



POLICY COMMITTEE MEETING NOTICE & AGENDA

TIME/PLACE

Thursday, December 12, 2024, at 1:00 p.m.
California Employment Training Panel
1100 J Street, Sacramento CA 95814
Phone: (916) 327-5640
Via Zoom

This is a public meeting and the public may attend and/or provide public comment in person or virtually.

In-person attendees should check-in at the Security Desk located in the Main Lobby on the First Floor to be directed to the Sequoia Room on the Fifth Floor.

For virtual attendees to view or provide public comment via Zoom meeting, use the link below and use the raise-hand feature during public comment to be called on.

Join Zoom Meeting:

<https://us06web.zoom.us/j/89187546024>

Passcode: 521209

One tap mobile: 1-888-278-0296

Conference code: 1185529

(For assistance, login, and raise hand or contact Alejandra.balderas@etp.ca.gov)

AGENDA

Call to Order by Chair

Gretchen Newsom

- Welcome and Roll Call
- Action to Approve December 12, 2024 Policy Committee Meeting Agenda
- Action to Approve September 26, 2024 Policy Committee Meeting Minutes

Policy Committee Meeting Date: December 12, 2024

Policy Manager Report

- None this month

Discussion Items

- SB 1321 Update Lis Testa
- Ex-Offender/At-Risk Youth Guidelines Lis Testa
- Application/Proposal Quality Tara Armstrong
Jaime Gutierrez
Laura Campbell
Ilya Launitz
Cristina Kaiser
Soua Yang
Alayna Mollick

Action Items

- RESPOND Guidelines Lis Testa
- Certified Safety Training Guidelines Lis Testa

Opportunity for Policy Committee Members to Request Agenda Items for Future Policy Committee Meetings

Public Comment on Matters Not on the Agenda

Public Meeting Adjourns

Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. The Policy Committee may take action on any item listed in this Meeting Notice & Agenda. You can obtain further information about this Meeting Notice & Agenda by contacting Michael A. Cable, Staff Attorney, at (916) 327-5422, or Michael.Cable@etp.ca.gov, or sending a written request to Michael A. Cable, Staff Attorney, at Employment Training Panel, 1100 J Street, 4th Floor, Sacramento, California 95814. Written comments on agenda items should be submitted no later than 12:00 p.m. the business day before the meeting in order to afford adequate time to consider your comments.

All meetings are accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting, including without limitation auxiliary aids or services, may make a request by contacting Michael A. Cable, Staff Attorney, at (916) 327-5422, or Michael.Cable@etp.ca.gov, or sending a written request to Michael A. Cable, Staff Attorney, at Employment Training Panel, 1100 J Street, 4th Floor, Sacramento, California 95814. Providing your request so that it is received at least five (5) business days before the meeting will help ensure availability of the requested accommodation.



Employment Training Panel
STATE OF CALIFORNIA EMPLOYMENT TRAINING PANEL
POLICY COMMITTEE MEETING
In person
1100 J Street, Sacramento, CA, Sequoia Room
Thursday, September 26, 2024

I. POLICY COMMITTEE MEETING CALL TO ORDER

Chair Gretchen Newsom called the meeting to order at 1:00 p.m.

II. ROLL CALL

Present

Gretchen Newsom
Rebecca Bettencourt

Not in attendance

Rick Smiles

Executive Staff

Jessica Grimes, Director
Jaime Gutierrez, Chief Deputy Director
Kumani Armstrong, Assistant Director/ Chief Counsel

ETP Representatives

Elisabeth Testa, Policy Manager

III. MEETING AGENDA

No changes to September 26, 2024 Agenda.

ACTION: Member Bettencourt moved and Chair Newsom seconded approval of the September 26, 2024 Meeting Agenda with no changes. All Policy Committee Members present voted in the affirmative.

Motion carried, 2 to 0.

IV. MEETING MINUTES

No changes to August 29, 2024 Meeting Minutes.

ACTION: Member Bettencourt moved and Chair Newsom seconded approval of the August 29, 2024 Meeting Minutes with no changes. All Policy Committee Members present voted

in the affirmative.

Motion carried, 2 to 0.

V. MANAGER REPORT

Last year ETP submitted a regulation package to the Office of Administrative Law (OAL) to update a few of the North American Industry Classification System (NAICS) codes in regulation 22 CCR 4416. This update was needed because the Federal NAICS database had been updated, and this update affected some of the codes that were in our regulation. The regulation update has been approved by the OAL and becomes effective on January 1, 2025. The ETP website will be updated with the new version of our regulations at that time. The changes were a lot of work and we are excited that it has been approved.

VI. ACTION ITEMS

A. WORKFORCE LITERACY

Ilya Launitz gave the presentation on the Workforce Literacy Pilot Program. The Workforce Literacy Pilot Program contract holders have mentioned facing challenges that are affecting their performance on these contracts. ETP conducted a survey of all of the Workforce Literacy contractors, and the results show that the challenges they face include experiencing a low demand for English literacy classes, logistical issues, performance difficulties, and other issues related to the successful implementation of the program.

As a result of the survey, ETP staff have developed four recommendations that we feel may help to address some of these issues. We would like for Policy Committee to finalize these recommendations today, so that they can be brought before the September Panel meeting tomorrow for a vote. The four recommendations are as follows:

1. Extend the contract term for all literacy contracts to end on June 30, 2026;
2. Reduce the 70% delivery requirement for literacy skills;
3. Remove the requirement for part-time workers to have to move to full-time to provide this opportunity to additional workers;
4. Increase the teacher:student ratio from 1:20 to 1:25.

Staff is recommending approving some, if not all, of these recommendations, or some version of them, and to move the recommendations to full Panel tomorrow for approval.

Committee feedback

Committee liked option 1, extending the contract term. Everyone would get more time and this would help get the pilot program off the ground.

Looking at option 2, reducing the 70% delivery requirement for literacy skills, the program is for literacy skills development, therefore, reducing this requirement seems to counter the purpose

of the program.

Committee asked, regarding the 70% Literacy Training requirement - is that 100% of their training hours? Is it English literacy and nothing else? Is digital literacy something that is being successful? Under the current guidelines, how are we defining literacy? Do the guidelines include digital literacy as well as English literacy or no?

Mr. Launitz responded that the current guidelines state that 70% of the training hours must be for literacy skills, with a 'significant portion' of that 70% being for English literacy.

Committee commented that opening that definition up to include digital literacy, as long as it sits under that literacy umbrella rather than being just generic skills training could be an option. There is also mathematical literacy, so maybe refining the definition of what literacy really means and how it is relevant to different jobs would be something to look at.

For option 3, removing the requirement for part time workers to move into full time and provide an opportunity for additional workers – Committee would like to hear public comment as to what kinds of workers would be eligible and why this would be more effective for those workers. Panel is wary of encouraging any reduction in hours.

Committee is not in support of option 4, increasing the teacher student ratio. Unless it is applicable only to the Community colleges, since they are trusted non-profit educational institutions and have their own ratios set by the Community Colleges. Of course, having a lower ratio would be ideal for the best educational experience. Other ETP programs have 1:20 so keeping it as it is now is more consistent across the board.

Committee asked if there is requirement for how long they have to be full time to be eligible for the fund? Are we seeing mainly part-time workers enrolling?

The Director responded that specific population demographics are such that part-time workers are disproportionately represented, which might have been part of the reason why this was brought up as a potential issue.

Committee asked what is being used as the part-time measure? Some organizations are part time at 32 hours. Are the employees 24 hours a week, or is it more 28-32 hours a week, or keeping employees at 28 hours a week because they do not have to provide benefits for under 28 hours per week as per state law?

Mr. Launitz responded that, for this program, full-time is considered 35 hours per week, and trainees can be part-time employees during training, they just must move to full-time employment by the end of their retention period.

Public comment was requested on this issue.

Preeti Talwar, Director of Strategic Projects at Shaky College explained that they had a late start on their contract. Primarily because the employers they had targeted originally when they tried to work on customizing the training program were unable to participate. The pool of employers were from advanced manufacturing and English literacy was a pre-employment requirement. They had to pivot and look for new employers which they identified in the restaurant and other

services industries. In order to address some of the nuances with the service industry, they need flexibility since they don't work 8 hour shifts. They usually work 4-6 hour shifts. So they cannot meet the full time requirement that is defined by us at 35 hours .It would provide flexibility if that total hour per week were relooked at.

Eldon Davidson, El Camino College, said they worked primarily with manufacturing during the pandemic, as there was huge turnover loss of highly skilled workers due to either layoff or retirement. So they are hiring new people with less skills and their priority has been placed on basic skills, such as blueprint reading, GDNT and others. Vocational English as a second language or literacy skills are not their priority. We have not experienced the 70% as being an issue. Item #3 part-time employment has not been an issue because most of the manufacturers we work with are full-time employers. Item 4 for the student teacher ratio of 1:20 has not been an issue with us, especially with a higher reimbursement rate.

Phillip Herrera, Herrera Company stated his clients are mostly from advanced manufacturing so he does not have any literacy program contracts, but wanted to encourage the Panel to stick with the program goals, which is training that leads to full time employment. The 90 day retention requirement should be for all these programs. It is full time. He wants applicants to see ETP as awarding strong, performance-based contracts.

Rosio Leon, stated that a contract extension would be very welcome. They have found this challenging and it has taken some time to gain traction.

John Fox, San Bernardino Community College District commented that a contract extension would be extremely helpful. Reducing the percentage of literacy might open up a few opportunities. It's not critical because they can integrate literacy in with other training. Part-time work is a big issue because, as Jessica mentioned, part-time workers are disproportionately represented and are the target population this pilot is trying to serve. He agrees with Eldon that the ratio is not an issue but 1:25 would give flexibility. He would like to add for consideration the expanding of the definition of what an English language learner is, which currently is someone for who is an immigrant or they come from a background where English is not the primary language spoken. A lot of employers don't track that. Employees need some English literacy skills, but it may be that they are just deficient in business English skills. Opening up the definition would give employers more flexibility on who they could enroll.

Nancy Hoffman, she agrees with John Fox on the business literacy issue.

Nathan Daily, CMTA stated that extending the time on the contract would help. Regarding item 3 he'd like to reference to the old COVID pilot program where it actually designated in the contract 20 hours a week was full time and to consider lowering the threshold.

Committee feedback

Question asked of Legal Counsel is the concept of redefining or expanding the definition of who would be eligible, eligible participants for these funds a consideration since it is not listed in the memo? Decision was to remove this topic and bring it back later.

Option analysis

Committee is in support of item one extending the contract term for all literacy contracts to end on June 30, 2026. This will go to Panel tomorrow.

Item 2, reduce the 70% delivery requirement of literacy skills. Based on discussion today allowing English language literacy, digital literacy, and business language literacy into literacy skills. Need to set parameters around what workforce literacy looks like. How are we asking the employers? How are we identifying if the trainee is someone who needs literacy skills? Conclusion was that this will be put aside for future considerations and not be brought to Panel tomorrow. Additional discussion determined that the recommendation going forward that could be accomplished would be to remove the line saying a “significant portion of the literacy would need to be English”.

Item 3, remove the requirement for part-time workers to move to full-time to provide the opportunity for additional workers. Should full-time be lowered from 35 hours to 28 hours per week? But not pushing it down to 20 or 24 hours per week? This would provide additional flexibility. Recommendation would be changing the guideline to the full time requirement, reducing it for 35 hours to 28 hours.

Item 4, increasing the student teacher ration from 1:20 to 1:25. The only one to change would be the new hires from 1:15 to 1:20. This way it would match our core program. This was agreed on.

Final conclusion

Item one, as the recommendation stands extending the contract term for all literacy contracts to end on June 10, 2026.

Item 2, we are removing the line saying that a significant portion of the literacy would need to be English.

Item 3, we are changing the definition for full time to 28 hours instead of 35.

Item 4, we are increasing the new hires to have a 1:20 teacher student ratio.

Setting aside for future discussion the expanding of the definition of English language learner.

ACTION: Chair Newsom moved and Member Bettencourt seconded approval to expand the contract term date for all literacy contracts to June 20, 2026, to remove the line saying that a significant portion of the literacy training would need to be in English literacy, to change the definition for full-time to 28 hours instead of 35, and to increase the new hire teacher:student ratio to 1:20. All Policy Committee Members present voted in the affirmative.

Motion carried, 2 to 0.

Public comment

Kelly Grier, Strategy, requested consideration to change the ratio to 1:25 or higher – she understands this is not what was voted for, but wanted to have her opinion noted.

VII. OPPORTUNITY FOR POLICY COMMITTEE MEMBERS TO REQUEST AGENDA ITEMS FOR FUTURE PANEL MEETINGS

No comments

VIII. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Phillip Herrera commented on application quality for next year, specifically what to do about oversubscription and SB 1321. He thinks its an ideal time for Committee to look carefully at options and come up with ideas on tweaking the process in the future.

IX. MEETING ADJOURNMENT

Chair Newsom adjourned the meeting at 1:58 p.m.



Employment Training Panel

Memorandum

To: ETP Policy Committee
Gretchen Newsom, Chairperson
Rebecca Bettencourt, Member
Rick Smiles, Member

Date: December 12,
2024

CC: Executive Staff
Jessica Grimes, Executive Director
Kumani Armstrong, Assistant Director/Chief Counsel
Peter Cooper, Assistant Director
Jaime Gutierrez, Chief Deputy Director

From: Lis Testa, Policy Manager

Subject: ETP Policy Committee Meeting Agenda Item
Discussion for Policy Committee Re: SB 1321

I. Brief Issue Statement:

On September 22, 2024, Gov. Newsom signed Senate Bill (SB) 1321 into law. SB 1321 is now part of Chapter 469, Statutes of 2024, and becomes effective on January 1, 2025.

This memorandum provides a summary of the changes to ETP's legislation brought about with the passage of SB 1321, and provide a brief discussion on the next steps in implementing these changes.

II. Background Information:

SB 1321 amends two sections of Unemployment Insurance Code (UIC) sections 10200 and 10205. A clean version of the amendments within SB 1321 is included in the meeting materials for today as a separate document.

There were 14 amendments in total: 5 in UIC section 10200; and 9 in UIC section 10205.

Five of the amendments are for minor items such as re-numbering code sections or grammatical changes. These five changes will require no action by ETP and are non-substantive in nature.

Of the remaining 9 amendments – these vary in their impact to ETP processes. All amendments are included in the table below, as follows:

Change #	UIC Section	Amendment	Meaning
1	10200(a)(1)	(1) Foster creation of high-wage, high-skilled jobs, or foster retention of high-wage, high-skilled jobs in manufacturing and other industries that are threatened by out-of-state and global competition, including, but not limited to, those industries in which targeted training resources for California’s small and medium-sized business suppliers will increase the state’s competitiveness to secure federal, private sector, and other nonstate funds, and, in addition. In addition, provide for retraining contracts in companies that make a monetary or in-kind contribution to the funded training enhancements.	Grammatical change only
2	10200(b)(3)	(3) Develop workers with skills necessary to work with new technologies or methods. that prepare them for the challenges of a high-performance workplace of the future. that prepare them for the challenges of a high-performance workplace of the future.	10200(b) is generally about what types of projects ETP gives priority to. This amendment means that priority should be given to projects that best meet the goals of training with skills needed for new technologies or methods, among our other priorities.
3	10200(b)6)	(6) Develop career ladders for workers. Develop high road, as defined in subdivision (r) of Section 14005, jobs and career ladders for workers with demonstrated wage progression and demonstrate high road training partnership, as defined in subdivision (s) of Section 14005, standards to ensure job quality.	10200(b) is generally about what types of projects ETP gives priority to. This amendment adds priority for ‘high road’ jobs, ‘high road training partnerships’, and jobs with demonstrated wage progression. It also provides a definition for ‘high road’

			and 'high road training partnerships'.
4	10200(b)(8)	<i>(8) Promote the hiring, training, and advancement of disadvantaged, marginalized, and underrepresented workers.</i>	This is a new subsection that directs ETP to give priority to projects that best meet the goals of promoting hiring, training and advancement of disadvantaged, marginalized, and underrepresented workers. This provision does not define these terms.
5	10200(d)	<i>(d) Projects funded under this chapter may include programs to provide training through apprenticeship programs that are registered with the Division of Apprenticeship Standards.</i>	This is a new subsection that gives ETP authority to contract with apprenticeship programs registered with DAS.
6	10205(e)(1)	(e) <i>(1)</i> Establish minimum standards for the consideration of proposals, which shall include, but not be limited to: <i>(A)</i> Evidence of labor market demand. <i>(B)</i> The number of jobs available. <i>(C)</i> The skill requirements for the identified jobs. <i>(D)</i> The projected cost per person trained, hired, and retained in employment. <i>(E)</i> The wages <i>and amount of fringe benefits</i> paid successful trainees upon placement. <i>(F)</i> <i>An attestation of compliance with all state and federal labor and health and safety laws.</i> <i>(G)</i> and the <i>The</i> curriculum for the training.	Re-numbering
7	10205(e)(1)(E)	(e) <i>(1)</i> Establish minimum standards for the consideration of proposals, which shall include, but not be limited to: <i>(A)</i> Evidence of labor market demand. <i>(B)</i> The number of jobs available. <i>(C)</i> The skill requirements for the identified jobs. <i>(D)</i> The projected cost per person trained, hired, and retained in employment. <i>(E)</i> The wages <i>and amount of fringe benefits</i> paid successful trainees upon placement. <i>(F)</i> <i>An attestation of compliance with all state and federal labor and health and safety laws.</i> <i>(G)</i> and the <i>The</i> curriculum for the training.	10205(e) generally addresses what types of minimum standards

		<p>(A) Evidence of labor market demand.⁷</p> <p>(B) The number of jobs available.⁷</p> <p>(C) The skill requirements for the identified jobs.⁷</p> <p>(D) The projected cost per person trained, hired, and retained in employment.⁷</p> <p>(E) The wages and amount of fringe benefits paid successful trainees upon placement.⁷</p> <p>(F) An attestation of compliance with all state and federal labor and health and safety laws.</p> <p>(G) and the The curriculum for the training.</p>	ETP needs to consider when awarding contracts, and also outlines some prohibitions for funding. This amendment to 10205(e)(1)(E) will require to ETP to obtain the amount of fringe benefits being paid to successful trainees during retention, in addition to their wage amounts.
8	10205(e)(1)(F)	<p>(e) (1) Establish minimum standards for the consideration of proposals, which shall include, but not be limited to:⁷</p> <p>(A) Evidence of labor market demand.⁷</p> <p>(B) The number of jobs available.⁷</p> <p>(C) The skill requirements for the identified jobs.⁷</p> <p>(D) The projected cost per person trained, hired, and retained in employment.⁷</p> <p>(E) The wages and amount of fringe benefits paid successful trainees upon placement.⁷</p> <p>(F) An attestation of compliance with all state and federal labor and health and safety laws.</p> <p>(G) and the The curriculum for the training.</p>	10205(e) generally addresses what types of minimum standards ETP needs to consider when awarding contracts, and also outlines some prohibitions for funding. This amendment to 10205(e)(1)(F) is a newly added section which will require all applicants to provide an attestation of compliance with all state and federal labor, health, and safety laws.
9	10205(e)(2)(A)	<p>(2) (A) No proposal shall be considered or approved that proposes training for employment covered by a collective bargaining agreement unless the signatory labor organization agrees in writing.</p>	Re-numbering

10	10205(e)(2)(B)	<p><i>(B) No proposal shall be considered or approved if an applicant is ineligible to bid, be awarded, or subcontract on a public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code.</i></p>	<p>10205(e) generally addresses what types of minimum standards ETP needs to consider when awarding contracts, and also outlines some prohibitions for funding.</p> <p>10205(e)(2)(B) is a new subsection that prohibits ETP from considering or approving any applicant who is ineligible to bid, be awarded, or subcontract on a public works projects. It also provides reference and authority in the Labor Code regarding eligibility for public works participation.</p>
11	10205(e)(2)(C)	<p><i>(C) All applicants shall include in their application an attestation affirming the applicant does not have a final determination, order, judgment, or award has been issued against an applicant for violations of labor law that remain unabated or unsatisfied following the period during which an appeal may be made. No proposal shall be considered or approved if an applicant fails to include this attestation.</i></p>	<p>10205(e) generally addresses what types of minimum standards ETP needs to consider when awarding contracts, and also outlines some prohibitions for funding.</p> <p>10205(e)(2)(C) is a new subsection requiring all applicants to provide an attestation affirming that they do not have a final determination, order, judgment, or award issued against it for violations labor law violations that remain open/unresolved following an appeal period. This provision prohibits ETP from</p>

			accepting any application for development or approving any proposal if the applicant fails to provide this attestation.
12	10205(m)	(m) Provide a regularly updated list, at least every 60 days, and make the list available to the public, of all applicants that have submitted applications.	This is a new subsection which requires ETP to provide a list to the public of all applicants that have submitted applications. The list must be updated at least every 60 days.
13	10205(n)	(n) (m) Adopt regulations and procedures providing reasonable confidentiality for the proprietary information of employers seeking training funds from the panel if the public disclosure of that information would result in an unfair competitive disadvantage to the employer supplying the information. The panel shall not withhold information from the public regarding its operations, procedures, and decisions that would otherwise be subject to disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).	Re-numbering
14	10205(o)	(o) (n) Review and comment on the budget and performance of any program, project, or activity funded by the panel utilizing funds collected pursuant to Section 976.6.	Re-numbering

These amendments vary in the level of impact they will have on ETP policies and procedures. Over the coming weeks, ETP will be coordinating implementation efforts to ensure compliance with the new requirements on January 1, 2025.

These amendments may require ETP to make updates to certain items such as questions appearing in applications, content appearing in Panel proposals, changes to ETP's website, possible contract language revisions, and updates to CEF. Further down the road, regulatory updates may also be needed to fully implement the changes contained within SB 1321.

III. Recommendation

No action items beyond soliciting and receiving any feedback from the Policy Committee, contractors, stakeholders, and public concerning SB 1321.

Final Amendments from SB 1321

SECTION 1.

Section 10200 of the Unemployment Insurance Code is amended to read:

10200.

The Legislature finds and declares the following:

(a) California's economy is being challenged by competition from other states and overseas. In order to meet this challenge, California's employers, workers, labor organizations, and government need to invest in a skilled and productive workforce, and in developing the skills of frontline workers. For purposes of this section, "frontline worker" means a worker who directly produces or delivers goods or services.

The purpose of this chapter is to establish a strategically designed employment training program to promote a healthy labor market in a growing, competitive economy that shall fund only projects that meet the following criteria:

- (1) Foster creation of high-wage, high-skilled jobs, or foster retention of high-wage, high-skilled jobs in manufacturing and other industries that are threatened by out-of-state and global competition, including, but not limited to, those industries in which targeted training resources for California's small and medium-sized business suppliers will increase the state's competitiveness to secure federal, private sector, and other non-state funds, **and, in addition.** ~~In addition,~~ provide for retraining contracts in companies that make a monetary or in-kind contribution to the funded training enhancements.
- (2) Encourage industry-based investment in human resources development that promotes the competitiveness of California industry through productivity and product quality enhancements.
- (3) Result in secure jobs for those who successfully complete training. All training shall be customized to the specific requirements of one or more employers or a discrete industry and shall include general skills, including soft skills, that trainees can use in the future.
- (4) Supplement, rather than displace, funds available through existing programs conducted by employers and government-funded training programs, such as the federal Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. Sec. 3101 et seq.), the Carl D. Perkins Vocational Education Act (Public Law 98-524), CalWORKs (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code), the former Enterprise Zone Act (Chapter 12.8 (commencing with Section 7070) of Division 7 of Title 1 of the Government Code), and the McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), the California

Community Colleges Economic Development Program, or apportionment funds allocated to the community colleges, regional occupational centers and programs, or other local educational agencies.

(b) The Employment Training Panel, in funding projects that meet the requirements of subdivision (a), shall give funding priority to those projects that best meet the following goals:

(1) Result in the growth of the California economy by stimulating exports from the state and the production of goods and services that would otherwise be imported from outside the state.

(2) Train new employees of firms locating or expanding in the state that provide high-skilled, high-wage jobs and are committed to an ongoing investment in the training of frontline workers.

(3) Develop workers with skills ***necessary to work with new technologies or methods. that prepare them for the challenges of a high-performance workplace of the future.***

(4) Train workers who have been displaced, have received notification of impending layoff, or are subject to displacement, because of a plant closure, workforce reduction, changes in technology, or significantly increasing levels of international and out-of-state competition.

(5) Are jointly developed by business management and worker representatives.

(6) ~~Develop career ladders for workers.~~ ***Develop high road, as defined in subdivision (r) of Section 14005, jobs and career ladders for workers with demonstrated wage progression and demonstrate high road training partnership, as defined in subdivision (s) of Section 14005, standards to ensure job quality.***

(7) Promote the retention and expansion of the state's manufacturing workforce.

(8) Promote the hiring, training, and advancement of disadvantaged, marginalized, and underrepresented workers.

(c) The program established through this chapter is to be coordinated with all existing employment training programs and economic development programs, including, but not limited to, programs such as the federal Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. Sec. 3101 et seq.), the California Community Colleges, the regional occupational programs, vocational education programs, joint labor-management training programs, and related programs under the Employment Development Department and the Governor's Office of Business

and Economic Development, and the Business, Consumer Services, and Housing Agency.

(d) Projects funded under this chapter may include programs to provide training through apprenticeship programs that are registered with the Division of Apprenticeship Standards.

SEC. 2.

Section 10205 of the Unemployment Insurance Code is amended to read:

10205.

The panel shall do all of the following:

(a) Establish a three-year plan that shall be updated annually, based on the demand of employers for trained workers, changes in the state's economy and labor markets, and continuous reviews of the effectiveness of panel training contracts. The updated plan shall be submitted to the Governor and the Legislature not later than January 1 of each year. In carrying out this section, the panel shall review information in the following areas:

- (1) Labor market information, including the state-local labor market information program in the Employment Development Department and other relevant regional or statewide initiatives and collaboratives.
- (2) Evaluations of the effectiveness of training as measured by increased security of employment for workers and benefits to the California economy.
- (3) The demand for training by industry, type of training, and size of employer.
- (4) Changes in skills necessary to perform jobs, including changes in basic literacy skills.
- (5) Changes in the demographics of the labor force and the population entering the labor market.
- (6) Proposed expenditures by other agencies of the federal Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. Sec. 3101 et seq.) funds and other state and federal training and vocational education funds on eligible participants.

(b) Maintain a system to continuously monitor economic and other data required under this plan. If this data changes significantly during the life of the plan, the plan shall be amended by the panel. Each plan shall include all of the following:

(1) The panel's objectives with respect to the criteria and priorities specified in Section 10200 and the distribution of funds between new-hire training and retraining.

(2) The identification of specific industries, production and quality control techniques, and regions of the state where employment training funds would most benefit the state's economy and plans to encourage training in these areas, including specific standards and a system for expedited review of proposals that meet the standards.

(3) A system for expedited review of proposals that are substantially similar with respect to employer needs, training curriculum, duration of training, and costs of training, in order to encourage the development of proposals that meet the needs identified in paragraph (2).

(4) The panel's goals, operational objectives, and strategies to meet the needs of small businesses, including, but not limited to, those small businesses with 100 or fewer employees. These strategies proposed by the panel may include, but not be limited to, pilot demonstration projects designed to identify potential barriers that small businesses may experience in accessing panel programs and workforce training resources, including barriers that may exist within small businesses.

(5) The research objectives of the panel that contribute to the effectiveness of this chapter in benefiting the economy of the state as a whole.

(6) A priority list of skills or occupations that are in such short supply that employers are choosing to not locate or expand their businesses in the state or are importing labor in response to these skills shortages.

(7) A review of the panel's efforts to coordinate with the California Workforce Development Board and local boards to achieve an effective and coordinated approach in the delivery of the state's workforce resources.

(A) The panel will consider specific strategies to achieve this goal that include the development of initiatives to engage local workforce development boards in enhancing the utilization of panel training resources by companies in priority sectors, special populations, and in geographically underserved areas of the state.

(B) Various approaches to foster greater program integration between workforce development boards and the panel will also be considered, which may include marketing agreements, expanded technical assistance, modification of program regulations and policy, and expanded use of multiple employer contracts.

(c) Solicit proposals and write contracts on the basis of proposals made directly to it. Contracts for the purpose of providing employment training may be written with any of the following:

- (1) An employer or group of employers.
- (2) A training agency.
- (3) A local workforce development board with the approval of the appropriate local elected officials in the local workforce development area.
- (4) A grant recipient or administrative entity selected pursuant to the federal Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. Sec. 3101 et seq.), with the approval of the local workforce development board and the appropriate local elected officials.

These contracts shall be in the form of fixed-fee performance contracts. Notwithstanding any provision of law to the contrary, contracts entered into pursuant to this chapter shall not be subject to competitive bidding procedures. Contracts for training may be written for a period not to exceed 24 months for the purpose of administration by the panel and the contracting employer or any group of employers acting jointly or any training agency for the purpose of providing employment training.

(d) Fund training projects that best meet the priorities identified annually. In doing so, the panel shall seek to facilitate the employment of the maximum number of eligible participants.

(e) **(1)** Establish minimum standards for the consideration of proposals, which shall include, but not be limited to:

- (A)** Evidence of labor market demand.
- (B)** The number of jobs available.
- (C)** The skill requirements for the identified jobs.
- (D)** The projected cost per person trained, hired, and retained in employment.
- (E)** The wages **and amount of fringe benefits** paid successful trainees upon placement.
- (F)** **An attestation of compliance with all state and federal labor and health and safety laws.**
- (G)** ~~and the~~ **The** curriculum for the training.

(2) (A) No proposal shall be considered or approved that proposes training for employment covered by a collective bargaining agreement unless the signatory labor organization agrees in writing.

(B) No proposal shall be considered or approved if an applicant is ineligible to bid, be awarded, or subcontract on a public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code.

(C) All applicants shall include in their application an attestation affirming the applicant does not have a final determination, order, judgment, or award has been issued against an applicant for violations of labor law that remain unabated or unsatisfied following the period during which an appeal may be made. No proposal shall be considered or approved if an applicant fails to include this attestation.

(f) Ensure the provision of adequate fiscal and accounting controls for, monitoring and auditing of, and other appropriate technical and administrative assistance to, projects funded by this chapter.

(g) Provide for evaluation of projects funded by this chapter. The evaluations shall assess the effectiveness of training previously funded by the panel to improve job security and stability for workers, and benefit participating employers and the state's economy, and shall compare the wages of trainees in the 12-month period prior to training as well as the 12-month period subsequent to completion of training, as reflected in the department's unemployment insurance tax records. Individual project evaluations shall contain a summary description of the project, the number of persons entering training, the number of persons completing training, the number of persons employed at the end of the project, the number of persons still employed three months after the end of the project, the wages paid, the total costs of the project, and the total reimbursement received from the Employment Training Fund.

(h) Report annually to the Legislature, by November 30, on projects operating during the previous state fiscal year. These annual reports shall provide separate summaries of all of the following:

(1) Projects completed during the year, including their individual and aggregate performance and cost.

(2) Projects not completed during the year, briefly describing each project and identifying approved contract amounts by contract and for this category as a whole, and identifying any projects in which funds are expected to be disencumbered.

(3) Projects terminated prior to completion and the reasons for the termination.

(4) A description of the amount, type, and effectiveness of literacy training funded by the panel.

(5) Results of complete project evaluations.

(6) A description of pilot projects, and the strategies that were identified through these projects, to increase access by small businesses to panel training contracts.

(7) A listing of training projects that were funded in high unemployment areas and a detailed description of the policies and procedures that were used to designate geographic regions and municipalities as high unemployment areas.

In addition, based upon its experience in administering job training projects, the panel shall include in these reports policy recommendations concerning the impact of job training and the panel's program on economic development, labor-management relations, employment security, and other related issues.

(i) Conduct ongoing reviews of panel policies with the goal of developing an improved process for developing, funding, and implementing panel contracts as described in this chapter.

(j) Expedite the processing of contracts for firms considering locating or expanding businesses in the state, in accordance with the priorities for employment training programs set forth in subdivision (b) of Section 10200.

(k) Coordinate and consult regularly with business groups and labor organizations, the California Workforce Development Board, the State Department of Education, the office of the Chancellor of the California Community Colleges, and the Employment Development Department.

(l) Adopt by regulation procedures for the conduct of panel business, including the scheduling and conduct of meetings, the review of proposals, the disclosure of contacts between panel members and parties at interest concerning particular proposals, contracts or cases before the panel or its staff, the awarding of contracts, the administration of contracts, and the payment of amounts due to contractors. All decisions by the panel shall be made by resolution of the panel and any adverse decision shall include a statement of the reason for the decision.

(m) Provide a regularly updated list, at least every 60 days, and make the list available to the public, of all applicants that have submitted applications.

(n) ~~(m)~~ Adopt regulations and procedures providing reasonable confidentiality for the proprietary information of employers seeking training funds from the panel if the public disclosure of that information would result in an unfair competitive disadvantage to the employer supplying the information. The panel shall not withhold information from the public regarding its operations, procedures, and decisions that would otherwise be subject to disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(o) ~~(n)~~ Review and comment on the budget and performance of any program, project, or activity funded by the panel utilizing funds collected pursuant to Section 976.6.

SEC. 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Employment Training Panel

Memorandum

To: ETP Policy Committee
Gretchen Newsom, Chairperson
Rebecca Bettencourt, Member
Rick Smiles, Member

Date: December 12,
2024

CC: Executive Staff
Jessica Grimes, Executive Director
Kumani Armstrong, Assistant Director/Chief Counsel
Peter Cooper, Assistant Director
Jaime Gutierrez, Chief Deputy Director

From: Lis Testa, Policy Manager

Subject: ETP Policy Committee Meeting Agenda Item
Discussion for Policy Committee Re: Ex-Offender/At-Risk Youth Guidelines

I. Brief Issue Statement:

As noted at the June 2024 Policy Committee meeting, ETP is beginning a comprehensive review of all of our Pilots and Guidelines per the legislation requirement in 10205(i). This memo pertains to the Ex-Offender/At-Risk Youth Guidelines, designed to serve affected trainees from these underserved populations.

This discussion will include a brief history of the Ex-Offender/At-Risk Youth Guidelines, an analysis of the performance and effectiveness of the program so far, a general review of the content of the guidelines, and suggestions for future actions.

II. Background Information:

ETP's Ex-Offender/At-Risk Youth program began as a pilot in 2007 and was changed to a full guideline in 2010. The program explains how to serve this trainee population, with guidance being provided on such things as a trainee definition, retention periods, and wages.

The Ex-Offender/At-Risk Youth Guidelines originated out of our Special Employment Training (SET) legislation (section 10214.5) and regulations (22 CCR 4409). SET funding is used for companies that are not threatened by out-of-state competition for industries such as agriculture and construction. SET funding also addresses hard to reach and underserved trainee populations such as seasonal workers and those threatened by multiple barriers to entry and promotion through the workforce. The Ex-Offender/At-Risk

Youth Guidelines basically add these trainee populations under the multiple barriers category of SET funding, though in a stand-alone guideline.

An analysis of the performance and effectiveness of the Ex-Offender/At-Risk Youth program from FY 16/17 to the present shows the following:

FY	# of Ex-Offender/At-Risk Youth Contracts	# of Ex/At Trainees	\$ Earned by Ex/At Trainees
FY 16/17	0	0	0
FY 17/18	1	0	0
FY 18/19	1	0	0
FY 19/20	2	10	\$32,446
FY 20/21	6	76	\$280,964
FY 21/22	3	28	\$94,256
FY 22/23	5	29	\$169,380
FY 23/24	3	0	In progress
FY 24/25	1	0	In progress

The Ex-Offender/At-Risk Youth program provides the following advantages to participants:

- A definition of both Ex-Offender and At-Risk Youth;
- Contractor eligibility requirements – specifically, that the contractor has experience in training and in placing ex-offenders/at-risk youth in employment;
- Proof of trainee eligibility requirements (ie: documentation, certifications, etc.);
- A higher total hours cap of 260 hours per trainee;
- Full-time is considered 30 hours per week;
- Provides an additional retention period of 500 hours within 180 days, in addition to the standard 90 day retention period;
- Holds all trainees to the New Hire and/or HUA wages (regardless of whether the trainee is a New Hire or not);
- Provides other program parameters such as priority for pre-apprenticeship programs, contractor recruiting requirements for trainees, and other similar elements;
- A higher incidental placement cap of 25% (or up to 35% with justification)

All other program elements (ie: reporting requirements, reimbursement rates, etc.) follow normal ETP parameters. A copy of the Ex-Offender/At-Risk Youth guidelines are included in the meeting materials for reference.

Potential actions ETP can explore include: making no changes to the Ex-Offender/At-Risk Youth program; eliminating the Ex-Offender/At-Risk Youth program; or changing particular elements of the Ex-Offender/At-Risk Youth program.

Staff are interested in exploring a few potential revisions to the Ex-Offender/At-Risk Youth Guidelines, including:

- 1) Changing the name of the program to the “Justice-Involved/At-Risk Youth” program, to have our terminology in alignment with the larger LWDA environment;
- 2) Potentially adding some additional retention periods to provide more flexibility for this population (e.g.: 500 hours within 272 days, or 90 days within 120 days, or 500 hours within 12 months);
- 3) Giving funding priority to projects with an Ex-Offender/At-Risk Youth component;
- 4) Giving funding priority to those Ex-Offender/At-Risk Youth projects that contain a pre-apprenticeship component.

III. Recommendation

No action items beyond soliciting and receiving any feedback from the Policy Committee, contractors, stakeholders, and the public concerning the Ex-Offender/At-Risk Youth Guidelines.



Guidelines for: Ex-Offender/At-Risk Youth

Effective: September 1, 2007

Revision History: 03/02/2016 Clarifies that retrainees may exceed the 260-hour cap with an approved justification, for this and other programs. 08/010/2015 Summary: Governor Brown signed AB1270 changing the name of the California Workforce Investment Board (CWIB) to California Workforce Development Board (CWDB). All CWIB citations have been updated to reflect this name change. 06/07/2010 Revised to indicate program no longer a pilot and incorporated in the Panel program. 03/05/2009 Amended standard 90-day Retention criteria to remove reference to employment with up to 3 employers and removed reference from retention period of 500 hours within 180 days. 01/15/2009 Standardized Pilot templates with standardized main headings, added new logo, removed standard ETP criteria. 03/11/2008 Amended wages – can be modified up to 25% below ETO new hire wage. Amended Incidental Placement – can be increased to 35% with good cause.

These are guidelines only. If a proposal raises the need for further modifications, that will be accomplished on a case-by-case basis with direction from Executive Staff. **Unless modified by these guidelines, all other program criteria apply.**

BACKGROUND

On May 2, 2007, Governor Schwarzenegger signed Assembly Bill 900, the Public Safety and Ex-Offender Rehabilitation Services Act (Rehabilitation Act). This legislation fundamentally reforms California's penal system, and gives the State a means to reduce prison overcrowding, and lower recidivism. A goal of the Rehabilitation Act is to release prisoners with tools to prevent recidivism.

On May 25, 2007 the governor also proposed a new initiative to combat gang violence in California. The California Gang Reduction, Intervention and Prevention Program (CalGRIP) will target over \$48 million toward local anti-gang efforts, including job training, education and intervention programs. The Governor's budget investment in career technology education, equipment and teachers (\$227 million), as well as after-school programs and school counselors will give at-risk youth alternatives to gang life. CalGRIP redirects millions of dollars in uncommitted Workforce Investment Act funds to expand job training for current gang members, gang-involved and at-risk youth in fiscal year 2007-08. The proposal combines funding, coordination, and a balanced approach of suppression, intervention, and prevention strategies to fight the gang problem.

To support these efforts, effective September 1, 2007, the Panel implemented a new ETP pilot program, pursuant to UI Code, Section 10214.5, under the Special Employment Training (SET) category serving workers with multiple barriers to employment. The Panel was to approve up to \$2 million in FY 2007-08 for Ex-Offender/At-Risk Youth projects. The program addressed the Panel's Strategic Plan goal of supporting hard-to-serve populations through the implementation of a pilot project to provide critical job skills training and jobs to

ex-offenders and youth at risk of becoming involved in gangs and/or criminal activities. The pilot has been incorporated into the Panel program.

ELIGIBILITY

Contractor:

- The contractor must be eligible to contract with the Panel, under Unemployment Insurance Code Section 10205 (c) as one of the following:
 - An employer or group of employers;
 - A training agency;
 - A local California Workforce Development Board (CWDB); or
 - A grant recipient or administrative entity, pursuant to the Workforce Investment Act.
- Contractors must demonstrate past success in training and placing ex-offenders and/or at risk youth in skilled jobs, through referrals from federal and state corrections, justice or employment agencies. In addition, the contractor must describe its recruitment, training and placement plan for the proposed ETP training project.

Participating Employer:

- Employers must be subject to the Employment Training Tax, per UI Code, Section 10201 (b).
- Employers are not required to meet the Panel's out-of-state competition eligibility requirements set forth in UI Code, Section 10200 (a)(1).

Trainees:

- Trainees can be either employed or unemployed ex-offenders, or employed or unemployed at-risk youth.
- Young adults between 18 and 23 years of age may be deemed to be at-risk if they are not in school or employed full-time at time of recruitment, and meet one or more of the following criteria:
 - Previously involved in or heavily exposed to gang activities
 - Homeless
 - History of drug addiction
 - Have child on public assistance
 - Emancipated foster youth (can be younger than 18)
 - Physical or mental disability
 - Parent is incarcerated
 - High school dropout
- For ETP purposes, trainees will be deemed to be new hires for trainee eligibility, training reimbursement, and trainee wage requirements.

- **Proof of Trainee Eligibility:**

- *At risk youth* - The contractor must retain written documentation and certify that the at-risk youth trainee has at least one of the identified at-risk factors.
- *Ex-offender* - The contractor must certify that the ex-offender trainee has a criminal record, and is on probation, parole, or experiencing difficulty in obtaining or retaining secure employment, due to the trainee's ex-offender status.

A Contractor must obtain/maintain evidence of trainee eligibility on file for ETP review. As trainee's ETP eligibility is based solely on their ex-offender status, the contractor is responsible for obtaining written proof of the trainee's eligibility from the Department of Corrections and Rehabilitation, or other written documentation. Since all ex-offenders are assigned a parole or probation officer, the trainee may obtain written documentation from their parole/probation officer. At a minimum, such documentation must identify the following:

- Ex-offenders' name and case number (or other ex-offender identifier),
 - Parole or Probation Officer's name and phone number, and
 - Indication that the trainee is an ex-offender with a record from a Division of Juvenile Justice or Department of Corrections institution.
- The regional office analyst must review contractor files to ensure that evidence of trainee eligibility is being maintained (as described above).

Training Delivery

- Standard Training Delivery Requirements apply.

Training Hours

- The minimum and maximum training hours are 8 and 260. An approved justification is required to exceed the maximum training hours.

Curriculum

- Training may consist of classroom, laboratory, videoconferencing, and computer-based training. The Panel will not fund Structured On-Site Training (SOST) or on-the-job training (OJT).
- At least 50% of trainee's total training hours must consist of vocational skills training. In conjunction with vocational skills training, training may also include basic skills, and literacy skills.
- The standard cap on training hours for retrainees (200 hours) does not apply.

Retention Requirements

- Full-time employment is required for a minimum of 30 hours per week during the consecutive 90-day employment retention period.
- Retention may be 500 hours within 180 days with one or more participating employers.

Wage

- The required ETP minimum wage for trainees in these projects will be the applicable new hire wage. However, the wage may be modified up to 25% below the ETP new-hire wage with good cause - e.g. secure job with known wage progression, employment in high unemployment area.

Reimbursement

- Training will be reimbursed per ETP's standard fixed-fee rate for new-hire training for single or multiple employers.
- Multiple employer contractors (MEC) may receive up to 12% for support costs.
- The standard cap on new-hire trainee costs may be exceeded for good cause.

Additional Information

- **Program Evaluation:** ETP will work with contractors to obtain trainee data, which can be used for analysis of the effectiveness of Ex-Offender/At Risk Youth training. ETP will follow-up on trainees after the completion of training and employment retention (e.g., using EDD's Base Wage File, surveys, etc.), to determine the effectiveness of the training in helping trainees obtain and keep secure, good-paying jobs.
- **Program Parameters:**
 - Projects may be funded to serve either unemployed, or employed individuals with a criminal record who are currently, or have been in parole status; or young adults who are deemed to be at risk for becoming involved in anti-social activities.
 - Projects must emphasize training to support the long-term job preparation and job security of the ex-offender trainees, and/or training to assist at-risk youth in learning work skills, and helping them find and succeed in a career path.
 - Pre-apprenticeship training is a priority. Occupations trained under the Career Technology Education initiative will be targeted (e.g., electrician, welder, certified nurse assistant, drafter, machine operator, computer operator etc.).
 - All training provided to ex-offenders or at-risk youth will be separated from other training in a combined project, by distinct job numbers.
- **Recruitment and Collaboration**
 - The contractor must identify a plan for recruiting and screening trainees, which must be submitted with the proposed training project.
 - The contractor must describe other program funds and resources that will be used in collaboration with ETP funds to serve project trainees (e.g., wage subsidies, transportation costs, supportive services, employer tax credits).
- **Incidental Placement:** Incidental placement of ex-offenders and at-risk youth with public and non-profit entities is permissible, but placements generally should not exceed 25% of the number to retain in employment, by job number. With showing of good cause, incidental placements may be increased up to 35%.



Employment Training Panel

Memorandum

To: ETP Policy Committee
Gretchen Newsom, Chairperson
Rebecca Bettencourt, Member
Rick Smiles, Member

Date: December 12,
2024

CC: Executive Staff
Jessica Grimes, Executive Director
Kumani Armstrong, Assistant Director/Chief Counsel
Peter Cooper, Assistant Director
Jaime Gutierrez, Chief Deputy Director

From: Application/Proposal Quality Workgroup

Subject: ETP Policy Committee Meeting Agenda Item
Report to Policy Committee Regarding Progress on Application/Proposal Quality

I. Brief Issue Statement:

This memo provides a progress update on the Application and Proposal Quality Workgroup's efforts.

II. Background Information:

During the application mapping process, it was identified that the current ETP application length varies between 111 and 233 questions. This workgroup aims to create clarity and ease of use in the application process.

The workgroup has begun identifying specific application sections that can be condensed. Specifically, the Electronic Records Keeping section of the application has been identified as an area needing consolidation. The workgroup was able to rework the section and reduce 17 questions to 1. Two prototypes of the electronic record-keeping question were sent to staff on October 2, 2024, for review and feedback.

The next steps include reviewing staff feedback and selecting a final prototype. The goal is to implement the approved changes by the end of the year.

III. Recommendation

No action is required from the policy committee at this time.



Employment Training Panel

Memorandum

To: ETP Policy Committee
Gretchen Newsom, Chairperson
Rebecca Bettencourt, Member
Rick Smiles, Member

Date: December 12,
2024

CC: Executive Staff
Jessica Grimes, Executive Director
Kumani Armstrong, Assistant Director/Chief Counsel
Peter Cooper, Assistant Director
Jaime Gutierrez, Chief Deputy Director

From: Lis Testa, Policy Manager

Subject: ETP Policy Committee Meeting Agenda Item
Action Item for Policy Committee Re: RESPOND Pilot Guidelines

I. Brief Issue Statement:

As noted at the June 2024 Policy Committee meeting, ETP is beginning a comprehensive review of all of our Pilots and Guidelines per the legislation requirement in 10205(i). At the August Policy Committee meeting, Committee reviewed the RESPOND Pilot Guidelines, which are designed to help California businesses affected by natural disasters.

This presentation will review the changes to the RESPOND Pilot Guidelines that were discussed at the August Committee meeting.

II. Background Information:

The discussion from the August Committee meeting resulted in the following recommendations for the RESPOND Pilot Guidelines:

- 1) To perform a general clean-up of the guidelines for small items such as punctuation, grammar, etc.;
- 2) To amend the definition of “natural disaster”, specifically the sub-section that allows the Executive Director to determine RESPOND eligibility, to reflect that the natural disaster must *significantly* affect the state’s economy or the economy of a region within California.

A draft version of the RESPOND Pilot Guidelines, with the above changes incorporated, are included in your meeting materials for today.

III. Recommendation

Staff is requesting an action item to approve the revised draft of the RESPOND Pilot Guidelines and to move the revised Guidelines to the full Panel for approval.



Guidelines for: Rapid Employment Strategies Pilot on Natural Disasters (RESPOND)

Effective: April 25, 2014

Revision History: 05/15/2020 Summary: Revised to simplify and clarify elements of RESPOND pilot program, expand pilot to all natural disasters, not only drought, and to specify the definition of a natural disaster. **02/22/2019** Summary: Revised guidelines to remove PL limitation on training hours. **02/19/2016** Clarifies that retrainees may exceed the 200-hour cap with an approved justification, for this and other programs. Also noted, for the Productive Laboratory delivery method the maximum training hours are capped at 60 (24 for Small Business).

BACKGROUND

In April, 2014, Panel approved the Rapid Employment Strategies on Natural Disasters (RESPOND) Guidelines. These guidelines were originally designed to address the Governor declared State of Emergency, due to extreme drought conditions.

The RESPOND – Drought program utilized \$2 million in General Funds to create an alternatively funded ETP pilot program for companies that had been affected by the drought, which was split into two funding streams. \$1 million remained in ETP for use by companies that were in areas of the state designated in the State of Emergency as highly impacted by the drought. The remaining \$1 million was dedicated to reaching dislocated workers that had been affected by the drought through an inter-agency agreement with the California Community College’s Chancellor’s Office.

In addition to the \$1 million in alternative funds, ETP also opened the RESPOND – Drought program to companies in areas of the state that had not been listed in the original State of Emergency, but who were either impacted by the drought, or who were helping with the creation of technologies and services that helped to ease the negative effects of the drought (such as irrigation, water systems, agricultural support, etc). These projects were funded using ETP Core funds.

Due to the nature of California’s climate, geology, and other factors, droughts are not the only natural disasters we may face. Accordingly, at the May 15, 2020 Panel Meeting, the RESPOND program was clarified to ensure that the definition of “Natural Disaster” is not limited to only extreme drought conditions, but shall also include any natural occurring disaster as determined by the Executive Director, such as the COVID-19 pandemic.

“NATURAL DISASTER” DEFINITION

- A natural disaster is any natural event that causes widespread damage or loss of life. Examples include: drought, fire, earthquakes, floods, major storms, hurricanes, tornadoes, pandemics, etc.

For the purposes of the RESPOND program, natural disasters can be designated through:

- a. A declaration of a State of Emergency by the Governor due to the disaster; or,
- b. A determination by ETP’s Executive Director that the natural disaster has significantly effected the state’s economy, or the economy of a region of California to such an extent that use of the Critical Proposal designation is appropriate.

GUIDELINES

Employer/Contractor Eligibility

- Both Single and Multiple Employers may participate in the RESPOND program
- Standard eligibility determination requirements apply

Critical Proposals

- All projects eligible for funding will be deemed as “Critical Proposals” with maximum flexibility and an expedited development/approval process

Funding Source

- ETP Core funds (both OSC and SET) will be used
- If/when alternative funds are received from the General Fund or elsewhere, alternative funding may apply. If alternative funds are utilized, additional program criteria may apply, depending upon the conditions of the funds use set by the Legislature or through an inter-agency agreement from the fund provider.

MEC Support Costs

- Capped at 12%

Reimbursement Rate

- RESPOND projects will receive the highest reimbursement rate, at whatever level the rates are currently set at in any given fiscal year. The only exception will be the rate for CBT training.
- CBT training will continue to receive the CBT reimbursement rate as set in any given fiscal year

Wage

- Standard ETP Minimum Wage requirements
- It will be made a condition of ETP contracts that workers employed on public works projects must be paid the correct prevailing wage rate according to the type and

the location of the work; and all work shall be performed in accordance with all applicable federal, state, and/or local prevailing wage requirements.

Retention

- Standard 90 retention
- 500 hours within 272 days

Turnover Rate

- Waived (but still must be reported)

Curriculum

- In addition to standard curriculum requirements, RESPOND projects may:
 - Include OSHA 10/30
 - Include up to 50% Literacy Training
 - Allow occupation-specific Safety Training
 - Productive Lab ratio up to 1:10

Miscellaneous

- If not otherwise specified in these guidelines, regular ETP program standards apply



Employment Training Panel

Memorandum

To: ETP Policy Committee
Gretchen Newsom, Chairperson
Rebecca Bettencourt, Member
Rick Smiles, Member

Date: December 12,
2024

CC: Executive Staff
Jessica Grimes, Executive Director
Kumani Armstrong, Assistant Director/Chief Counsel
Peter Cooper, Assistant Director
Jaime Gutierrez, Chief Deputy Director

From: Lis Testa, Policy Manager

Subject: ETP Policy Committee Meeting Agenda Item
Action Item for Policy Committee Re: Certified Safety Training Guidelines

I. Brief Issue Statement:

As noted at the June 2024 Policy Committee meeting, ETP is beginning a comprehensive review of all of our Pilots and Guidelines per the legislation requirement in 10205(i). At the August Policy Committee meeting, Committee reviewed the Certified Safety Training Guidelines, which provide information regarding OSHA 10/30, Hazmat, and Hazwoper safety training curricula.

This presentation will review the changes to the Certified Safety Training Guidelines that were discussed at the August Committee meeting.

II. Background Information:

The discussion from the August Committee meeting resulted in the following recommendations for the Certified Safety Training Guidelines:

- 1) To perform a general clean-up of the guidelines for small items such as punctuation, grammar, etc.;
- 2) To remove references to the cap on CBT training – since this is an outdated limitation and there is actually no cap on CBT training.

A draft version of the Certified Safety Training Guidelines, with the above changes incorporated, are included in your meeting materials for today.

III. Recommendation

Staff is requesting an action item to approve the revised draft of the Certified Safety Training Guidelines and to move the revised Guidelines to the full Panel for approval.



ETP

Guidelines for: **CERTIFIED SAFETY TRAINING**

Employment Training Panel

Effective: December 12, 2014

Revision History: 04/24/2018 Revised to include that partial training for less than 10/30 hours is acceptable as trainees may receive other OSHA training elsewhere. 1/23/2015 Revised to include HAZWOPER and HAZMAT Training and to distinguish Cal-OSHA from CalTRANS oversight. Revised guideline title to reflect the fact that this safety training leads to certification. 03/07/2014 Revised to reflect the reduction of minimum class/lab delivery from 24 hours to 8 hours, regardless of business size, for new contracts funded in FY 14/15.

These are guidelines only. If a proposal raises the need for further modifications, that will be accomplished on a case-by-case basis with direction from Executive Staff. **Unless modified by these guidelines, all other program criteria apply.**

BACKGROUND

Historically, ETP has not funded “general safety training” if required to do business in California by the Occupational Safety and Health Administration (Cal-OSHA in California). This prohibition appears in Title 22 California Code of Regulations at Section 4420.5.

However, the prohibition on general safety training does not extend to all safety training. ETP will fund courses on specific safety topics, especially where the trainee earns a certificate of competency after successful completion. Three certified training programs with specific safety content are approved for funding, as shown in the Overview below:

OVERVIEW

1. **OSHA 10/30** has been approved since December 2014. This is training in specific safety topics for particular occupational titles or industry sectors. It is typically geared to the construction industry, or manufacturing. This coursework must be approved by Cal-OSHA and the instructors must be certified by Cal-OSHA. The training topics are bundled as follows:
 - A 10-hour class intended for entry level workers, or
 - A 30-hour class intended for supervisors or workers with direct safety responsibility

ETP funds both OSHA-10 and OSHA-30 as appropriate to the trainee occupation. Training may be delivered as Class/Lab or CBT. As noted above, this training leads to a certificate of competency. This coursework is all classroom (or CBT) for a 10-hour or 30-hour bundle. It requires Cal-OSHA certified instructors, and leads to a certificate of competency portable to the employee. All hours are approved for funding.

Trainees may receive some OSHA training outside of the ETP contract and only require a few hours of ETP funded OSHA training. Therefore, ETP will fund training to those who require partial OSHA training (See Reimbursement section below for additional information.)

2. **HAZWOPER** (Hazardous Waste Operations and Emergency Response) training has been approved for at least as long as OSHA 10/30. It is shown as a sub-set of HAZMAT under Section 6.6 of the Staff Reference Manual (SRM) but it was not previously included in these guidelines. [Note: It is not actually a sub-set since there are different coursework and certification requirement as explained at Paragraph 3 below.]

HAZWOPER training is specifically designed for workers engaged in the removal of hazardous substances, or other activities which expose them to such substances. This coursework must be approved by Cal-OSHA and the instructors must be certified by Cal-OSHA. The training topics are bundled as a 24-hour course or 40-hour course, depending on occupational title. There is an 8-hour refresher.

The amount of instruction depends on whether the workers are at a hazardous-substance worksite full-time, or only occasionally. Workers who are onsite full-time typically include equipment operators or laborers; those who are onsite occasionally most likely include surveyors or engineering technicians. Supervisors are generally held to the standard of a full-time onsite worker.

- Full-time onsite work requires a minimum of 40 hours of classroom instruction, and a minimum of three days of training in actual field work under an experienced trainer/supervisor.
- Occasional onsite work requires a minimum of 24 hours of classroom instruction, and a minimum of three days of training in actual field work under an experienced trainer/supervisor. These workers may require the full 40 hours and three days of training if they are required to wear respirators onsite.
- All workers and supervisors are required to receive the 8-hour refresher in classroom instruction on an annual basis.

ETP funds HAZWOPER for front-line workers, supervisors and managers, as appropriate to the industry sector and occupation. Hours should be capped as

appropriate to the trainee occupational titles. The cap should be expressed in Exhibit B (see example at the end of these guidelines).

Although HAZWOPER requires field work to obtain certification, that component is not funded by ETP. Otherwise, all hours of classroom or CBT training are approved for funding as required to obtain or retain the certificate of competency.

3. **HAZMAT** (Hazardous Material) courses have been approved for many years under Section 6.6 in the SRM. The course length and complexity depends on the occupational titles and their role in hazardous waste handling and transportation. This training has oversight by the Department of Transportation (CalTRANS in California). The coursework must be certified by CalTRANS or another government entity (e.g., State Fire Marshal). There is an 8-hour annual refresher course to retain certification.

The subject matter of training is based on the function of the emergency-response employer, and duties to be performed by their employees. There are five levels, and each may have different minimum hours:

1. First Responder, Awareness Level (FRA): No minimum defined
2. First Responder, Operations Level (FRO): Minimum 8 hours training or experience equivalent
3. Hazardous Materials Technician: Minimum 24 hours training
4. Hazardous Materials Specialist: Minimum 24 hours training
5. Incident Commander/On-Scene Manager: Minimum 24 hours training

Although HAZMAT requires field work to obtain certification, that component is not funded by ETP. Otherwise, all hours of classroom or CBT training are approved for funding as required to obtain or retain the certificate of competency.

GUIDELINES

ELIGIBILITY

- Standard employer eligibility criteria apply.
- Single Employers are eligible. Training must be ancillary to other job skills training identified in the Curriculum. The Curriculum cannot consist entirely of OSHA or HAZWOPER/HAZMAT courses. (See Ancillary Training Requirement below.).
- MEC participating employers are eligible. Training need not be ancillary to other types of training in the Curriculum. The Curriculum may consist entirely of OSHA 10/30 or HAZWOPER/HAZMAT courses.
- The 20% limitation on training for managers/supervisors may apply, unless an exemption is justified in the ETP130.

Training Delivery

- Training may be delivered by Class/Lab or CBT, not as field work.
- The trainer-to-trainee ratio for Class/Lab training is 1:40 rather than 1:20.
- The 10% limitation on safety training does not apply.

Instructors

- Instructors for OSHA 10/30 and HAZWOPER must be certified by Cal-OSHA
- Instructors for HAZMAT must be certified - not by Cal-OSHA, but from among one or more of several entities including:
 - California Specialized Training Institute
 - State Fire Marshal's Office
 - University of California
 - U.S. National Fire Academy

Curriculum

- OSHA 10/30, and HAZWOPER/HAZMAT, should “stand alone” in the Curriculum as a separate Type of Training.
- OSHA 10/30 does not have a breakdown of individual course titles.
- HAZWOPER/HAZMAT may have a breakdown of individual course titles. This will be case-by-case depending on the employer's function, and job duties of the occupations to be trained.

Ancillary Training Requirement

For single employers: Training must be ancillary to other job skills training identified in the Curriculum. The Curriculum cannot consist entirely of safety training. However, this ancillary requirement is applicable to the Curriculum as a whole. It is not applied on a per-trainee basis. In other words, an individual trainee may receive only OSHA 10/30 or HAZWOPER/HAZMAT training and no other types of training - as long as the trainee meets the minimum requirement of 8 hours.

For MEC participating employers: Training need not be ancillary to other types of training in the Curriculum. The Curriculum may consist entirely of OSHA 10/30 or HAZWOPER/HAZMAT training.

Reimbursement

- All hours of training do not have to be completed for OSHA 10/30 coursework for reimbursement. Partial hours can now be allowed, and no certification is required.

Field Experience for HAZWOPER: In addition to classroom training, the 40-hour and 24-hour HAZWOPER courses must include a minimum of one, two, or three days of training in the field at the actual worksite. The field training is not reimbursable by ETP, but is

required before the certificate of completion can be issued. Because the delivery of field training cannot be readily monitored, trainees are not required to receive the certificate of completion before payment is earned.

Field Experience for HAZMAT: All five levels of training may combine class/lab, workshops and field work. These delivery methods may vary in duration depending on the employer's function, job duties of the occupations to be trained, and the certification entity. The field training is not reimbursable by ETP, but is required before the certificate of completion can be issued. Because the delivery of field training cannot be readily monitored, trainees are not required to receive the certificate of completion before payment is earned.

Additional Information

- Requests to add OSHA 10/30 and HAZWOPER/HAZMAT training to an existing ETP contract may be processed as a modification or in-house amendment
- Unless revised by these guidelines, all other program criteria apply (e.g. reimbursement rate, minimum wage, retention).

ETP130

There is new canned language, replacing the paragraph on OSHA 10/30, in the ETP100 template. See "Certified Safety Training".

ETP100

There is revised narrative text at Section 3.10 (setting trainer-to-trainee ratio) and Section 5.22(e) (allowing certified safety training courses to be added by modification). These revisions apply to all contract types, consistent with these guidelines.

Exhibit B

It is recommended that OSHA 10/30, HAZWOPER and HAZMAT be identified as separate courses in Exhibit B, consistent with how they are listed on Chart 1. [Note: Maximum hours and certification entity will vary for HAZMAT, depending on the occupations to be trained.] See example:

0-30 hours	OSHA 10/30 (OSHA Certified Instructor)
0-40 hours	HAZWOPER (OSHA Certified Instructor)
0-XX hours	HAZMAT (<Name> Certified Instructor)