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ENGROSSED SUBSTITUTE SENATE BILL 5533

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State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Labor & Workforce Development (originally sponsored by Senators Fairley, Kline, Franklin, Oke and Kohl-Welles; by request of Governor Locke)

Read first time 02/18/1999.

1 AN ACT Relating to developing a system of lifelong learning;  
2 amending RCW 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040,  
3 28C.18.050, 28C.18.060, 74.08A.280, 74.08A.410, 43.330.080, 50.38.050,  
4 50.67.010, 42.17.310, and 43.20A.080; reenacting and amending RCW  
5 50.13.060; adding a new section to chapter 28C.18 RCW; adding a new  
6 chapter to Title 50 RCW; creating new sections; repealing RCW  
7 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110, 50.67.020,  
8 and 50.67.030; prescribing penalties; providing an expiration date; and  
9 declaring an emergency.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** The legislature finds that Washington  
12 employers are having difficulty finding qualified applicants for jobs,  
13 particularly those requiring specialized skills. Many businesses are  
14 being forced to curtail expansion in Washington state.

15 The legislature finds that business surveys indicate that the  
16 availability of a skilled work force is the most important factor in  
17 business location decisions, particularly for high wage employers. Our  
18 state's rural development strategy requires a work force focus. Now

1 more than ever, we need to have an explicit work force development  
2 strategy linked with our state economic development efforts.

3 The legislature also finds that the consequences for failing to  
4 upgrade the skills of our workers are enormous. Family incomes are  
5 increasingly linked with skills and training and those who cannot  
6 access training and education will continue to see declines in their  
7 income.

8 The legislature further finds that in order to succeed we must have  
9 a system of lifelong learning that allows workers to upgrade their  
10 skills while continuing to work. To achieve that goal we must have a  
11 work force development system that is linked directly to jobs, is  
12 easily accessible to working families, and can be accessed according to  
13 their own schedules. Perhaps more importantly, training and education  
14 must be skills-based and certified so that workers can attain certified  
15 skills that allow them to move up the job ladder over their lifetime.

16 The legislature recognizes that programs that prepare individuals  
17 for the work force, beginning with secondary vocational education in  
18 school and continuing through postsecondary education, apprenticeships,  
19 and programs for the disadvantaged, persons with disabilities, and for  
20 dislocated workers, must be a coordinated system that enables  
21 individuals to obtain skills demanded by employers, and enables  
22 individuals to smoothly move back and forth between work force  
23 development programs and employment.

24 To support that challenge a work force development system must  
25 focus on customer service and performance accountability. The  
26 following principles shall govern the work force development system:

27 (1) Provide consumers and policymakers ready access to information  
28 in order to make informed decisions related to training and employment;

29 (2) Create a work force development system based on a coherent  
30 economic development strategy;

31 (3) Hold the work force delivery system accountable for improved  
32 results in employment, earnings, skills gains, and customer  
33 satisfaction;

34 (4) Provide universal access to persons with disabilities,  
35 students, job seekers, and employers in order to hasten the time  
36 between job openings and jobs filled;

37 (5) Develop a strong leadership role for the private sector at the  
38 state and local levels;

1 (6) Establish and maintain state and local flexibility to ensure  
2 responsiveness to individuals and communities;

3 (7) Engage in a systematic effort to integrate the multiple  
4 programs and services that comprise the work force development system,  
5 including activities implemented through the state-wide one stop  
6 delivery system; and

7 (8) Strengthen the capacity of local communities to strategically  
8 guide work force development in their area and to shape local work  
9 force development policies.

10 **Sec. 2.** RCW 28C.18.010 and 1996 c 99 s 2 are each amended to read  
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in  
13 this section apply throughout this title.

14 (1) "Board" means the work force (~~(training and education~~  
15 ~~coordinating)) development board.~~

16 (2) "Director" means the director of the work force (~~(training and~~  
17 ~~education coordinating)) development board.~~

18 (3) (~~("Training system" means programs and courses of secondary~~  
19 ~~vocational education, technical college programs and courses, community~~  
20 ~~college vocational programs and courses, private career school and~~  
21 ~~college programs and courses, employer-sponsored training, adult basic~~  
22 ~~education programs and courses, programs and courses funded by the job~~  
23 ~~training partnership act, programs and courses funded by the federal~~  
24 ~~vocational act, programs and courses funded under the federal adult~~  
25 ~~education act, publicly funded programs and courses for adult literacy~~  
26 ~~education, and apprenticeships, and programs and courses offered by~~  
27 ~~private and public nonprofit organizations that are representative of~~  
28 ~~communities or significant segments of communities and provide job~~  
29 ~~training or adult literacy services.)) "Operating agencies" means those  
30 state agencies represented on the work force development board and any  
31 others responsible for the governance and management of state and  
32 federal work force development programs.~~

33 (4) "Work force development system" means public and private  
34 programs that use state or federal funds to prepare workers for  
35 employment, upgrade worker skills, retrain workers, or provide  
36 employment or retention services for workers or employers. "Work force  
37 development system" includes, but is not limited to, secondary  
38 vocational education, community and technical college vocational

1 education, private career school and college vocational programs,  
2 employer-sponsored training, work-related adult basic education and  
3 literacy programs, training and work-related activities of the state  
4 temporary assistance for needy families program, or successor program,  
5 programs funded by Title 1B of the federal work force investment act,  
6 activities funded under the federal Wagner-Peyser act, programs funded  
7 by the federal vocational education act, work-related programs funded  
8 under the adult education and family literacy act, publicly funded  
9 programs for work-related adult literacy, education, and  
10 apprenticeships, the one-stop system, the state job skills program,  
11 timber retraining benefits, the work-related components of the state  
12 vocational rehabilitation program and the department of services for  
13 the blind, and programs offered by private and public nonprofit  
14 organizations that are representative of communities or significant  
15 segments of communities and provide job training or work-related adult  
16 literacy services.

17 (5) "Work force skills" means skills developed through applied  
18 learning that strengthen and reinforce an individual's academic  
19 knowledge, critical thinking, problem solving, and work ethic and,  
20 thereby, develop the employability, occupational skills, and management  
21 of home and work responsibilities necessary for economic independence.

22 ((+5)) (6) "Vocational education" means organized educational  
23 programs offering a sequence of courses which are directly related to  
24 the preparation or retraining of individuals in paid or unpaid  
25 employment in current or emerging occupations requiring other than a  
26 baccalaureate or advanced degree. ((Sueh)) These vocational education  
27 programs shall include competency-based applied learning which  
28 contributes to an individual's academic knowledge, higher-order  
29 reasoning, and problem-solving skills, work attitudes, general  
30 employability skills, and the occupational-specific skills necessary  
31 for economic independence as a productive and contributing member of  
32 society. Such term also includes applied technology education.

33 ((+6)) (7) "Adult basic education" means ((instruction designed to  
34 achieve mastery of skills in reading, writing, oral communication, and  
35 computation at a level sufficient to allow the individual to function  
36 effectively as a parent, worker, and citizen in the United States,  
37 commensurate with that individual's actual ability level, and includes  
38 English as a second language and preparation and testing service for  
39 the general education development exam)) (a) adult education and

1 literacy services, including work force literacy services; (b) family  
2 literacy services; and (c) English literacy services as defined in P.L.  
3 105-220, Title II, that enable eligible adults to speak, read, and  
4 write in the English language, compute, solve problems, and relate  
5 effectively with others in order to exercise the rights and  
6 responsibilities of a family member, worker, and community member.

7 (8) "Local work force development councils" means the same as  
8 defined in P.L. 105-220, Sec. 117 and are responsible for performing  
9 the duties of that section as well as developing and ensuring the  
10 implementation of a local area unified plan for state purposes as  
11 defined in this chapter.

12 **Sec. 3.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read  
13 as follows:

14 (1) There is hereby created the work force (~~(training and education~~  
15 ~~coordinating)) development board as a state agency (~~and as the~~  
16 ~~successor agency to the state board for vocational education. Once the~~  
17 ~~coordinating board has convened, all references to the state board for~~  
18 ~~vocational education in the Revised Code of Washington shall be~~  
19 ~~construed to mean the work force training and education coordinating~~  
20 ~~board, except that reference to the state board for vocational~~  
21 ~~education in RCW 49.04.030 shall mean the state board for community and~~  
22 ~~technical colleges)).~~~~

23 (2)(a) The board shall consist of (~~nine~~) eighteen voting members  
24 appointed by the governor with the consent of the senate, as follows:  
25 (~~Three~~) Five representatives of business, (~~three~~) five  
26 representatives of labor, a representative of private career schools,  
27 a representative of community-based organizations, a representative of  
28 local elected officials, and, serving as ex officio members, the  
29 superintendent of public instruction, the executive director of the  
30 state board for community and technical colleges, (~~and~~) the  
31 commissioner of the employment security department, the secretary of  
32 the department of social and health services, and the director of the  
33 department of community, trade, and economic development. (~~The chair~~  
34 ~~of the board shall be a nonvoting member selected by the governor with~~  
35 ~~the consent of the senate, and shall serve at the pleasure of the~~  
36 ~~governor. In selecting the chair, the governor shall seek a person who~~  
37 ~~understands the future economic needs of the state and nation and the~~  
38 ~~role that the state's training system has in meeting those needs.))~~

1 Each (~~voting~~) member of the board may appoint a designee to function  
2 in his or her place with the right to vote. Representatives of  
3 business and labor must constitute a majority of those casting votes on  
4 any given vote. In (~~making appointments to~~) recruiting members for  
5 the board, the governor shall seek to ensure geographic, ethnic, and  
6 gender diversity and balance. The governor shall also seek to ensure  
7 diversity and balance by (~~the appointment of~~) recruiting persons with  
8 disabilities.

9 (b) The business representatives shall be selected from among  
10 nominations provided by (~~a~~) state-wide business organizations  
11 representing a cross-section of industries and small businesses. One  
12 of the business representatives will serve as the chair of the board on  
13 a rotating basis with one of the labor representatives. However, the  
14 governor may request, and the organization shall provide, an additional  
15 list or lists from which the governor shall select the business  
16 representatives. (~~The nominations and selections~~) Recruitment shall  
17 reflect the cultural diversity of the state, including women, people  
18 with disabilities, and racial and ethnic minorities, and diversity in  
19 sizes of businesses.

20 (c) The labor representatives shall be selected from among  
21 nominations provided by state-wide labor organizations. One of the  
22 labor representatives will serve as the chair of the board on a  
23 rotating basis with one of the business representatives. However, the  
24 governor may request, and the organizations shall provide, an  
25 additional list or lists from which the governor shall select the labor  
26 representatives. (~~The nominations and selections~~) Recruitment shall  
27 reflect the cultural diversity of the state, including women, people  
28 with disabilities, and racial and ethnic minorities.

29 (d) Each business member may cast a proxy vote or votes for any  
30 business member who is not present and who authorizes in writing the  
31 present member to cast such vote.

32 (e) Each labor member may cast a proxy vote for any labor member  
33 who is not present and who authorizes in writing the present member to  
34 cast such vote.

35 (~~f~~) (~~The chair shall appoint to the board one nonvoting member to~~  
36 ~~represent racial and ethnic minorities, women, and people with~~  
37 ~~disabilities. The nonvoting member appointed by the chair shall serve~~  
38 ~~for a term of four years with the term expiring on June 30th of the~~  
39 ~~fourth year of the term.~~)

1       ~~(g))~~ The business members of the board shall serve for terms of  
2 four years, the terms expiring on June 30th of the fourth year of the  
3 term except that in the case of initial members, one shall be appointed  
4 to a two-year term and one appointed to a three-year term.

5       ~~((h))~~ (g) The labor members of the board shall serve for terms of  
6 four years, the terms expiring on June 30th of the fourth year of the  
7 term except that in the case of initial members, one shall be appointed  
8 to a two-year term and one appointed to a three-year term.

9       (h) The private career school representative shall be selected from  
10 among nominations provided by a state-wide organization representing a  
11 cross-section of private career schools. The private career school,  
12 community-based organization, and local elected officials  
13 representatives shall serve for terms of four years, the terms expiring  
14 on June 30th of the fourth year of the term except that in the case of  
15 initial members, one shall be appointed to a two-year term and one  
16 appointed to a three-year term.

17       (i) Any vacancies among board members representing business ~~((or)),~~  
18 labor, or private career schools shall be filled by the governor with  
19 nominations provided by state-wide organizations representing business  
20 ~~((or)),~~ labor, or private career schools, respectively.

21       (j) The board shall adopt bylaws and shall meet at least bimonthly  
22 and at such other times as determined by the chair who shall give  
23 reasonable prior notice to the members or at the request of a majority  
24 of the ~~((voting))~~ members.

25       (k) Members of the board shall be compensated in accordance with  
26 RCW 43.03.040 and shall receive travel expenses in accordance with RCW  
27 43.03.050 and 43.03.060.

28       ~~(l) ((The board shall be formed and ready to assume its~~  
29 ~~responsibilities under this chapter by October 1, 1991.~~

30       ~~(m))~~ The director of the board shall be appointed by the governor  
31 ~~((from a list of three names submitted by a committee made up of the~~  
32 ~~business and labor members of the board. However, the governor may~~  
33 ~~request, and the committee shall provide, an additional list or lists~~  
34 ~~from which the governor shall select the director. The lists compiled~~  
35 ~~by the committee shall not be subject to public disclosure. The~~  
36 ~~governor may dismiss the director only with the approval of a majority~~  
37 ~~vote of the board. The board, by a majority vote, may dismiss the~~  
38 ~~director with the approval)), shall serve at the pleasure of the~~  
39 governor, and shall be confirmed by the senate.

1       (~~(3) The state board for vocational education is hereby abolished~~  
2 ~~and its powers, duties, and functions are hereby transferred to the~~  
3 ~~work force training and education coordinating board. All references~~  
4 ~~to the director or the state board for vocational education in the~~  
5 ~~Revised Code of Washington shall be construed to mean the director or~~  
6 ~~the work force training and education coordinating board.))~~)

7       **Sec. 4.** RCW 28C.18.030 and 1996 c 99 s 3 are each amended to read  
8 as follows:

9       The purpose of the board is to (~~provide planning, coordination,~~  
10 ~~evaluation, monitoring, and policy analysis for the state training~~  
11 ~~system as a whole, and advice to the governor and legislature~~  
12 ~~concerning the state training system, in cooperation with the state~~  
13 ~~training system and the higher education coordinating board)) develop  
14 policies that create an integrated state work force development system  
15 that links people to jobs, allows them access to training and  
16 education, and provides an opportunity to move up the job ladder over  
17 their lifetime. The board shall plan, promote cooperation, measure  
18 performance, evaluate, and provide policy analysis for the state work  
19 force development system as a whole, and advise the governor and the  
20 legislature concerning the state's work force development system in  
21 cooperation with the operating agencies of the work force development  
22 system.~~

23       **Sec. 5.** RCW 28C.18.040 and 1994 c 154 s 307 are each amended to  
24 read as follows:

25       (1) The director shall serve as chief executive officer of the  
26 board who shall administer the provisions of this chapter, employ such  
27 personnel as may be necessary to implement the purposes of this  
28 chapter, and utilize staff of existing operating agencies to the  
29 fullest extent possible.

30       (2) (~~The director shall not be the chair of the board.~~

31       ~~(3))~~) Subject to the approval of the board, the director shall  
32 appoint necessary deputy and assistant directors and other staff who  
33 shall be exempt from the provisions of chapter 41.06 RCW. The  
34 director's appointees shall serve at the director's pleasure on such  
35 terms and conditions as the director determines but subject to chapter  
36 42.52 RCW.



1       ~~((4))~~ (3) The director shall appoint and employ such other  
2 employees as may be required for the proper discharge of the functions  
3 of the board.

4       ~~((5) The director shall, as permissible under P.L. 101-392, as  
5 amended, integrate the staff of the council on vocational education,  
6 and contract with the state board for community and technical colleges  
7 for assistance for adult basic skills and literacy policy development  
8 and planning as required by P.L. 100-297, as amended.))~~

9       **Sec. 6.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read  
10 as follows:

11       (1) The board shall be designated as the state work force  
12 investment board described in P.L. 105-220, the work force investment  
13 act of 1998, and shall perform such functions as necessary to comply  
14 with federal directives pertaining to this law. In order to comply  
15 with the regulations of P.L. 105-220, the governor may designate the  
16 board membership structure of the work force training and education  
17 coordinating board as it existed as of December 31, 1997, as the work  
18 force investment board specifically to carry out the provisions of  
19 P.L. 105-220.

20       (2) The board shall be designated as the state board of vocational  
21 education as provided for in P.L. ~~((98-524))~~ 105-332, as amended, and  
22 shall perform such functions as is necessary to comply with federal  
23 directives pertaining to the provisions of such law. The board shall  
24 establish a subcommittee consisting of the superintendent of public  
25 instruction, the executive director of the state board for community  
26 and technical colleges, one business representative, and one labor  
27 representative to study and make recommendations to the board on the  
28 use of funds provided under P.L. 105-332.

29       ~~((2))~~ (3) The board shall perform the functions of the human  
30 resource investment council as provided for in the federal job training  
31 partnership act, P.L. 97-300, as amended.

32       ~~((3))~~ (4) The board shall provide policy advice for any federal  
33 act pertaining to work force development that is not required by state  
34 or federal law to be provided by another state body.

35       ~~((4))~~ (5) Upon enactment of new federal initiatives relating to  
36 work force development, the board shall advise the governor and the  
37 legislature on mechanisms for integrating the federal initiatives into  
38 the state's work force development system and make recommendations on

1 the legislative or administrative measures necessary to streamline and  
2 coordinate state efforts to meet federal guidelines.

3 ~~((5))~~ (6) The board shall ((monitor)) review for consistency with  
4 ~~the state ((comprehensive plan for work force training and education~~  
5 ~~the policies and plans established by the state job training~~  
6 ~~coordinating council))~~ unified plan, the policies and plans established  
7 by the advisory council on adult education, and the Washington state  
8 plan for adult literacy and basic ((education)) skills, and provide  
9 guidance for making such policies and plans consistent with the state  
10 ~~((comprehensive))~~ unified plan for work force ((training and  
11 ~~education))~~ development system.

12 (7) The board shall perform the functions of the job training  
13 coordinating council until July 1, 2000.

14 (8) Recommend to the governor the performance accountability system  
15 required by P.L. 105-220 or successor legislation.

16 (9) For the purposes of P.L. 105-332, the superintendent of public  
17 instruction shall have operating responsibility for secondary education  
18 and the state board for community and technical colleges shall have  
19 operating responsibility for postsecondary vocational and technical  
20 education.

21 (10) The board shall include the director of the department of  
22 services for the blind to the extent required by P.L. 105-220.

23 **Sec. 7.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to read  
24 as follows:

25 The board, in cooperation with the operating agencies of the state  
26 training system and private career schools and colleges shall:

27 ~~(1) ((Concentrate its major efforts on planning, coordination~~  
28 ~~evaluation, policy analysis, and recommending improvements to the~~  
29 ~~state's training system.~~

30 ~~(2) Advocate for the state training system and for meeting the~~  
31 ~~needs of employers and the work force for work force education and~~  
32 ~~training.~~

33 ~~(3) Establish and maintain an inventory of the programs of the~~  
34 ~~state training system, and related state programs, and perform a~~  
35 ~~biennial assessment of the vocational education, training, and adult~~  
36 ~~basic education and literacy needs of the state; identify ongoing and~~  
37 ~~strategic education needs; and assess the extent to which employment,~~  
38 ~~training, vocational and basic education, rehabilitation services, and~~

1 public assistance services represent a consistent, integrated approach  
2 to meet such needs.

3 (4) Develop and maintain a state comprehensive plan for work force  
4 training and education, including but not limited to, goals,  
5 objectives, and priorities for the state training system, and review  
6 the state training system for consistency with the state comprehensive  
7 plan. In developing the state comprehensive plan for work force  
8 training and education, the board shall use, but shall not be limited  
9 to: Economic, labor market, and populations trends reports in office  
10 of financial management forecasts; joint office of financial management  
11 and employment security department labor force, industry employment,  
12 and occupational forecasts; the results of scientifically based  
13 outcome, net impact and cost benefit evaluations; the needs of  
14 employers as evidenced in formal employer surveys and other employer  
15 input; and the needs of program participants and workers as evidenced  
16 in formal surveys and other input from program participants and the  
17 labor community.

18 (5) In consultation with the higher education coordinating board,  
19 review and make recommendations to the office of financial management  
20 and the legislature on operating and capital facilities budget requests  
21 for operating agencies of the state training system for purposes of  
22 consistency with the state comprehensive plan for work force training  
23 and education.

24 (6) Provide for coordination among the different operating agencies  
25 and components of the state training system at the state level and at  
26 the regional level.

27 (7) Develop a consistent and reliable data base on vocational  
28 education enrollments, costs, program activities, and job placements  
29 from publicly funded vocational education programs in this state.

30 (8) Establish standards for data collection and maintenance for the  
31 operating agencies of the state training system in a format that is  
32 accessible to use by the board. The board shall require a minimum of  
33 common core data to be collected by each operating agency of the state  
34 training system.

35 The board shall develop requirements for minimum common core data  
36 in consultation with the office of financial management and the  
37 operating agencies of the training system.

38 (9) Establish minimum standards for program evaluation for the  
39 operating agencies of the state training system, including, but not

1 limited to, the use of common survey instruments and procedures for  
2 measuring perceptions of program participants and employers of program  
3 participants, and monitor such program evaluation.

4 (10) Every two years administer scientifically based outcome  
5 evaluations of the state training system, including, but not limited  
6 to, surveys of program participants, surveys of employers of program  
7 participants, and matches with employment security department payroll  
8 and wage files. Every five years administer scientifically based net-  
9 impact and cost-benefit evaluations of the state training system.

10 (11) In cooperation with the employment security department,  
11 provide for the improvement and maintenance of quality and utility in  
12 occupational information and forecasts for use in training system  
13 planning and evaluation. Improvements shall include, but not be  
14 limited to, development of state-based occupational change factors  
15 involving input by employers and employees, and delineation of skill  
16 and training requirements by education level associated with current  
17 and forecasted occupations.

18 (12) Provide for the development of common course description  
19 formats, common reporting requirements, and common definitions for  
20 operating agencies of the training system.

21 (13) Provide for effectiveness and efficiency reviews of the state  
22 training system.

23 (14) In cooperation with the higher education coordinating board,  
24 facilitate transfer of credit policies and agreements between  
25 institutions of the state training system, and encourage articulation  
26 agreements for programs encompassing two years of secondary work force  
27 education and two years of postsecondary work force education.

28 (15) In cooperation with the higher education coordinating board,  
29 facilitate transfer of credit policies and agreements between private  
30 training institutions and institutions of the state training system.

31 (16) Participate in the development of coordination criteria for  
32 activities under the job training partnership act with related programs  
33 and services provided by state and local education and training  
34 agencies.

35 (17) Make recommendations to the commission of student assessment,  
36 the state board of education, and the superintendent of public  
37 instruction, concerning basic skill competencies and essential core  
38 competencies for K-12 education. Basic skills for this purpose shall  
39 be reading, writing, computation, speaking, and critical thinking,

1 essential core competencies for this purpose shall be English, math,  
2 science/technology, history, geography, and critical thinking. The  
3 board shall monitor the development of and provide advice concerning  
4 secondary curriculum which integrates vocational and academic  
5 education.

6 (18) Establish and administer programs for marketing and outreach  
7 to businesses and potential program participants.

8 (19) Facilitate the location of support services, including but not  
9 limited to, child care, financial aid, career counseling, and job  
10 placement services, for students and trainees at institutions in the  
11 state training system, and advocate for support services for trainees  
12 and students in the state training system.

13 (20) Facilitate private sector assistance for the state training  
14 system, including but not limited to: Financial assistance, rotation  
15 of private and public personnel, and vocational counseling.

16 (21) Facilitate programs for school-to-work transition that combine  
17 classroom education and on-the-job training in industries and  
18 occupations without a significant number of apprenticeship programs.

19 (22) Encourage and assess progress for the equitable representation  
20 of racial and ethnic minorities, women, and people with disabilities  
21 among the students, teachers, and administrators of the state training  
22 system. Equitable, for this purpose, shall mean substantially  
23 proportional to their percentage of the state population in the  
24 geographic area served. This function of the board shall in no way  
25 lessen more stringent state or federal requirements for representation  
26 of racial and ethnic minorities, women, and people with disabilities.

27 (23) Participate in the planning and policy development of governor  
28 set-aside grants under P.L. 97-300, as amended.

29 (24) Administer veterans' programs, licensure of private vocational  
30 schools, the job skills program, and the Washington award for  
31 vocational excellence.

32 (25) Allocate funding from the state job training trust fund.

33 (26) Work with the director of community, trade, and economic  
34 development to ensure coordination between work force training  
35 priorities and that department's economic development efforts.

36 (27) Adopt rules as necessary to implement this chapter.

37 The board may delegate to the director any of the functions of this  
38 section.)) Advocate for the state work force development system and for

1 meeting the needs of employers and the work force for the work force  
2 development system.

3 (2) Establish and maintain an inventory of the programs of the  
4 state work force development system and ensure that information is  
5 provided to consumers and policymakers at the state and local level in  
6 order to enable them to make informed choices.

7 (3) Assess employer and worker needs for work force training and  
8 the gap between their needs and the public and private supply of work  
9 force training. The assessments of employer and worker needs shall  
10 include state-wide surveys of employers and workers. The survey sample  
11 must be statistically representative of the state's employer and  
12 employee population.

13 (4) Analyze the future employment needs of employers and develop  
14 strategies to ensure that Washington residents are prepared to meet  
15 those needs. The board shall work with industry, labor, and business  
16 associations, the operating agencies, and the department of community,  
17 trade, and economic development, and local work force investment  
18 councils, to develop demand driven and targeted industry strategies to  
19 build a world class work force.

20 (5) Develop and maintain a state unified plan for the work force  
21 development system. The unified plan shall include:

22 (a) Assessments of the state's employment opportunities and skill  
23 needs, the skills of the current and future work force, and the current  
24 work force development system;

25 (b) Goals, objectives, and strategies for improving the work force  
26 development system as a whole. This shall include goals, objectives,  
27 and strategies for providing system services to low-income individuals  
28 including recipients of temporary assistance for needy families. It  
29 shall also include wage progression goals for recipients of temporary  
30 assistance for needy families developed in conjunction with the  
31 department of social and health services as required by RCW 74.08A.410;  
32 and

33 (c) A description of the performance measurement system for work  
34 force development.

35 (6) Work in collaboration with local work force development  
36 councils to develop the state unified plan. Local work force  
37 development councils shall provide input to the board in the  
38 development of the state unified plan which articulate their local  
39 strategy and needs.

1       (7) Work in partnership with the work related components of the  
2 community service employment under Title V of the older Americans act;  
3 training activities carried out through contracts with the United  
4 States department of housing and urban development; and community  
5 services block grants authorized under the national community service  
6 act, to integrate these programs into the unified planning. The  
7 governor may approve inclusion of these programs into the work force  
8 development system.

9       (8) Review and make recommendations to the governor and the  
10 legislature concerning the program plans of the operating agencies of  
11 the state work force development system regarding consistency with the  
12 unified plan.

13       (9) Recommend to the governor and the legislature strategies to  
14 assure coordination and avoid duplication among the programs of the  
15 work force development system.

16       (10) Design and implement a performance measurement system for work  
17 force development in cooperation with the operating agencies,  
18 including:

19       (a) Minimum standards for performance measurement for the state  
20 work force development system including, but not limited to, the use of  
21 common survey instruments and common performance indicators;

22       (b) Standards for data collection and maintenance for the operating  
23 agencies of the state work force development system. The board shall  
24 require a minimum of common core data to be collected by each operating  
25 agency of the state work force development system;

26       (c) Evaluations of the state work force development system  
27 including, but not limited to, outcome, net impact, and cost benefit  
28 evaluations and surveys of program participants, surveys of employers  
29 of program participants, and matches with employment security  
30 department payroll and wage files;

31       (d) Standards for measuring the performance of local training  
32 providers to enable consumers to make informed choices and gain access  
33 to services they need;

34       (e) Recommendations to the governor and the legislature regarding  
35 expected performance levels and incentives and sanctions for  
36 performance outcomes for local work force development areas and state  
37 work force development programs. The board shall assist the governor  
38 in making decisions regarding the certification and decertification of  
39 local work force development councils;

1       (f) The establishment of an incentive fund for work force  
2 development, using federal funding for work force development programs,  
3 and allocating dollars from the incentive fund to reward local work  
4 force development councils and programs that produce exemplary results.  
5 The operating agencies shall:

6       (i) Reward exceptional programs;

7       (ii) Take corrective actions when programs fail to meet minimum  
8 performance standards established by the board under this section; and

9       (iii) Report to the board annually beginning December 31, 2001, on  
10 corrective action taken and rewards granted.

11       Beginning July 1, 2002, the board shall report to the governor and  
12 the legislature on operating agencies' actions to reward exceptional  
13 programs and to correct and improve programs that fail to meet  
14 performance standards established by the board;

15       (g) Information, provided to the governor and the legislature, on  
16 the outcomes of work force development programs. Such information  
17 shall include the following information on individuals who have  
18 participated in the programs: Participant competencies, employment,  
19 wages and earnings, receipt of public assistance, customer  
20 satisfaction, and the public cost per benefit received; and

21       (h) When designing and implementing the performance measurement  
22 system under this subsection, the unique circumstances of the K-12  
23 system shall be taken into consideration.

24       (11) Review the plans of local work force development councils for  
25 consistency with the state unified plan and recommend to the governor  
26 whether local plans should be approved. The board shall provide  
27 technical assistance to local work force development councils as  
28 necessary. This shall include working with state operating agencies to  
29 identify resources which can be made available to assist in the  
30 development of the local unified plans.

31       (12) Work with local work force development councils and state  
32 operating agencies to implement a one stop delivery system that is  
33 seamless and consumer-based.

34       (13) For the purposes of enabling individuals to make smooth  
35 transitions into the work force and back and forth between work force  
36 development programs and employment, make recommendations regarding  
37 generic workplace skills that individuals need in order to meet  
38 employer expectations. The work force development board shall, in  
39 cooperation with the operating agencies, identify assessments of



1 generic workplace skills and a certificate of workplace competency for  
2 individuals who have mastered such skills. Operating agencies, with  
3 programs that prepare people for entry-level employment, shall offer  
4 training leading to the receipt of the certificate. The certificate  
5 shall be recognized by operating agencies and among work force  
6 development programs to avoid redundancy in training.

7 (14) Administer veterans' programs, licensure of private vocational  
8 schools, and the Washington award for vocational excellence.

9 (15) Work with the director of community, trade, and economic  
10 development to ensure coordination between work force training  
11 priorities and that department's economic development efforts.

12 (16) Work in collaboration with local work force development  
13 councils, small business organizations, and economic development  
14 councils to create a coordinated and responsive system of outreach to  
15 small business.

16 (17) Consult with programs, and the customers of programs in the  
17 work force development system, in performing the board's duties.

18 (18) Complete the initial unified plan, program inventory, needs  
19 assessments, outcome evaluations, recommendations on strategies to  
20 assure coordination and avoid duplication, and the design of the  
21 performance measurement system by July 1, 2000. The board shall update  
22 the unified plan at least once every five years with more frequent  
23 updates as necessary to respond to changes in employer and worker  
24 needs, program performance, state and federal policy, and other changes  
25 affecting the work force development system.

26 (19) Adopt rules as necessary to implement this chapter.

27 The board may delegate to the director any of the functions of this  
28 section.

29 **Sec. 8.** RCW 74.08A.280 and 1997 c 58 s 315 are each amended to  
30 read as follows:

31 (1) The legislature finds that moving those eligible for assistance  
32 to self-sustaining employment is a goal of the WorkFirst program. It  
33 is the intent of WorkFirst to aid a participant's progress to self-  
34 sufficiency by allowing flexibility within the state-wide program to  
35 reflect community resources, the local characteristics of the labor  
36 market, and the composition of the caseload. Program success will be  
37 enhanced through effective coordination at regional and local levels,

1 involving employers, labor representatives, educators, community  
2 leaders, local governments, and social service providers.

3 (2) The department, through its regional offices, shall collaborate  
4 with employers, recipients, frontline workers, educational  
5 institutions, labor, (~~(private industry councils)~~) local work force  
6 development councils, the work force (~~(training and education~~  
7 ~~coordinating)~~) development board, community rehabilitation employment  
8 programs, employment and training agencies, local governments, the  
9 employment security department, and community action agencies to  
10 develop work programs that are effective and work in their communities.  
11 This collaboration by the department shall include placement of  
12 WorkFirst recipients in training and skill development programs leading  
13 to the portable certificate of workplace competency as identified by  
14 the work force development board. For planning purposes, the  
15 department shall collect and make accessible to regional offices  
16 successful work program models from around the United States, including  
17 the employment partnership program, apprenticeship programs,  
18 microcredit, microenterprise, self-employment, and W-2 Wisconsin works.  
19 Work programs shall incorporate local volunteer citizens in their  
20 planning and implementation phases to ensure community relevance and  
21 success.

22 (3) To reduce administrative costs and to ensure equal state-wide  
23 access to services, the department may develop contracts for state-wide  
24 welfare-to-work services. These state-wide contracts shall support  
25 regional flexibility and ensure that resources follow local labor  
26 market opportunities and recipients' needs.

27 (4) The secretary shall establish WorkFirst service areas for  
28 purposes of planning WorkFirst programs and for distributing WorkFirst  
29 resources. Service areas shall reflect department regions.

30 (5) By July 31st of each odd-numbered year, a plan for the  
31 WorkFirst program shall be developed for each region. The plan shall  
32 be prepared in consultation with local and regional sources, adapting  
33 the state-wide WorkFirst program to achieve maximum effect for the  
34 participants and the communities within which they reside. Local  
35 consultation shall include to the greatest extent possible input from  
36 local and regional planning bodies for social services and work force  
37 development. The regional and local administrator shall consult with  
38 employers of various sizes, labor representatives, training and  
39 education providers, program participants, economic development

1 organizations, community organizations, tribes, and local governments  
2 in the preparation of the service area plan.

3 (6) The secretary has final authority in plan approval or  
4 modification. Regional program implementation may deviate from the  
5 state-wide program if specified in a service area plan, as approved by  
6 the secretary.

7 **Sec. 9.** RCW 74.08A.410 and 1997 c 58 s 702 are each amended to  
8 read as follows:

9 (1) The WorkFirst program shall develop outcome measures for use in  
10 evaluating the WorkFirst program authorized in chapter 58, Laws of  
11 1997, which (~~may~~) shall include but are not limited to:

12 (a) Caseload reduction;

13 (b) Recidivism to caseload after two years;

14 (c) Job retention;

15 (d) Earnings;

16 (e) Reduction in average grant through increased recipient  
17 earnings; (~~and~~)

18 (f) Placement of recipients into private sector, unsubsidized jobs;  
19 and

20 (g) Wage progression history following former temporary assistance  
21 for needy families participants for at least two years.

22 (2) The department shall establish, in conjunction with the work  
23 force development board, measurable wage goals for participants  
24 transitioning from WorkFirst to unsubsidized employment.

25 (3) The department shall require that contractors for WorkFirst  
26 services collect outcome measure information and report outcome  
27 measures to the department regularly. The department shall develop  
28 benchmarks that compare outcome measure information from all  
29 contractors to provide a clear indication of the most effective  
30 contractors. Benchmark information shall be published quarterly and  
31 provided to the legislature, the governor, and all contractors for  
32 WorkFirst services.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 28C.18  
34 RCW to read as follows:

35 There are hereby created local work force development councils to  
36 serve functions including, but not limited to, those specified for  
37 local work force development councils under P.L. 105-220. The

1 governor, in partnership with the state board, shall establish criteria  
2 for use by chief elected officials in the local areas for appointment  
3 of members of the local councils. Local work force development  
4 councils shall:

5 (1) In partnership with local elected officials, develop and  
6 maintain a local unified plan for the work force development system  
7 including but not limited to the local plan required by P.L. 105-220  
8 Title I. The unified plan shall include assessments of local  
9 employment opportunities and skills needs, the current and future work  
10 force, and the current work force development system; and include  
11 goals, objectives, and strategies for the local work force development  
12 system. The unified plan shall also:

13 (a) Identify the work force development moneys available in the  
14 area, their allocations, and the results of the work force development  
15 programs in the area;

16 (b) Assess the gap between the supply of resources and the skill  
17 needs of the area; and

18 (c) Include the local work force development council's proposed  
19 spending plan for carrying out the local unified plan, and include the  
20 planned budget expenditures of work force development programs in the  
21 area. Local program administrators shall use the local unified plan to  
22 guide the development and implementation of their local program plan.

23 Local work force development councils shall submit their unified  
24 plans to the governor for approval and the plan should be consistent  
25 with the state unified plan.

26 (2) Conduct oversight over the local one stop system under P.L.  
27 105-220 Title 1(b).

28 (3) Coordinate work force development activities at the local level  
29 and ensure a linkage with local economic development strategies.

30 (4) Provide for a coordinated and responsive system of outreach to  
31 employers to include the establishment of public and private  
32 partnerships of local brokers to connect small businesses to work force  
33 training programs and resources. Brokers may include, but not be  
34 limited to, industry and trade associations, chambers of commerce,  
35 central labor councils, other labor organizations, and other  
36 organizations with strong linkages to employers. Broker services may  
37 include communicating small business needs to training providers,  
38 pooling the specific training needs of several small employers to

1 create cost-effective demand, and supporting the growth of  
2 apprenticeship programs.

3 (5) Identify eligible providers of training services.

4 (6) Assess the planning process to identify quality improvements.

5 (7) Execute a master partnership agreement with local elected  
6 officials that establishes the working relationships and specifies  
7 responsibilities of each body in the partnership.

8 **Sec. 11.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to read  
9 as follows:

10 (1) The department shall contract with associate development  
11 organizations or other local organizations to increase the support for  
12 and coordination of community and economic development services in  
13 communities or regional areas. The organizations contracted with in  
14 each community or regional area shall be broadly representative of  
15 community and economic interests. The organization shall be capable of  
16 identifying key economic and community development problems, developing  
17 appropriate solutions, and mobilizing broad support for recommended  
18 initiatives. The contracting organization shall work with and include  
19 local governments, local chambers of commerce, (~~(private industry)~~)  
20 local work force development councils, port districts, labor groups,  
21 institutions of higher education, community action programs, and other  
22 appropriate private, public, or nonprofit community and economic  
23 development groups. The department shall be responsible for  
24 determining the scope of services delivered under these contracts.

25 (2) Associate development organizations or other local development  
26 organizations contracted with shall promote and coordinate, through  
27 local service agreements with local governments, small business  
28 development centers, port districts, community and technical colleges,  
29 private industry councils, and other development organizations, for the  
30 efficient delivery of community and economic development services in  
31 their areas.

32 (3) The department shall (~~(consult with associate development~~  
33 ~~organizations, port districts, local governments, and other local~~  
34 ~~development organizations in the establishment of)) establish local  
35 service delivery regions throughout the state that match the regions  
36 established for local work force development councils. The legislature  
37 encourages local associate development organizations to form  
38 partnerships with other associate development organizations in their~~

1 region to combine resources for better access to available services, to  
2 encourage regional delivery of state services, and to build the local  
3 capacity of communities in the region more effectively.

4 (4) The department shall contract on a regional basis for surveys  
5 of key sectors of the regional economy and the coordination of  
6 technical assistance to businesses and employees within the key  
7 sectors. The department's selection of contracting organizations or  
8 consortiums shall be based on the sufficiency of the organization's or  
9 consortium's proposal to examine key sectors of the local economy  
10 within its region adequately and its ability to coordinate the delivery  
11 of services required by businesses within the targeted sectors.  
12 Organizations contracting with the department shall work closely with  
13 the department to examine the local economy and to develop strategies  
14 to focus on developing key sectors that show potential for long-term  
15 sustainable growth. The contracting organization shall survey  
16 businesses and employees in targeted sectors on a periodic basis to  
17 gather information on the sector's business needs, expansion plans,  
18 relocation decisions, training needs, potential layoffs, financing  
19 needs, availability of financing, and other appropriate information  
20 about economic trends and specific employer and employee needs in the  
21 region.

22 (5) (~~The contracting~~) Any associate development organization or  
23 other local organization contracting with the department under this  
24 section shall participate with the work force (~~training and education~~  
25 coordinating)) development board and local work force development  
26 councils, as created in chapter 28C.18 RCW, (~~and any regional entities~~  
27 designated by that board,) in providing for the coordination of job  
28 skills training within (~~its region~~) local areas. Such participation  
29 shall include assistance in the development of a coordinated and  
30 responsive system of outreach to employers and technical assistance to  
31 brokers as provided in section 10 of this act.

32 **Sec. 12.** RCW 50.38.050 and 1993 c 62 s 5 are each amended to read  
33 as follows:

34 The department shall have the following duties:

35 (1) Oversight and management of a state-wide comprehensive labor  
36 market and occupational supply and demand information system, including  
37 development of a five-year employment forecast for state and labor  
38 market areas;

1 (2) Produce local labor market information packages for the state's  
2 counties, including special studies and job impact analyses in support  
3 of state and local employment, training, education, and job creation  
4 programs, especially activities that prevent job loss, reduce  
5 unemployment, and create jobs;

6 (3) Coordinate with the office of financial management and the  
7 office of the forecast council to improve employment estimates by  
8 enhancing data on corporate officers, improving business establishment  
9 listings, expanding sample for employment estimates, and developing  
10 business entry/exit analysis relevant to the generation of occupational  
11 and economic forecasts; ((and))

12 (4) In cooperation with the office of financial management, produce  
13 long-term industry and occupational employment forecasts. These  
14 forecasts shall be consistent with the official economic and revenue  
15 forecast council biennial economic and revenue forecasts; and

16 (5) Provide labor market information needed for the state work  
17 force development board to fulfill its duties under RCW 28C.04.060.

18 **Sec. 13.** RCW 50.67.010 and 1991 c 238 s 14 are each amended to  
19 read as follows:

20 ~~(1) ((There is hereby created the Washington state job training~~  
21 ~~coordinating council for so long as a state council is required by~~  
22 ~~federal law or regulation as a condition for receipt of federal funds.~~  
23 ~~The council shall perform all duties of state job training coordinating~~  
24 ~~council as specified in the federal job training partnership act, P.L.~~  
25 ~~97-300, as amended, including the preparation of a coordination and~~  
26 ~~special services plan for a two year period, consistent with the state~~  
27 ~~comprehensive plan for work force training and education prepared by~~  
28 ~~the work force training and education coordinating board as provided~~  
29 ~~for in RCW 28C.18.060.~~

30 ~~(2) The work force training and education coordinating board shall~~  
31 ~~monitor the need for the council as described in subsection (1) of this~~  
32 ~~section, and, if that need no longer exists, propose legislation to~~  
33 ~~terminate the council.))~~ The duties of the job training coordinating  
34 council described in section 122 of P.L. 97-300 shall be performed by  
35 the work force development board until July 1, 2000.

36 (2) This section expires July 1, 2000.

1        NEW SECTION.    **Sec. 14.**    The department is responsible to prepare  
2 the following elements for the program plan required by the work force  
3 investment act of 1998 (P.L. 105-220) which include:

4        (1) Detailed plans required under section 8 of the Wagner-Peyser  
5 act (29 U.S.C. 49g);

6        (2) Assurances that the state will provide, in accordance with  
7 section 184 of the work force investment act, for fiscal control and  
8 fund accounting procedures that are necessary to ensure the proper  
9 disbursement of, and accounting for, funds paid to the state through  
10 the allotments made under sections 127 and 132 of the work force  
11 investment act;

12        (3)(a) A description of the methods and factors the state will use  
13 in distributing funds to local areas for youth activities and adult  
14 employment and training activities under sections 128(b)(3)(B) and  
15 133(b)(3)(B) of the work force investment act, including:

16        (i) A description of how the individuals and entities represented  
17 on the work force development board were involved in determining such  
18 methods and factors of distribution; and

19        (ii) A description of how that state consulted with chief elected  
20 officials in local areas throughout the state in determining such  
21 distribution; and

22        (b) Assurances that the funds will be distributed equitably  
23 throughout the state, and that no local areas will suffer significant  
24 shifts in funding from year to year; and

25        (c) A description of the formula prescribed by the governor  
26 pursuant to section 133(b)(2)(B) of the work force investment act for  
27 the allocation of funds to local areas for dislocated worker employment  
28 and training activities;

29        (4) With respect to the one stop delivery systems described in  
30 section 134(c) of the work force investment act, a description of the  
31 operational strategy of the state for assisting local areas in  
32 development and implementation of fully operational one stop delivery  
33 systems in the state;

34        (5) A description of the competitive process to be used by the  
35 state to award grants and contracts in the state for activities carried  
36 out under the work force investment act;

37        (6) With respect to the employment and training activities  
38 authorized in section 134 of the work force investment act:



1 (a) The employment and training activities that will be carried out  
2 with the funds received by the state through the allotment made under  
3 section 132 of the work force investment act;

4 (b) How the state will provide rapid response activities to  
5 dislocated workers from funds reserved under section 133(a)(2) of the  
6 work force investment act for such purposes, including the designation  
7 of an identifiable state rapid response dislocated worker unit to carry  
8 out state-wide rapid response activities; and

9 (c) With other state operating agencies, how the state will serve  
10 the employment and training needs of dislocated workers, including  
11 displaced homemakers; low-income individuals, including recipients of  
12 public assistance; individuals training for nontraditional employment;  
13 and other individuals with multiple barriers to employment, including  
14 older individuals and individuals with disabilities;

15 (7) With respect to youth activities authorized in section 129 of  
16 the work force investment act, information:

17 (a) Describing the state strategy for providing comprehensive  
18 services to eligible youth, particularly those eligible youth who are  
19 recognized as having significant barriers to employment;

20 (b) Describing how that state will coordinate the youth activities  
21 carried out in the state under section 129 of the work force investment  
22 act with the services provided by job corps centers in the state, where  
23 such centers exist; and

24 (c) Describing how the state will coordinate youth activities  
25 described in subparagraph (C) of the work force investment act with  
26 activities carried out through the youth opportunity grants under  
27 section 169 of the work force investment act; and

28 (8) With respect to all program activities of the department, a  
29 description of how department resources are allocated to support the  
30 implementation of unified planning by the work force development board  
31 and the implementation of local unified plans.

32 NEW SECTION. **Sec. 15.** The department shall receive federal funds  
33 authorized under the work force investment act of 1998 (P.L. 105-220)  
34 Title 1B and recommend to the governor the allocation of the funds to  
35 support this chapter, chapter 28C.18 RCW, and the work force investment  
36 act.

1       **Sec. 16.** RCW 50.13.060 and 1997 c 409 s 605 and 1997 c 58 s 1004  
2 are each reenacted and amended to read as follows:

3       (1) Governmental agencies, including law enforcement agencies,  
4 prosecuting agencies, and the executive branch, whether state, local,  
5 or federal shall have access to information or records deemed private  
6 and confidential under this chapter if the information or records are  
7 needed by the agency for official purposes and:

8       (a) The agency submits an application in writing to the employment  
9 security department for the records or information containing a  
10 statement of the official purposes for which the information or records  
11 are needed and specific identification of the records or information  
12 sought from the department; and

13       (b) The director, commissioner, chief executive, or other official  
14 of the agency has verified the need for the specific information in  
15 writing either on the application or on a separate document; and

16       (c) The agency requesting access has served a copy of the  
17 application for records or information on the individual or employing  
18 unit whose records or information are sought and has provided the  
19 department with proof of service. Service shall be made in a manner  
20 which conforms to the civil rules for superior court. The requesting  
21 agency shall include with the copy of the application a statement to  
22 the effect that the individual or employing unit may contact the public  
23 records officer of the employment security department to state any  
24 objections to the release of the records or information. The  
25 employment security department shall not act upon the application of  
26 the requesting agency until at least five days after service on the  
27 concerned individual or employing unit. The employment security  
28 department shall consider any objections raised by the concerned  
29 individual or employing unit in deciding whether the requesting agency  
30 needs the information or records for official purposes.

31       (2) The requirements of subsections (1) and (9) of this section  
32 shall not apply to the state legislative branch. The state legislature  
33 shall have access to information or records deemed private and  
34 confidential under this chapter, if the legislature or a legislative  
35 committee finds that the information or records are necessary and for  
36 official purposes. If the employment security department does not make  
37 information or records available as provided in this subsection, the  
38 legislature may exercise its authority granted by chapter 44.16 RCW.

1 (3) In cases of emergency the governmental agency requesting access  
2 shall not be required to formally comply with the provisions of  
3 subsection (1) of this section at the time of the request if the  
4 procedures required by subsection (1) of this section are complied with  
5 by the requesting agency following the receipt of any records or  
6 information deemed private and confidential under this chapter. An  
7 emergency is defined as a situation in which irreparable harm or damage  
8 could occur if records or information are not released immediately.

9 (4) The requirements of subsection (1)(c) of this section shall not  
10 apply to governmental agencies where the procedures would frustrate the  
11 investigation of possible violations of criminal laws or to the release  
12 of employing unit names, addresses, number of employees, and aggregate  
13 employer wage data for the purpose of state governmental agencies  
14 preparing small business economic impact statements under chapter 19.85  
15 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c).  
16 Information provided by the department and held to be private and  
17 confidential under state or federal laws must not be misused or  
18 released to unauthorized parties. A person who misuses such  
19 information or releases such information to unauthorized parties is  
20 subject to the sanctions in RCW 50.13.080.

21 (5) Governmental agencies shall have access to certain records or  
22 information, limited to such items as names, addresses, social security  
23 numbers, and general information about benefit entitlement or employer  
24 information possessed by the department, for comparison purposes with  
25 records or information possessed by the requesting agency to detect  
26 improper or fraudulent claims, or to determine potential tax liability  
27 or employer compliance with registration and licensing requirements.  
28 In those cases the governmental agency shall not be required to comply  
29 with subsection (1)(c) of this section, but the requirements of the  
30 remainder of subsection (1) of this section must be satisfied.

31 (6) Governmental agencies may have access to certain records and  
32 information, limited to employer information possessed by the  
33 department for purposes authorized in chapter 50.38 RCW. Access to  
34 these records and information is limited to only those individuals  
35 conducting authorized statistical analysis, research, and evaluation  
36 studies. Only in cases consistent with the purposes of chapter 50.38  
37 RCW are government agencies not required to comply with subsection  
38 (1)(c) of this section, but the requirements of the remainder of  
39 subsection (1) of this section must be satisfied. Information provided

1 by the department and held to be private and confidential under state  
2 or federal laws shall not be misused or released to unauthorized  
3 parties subject to the sanctions in RCW 50.13.080.

4 (7) Disclosure to governmental agencies of information or records  
5 obtained by the employment security department from the federal  
6 government shall be governed by any applicable federal law or any  
7 agreement between the federal government and the employment security  
8 department where so required by federal law. When federal law does not  
9 apply to the records or information state law shall control.

10 (8) The department may provide information for purposes of  
11 statistical analysis and evaluation of the WorkFirst program or any  
12 successor state welfare program, the department of social and health  
13 services, the office of financial management, and other governmental  
14 entities with oversight or evaluation responsibilities for the program  
15 ((shall have access to employer wage information on clients in the  
16 program whose names and social security numbers are provided to the  
17 department)) in accordance with RCW 43.20A.080. The confidential  
18 information provided by the department shall remain the property of the  
19 department and may be used by the authorized requesting agencies only  
20 for statistical analysis, research, and evaluation purposes as provided  
21 in RCW 74.08A.410 and 74.08A.420. The department of social and health  
22 services ((is)), the office of financial management, or other  
23 governmental entities with oversight or evaluation responsibilities for  
24 the program are not required to comply with subsection (1)(c) of this  
25 section, but the requirements of the remainder of subsection (1) of  
26 this section and applicable federal laws and regulations must be  
27 satisfied. The confidential information used for evaluation and  
28 analysis of welfare reform supplied to the authorized requesting  
29 entities with regard to the WorkFirst program or any successor state  
30 welfare program are exempt from public inspection and copying under RCW  
31 42.17.310.

32 (9) The disclosure of any records or information by a governmental  
33 agency which has obtained the records or information under this section  
34 is prohibited unless the disclosure is directly connected to the  
35 official purpose for which the records or information were obtained.

36 (10) In conducting periodic salary or fringe benefit studies  
37 pursuant to law, the department of personnel shall have access to  
38 records of the employment security department as may be required for

1 such studies. For such purposes, the requirements of subsection (1)(c)  
2 of this section need not apply.

3 (11) To promote the reemployment of job seekers, the commissioner  
4 may enter into data-sharing contracts with partners of the one-stop  
5 career development system. The contracts shall provide for the  
6 exchange of data only to the extent that the exchange is necessary for  
7 the efficient provisions of work force programs, including but not  
8 limited to public labor exchange, unemployment insurance, worker  
9 training and retraining, vocational rehabilitation, vocational  
10 education, adult education, transition from public assistance, and  
11 support services. The exchange of information under contracts with  
12 one-stop partners is exempt from subsections (1), (5), and (6) of this  
13 section.

14 (12) To facilitate improved operation and evaluation of state  
15 programs, the commissioner may enter into data-sharing contracts with  
16 other state agencies only to the extent that such exchange is necessary  
17 for the efficient operation or evaluation of outcomes for those  
18 programs. The exchange of information by contract under this  
19 subsection is exempt from subsection (1)(c) of this section.

20 (13) The misuse or unauthorized release of records or information  
21 by any person or organization to which access is permitted by this  
22 chapter subjects the person or organization to a civil penalty of five  
23 thousand dollars and other applicable sanctions under state and federal  
24 law. Suit to enforce this section shall be brought by the attorney  
25 general and the amount of any penalties collected shall be paid into  
26 the employment security department administrative contingency fund.  
27 The attorney general may recover reasonable attorneys' fees for any  
28 action brought to enforce this section.

29 **Sec. 17.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read  
30 as follows:

31 (1) The following are exempt from public inspection and copying:

32 (a) Personal information in any files maintained for students in  
33 public schools, patients or clients of public institutions or public  
34 health agencies, or welfare recipients.

35 (b) Personal information in files maintained for employees,  
36 appointees, or elected officials of any public agency to the extent  
37 that disclosure would violate their right to privacy.

1 (c) Information required of any taxpayer in connection with the  
2 assessment or collection of any tax if the disclosure of the  
3 information to other persons would (i) be prohibited to such persons by  
4 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the  
5 taxpayer's right to privacy or result in unfair competitive  
6 disadvantage to the taxpayer.

7 (d) Specific intelligence information and specific investigative  
8 records compiled by investigative, law enforcement, and penology  
9 agencies, and state agencies vested with the responsibility to  
10 discipline members of any profession, the nondisclosure of which is  
11 essential to effective law enforcement or for the protection of any  
12 person's right to privacy.

13 (e) Information revealing the identity of persons who are witnesses  
14 to or victims of crime or who file complaints with investigative, law  
15 enforcement, or penology agencies, other than the public disclosure  
16 commission, if disclosure would endanger any person's life, physical  
17 safety, or property. If at the time a complaint is filed the  
18 complainant, victim or witness indicates a desire for disclosure or  
19 nondisclosure, such desire shall govern. However, all complaints filed  
20 with the public disclosure commission about any elected official or  
21 candidate for public office must be made in writing and signed by the  
22 complainant under oath.

23 (f) Test questions, scoring keys, and other examination data used  
24 to administer a license, employment, or academic examination.

25 (g) Except as provided by chapter 8.26 RCW, the contents of real  
26 estate appraisals, made for or by any agency relative to the  
27 acquisition or sale of property, until the project or prospective sale  
28 is abandoned or until such time as all of the property has been  
29 acquired or the property to which the sale appraisal relates is sold,  
30 but in no event shall disclosure be denied for more than three years  
31 after the appraisal.

32 (h) Valuable formulae, designs, drawings, and research data  
33 obtained by any agency within five years of the request for disclosure  
34 when disclosure would produce private gain and public loss.

35 (i) Preliminary drafts, notes, recommendations, and intra-agency  
36 memorandums in which opinions are expressed or policies formulated or  
37 recommended except that a specific record shall not be exempt when  
38 publicly cited by an agency in connection with any agency action.

1 (j) Records which are relevant to a controversy to which an agency  
2 is a party but which records would not be available to another party  
3 under the rules of pretrial discovery for causes pending in the  
4 superior courts.

5 (k) Records, maps, or other information identifying the location of  
6 archaeological sites in order to avoid the looting or depredation of  
7 such sites.

8 (l) Any library record, the primary purpose of which is to maintain  
9 control of library materials, or to gain access to information, which  
10 discloses or could be used to disclose the identity of a library user.

11 (m) Financial information supplied by or on behalf of a person,  
12 firm, or corporation for the purpose of qualifying to submit a bid or  
13 proposal for (i) a ferry system construction or repair contract as  
14 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
15 construction or improvement as required by RCW 47.28.070.

16 (n) Railroad company contracts filed prior to July 28, 1991, with  
17 the utilities and transportation commission under RCW 81.34.070, except  
18 that the summaries of the contracts are open to public inspection and  
19 copying as otherwise provided by this chapter.

20 (o) Financial and commercial information and records supplied by  
21 private persons pertaining to export services provided pursuant to  
22 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
23 export projects pursuant to RCW 43.23.035.

24 (p) Financial disclosures filed by private vocational schools under  
25 chapters 28B.85 and 28C.10 RCW.

26 (q) Records filed with the utilities and transportation commission  
27 or attorney general under RCW 80.04.095 that a court has determined are  
28 confidential under RCW 80.04.095.

29 (r) Financial and commercial information and records supplied by  
30 businesses or individuals during application for loans or program  
31 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
32 or during application for economic development loans or program  
33 services provided by any local agency.

34 (s) Membership lists or lists of members or owners of interests of  
35 units in timeshare projects, subdivisions, camping resorts,  
36 condominiums, land developments, or common-interest communities  
37 affiliated with such projects, regulated by the department of  
38 licensing, in the files or possession of the department.

1 (t) All applications for public employment, including the names of  
2 applicants, resumes, and other related materials submitted with respect  
3 to an applicant.

4 (u) The residential addresses and residential telephone numbers of  
5 employees or volunteers of a public agency which are held by the agency  
6 in personnel records, employment or volunteer rosters, or mailing lists  
7 of employees or volunteers.

8 (v) The residential addresses and residential telephone numbers of  
9 the customers of a public utility contained in the records or lists  
10 held by the public utility of which they are customers, except that  
11 this information may be released to the division of child support or  
12 the agency or firm providing child support enforcement for another  
13 state under Title IV-D of the federal social security act, for the  
14 establishment, enforcement, or modification of a support order.

15 (w)(i) The federal social security number of individuals governed  
16 under chapter 18.130 RCW maintained in the files of the department of  
17 health, except this exemption does not apply to requests made directly  
18 to the department from federal, state, and local agencies of  
19 government, and national and state licensing, credentialing,  
20 investigatory, disciplinary, and examination organizations; (ii) the  
21 current residential address and current residential telephone number of  
22 a health care provider governed under chapter 18.130 RCW maintained in  
23 the files of the department, if the provider requests that this  
24 information be withheld from public inspection and copying, and  
25 provides to the department an accurate alternate or business address  
26 and business telephone number. On or after January 1, 1995, the  
27 current residential address and residential telephone number of a  
28 health care provider governed under RCW 18.130.140 maintained in the  
29 files of the department shall automatically be withheld from public  
30 inspection and copying unless the provider specifically requests the  
31 information be released, and except as provided for under RCW  
32 42.17.260(9).

33 (x) Information obtained by the board of pharmacy as provided in  
34 RCW 69.45.090.

35 (y) Information obtained by the board of pharmacy or the department  
36 of health and its representatives as provided in RCW 69.41.044,  
37 69.41.280, and 18.64.420.

38 (z) Financial information, business plans, examination reports, and  
39 any information produced or obtained in evaluating or examining a



1 business and industrial development corporation organized or seeking  
2 certification under chapter 31.24 RCW.

3 (aa) Financial and commercial information supplied to the state  
4 investment board by any person when the information relates to the  
5 investment of public trust or retirement funds and when disclosure  
6 would result in loss to such funds or in private loss to the providers  
7 of this information.

8 (bb) Financial and valuable trade information under RCW 51.36.120.

9 (cc) Client records maintained by an agency that is a domestic  
10 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
11 crisis center as defined in RCW 70.125.030.

12 (dd) Information that identifies a person who, while an agency  
13 employee: (i) Seeks advice, under an informal process established by  
14 the employing agency, in order to ascertain his or her rights in  
15 connection with a possible unfair practice under chapter 49.60 RCW  
16 against the person; and (ii) requests his or her identity or any  
17 identifying information not be disclosed.

18 (ee) Investigative records compiled by an employing agency  
19 conducting a current investigation of a possible unfair practice under  
20 chapter 49.60 RCW or of a possible violation of other federal, state,  
21 or local laws prohibiting discrimination in employment.

22 (ff) Business related information protected from public inspection  
23 and copying under RCW 15.86.110.

24 (gg) Financial, commercial, operations, and technical and research  
25 information and data submitted to or obtained by the clean Washington  
26 center in applications for, or delivery of, program services under  
27 chapter 70.95H RCW.

28 (hh) Information and documents created specifically for, and  
29 collected and maintained by a quality improvement committee pursuant to  
30 RCW 43.70.510, regardless of which agency is in possession of the  
31 information and documents.

32 (ii) Personal information in files maintained in a data base  
33 created under RCW 43.07.360.

34 (jj) Financial and commercial information requested by the public  
35 stadium authority from any person or organization that leases or uses  
36 the stadium and exhibition center as defined in RCW 36.102.010.

37 (kk) Names of individuals residing in emergency or transitional  
38 housing that are furnished to the department of revenue or a county

1 assessor in order to substantiate a claim for property tax exemption  
2 under RCW 84.36.043.

3 (ll) The names, residential addresses, residential telephone  
4 numbers, and other individually identifiable records held by an agency  
5 in relation to a vanpool, carpool, or other ride-sharing program or  
6 service. However, these records may be disclosed to other persons who  
7 apply for ride-matching services and who need that information in order  
8 to identify potential riders or drivers with whom to share rides.

9 (mm) Proprietary financial and commercial information that the  
10 submitting entity, with review by the department of health,  
11 specifically identifies at the time it is submitted and that is  
12 provided to or obtained by the department of health in connection with  
13 an application for, or the supervision of, an antitrust exemption  
14 sought by the submitting entity under RCW 43.72.310. If a request for  
15 such information is received, the submitting entity must be notified of  
16 the request. Within ten business days of receipt of the notice, the  
17 submitting entity shall provide a written statement of the continuing  
18 need for confidentiality, which shall be provided to the requester.  
19 Upon receipt of such notice, the department of health shall continue to  
20 treat information designated under this section as exempt from  
21 disclosure. If the requester initiates an action to compel disclosure  
22 under this chapter, the submitting entity must be joined as a party to  
23 demonstrate the continuing need for confidentiality.

24 (nn) Records maintained by the board of industrial insurance  
25 appeals that are related to appeals of crime victims' compensation  
26 claims filed with the board under RCW 7.68.110.

27 (oo) Financial and commercial information supplied by or on behalf  
28 of a person, firm, corporation, or entity under chapter 28B.95 RCW  
29 relating to the purchase or sale of tuition units and contracts for the  
30 purchase of multiple tuition units.

31 (pp) Records maintained by the employment security department and  
32 subject to chapter 50.13 RCW if provided to another individual or  
33 organization for operational, research, or evaluation purposes.

34 (qq) Individually identifiable information received by the work  
35 force development board for research or evaluation purposes.

36 (2) Except for information described in subsection (1)(c)(i) of  
37 this section and confidential income data exempted from public  
38 inspection pursuant to RCW 84.40.020, the exemptions of this section  
39 are inapplicable to the extent that information, the disclosure of

1 which would violate personal privacy or vital governmental interests,  
2 can be deleted from the specific records sought. No exemption may be  
3 construed to permit the nondisclosure of statistical information not  
4 descriptive of any readily identifiable person or persons.

5 (3) Inspection or copying of any specific records exempt under the  
6 provisions of this section may be permitted if the superior court in  
7 the county in which the record is maintained finds, after a hearing  
8 with notice thereof to every person in interest and the agency, that  
9 the exemption of such records is clearly unnecessary to protect any  
10 individual's right of privacy or any vital governmental function.

11 (4) Agency responses refusing, in whole or in part, inspection of  
12 any public record shall include a statement of the specific exemption  
13 authorizing the withholding of the record (or part) and a brief  
14 explanation of how the exemption applies to the record withheld.

15 **Sec. 18.** RCW 43.20A.080 and 1997 c 58 s 1005 are each amended to  
16 read as follows:

17 (1) The department shall provide the employment security department  
18 quarterly with the names ~~((and))~~, social security numbers, and program  
19 information of all clients in the WorkFirst program and any successor  
20 state welfare program needed to assess and improve the quality of the  
21 employment outcomes.

22 (2) The information provided by the employment security department  
23 under RCW 50.13.060 for statistical analysis and welfare program  
24 evaluation purposes may be used only for statistical analysis,  
25 research, and evaluation purposes as provided in RCW 74.08A.410 and  
26 74.08A.420. ~~((Through individual matches with accessed employment~~  
27 ~~security department confidential employer wage files, only aggregate,~~  
28 ~~statistical, group level data shall be reported. Data sharing by the~~  
29 ~~employment security department may be extended to include the office of~~  
30 ~~financial management and other such governmental entities with~~  
31 ~~oversight responsibility for this program.))~~

32 (3) The department and other agencies of state government shall  
33 protect the privacy of confidential personal data supplied under RCW  
34 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms  
35 and conditions of a formal data-sharing agreement between the  
36 employment security department and agencies of state government,  
37 however the misuse or unauthorized use of confidential data supplied by

1 the employment security department is subject to the penalties in RCW  
2 50.13.080.

3 NEW SECTION. **Sec. 19.** The following acts or parts of acts are  
4 each repealed:

5 (1) RCW 28C.18.070 (Intent--"Program" clarified) and 1995 c 130 s  
6 1;

7 (2) RCW 28C.18.080 (Comprehensive plan--Contents--Updates--Agency  
8 operating plans--Reports to the legislature) and 1997 c 369 s 5 & 1995  
9 c 130 s 2;

10 (3) RCW 28C.18.090 (Additional board duties--Program evaluation by  
11 operating agencies) and 1995 c 130 s 4;

12 (4) RCW 28C.18.100 (Assessments by board--Biennial report to  
13 legislature and governor) and 1995 c 130 s 5;

14 (5) RCW 28C.18.110 (Identification of policies and methods to  
15 promote efficiency and sharing of resources--Report to governor and  
16 legislature) and 1995 c 130 s 6;

17 (6) RCW 50.67.020 (Membership of council--Assistance to work force  
18 training and education coordinating board) and 1991 c 238 s 15; and

19 (7) RCW 50.67.030 (Washington youthbuild program--Council to  
20 advise) and 1994 sp.s. c 3 s 8.

21 NEW SECTION. **Sec. 20.** Sections 14 and 15 of this act constitute  
22 a new chapter in Title 50 RCW.

23 NEW SECTION. **Sec. 21.** If any part of this act is found to be in  
24 conflict with federal requirements that are a prescribed condition to  
25 the allocation of federal funds to the state, the conflicting part of  
26 this act is inoperative solely to the extent of the conflict and with  
27 respect to the agencies directly affected, and this finding does not  
28 affect the operation of the remainder of this act in its application to  
29 the agencies concerned. Rules adopted under this act must meet federal  
30 requirements that are a necessary condition to the receipt of federal  
31 funds by the state.

32 NEW SECTION. **Sec. 22.** If any provision of this act or its  
33 application to any person or circumstance is held invalid, the  
34 remainder of the act or the application of the provision to other  
35 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 23.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and takes effect  
4    immediately.

--- END ---