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AB-2873 Breaking Barriers to Employment Initiative: grants. (2023-2024)

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Assembly Bill No. 2873

CHAPTER 224

An act to amend Sections 14032, 14033, and 14036 of the Unemployment Insurance Code, relating to workforce development.

[Approved by Governor September 12, 2024. Filed with Secretary of State September 12, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2873, Garcia. Breaking Barriers to Employment Initiative: grants.

Existing law, the California Workforce Innovation and Opportunity Act, makes programs and services available to individuals with employment barriers and establishes the California Workforce Development Board (board) to assist the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. Existing law requires the local chief elected officials in a local workforce development area to form, pursuant to specified guidelines, a local workforce development board to plan and oversee the workforce investment system and further requires the Governor to periodically certify one local board for each local area in the state.

Existing law establishes the Breaking Barriers to Employment Initiative, which establishes a grant program administered by the board to support prescribed workforce preparation, education, and training programs. Existing law requires the grant to be awarded on a competitive basis and the board to develop criteria for the selection of grant recipients, as specified. Existing law requires an application for the grant to be submitted to the board to include, among other things, designation of a lead workforce development board or community-based organization with specified experience and the designation of a service area. Existing law requires that an application that proposes to serve clients across one or more workforce development areas to include a commitment to notify each workforce development board in the proposed service area.

This bill would, instead, specify that the above-described designation is of a partner entity and would allow an exception to that designation requirement, if the lead applicant demonstrates, as prescribed, that securing a partner entity was not possible before the application deadline closed. The bill would prohibit more than 15 percent of all moneys appropriated for the above-described grants from being awarded to a lead applicant that receives the partner entity designation exception. The bill would also delete the above-described requirement to commit to notify each workforce development board in the proposed service area.

Existing law requires the board to evaluate an application based on specified criteria, including, among other things, the ability of individuals to succeed in both the broader workforce and education system and in the labor market once they transition into the broader system. Existing law requires that this be measured by tracking these individuals utilizing the existing performance monitoring systems and metrics governing relevant programs and outcomes once they transition into the broader system.

This bill would, instead, authorize, rather than require, the board to measure the above-described criteria by tracking individuals, as described above.

Existing law requires applicants to provide necessary information to the board to facilitate grant performance evaluation. Existing law requires the board to issue an interim report and a final report on the program, as specified. Existing law requires the reports to include specified information, including, among other things, policy recommendations to provide guidance to the Legislature and the Governor in scaling a permanent program.

This bill would additionally authorize grant applicants to provide the necessary information to the board's designee. The bill would remove the requirement that the board issue an interim report and would remove the requirement that the final report include the above-described recommendations. The bill would additionally require the final report to include demographic data and data on languages spoken by populations served by the grant.

Existing law authorizes the board to develop necessary policies to ensure that grants awarded under the initiative are consistent with the initiative's intent.

This bill would additionally authorize the board to provide technical assistance to grant recipients to carry out the initiative. The bill would authorize the board to provide the technical assistance by contract with a nonprofit organization, as defined, pursuant to prescribed requirements, including, among other things, evaluating proposals through a transparent and competitive process using criteria developed by the board.

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

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

SECTION 1. Section 14032 of the Unemployment Insurance Code is amended to read:

14032. (a) Funding for the initiative shall be subject to appropriation by the Legislature, but only for the purposes expressed in this article, and shall not draw from, supplant, or redirect existing state or federally funded education, workforce, or employment services programs, except that those funds may, but shall not be required to, be used as leverage with initiative funds.

(b) Implementation of the initiative shall be contingent upon the California Workforce Development Board notifying the Department of Finance that sufficient moneys have been appropriated by the Legislature for this purpose.

(c) Outreach shall be provided to prospective applicants, especially for small community-based organizations, organizations without a preexisting relationship to the local workforce boards, and organizations serving rural and small population areas.

(d) (1) Grants shall be awarded on a competitive basis.

(2) Notwithstanding any law, no more than 15 percent of all moneys appropriated by the Legislature for the award of grants under this section shall be granted to lead applicants who receive an exception under subparagraph (B) of paragraph (1) of subdivision (f).

(e) The California Workforce Development Board shall develop criteria for the selection of grant recipients that include, but are not limited to, all of the following:

(1) Grant recipients have demonstrated experience working to ensure populations who have been historically disenfranchised from the labor market have access to quality jobs in their regions.

(2) Applications shall explain the community-based organization's capacity to provide services to relevant target populations and provide evidence of this capacity.

(3) Each grant proposal shall be consistent with the purposes of the initiative.

(f) Each application shall be submitted to the California Workforce Development Board and shall, at a minimum, include all of the following:

(1) (A) Designation of a partner entity that is a lead workforce development board or community-based organization with experience in providing services consistent with the objectives of this initiative and to the populations specified, which may include, but is not limited to, faith-based, business-based, labor-based, including labor-management partnerships and labor-community partnerships, cultural-based, and services-based organizations.

(B) Notwithstanding subparagraph (A), an exception to the requirement of that subparagraph may be granted in instances where the lead applicant demonstrates, in writing to the California Workforce Development Board or the designated oversight authority as determined by the board, that securing a partner entity was not possible before the application deadline closed. However, the remaining criteria for the selection of grant recipients shall be required to be satisfied.

(2) The designation of one or more targeted populations that will be served by the grant.

(3) The designation of a service area, which may include one or more neighborhoods, local jurisdictions, regions, or statewide.

(4) An explanation of the specific purpose and goals of the grant award, the roles and responsibilities of the lead applicant and partner entities, and a discussion of how funds will be used and success will be measured, the number of individuals who will be served, and the services provided to these individuals. Documentation shall be included to demonstrate that each partnering entity has agreed to the activities in the grant proposal.

(5) A description of how the grant proposal is designed to complement the work of, and integrate the individuals being served with, the broader workforce, education, and employment system within the proposed service area, and evidence that the proposal incorporates innovative strategies or proven practices for service delivery that will lead to improved outcomes, sustainability, and systems improvement.

(6) A grant application may be submitted by a workforce development board or community-based organization as a single fiscal agent and may include additional partners.

SEC. 2. Section 14033 of the Unemployment Insurance Code is amended to read:

14033. (a) The purpose of the initiative shall be to provide individuals with barriers to employment the services they need to enter, participate in, and complete broader workforce preparation, training and education programs, and, ultimately, to obtain and retain employment. Specifically, the program should strive to address racial and ethnic exclusion and inequity in the labor force and enhance racial and economic justice. Projects should create pipelines to quality jobs, upward mobility, and income security for workers historically excluded from quality jobs and economic prosperity. Special emphasis shall be given to applications that integrate individuals from target populations into career pathway programs aligned with regional labor market needs.

(b) Grants shall be evaluated using the following criteria:

(1) Ability to provide the services proposed in the grant to the number of individuals specified in the grant as evidenced by, among other things, whether the grantee completed the work proposed.

(2) Ability of individuals to successfully complete relevant programming funded under the grant as demonstrated by relevant measures directly related to the purpose of the program.

(3) Ability of individuals to transition into or be integrated into the broader workforce and education system as evidenced by employment and enrollment in relevant programs.

(4) Ability of individuals to succeed in both the broader workforce and education system and labor market once they transition into the broader system. This may be measured by tracking these individuals utilizing the existing performance monitoring systems and metrics governing relevant programs and outcomes once they transition into the broader system.

(5) Ability for program participants to inform programming on an ongoing basis and evaluate program performance and success.

(6) The degree to which program activities acknowledge and address historic racial inequity and socioeconomic barriers to labor force participation for targeted population groups.

(7) The degree to which leadership at the executive level of the lead applicant organization reflects the target populations in Section 14034.

(8) The degree to which at least 25 percent of the lead applicant organization's staff reflects the target populations in Section 14034.

(c) Grant applicants shall provide all necessary information to the California Workforce Development Board, or the board's designee, to facilitate grant performance evaluation.

(d) Grant applicants and partners may be required to participate in technical assistance activities, including, but not limited to, the convening of communities of practice to identify and help replicate evidence-based practices and to help facilitate an assessment and evaluation of grant performance and initiative success.

(e) The California Workforce Development Board shall issue a final report to be posted on its internet website. The final report shall be posted no later than one year following the completion of the program. The reports shall include, but not be limited to, the programmatic impact on the target populations, the fiscal savings associated with the program, key conclusions, the benefits conferred or realized using quantitative and qualitative data, demographic data, and data on the languages spoken by the populations served by the grant.

SEC. 3. Section 14036 of the Unemployment Insurance Code is amended to read:

14036. (a) The California Workforce Development Board may develop necessary policies to ensure that grants awarded under the initiative fund are activities that are consistent with the intent of this article.

(b) (1) The California Workforce Development Board may provide technical assistance to grant recipients to carry out the initiative.

(2) The California Workforce Development Board may provide technical assistance by contract with a nonprofit organization. If the California Workforce Development Board contracts with a nonprofit organization, the California Workforce Development Board shall do both of the following:

(A) Develop criteria for the selection of the nonprofit organization.

(B) Award the contract through a transparent and competitive process, which shall include, but not be limited to, solicitation of proposals and evaluation of proposals through the criteria developed pursuant to subparagraph (A).

(c) For the purposes of this section, "nonprofit organization" means any private, nonprofit organization that qualifies under Section 501(c)(3) of the United States Internal Revenue Code of 1986.