, VOCATIONAL REHABILITATION, ADULT LITERACY, SUPPORTIVE SERVICES, AND YOUTH PROGRAMS AND SERVICES;

(X) VETERANS' BENEFITS AND SERVICES INFORMATION, SUBJECT TO THE AVAILABILITY OF WAGNER-PEYSER FUNDS AND TO THE FOLLOWING:

(A) ANY ONE-STOP CAREER CENTER RECEIVING WAGNER-PEYSER FUNDS OR HOUSING WAGNER-PEYSER STAFF SHALL PROVIDE VETERANS WITH PRIORITY EMPLOYMENT AND TRAINING SERVICES IN ACCORDANCE WITH CHAPTER 41 OF TITLE 38, U.S.C.;

(B) IN ONE-STOP CAREER CENTERS THAT HAVE BEEN ASSIGNED DISABLED VETERAN OUTREACH PROGRAM AND LOCAL VETERAN EMPLOYMENT REPRESENTATIVE POSITIONS, SUCH POSITIONS SHALL BE HELD BY STATE EMPLOYEES AND ARE IN ADDITION TO, AND SHALL NOT SUPPLANT, WAGNER-PEYSER STAFF IN PROVIDING PRIORITY EMPLOYMENT AND TRAINING SERVICES; AND

(C) ALL ONE-STOP CAREER CENTERS SHALL MAKE THE FULL ARRAY OF CORE SERVICES AVAILABLE TO VETERANS IN THE FOLLOWING ORDER OF PRIORITY: DISABLED VETERANS, VIETNAM-ERA VETERANS, VETERANS, AND OTHER ELIGIBLE PERSONS.

(b) WORK FORCE BOARDS ARE ENCOURAGED TO, AT A MINIMUM, CONSIDER AND DETERMINE THE FEASIBILITY OF PROVIDING ACCESS FOR EMPLOYERS TO A COMPREHENSIVE ARRAY OF SERVICES AND INFORMATION, WHICH MAY INCLUDE:

- (I) PROFESSIONAL ACCOUNT REPRESENTATIVES AND MANAGEMENT;
- (II) ASSISTANCE IN INDIVIDUAL AND MASS RECRUITING;
- (III) REFERRALS OF SKILLED APPLICANTS;
- (IV) LABOR MARKET INFORMATION;
- (V) EDUCATION AND TRAINING PROGRAM INFORMATION;
- (VI) ACCESS TO INTERNET-BASED SERVICES;
- (VII) INFORMATION AND REFERRAL FOR COMMUNITY AND SOCIAL SERVICES;
- (VIII) LAYOFF ASSISTANCE; AND
- (IX) OTHER EMPLOYMENT-RELATED SERVICES AND INFORMATION.

(2) AT THE OPTION OF THE LOCAL ELECTED OFFICIALS, OTHER SERVICES FOR JOB SEEKERS AND EMPLOYERS MAY BE OFFERED TO MEET THE NEEDS OF A WORK FORCE INVESTMENT AREA.

8-71-218.5. Intensive services – training services – individual training accounts. (1) ACCESS TO INTENSIVE SERVICES, AS SPECIFIED IN THE FEDERAL ACT, SHALL BE AVAILABLE TO INDIVIDUALS WHO ARE ADULTS OR DISLOCATED WORKERS WHO ARE UNEMPLOYED AND ARE UNABLE TO OBTAIN EMPLOYMENT THROUGH CORE SERVICES AND WHO HAVE BEEN DETERMINED BY A ONE-STOP OPERATOR TO BE IN NEED OF MORE INTENSIVE SERVICES TO OBTAIN EMPLOYMENT OR WHO ARE EMPLOYED BUT ARE DETERMINED BY A ONE-STOP OPERATOR TO BE IN NEED OF SUCH SERVICES. SUCH SERVICES MAY INCLUDE DIAGNOSTIC TESTING, INDIVIDUAL OR GROUP COUNSELING AND CAREER PLANNING, CASE MANAGEMENT AND FOLLOW-UP SERVICES,

AND TRAINING SERVICES SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

(2) ACCESS TO TRAINING SERVICES, AS SPECIFIED IN THE FEDERAL ACT, SHALL BE AVAILABLE TO PARTICIPANTS WHO HAVE MET THE ELIGIBILITY REQUIREMENTS FOR INTENSIVE SERVICES, ARE UNABLE TO OBTAIN OR RETAIN EMPLOYMENT THROUGH SUCH SERVICES, ARE DETERMINED BY THE ONE-STOP OPERATOR TO BE IN NEED OF SUCH SERVICES, AND ARE ELIGIBLE FOR SUCH SERVICES AS SPECIFIED IN THE FEDERAL ACT. SUCH TRAINING SERVICES INCLUDE, WITHOUT LIMITATION, OCCUPATIONAL SKILLS TRAINING, ON-THE-JOB TRAINING, AND TRAINING PROGRAMS OPERATED BY THE PRIVATE SECTOR.

(3) TRAINING SERVICES AUTHORIZED UNDER THIS SECTION SHALL BE PROVIDED THROUGH THE USE OF INDIVIDUAL TRAINING ACCOUNTS, AS SPECIFIED IN THE FEDERAL ACT, AND SHALL BE PROVIDED TO ELIGIBLE INDIVIDUALS THROUGH THE ONE-STOP SYSTEM. EXCEPTIONS TO THE USE OF INDIVIDUAL TRAINING ACCOUNTS, AS SET FORTH IN THE FEDERAL ACT, INCLUDE CUSTOMIZED TRAINING, TRAINING SERVICES NOT PROVIDED BY A TRAINING PROVIDER WITHIN THE WORK FORCE AREA, OR TRAINING SERVICES THAT ARE OFFERED BY COMMUNITY-BASED ORGANIZATIONS OR OTHER PRIVATE ORGANIZATIONS THAT SERVE SUCH SPECIAL POPULATIONS THAT FACE MULTIPLE BARRIERS TO EMPLOYMENT.

8-71-219. Title I appropriation - allocation. AS SPECIFIED IN SECTION 191(a) OF THE FEDERAL ACT, TITLE I MONEYS RECEIVED BY THE STATE UNDER THE FEDERAL ACT SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, CONSISTENT WITH THE TERMS AND CONDITIONS REQUIRED UNDER THE FEDERAL ACT. THE LOCAL ELECTED OFFICIALS OR THEIR DESIGNEE SHALL SERVE AS THE LOCAL GRANT RECIPIENT FOR THE TITLE I MONEYS ALLOCATED TO THE WORK FORCE INVESTMENT AREA BY THE GOVERNOR FOR THE PURPOSES OF A WORK FORCE INVESTMENT AREA'S ADMINISTRATION AND IMPLEMENTATION OF THE WORK FORCE INVESTMENT PROGRAM PURSUANT TO THE ALLOCATION FORMULA DESCRIBED IN SECTION 8-71-221. THE DEPARTMENT SHALL CONTRACT DIRECTLY WITH EACH LOCAL WORK FORCE INVESTMENT BOARD. IN ORDER TO ASSIST IN THE ADMINISTRATION OF TITLE I MONEYS, THE LOCAL ELECTED OFFICIALS MAY DESIGNATE AN ENTITY TO SERVE AS A LOCAL GRANT SUB-RECIPIENT FOR SUCH MONEYS OR AS A LOCAL FISCAL AGENT. EXCEPT WHEN SUCH DESIGNEE IS THE DEPARTMENT, SUCH DESIGNATION SHALL NOT RELIEVE THE LOCAL ELECTED OFFICIALS OF THE LIABILITY FOR ANY MISUSE OF GRANT MONEYS.

8-71-220. County block grants formula - use of moneys. SUBJECT TO AVAILABLE APPROPRIATIONS BY THE GENERAL ASSEMBLY, THE DEPARTMENT SHALL ALLOCATE TITLE I MONEYS TO EACH WORK FORCE INVESTMENT AREA FOR THE OPERATION OF THE WORK FORCE INVESTMENT PROGRAM IN THAT WORK FORCE INVESTMENT AREA.

8-71-221. Allocation process. SUBJECT TO FEDERAL LAW AND AVAILABLE APPROPRIATIONS, WITHIN THIRTY DAYS AFTER RECEIPT OF THE FEDERAL APPROPRIATION FROM THE UNITED STATES DEPARTMENT OF LABOR, THE LOCAL ELECTED OFFICIALS FROM EACH WORK FORCE INVESTMENT AREA IN THE STATE SHALL DEVELOP AN ALLOCATION FORMULA FOR EACH WORK FORCE INVESTMENT AREA. DEVELOPMENT OF THE ALLOCATION FORMULA BY THE LOCAL ELECTED OFFICIALS SHALL BE FACILITATED THROUGH A STATEWIDE ASSOCIATION OF COUNTY

COMMISSIONERS, REFERRED TO IN THIS SECTION AS COLORADO COUNTIES, INCORPORATED, OR CCI. CCI SHALL ENSURE THAT THE LOCAL ELECTED OFFICIALS FROM EACH WORK FORCE INVESTMENT AREA HAVE AN OPPORTUNITY TO PARTICIPATE IN THE DEVELOPMENT AND FINAL APPROVAL OF THE RECOMMENDATIONS FOR ALLOCATION FORMULAS. THE DEPARTMENT AND THE OFFICE OF WORK FORCE DEVELOPMENT CREATED IN SECTION 24-46.3-101, C.R.S., SHALL PROVIDE TECHNICAL ASSISTANCE TO CCI AS REQUESTED IN THE DEVELOPMENT OF RECOMMENDED ALLOCATIONS. THE LOCAL ELECTED OFFICIALS SHALL RECOMMEND THE ALLOCATION FORMULA TO BE APPLIED AND EACH ALLOCATION FOR ADULT, YOUTH, AND DISLOCATED WORKER SERVICES UNDER TITLE I OF THE FEDERAL ACT. CCI SHALL FORWARD THE LOCAL ELECTED OFFICIALS' RECOMMENDATIONS TO THE STATE COUNCIL PURSUANT TO SECTION 8-71-222 (2) (f) FOR REVIEW AND COMMENT. THE STATE COUNCIL SHALL THEN SUBMIT SUCH RECOMMENDATIONS, TOGETHER WITH THE STATE COUNCIL'S COMMENTS, TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY FOR REVIEW AND COMMENT BEFORE FORWARDING SUCH RECOMMENDATIONS TO THE GOVERNOR FOR FINAL DETERMINATION. IF THE LOCAL ELECTED OFFICIALS CANNOT AGREE ON AN ALLOCATION, THE LOCAL ELECTED OFFICIALS SHALL PREPARE ALTERNATIVES AND CCI SHALL SUBMIT THE ALTERNATIVES TO THE STATE COUNCIL FOR REVIEW AND COMMENT AND SUBMISSION TO THE JOINT BUDGET COMMITTEE, WHICH SHALL SELECT ONE SUCH ALTERNATIVE AND FORWARD IT TO THE GOVERNOR FOR FINAL DETERMINATION. THE LOCAL ELECTED OFFICIALS AND CCI SHALL DEVELOP THEIR OWN OPERATIONAL PROCEDURES. ANY MONEYS RECEIVED BY THE STATE UNDER TITLE I OF THE FEDERAL ACT, TOGETHER WITH ANY ASSOCIATED STATE FULL-TIME EQUIVALENT PERSONNEL POSITIONS, SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

8-71-222. State council - duties. (1) THE STATE COUNCIL SHALL FUNCTION AS, AND IS INTENDED TO MEET THE REQUIREMENTS FOR, THE STATE WORK FORCE INVESTMENT BOARD REFERRED TO IN THE FEDERAL ACT. IN ADDITION TO PERFORMING THE FUNCTIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION, THE STATE COUNCIL SHALL SERVE IN AN ADVISORY ROLE TO THE GOVERNOR FOR THOSE AREAS SPECIFIED BY THE FEDERAL ACT AND SHALL SERVE AS A CONDUIT FOR INFORMATION TO LOCAL WORK FORCE INVESTMENT AREAS, INCLUDING FACILITATION OF GRANT APPLICATIONS AND ASSISTANCE TO WORK FORCE INVESTMENT AREAS TO ENABLE WORK FORCE INVESTMENT AREAS TO SUCCESSFULLY IMPLEMENT PROGRAMS UNDER THE FEDERAL ACT.

(2) THE STATE COUNCIL SHALL ASSIST THE GOVERNOR IN THE FOLLOWING:

(a) DEVELOPMENT OF THE COMPREHENSIVE FIVE-YEAR STATE PLAN AS SPECIFIED IN SECTION 8-71-209;

(b) DEVELOPMENT AND CONTINUOUS IMPROVEMENT OF A STATEWIDE SYSTEM OF ACTIVITIES THAT ARE FUNDED PURSUANT TO THE FEDERAL ACT OR CARRIED OUT THROUGH A ONE-STOP SYSTEM AS SET FORTH IN THIS PART 2 THAT RECEIVES TITLE I MONEYS UNDER THE FEDERAL ACT. SUCH IMPROVEMENT SHALL INCLUDE THE DEVELOPMENT OF LINKAGES IN ORDER TO ENSURE COORDINATION AND PREVENT DUPLICATION AMONG THE PROGRAMS AND ACTIVITIES AUTHORIZED IN THIS PART 2.

(c) REVIEW OF LOCAL PLANS SUBMITTED BY THE DESIGNATED WORK FORCE INVESTMENT BOARDS AND CONSORTIUM WORK FORCE INVESTMENT BOARD;

(d) DESIGNATION OF LOCAL WORK FORCE INVESTMENT AREAS;

(e) COMMENTING AT LEAST ONCE ANNUALLY ON THE MEASURES TAKEN PURSUANT TO THE FEDERAL "CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT", 20 U.S.C.A. SEC. 2301 ET SEQ.;

(f) REVIEW AND COMMENT ON, AND SUBMISSION TO THE JOINT BUDGET COMMITTEE FOR REVIEW AND COMMENT ON, ALLOCATION FORMULAS FOR THE DISTRIBUTION OF TITLE I MONEYS FOR ADULT EMPLOYMENT AND TRAINING ACTIVITIES AND YOUTH ACTIVITIES TO WORK FORCE INVESTMENT AREAS IN ACCORDANCE WITH THE PROCESS ESTABLISHED IN SECTION 8-71-221;

(g) PREPARATION OF THE ANNUAL REPORT TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF LABOR;

(h) DEVELOPMENT OF THE STATEWIDE EMPLOYMENT STATISTICS SYSTEM DESCRIBED IN THE WAGNER-PEYSER ACT;

(i) DEVELOPMENT OF AN APPLICATION FOR AN INCENTIVE GRANT AUTHORIZED PURSUANT TO THE FEDERAL ACT; AND

(j) ANY OTHER FUNCTIONS AS REQUESTED BY THE GOVERNOR.

8-71-223. Colorado department of labor and employment - functions.

(1) THE DEPARTMENT SHALL SERVE AS THE ADMINISTRATIVE ENTITY FOR TITLE I MONEYS RECEIVED PURSUANT TO THE FEDERAL ACT. THE DEPARTMENT SHALL ALSO BE RESPONSIBLE FOR:

(a) ADMINISTERING THE STATEWIDE LABOR MARKET INFORMATION AND FISCAL SYSTEMS TO THE EXTENT SUCH SYSTEMS PERTAIN TO ACTIVITIES UNDER THE FEDERAL ACT;

(b) ASSISTING IN THE ESTABLISHMENT AND OPERATION OF ONE-STOP CAREER CENTERS AS REQUESTED BY A LOCAL WORK FORCE AREA;

(c) DISSEMINATING LISTS OF ELIGIBLE TRAINING PROVIDERS;

(d) CONTRACTING AND ADMINISTERING TITLE I MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE FEDERAL ACT;

(e) WITH INPUT FROM THE APPLICABLE WORK FORCE INVESTMENT AREAS, CONTINUING THE CENTRALIZED COMPUTER SYSTEM THAT LINKS WORK FORCE INVESTMENT PROGRAMS. SUCH SYSTEM SHALL CONTINUE TO INCLUDE TRAINING AND TECHNICAL SUPPORT. A DESCRIPTION OF THE STATE CENTRALIZED SYSTEM AND PROCEDURES FOR DEVELOPING, MAINTAINING, AND TRAINING SHALL BE INCLUDED IN THE STATE PLAN REQUIRED IN SECTION 8-71-209.

(f) PROVIDING STAFF DEVELOPMENT AND TRAINING SERVICES AND TECHNICAL ASSISTANCE TO LOCAL WORK FORCE INVESTMENT AREAS.

(2) THE DEPARTMENT SHALL PROVIDE ONGOING CONSULTATION AND TECHNICAL

ASSISTANCE TO EACH WORK FORCE INVESTMENT AREA FOR THE OPERATION OF WORK FORCE INVESTMENT PROGRAMS.

8-71-224. Responsibilities of the governor. (1) THE GOVERNOR SHALL PERFORM THE FOLLOWING FUNCTIONS, AS SPECIFIED IN THE FEDERAL ACT:

(a) APPOINT MEMBERS TO THE STATE COUNCIL IN ACCORDANCE WITH SECTION 24-46.3-101 (2), C.R.S.;

(b) ESTABLISH CRITERIA FOR LOCAL ELECTED OFFICIALS TO USE IN APPOINTING MEMBERS OF LOCAL WORK FORCE INVESTMENT BOARDS;

(c) DESIGNATE FEDERAL WORK FORCE INVESTMENT AREAS IN CONSULTATION WITH THE LOCAL ELECTED OFFICIALS, INCLUDING LOCAL WORK FORCE INVESTMENT AREAS REQUESTING TO BE A PART OF THE FEDERAL WORK FORCE INVESTMENT AREA COMPRISING A CONSORTIUM OF WORK FORCE AREAS;

(d) DESIGNATE, MODIFY, AND TERMINATE WORK FORCE INVESTMENT AREAS IN THE STATE, INCLUDING TEMPORARY DESIGNATION, AND ESTABLISH AN APPEAL PROCESS FOR REVIEW OF SUCH DECISIONS;

(e) CERTIFY DESIGNATED WORK FORCE INVESTMENT BOARDS AND THE CONSORTIUM WORK FORCE INVESTMENT BOARD;

(f) NEGOTIATE WITH THE FEDERAL DEPARTMENT OF LABOR CONCERNING THE CONTENTS OF THE STATE PLAN; AND

(g) CARRY OUT SUCH OTHER DUTIES AND FUNCTIONS AS MAY BE REQUIRED UNDER THE FEDERAL ACT.

SECTION 2. Article 46.3 of title 24, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 46.3
Work Force Development

24-46.3-101. State work force development council and office of work force development - creation - membership. (1) THERE ARE HEREBY CREATED WITHIN THE DEPARTMENT OF LOCAL AFFAIRS THE STATE WORK FORCE DEVELOPMENT COUNCIL, ALSO REFERRED TO IN THIS ARTICLE AS THE "STATE COUNCIL", AND THE OFFICE OF WORK FORCE DEVELOPMENT. THE STATE COUNCIL SHALL BE ESTABLISHED AS A STATE WORK FORCE INVESTMENT BOARD IN ACCORDANCE WITH THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", AS AMENDED, ALSO REFERRED TO IN THIS ARTICLE AS THE "FEDERAL ACT". THE OFFICE OF WORK FORCE DEVELOPMENT SHALL PROVIDE LOGISTICAL AND STAFF SUPPORT TO THE STATE COUNCIL AND SHALL OPERATE UNDER THE SUPERVISION OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

(2) MEMBERSHIP OF THE STATE COUNCIL SHALL INCLUDE:

(a) THE GOVERNOR;

(b) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE;

(c) REPRESENTATIVES OF BUSINESS IN THE STATE, APPOINTED BY THE GOVERNOR, WHO ARE:

(I) OWNERS OF BUSINESSES, CHIEF EXECUTIVES OR OPERATING OFFICERS OF BUSINESSES, AND OTHER BUSINESS EXECUTIVES OR EMPLOYERS WITH OPTIMUM POLICY-MAKING OR HIRING AUTHORITY, INCLUDING MEMBERS OF LOCAL WORK FORCE INVESTMENT BOARDS AS SPECIFIED IN PART 2 OF ARTICLE 71 OF TITLE 8, C.R.S.;

(II) REPRESENTATIVES OF BUSINESSES WITH EMPLOYMENT OPPORTUNITIES THAT REFLECT THE EMPLOYMENT OPPORTUNITIES IN THE STATE;

(III) REPRESENTATIVES THAT ARE APPOINTED FROM AMONG INDIVIDUALS NOMINATED BY STATE BUSINESS ORGANIZATIONS AND BUSINESS TRADE ASSOCIATIONS;

(d) OTHER MEMBERS APPOINTED BY THE GOVERNOR, WHO ARE:

(I) LOCAL ELECTED OFFICIALS;

(II) REPRESENTATIVES OF LABOR ORGANIZATIONS, NOMINATED BY STATE LABOR FEDERATIONS;

(III) REPRESENTATIVES OF ORGANIZATIONS AND INDIVIDUALS THAT HAVE EXPERIENCE WITH RESPECT TO YOUTH ACTIVITIES;

(IV) REPRESENTATIVES OF ORGANIZATIONS AND INDIVIDUALS THAT HAVE EXPERIENCE AND EXPERTISE IN THE DELIVERY OF WORK FORCE INVESTMENT ACTIVITIES, INCLUDING CHIEF EXECUTIVE OFFICERS OF COMMUNITY COLLEGES AND COMMUNITY-BASED ORGANIZATIONS IN THE STATE;

(V) THE LEAD STATE AGENCY OFFICIALS WITH RESPONSIBILITY FOR THE PROGRAMS AND ACTIVITIES AUTHORIZED IN THE FEDERAL ACT FOR THE ESTABLISHMENT OF ONE-STOP SYSTEMS AND CARRIED OUT BY THE PARTNERS AT THE ONE-STOP CAREER CENTERS. IF NO LEAD STATE AGENCY OFFICIAL HAS RESPONSIBILITY FOR SUCH PROGRAMS OR ACTIVITIES, MEMBERSHIP SHALL INCLUDE A REPRESENTATIVE IN THE STATE WITH EXPERTISE RELATING TO SUCH PROGRAMS OR ACTIVITIES.

(VI) SUCH OTHER REPRESENTATIVES AS THE GOVERNOR MAY DESIGNATE, INCLUDING PERSONS WITH DISABILITIES WHO CAN REPRESENT STATEWIDE CROSS-DISABILITY ISSUES, WHICH MAY INCLUDE NONVOTING MEMBERS.

(3) FOR THE PURPOSES OF DETERMINING A CONFLICT OF INTEREST BY ANY MEMBER OF THE STATE COUNCIL, A MEMBER OF THE STATE COUNCIL MAY NOT VOTE ON MATTERS UNDER CONSIDERATION BY THE STATE COUNCIL REGARDING THE PROVISION OF SERVICES BY SUCH MEMBER THAT WOULD PROVIDE DIRECT FINANCIAL BENEFIT TO SUCH MEMBER OR THE IMMEDIATE FAMILY OF SUCH MEMBER, OR ENGAGE IN ANY OTHER ACTIVITY DETERMINED BY THE GOVERNOR TO CONSTITUTE A CONFLICT OF INTEREST AS SPECIFIED IN THE STATE PLAN.

(4) MEMBERS OF THE STATE COUNCIL THAT REPRESENT ORGANIZATIONS, AGENCIES, OR OTHER ENTITIES SHALL BE INDIVIDUALS WITH OPTIMUM POLICY-MAKING AUTHORITY WITHIN SUCH ORGANIZATIONS, AGENCIES, OR ENTITIES. THE MEMBERS OF THE STATE COUNCIL SHALL REPRESENT DIVERSE REGIONS OF THE STATE, INCLUDING URBAN, RURAL, AND SUBURBAN AREAS.

(5) A MAJORITY OF THE VOTING MEMBERS OF THE STATE COUNCIL SHALL BE REPRESENTATIVES OF BUSINESS AS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION. THE GOVERNOR SHALL APPOINT A CHAIRPERSON OF THE STATE COUNCIL FROM ONE OF THE REPRESENTATIVES OF BUSINESS AS DESCRIBED IN SAID PARAGRAPH (c).

(6) IN ORDER TO CREATE A SMALL-VOTING-MEMBER STATE COUNCIL CONSISTENT WITH THE REQUIREMENTS OF THE FEDERAL ACT, STATE COUNCIL MEMBERS MAY BE APPOINTED TO SATISFY MORE THAN ONE OF THE MEMBERSHIP CATEGORIES SPECIFIED IN THE FEDERAL ACT FOR THE STATE WORK FORCE INVESTMENT BOARD.

(7) THE VOTING STATE COUNCIL MEMBERS THAT ARE MEMBERS OF THE GENERAL ASSEMBLY SHALL SERVE AT THE PLEASURE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT OF THE SENATE. LEAD STATE AGENCY OFFICIALS AND NONVOTING MEMBERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. ALL OTHER MEMBERS SHALL INITIALLY SERVE FOR STAGGERED TERMS OF ONE, TWO, AND THREE YEARS, AS DESIGNATED BY THE GOVERNOR UPON THEIR APPOINTMENT.

(8) THE OFFICE OF WORK FORCE DEVELOPMENT, IN CONSULTATION WITH THE STATE COUNCIL AND GOVERNOR, SHALL ESTABLISH AN ANNUAL BUDGET FOR BASIC STATE COUNCIL FUNCTIONS, ACTIVITIES, MEETINGS, TRAVEL, PER DIEM, REPORTS, AND STAFF. FUNDING FOR THE STATE COUNCIL'S BUDGET SHALL COME FROM A PORTION OF THE ADMINISTRATIVE MONEYS AVAILABLE TO THE MANDATORY AND ADDITIONAL FEDERAL PARTNER PROGRAMS SPECIFIED IN SECTION 121 (b)(1) AND (b)(2) OF THE FEDERAL ACT. THE AMOUNT OF THE ADMINISTRATIVE MONEYS FROM EACH MANDATORY AND ADDITIONAL FEDERAL PARTNER PROGRAM TO BE TRANSFERRED TO THE STATE COUNCIL SHALL BE DETERMINED BY THE OFFICE OF STATE PLANNING AND BUDGETING, PROPORTIONATE TO THE ANNUAL FEDERAL PARTNER PROGRAM OR ACTIVITY GRANT AMOUNTS TO THE STATE AND APPROPRIATED BY THE GENERAL ASSEMBLY. IN ADDITION TO THE FEDERAL PARTNER PROGRAMS GRANT FUNDING, THE STATE COUNCIL SHALL SEEK OTHER FEDERAL, STATE, AND PRIVATE GRANTS, GIFTS, AND CONTRIBUTIONS TO FUND STATE COUNCIL SPECIAL DUTIES, DEMONSTRATION PROJECTS, AND INITIATIVES.

24-46.3-102. Transfer of functions. (1) THE STATE COUNCIL AND THE OFFICE OF WORK FORCE DEVELOPMENT SHALL, ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED IN THE WORK FORCE COORDINATING COUNCIL WITHIN THE GOVERNOR'S OFFICE PRIOR TO SAID DATE CONCERNING THE DUTIES AND FUNCTIONS TRANSFERRED TO THE STATE COUNCIL AND THE OFFICE OF WORK FORCE DEVELOPMENT PURSUANT TO THIS SECTION.

(2) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE OFFICERS AND EMPLOYEES OF THE WORK FORCE COORDINATING COUNCIL PRIOR TO SAID DATE WHOSE DUTIES AND FUNCTIONS CONCERNED THE DUTIES AND FUNCTIONS

TRANSFERRED TO THE STATE COUNCIL AND THE OFFICE OF WORK FORCE DEVELOPMENT PURSUANT TO THIS SECTION SHALL BE TRANSFERRED TO THE STATE COUNCIL AND THE OFFICE OF WORK FORCE DEVELOPMENT; EXCEPT THAT THEY SHALL CONTINUE TO BE EMPLOYEES OF THE GOVERNOR'S OFFICE AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

(b) ANY SUCH EMPLOYEES WHO ARE CLASSIFIED EMPLOYEES IN THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS.

(3) ON THE EFFECTIVE DATE OF THIS SECTION, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE WORK FORCE COORDINATING COUNCIL PRIOR TO SAID DATE PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE STATE COUNCIL AND THE OFFICE OF WORK FORCE DEVELOPMENT PURSUANT TO THIS SECTION, ARE TRANSFERRED TO THE STATE COUNCIL AND THE OFFICE OF WORK FORCE DEVELOPMENT AND BECOME THE PROPERTY THEREOF.

(4) WHENEVER THE WORK FORCE COORDINATING COUNCIL IS REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE STATE COUNCIL AND THE OFFICE OF WORK FORCE DEVELOPMENT PURSUANT TO THIS ARTICLE, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE STATE COUNCIL. ALL CONTRACTS ENTERED INTO BY THE WORK FORCE COORDINATING COUNCIL PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE STATE COUNCIL AND THE OFFICE OF WORK FORCE DEVELOPMENT PURSUANT TO THIS SECTION ARE HEREBY VALIDATED, WITH THE STATE COUNCIL SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS. ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED PURSUANT TO SUCH CONTRACTS ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE STATE COUNCIL FOR THE PAYMENT OF SUCH OBLIGATIONS.

SECTION 3. 24-1-125 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-1-125. Department of local affairs - creation. (2) The department of local affairs shall consist of the following divisions:

(1) THE OFFICE OF WORK FORCE DEVELOPMENT AND THE STATE WORK FORCE DEVELOPMENT COUNCIL, CREATED BY ARTICLE 46.3 OF THIS TITLE, WHICH SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF LOCAL AFFAIRS AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2000, to the department of local affairs, executive director's office, office of workforce development, the sum of

one hundred fifty thousand four hundred sixty-seven dollars (\$150,467) and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received as follows: Eighty-three thousand two hundred sixty-eight dollars (\$83,268) shall be from federal "Workforce Investment Act" funds in the department of labor and employment, twenty-nine thousand one hundred eighty-nine dollars (\$29,189) shall be from federal "Temporary Assistance to Needy Families" funds in the department of human services, twenty-nine thousand three hundred eighty-four dollars (\$29,384) shall be from federal "Perkins Act" funds anticipated to be received from the department of higher education, six thousand two hundred ninety-five dollars (\$6,295) shall be from federal "Adult Basic Education" funds anticipated to be received from the department of education, one thousand seven hundred seventy-six dollars (\$1,776) shall be from federal "Community Services Block Grant" funds anticipated to be received from the department of local affairs, and five hundred fifty-five dollars (\$555) shall be from federal "Older Americans Act" funds anticipated to be received from the department of human services.

SECTION 5. Effective date. This act shall take effect July 1, 2000.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2000