

1                   **WORKFORCE DEVELOPMENT PROGRAMS REPORTING**

2                                   **REQUIREMENTS**

3   2018 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Rebecca P. Edwards**

6                                   Senate Sponsor: \_\_\_\_\_

---

7

8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies provisions related to the annual reporting requirements of the  
11 Department of Workforce Services, the Governor's Office of Economic Development,  
12 and the Governor's Office of Management and Budget.

13                   **Highlighted Provisions:**

14                   This bill:

15                   ▶ requires that the Department of Workforce Services, the Governor's Office of  
16 Economic Development, and the Governor's Office of Management and Budget  
17 provide in their annual reports data and metrics that are consistent and comparable  
18 for each state operation, activity, program, or service that primarily involves  
19 employment training or placement, as determined by the executive directors of the  
20 three departments or offices named above.

21                   **Money Appropriated in this Bill:**

22                   None

23                   **Other Special Clauses:**

24                   None

25                   **Utah Code Sections Affected:**

26                   AMENDS:

27                   **35A-1-109**, as enacted by Laws of Utah 2014, Chapter 371



- 28           **35A-1-201**, as last amended by Laws of Utah 2014, Chapter 371
- 29           **63J-4-301**, as last amended by Laws of Utah 2013, Chapter 310
- 30           **63J-4-708**, as enacted by Laws of Utah 2017, Chapter 253
- 31           **63N-1-203**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 32           **63N-1-301**, as renumbered and amended by Laws of Utah 2015, Chapter 283

---

34 *Be it enacted by the Legislature of the state of Utah:*

35           Section 1. Section **35A-1-109** is amended to read:

36           **35A-1-109. Annual report -- Content -- Format.**

37           (1) The department shall prepare and submit to the governor and the Legislature, by  
 38 October 1 of each year, an annual written report of the operations, activities, programs, and  
 39 services of the department, including its divisions, offices, boards, commissions, councils, and  
 40 committees, for the preceding fiscal year.

41           (2) For each operation, activity, program, or service provided by the department, the  
 42 annual report shall include:

43           (a) a description of the operation, activity, program, or service;

44           (b) data and metrics:

45           (i) selected and used by the department to measure progress, performance, and scope of  
 46 the operation, activity, program, or service, including summary data; and

47           (ii) that are consistent and comparable for each state operation, activity, program, or  
 48 service that primarily involves employment training or placement as determined by the  
 49 executive directors of the department, the Governor's Office of Economic Development, and  
 50 the Governor's Office of Management and Budget;

51           (c) budget data, including the amount and source of funding, expenses, and allocation  
 52 of full-time employees for the operation, activity, program, or service;

53           (d) historical data from previous years for comparison with data reported under  
 54 Subsections (2)(b) and (c);

55           (e) goals, challenges, and achievements related to the operation, activity, program, or  
 56 service;

57           (f) relevant federal and state statutory references and requirements;

58           (g) contact information of officials knowledgeable and responsible for each operation,

59 activity, program, or service; and

60 (h) other information determined by the department that:

61 (i) may be needed, useful, or of historical significance; or

62 (ii) promotes accountability and transparency for each operation, activity, program, or  
63 service with the public and elected officials.

64 (3) The annual report shall be designed to provide clear, accurate, and accessible  
65 information to the public, the governor, and the Legislature.

66 (4) The department shall:

67 (a) submit the annual report in accordance with Section 68-3-14; and

68 (b) make the annual report, and previous annual reports, accessible to the public by  
69 placing a link to the reports on the department's website.

70 Section 2. Section 35A-1-201 is amended to read:

71 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**  
72 **Qualifications -- Responsibilities -- Deputy directors.**

73 (1) (a) The chief administrative officer of the department is the executive director, who  
74 is appointed by the governor with the consent of the Senate.

75 (b) The executive director serves at the pleasure of the governor.

76 (c) The executive director shall receive a salary established by the governor within the  
77 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

78 (d) The executive director shall be experienced in administration, management, and  
79 coordination of complex organizations.

80 (2) The executive director shall:

81 (a) administer and supervise the department in compliance with Title 67, Chapter 19,  
82 Utah State Personnel Management Act;

83 (b) supervise and coordinate between the economic service areas and directors created  
84 under Chapter 2, Economic Service Areas;

85 (c) coordinate policies and program activities conducted through the divisions and  
86 economic service areas of the department;

87 (d) approve the proposed budget of each division, the Workforce Appeals Board, and  
88 each economic service area within the department;

89 (e) approve all applications for federal grants or assistance in support of any

90 department program; [~~and~~]

91 (f) coordinate with the executive directors of the Governor's Office of Economic  
92 Development and the Governor's Office of Management and Budget to identify data and  
93 metrics to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

94 [~~(f)~~] (g) fulfill such other duties as assigned by the Legislature or as assigned by the  
95 governor that are not inconsistent with this title.

96 (3) The executive director may appoint deputy or assistant directors to assist the  
97 executive director in carrying out the department's responsibilities.

98 (4) The executive director shall at least annually provide for the sharing of information  
99 between the advisory councils established under this title.

100 Section 3. Section **63J-4-301** is amended to read:

101 **63J-4-301. Duties of the executive director and office.**

102 (1) The executive director and the office shall:

103 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary  
104 Procedures Act;

105 (b) under the direct supervision of the governor, assist the governor in the preparation  
106 of the governor's budget recommendations;

107 (c) advise the governor with regard to approval or revision of agency work programs as  
108 specified in Section 63J-1-209;

109 (d) establish benchmarking practices for measuring operational costs, quality of  
110 service, and effectiveness across all state agencies and programs;

111 (e) assist agencies with the development of an operational plan that uses continuous  
112 improvement tools and operational metrics to increase statewide capacity and improve  
113 interagency integration;

114 (f) review and assess agency budget requests and expenditures using a clear set of goals  
115 and measures;

116 (g) develop and maintain enterprise portfolio and electronic information systems to  
117 select and oversee the execution of projects, ensure a return on investment, and trace and report  
118 performance metrics; [~~and~~]

119 (h) coordinate with the executive directors of the Department of Workforce Services  
120 and the Governor's Office of Economic Development to identify data and metrics to be

121 reported to the Legislature as described in Subsection 63J-4-708(2)(d); and

122 ~~[(h)]~~ (i) perform other duties and responsibilities as assigned by the governor.

123 (2) (a) The executive director of the Governor's Office of Management and Budget or  
124 the executive director's designee is the Federal Assistance Management Officer.

125 (b) In acting as the Federal Assistance Management Officer, the executive director or  
126 designee shall:

127 (i) study the administration and effect of federal assistance programs in the state and  
128 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and  
129 the Executive Appropriations Committee, of alternative recommended methods and procedures  
130 for the administration of these programs;

131 (ii) assist in the coordination of federal assistance programs that involve or are  
132 administered by more than one state agency; and

133 (iii) analyze and advise on applications for new federal assistance programs submitted  
134 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

135 Section 4. Section **63J-4-708** is amended to read:

136 **63J-4-708. Reporting.**

137 (1) On or before October 1, the board shall provide an annual written report to the  
138 Social Services Appropriations Subcommittee and the Economic Development and Workforce  
139 Services Interim Committee.

140 (2) The written report shall include:

141 (a) information regarding the fiscal intermediary, the programmatic intermediary, the  
142 eligible program provider, and the independent evaluator that have been selected;

143 (b) the results of the feasibility analysis conducted in accordance with Section  
144 [63J-4-706](#);

145 (c) information regarding how many eligible participants have been served by the  
146 education, employability training, and workforce placement program;

147 (d) data and metrics:

148 (i) used to measure the progress, performance, and scope of the Employability to  
149 Careers Program, including summary data; and

150 (ii) that are consistent and comparable for each state operation, activity, program, or  
151 service that primarily involves employment training or placement as determined by the

152 executive directors of the office, the Department of Workforce Services, and the Governor's  
153 Office of Economic Development;

154 ~~[(d)]~~ (e) a description of program expenses, including what payments have been made  
155 to the intermediary and the cost to the state for each successful eligible participant outcome;  
156 and

157 ~~[(e)]~~ (f) recommendations to the Legislature on any potential improvements to the  
158 Employability to Careers Program, including whether the program should continue to receive  
159 funding from the state.

160 Section 5. Section **63N-1-203** is amended to read:

161 **63N-1-203. Powers and duties of executive director.**

162 (1) Unless otherwise expressly provided by statute, the executive director may organize  
163 the office in any appropriate manner, including the appointment of deputy directors of the  
164 office.

165 (2) The executive director may consolidate personnel and service functions for  
166 efficiency and economy in the office.

167 (3) The executive director, with the approval of the governor:

168 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal  
169 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

170 (b) may enter into a lawful contract or agreement with another state, a chamber of  
171 commerce organization, a service club, or a private entity; and

172 (c) shall annually prepare and submit to the governor a budget of the office's financial  
173 requirements.

174 (4) With the governor's approval, if a federal program requires the expenditure of state  
175 funds as a condition for the state to participate in a fund, property, or service, the executive  
176 director may expend necessary funds from money provided by the Legislature for the use of the  
177 office.

178 (5) The executive director shall coordinate with the executive directors of the  
179 Department of Workforce Services and the Governor's Office of Management and Budget to  
180 identify data and metrics to be reported to the Legislature as described in Subsection  
181 63N-1-301(2)(b).

182 Section 6. Section **63N-1-301** is amended to read:

183           **63N-1-301. Annual report -- Content -- Format.**

184           (1) The office shall prepare and submit to the governor and the Legislature, by October  
185 1 of each year, an annual written report of the operations, activities, programs, and services of  
186 the office, including the divisions, sections, boards, commissions, councils, and committees  
187 established under this title, for the preceding fiscal year.

188           (2) For each operation, activity, program, or service provided by the office, the annual  
189 report shall include:

190           (a) a description of the operation, activity, program, or service;

191           (b) data and metrics:

192           (i) selected and used by the office to measure progress, performance, and scope of the  
193 operation, activity, program, or service, including summary data; and

194           (ii) that are consistent and comparable for each state operation, activity, program, or  
195 service that primarily involves employment training or placement as determined by the  
196 executive directors of the office, the Department of Workforce Services, and the Governor's  
197 Office of Management and Budget;

198           (c) budget data, including the amount and source of funding, expenses, and allocation  
199 of full-time employees for the operation, activity, program, or service;

200           (d) historical data from previous years for comparison with data reported under  
201 Subsections (2)(b) and (c);

202           (e) goals, challenges, and achievements related to the operation, activity, program, or  
203 service;

204           (f) relevant federal and state statutory references and requirements;

205           (g) contact information of officials knowledgeable and responsible for each operation,  
206 activity, program, or service; and

207           (h) other information determined by the office that:

208           (i) may be needed, useful, or of historical significance; or

209           (ii) promotes accountability and transparency for each operation, activity, program, or  
210 service with the public and elected officials.

211           (3) The annual report shall be designed to provide clear, accurate, and accessible  
212 information to the public, the governor, and the Legislature.

213           (4) The office shall:

- 214           (a) submit the annual report in accordance with Section [68-3-14](#); and  
215           (b) make the annual report, and previous annual reports, accessible to the public by  
216 placing a link to the reports on the office's website.

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**