

1 **DEPARTMENT OF WORKFORCE SERVICES' REGIONAL**
2 **WORKFORCE SERVICE AREAS AMENDMENTS**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Patricia W. Jones**

6 House Sponsor: James A. Dunnigan

7 Cosponsors: Mark B. Madsen Ralph Okerlund

8
9 **LONG TITLE**

10 **General Description:**

11 This bill modifies provisions of the Utah Workforce Services Code related to Regional
12 Workforce Service Areas.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ replaces regional workforce service areas and councils with economic service areas
- 16 within the Department of Workforce Services;
- 17 ▶ provides that the department's executive director has jurisdiction over each
- 18 economic service area;
- 19 ▶ modifies the composition of the State Council on Workforce Services;
- 20 ▶ provides that economic service area directors shall develop economic service area
- 21 plans;
- 22 ▶ provides for advisory groups to assist economic service area directors;
- 23 ▶ provides that services previously provided at regional workforce service areas shall
- 24 be provided in economic service areas through their employment centers; and
- 25 ▶ makes certain technical changes.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **35A-1-102**, as last amended by Laws of Utah 2002, Chapter 58
- 33 **35A-1-201**, as last amended by Laws of Utah 2002, Chapter 176
- 34 **35A-1-202**, as last amended by Laws of Utah 2005, Chapter 81
- 35 **35A-1-203**, as last amended by Laws of Utah 1997, Chapter 375
- 36 **35A-1-206**, as last amended by Laws of Utah 2010, Chapter 286
- 37 **35A-1-207**, as last amended by Laws of Utah 1997, Chapter 375
- 38 **35A-2-101**, as last amended by Laws of Utah 2000, Chapter 318
- 39 **35A-2-102**, as last amended by Laws of Utah 1997, Chapter 375
- 40 **35A-2-103**, as last amended by Laws of Utah 2010, Chapter 286
- 41 **35A-2-201**, as last amended by Laws of Utah 1998, Chapter 1
- 42 **35A-2-202**, as last amended by Laws of Utah 1999, Chapter 21
- 43 **35A-2-203**, as last amended by Laws of Utah 1998, Chapter 1
- 44 **35A-3-115**, as last amended by Laws of Utah 2010, Chapters 277 and 278

45

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

47 Section 1. Section **35A-1-102** is amended to read:

48 **35A-1-102. Definitions.**

49 Unless otherwise specified, as used in this title:

50 (1) "Client" means an individual who the department has determined to be eligible for
51 services or benefits under:

- 52 (a) Chapter 3, Employment Support Act; and
- 53 (b) Chapter 5, Training and Workforce Improvement Act.

54 ~~[(2) "Consortium of counties" means an organization composed of all the counties
55 within a regional workforce services area designated under Section 35A-2-101:]~~

56 ~~[(a) in which representatives of county government consisting of county
57 commissioners, county council members, county executives, or county mayors jointly comply~~

58 with this title in working with the executive director of the department regarding regional
59 workforce services areas; and]

60 [(b) (i) that existed as of July 1, 1997; or]

61 [(ii) that is created on or after July 1, 1997, with the approval of the executive director.]

62 [(3)] (2) "Department" means the Department of Workforce Services created in Section
63 35A-1-103.

64 (3) "Economic service area" means an economic service area established in accordance
65 with Chapter 2, Economic Service Areas.

66 (4) "Employment assistance" means services or benefits provided by the department
67 under:

68 (a) Chapter 3, Employment Support Act; and

69 (b) Chapter 5, Training and Workforce Improvement Act.

70 (5) "Employment center" is a location in [~~a regional workforce services~~] an economic
71 service area where the services provided by [~~a regional workforce services~~] an economic
72 service area under Section 35A-2-201 may be accessed by a client.

73 (6) "Employment counselor" means an individual responsible for developing an
74 employment plan and coordinating the services and benefits under this title in accordance with
75 Chapter 2, [~~Regional Workforce Services~~] Economic Service Areas.

76 (7) "Employment plan" means a written agreement between the department and a client
77 that describes:

78 (a) the relationship between the department and the client;

79 (b) the obligations of the department and the client; and

80 (c) the result if an obligation is not fulfilled by the department or the client.

81 (8) "Executive director" means the executive director of the department appointed
82 under Section 35A-1-201.

83 (9) "Public assistance" means:

84 (a) services or benefits provided under Chapter 3, Employment Support Act;

85 (b) medical assistance provided under Title 26, Chapter 18, Medical Assistance Act;

86 (c) foster care maintenance payments provided from the General Fund or under Title
87 IV-E of the Social Security Act;

88 (d) food stamps; and

89 (e) any other public funds expended for the benefit of a person in need of financial,
90 medical, food, housing, or related assistance.

91 [~~(10) "Regional workforce services area" means a regional workforce services area
92 established in accordance with Chapter 2, Regional Workforce Services Areas.~~]

93 [(H)] (10) "Stabilization" means addressing the basic living, family care, and social or
94 psychological needs of the client so that the client may take advantage of training or
95 employment opportunities provided under this title or through other agencies or institutions.

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

97 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
98 **Qualifications -- Responsibilities -- Deputy directors -- Reports.**

99 (1) (a) The chief administrative officer of the department is the executive director, who
100 [~~shall be~~] is appointed by the governor with the consent of the Senate.

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

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

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

106 (2) The executive director shall:

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

109 (b) supervise and coordinate between the [~~regional workforce services~~] economic
110 service areas and [~~regional~~] directors created under Chapter 2, [~~Regional Workforce Services~~]
111 Economic Service Areas;

112 (c) coordinate policies and program activities conducted through the divisions and
113 [~~regional workforce services~~] economic service areas of the department;

114 (d) approve the proposed budget of each division, the Workforce Appeals Board, and
115 each [~~regional workforce services~~] economic service area within the department;

116 (e) approve all applications for federal grants or assistance in support of any
117 department program; and

118 (f) fulfill such other duties as assigned by the Legislature or as assigned by the
119 governor that are not inconsistent with this title.

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

122 (4) (a) The executive director shall report annually to the Legislature and the governor
123 concerning the operations of the department and the programs that the department administers.

124 (b) If federal law requires that a report to the governor or Legislature be given
125 concerning the department or a program administered by the department, the executive director
126 or the executive director's designee shall make that report.

127 (5) The executive director shall at least annually provide for the sharing of information
128 between the advisory councils established under this title.

129 Section 3. Section **35A-1-202** is amended to read:

130 **35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,**
131 **Child Care Advisory Committee, and economic service areas.**

132 (1) There is created within the department the following divisions:

133 (a) the Employment Development Division to administer the development and
134 implementation of employment assistance programs that are:

135 (i) related to the operations of the department; and

136 (ii) consistent with federal and state law;

137 (b) to administer those services that are not delivered through the [~~regional workforce~~
138 ~~services~~] economic service areas:

139 (i) the Workforce Development and Information Division; and

140 (ii) the Unemployment Insurance Division; and

141 (c) the Division of Adjudication to adjudicate claims or actions in accordance with this

142 title.

143 (2) In addition to the divisions created under this section, within the department are the
144 following:

- 145 (a) the Workforce Appeals Board created in Section 35A-1-205;
- 146 (b) the State Council on Workforce Services created in Section 35A-1-206;
- 147 (c) the Employment Advisory Council created in Section 35A-4-502;
- 148 (d) the Child Care Advisory Committee created in Section 35A-3-205; and
- 149 (e) the ~~[regional workforce services areas and councils]~~ economic service areas created
150 in accordance with Chapter 2, ~~[Regional Workforce Services]~~ Economic Service Areas.

151 Section 4. Section **35A-1-203** is amended to read:

152 **35A-1-203. Executive director -- Jurisdiction over division and economic service**
153 **area directors -- No jurisdiction over Workforce Appeals Board -- Authority.**

154 (1) The executive director has administrative jurisdiction over each division and
155 ~~[regional workforce services]~~ economic service area.

156 (2) To effectuate greater statewide efficiency and local flexibility in the
157 implementation of programs, the executive director shall coordinate with the directors of the
158 divisions and the directors of the ~~[regional workforce services]~~ economic service areas.

159 ~~[(3) The executive director shall consult with the applicable consortium of counties in
160 developing management systems, administrative processes, and jurisdictions of the regional
161 workforce services area. The management systems, administrative processes, and jurisdictions
162 shall comply with Title 67, Chapter 19, Utah State Personnel Management Act.]~~

163 ~~[(4)]~~ (3) To effectuate greater efficiency and economy in the operations of the
164 department, the executive director may:

165 (a) make changes in personnel and service functions in the divisions and ~~[regional~~
166 ~~workforce services]~~ economic service areas under the executive director's administrative
167 jurisdiction; and

168 (b) authorize designees to perform appropriate responsibilities.

169 ~~[(5)]~~ (4) (a) The executive director has no jurisdiction over the Workforce Appeals

170 Board except as provided in Subsection ~~[(5)]~~ (4)(b).

171 (b) The executive director shall:

172 (i) approve the budget of the Workforce Appeals Board;

173 (ii) provide the necessary staff support to the Workforce Appeals Board; and

174 (iii) make rules necessary for the operations of the Workforce Appeals Board and the
175 efficiency of the adjudicative process as a whole in accordance with Section 35A-1-303.

176 ~~[(6)]~~ (5) To facilitate management of the department, the executive director may
177 establish offices necessary to implement this title or to perform functions such as budgeting,
178 planning, data processing, and personnel administration.

179 Section 5. Section 35A-1-206 is amended to read:

180 **35A-1-206. State Council on Workforce Services -- Appointment -- Membership**
181 **-- Terms of members -- Compensation.**

182 (1) There is created a State Council on Workforce Services that shall:

183 (a) perform the activities described in Subsection (8);

184 (b) advise on issues requested by the department and the Legislature; and

185 (c) make recommendations to the department regarding:

186 (i) the implementation of Chapters 2, ~~[Regional Workforce Services]~~ Economic
187 Service Areas, 3, Employment Support Act, and 5, Training and Workforce Improvement Act;
188 and

189 (ii) the coordination of apprenticeship training.

190 (2) (a) The council shall consist of the following voting members:

191 ~~[(i) each chair of a regional workforce services council appointed under Section~~
192 ~~35A-2-103;]~~

193 (i) a private sector representative from each economic service area as designated by the
194 economic service area director;

195 (ii) the superintendent of public instruction or the superintendent's designee;

196 (iii) the commissioner of higher education or the commissioner's designee; and

197 (iv) the following members appointed by the governor in consultation with the

198 executive director:

199 (A) four representatives of small employers as defined by rule by the department;

200 (B) four representatives of large employers as defined by rule by the department;

201 (C) four representatives of employees or employee organizations, including at least one
202 representative from nominees suggested by public employees organizations;

203 (D) two representatives of the clients served under this title including
204 community-based organizations;

205 (E) a representative of veterans in the state; [~~and~~]

206 (F) the executive director of the Utah State Office of Rehabilitation[~~;~~]; and

207 (G) the Applied Technology College president.

208 (b) The following shall serve as nonvoting ex officio members of the council:

209 (i) the executive director or the executive director's designee;

210 (ii) a legislator appointed by the governor from nominations of the speaker of the
211 House of Representatives and president of the Senate;

212 (iii) the executive director of the Department of Human Services;

213 (iv) the director of the Governor's Office of Economic Development or the director's
214 designee; and

215 (v) the executive director of the Department of Health.

216 (3) (a) The governor shall appoint one nongovernmental member from the council [~~to~~
217 ~~be~~] as the chair of the council.

218 (b) The chair shall serve at the pleasure of the governor.

219 (4) (a) A member appointed by the governor shall serve a term of four years and may
220 be reappointed to one additional term.

221 (b) A member shall continue to serve until the member's successor has been appointed
222 and qualified.

223 (c) Except as provided in Subsection (4)(d), as terms of council members expire, the
224 governor shall appoint each new member or reappointed member to a four-year term.

225 (d) Notwithstanding the requirements of Subsection (4)(c), the governor shall, at the

226 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
227 council members are staggered so that approximately one half of the council is appointed every
228 two years.

229 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
230 appointed for the unexpired term.

231 (5) A majority of the voting members constitutes a quorum for the transaction of
232 business.

233 (6) A member may not receive compensation or benefits for the member's service, but
234 may receive per diem and travel expenses in accordance with:

235 (a) Section 63A-3-106;

236 (b) Section 63A-3-107; and

237 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
238 63A-3-107.

239 (7) The department shall provide staff and administrative support to the council at the
240 direction of the executive director.

241 (8) The council shall:

242 (a) develop a state workforce services plan in accordance with Section 35A-1-207;

243 (b) review [~~regional workforce services~~] economic service area plans to certify
244 consistency with state policy guidelines;

245 [~~(c) work cooperatively with regional councils on workforce services to oversee~~
246 ~~regional workforce services area operations and to ensure that services are being delivered in~~
247 ~~accordance with regional workforce services plans;~~]

248 [~~(d) oversee the department's provision of technical assistance to the regional~~
249 ~~workforce services areas;~~]

250 [~~(e) evaluate program performance, customer satisfaction, and other indicators to~~
251 ~~identify program strengths and weaknesses;~~]

252 [~~(f) based on the evaluation conducted under Subsection (8)(e) develop plans to~~
253 ~~improve program outcomes;~~]

254 [(g)] (c) improve the understanding and visibility of state workforce services efforts
255 through external and internal marketing strategies;

256 [(h)] (d) make an annual report of accomplishments to the governor and the Legislature
257 related to the activities of the department;

258 [(i)] (e) issue other studies, reports, or documents the council considers advisable that
259 are not required under Subsection (8)[(h)](d);

260 [(j)] (f) coordinate the planning and delivery of workforce development services with
261 public education, higher education, vocational rehabilitation, and human services; and

262 [(k)] (g) perform other responsibilities within the scope of workforce services as
263 requested by:

264 (i) the Legislature;

265 (ii) the governor; or

266 (iii) the executive director.

267 Section 6. Section 35A-1-207 is amended to read:

268 **35A-1-207. State workforce services plan -- Economic service area plans.**

269 (1) The State Council on Workforce Services shall annually develop a state workforce
270 services plan that shall include:

271 (a) a mechanism for getting consumer and public feedback on department programs in
272 each economic service area;

273 (b) projected analysis of the workforce needs of employers and clients;

274 [(b)] (c) policy standards in programs and process when required by statute or
275 considered necessary by the council that ensure statewide program consistency among [~~regional~~
276 ~~workforce services~~] economic service areas;

277 [(c)] (d) state outcome-based standards for measuring program performance to ensure
278 equitable service to all clients;

279 [(d)] (e) state oversight systems to review [~~regional~~] economic service area compliance
280 with state policies;

281 [(e)] (f) elements of [~~regional workforce services~~] economic service area plans that

282 relate to statewide initiatives and programs;

283 ~~[(f)]~~ (g) strategies to ensure program responsiveness, universal access, unified case
284 management;

285 ~~[(g)]~~ (h) strategies to eliminate unnecessary barriers to access services; and

286 ~~[(h)]~~ (i) strategies to provide assistance to employees facing employment dislocation
287 and their employers.

288 (2) (a) ~~[Regional councils on workforce services]~~ Economic service area directors shall
289 annually develop ~~[a regional workforce services]~~ an economic service area plan to be followed
290 ~~[by the regional director]~~ in administering services.

291 (b) The plan shall include:

292 ~~[(a)]~~ (i) a projected analysis of the ~~[regional]~~ economic service area workforce needs of
293 employers and clients;

294 ~~[(b)]~~ (ii) assurances that state policy standards will be incorporated into the ~~[regional~~
295 ~~workforce services]~~ economic service area design;

296 ~~[(c) a regional]~~ (iii) an economic service area budget outlining administration and
297 customer support and services expenditures;

298 ~~[(d)]~~ (iv) the location of employment centers and staff levels to deliver services;

299 ~~[(e)]~~ (v) the services to be provided including assessment and support services, job
300 training options, job placement, and employer outreach;

301 ~~[(f)]~~ (vi) identification of targeted occupations for which training will be approved;

302 ~~[(g) regional]~~ (vii) economic service area outcome-based performance standards that
303 ensure equitable services to all clients;

304 ~~[(h) regional]~~ (viii) economic service area oversight processes that include a process to
305 evaluate program effectiveness and develop plans to improve programs;

306 ~~[(i)]~~ (ix) internal and external marketing strategies to improve the understanding and
307 visibility of ~~[regional workforce service]~~ economic service area efforts;

308 ~~[(j)]~~ (x) coordination of apprenticeship training; and

309 ~~[(k)]~~ (xi) strategies to provide assistance to employees facing employment dislocation

310 and their employers.

311 ~~[(3) For purposes of this section, outcome measures shall:]~~

312 ~~[(a) be based on:]~~

313 ~~[(i) clients;]~~

314 ~~[(ii) quality of service; and]~~

315 ~~[(iii) successful resolution of issues that result in long-term employment for potential~~
316 ~~employees and a qualified workforce for employers; and]~~

317 ~~[(b) include:]~~

318 ~~[(i) unemployment rates;]~~

319 ~~[(ii) placement rates;]~~

320 ~~[(iii) number of employees placed that are still employed after 12 months; and]~~

321 ~~[(iv) changes in participation in employment assistance programs.]~~

322 ~~[(4) In targeting occupations under Subsection (2)(f), the council shall consider:]~~

323 ~~[(a) wages;]~~

324 ~~[(b) benefits;]~~

325 ~~[(c) the full range of potential employee or employer needs;]~~

326 ~~[(d) economic development initiatives; and]~~

327 ~~[(e) any other issues the council considers appropriate.]~~

328 Section 7. Section **35A-2-101** is amended to read:

329 **CHAPTER 2. ECONOMIC SERVICE AREAS**

330 **35A-2-101. Economic service areas -- Creation.**

331 (1) (a) The executive director ~~[jointly with the Utah Association of Counties]~~ shall
332 establish ~~[regional workforce services]~~ economic service areas to furnish the services described
333 in Section 35A-2-201.

334 (b) In establishing ~~[regional workforce services]~~ economic service areas, the executive
335 director ~~[and the Utah Association of Counties]~~ shall seek input from:

336 (i) state and local government agencies and departments;

337 (ii) the groups representing public employees;

338 (iii) employers, business, education, and other entities affected by the structure of the
339 [~~regional workforce services~~] economic service areas; and

340 (iv) the general public.

341 (2) In establishing the [~~regional workforce services~~] economic service areas, the
342 executive director [~~and the Utah Association of Counties~~] shall consider:

343 (a) areas comprised of multiple counties;

344 (b) the alignment of transportation and other infrastructure or services;

345 (c) the interdependence of the economy within a geographic area;

346 (d) the ability to develop regional marketing and economic development programs;

347 (e) the labor market areas;

348 (f) the population of the area, as established in the most recent estimate by the Utah
349 Population Estimates Committee;

350 (g) the number of individuals in the previous year receiving:

351 (i) services under Chapter 3, Employment Support Act; and

352 (ii) benefits under Chapter 4, Employment Security Act; and

353 (h) other factors that relate to the management of the programs administered or that
354 relate to the delivery of services provided under this title.

355 Section 8. Section **35A-2-102** is amended to read:

356 **35A-2-102. Directors of economic service areas -- Appointment.**

357 (1) The chief officer of each [~~regional workforce services~~] economic service area shall
358 be a director, who [~~shall serve~~] serves as the executive and administrative head of the [~~regional~~
359 ~~workforce services~~] economic service area.

360 (2) A director:

361 (a) shall be appointed [~~jointly~~] by the executive director [~~and all regional councils on~~
362 ~~workforce services established in the regional workforce services area under Section~~
363 ~~35A-2-103~~]; and

364 (b) may be removed from that position at the will of the executive director.

365 (3) [~~A~~] An economic service director [~~of a regional workforce services area~~] shall be

366 experienced in administration and possess ~~[such]~~ additional qualifications as determined by the
 367 executive director, and as provided by law.

368 (4) The director shall~~[(a)]~~ report ~~[annually to all regional councils on workforce~~
 369 ~~services established in the regional workforce services area under Section 35A-2-103~~
 370 ~~concerning]~~ on a regular basis to the State Council on Workforce Services on the delivery of
 371 services in the ~~[regional workforce services]~~ economic service area~~[, and]~~.

372 ~~[(b) work with the council established in the regional workforce services area under~~
 373 ~~Section 35A-2-103 in developing the regional plan as outlined in Subsection 35A-1-207(2)~~
 374 ~~on:]~~

375 ~~[(i) regional planning priorities;]~~

376 ~~[(ii) training priorities; and]~~

377 ~~[(iii) locations of employment centers.]~~

378 Section 9. Section **35A-2-103** is amended to read:

379 **35A-2-103. Advisory groups -- Creation.**

380 (1) The ~~[executive]~~ economic service area director ~~[shall jointly with all of the~~
 381 ~~consortium of counties in the regional workforce services area;]~~ may establish one or more
 382 ~~[regional councils on workforce services]~~ advisory groups in each ~~[regional workforce~~
 383 ~~services]~~ economic service area.

384 (2) An advisory group established under Subsection (1) shall advise the economic
 385 service area director as needed on:

386 (a) the economic service area's planning priorities;

387 (b) training priorities; and

388 (c) development of the economic service area plan.

389 ~~[(2) A regional council on workforce services shall:]~~

390 ~~[(a) perform the functions described in Subsection (10);]~~

391 ~~[(b) work with the regional director, the department, the consortium of counties, and~~
 392 ~~the State Council on Workforce Services on issues requested by the director of the regional~~
 393 ~~workforce services area or the department; and]~~

394 ~~[(c) make recommendations to the regional workforce services area and department~~
395 ~~regarding:]~~

396 ~~[(i) the implementation of Chapters 2, Regional Workforce Services Areas, 3,~~
397 ~~Employment Support Act, and 5, Training and Workforce Improvement Act; and]~~

398 ~~[(ii) coordination of apprenticeship training.]~~

399 ~~[(3) Unless otherwise specified in this Subsection (3), members of a regional council~~
400 ~~on workforce services shall be appointed by the consortium of counties that covers the same~~
401 ~~geographic area as the regional council in the regional workforce services area, in consultation~~
402 ~~with the regional director, and shall consist of the following:]~~

403 ~~[(a) the voting members who are:]~~

404 ~~[(i) eight representatives of private sector small employers as defined by rule by the~~
405 ~~department;]~~

406 ~~[(ii) eight representatives of private sector large employers as defined by rule by the~~
407 ~~department;]~~

408 ~~[(iii) two representatives of employees, including employee organizations and~~
409 ~~including at least one representative from nominees suggested by public employees~~
410 ~~organizations in the region;]~~

411 ~~[(iv) two representatives of clients, including community-based organizations;]~~

412 ~~[(v) one representative from organized labor not representing public employees;]~~

413 ~~[(vi) three representatives of county government consisting of county commissioners,~~
414 ~~county council members, county executives, or county mayors from the counties in the regional~~
415 ~~workforce services area;]~~

416 ~~[(vii) a representative of public education appointed jointly by the school district~~
417 ~~superintendents in the region;]~~

418 ~~[(viii) a representative of higher education appointed jointly by the presidents of the~~
419 ~~institutions of higher education in the region;]~~

420 ~~[(ix) a representative of veterans;]~~

421 ~~[(x) a representative of the Office of Rehabilitation; and]~~

422 ~~[(xi) an individual who works for or is a member of an economic development board~~
423 ~~or committee of the state or one of its political subdivisions; and]~~

424 ~~[(b) ex officio nonvoting members who are:]~~

425 ~~[(i) a representative of applied technology;]~~

426 ~~[(ii) a representative of the Department of Human Services; and]~~

427 ~~[(iii) a representative of the Department of Health.]~~

428 ~~[(4) The director of the regional workforce services area shall be a nonvoting ex officio~~
429 ~~member of the council and provide any necessary staff support for the council.]~~

430 ~~[(5) (a) The consortium of counties in the regional workforce services area that~~
431 ~~appoints the council shall, in consultation with the regional director, appoint a member of the~~
432 ~~council to be the chair of the council to serve no more than two one-year terms.]~~

433 ~~[(b) The chair shall be a representative of private sector employers.]~~

434 ~~[(6) (a) (i) Except as provided in Subsection (6)(a)(ii), as terms of council members~~
435 ~~expire, the consortium of counties in the regional workforce services area that appoints the~~
436 ~~council shall, in consultation with the regional director, appoint each new member or~~
437 ~~reappointed member to a four-year term.]~~

438 ~~[(ii) Notwithstanding the requirements of Subsection (6)(a)(i), the consortium of~~
439 ~~counties in the regional workforce services area that appoints the council shall, in consultation~~
440 ~~with the regional director, at the time of appointment or reappointment, adjust the length of~~
441 ~~terms to ensure that the terms of council members are staggered so that approximately one half~~
442 ~~of the council is appointed every two years.]~~

443 ~~[(iii) When a vacancy occurs in the membership for any reason, the replacement shall~~
444 ~~be appointed for the unexpired term.]~~

445 ~~[(b) At the expiration of the term of a council member or if a vacancy occurs on the~~
446 ~~council, the consortium of counties in the regional workforce services area shall appoint a~~
447 ~~replacement to the council, in consultation with the regional director.]~~

448 ~~[(c) A member shall continue to serve as a member until the member's successor has~~
449 ~~been appointed and qualified.]~~

450 ~~[(d) A member is eligible for reappointment.]~~

451 ~~[(e) The consortium of counties in the regional workforce services area that appoints~~
452 ~~the council shall appoint, in consultation with the regional director, an individual to replace a~~
453 ~~council member for the remainder of the term of the council member being replaced if the~~
454 ~~council member:]~~

455 ~~[(i) ceases to be representative as designated by the original appointment; or]~~

456 ~~[(ii) fails to attend three council meetings, if each of the three absences are not excused~~
457 ~~by the chair prior to or during the meeting:]~~

458 ~~[(7) (a) A majority of the voting members constitutes a quorum for the transaction of~~
459 ~~business:]~~

460 ~~[(b) Notwithstanding Subsection (7)(a), a majority of the private sector representatives~~
461 ~~shall be present for business to be transacted:]~~

462 ~~[(8) A member may not receive compensation or benefits for the member's service, but~~
463 ~~may receive per diem and travel expenses in accordance with:]~~

464 ~~[(a) Section 63A-3-106;]~~

465 ~~[(b) Section 63A-3-107; and]~~

466 ~~[(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and~~
467 ~~63A-3-107:]~~

468 ~~[(9) The regional council shall annually provide the consortium of counties that~~
469 ~~appoints the council a written report that shall include the information concerning the elements~~
470 ~~of the regional plan described in Subsection 35A-2-102(4)(b):]~~

471 ~~[(10) The regional councils on workforce services shall:]~~

472 ~~[(a) determine the locations of employment centers in accordance with Section~~
473 ~~35A-2-203;]~~

474 ~~[(b) develop a regional workforce services plan in accordance with Section~~
475 ~~35A-1-207;]~~

476 ~~[(c) develop training priorities for the region;]~~

477 ~~[(d) work cooperatively with the State Council on Workforce Services to oversee~~

478 ~~regional workforce services areas operations and to ensure that services are being delivered in~~
479 ~~accordance with regional workforce services plans;]~~

480 ~~[(e) address concerns within the regional workforce services area related to~~
481 ~~apprenticeship training coordination;]~~

482 ~~[(f) coordinate the planning and delivery of workforce development services with~~
483 ~~public education, higher education, vocational rehabilitation, and human services; and]~~

484 ~~[(g) report annually to the State Council on Workforce Services.]~~

485 Section 10. Section **35A-2-201** is amended to read:

486 **35A-2-201. Services provided in economic service areas.**

487 (1) ~~[Regional workforce services]~~ Economic service areas shall:

488 (a) through [its] their employment centers, be the primary provider of services and
489 support under Chapter 3, Employment Support Act;

490 (b) broker or contract for services or training under Chapter 5, Training and Workforce
491 Improvement Act; and

492 (c) serve as ~~[a regional clearinghouse]~~ economic service area clearinghouses of
493 information concerning workforce development and services and support available under this
494 title.

495 (2) (a) In providing, brokering, or contracting for the services or training described in
496 Subsection (1)(b), the ~~[regional]~~ economic service area director ~~[of a regional workforce~~
497 ~~services area]~~, in consultation with the executive director, shall ensure that the ~~[regional~~
498 ~~workforce services]~~ economic service area provides, brokers, or contracts for services and
499 training that ~~[meets]~~ meet the needs of the special needs population in the ~~[regional workforce~~
500 ~~services]~~ economic service area.

501 (b) For purposes of Subsection (2)(a), "special needs population" means individuals
502 who have special employment needs based on factors including race, gender, age, disability,
503 economic status, education, language skills, and work history.

504 Section 11. Section **35A-2-202** is amended to read:

505 **35A-2-202. Employment counselors -- Specialization -- Employment plan.**

506 (1) [At] One or more employment counselors shall be employed at each employment
507 center of [~~a regional workforce services~~] an economic service area established under Section
508 35A-2-101 [~~there shall be employed one or more employment counselors~~].

509 (2) A client shall be assigned one employment counselor unless a client:

510 (a) needs only limited services under this title for which expedited procedures are
511 appropriate; or

512 (b) receives diversion assistance under Section 35A-3-303.

513 (3) An employment counselor shall:

514 (a) develop an employment plan jointly with the client; and

515 (b) coordinate any services provided, brokered, or contracted for by the department to
516 that client.

517 (4) The employment counselor assigned to a client may be selected because of the
518 employment counselor's experience or knowledge in the benefits or services available under the
519 title that best meet the specific needs of the client and the employment counselor's skills in
520 working with groups of clients to develop plans leading to self-sufficiency.

521 (5) (a) An employment counselor shall be:

522 (i) trained in the requirements of and benefits or services provided through
523 employment centers in at least one of the following:

524 (A) Chapter 3, Employment Support Act; and

525 (B) Chapter 5, Training and Workforce Improvement Act;

526 (ii) capable of:

527 (A) conducting an effective assessment;

528 (B) negotiating an employment plan; and

529 (C) providing the necessary encouragement and support to a client; and

530 (iii) knowledgeable of:

531 (A) department policies;

532 (B) relevant law;

533 (C) current labor market conditions;

534 (D) education and training programs for adults; and
535 (E) services and supports available in the community.
536 (b) At the discretion of the director of [~~a regional workforce services~~] an economic
537 service area, an employment counselor may receive special training in the requirements of or
538 providing services under the statutes listed in Subsection (5)(a)(i).

539 (6) (a) A client employment plan may include:

- 540 (i) services and support necessary for stabilization;
- 541 (ii) assessment and training; and
- 542 (iii) placement.

543 (b) The client employment plan shall consider the job opportunities available to the
544 client based on the job market.

545 (c) The client employment plan shall be outcome-focused.

546 (7) If a client seeks cash assistance under Chapter 3, Employment Support Act, the
547 assignment of an employment counselor and the creation and implementation of an
548 employment plan shall be consistent with Section 35A-3-304.

549 Section 12. Section **35A-2-203** is amended to read:

550 **35A-2-203. Employment centers.**

551 (1) In each county within [~~a regional workforce services~~] an economic service area, the
552 [~~regional council on workforce services~~] executive director shall:

553 (a) designate the location of one or more employment centers, as defined in Section
554 35A-1-102, in which the services are provided by the department; or

555 (b) coordinate with the department to establish access to the services provided by the
556 department by means other than an employment center.

557 (2) An employment center shall provide a comprehensive program of employment
558 services including job placement, job development, stabilization, assessment, and job training
559 through its employment counselors as part of a system of unified case management.

560 (3) The department may make services that are provided through employment centers
561 under this section accessible through electronic linkage.

562 Section 13. Section **35A-3-115** is amended to read:

563 **35A-3-115. Public Employment Offices -- Agreements with other authorities --**
564 **Federal system accepted -- Appropriation.**

565 (1) (a) The division shall establish and maintain free public employment offices in a
566 manner and in [~~such~~] places as may be necessary for the proper administration of this chapter
567 and for the purposes of performing the functions as are within the purview of the Act of
568 Congress entitled "An act to provide for the establishment of a national employment system
569 and for co-operation with the states in the promotion of such system, and for other purposes,"
570 approved June 6, 1933, 48 Stat. 113; U. S. Code, Title 29, Section 49 (c) as amended,
571 hereinafter referred to as the "Wagner-Peyser Act."

572 (b) The division shall consult with [~~regional councils on workforce services~~] the
573 directors of economic service areas when determining the location of public employment
574 offices.

575 (c) [~~A~~] The division may locate a public employment office [~~may be located~~] in
576 connection with or as an integrated part of an employment center established under Section
577 35A-2-203.

578 (2) (a) The provisions of the Wagner-Peyser Act, 29 U.S.C. 49-49c, 49g, 49h, 49k, and
579 557, are accepted by this state.

580 (b) The department is designated and constitutes the agency of this state for the
581 purposes of the act.

582 (3) (a) For the purpose of establishing and maintaining free public employment offices,
583 and promoting the use of their facilities, the division may enter into agreements with the
584 railroad retirement board, or any other agency of the United States, or of this or any other state,
585 charged with the administration of any law whose purposes are reasonably related to the
586 purposes of this chapter.

587 (b) As a part of an agreement entered into under Subsection (3)(a), the division may
588 accept money, services, or quarters as a contribution to the maintenance of the state system of
589 public employment offices or as reimbursement for services performed.

