

House Bill 3669

Sponsored by Representative NGUYEN D

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes the goals of a workforce development program. (Flesch Readability Score: 61.3).

Expands the goals and purposes of the Prosperity 10,000 Program.

Requires the Higher Education Coordinating Commission to disburse funds appropriated for the purpose of administering the program to local workforce development boards within certain timelines.

A BILL FOR AN ACT

1
2 Relating to workforce development; amending ORS 660.380 and 660.385.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 660.380 is amended to read:

5 660.380. (1) The Prosperity 10,000 Program is established in the Higher Education Coordinating
6 Commission for the following purposes:

7 (a) To provide career coaching, occupational training and job placement services;

8 (b) To provide wraparound supports and services that are necessary to facilitate reengagement
9 **and advancement** in the workforce, including, but not limited to, transportation, child care and
10 rental assistance;

11 (c) To provide paid work experiences, including stipends and wages and other income supports
12 for individuals from priority populations; [*and*]

13 (d) To support targeted recruitment and **industry** engagement efforts[.]; **and**

14 (e) **To build pathways that support career advancement for incumbent workers by im-**
15 **proving job quality through on-the-job training grants, curriculum development and cus-**
16 **tomized training.**

17 (2) The goals of the Prosperity 10,000 Program are to:

18 (a) Include at least 10,000 total individuals who participate in the program[.];

19 (b) Improve the capacity and responsiveness of the public workforce system in this state by
20 providing assistance for workforce development program navigation, expanding access to
21 community-based career counseling and wraparound supports and services, and providing opportu-
22 nities to earn industry-recognized certificates, credentials and degrees through work-based learning
23 experiences[.];

24 (c) Ensure that services and benefits available through workforce programs are provided to in-
25 dividuals from priority populations[.];

26 (d) Provide increased access for priority populations to services and benefits available through
27 workforce programs[.];

28 (e) **Support employers and incumbent workers in high-growth industries by building**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **pathways that promote advancement in quality jobs, attained skills and wage and benefit**
 2 **earnings. As used in this paragraph, “high-growth industries” includes, but is not limited to,**
 3 **industry sectors such as clean energy, semiconductor manufacturing and broadband**
 4 **infrastructure, child care, behavioral and mental health, transportation and construction and**
 5 **other areas deemed essential by state and local workforce development boards for expanding**
 6 **economic and workforce development opportunities.**

7 [(e)] (f) Ensure that at least 50 percent of the individuals who participate in the program are
 8 women[;].

9 [(f)] (g) Ensure that at least 80 percent of the individuals who participate successfully complete
 10 the program[;].

11 [(g)] (h) Ensure that at least 75 percent of the individuals who **are unemployed at the time**
 12 **of enrollment** [*participate*] in the program successfully obtain employment **and earn at least \$17**
 13 **per hour.**[; and]

14 [(h)] *Ensure that at least 75 percent of the individuals who participate in the program earn at least*
 15 *\$17 per hour.*]

16 (i) **Ensure that incumbent workers participating in the program obtain transferable skills**
 17 **or credentials and increased earnings that amount to \$23 per hour or a percentage increase**
 18 **of _____, whichever is greater.**

19 (3)(a) The Prosperity 10,000 Program shall be administered by local workforce development
 20 boards. The local workforce development boards shall:

21 (A) Distribute resources and available funds to nonprofit community-based organizations, edu-
 22 cational institutions, labor organizations, **employers** and other workforce service providers to fa-
 23 cilitate the provision of workforce development services and wraparound supports to individuals who
 24 participate in the program;

25 (B) Coordinate with state workforce agencies and other workforce partners to expand regional
 26 community-based partnerships that work to support and sustain workforce development services and
 27 wraparound supports; and

28 (C) Connect with businesses and organizations in targeted industry sectors to identify training
 29 needs and ensure that business needs relating to a skilled workforce are met.

30 (b) An entity that collaborates with a local workforce development board to accomplish the
 31 workforce development activities described under this subsection shall, in accordance with ORS
 32 660.327, participate with local workforce development boards in developing a proposed local plan.

33 (4)(a) If an entity receives funds distributed from a local workforce development board under
 34 this section and provides paid work experience to individuals who participate in the program es-
 35 tablished under this section, the entity shall:

36 (A) Notwithstanding ORS 653.025 and subsection (2)(h) of this section, pay wages to individuals
 37 participating in the program at a rate that is:

38 (i) Equivalent to an entry-level training wage as determined by the entity pursuant to paragraph
 39 (b) of this subsection; and

40 (ii) In alignment with the wage progression schedule established by the entity under subpara-
 41 graph (B) of this paragraph;

42 (B) Establish a wage progression schedule that includes the step progression requirements and
 43 the rate calculation formula upon which the entity shall make determinations about a participating
 44 individual’s eligibility to increase the individual’s wage rate from an entry-level training wage to a
 45 wage rate that is equivalent to the average area wage standard for an hour’s work in the same trade

1 or occupation in the locality where the labor is performed;

2 (C) Develop a training plan for individuals participating in the program that includes, at a
3 minimum:

4 (i) The entry-level training wage that will be paid to the individual;

5 (ii) A statement that the individual shall be paid according to the wage progression schedule
6 established by the entity, along with a description of the requirements that the individual must meet
7 in order to progress to a higher wage rate under the wage progression schedule;

8 (iii) A statement that the entry-level training wage paid to the individual may not be less than
9 the federal minimum wage rate or the applicable state minimum wage rate, whichever is greater;
10 and

11 (iv) A statement explaining that the entry-level training wage paid to the individual is a mini-
12 mum standard and that a higher wage rate shall be paid to the individual if so required under other
13 applicable federal or state laws, regulations or a collective bargaining agreement; and

14 (D) Provide each individual participating in the program with a copy of the training plan de-
15 scribed in subparagraph (C) of this paragraph on the date on which the individual first begins par-
16 ticipating in the program.

17 (b) For purposes of paragraph (a)(A) of this subsection, the entry-level training wage shall be a
18 percentage amount of the average area wage standard for an hour's work in the same trade or oc-
19 cupation in the locality where the labor is performed, but in no event may the entry-level training
20 wage be less than the applicable state minimum wage rate under ORS 653.025.

21 (c) Each individual who performs work for an entity described in this subsection shall be con-
22 sidered an employee of the entity for purposes of state wage and hour laws and state laws prohib-
23 iting employment discrimination and retaliation.

24 (5)(a) As used in this subsection, "SNAP Employment and Training Program" means the em-
25 ployment and training component of the federal Supplemental Nutrition Assistance Program under
26 7 U.S.C. 2015(d)(4).

27 (b) To the extent possible, the Department of Human Services shall:

28 (A) Incorporate the Prosperity 10,000 Program into the statewide plan for the SNAP Employ-
29 ment and Training Program;

30 (B) Seek federal reimbursement for 50 percent of the Prosperity 10,000 Program's costs and for
31 other eligible activities as reported by the local workforce development boards;

32 (C) Refer individuals who receive supplemental nutrition assistance under ORS 411.806 to
33 411.845 to participate in the Prosperity 10,000 Program; and

34 (D) Distribute moneys received as reimbursement under subparagraph (B) of this paragraph to
35 local workforce development boards, not later than 60 days after the department receives an invoice
36 that is consistent with requirements under the SNAP Employment and Training Program, for rein-
37 vestment in workforce development and wraparound supports and services provided under the
38 Prosperity 10,000 Program.

39 (6) The State Workforce and Talent Development Board, in consultation with the Committee for
40 Continuous Improvement, shall:

41 (a) Oversee the progress of the Prosperity 10,000 Program;

42 (b) Ensure that program goals are met; and

43 (c) Identify areas for program improvement.

44 **SECTION 2.** ORS 660.385 is amended to read:

45 660.385. [(1)(a) Not later than 60 days following March 17, 2022, the Higher Education Coordi-

1 *nating Commission shall distribute the funds specifically appropriated to the commission under section*
2 *13, chapter 28, Oregon Laws 2022, to local workforce development boards to administer the Prosperity*
3 *10,000 Program.]*

4 **(1)(a) The Higher Education Coordinating Commission shall distribute the funds specif-**
5 **ically appropriated by the Legislative Assembly for the purpose of administering the Pros-**
6 **perity 10,000 Program to local workforce development boards to carry out such purposes, not**
7 **later than 60 days following receipt of the appropriated funds.**

8 (b) The commission shall distribute all moneys received [*from moneys made available under*
9 *sections 13 and 14, chapter 28, Oregon Laws 2022,*] to local workforce development boards using the
10 same formula as required under the federal Workforce Innovation and Opportunity Act (29 U.S.C.
11 3101 et seq.) for the allocation of funds to local workforce development boards.

12 (2) Each local workforce development board shall compile data on the progress made toward
13 carrying out the Prosperity 10,000 Program. The boards shall prepare and submit a joint report that
14 includes data, disaggregated by race, gender and geography, to the commission and the State
15 Workforce and Talent Development Board no later than October 31 of each year, in the manner
16 provided in ORS 192.245.

17 _____