

**CHAPTER 202**  
**HAWAII WORKFORCE DEVELOPMENT COUNCIL**

Section

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## Note

Chapter heading amended by L 1985, c 252, §1; L 1999, c 72, §2.

Skilled worker and business development center at each community college. L Sp 2009, c 34.

" **§202-1 Council; appointment; tenure.** The advisory commission on employment and human resources is hereby constituted as the workforce development council. The council shall also fulfill the functions of the state workforce development board for purposes of the federal Workforce Innovation and Opportunity Act of 2014, P.L. No. 113-128.

Except for the ex officio members or their designees, the council members shall be appointed by the governor for four-year staggered terms as provided for in section 26-34. The governor shall appoint the chairperson of the council. The council shall be constituted as provided by P.L. 113-128 (29 U.S.C. 3111) of the following members:

- (1) The directors of labor and industrial relations, human services, and business, economic development, and tourism; the superintendent of education; and the president of the University of Hawaii or their designees, as ex officio, voting members;
- (2) The private sector chairpersons of the four county workforce development boards, or their designees from the private sector membership of their respective boards, as ex officio, voting members;
- (3) Seventeen representatives from the private sector, including nonprofit organizations and businesses in the State, appointed from individuals nominated by state business organizations and business trade associations;
- (4) Eight representatives from labor organizations and workforce training organizations, two or more of whom shall be representatives of labor organizations who have been nominated by state labor federations, and one of whom shall be a labor representative from a community-based native Hawaiian organization that operates workforce development programs;
- (5) A member of each house of the legislature, for two-year terms beginning in January of odd-numbered years, appointed by the appropriate presiding officer of each house, as ex officio, voting members;
- (6) The four mayors or their designees, as ex officio, voting members; and
- (7) The governor or the governor's designee.

Council members shall serve without compensation but shall be reimbursed for travel expenses necessary for the performance of their duties.

From June 6, 2016, and until such time that the council has forty-one members, sixteen council members shall constitute a quorum to do business, and the concurrence of at least sixteen council members shall be necessary to make any action of the council valid.

All council members may continue to serve on the council until their respective successors have been appointed. A person appointed to fill a vacancy shall serve the remainder of the term of the person's predecessor. [L 1965, c 270, §2; Supp, §98W-2; HRS §202-1; am L 1970, c 170, §1; am L 1977, c 19, §1; am L 1985, c 252, §2; am L 1997, c 346, §2; am L 1999, c 72, §3; am L 2000, c 104, §1; am L 2005, c 179, §4; am L 2016, c 57, §2]

#### **Revision Note**

In the penultimate paragraph, "June 6, 2016" substituted for "the effective date of Act [57], Session Laws of Hawaii 2016".

#### **Attorney General Opinions**

Cited, as a constitutional board and commission statute where members may serve as holdovers until their successors are "appointed", without any reference to the successors being fully "qualified"; an "appointment" properly occurs under the interim appointments provision of article V, §6 of the state constitution. Att. Gen. Op. 16-3.

" **§202-2 Duties of council.** In accordance with P.L. 113-128 (29 U.S.C. 3111), the workforce development council shall assist the governor in:

- (1) The development, implementation, and modification of the state plan consistent with P.L. 113-128 (29 U.S.C. 3112);
- (2) The review of statewide policies, statewide programs, and recommendations on actions that should be taken by the State to align workforce development programs in a manner that supports a comprehensive and streamlined workforce development system in the State, including consideration of programs and activities of one-stop partners that are not core programs;
- (3) The development and continuous improvement of the workforce development system in the State;
- (4) The development and updating of comprehensive state performance accountability measures, including state

- adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under P.L. 113-128 (29 U.S.C. 3141(b));
- (5) The identification and dissemination of information on best practices for the effective operation of one-stop centers, and the development of effective local boards and effective training programs;
  - (6) The development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system;
  - (7) The development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system;
  - (8) The development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes, and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs;
  - (9) The development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas as permitted under P.L. 113-128 (29 U.S.C. 3163(b)(3), 3173(b)(3));
  - (10) The preparation of annual reports as described in P.L. 113-128 (29 U.S.C. 3141(d));
  - (11) The development of the statewide workforce and labor market information system described in the Wagner-Peyser Act (29 U.S.C. 491-2(e));
  - (12) The development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system;
  - (13) Creating public awareness and understanding of the State's workforce development plans, policies, programs, and activities, and promoting the plans, policies, programs, and activities as economic investments;
  - (14) Submitting annual reports of the council's activities and recommendations to the governor and the legislature, and posting the annual reports electronically on the council's website no later than

twenty days before the convening of each regular session. Annual reports shall include:

- (A) The status of the comprehensive state plan for workforce development; and
  - (B) Information regarding the workforce development programs offered throughout the State, the number of individuals placed in high-demand or high-growth employment through workforce development programs by departments, the type or category of employment garnered, and allocations of state, federal, and other funding to achieve placements into higher-skilled jobs;
- (15) Evaluating the state workforce development plan in terms of how its purposes, goals, and objectives have been carried out throughout the State;
  - (16) Providing technical assistance to local workforce development boards and other similar organizations;
  - (17) Carrying out required functions and duties related to workforce development of any advisory body required or made optional by federal legislation;
  - (18) The review and certification of local workforce boards and plans prepared by local workforce boards for the use of federal workforce development funds as provided in P.L. 113-128 (29 U.S.C. 3122(b)-(c)); and
  - (19) Commenting on the measures taken pursuant to section 122(c)(17) of the Carl D. Perkins Career and Technical Education Act of 2006, P.L. 109-270. [L 1965, c 270, §3; Supp, §98W-3; HRS §202-2; am L 1970, c 170, §2; am L 1985, c 252, §3; am L 1988, c 38, §1; am L 1997, c 346, §3; am L 1999, c 72, §4; am L 2000, c 58, §1; am L 2003, c 148, §4; am L 2016, c 57, §3]

### **Cross References**

Due date of annual report, see §93-12.

" **§202-3 Powers of council.** (a) The workforce development council shall appoint and fix the compensation of an executive director, who shall be exempt from chapter 76, and may employ any other personnel as it deems advisable within chapter 76.

(b) The council, or on the authorization of the council, any subcommittee or panel thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places as the council may deem advisable.

(c) The council may negotiate and enter into contracts with public agencies or private organizations to carry out its

studies and to prepare reports that the council determines to be necessary to the fulfillment of its duties.

(d) The council may secure through the governor's office, any information from any executive department, agency, or independent instrumentality of the State it deems necessary to carry out its functions.

(e) The council may convene such public conferences and forums as it deems useful to keep the public informed of workforce development needs, developments, and initiatives.

(f) The council may administer funds allocated for its work and may accept, disburse, and allocate funds which may become available from other governmental and private sources; provided that all the funds shall be disbursed or allocated in compliance with the objectives set forth herein, and applicable laws. [L 1965, c 270, §4; Supp, §98W-4; HRS §202-3; am L 1985, c 252, §4; am L 1997, c 346, §4; am L 2000, c 253, §150; am L 2006, c 300, §8]

" **§202-4 Duties of chairperson and executive director.** The chairperson of the workforce development council or the executive director, at the direction of the council shall:

- (1) Serve as consultant to the governor on issues relating to workforce development and its relation to economic development and diversification;
- (2) Assist in coordinating the programs of all agencies dealing with issues of concern to the council;
- (3) Arrange for statewide studies of the issues referred to in this chapter;
- (4) Secure data and information from agencies concerned with the issues referred to in this chapter;
- (5) Arrange for the exchange of information, plans, and programs between public and private groups interested in the issues referred to in this chapter;
- (6) Prepare articles, reports, and bulletins for the use of the council, concerned agencies, and for general publication;
- (7) Keep and maintain records and reports and handle correspondence relative to the work of the council;
- (8) Develop recommendations and plans for action consistent with the purpose of this chapter; and
- (9) Assist in carrying out the duties described in section 202-2. [L 1965, c 270, §5; Supp, §98W-5; HRS §202-4; am L 1985, c 252, §5; am L 1997, c 346, §5; am L 2016, c 57, §4]

" **§202-5 Organizational relationships.** The workforce development council is placed within the department of labor and

industrial relations for administrative purposes and shall act in an advisory capacity to the governor. [L 1965, c 270, §6; Supp, §98W-6; HRS §202-5; am L 1970, c 170, §3; am L 1980, c 302, pt of §2; am L 1985, c 252, §6; am L 1997, c 346, §6]

" **§§202-6 to 8 REPEALED.** L 1985, c 252, §§7 to 9.

" **§202-9 REPEALED.** L 1985, c 305, §5.

" **[\$202-10] Report on workforce development programs.** The department of labor and industrial relations, University of Hawaii, department of human services, department of education, department of public safety, and department of business, economic development, and tourism shall annually report to the governor, legislature, and the workforce development council on the programs being offered, the number of individuals that have been placed in employment through their respective workforce development programs, the type or category of employment garnered, and the amount and nature of expenditures made on workforce development programs. The departments and University of Hawaii shall post their respective reports electronically on the Internet. [L 2003, c 148, §3]

#### **Revision Note**

Subsection designation deleted pursuant to §23G-15.

#### **"[MANPOWER DEVELOPMENT AND TRAINING]**

**[\$202-21 Participation in federal program.]** The department of labor and industrial relations and the University of Hawaii are authorized to participate in the Manpower Development and Training Act of 1962, as amended, by providing from funds appropriated by the legislature for such purpose, in accordance with and to the extent required by the federal act, amounts necessary to match the amounts expended by the United States Treasury. [L 1964, c 11, §2; am L 1965, c 23, §1; am L 1968, c 71, §5; HRS §202-21]

#### **Cross References**

Establishment of manpower development and training programs, see chapter 394.