

2 SSB 5533 - S AMD - 124  
3 By Senator Fairley

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that Washington  
8 employers are having difficulty finding qualified applicants for jobs,  
9 particularly those requiring specialized skills. Many businesses are  
10 being forced to curtail expansion in Washington state.

11 The legislature finds that business surveys indicate that the  
12 availability of a skilled work force is the most important factor in  
13 business location decisions, particularly for high wage employers. Our  
14 state's rural development strategy requires a work force focus. Now  
15 more than ever, we need to have an explicit work force development  
16 strategy linked with our state economic development efforts.

17 The legislature also finds that the consequences for failing to  
18 upgrade the skills of our workers are enormous. Family incomes are  
19 increasingly linked with skills and training and those who cannot  
20 access training and education will continue to see declines in their  
21 income.

22 The legislature further finds that in order to succeed we must have  
23 a system of lifelong learning that allows workers to upgrade their  
24 skills while continuing to work. To achieve that goal we must have a  
25 work force development system that is linked directly to jobs, is  
26 easily accessible to working families, and can be accessed according to  
27 their own schedules. Perhaps more importantly, training and education  
28 must be skills-based and certified so that workers can attain certified  
29 skills that allow them to move up the job ladder over their lifetime.

30 The legislature recognizes that programs that prepare individuals  
31 for the work force, beginning with secondary vocational education in  
32 school and continuing through postsecondary education, apprenticeships,  
33 and programs for the disadvantaged, persons with disabilities, and for  
34 dislocated workers, must be a coordinated system that enables  
35 individuals to obtain skills demanded by employers, and enables

1 individuals to smoothly move back and forth between work force  
2 development programs and employment.

3 To support that challenge a work force development system must  
4 focus on customer service and performance accountability. The  
5 following principles shall govern the work force development system:

6 (1) Provide consumers and policymakers ready access to information  
7 in order to make informed decisions related to training and employment;

8 (2) Create a work force development system based on a coherent  
9 economic development strategy;

10 (3) Hold the work force delivery system accountable for improved  
11 results in employment, earnings, skills gains, and customer  
12 satisfaction;

13 (4) Provide universal access to persons with disabilities,  
14 students, job seekers, and employers in order to hasten the time  
15 between job openings and jobs filled;

16 (5) Develop a strong leadership role for the private sector at the  
17 state and local levels;

18 (6) Establish and maintain state and local flexibility to ensure  
19 responsiveness to individuals and communities;

20 (7) Engage in a systematic effort to integrate the multiple  
21 programs and services that comprise the work force development system,  
22 including activities implemented through the state-wide one stop  
23 delivery system; and

24 (8) Strengthen the capacity of local communities to strategically  
25 guide work force development in their area and to shape local work  
26 force development policies.

27 **Sec. 2.** RCW 28C.18.010 and 1996 c 99 s 2 are each amended to read  
28 as follows:

29 Unless the context clearly requires otherwise, the definitions in  
30 this section apply throughout this title.

31 (1) "Board" means the work force (~~((training and education~~  
32 ~~coordinating))~~ development board.

33 (2) "Director" means the director of the work force (~~((training and~~  
34 ~~education coordinating))~~ development board.

35 (3) (~~("Training system" means programs and courses of secondary~~  
36 ~~vocational education, technical college programs and courses, community~~  
37 ~~college vocational programs and courses, private career school and~~  
38 ~~college programs and courses, employer sponsored training, adult basic~~

1 ~~education programs and courses, programs and courses funded by the job~~  
2 ~~training partnership act, programs and courses funded by the federal~~  
3 ~~vocational act, programs and courses funded under the federal adult~~  
4 ~~education act, publicly funded programs and courses for adult literacy~~  
5 ~~education, and apprenticeships, and programs and courses offered by~~  
6 ~~private and public nonprofit organizations that are representative of~~  
7 ~~communities or significant segments of communities and provide job~~  
8 ~~training or adult literacy services.)) "Operating agencies" means those~~  
9 ~~state agencies represented on the work force development board and any~~  
10 ~~others responsible for the governance and management of state and~~  
11 ~~federal work force development programs.~~

12 (4) "Work force development system" means public and private  
13 programs that use state or federal funds to prepare workers for  
14 employment, upgrade worker skills, retrain workers, or provide  
15 employment or retention services for workers or employers. "Work force  
16 development system" includes, but is not limited to, secondary  
17 vocational education, community and technical college vocational  
18 education, private career school and college vocational programs,  
19 employer-sponsored training, work-related adult basic education and  
20 literacy programs, training and work-related activities of the state  
21 temporary assistance for needy families program, or successor program,  
22 programs funded by Title 1B of the federal work force investment act,  
23 activities funded under the federal Wagner-Peyser act, programs funded  
24 by the federal vocational education act, work-related programs funded  
25 under the adult education and family literacy act, publicly funded  
26 programs for work-related adult literacy, education, and  
27 apprenticeships, the one-stop system, the state job skills program,  
28 timber retraining benefits, the work-related components of the state  
29 vocational rehabilitation program and the department of services for  
30 the blind, and programs offered by private and public nonprofit  
31 organizations that are representative of communities or significant  
32 segments of communities and provide job training or work-related adult  
33 literacy services.

34 (5) "Work force skills" means skills developed through applied  
35 learning that strengthen and reinforce an individual's academic  
36 knowledge, critical thinking, problem solving, and work ethic and,  
37 thereby, develop the employability, occupational skills, and management  
38 of home and work responsibilities necessary for economic independence.

1       ~~((+5))~~ (6) "Vocational education" means organized educational  
2 programs offering a sequence of courses which are directly related to  
3 the preparation or retraining of individuals in paid or unpaid  
4 employment in current or emerging occupations requiring other than a  
5 baccalaureate or advanced degree. ~~((Sueh))~~ These vocational education  
6 programs shall include competency-based applied learning which  
7 contributes to an individual's academic knowledge, higher-order  
8 reasoning, and problem-solving skills, work attitudes, general  
9 employability skills, and the occupational-specific skills necessary  
10 for economic independence as a productive and contributing member of  
11 society. Such term also includes applied technology education.

12       ~~((+6))~~ (7) "Adult basic education" means ~~((instruction designed to~~  
13 ~~achieve mastery of skills in reading, writing, oral communication, and~~  
14 ~~computation at a level sufficient to allow the individual to function~~  
15 ~~effectively as a parent, worker, and citizen in the United States,~~  
16 ~~commensurate with that individual's actual ability level, and includes~~  
17 ~~English as a second language and preparation and testing service for~~  
18 ~~the general education development exam))~~ (a) adult education and  
19 literacy services, including work force literacy services; (b) family  
20 literacy services; and (c) English literacy services as defined in P.L.  
21 105-220, Title II, that enable eligible adults to speak, read, and  
22 write in the English language, compute, solve problems, and relate  
23 effectively with others in order to exercise the rights and  
24 responsibilities of a family member, worker, and community member.

25       (8) "Local work force development councils" means the same as  
26 defined in P.L. 105-220, Sec. 117 and are responsible for performing  
27 the duties of that section as well as developing and ensuring the  
28 implementation of a local area unified plan for state purposes as  
29 defined in this chapter.

30       **Sec. 3.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read  
31 as follows:

32       (1) There is hereby created the work force ~~((training and education~~  
33 ~~coordinating))~~ development board as a state agency ~~((and as the~~  
34 ~~successor agency to the state board for vocational education. Once the~~  
35 ~~coordinating board has convened, all references to the state board for~~  
36 ~~vocational education in the Revised Code of Washington shall be~~  
37 ~~construed to mean the work force training and education coordinating~~  
38 ~~board, except that reference to the state board for vocational~~

1 education in RCW 49.04.030 shall mean the state board for community and  
2 technical colleges)).

3 (2)(a) The board shall consist of (~~nine~~) eighteen voting members  
4 appointed by the governor with the consent of the senate, as follows:  
5 (~~Three~~) Five representatives of business, (~~three~~) five  
6 representatives of labor, a representative of private career schools,  
7 a representative of community-based organizations, a representative of  
8 local elected officials, and, serving as ex officio members, the  
9 superintendent of public instruction, the executive director of the  
10 state board for community and technical colleges, (~~and~~) the  
11 commissioner of the employment security department, the secretary of  
12 the department of social and health services, and the director of the  
13 department of community, trade, and economic development. (~~The chair~~  
14 ~~of the board shall be a nonvoting member selected by the governor with~~  
15 ~~the consent of the senate, and shall serve at the pleasure of the~~  
16 ~~governor. In selecting the chair, the governor shall seek a person who~~  
17 ~~understands the future economic needs of the state and nation and the~~  
18 ~~role that the state's training system has in meeting those needs.))  
19 Each (~~voting~~) member of the board may appoint a designee to function  
20 in his or her place with the right to vote. Representatives of  
21 business and labor must constitute a majority of those casting votes on  
22 any given vote. In (~~making appointments to~~) recruiting members for  
23 the board, the governor shall seek to ensure geographic, ethnic, and  
24 gender diversity and balance. The governor shall also seek to ensure  
25 diversity and balance by (~~the appointment of~~) recruiting persons with  
26 disabilities.~~

27 (b) The business representatives shall be selected from among  
28 nominations provided by (~~a~~) state-wide business organizations  
29 representing a cross-section of industries and small businesses. One  
30 of the business representatives will serve as the chair of the board on  
31 a rotating basis with one of the labor representatives. However, the  
32 governor may request, and the organization shall provide, an additional  
33 list or lists from which the governor shall select the business  
34 representatives. (~~The nominations and selections~~) Recruitment shall  
35 reflect the cultural diversity of the state, including women, people  
36 with disabilities, and racial and ethnic minorities, and diversity in  
37 sizes of businesses.

38 (c) The labor representatives shall be selected from among  
39 nominations provided by state-wide labor organizations. One of the

1 labor representatives will serve as the chair of the board on a  
2 rotating basis with one of the business representatives. However, the  
3 governor may request, and the organizations shall provide, an  
4 additional list or lists from which the governor shall select the labor  
5 representatives. ~~((The nominations and selections))~~ Recruitment shall  
6 reflect the cultural diversity of the state, including women, people  
7 with disabilities, and racial and ethnic minorities.

8 (d) Each business member may cast a proxy vote or votes for any  
9 business member who is not present and who authorizes in writing the  
10 present member to cast such vote.

11 (e) Each labor member may cast a proxy vote for any labor member  
12 who is not present and who authorizes in writing the present member to  
13 cast such vote.

14 (f) ~~((The chair shall appoint to the board one nonvoting member to  
15 represent racial and ethnic minorities, women, and people with  
16 disabilities. The nonvoting member appointed by the chair shall serve  
17 for a term of four years with the term expiring on June 30th of the  
18 fourth year of the term.~~

19 ~~(g))~~ The business members of the board shall serve for terms of  
20 four years, the terms expiring on June 30th of the fourth year of the  
21 term except that in the case of initial members, one shall be appointed  
22 to a two-year term and one appointed to a three-year term.

23 ~~((h))~~ (g) The labor members of the board shall serve for terms of  
24 four years, the terms expiring on June 30th of the fourth year of the  
25 term except that in the case of initial members, one shall be appointed  
26 to a two-year term and one appointed to a three-year term.

27 (h) The private career school representative shall be selected from  
28 among nominations provided by a state-wide organization representing a  
29 cross-section of private career schools. The private career school,  
30 community-based organization, and local elected officials  
31 representatives shall serve for terms of four years, the terms expiring  
32 on June 30th of the fourth year of the term except that in the case of  
33 initial members, one shall be appointed to a two-year term and one  
34 appointed to a three-year term.

35 (i) Any vacancies among board members representing business ~~((or)),~~  
36 labor, or private career schools shall be filled by the governor with  
37 nominations provided by state-wide organizations representing business  
38 ~~((or)),~~ labor, or private career schools, respectively.

1 (j) The board shall adopt bylaws and shall meet at least bimonthly  
2 and at such other times as determined by the chair who shall give  
3 reasonable prior notice to the members or at the request of a majority  
4 of the ~~((voting))~~ members.

5 (k) Members of the board shall be compensated in accordance with  
6 RCW 43.03.040 and shall receive travel expenses in accordance with RCW  
7 43.03.050 and 43.03.060.

8 ~~(l) ((The board shall be formed and ready to assume its  
9 responsibilities under this chapter by October 1, 1991.~~

10 ~~(m))~~ The director of the board shall be appointed by the governor  
11 ~~((from a list of three names submitted by a committee made up of the  
12 business and labor members of the board. However, the governor may  
13 request, and the committee shall provide, an additional list or lists  
14 from which the governor shall select the director. The lists compiled  
15 by the committee shall not be subject to public disclosure. The  
16 governor may dismiss the director only with the approval of a majority  
17 vote of the board. The board, by a majority vote, may dismiss the  
18 director with the approval)), shall serve at the pleasure of the  
19 governor, and shall be confirmed by the senate.~~

20 ~~((3) The state board for vocational education is hereby abolished  
21 and its powers, duties, and functions are hereby transferred to the  
22 work force training and education coordinating board. All references  
23 to the director or the state board for vocational education in the  
24 Revised Code of Washington shall be construed to mean the director or  
25 the work force training and education coordinating board.))~~

26 **Sec. 4.** RCW 28C.18.030 and 1996 c 99 s 3 are each amended to read  
27 as follows:

28 The purpose of the board is to ~~((provide planning, coordination,  
29 evaluation, monitoring, and policy analysis for the state training  
30 system as a whole, and advice to the governor and legislature  
31 concerning the state training system, in cooperation with the state  
32 training system and the higher education coordinating board))~~ develop  
33 policies that create an integrated state work force development system  
34 that links people to jobs, allows them access to training and  
35 education, and provides an opportunity to move up the job ladder over  
36 their lifetime. The board shall plan, promote cooperation, measure  
37 performance, evaluate, and provide policy analysis for the state work  
38 force development system as a whole, and advise the governor and the

1 legislature concerning the state's work force development system in  
2 cooperation with the operating agencies of the work force development  
3 system.

4       **Sec. 5.** RCW 28C.18.040 and 1994 c 154 s 307 are each amended to  
5 read as follows:

6       (1) The director shall serve as chief executive officer of the  
7 board who shall administer the provisions of this chapter, employ such  
8 personnel as may be necessary to implement the purposes of this  
9 chapter, and utilize staff of existing operating agencies to the  
10 fullest extent possible.

11       ~~((The director shall not be the chair of the board.~~

12       ~~(3))~~) Subject to the approval of the board, the director shall  
13 appoint necessary deputy and assistant directors and other staff who  
14 shall be exempt from the provisions of chapter 41.06 RCW. The  
15 director's appointees shall serve at the director's pleasure on such  
16 terms and conditions as the director determines but subject to chapter  
17 42.52 RCW.

18       ~~((4))~~) (3) The director shall appoint and employ such other  
19 employees as may be required for the proper discharge of the functions  
20 of the board.

21       ~~((5) The director shall, as permissible under P.L. 101-392, as~~  
22 ~~amended, integrate the staff of the council on vocational education,~~  
23 ~~and contract with the state board for community and technical colleges~~  
24 ~~for assistance for adult basic skills and literacy policy development~~  
25 ~~and planning as required by P.L. 100-297, as amended.))~~

26       **Sec. 6.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read  
27 as follows:

28       (1) The board shall be designated as the state work force  
29 investment board described in P.L. 105-220, the work force investment  
30 act of 1998, and shall perform such functions as necessary to comply  
31 with federal directives pertaining to this law. In order to comply  
32 with the regulations of P.L. 105-220, the governor may designate the  
33 board membership structure of the work force training and education  
34 coordinating board as it existed as of December 31, 1997, as the work  
35 force investment board specifically to carry out the provisions of  
36 P.L. 105-220.

1       (2) The board shall be designated as the state board of vocational  
2 education as provided for in P.L. ((98-524)) 105-332, as amended, and  
3 shall perform such functions as is necessary to comply with federal  
4 directives pertaining to the provisions of such law. The board shall  
5 establish a subcommittee consisting of the superintendent of public  
6 instruction, the executive director of the state board for community  
7 and technical colleges, one business representative, and one labor  
8 representative to study and make recommendations to the board on the  
9 use of funds provided under P.L. 105-332.

10       ((+2)) (3) The board shall perform the functions of the human  
11 resource investment council as provided for in the federal job training  
12 partnership act, P.L. 97-300, as amended.

13       ((+3)) (4) The board shall provide policy advice for any federal  
14 act pertaining to work force development that is not required by state  
15 or federal law to be provided by another state body.

16       ((+4)) (5) Upon enactment of new federal initiatives relating to  
17 work force development, the board shall advise the governor and the  
18 legislature on mechanisms for integrating the federal initiatives into  
19 the state's work force development system and make recommendations on  
20 the legislative or administrative measures necessary to streamline and  
21 coordinate state efforts to meet federal guidelines.

22       ((+5)) (6) The board shall ((monitor)) review for consistency with  
23 the state ((comprehensive plan for work force training and education  
24 the policies and plans established by the state job training  
25 coordinating council)) unified plan, the policies and plans established  
26 by the advisory council on adult education, and the Washington state  
27 plan for adult literacy and basic ((education)) skills, and provide  
28 guidance for making such policies and plans consistent with the state  
29 ((comprehensive)) unified plan for work force ((training and  
30 education)) development system.

31       (7) The board shall perform the functions of the job training  
32 coordinating council until July 1, 2000.

33       (8) Recommend to the governor the performance accountability system  
34 required by P.L. 105-220 or successor legislation.

35       (9) For the purposes of P.L. 105-332, the superintendent of public  
36 instruction shall have operating responsibility for secondary education  
37 and the state board for community and technical colleges shall have  
38 operating responsibility for postsecondary vocational and technical  
39 education.

1       (10) The board shall include the director of the department of  
2 services for the blind to the extent required by P.L. 105-220.

3       **Sec. 7.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to read  
4 as follows:

5       The board, in cooperation with the operating agencies of the state  
6 training system and private career schools and colleges shall:

7       ~~(1) ((Concentrate its major efforts on planning, coordination~~  
8 ~~evaluation, policy analysis, and recommending improvements to the~~  
9 ~~state's training system.~~

10       ~~(2) Advocate for the state training system and for meeting the~~  
11 ~~needs of employers and the work force for work force education and~~  
12 ~~training.~~

13       ~~(3) Establish and maintain an inventory of the programs of the~~  
14 ~~state training system, and related state programs, and perform a~~  
15 ~~biennial assessment of the vocational education, training, and adult~~  
16 ~~basic education and literacy needs of the state; identify ongoing and~~  
17 ~~strategic education needs; and assess the extent to which employment,~~  
18 ~~training, vocational and basic education, rehabilitation services, and~~  
19 ~~public assistance services represent a consistent, integrated approach~~  
20 ~~to meet such needs.~~

21       ~~(4) Develop and maintain a state comprehensive plan for work force~~  
22 ~~training and education, including but not limited to, goals,~~  
23 ~~objectives, and priorities for the state training system, and review~~  
24 ~~the state training system for consistency with the state comprehensive~~  
25 ~~plan. In developing the state comprehensive plan for work force~~  
26 ~~training and education, the board shall use, but shall not be limited~~  
27 ~~to: Economic, labor market, and populations trends reports in office~~  
28 ~~of financial management forecasts; joint office of financial management~~  
29 ~~and employment security department labor force, industry employment,~~  
30 ~~and occupational forecasts; the results of scientifically based~~  
31 ~~outcome, net impact and cost benefit evaluations; the needs of~~  
32 ~~employers as evidenced in formal employer surveys and other employer~~  
33 ~~input; and the needs of program participants and workers as evidenced~~  
34 ~~in formal surveys and other input from program participants and the~~  
35 ~~labor community.~~

36       ~~(5) In consultation with the higher education coordinating board,~~  
37 ~~review and make recommendations to the office of financial management~~  
38 ~~and the legislature on operating and capital facilities budget requests~~

1 for operating agencies of the state training system for purposes of  
2 consistency with the state comprehensive plan for work force training  
3 and education.

4 (6) Provide for coordination among the different operating agencies  
5 and components of the state training system at the state level and at  
6 the regional level.

7 (7) Develop a consistent and reliable data base on vocational  
8 education enrollments, costs, program activities, and job placements  
9 from publicly funded vocational education programs in this state.

10 (8) Establish standards for data collection and maintenance for the  
11 operating agencies of the state training system in a format that is  
12 accessible to use by the board. The board shall require a minimum of  
13 common core data to be collected by each operating agency of the state  
14 training system.

15 The board shall develop requirements for minimum common core data  
16 in consultation with the office of financial management and the  
17 operating agencies of the training system.

18 (9) Establish minimum standards for program evaluation for the  
19 operating agencies of the state training system, including, but not  
20 limited to, the use of common survey instruments and procedures for  
21 measuring perceptions of program participants and employers of program  
22 participants, and monitor such program evaluation.

23 (10) Every two years administer scientifically based outcome  
24 evaluations of the state training system, including, but not limited  
25 to, surveys of program participants, surveys of employers of program  
26 participants, and matches with employment security department payroll  
27 and wage files. Every five years administer scientifically based net-  
28 impact and cost benefit evaluations of the state training system.

29 (11) In cooperation with the employment security department,  
30 provide for the improvement and maintenance of quality and utility in  
31 occupational information and forecasts for use in training system  
32 planning and evaluation. Improvements shall include, but not be  
33 limited to, development of state based occupational change factors  
34 involving input by employers and employees, and delineation of skill  
35 and training requirements by education level associated with current  
36 and forecasted occupations.

37 (12) Provide for the development of common course description  
38 formats, common reporting requirements, and common definitions for  
39 operating agencies of the training system.

- 1       ~~(13) Provide for effectiveness and efficiency reviews of the state~~  
2 ~~training system.~~
- 3       ~~(14) In cooperation with the higher education coordinating board,~~  
4 ~~facilitate transfer of credit policies and agreements between~~  
5 ~~institutions of the state training system, and encourage articulation~~  
6 ~~agreements for programs encompassing two years of secondary work force~~  
7 ~~education and two years of postsecondary work force education.~~
- 8       ~~(15) In cooperation with the higher education coordinating board,~~  
9 ~~facilitate transfer of credit policies and agreements between private~~  
10 ~~training institutions and institutions of the state training system.~~
- 11       ~~(16) Participate in the development of coordination criteria for~~  
12 ~~activities under the job training partnership act with related programs~~  
13 ~~and services provided by state and local education and training~~  
14 ~~agencies.~~
- 15       ~~(17) Make recommendations to the commission of student assessment,~~  
16 ~~the state board of education, and the superintendent of public~~  
17 ~~instruction, concerning basic skill competencies and essential core~~  
18 ~~competencies for K-12 education. Basic skills for this purpose shall~~  
19 ~~be reading, writing, computation, speaking, and critical thinking,~~  
20 ~~essential core competencies for this purpose shall be English, math,~~  
21 ~~science/technology, history, geography, and critical thinking. The~~  
22 ~~board shall monitor the development of and provide advice concerning~~  
23 ~~secondary curriculum which integrates vocational and academic~~  
24 ~~education.~~
- 25       ~~(18) Establish and administer programs for marketing and outreach~~  
26 ~~to businesses and potential program participants.~~
- 27       ~~(19) Facilitate the location of support services, including but not~~  
28 ~~limited to, child care, financial aid, career counseling, and job~~  
29 ~~placement services, for students and trainees at institutions in the~~  
30 ~~state training system, and advocate for support services for trainees~~  
31 ~~and students in the state training system.~~
- 32       ~~(20) Facilitate private sector assistance for the state training~~  
33 ~~system, including but not limited to: Financial assistance, rotation~~  
34 ~~of private and public personnel, and vocational counseling.~~
- 35       ~~(21) Facilitate programs for school-to-work transition that combine~~  
36 ~~classroom education and on-the-job training in industries and~~  
37 ~~occupations without a significant number of apprenticeship programs.~~
- 38       ~~(22) Encourage and assess progress for the equitable representation~~  
39 ~~of racial and ethnic minorities, women, and people with disabilities~~

1 among the students, teachers, and administrators of the state training  
2 system. Equitable, for this purpose, shall mean substantially  
3 proportional to their percentage of the state population in the  
4 geographic area served. This function of the board shall in no way  
5 lessen more stringent state or federal requirements for representation  
6 of racial and ethnic minorities, women, and people with disabilities.

7 (23) Participate in the planning and policy development of governor  
8 set-aside grants under P.L. 97-300, as amended.

9 (24) Administer veterans' programs, licensure of private vocational  
10 schools, the job skills program, and the Washington award for  
11 vocational excellence.

12 (25) Allocate funding from the state job training trust fund.

13 (26) Work with the director of community, trade, and economic  
14 development to ensure coordination between work force training  
15 priorities and that department's economic development efforts.

16 (27) Adopt rules as necessary to implement this chapter.

17 The board may delegate to the director any of the functions of this  
18 section.)) Advocate for the state work force development system and for  
19 meeting the needs of employers and the work force for the work force  
20 development system.

21 (2) Establish and maintain an inventory of the programs of the  
22 state work force development system and ensure that information is  
23 provided to consumers and policymakers at the state and local level in  
24 order to enable them to make informed choices.

25 (3) Assess employer and worker needs for work force training and  
26 the gap between their needs and the public and private supply of work  
27 force training. The assessments of employer and worker needs shall  
28 include state-wide surveys of employers and workers. The survey sample  
29 must be statistically representative of the state's employer and  
30 employee population.

31 (4) Analyze the future employment needs of employers and develop  
32 strategies to ensure that Washington residents are prepared to meet  
33 those needs. The board shall work with industry, labor, and business  
34 associations, the operating agencies, and the department of community,  
35 trade, and economic development, and local work force investment  
36 councils, to develop demand driven and targeted industry strategies to  
37 build a world class work force.

38 (5) Develop and maintain a state unified plan for the work force  
39 development system. The unified plan shall include:

1 (a) Assessments of the state's employment opportunities and skill  
2 needs, the skills of the current and future work force, and the current  
3 work force development system;

4 (b) Goals, objectives, and strategies for improving the work force  
5 development system as a whole. This shall include goals, objectives,  
6 and strategies for providing system services to low-income individuals  
7 including recipients of temporary assistance for needy families. It  
8 shall also include wage progression goals for recipients of temporary  
9 assistance for needy families developed in conjunction with the  
10 department of social and health services as required by RCW 74.08A.410;  
11 and

12 (c) A description of the performance measurement system for work  
13 force development.

14 (6) Work in collaboration with local work force development  
15 councils to develop the state unified plan. Local work force  
16 development councils shall provide input to the board in the  
17 development of the state unified plan which articulate their local  
18 strategy and needs.

19 (7) Work in partnership with the work related components of the  
20 community service employment under Title V of the older Americans act;  
21 training activities carried out through contracts with the United  
22 States department of housing and urban development; and community  
23 services block grants authorized under the national community service  
24 act, to integrate these programs into the unified planning. The  
25 governor may approve inclusion of these programs into the work force  
26 development system.

27 (8) Review and make recommendations to the governor and the  
28 legislature concerning the program plans of the operating agencies of  
29 the state work force development system regarding consistency with the  
30 unified plan.

31 (9) Recommend to the governor and the legislature strategies to  
32 assure coordination and avoid duplication among the programs of the  
33 work force development system.

34 (10) Design and implement a performance measurement system for work  
35 force development in cooperation with the operating agencies,  
36 including:

37 (a) Minimum standards for performance measurement for the state  
38 work force development system including, but not limited to, the use of  
39 common survey instruments and common performance indicators;

1       (b) Standards for data collection and maintenance for the operating  
2 agencies of the state work force development system. The board shall  
3 require a minimum of common core data to be collected by each operating  
4 agency of the state work force development system;

5       (c) Evaluations of the state work force development system  
6 including, but not limited to, outcome, net impact, and cost benefit  
7 evaluations and surveys of program participants, surveys of employers  
8 of program participants, and matches with employment security  
9 department payroll and wage files;

10       (d) Standards for measuring the performance of local training  
11 providers to enable consumers to make informed choices and gain access  
12 to services they need;

13       (e) Recommendations to the governor and the legislature regarding  
14 expected performance levels and incentives and sanctions for  
15 performance outcomes for local work force development areas and state  
16 work force development programs. The board shall assist the governor  
17 in making decisions regarding the certification and decertification of  
18 local work force development councils;

19       (f) The establishment of an incentive fund for work force  
20 development, using federal funding for work force development programs,  
21 and allocating dollars from the incentive fund to reward local work  
22 force development councils and programs that produce exemplary results.  
23 The operating agencies shall:

24       (i) Reward exceptional programs;

25       (ii) Take corrective actions when programs fail to meet minimum  
26 performance standards established by the board under this section; and

27       (iii) Report to the board annually beginning December 31, 2001, on  
28 corrective action taken and rewards granted.

29       Beginning July 1, 2002, the board shall report to the governor and  
30 the legislature on operating agencies' actions to reward exceptional  
31 programs and to correct and improve programs that fail to meet  
32 performance standards established by the board;

33       (g) Information, provided to the governor and the legislature, on  
34 the outcomes of work force development programs. Such information  
35 shall include the following information on individuals who have  
36 participated in the programs: Participant competencies, employment,  
37 wages and earnings, receipt of public assistance, customer  
38 satisfaction, and the public cost per benefit received; and

1       (h) When designing and implementing the performance measurement  
2 system under this subsection, the unique circumstances of the K-12  
3 system shall be taken into consideration.

4       (11) Review the plans of local work force development councils for  
5 consistency with the state unified plan and recommend to the governor  
6 whether local plans should be approved. The board shall provide  
7 technical assistance to local work force development councils as  
8 necessary. This shall include working with state operating agencies to  
9 identify resources which can be made available to assist in the  
10 development of the local unified plans.

11       (12) Work with local work force development councils and state  
12 operating agencies to implement a one stop delivery system that is  
13 seamless and consumer-based.

14       (13) For the purposes of enabling individuals to make smooth  
15 transitions into the work force and back and forth between work force  
16 development programs and employment, make recommendations regarding  
17 generic workplace skills that individuals need in order to meet  
18 employer expectations. The work force development board shall, in  
19 cooperation with the operating agencies, identify assessments of  
20 generic workplace skills and a certificate of workplace competency for  
21 individuals who have mastered such skills. Operating agencies, with  
22 programs that prepare people for entry-level employment, shall offer  
23 training leading to the receipt of the certificate. The certificate  
24 shall be recognized by operating agencies and among work force  
25 development programs to avoid redundancy in training.

26       (14) Administer veterans' programs, licensure of private vocational  
27 schools, and the Washington award for vocational excellence.

28       (15) Work with the director of community, trade, and economic  
29 development to ensure coordination between work force training  
30 priorities and that department's economic development efforts.

31       (16) Work in collaboration with local work force development  
32 councils, small business organizations, and economic development  
33 councils to create a coordinated and responsive system of outreach to  
34 small business.

35       (17) Consult with programs, and the customers of programs in the  
36 work force development system, in performing the board's duties.

37       (18) Complete the initial unified plan, program inventory, needs  
38 assessments, outcome evaluations, recommendations on strategies to  
39 assure coordination and avoid duplication, and the design of the

1 performance measurement system by July 1, 2000. The board shall update  
2 the unified plan at least once every five years with more frequent  
3 updates as necessary to respond to changes in employer and worker  
4 needs, program performance, state and federal policy, and other changes  
5 affecting the work force development system.

6 (19) Adopt rules as necessary to implement this chapter.

7 The board may delegate to the director any of the functions of this  
8 section.

9 **Sec. 8.** RCW 74.08A.280 and 1997 c 58 s 315 are each amended to  
10 read as follows:

11 (1) The legislature finds that moving those eligible for assistance  
12 to self-sustaining employment is a goal of the WorkFirst program. It  
13 is the intent of WorkFirst to aid a participant's progress to self-  
14 sufficiency by allowing flexibility within the state-wide program to  
15 reflect community resources, the local characteristics of the labor  
16 market, and the composition of the caseload. Program success will be  
17 enhanced through effective coordination at regional and local levels,  
18 involving employers, labor representatives, educators, community  
19 leaders, local governments, and social service providers.

20 (2) The department, through its regional offices, shall collaborate  
21 with employers, recipients, frontline workers, educational  
22 institutions, labor, (~~(private industry councils)~~) local work force  
23 development councils, the work force (~~(training and education~~  
24 ~~coordinating)~~) development board, community rehabilitation employment  
25 programs, employment and training agencies, local governments, the  
26 employment security department, and community action agencies to  
27 develop work programs that are effective and work in their communities.  
28 This collaboration by the department shall include placement of  
29 WorkFirst recipients in training and skill development programs leading  
30 to the portable certificate of workplace competency as identified by  
31 the work force development board. For planning purposes, the  
32 department shall collect and make accessible to regional offices  
33 successful work program models from around the United States, including  
34 the employment partnership program, apprenticeship programs,  
35 microcredit, microenterprise, self-employment, and W-2 Wisconsin works.  
36 Work programs shall incorporate local volunteer citizens in their  
37 planning and implementation phases to ensure community relevance and  
38 success.

1 (3) To reduce administrative costs and to ensure equal state-wide  
2 access to services, the department may develop contracts for state-wide  
3 welfare-to-work services. These state-wide contracts shall support  
4 regional flexibility and ensure that resources follow local labor  
5 market opportunities and recipients' needs.

6 (4) The secretary shall establish WorkFirst service areas for  
7 purposes of planning WorkFirst programs and for distributing WorkFirst  
8 resources. Service areas shall reflect department regions.

9 (5) By July 31st of each odd-numbered year, a plan for the  
10 WorkFirst program shall be developed for each region. The plan shall  
11 be prepared in consultation with local and regional sources, adapting  
12 the state-wide WorkFirst program to achieve maximum effect for the  
13 participants and the communities within which they reside. Local  
14 consultation shall include to the greatest extent possible input from  
15 local and regional planning bodies for social services and work force  
16 development. The regional and local administrator shall consult with  
17 employers of various sizes, labor representatives, training and  
18 education providers, program participants, economic development  
19 organizations, community organizations, tribes, and local governments  
20 in the preparation of the service area plan.

21 (6) The secretary has final authority in plan approval or  
22 modification. Regional program implementation may deviate from the  
23 state-wide program if specified in a service area plan, as approved by  
24 the secretary.

25 **Sec. 9.** RCW 74.08A.410 and 1997 c 58 s 702 are each amended to  
26 read as follows:

27 (1) The WorkFirst program shall develop outcome measures for use in  
28 evaluating the WorkFirst program authorized in chapter 58, Laws of  
29 1997, which (~~may~~) shall include but are not limited to:

30 (a) Caseload reduction;

31 (b) Recidivism to caseload after two years;

32 (c) Job retention;

33 (d) Earnings;

34 (e) Reduction in average grant through increased recipient  
35 earnings; (~~and~~)

36 (f) Placement of recipients into private sector, unsubsidized jobs;  
37 and

1       (g) Wage progression history following former temporary assistance  
2 for needy families participants for at least two years.

3       (2) The department shall establish, in conjunction with the work  
4 force development board, measurable wage goals for participants  
5 transitioning from WorkFirst to unsubsidized employment.

6       (3) The department shall require that contractors for WorkFirst  
7 services collect outcome measure information and report outcome  
8 measures to the department regularly. The department shall develop  
9 benchmarks that compare outcome measure information from all  
10 contractors to provide a clear indication of the most effective  
11 contractors. Benchmark information shall be published quarterly and  
12 provided to the legislature, the governor, and all contractors for  
13 WorkFirst services.

14       NEW SECTION. Sec. 10. A new section is added to chapter 28C.18  
15 RCW to read as follows:

16       There are hereby created local work force development councils to  
17 serve functions including, but not limited to, those specified for  
18 local work force development councils under P.L. 105-220. The  
19 governor, in partnership with the state board, shall establish criteria  
20 for use by chief elected officials in the local areas for appointment  
21 of members of the local councils. Local work force development  
22 councils shall:

23       (1) In partnership with local elected officials, develop and  
24 maintain a local unified plan for the work force development system  
25 including but not limited to the local plan required by P.L. 105-220  
26 Title I. The unified plan shall include assessments of local  
27 employment opportunities and skills needs, the current and future work  
28 force, and the current work force development system; and include  
29 goals, objectives, and strategies for the local work force development  
30 system. The unified plan shall also:

31       (a) Identify the work force development moneys available in the  
32 area, their allocations, and the results of the work force development  
33 programs in the area;

34       (b) Assess the gap between the supply of resources and the skill  
35 needs of the area; and

36       (c) Include the local work force development council's proposed  
37 spending plan for carrying out the local unified plan, and include the  
38 planned budget expenditures of work force development programs in the

1 area. Local program administrators shall use the local unified plan to  
2 guide the development and implementation of their local program plan.

3 Local work force development councils shall submit their unified  
4 plans to the governor for approval and the plan should be consistent  
5 with the state unified plan.

6 (2) Conduct oversight over the local one stop system under P.L.  
7 105-220 Title 1(b).

8 (3) Coordinate work force development activities at the local level  
9 and ensure a linkage with local economic development strategies.

10 (4) Provide for a coordinated and responsive system of outreach to  
11 employers to include the establishment of public and private  
12 partnerships of local brokers to connect small businesses to work force  
13 training programs and resources. Brokers may include, but not be  
14 limited to, industry and trade associations, chambers of commerce,  
15 central labor councils, other labor organizations, and other  
16 organizations with strong linkages to employers. Broker services may  
17 include communicating small business needs to training providers,  
18 pooling the specific training needs of several small employers to  
19 create cost-effective demand, and supporting the growth of  
20 apprenticeship programs.

21 (5) Identify eligible providers of training services.

22 (6) Assess the planning process to identify quality improvements.

23 (7) Execute a master partnership agreement with local elected  
24 officials that establishes the working relationships and specifies  
25 responsibilities of each body in the partnership.

26 **Sec. 11.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to read  
27 as follows:

28 (1) The department shall contract with associate development  
29 organizations or other local organizations to increase the support for  
30 and coordination of community and economic development services in  
31 communities or regional areas. The organizations contracted with in  
32 each community or regional area shall be broadly representative of  
33 community and economic interests. The organization shall be capable of  
34 identifying key economic and community development problems, developing  
35 appropriate solutions, and mobilizing broad support for recommended  
36 initiatives. The contracting organization shall work with and include  
37 local governments, local chambers of commerce, (~~private industry~~)  
38 local work force development councils, port districts, labor groups,

1 institutions of higher education, community action programs, and other  
2 appropriate private, public, or nonprofit community and economic  
3 development groups. The department shall be responsible for  
4 determining the scope of services delivered under these contracts.

5 (2) Associate development organizations or other local development  
6 organizations contracted with shall promote and coordinate, through  
7 local service agreements with local governments, small business  
8 development centers, port districts, community and technical colleges,  
9 private industry councils, and other development organizations, for the  
10 efficient delivery of community and economic development services in  
11 their areas.

12 (3) The department shall (~~consult with associate development~~  
13 ~~organizations, port districts, local governments, and other local~~  
14 ~~development organizations in the establishment of~~) establish local  
15 service delivery regions throughout the state that match the regions  
16 established for local work force development councils. The legislature  
17 encourages local associate development organizations to form  
18 partnerships with other associate development organizations in their  
19 region to combine resources for better access to available services, to  
20 encourage regional delivery of state services, and to build the local  
21 capacity of communities in the region more effectively.

22 (4) The department shall contract on a regional basis for surveys  
23 of key sectors of the regional economy and the coordination of  
24 technical assistance to businesses and employees within the key  
25 sectors. The department's selection of contracting organizations or  
26 consortiums shall be based on the sufficiency of the organization's or  
27 consortium's proposal to examine key sectors of the local economy  
28 within its region adequately and its ability to coordinate the delivery  
29 of services required by businesses within the targeted sectors.  
30 Organizations contracting with the department shall work closely with  
31 the department to examine the local economy and to develop strategies  
32 to focus on developing key sectors that show potential for long-term  
33 sustainable growth. The contracting organization shall survey  
34 businesses and employees in targeted sectors on a periodic basis to  
35 gather information on the sector's business needs, expansion plans,  
36 relocation decisions, training needs, potential layoffs, financing  
37 needs, availability of financing, and other appropriate information  
38 about economic trends and specific employer and employee needs in the  
39 region.

1       (5) (~~The contracting~~) Any associate development organization or  
2 other local organization contracting with the department under this  
3 section shall participate with the work force (~~training and education~~  
4 eordinating)) development board and local work force development  
5 councils, as created in chapter 28C.18 RCW, (~~and any regional entities~~  
6 designated by that board,) in providing for the coordination of job  
7 skills training within (~~its region~~) local areas. Such participation  
8 shall include assistance in the development of a coordinated and  
9 responsive system of outreach to employers and technical assistance to  
10 brokers as provided in section 10 of this act.

11       **Sec. 12.** RCW 50.38.050 and 1993 c 62 s 5 are each amended to read  
12 as follows:

13       The department shall have the following duties:

14       (1) Oversight and management of a state-wide comprehensive labor  
15 market and occupational supply and demand information system, including  
16 development of a five-year employment forecast for state and labor  
17 market areas;

18       (2) Produce local labor market information packages for the state's  
19 counties, including special studies and job impact analyses in support  
20 of state and local employment, training, education, and job creation  
21 programs, especially activities that prevent job loss, reduce  
22 unemployment, and create jobs;

23       (3) Coordinate with the office of financial management and the  
24 office of the forecast council to improve employment estimates by  
25 enhancing data on corporate officers, improving business establishment  
26 listings, expanding sample for employment estimates, and developing  
27 business entry/exit analysis relevant to the generation of occupational  
28 and economic forecasts; (~~and~~)

29       (4) In cooperation with the office of financial management, produce  
30 long-term industry and occupational employment forecasts. These  
31 forecasts shall be consistent with the official economic and revenue  
32 forecast council biennial economic and revenue forecasts; and

33       (5) Provide labor market information needed for the state work  
34 force development board to fulfill its duties under RCW 28C.04.060.

35       **Sec. 13.** RCW 50.67.010 and 1991 c 238 s 14 are each amended to  
36 read as follows:

1       (1) (~~There is hereby created the Washington state job training~~  
2 ~~coordinating council for so long as a state council is required by~~  
3 ~~federal law or regulation as a condition for receipt of federal funds.~~  
4 ~~The council shall perform all duties of state job training coordinating~~  
5 ~~council as specified in the federal job training partnership act, P.L.~~  
6 ~~97-300, as amended, including the preparation of a coordination and~~  
7 ~~special services plan for a two year period, consistent with the state~~  
8 ~~comprehensive plan for work force training and education prepared by~~  
9 ~~the work force training and education coordinating board as provided~~  
10 ~~for in RCW 28C.18.060.~~

11       (2) ~~The work force training and education coordinating board shall~~  
12 ~~monitor the need for the council as described in subsection (1) of this~~  
13 ~~section, and, if that need no longer exists, propose legislation to~~  
14 ~~terminate the council.))~~ The duties of the job training coordinating  
15 council described in section 122 of P.L. 97-300 shall be performed by  
16 the work force development board until July 1, 2000.

17       (2) This section expires July 1, 2000.

18       NEW SECTION. Sec. 14. The department is responsible to prepare  
19 the following elements for the program plan required by the work force  
20 investment act of 1998 (P.L. 105-220) which include:

21       (1) Detailed plans required under section 8 of the Wagner-Peyser  
22 act (29 U.S.C. 49g);

23       (2) Assurances that the state will provide, in accordance with  
24 section 184 of the work force investment act, for fiscal control and  
25 fund accounting procedures that are necessary to ensure the proper  
26 disbursement of, and accounting for, funds paid to the state through  
27 the allotments made under sections 127 and 132 of the work force  
28 investment act;

29       (3)(a) A description of the methods and factors the state will use  
30 in distributing funds to local areas for youth activities and adult  
31 employment and training activities under sections 128(b)(3)(B) and  
32 133(b)(3)(B) of the work force investment act, including:

33       (i) A description of how the individuals and entities represented  
34 on the work force development board were involved in determining such  
35 methods and factors of distribution; and

36       (ii) A description of how that state consulted with chief elected  
37 officials in local areas throughout the state in determining such  
38 distribution; and

1 (b) Assurances that the funds will be distributed equitably  
2 throughout the state, and that no local areas will suffer significant  
3 shifts in funding from year to year; and

4 (c) A description of the formula prescribed by the governor  
5 pursuant to section 133(b)(2)(B) of the work force investment act for  
6 the allocation of funds to local areas for dislocated worker employment  
7 and training activities;

8 (4) With respect to the one stop delivery systems described in  
9 section 134(c) of the work force investment act, a description of the  
10 operational strategy of the state for assisting local areas in  
11 development and implementation of fully operational one stop delivery  
12 systems in the state;

13 (5) A description of the competitive process to be used by the  
14 state to award grants and contracts in the state for activities carried  
15 out under the work force investment act;

16 (6) With respect to the employment and training activities  
17 authorized in section 134 of the work force investment act:

18 (a) The employment and training activities that will be carried out  
19 with the funds received by the state through the allotment made under  
20 section 132 of the work force investment act;

21 (b) How the state will provide rapid response activities to  
22 dislocated workers from funds reserved under section 133(a)(2) of the  
23 work force investment act for such purposes, including the designation  
24 of an identifiable state rapid response dislocated worker unit to carry  
25 out state-wide rapid response activities; and

26 (c) With other state operating agencies, how the state will serve  
27 the employment and training needs of dislocated workers, including  
28 displaced homemakers; low-income individuals, including recipients of  
29 public assistance; individuals training for nontraditional employment;  
30 and other individuals with multiple barriers to employment, including  
31 older individuals and individuals with disabilities;

32 (7) With respect to youth activities authorized in section 129 of  
33 the work force investment act, information:

34 (a) Describing the state strategy for providing comprehensive  
35 services to eligible youth, particularly those eligible youth who are  
36 recognized as having significant barriers to employment;

37 (b) Describing how that state will coordinate the youth activities  
38 carried out in the state under section 129 of the work force investment

1 act with the services provided by job corps centers in the state, where  
2 such centers exist; and

3 (c) Describing how the state will coordinate youth activities  
4 described in subparagraph (C) of the work force investment act with  
5 activities carried out through the youth opportunity grants under  
6 section 169 of the work force investment act; and

7 (8) With respect to all program activities of the department, a  
8 description of how department resources are allocated to support the  
9 implementation of unified planning by the work force development board  
10 and the implementation of local unified plans.

11 NEW SECTION. **Sec. 15.** The department shall receive federal funds  
12 authorized under the work force investment act of 1998 (P.L. 105-220)  
13 Title 1B and recommend to the governor the allocation of the funds to  
14 support this chapter, chapter 28C.18 RCW, and the work force investment  
15 act.

16 **Sec. 16.** RCW 50.13.060 and 1997 c 409 s 605 and 1997 c 58 s 1004  
17 are each reenacted and amended to read as follows:

18 (1) Governmental agencies, including law enforcement agencies,  
19 prosecuting agencies, and the executive branch, whether state, local,  
20 or federal shall have access to information or records deemed private  
21 and confidential under this chapter if the information or records are  
22 needed by the agency for official purposes and:

23 (a) The agency submits an application in writing to the employment  
24 security department for the records or information containing a  
25 statement of the official purposes for which the information or records  
26 are needed and specific identification of the records or information  
27 sought from the department; and

28 (b) The director, commissioner, chief executive, or other official  
29 of the agency has verified the need for the specific information in  
30 writing either on the application or on a separate document; and

31 (c) The agency requesting access has served a copy of the  
32 application for records or information on the individual or employing  
33 unit whose records or information are sought and has provided the  
34 department with proof of service. Service shall be made in a manner  
35 which conforms to the civil rules for superior court. The requesting  
36 agency shall include with the copy of the application a statement to  
37 the effect that the individual or employing unit may contact the public

1 records officer of the employment security department to state any  
2 objections to the release of the records or information. The  
3 employment security department shall not act upon the application of  
4 the requesting agency until at least five days after service on the  
5 concerned individual or employing unit. The employment security  
6 department shall consider any objections raised by the concerned  
7 individual or employing unit in deciding whether the requesting agency  
8 needs the information or records for official purposes.

9 (2) The requirements of subsections (1) and (9) of this section  
10 shall not apply to the state legislative branch. The state legislature  
11 shall have access to information or records deemed private and  
12 confidential under this chapter, if the legislature or a legislative  
13 committee finds that the information or records are necessary and for  
14 official purposes. If the employment security department does not make  
15 information or records available as provided in this subsection, the  
16 legislature may exercise its authority granted by chapter 44.16 RCW.

17 (3) In cases of emergency the governmental agency requesting access  
18 shall not be required to formally comply with the provisions of  
19 subsection (1) of this section at the time of the request if the  
20 procedures required by subsection (1) of this section are complied with  
21 by the requesting agency following the receipt of any records or  
22 information deemed private and confidential under this chapter. An  
23 emergency is defined as a situation in which irreparable harm or damage  
24 could occur if records or information are not released immediately.

25 (4) The requirements of subsection (1)(c) of this section shall not  
26 apply to governmental agencies where the procedures would frustrate the  
27 investigation of possible violations of criminal laws or to the release  
28 of employing unit names, addresses, number of employees, and aggregate  
29 employer wage data for the purpose of state governmental agencies  
30 preparing small business economic impact statements under chapter 19.85  
31 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c).  
32 Information provided by the department and held to be private and  
33 confidential under state or federal laws must not be misused or  
34 released to unauthorized parties. A person who misuses such  
35 information or releases such information to unauthorized parties is  
36 subject to the sanctions in RCW 50.13.080.

37 (5) Governmental agencies shall have access to certain records or  
38 information, limited to such items as names, addresses, social security  
39 numbers, and general information about benefit entitlement or employer

1 information possessed by the department, for comparison purposes with  
2 records or information possessed by the requesting agency to detect  
3 improper or fraudulent claims, or to determine potential tax liability  
4 or employer compliance with registration and licensing requirements.  
5 In those cases the governmental agency shall not be required to comply  
6 with subsection (1)(c) of this section, but the requirements of the  
7 remainder of subsection (1) of this section must be satisfied.

8 (6) Governmental agencies may have access to certain records and  
9 information, limited to employer information possessed by the  
10 department for purposes authorized in chapter 50.38 RCW. Access to  
11 these records and information is limited to only those individuals  
12 conducting authorized statistical analysis, research, and evaluation  
13 studies. Only in cases consistent with the purposes of chapter 50.38  
14 RCW are government agencies not required to comply with subsection  
15 (1)(c) of this section, but the requirements of the remainder of  
16 subsection (1) of this section must be satisfied. Information provided  
17 by the department and held to be private and confidential under state  
18 or federal laws shall not be misused or released to unauthorized  
19 parties subject to the sanctions in RCW 50.13.080.

20 (7) Disclosure to governmental agencies of information or records  
21 obtained by the employment security department from the federal  
22 government shall be governed by any applicable federal law or any  
23 agreement between the federal government and the employment security  
24 department where so required by federal law. When federal law does not  
25 apply to the records or information state law shall control.

26 (8) The department may provide information for purposes of  
27 statistical analysis and evaluation of the WorkFirst program or any  
28 successor state welfare program, the department of social and health  
29 services, the office of financial management, and other governmental  
30 entities with oversight or evaluation responsibilities for the program  
31 ((shall have access to employer wage information on clients in the  
32 program whose names and social security numbers are provided to the  
33 department)) in accordance with RCW 43.20A.080. The confidential  
34 information provided by the department shall remain the property of the  
35 department and may be used by the authorized requesting agencies only  
36 for statistical analysis, research, and evaluation purposes as provided  
37 in RCW 74.08A.410 and 74.08A.420. The department of social and health  
38 services ((is)), the office of financial management, or other  
39 governmental entities with oversight or evaluation responsibilities for

1 the program are not required to comply with subsection (1)(c) of this  
2 section, but the requirements of the remainder of subsection (1) of  
3 this section and applicable federal laws and regulations must be  
4 satisfied. The confidential information used for evaluation and  
5 analysis of welfare reform supplied to the authorized requesting  
6 entities with regard to the WorkFirst program or any successor state  
7 welfare program are exempt from public inspection and copying under RCW  
8 42.17.310.

9 (9) The disclosure of any records or information by a governmental  
10 agency which has obtained the records or information under this section  
11 is prohibited unless the disclosure is directly connected to the  
12 official purpose for which the records or information were obtained.

13 (10) In conducting periodic salary or fringe benefit studies  
14 pursuant to law, the department of personnel shall have access to  
15 records of the employment security department as may be required for  
16 such studies. For such purposes, the requirements of subsection (1)(c)  
17 of this section need not apply.

18 (11) To promote the reemployment of job seekers, the commissioner  
19 may enter into data-sharing contracts with partners of the one-stop  
20 career development system. The contracts shall provide for the  
21 exchange of data only to the extent that the exchange is necessary for  
22 the efficient provisions of work force programs, including but not  
23 limited to public labor exchange, unemployment insurance, worker  
24 training and retraining, vocational rehabilitation, vocational  
25 education, adult education, transition from public assistance, and  
26 support services. The exchange of information under contracts with  
27 one-stop partners is exempt from subsections (1), (5), and (6) of this  
28 section.

29 (12) To facilitate improved operation and evaluation of state  
30 programs, the commissioner may enter into data-sharing contracts with  
31 other state agencies only to the extent that such exchange is necessary  
32 for the efficient operation or evaluation of outcomes for those  
33 programs. The exchange of information by contract under this  
34 subsection is exempt from subsection (1)(c) of this section.

35 (13) The misuse or unauthorized release of records or information  
36 by any person or organization to which access is permitted by this  
37 chapter subjects the person or organization to a civil penalty of five  
38 thousand dollars and other applicable sanctions under state and federal  
39 law. Suit to enforce this section shall be brought by the attorney

1 general and the amount of any penalties collected shall be paid into  
2 the employment security department administrative contingency fund.  
3 The attorney general may recover reasonable attorneys' fees for any  
4 action brought to enforce this section.

5       **Sec. 17.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read  
6 as follows:

7       (1) The following are exempt from public inspection and copying:

8       (a) Personal information in any files maintained for students in  
9 public schools, patients or clients of public institutions or public  
10 health agencies, or welfare recipients.

11       (b) Personal information in files maintained for employees,  
12 appointees, or elected officials of any public agency to the extent  
13 that disclosure would violate their right to privacy.

14       (c) Information required of any taxpayer in connection with the  
15 assessment or collection of any tax if the disclosure of the  
16 information to other persons would (i) be prohibited to such persons by  
17 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the  
18 taxpayer's right to privacy or result in unfair competitive  
19 disadvantage to the taxpayer.

20       (d) Specific intelligence information and specific investigative  
21 records compiled by investigative, law enforcement, and penology  
22 agencies, and state agencies vested with the responsibility to  
23 discipline members of any profession, the nondisclosure of which is  
24 essential to effective law enforcement or for the protection of any  
25 person's right to privacy.

26       (e) Information revealing the identity of persons who are witnesses  
27 to or victims of crime or who file complaints with investigative, law  
28 enforcement, or penology agencies, other than the public disclosure  
29 commission, if disclosure would endanger any person's life, physical  
30 safety, or property. If at the time a complaint is filed the  
31 complainant, victim or witness indicates a desire for disclosure or  
32 nondisclosure, such desire shall govern. However, all complaints filed  
33 with the public disclosure commission about any elected official or  
34 candidate for public office must be made in writing and signed by the  
35 complainant under oath.

36       (f) Test questions, scoring keys, and other examination data used  
37 to administer a license, employment, or academic examination.

1 (g) Except as provided by chapter 8.26 RCW, the contents of real  
2 estate appraisals, made for or by any agency relative to the  
3 acquisition or sale of property, until the project or prospective sale  
4 is abandoned or until such time as all of the property has been  
5 acquired or the property to which the sale appraisal relates is sold,  
6 but in no event shall disclosure be denied for more than three years  
7 after the appraisal.

8 (h) Valuable formulae, designs, drawings, and research data  
9 obtained by any agency within five years of the request for disclosure  
10 when disclosure would produce private gain and public loss.

11 (i) Preliminary drafts, notes, recommendations, and intra-agency  
12 memorandums in which opinions are expressed or policies formulated or  
13 recommended except that a specific record shall not be exempt when  
14 publicly cited by an agency in connection with any agency action.

15 (j) Records which are relevant to a controversy to which an agency  
16 is a party but which records would not be available to another party  
17 under the rules of pretrial discovery for causes pending in the  
18 superior courts.

19 (k) Records, maps, or other information identifying the location of  
20 archaeological sites in order to avoid the looting or depredation of  
21 such sites.

22 (l) Any library record, the primary purpose of which is to maintain  
23 control of library materials, or to gain access to information, which  
24 discloses or could be used to disclose the identity of a library user.

25 (m) Financial information supplied by or on behalf of a person,  
26 firm, or corporation for the purpose of qualifying to submit a bid or  
27 proposal for (i) a ferry system construction or repair contract as  
28 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
29 construction or improvement as required by RCW 47.28.070.

30 (n) Railroad company contracts filed prior to July 28, 1991, with  
31 the utilities and transportation commission under RCW 81.34.070, except  
32 that the summaries of the contracts are open to public inspection and  
33 copying as otherwise provided by this chapter.

34 (o) Financial and commercial information and records supplied by  
35 private persons pertaining to export services provided pursuant to  
36 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
37 export projects pursuant to RCW 43.23.035.

38 (p) Financial disclosures filed by private vocational schools under  
39 chapters 28B.85 and 28C.10 RCW.

1 (q) Records filed with the utilities and transportation commission  
2 or attorney general under RCW 80.04.095 that a court has determined are  
3 confidential under RCW 80.04.095.

4 (r) Financial and commercial information and records supplied by  
5 businesses or individuals during application for loans or program  
6 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
7 or during application for economic development loans or program  
8 services provided by any local agency.

9 (s) Membership lists or lists of members or owners of interests of  
10 units in timeshare projects, subdivisions, camping resorts,  
11 condominiums, land developments, or common-interest communities  
12 affiliated with such projects, regulated by the department of  
13 licensing, in the files or possession of the department.

14 (t) All applications for public employment, including the names of  
15 applicants, resumes, and other related materials submitted with respect  
16 to an applicant.

17 (u) The residential addresses and residential telephone numbers of  
18 employees or volunteers of a public agency which are held by the agency  
19 in personnel records, employment or volunteer rosters, or mailing lists  
20 of employees or volunteers.

21 (v) The residential addresses and residential telephone numbers of  
22 the customers of a public utility contained in the records or lists  
23 held by the public utility of which they are customers, except that  
24 this information may be released to the division of child support or  
25 the agency or firm providing child support enforcement for another  
26 state under Title IV-D of the federal social security act, for the  
27 establishment, enforcement, or modification of a support order.

28 (w)(i) The federal social security number of individuals governed  
29 under chapter 18.130 RCW maintained in the files of the department of  
30 health, except this exemption does not apply to requests made directly  
31 to the department from federal, state, and local agencies of  
32 government, and national and state licensing, credentialing,  
33 investigatory, disciplinary, and examination organizations; (ii) the  
34 current residential address and current residential telephone number of  
35 a health care provider governed under chapter 18.130 RCW maintained in  
36 the files of the department, if the provider requests that this  
37 information be withheld from public inspection and copying, and  
38 provides to the department an accurate alternate or business address  
39 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a  
2 health care provider governed under RCW 18.130.140 maintained in the  
3 files of the department shall automatically be withheld from public  
4 inspection and copying unless the provider specifically requests the  
5 information be released, and except as provided for under RCW  
6 42.17.260(9).

7 (x) Information obtained by the board of pharmacy as provided in  
8 RCW 69.45.090.

9 (y) Information obtained by the board of pharmacy or the department  
10 of health and its representatives as provided in RCW 69.41.044,  
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and  
13 any information produced or obtained in evaluating or examining a  
14 business and industrial development corporation organized or seeking  
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state  
17 investment board by any person when the information relates to the  
18 investment of public trust or retirement funds and when disclosure  
19 would result in loss to such funds or in private loss to the providers  
20 of this information.

21 (bb) Financial and valuable trade information under RCW 51.36.120.

22 (cc) Client records maintained by an agency that is a domestic  
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency  
26 employee: (i) Seeks advice, under an informal process established by  
27 the employing agency, in order to ascertain his or her rights in  
28 connection with a possible unfair practice under chapter 49.60 RCW  
29 against the person; and (ii) requests his or her identity or any  
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency  
32 conducting a current investigation of a possible unfair practice under  
33 chapter 49.60 RCW or of a possible violation of other federal, state,  
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection  
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research  
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under  
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and  
4 collected and maintained by a quality improvement committee pursuant to  
5 RCW 43.70.510, regardless of which agency is in possession of the  
6 information and documents.

7 (ii) Personal information in files maintained in a data base  
8 created under RCW 43.07.360.

9 (jj) Financial and commercial information requested by the public  
10 stadium authority from any person or organization that leases or uses  
11 the stadium and exhibition center as defined in RCW 36.102.010.

12 (kk) Names of individuals residing in emergency or transitional  
13 housing that are furnished to the department of revenue or a county  
14 assessor in order to substantiate a claim for property tax exemption  
15 under RCW 84.36.043.

16 (ll) The names, residential addresses, residential telephone  
17 numbers, and other individually identifiable records held by an agency  
18 in relation to a vanpool, carpool, or other ride-sharing program or  
19 service. However, these records may be disclosed to other persons who  
20 apply for ride-matching services and who need that information in order  
21 to identify potential riders or drivers with whom to share rides.

22 (mm) Proprietary financial and commercial information that the  
23 submitting entity, with review by the department of health,  
24 specifically identifies at the time it is submitted and that is  
25 provided to or obtained by the department of health in connection with  
26 an application for, or the supervision of, an antitrust exemption  
27 sought by the submitting entity under RCW 43.72.310. If a request for  
28 such information is received, the submitting entity must be notified of  
29 the request. Within ten business days of receipt of the notice, the  
30 submitting entity shall provide a written statement of the continuing  
31 need for confidentiality, which shall be provided to the requester.  
32 Upon receipt of such notice, the department of health shall continue to  
33 treat information designated under this section as exempt from  
34 disclosure. If the requester initiates an action to compel disclosure  
35 under this chapter, the submitting entity must be joined as a party to  
36 demonstrate the continuing need for confidentiality.

37 (nn) Records maintained by the board of industrial insurance  
38 appeals that are related to appeals of crime victims' compensation  
39 claims filed with the board under RCW 7.68.110.

1 (oo) Financial and commercial information supplied by or on behalf  
2 of a person, firm, corporation, or entity under chapter 28B.95 RCW  
3 relating to the purchase or sale of tuition units and contracts for the  
4 purchase of multiple tuition units.

5 (pp) Records maintained by the employment security department and  
6 subject to chapter 50.13 RCW if provided to another individual or  
7 organization for operational, research, or evaluation purposes.

8 (qq) Individually identifiable information received by the work  
9 force development board for research or evaluation purposes.

10 (2) Except for information described in subsection (1)(c)(i) of  
11 this section and confidential income data exempted from public  
12 inspection pursuant to RCW 84.40.020, the exemptions of this section  
13 are inapplicable to the extent that information, the disclosure of  
14 which would violate personal privacy or vital governmental interests,  
15 can be deleted from the specific records sought. No exemption may be  
16 construed to permit the nondisclosure of statistical information not  
17 descriptive of any readily identifiable person or persons.

18 (3) Inspection or copying of any specific records exempt under the  
19 provisions of this section may be permitted if the superior court in  
20 the county in which the record is maintained finds, after a hearing  
21 with notice thereof to every person in interest and the agency, that  
22 the exemption of such records is clearly unnecessary to protect any  
23 individual's right of privacy or any vital governmental function.

24 (4) Agency responses refusing, in whole or in part, inspection of  
25 any public record shall include a statement of the specific exemption  
26 authorizing the withholding of the record (or part) and a brief  
27 explanation of how the exemption applies to the record withheld.

28 **Sec. 18.** RCW 43.20A.080 and 1997 c 58 s 1005 are each amended to  
29 read as follows:

30 (1) The department shall provide the employment security department  
31 quarterly with the names ~~((and)),~~ social security numbers, and program  
32 information of all clients in the WorkFirst program and any successor  
33 state welfare program needed to assess and improve the quality of the  
34 employment outcomes.

35 (2) The information provided by the employment security department  
36 under RCW 50.13.060 for statistical analysis and welfare program  
37 evaluation purposes may be used only for statistical analysis,  
38 research, and evaluation purposes as provided in RCW 74.08A.410 and

1 74.08A.420. ((Through individual matches with accessed employment  
2 security department confidential employer wage files, only aggregate,  
3 statistical, group level data shall be reported. Data sharing by the  
4 employment security department may be extended to include the office of  
5 financial management and other such governmental entities with  
6 oversight responsibility for this program.))

7 (3) The department and other agencies of state government shall  
8 protect the privacy of confidential personal data supplied under RCW  
9 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms  
10 and conditions of a formal data-sharing agreement between the  
11 employment security department and agencies of state government,  
12 however the misuse or unauthorized use of confidential data supplied by  
13 the employment security department is subject to the penalties in RCW  
14 50.13.080.

15 NEW SECTION. **Sec. 19.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 28C.18.070 (Intent--"Program" clarified) and 1995 c 130 s  
18 1;

19 (2) RCW 28C.18.080 (Comprehensive plan--Contents--Updates--Agency  
20 operating plans--Reports to the legislature) and 1997 c 369 s 5 & 1995  
21 c 130 s 2;

22 (3) RCW 28C.18.090 (Additional board duties--Program evaluation by  
23 operating agencies) and 1995 c 130 s 4;

24 (4) RCW 28C.18.100 (Assessments by board--Biennial report to  
25 legislature and governor) and 1995 c 130 s 5;

26 (5) RCW 28C.18.110 (Identification of policies and methods to  
27 promote efficiency and sharing of resources--Report to governor and  
28 legislature) and 1995 c 130 s 6;

29 (6) RCW 50.67.020 (Membership of council--Assistance to work force  
30 training and education coordinating board) and 1991 c 238 s 15; and

31 (7) RCW 50.67.030 (Washington youthbuild program--Council to  
32 advise) and 1994 sp.s. c 3 s 8.

33 NEW SECTION. **Sec. 20.** Sections 14 and 15 of this act constitute  
34 a new chapter in Title 50 RCW.

35 NEW SECTION. **Sec. 21.** If any part of this act is found to be in  
36 conflict with federal requirements that are a prescribed condition to

1 the allocation of federal funds to the state, the conflicting part of  
2 this act is inoperative solely to the extent of the conflict and with  
3 respect to the agencies directly affected, and this finding does not  
4 affect the operation of the remainder of this act in its application to  
5 the agencies concerned. Rules adopted under this act must meet federal  
6 requirements that are a necessary condition to the receipt of federal  
7 funds by the state.

8 NEW SECTION. **Sec. 22.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 23.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and takes effect  
15 immediately."

16 **SSB 5533** - S AMD - 124  
17 By Senator Fairley

18  
19 On page 1, line 1 of the title, after "learning;" strike the  
20 remainder of the title and insert "amending RCW 28C.18.010, 28C.18.020,  
21 28C.18.030, 28C.18.040, 28C.18.050, 28C.18.060, 74.08A.280, 74.08A.410,  
22 43.330.080, 50.38.050, 50.67.010, 42.17.310, and 43.20A.080; reenacting  
23 and amending RCW 50.13.060; adding a new section to chapter 28C.18 RCW;  
24 adding a new chapter to Title 50 RCW; creating new sections; repealing  
25 RCW 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110,  
26 50.67.020, and 50.67.030; prescribing penalties; providing an  
27 expiration date; and declaring an emergency."

--- END ---