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SB-628 California Creative Workforce Act of 2021. (2021-2022)

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Date Published: 10/11/2021 09:00 PM

Senate Bill No. 628

CHAPTER 767

An act to amend Section 8753.5 of the Government Code, and to add Article 4 (commencing with Section 14240) to Chapter 4 of Division 7 of the Unemployment Insurance Code, relating to workforce development.

[Approved by Governor October 09, 2021. Filed with Secretary of State October 09, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 628, Allen. California Creative Workforce Act of 2021.

Existing law establishes the California Workforce Development Board, which assists the Governor in the development, oversight, and continuous improvement of California's workforce investment system. The board reports to the Secretary of the Labor and Workforce Development Agency. Existing law creates various workforce development programs, including the Breaking Barriers to Employment Initiative and the Social Entrepreneurs for Economic Development Initiative. Existing law establishes an Arts Council in state government to, among other things, promote the employment of artists and those skilled in crafts in both the public and private sector.

This bill would enact the California Creative Workforce Act of 2021, to be operative upon appropriation by the Legislature of sufficient funding for its purposes. The purpose of the act would be to establish creative arts workforce development as a state priority and to promote employment and "earn and learn," as defined, job training opportunities for creative workers, among other things. The bill would require the Arts Council, in collaboration with the California Workforce Development Board, to design the program pursuant to specified objectives. The bill would require the council to consult with local government, community nonprofit organizations, and educational institutions, among others, in this effort. The bill would require the council to adopt criteria, guidelines, and policies for the program, which would be exempt from the Administrative Procedure Act, and would make this information available to the public.

The bill would require the Arts Council, in consultation with the California Workforce Development Board, to oversee and administer the grant program, to be operated and implemented locally or regionally by program grantees. The bill would require the council to specify and set aside funds to be awarded to grantees for earn and learn job training employment opportunities for students who have enrolled or completed a program in the arts, low-income or unemployed creative workers, and others with demonstrated interest in creative work in their communities. Among other things, the bill would require job training employment opportunities for a creative worker to be for no less than 12 months and no more than 24 months and to pay a living wage. The bill would also require the council to specify and set aside funds to be awarded to grantees to create equitable opportunities for career exploration and participation in creative work for individuals and communities who have faced barriers to participation and employment in creative work for specified reasons. The bill would require the council, in consultation with the board, to develop and implement a plan for grant program evaluation and to specify the data to be collected to evaluate program efficacy. The bill would make conforming changes in provisions relating to the council.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) If California is to retain its premier position in arts and culture, and fully realize the social, cultural, and economic benefits of the creative industries, then there must be greater opportunities for employment and earn and learn job training experiences for creative workers in the state.

(b) The COVID-19 pandemic has exacerbated existing inequities around accessing the arts, and has decreased the opportunity for employment and earn and learn job training experiences in the creative industries.

(c) The creative industries are integral and necessary for the recovery, rebuilding, and healing of California in the aftermath of the pandemic. Creative arts workers and projects serve to heal communities, drive social-emotional learning, improve cultural competency and cohesion, address trauma, and inspire new thinking in communities with unmet needs.

(d) The public funding of creative arts employment, combined with earn and learn job training programs and engagement, will expand employment opportunities across the creative spectrum and benefit the economy and culture of California.

(e) Arts and culture are essential drivers of civic participation and dialogue, and considerable research shows that integrating artists and creative workers into recovery drives better outcomes related to critical concerns including racial justice, health, education, community cohesion, and public safety.

(f) Establishing the California Creative Workforce Act of 2021 will increase access to broad and diverse arts and cultural resources, equipping California with the tools needed to lead the country in mobilizing artists and the arts sector.

SEC. 2. Section 8753.5 of the Government Code is amended to read:

8753.5. The council shall not make any grants or fund any program which has not been established pursuant to the powers granted by this chapter or the California Creative Workforce Act of 2021 (Article 4 (commencing with Section 14240) of Chapter 4 of Division 7 of the Unemployment Insurance Code).

SEC. 3. Article 4 (commencing with Section 14240) is added to Chapter 4 of Division 7 of the Unemployment Insurance Code, to read:

Article 4. The California Creative Workforce Act of 2021

14240. This article shall be known, and may be cited, as the California Creative Workforce Act of 2021.

14241. The purpose of this article is:

(a) To establish creative arts workforce development as a state priority.

(b) To recognize creative workers across California as essential workers and contributors for overcoming California's greatest challenges through the rebuilding of California's cultural landscape into a more equitable and just framework.

(c) To develop and support a workforce career development pipeline that serves creative workers at all stages of their careers.

(d) To create equitable opportunities for career exploration and participation in creative work for individuals and communities who may have faced barriers to participation and employment in creative work as a result of low levels of public and private investment, limited exposure to arts programming, or other social or economic barriers to participation and employment in creative work.

(e) To promote employment and earn and learn job training opportunities for creative workers throughout the state.

14242. For purposes of this article:

(a) "Act" means the California Creative Workforce Act of 2021

(b) "Board" means the California Workforce Development Board, established pursuant to Article 1 (commencing with Section 14010) of Chapter 3.

(c) "Council" means the Arts Council established pursuant to Section 8751 of the Government Code.

(d) "Creative work" means work directly relevant to the creation, development, production, and marketing of visual, performance, and literary art, including, but not limited to, painting, muralmaking, photography, music, performance art, acting, filmmaking,

dancing, fashion design, graphic design, poetry, and all other forms of creative writing.

(e) "Creative workers" means visual, performance, and literary artists, including, but not limited to, painters, muralists, photographers, musicians, performing artists, actors, filmmakers, dancers, fashion designers, graphic designers, poets, and writers.

(f) "Earn and learn" has the meaning provided by subdivision (q) of Section 14005.

14243. (a) The council, in consultation with the board, shall design a grant program that meets the objectives enumerated in Section 14241.

(b) The council shall consult with local governments, and community nonprofit organizations, educational institutions with arts programming, and workers, unions, and employers in relevant industry sectors on the design of the grant program.

(c) Consistent with this chapter, the council shall adopt criteria, guidelines, and policies for the grant program.

(1) The criteria guidelines, and policies shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(2) The council shall make the criteria, guidelines, and policies available to the public.

14244. (a) The council, in consultation with the board, shall oversee and administer the grant program, which shall be operated and implemented locally or regionally by program grantees, including, but not limited to, local government entities, cultural arts agencies, community nonprofit organizations, and other organizations operating a program that is consistent with the objectives enumerated in Section 14241.

(b) The council shall specify and set aside a portion of program funds to be awarded to grantees to provide, either directly or through contract, earn and learn job training employment opportunities for students who have enrolled or completed a program in the arts, low-income or unemployed creative workers, and others with a demonstrated interest in, or commitment to, creative work in their communities.

(1) Grantees awarded funds under this subdivision may serve as, or contract with, labor market intermediaries who will connect prospective program participants to employers with earn and learn job training employment opportunities that involve creative work.

(2) Earn and learn job training employment opportunities for a creative worker shall be for a period of no less than 12 months and no more than 24 months.

(3) Employment funded by the program shall pay a living wage in the regional labor market where the work is performed.

(4) Creative workers shall be employed in jobs that provide opportunities, over the course of their enrollment in the program, to learn occupational skills relevant to jobs characteristic of the arts and entertainment industry.

(5) Employment shall support creative workers in diverse projects, including, but not limited to, public artworks, musical and theatrical performances, and community documentation projects that lift up the voices of systemically marginalized populations and that reframe and reimagine the possibilities of defining a new California culture.

(6) The program shall be structured so as to promote transition to unsubsidized employment at the time participants complete enrollment, with job placement in a living wage job serving as an important underlying objective of the program.

(c) The council shall specify and set aside a portion of program funds to be awarded to grantees to create equitable opportunities for career exploration and participation in creative work for individuals and communities who have faced barriers to participation and employment in creative work as a result of low levels of public and private investment in the arts, limited exposure to arts programming, or other social or economic barriers to participation and employment in creative work. These efforts shall include providing grants to organizations serving veterans and individuals with employment barriers, as defined by subdivision (j) of Section 14005.

(d) The council, in consultation with the board, may specify and set aside a portion of program funds to be awarded to grantees to provide other workforce services permitted under this division to unemployed, underemployed, and displaced creative workers.

(e) (1) The council, in consultation with the board, shall develop and implement a plan for grant program evaluation and shall specify the data to be collected to evaluate program efficacy, including all of the following:

(A) Data pertaining to the demographic characteristics of program participants.

(B) Data pertaining to employment barriers of individual program participants.

(C) Data pertaining to the types of earn and learn job training programs in which participants enroll.

(D) Data pertaining to any workforce services received during the period of program participation.

(E) Data pertaining to outcomes, including labor market data, regarding the wages and employment of program participants after they exit the program.

(2) The council shall require grantees, as a condition of receiving funding, to collect and remit all requisite data necessary to conduct program evaluation.

14246. This article shall become operative upon the appropriation by the Legislature of sufficient funds for its purposes.