

AMENDED IN ASSEMBLY MARCH 24, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 628

Introduced by Assembly Member Eduardo Garcia
*(Coauthors: Assembly Members Chiu, Cristina Garcia, and
Blanca Rubio)*

February 12, 2021

An act to amend Sections 14031, 14032, 14033, 14034, 14035, and 14037 of the Unemployment Insurance Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 628, as amended, Eduardo Garcia. Breaking Barriers to Employment Initiative.

Existing law, the California Workforce Innovation and Opportunity Act, makes programs and services available to individuals with employment barriers and requires the California Workforce Development 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 establishes the Breaking Barriers to Employment Initiative, which includes a grant program administered by the board to support prescribed education and training activities.

Existing law specifies that the initiative is not intended to duplicate or replicate existing programs or to create new workforce and education programs, but rather to provide supplemental funding and services to ensure the success of individuals either preparing to enter or already

enrolled in workforce and education programs operating under the policy vision of this division and the state plan under this division.

This bill would instead provide that, instead of duplicating or replicating existing programs, the initiative should focus on innovative approaches to addressing racial, ethnic, and socioeconomic disparities in the labor market. The bill would require the *executive director of the board to convene an advisory group inclusive of community and advocacy organizations with a proven history of leadership on employment and worker equity issues to help identify potential grantees, explore model approaches, and provide input on the design of the grant solicitation. group, as prescribed, to establish grant application criteria and parameters for eligible organizations, review and make recommendations to the board regarding grant proposals, support identification of prospective grantees, support technical assistance opportunities, and make recommendations to the board to strengthen implementation. The bill would require the board to consider the recommendations of the advisory group.*

Existing law states that the primary purpose of the initiative is to provide individuals with barriers to employment the services they need to enter, participate in, and complete broader workforce preparation, training, and education programs aligned with regional labor market needs. Existing law establishes specific goals for people completing these programs. Existing law requires special emphasis to be given to grant applications that integrate individuals from target populations into career pathway programs aligned with regional labor market needs.

This bill would further provide that the program should strive to address racial and ethnic exclusion and inequity in the labor force and enhance racial and economic justice. The bill would provide that projects should create pipelines to quality jobs, upward mobility, and income security for workers historically excluded from quality jobs and economic prosperity.

Existing law requires the board to develop criteria for the selection of grant recipients, to include prescribed requirements, establishes requirements for grant applications, requires grants to be evaluated using specific criteria, specifies the populations that are eligible to be served by grants, and specifies the activities eligible for grant funding.

This bill would instead require the advisory group to develop those criteria and would revise the existing grant selection criteria requirements. The bill would also revise the grant application requirements, the grant evaluation criteria, the populations that are

eligible to be served by grants, and the activities eligible for grant funding.

Existing law creates the Breaking Barriers to Employment Initiative Fund, as specified, in the State Treasury. Moneys in the fund are subject to appropriation by the Legislature for the purpose of carrying out these provisions in support of the initiative. Implementation of the initiative is contingent upon the board notifying the Department of Finance that sufficient moneys have been appropriated by the Legislature for this purpose.

~~The bill would prohibit the board from using more than 5% of the moneys appropriated to support the program to assemble staff, consultants, and resources to carry out duties in support of the program. provide that the board shall receive, for state operations for the period during which moneys appropriated in support of the initiative are available for encumbrance or expenditure, \$2,000,000 or 5% of the total allocation, whichever is greater.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14031 of the Unemployment Insurance
2 Code is amended to read:

3 14031. (a) All efforts funded under this initiative are intended
4 to supplement and be aligned with the broader workforce and
5 education system in the State of California. The initiative is not
6 intended to duplicate or replicate existing programs but rather the
7 initiative should focus on innovative approaches to addressing
8 racial, ethnic, and socioeconomic disparities in the labor market.

9 (b) The primary purpose of the initiative is to provide individuals
10 with barriers to employment the services they need to enter,
11 participate in, and complete broader workforce preparation,
12 training, and education programs aligned with regional labor
13 market needs. Those who complete these programs should have
14 the skills and competencies necessary to successfully enter the
15 labor market, retain employment, and earn wages that lead to
16 self-sufficiency, and eventually, economic mobility and security.

17 ~~(c) The California Workforce Development Board shall convene~~
18 ~~an advisory group inclusive of community and advocacy~~
19 ~~organizations with a proven history of leadership on employment~~

1 and worker equity issues to help identify potential grantees, explore
2 model approaches, and provide input on the design of the grant
3 solicitation.

4 (c) (1) *The executive director of the California Workforce*
5 *Development Board shall convene an advisory group, in*
6 *accordance with paragraph (3), that shall be inclusive of*
7 *community organizations with a proven history of leadership and*
8 *partnership serving targeted populations. The advisory group shall*
9 *be composed of seven members selected by the executive director,*
10 *as follows:*

11 (A) *Two representatives from advocacy organizations.*

12 (B) *Three representatives from community-based organizations.*

13 (C) *Two workforce professionals.*

14 (2) *The members of the advisory group shall serve at the*
15 *pleasure of the executive director of the California Workforce*
16 *Development Board.*

17 (3) *The executive director shall consider for selection of*
18 *advisory group members experience serving the targeted*
19 *populations in Section 14034, as well as local experience*
20 *administering local workforce programming.*

21 (4) *The advisory group shall do all the following:*

22 (A) *Establish grant application criteria and parameters for*
23 *eligible organizations.*

24 (B) *Review and make recommendations to the California*
25 *Workforce Development Board regarding grant proposals.*

26 (C) *Support identification of prospective grantees.*

27 (D) *Support technical assistance opportunities.*

28 (E) *Make recommendations to the California Workforce*
29 *Development Board to strengthen implementation.*

30 (5) *The California Workforce Development Board shall consider*
31 *the recommendations of the advisory group pursuant to paragraph*
32 *(4).*

33 (d) *The distinguishing characteristic of the initiative is the*
34 *manner in which services will be delivered at the local and regional*
35 *level. Under the initiative, services shall be delivered principally*
36 *through a collaborative partnership between mission-driven,*
37 *community-based organizations with experience in providing*
38 *services and relevant relationships to targeted populations,*
39 *consistent with the objectives of this initiative and to the*
40 *populations specified, which may include, but are not limited to,*

1 faith-based, business-based, labor-based, cultural-based, and
2 services-based organizations, employment social enterprises,
3 worker centers, and local workforce development boards to
4 strengthen the America’s Job Center of California system. The
5 role of the community-based organizations shall be to use their
6 expertise in working with targeted populations and employers to
7 ensure that individuals from these targeted populations receive the
8 necessary supplemental, supportive, remedial, and ~~wrap-around~~
9 *wraparound* services they need to successfully enter, participate
10 in, and complete workforce and education programs and enter, be
11 retained, and advance in the labor market. The role of local
12 workforce development boards is to ensure a connection between
13 community-based organizations and the America’s Job Center of
14 California system to integrate individuals served by
15 community-based organizations under this initiative into the
16 education system and broader workforce for employment.

17 SEC. 2. Section 14032 of the Unemployment Insurance Code
18 is amended to read:

19 14032. (a) Funding for the initiative shall be subject to
20 appropriation by the Legislature, but only for the purposes
21 expressed in this article, and shall not draw from, supplant, or
22 redirect existing state or federally funded education, workforce,
23 or employment services programs, except that those funds may,
24 but shall not be required to, be used as leverage with initiative
25 funds.

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

30 (c) The advisory group established pursuant to Section 14031
31 shall develop criteria for the selection of grant recipients that
32 include, but are not limited to, all of the following:

33 (1) Outreach and technical assistance shall be provided to
34 prospective applicants to prepare applications, especially for small
35 community-based organizations, organizations without a
36 preexisting relationship to the local workforce boards, and
37 organizations serving rural and small population areas.

38 (2) Grants shall be awarded on a competitive basis.

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

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

7 (5) Each grant proposal shall be consistent with the purposes
8 of the initiative.

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

12 (1) Designation of a lead workforce development board or
13 community-based organization with experience in providing
14 services consistent with the objectives of this initiative and to the
15 populations specified, which may include, but is not limited to,
16 faith-based, business-based, labor-based, cultural-based, and
17 services-based organizations. Documentation shall be included to
18 demonstrate that each partnering entity has agreed to the activities
19 in the grant proposal.

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

22 (3) The designation of a service area, which may include one
23 or more neighborhoods, local jurisdictions, regions, or statewide.
24 A grant proposal that proposes to serve clients across one or more
25 workforce development areas shall include a commitment to notify
26 each workforce development board in the proposed service area.

27 (4) An explanation of the specific purpose and goals of the grant
28 funds, the roles and responsibilities of the lead applicant and
29 partners, and a discussion of how funds will be used and success
30 will be measured, the number of individuals who will be served,
31 and the services provided to these individuals.

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

39 (6) A grant application may be submitted by a workforce
40 development board or community-based organization or jointly

1 by one or more community-based organizations and workforce
2 development boards.

3 SEC. 3. Section 14033 of the Unemployment Insurance Code
4 is amended to read:

5 14033. (a) The purpose of the initiative shall be to provide
6 individuals with barriers to employment the services they need to
7 enter, participate in, and complete broader workforce preparation,
8 training and education programs, and, ultimately, to obtain and
9 retain employment. Specifically, the program should strive to
10 address racial and ethnic exclusion and inequity in the labor force
11 and enhance racial and economic justice. Projects should create
12 pipelines to quality jobs, upward mobility, and income security
13 for workers historically excluded from quality jobs and economic
14 prosperity. Special emphasis shall be given to applications that
15 integrate individuals from target populations into career pathway
16 programs aligned with regional labor market needs.

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

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

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

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

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

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

36 (6) Ability to acknowledge and address historic racial inequity
37 and socioeconomic barriers to labor force participation for targeted
38 population groups.

1 (c) Grant applicants shall provide all necessary information to
2 the California Workforce Development Board to facilitate grant
3 performance evaluation.

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

9 SEC. 4. Section 14034 of the Unemployment Insurance Code
10 is amended to read:

11 14034. Populations eligible to be served by grants include, but
12 are not limited to, all of the following:

13 (a) Youths who are at risk of disconnection or disconnected
14 from the education system or employment.

15 (b) Women seeking training or education to move into
16 nontraditional fields of employment.

17 (c) Displaced workers and long-term unemployed.

18 (d) ~~Unskilled or underskilled, low-wage~~ *Low-wage* workers.

19 (e) Persons for whom English is not their primary language.

20 (f) Economically disadvantaged persons.

21 (g) CalWORKs participants.

22 (h) Persons who are incarcerated and soon to be released or
23 formerly incarcerated.

24 (i) Armed services veterans.

25 (j) Native Americans.

26 (k) Migrants or seasonal farmworkers.

27 (l) Persons with developmental or other disabilities.

28 (m) Any other population with barriers to employment identified
29 in subdivision (j) of Section 14005.

30 (n) Immigrants.

31 (o) Persons who are at risk of committing violence or are ~~at risk~~
32 ~~of intimate partner~~ *survivors of domestic* violence or community
33 violence.

34 (p) Persons over 50 years of age who need retraining for
35 in-demand skills.

36 (q) Population groups with disproportionate numbers of people
37 living in ZIP Codes of concentrated poverty.

38 (r) Population groups that are disproportionately impacted by
39 occupational segregation.

1 SEC. 5. Section 14035 of the Unemployment Insurance Code
2 is amended to read:

3 14035. Eligible activities for initiative and grant funds shall
4 include, but are not limited to, all of the following:

- 5 (a) English language improvement training.
- 6 ~~(b) Basic skills and adult education.~~
- 7 (b) *Culturally and linguistically relevant academic enrichment,*
8 *basic skills training, tutoring, and adult education.*
- 9 (c) High school diploma and GED acquisition.
- 10 (d) Skills and vocational training that aligns with regional labor
11 market needs identified as part of the California Workforce
12 Innovation and Opportunity Act regional planning process.
- 13 (e) Work experience.
- 14 (f) On-the-job training.
- 15 (g) ~~Stipends and income~~ *Stipends, income, and language*
16 *supports for trainees.*
- 17 (h) Earn and learn training.
- 18 (i) Industry certifications.
- 19 (j) Preapprenticeship programming offered in a manner that is
20 consistent with the requirements of Section 14230, regardless of
21 whether the preapprenticeship program funding source includes
22 California Workforce Innovation and Opportunity Act funds.
- 23 (k) Mentoring.
- 24 (l) Other remedial education and work readiness skills.
- 25 (m) Supportive services under the California Workforce
26 Innovation and Opportunity Act.
- 27 (n) Entrepreneurial training and support for small business
28 development.
- 29 (o) Microloans and other related activities to support
30 microlending for small businesses.
- 31 (p) Wage subsidies or the application of *hazard pay or a hero*
32 *bonus for frontline workers.*
- 33 (q) Know-your-rights training.
- 34 (r) Mental health services, trauma-informed care, and
35 wraparound support services.
- 36 (s) Activities undertaken pursuant to subdivision (d) of Section
37 14033.

38 SEC. 6. Section 14037 of the Unemployment Insurance Code
39 is amended to read:

1 14037. (a) There is hereby created in the State Treasury the
2 Breaking Barriers to Employment Initiative Fund. All moneys in
3 the fund shall be available, upon appropriation by the Legislature,
4 to carry out this article in support of the initiative. Subject to the
5 approval of the Department of Finance, all moneys appropriated,
6 or those collected or received from gifts, bequests, or donations,
7 shall be deposited in the Breaking Barriers to Employment
8 Initiative Fund in accordance with the terms of the gift or donation
9 from which the moneys are derived and in accordance with
10 Sections 8647, 11005, 11005.1, and 16302 of the Government
11 Code.

12 (b) The California Workforce Development Board shall ~~not use~~
13 ~~more than 5 percent of the moneys appropriated to support the~~
14 ~~program to assemble staff, consultants, and resources to carry out~~
15 ~~duties in support of the program.~~ *receive, for state operations for*
16 *the period during which moneys appropriated to carry out this*
17 *article in support of the initiative are available for encumbrance*
18 *or expenditure, two million dollars (\$2,000,000) or 5 percent of*
19 *the total allocation, whichever is greater.*