



Session 2021

FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

Senate Bill 126 S-126-Second Edition Clean Up Obsolete Boards.

Bill Primary Sponsor(s): Senator Sawyer

Senator Perry

Relevant Federal Law: P.L. 113-128; 20 C.F.R. § 679.110

☒ Required by or Necessary for Compliance with Federal Law

☐ Exceeds Federal Law

☐ Federal Funds Conditioned upon Passage of Law

☐ Implements Federal Law

SUMMARY OF BILL PROVISIONS ALLEGEDLY REQUIRED BY FEDERAL LEGISLATION

Section 24 of Senate Bill 126 modifies the North Carolina law that relates to the membership of the NCWorks Commission. G.S. 143B-438.10.

The NCWorks Commission, within the North Carolina Department of Commerce, is North Carolina's State Workforce Development Board established pursuant to the federal Workforce Innovation and Opportunity Act ("WIOA"). This bill addresses compliance with federal requirements by adding two members to the Commission with the primary responsibility for WIOA specified federal core programs implemented within this State, and two additional members to maintain a required board membership balance.

Section 24.(a) would add a total of four members to the NCWorks Commission, including:

- Two additional ex-officio members:
 - The State official with primary responsibility for the State Adult Education and Family Literacy program.
 - The State official with primary responsibility for State Vocational Rehabilitation or Services for the Blind program.
- Two additional appointees representing business and industry in the State. The initial terms of these two appointees would end on October 31, 2021 to stagger appointee terms.

This section would become effective when the bill becomes law.



Session 2021

FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

COMPLIANCE CONSIDERATIONS

P.L. 113-128 (2014) may be cited as the Workforce Innovation and Opportunity Act (WIOA). Section 101 of that act requires states to establish a State Workforce Development Board to carry out various functions and establishes minimum membership requirements for these boards.

Of these various membership requirements, 20 CFR 679.110(b)(3)(iii)(A)(1)(ii) and (iii) require that the membership include representatives of government with the primary responsibility for the Adult Education and Family Literacy Act program under title II of WIOA, and the State Vocational Rehabilitation program under title IV of WIOA. WIOA also outlines how membership may also include additional appropriate officials, and that members may not generally represent more than one categorical membership requirement as prescribed by WIOA.

In submitting North Carolina's four-year WIOA Unified State Plan (2020-2023) to the United States Departments of Labor and Education (Departments), feedback from those Departments indicated that the NCWorks Commission membership does not comply with representation requirements of WIOA, and that clarity is needed as it relates to appointees representing the federal core programs referenced above. The Secretary of the North Carolina Department of Health and Human Services and the President of the North Carolina Community Colleges System Office, as statutorily designated members of the NCWorks Commission, may be interpreted to fulfill multiple membership categories under WIOA, as those federal programs are administered by DHHS and the Community College System, which would be generally prohibited.

This bill would clarify this ambiguity by adding two ex-officio members within the NCWorks Commission and clarify their role in representing the named federal core programs. In adding these additional ex-officio members, the members added to represent business and industry in the State would maintain the membership balance/distribution pursuant to WIOA requirements.

TECHNICAL OR MECHANICAL CONSIDERATIONS

None

REVIEW AND APPROVAL

Prepared By: Brad Krehely
Brad Krehely
Staff Attorney, Legislative Analysis Division

Date: 6-23-21

Approved By: Jeffrey Hudson
Jeffrey Hudson
Director, Legislative Analysis Division

Date: 6-23-21

*Howard Marsilio, Staff Attorney for the Legislative Analysis Division, contributed substantially to this certification.