

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 174

By: Standridge

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6 AS INTRODUCED

7 An Act relating to the Department of Labor;  
8 authorizing consolidation and administration of  
9 certain grants and programs relating to the federal  
10 Workforce Innovation and Opportunity Act and the  
11 State's Workforce Investment Board on certain date;  
12 creating the Division of the Office of Workforce  
13 Development in the Department of Labor; providing for  
14 administration and regulation by the Commissioner of  
15 Labor; providing Sunset date; creating the Office of  
16 Workforce Development Revolving Fund for the  
17 Department of Labor; providing for administration,  
18 funding and expenditures; directing the employment of  
19 a Division director and support staff; providing the  
20 director report to the Commissioner of Labor; making  
21 certain employees unclassified personnel of the  
22 Department of Labor; establishing powers and duties  
23 for the Division of the Office of Workforce  
24 Development; authorizing delegation of certain powers  
25 and duties for certain purpose; requiring  
26 promulgation of rules for the Division of the Office  
27 of Workforce Development; directing the Commissioner  
28 of Labor coordinate with the Governor's Council of  
29 Workforce Development and Economic Development, the  
30 Work-based Learning Program, and the Secretary of  
31 State for a comprehensive workforce development  
32 program; providing for codification; and providing an  
33 effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 5003.10f-1 of Title 74, unless  
3 there is created a duplication in numbering, reads as follows:

4 Beginning July 1, 2020, all state and federal grants relating to  
5 the federal Workforce Innovation and Opportunity Act and the  
6 authority of the State's Workforce Investment Board established by  
7 Section 5003.10d of Title 74 of the Oklahoma Statutes shall be  
8 administered by the Department of Labor for use and benefit of the  
9 Division of the Office of Workforce Development created in Section 2  
10 of this act and the Work-based Learning Program established in  
11 Section 5003.10e of Title 74 of the Oklahoma Statutes. Beginning on  
12 July 1, 2020, all state and local grant programs designed to further  
13 the development of employment opportunities and workforce training  
14 services in this state, except those relating to the Oklahoma  
15 Employment Security Commission, shall be consolidated under the  
16 authority of the Department of Labor, Division of the Office of  
17 Workforce Development, created in Section 2 of this act, for  
18 convenience to the citizens of this state who utilize these various  
19 programs and services and for expedited and efficient  
20 administration.

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 5003.10f-2 of Title 40, unless  
23 there is created a duplication in numbering, reads as follows:

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1           There is hereby created in the Department of Labor, the Division  
2 of the Office of Workforce Development, to continue until July 1,  
3 2026, in accordance with the Oklahoma Sunset Law. The Commissioner  
4 of Labor shall administer and regulate the Division of the Office of  
5 Workforce Development through the powers and duties set forth in  
6 this act and in the respective state and federal laws pertaining to  
7 the federal Workforce Innovation and Opportunity Act, and the  
8 authority of the State's Workforce Investment Board established by  
9 Section 5003.10d of Title 74 of the Oklahoma Statutes. The Division  
10 of the Office of Workforce Development shall coordinate its efforts  
11 and responsibilities with the Work-based Learning Program to  
12 establish a comprehensive workforce development program in this  
13 state. The Division of the Office of Workforce Development may also  
14 be known and called the Office of Workforce Development.

15           SECTION 3.       NEW LAW       A new section of law to be codified  
16 in the Oklahoma Statutes as Section 5003.10f-3 of Title 40, unless  
17 there is created a duplication in numbering, reads as follows:

18           There is hereby created in the State Treasury a revolving fund  
19 for the Department of Labor to be designated the "Workforce  
20 Development Revolving Fund". The fund shall be a continuing fund,  
21 not subject to fiscal year limitations, and shall consist of all  
22 monies received by the Department of Labor from federal Workforce  
23 Innovation and Opportunity Act funds, this State's Workforce  
24 Investment Board, also known as the Governor's Council For Workforce

1 and Economic Development funds allocated to workforce development  
2 and work-based learning programs, and all other sources of funds  
3 received for workforce development projects in this state whether  
4 allocated or collected from other state or local agency partners,  
5 grants, gifts, devises or fundraising efforts. All monies accruing  
6 to the credit of the fund are hereby appropriated and may be  
7 budgeted and expended by the Department of Labor for the purpose of  
8 supporting the Office of Workforce Development. Expenditures from  
9 the fund shall be made upon warrants issued by the State Treasurer  
10 against claims filed as prescribed by law with the Director of the  
11 Office of Management and Enterprise Services for approval and  
12 payment.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 5003.10f-4 of Title 40, unless  
15 there is created a duplication in numbering, reads as follows:

16 The Commissioner of Labor shall no later than March 1, 2020, and  
17 thereafter each time the position becomes vacant, hire a Director of  
18 the Office of Workforce Development and set his or her salary. The  
19 Director of the Office of Workforce Development shall report  
20 directly to the Commissioner of Labor on all aspects of the  
21 division's operations, grants, financial expenditures and programs  
22 developed. The Commissioner shall additionally establish full-time  
23 equivalent positions, define the duties and responsibilities of such  
24 personnel and hire such persons deemed necessary to administer the

1 Division of the Office of Workforce Development, subject to the  
2 division's budgetary limitations. All personnel hired for the  
3 Division of the Office of Workforce Development shall be  
4 unclassified employees of the Department of Labor and shall have  
5 those benefits afforded other unclassified employees of the  
6 Department of Labor.

7 SECTION 5. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 5003.10f5 of Title 40, unless  
9 there is created a duplication in numbering, reads as follows:

10 A. The Commissioner of Labor shall have the following powers,  
11 duties and responsibilities in establishing and administering the  
12 Division of the Office of Workforce Development:

13 1. Select and hire the Director of Office of Workforce  
14 Development and necessary support staff;

15 2. Administer the Division of the Office of Workforce  
16 Development and account for all funds allocated to or received and  
17 expended by the division;

18 3. Assure the allocation of federal Workforce Innovation and  
19 Opportunity Act funds awarded to the State of Oklahoma are properly  
20 secured and administered by the recipients in compliance with all  
21 regulations on such grant funds and law;

22 4. Determine and set budgets and monitor financial matters  
23 relating to the Division of the Office of Workforce Development and  
24 collect all funds owing, awarded or authorized to be received by the  
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1 Department of Labor for the Division of the Office of Workforce  
2 Development;

3 5. Determine workforce development areas to be served by the  
4 Office of Workforce Development throughout the network of local  
5 boards participating in the workforce development program;

6 6. Enter into contracts with local workforce development boards  
7 for the benefit of state and local workforce development programs  
8 and their clients;

9 7. Authorize and encourage other state agencies to cooperate  
10 and engage in workforce development programs with the Office of  
11 Workforce Development and through the network of local boards  
12 participating in workforce development and the Work-based Learning  
13 Program;

14 8. Develop cooperative contractual agreements with other  
15 agencies including, but not limited to, collection of, or sharing  
16 of, office space expense and sharing of personnel or  
17 responsibilities, or allowing placement of other agency personnel  
18 into the Office of Workforce Development for purposes of furthering  
19 the efficiency and benefits to the Office of Workforce Development  
20 and mutual agency partner client access. These agreements are to be  
21 used for those state or local agencies desiring to become resource  
22 partners in workforce development programs through the Office of  
23 Workforce Development and each must bring adequate support,  
24 resources and expertise beneficial to the Office of Workforce

1 Development and the citizens of this state. Any placement of other  
2 agency personnel within the Office of Workforce Development shall be  
3 authorized, without the requirement or approval of the Office of  
4 Management and Enterprise Services, space and personnel sharing by  
5 agreement with the Office of Workforce Development and the  
6 participating agency;

7 9. Develop agency sharing agreements authorizing other agency  
8 resource partners with personnel placed within the Office of  
9 Workforce Development or its network of local boards to use the  
10 division's infrastructure and resources without establishing a  
11 method of separate billing or allocation of costs to such agency  
12 partner, except as agreed in the mutual cooperative contractual  
13 agreement for workforce development. Such sharing agreements may  
14 include, but are not limited to, telephone service, Internet  
15 services, technical support, computer systems and equipment, office  
16 equipment, furniture and supplies;

17 10. Coordinate with the Oklahoma Employment Security Commission  
18 to secure necessary support and research data for servicing,  
19 reporting and providing workforce development programs and services  
20 to clients and partner resource agencies as required to comply with  
21 grants and obligations of services;

22 11. Enter into contracts for various support personnel and  
23 services, local offices and boards, and other necessary services of  
24 the Office of Workforce Development;

1           12. Develop methods and responsibilities for tracking,  
2 utilizing and reporting the receipt, allocation and expenditure of  
3 all state, local and federal funds including, but not limited to,  
4 all grant, gift and earned funds through the initial receipt of such  
5 funds through the actual percentage of funds used in training,  
6 administration, client-based initiatives and services, assessments,  
7 and allocation to local programs or boards for workforce development  
8 projects;

9           13. Develop methods for processing cash advances from federal  
10 Workforce Innovation and Opportunity Act Title 1 funds and other  
11 funds and the methods to process and manage cash flow to control,  
12 protect and regulate circulating cash and grant funds;

13           14. Develop agreements and rules for contracting with the  
14 Department of Human Services to afford its TANF and SNAP clients to  
15 receive various workforce and work-based learning services through  
16 the Office of Workforce Development's network of local workforce  
17 development boards;

18           15. Develop agreements with the Department of Human Services  
19 for the placement of childcare subsidy workers and emergency SNAP  
20 workers into the Office of Workforce Development's network of local  
21 boards to facilitate better client services;

22           16. Approve plans for employment and training programs  
23 including, but not limited to, evaluation and allocation of  
24 resources, preparing contractual agreements between agency resource

1 partners or other agencies including, but not limited to, the  
2 Department of Rehabilitation Services, the Oklahoma Employment  
3 Security Commission, the Department of Human Services, the  
4 Department of Commerce, the State Department of Career and  
5 Technology Education, the Department of Corrections, the State  
6 Department of Education, the Work-based Learning program, and the  
7 Secretary of State;

8 17. Set standards for equality and fair access to workforce  
9 development programs by the citizens of this state;

10 18. Convene industry partners, whether public or private, for  
11 training and participation in resource allocation and workforce  
12 development programs; and

13 19. Prioritize expenditures, programs, and resources for the  
14 Office of Workforce Development to meet its goals and duties for  
15 workforce development and employment opportunities.

16 B. The Commissioner is authorized to delegate any of the duties  
17 and responsibilities directly to the Director of the Division of the  
18 Office of Workforce Development.

19 C. The Office of the Attorney General shall provide contractual  
20 legal services upon request to the Department of Labor, Division of  
21 the Office of Workforce Development on all matters relating to  
22 federal grants, funding, governmental agreements, public-private  
23 partnerships, sharing governmental resources and all applicable laws  
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1 relating to the Department of Labor administering workforce  
2 development programs.

3 D. The Commissioner of Labor shall establish and coordinate all  
4 Division of the Office of Workforce Development with the Governor's  
5 Council For Workforce and Economic Development, which is recognized  
6 as the State's Workforce Investment Board for purposes of federal  
7 Workforce Innovation and Opportunity Act funds, the Work-based  
8 Learning Program and the Secretary of State to form a comprehensive  
9 Office of Workforce Development program in this state.

10 E. The Commissioner of Labor shall promulgate rules, procedures  
11 and forms to establish, implement, regulate, administer and enforce  
12 the provisions of this act and all applicable laws and rules  
13 relating to the Division of the Office of Workforce Development and  
14 its responsibilities for workforce development in this state.

15 SECTION 6. This act shall become effective November 1, 2019.

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