
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT**Senator Dave Cortese, Chair****2023 - 2024 Regular**

Bill No: SB 864**Hearing Date:** April 12, 2023**Author:** Smallwood-Cuevas**Version:** March 22, 2023**Urgency:** No**Fiscal:** Yes**Consultant:** Dawn Clover**SUBJECT:** Workforce development: workplace rights curricula**KEY ISSUE**

Should the Legislature require the California Workforce Development Board (CWDB) to partner with the Employment Development Department and Labor and Workforce Development Agency to develop workplace rights curricula and ensure local workforce development boards are providing that workplace rights information to prospective employees?

ANALYSIS**Existing law:**

- 1) Establishes the CWDB within the Labor and Workforce Development Agency to develop, provide oversight, and continuous improvement of California's workforce development system, and charges the CWDB with the following tasks:
 - a) Promoting the development of a well-educated and highly skilled 21st century workforce and the development of a high road economy that offers an educated and skilled workforce with fair compensation and treatment in the workplace.
 - b) Developing, implementing, and modifying the State Plan, which shall serve as a comprehensive framework and coordinated plan for the aligned investment of all state and federal workforce training and employment services funding streams and programs.
 - c) Reviewing and providing technical assistance of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the state to align workforce, education, training, and employment funding programs.
 - d) Developing and continuously improving the statewide workforce investment system.
 - e) Identifying regions, including planning regions and local areas, for the purposes of receiving federal funding.
 - f) Developing and continuously improving the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services.
 - g) Recommending strategies to the Governor for strategic training investments of the Governor's 15-percent discretionary funds.
 - h) Developing strategies to support staff training and awareness across programs supported under the workforce development system.
 - i) Developing and updating comprehensive state performance accountability measures.
 - j) Identifying and disseminating information on best practices.
 - k) Developing and reviewing statewide policies affecting the coordinated provision of services through the state's one-stop delivery system.
 - l) Developing strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system.

- m) Developing strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures.
 - n) Developing allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities to local areas.
 - o) Preparing annual reports.
 - p) Developing statewide workforce and labor market information systems.
 - q) Developing, in conjunction with the Employment Development Department and with input from local workforce development boards, a policy regarding mutual aid agreements between and among local workforce development boards to enable them to effectively respond to disasters.
 - r) Developing other policies as may promote statewide objectives for, and enhancing the performance of, the workforce development system.
 - s) Helping individuals with barriers to employment, including low-skill, low-wage workers, the long-term unemployed, and members of single-parent households, achieve economic security and upward mobility by implementing policies that encourage the attainment of marketable skills relevant to current labor market trends.
 - t) Evaluating program outcomes, including program participant outcomes for all grant programs administered by the CWDB, regardless of funding source. (Unemployment Insurance Code §14013)
- 2) Provides that all members of the CWDB are appointed by the Governor with representatives from each house of the Legislature, business representatives, representatives of the workforce, and government representatives. (Unemployment Insurance Code §14012)
- 3) Establishes the federal Workforce Innovation and Opportunity Act (WIOA) to require local workforce development boards (local boards) to be established in each area of the state to assist in planning, oversight, and evaluation of local workforce investment, perform various duties, and develop and submit to the Governor a comprehensive four-year local plan in partnership with the appropriate chief local elected official. (20 CFR Parts 603, 651, 652, et al.)
- 4) Requires local boards developing a local plan to, among other things, carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities, including education and training. (Unemployment Insurance Code §14206)
- 5) Requires local boards to develop and submit to the Governor a comprehensive four-year local plan to include, among other things, strategic planning elements, analyses of the workforce region and development activities, alignment of resources available to the local area, and a description of the one-stop delivery system. (Unemployment Insurance Code §14220-14222)

This bill:

- 1) Requires the CWDB to assist the Governor in partnering with the Labor Commissioner and other subject matter experts to develop workplace rights curricula to include, but not be limited to training regarding a worker's rights and protections relative to wage theft, sexual harassment, discrimination, right to organize, and health and safety.

- 2) Requires the CWDB to assist the Governor in partnering with the Labor Commissioner in providing the workplace rights curricula to all persons receiving individualized career services, supportive services, or training services through the California workforce system, including, but not limited to, those who receive either short-term prevocational services or who are engaged in workforce preparation activities.
- 3) Requires local workforce development boards to ensure workplace rights training to all individuals receiving individualized career services, supportive services, or training services through the California workforce system, including, but not limited to, all individuals who receive either short-term prevocational services or who are engaged in workforce preparation activities.
- 4) Requires local boards to include in their local plan a description of how they plan to comply with the workplace rights training requirement in this bill.
- 5) States the intent of the Legislature to ensure one-stop career services shall include, as part of any short-term prevocational services or workforce preparation activities, workplace rights training.

COMMENTS

1. Need for this bill?

This bill is consistent with the mission of the CWDB to promote the development of a well-educated and highly skilled workforce with fair compensation and treatment in the workplace. According to the author, “Low wage job seekers who find work through the career centers often find work in the same job sectors where labor law violations, like wage theft are most pronounced. According to a report from the Wage Claims Adjudication Unit of the Labor Commissioner’s Office, nearly 40 million dollars in wages were recovered in 2021. That same year a total of 18,609 claims were filed, representing approximately 60,700 alleged violations. These violations include unpaid minimum wages, unpaid overtime, meal and rest break violations, and a significant number of claims alleging failure to provide paid sick leave. A significant share of these wage claims were made in the restaurant and retail sectors where job seekers served through the state’s career centers are frequently placed after receiving job search and placement assistance.”

The federal Workforce Investment Act (WIA), later replaced by WIOA in 2014, was created to increase access to and opportunities for the employment, education, training, and support services workers need to succeed in the labor market. The CWDB was created to assist the Governor in coordinating with federal, state, and local entities to administer workforce training and education programs. Local workforce development boards bring together employers, community leaders, labor, education, policymakers, and the public to facilitate dialogue and respond to local workforce needs at the regional level. There are 45 workforce development boards within the 49 Local Workforce Development Areas throughout California, each tasked with ensuring those seeking work can access job placement and training services.

2. Proponent Arguments:

None received

3. Opponent Arguments:

None received

4. Prior Legislation:

AB 2148 (Mullin - Chapter 385, Statutes of 2014) required the CWDB to assist the Governor in the development of a workforce metrics dashboard to measure the labor market outcomes of specified workforce development programs, including federally funded WIOA Title I and Title II programs, Community College career education programs, the Employment Training Panel's incumbent worker training programs, and apprenticeship programs overseen by the Division of Apprenticeship Standards.

SB 734 (DeSaulnier – Chapter 498, Statutes of 2012) imposed requirements related to the expenditure of WIA funds on job training programs, including increasing WIA funds provided to local boards and requiring the Employment Development Department to monitor compliance.

SUPPORT

None received

OPPOSITION

None received

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