
SUBSTITUTE SENATE BILL 5533

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 and for dislocated workers, must be
20 a coordinated system that enables individuals to obtain skills demanded
21 by employers, and enables individuals to smoothly move back and forth
22 between work force development programs and employment.

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

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

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

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

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

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

38 (6) Establish and maintain state and local flexibility to ensure
39 responsiveness to individuals and communities;

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

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

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

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this title.

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

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

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

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

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

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

20 ((+5)) (6) "Vocational education" means organized educational
21 programs offering a sequence of courses which are directly related to
22 the preparation or retraining of individuals in paid or unpaid
23 employment in current or emerging occupations requiring other than a
24 baccalaureate or advanced degree. ((Sueh)) These vocational education
25 programs shall include competency-based applied learning which
26 contributes to an individual's academic knowledge, higher-order
27 reasoning, and problem-solving skills, work attitudes, general
28 employability skills, and the occupational-specific skills necessary
29 for economic independence as a productive and contributing member of
30 society. Such term also includes applied technology education.

31 ((+6)) (7) "Adult basic education" means ((instruction designed to
32 achieve mastery of skills in reading, writing, oral communication, and
33 computation at a level sufficient to allow the individual to function
34 effectively as a parent, worker, and citizen in the United States,
35 commensurate with that individual's actual ability level, and includes
36 English as a second language and preparation and testing service for
37 the general education development exam)) (a) adult education and
38 literacy services, including work force literacy services; (b) family
39 literacy services; and (c) English literacy services as defined in P.L.

1 105-220, Title II, that enable eligible adults to speak, read, and
2 write in the English language, compute, solve problems, and relate
3 effectively with others in order to exercise the rights and
4 responsibilities of a family member, worker, and community member.

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

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

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

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

1 business and labor must constitute a majority of those casting votes on
2 any given vote. In ~~((making appointments to))~~ recruiting members for
3 the board, the governor shall seek to ensure geographic, ethnic, and
4 gender diversity and balance. The governor shall also seek to ensure
5 diversity and balance by ~~((the appointment of))~~ recruiting persons with
6 disabilities.

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

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

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

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

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

38 ~~((g))~~ The business members of the board shall serve for terms of
39 four years, the terms expiring on June 30th of the fourth year of the

1 term except that in the case of initial members, one shall be appointed
2 to a two-year term and one appointed to a three-year term.

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

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

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

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

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

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

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

38 ~~((3) The state board for vocational education is hereby abolished~~
39 ~~and its powers, duties, and functions are hereby transferred to the~~

1 ~~work force training and education coordinating board. All references~~
2 ~~to the director or the state board for vocational education in the~~
3 ~~Revised Code of Washington shall be construed to mean the director or~~
4 ~~the work force training and education coordinating board.))~~

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

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

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

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

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

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

35 (~~(4))~~ (3) The director shall appoint and employ such other
36 employees as may be required for the proper discharge of the functions
37 of the board.

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

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

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

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

26 (~~(2)~~) (3) The board shall perform the functions of the human
27 resource investment council as provided for in the federal job training
28 partnership act, P.L. 97-300, as amended.

29 (~~(3)~~) (4) The board shall provide policy advice for any federal
30 act pertaining to work force development that is not required by state
31 or federal law to be provided by another state body.

32 (~~(4)~~) (5) Upon enactment of new federal initiatives relating to
33 work force development, the board shall advise the governor and the
34 legislature on mechanisms for integrating the federal initiatives into
35 the state's work force development system and make recommendations on
36 the legislative or administrative measures necessary to streamline and
37 coordinate state efforts to meet federal guidelines.

1 ~~((5))~~ (6) The board shall ~~((monitor))~~ review for consistency with
2 the state ~~((comprehensive plan for work force training and education~~
3 ~~the policies and plans established by the state job training~~
4 ~~coordinating council))~~ unified plan, the policies and plans established
5 by the advisory council on adult education, and the Washington state
6 plan for adult literacy and basic ~~((education))~~ skills, and provide
7 guidance for making such policies and plans consistent with the state
8 ~~((comprehensive))~~ unified plan for work force ~~((training and~~
9 ~~education))~~ development system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (9) Establish minimum standards for program evaluation for the
37 operating agencies of the state training system, including, but not
38 limited to, the use of common survey instruments and procedures for

1 measuring perceptions of program participants and employers of program
2 participants, and monitor such program evaluation.

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

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

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

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

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

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

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

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

1 science/technology, history, geography, and critical thinking. The
2 board shall monitor the development of and provide advice concerning
3 secondary curriculum which integrates vocational and academic
4 education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) A description of the performance measurement system for work
32 force development.

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

38 (7) Work in partnership with the work related components of the
39 community service employment under Title V of the older Americans act;

1 training activities carried out through contracts with the United
2 States department of housing and urban development; and community
3 services block grants authorized under the national community service
4 act, to integrate these programs into the unified planning. The
5 governor may approve inclusion of these programs into the work force
6 development system.

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

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

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

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

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

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

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

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

38 (f) The establishment of an incentive fund for work force
39 development, using federal funding for work force development programs,

1 and allocating dollars from the incentive fund to reward work force
2 development programs and providers that have exemplary results. The
3 board shall develop intervention measures for programs and providers
4 that do not meet performance standards; and

5 (g) Information, provided to the governor and the legislature, on
6 the outcomes of work force development programs. Such information
7 shall include the following information on individuals who have
8 participated in the programs: Participant competencies, employment,
9 wages and earnings, receipt of public assistance, customer
10 satisfaction, and the public cost per benefit received.

11 (11) Review the plans of local work force development councils for
12 consistency with the state unified plan and recommend to the governor
13 whether local plans should be approved. The board shall provide
14 technical assistance to local work force development councils as
15 necessary. This shall include working with state operating agencies to
16 identify resources which can be made available to assist in the
17 development of the local unified plans.

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

21 (13) For the purposes of enabling individuals to make smooth
22 transitions into the work force and back and forth between work force
23 development programs and employment, make recommendations regarding
24 generic workplace skills that individuals need in order to meet
25 employer expectations. The work force development board shall, in
26 cooperation with the operating agencies, identify assessments of
27 generic workplace skills and an appropriate credential for individuals
28 who have mastered such skills. Operating agencies, with programs that
29 prepare people for entry-level employment, shall offer training leading
30 to the receipt of the credential. The credential shall be recognized
31 by operating agencies and among work force development programs to
32 avoid redundancy in training.

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

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

38 (16) Work in collaboration with local work force development
39 councils, small business organizations, and economic development

1 councils to create a coordinated and responsive system of outreach to
2 small business.

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

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

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

14 The board may delegate to the director any of the functions of this
15 section.

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

18 (1) The legislature finds that moving those eligible for assistance
19 to self-sustaining employment is a goal of the WorkFirst program. It
20 is the intent of WorkFirst to aid a participant's progress to self-
21 sufficiency by allowing flexibility within the state-wide program to
22 reflect community resources, the local characteristics of the labor
23 market, and the composition of the caseload. Program success will be
24 enhanced through effective coordination at regional and local levels,
25 involving employers, labor representatives, educators, community
26 leaders, local governments, and social service providers.

27 (2) The department, through its regional offices, shall collaborate
28 with employers, recipients, frontline workers, educational
29 institutions, labor, (~~private industry councils~~) local work force
30 development councils, the work force (~~training and education~~
31 ~~coordinating~~) development board, community rehabilitation employment
32 programs, employment and training agencies, local governments, the
33 employment security department, and community action agencies to
34 develop work programs that are effective and work in their communities.
35 This collaboration by the department shall include placement of
36 WorkFirst recipients in training and skill development programs leading
37 to the portable credential of workplace competency as identified by the
38 work force development board. For planning purposes, the department

1 shall collect and make accessible to regional offices successful work
2 program models from around the United States, including the employment
3 partnership program, apprenticeship programs, microcredit,
4 microenterprise, self-employment, and W-2 Wisconsin works. Work
5 programs shall incorporate local volunteer citizens in their planning
6 and implementation phases to ensure community relevance and success.

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

12 (4) The secretary shall establish WorkFirst service areas for
13 purposes of planning WorkFirst programs and for distributing WorkFirst
14 resources. Service areas shall reflect department regions.

15 (5) By July 31st of each odd-numbered year, a plan for the
16 WorkFirst program shall be developed for each region. The plan shall
17 be prepared in consultation with local and regional sources, adapting
18 the state-wide WorkFirst program to achieve maximum effect for the
19 participants and the communities within which they reside. Local
20 consultation shall include to the greatest extent possible input from
21 local and regional planning bodies for social services and work force
22 development. The regional and local administrator shall consult with
23 employers of various sizes, labor representatives, training and
24 education providers, program participants, economic development
25 organizations, community organizations, tribes, and local governments
26 in the preparation of the service area plan.

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

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

33 (1) The WorkFirst program shall develop outcome measures for use in
34 evaluating the WorkFirst program authorized in chapter 58, Laws of
35 1997, which (~~may~~) shall include but are not limited to:

- 36 (a) Caseload reduction;
37 (b) Recidivism to caseload after two years;
38 (c) Job retention;

1 (d) Earnings;
2 (e) Reduction in average grant through increased recipient
3 earnings; ((and))

4 (f) Placement of recipients into private sector, unsubsidized jobs;
5 and

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

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

11 (3) The department shall require that contractors for WorkFirst
12 services collect outcome measure information and report outcome
13 measures to the department regularly. The department shall develop
14 benchmarks that compare outcome measure information from all
15 contractors to provide a clear indication of the most effective
16 contractors. Benchmark information shall be published quarterly and
17 provided to the legislature, the governor, and all contractors for
18 WorkFirst services.

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

21 There are hereby created local work force development councils to
22 serve functions including, but not limited to, those specified for
23 local work force development councils under P.L. 105-220. The
24 governor, in partnership with the state board, shall establish criteria
25 for use by chief elected officials in the local areas for appointment
26 of members of the local councils. Local work force development
27 councils shall:

28 (1) In partnership with local elected officials, develop and
29 maintain a local unified plan for the work force development system
30 including but not limited to the local plan required by P.L. 105-220
31 Title I. The unified plan shall include assessments of local
32 employment opportunities and skills needs, the current and future work
33 force, and the current work force development system; and include
34 goals, objectives, and strategies for the local work force development
35 system. The unified plan shall also:

36 (a) Identify the work force development moneys available in the
37 area, their allocations, and the results of the work force development
38 programs in the area;

1 (b) Assess the gap between the supply of resources and the skill
2 needs of the area; and

3 (c) Include the local work force development council's proposed
4 spending plan for carrying out the local unified plan, and include the
5 planned budget expenditures of work force development programs in the
6 area. Local program administrators shall use the local unified plan to
7 guide the development and implementation of their local program plan.

8 Local work force development councils shall submit their unified
9 plans to the governor for approval and the plan should be consistent
10 with the state unified plan.

11 (2) Conduct oversight over the local one stop system under P.L.
12 105-220 Title 1(b).

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

15 (4) Provide for a coordinated and responsive system of outreach to
16 employers to include the establishment of public and private
17 partnerships of local brokers to connect small businesses to work force
18 training programs and resources. Brokers may include, but not be
19 limited to, industry and trade associations, chambers of commerce,
20 central labor councils, other labor organizations, and other
21 organizations with strong linkages to employers. Broker services may
22 include communicating small business needs to training providers,
23 pooling the specific training needs of several small employers to
24 create cost-effective demand, and supporting the growth of
25 apprenticeship programs.

26 (5) Identify eligible providers of training services.

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

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

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

33 (1) The department shall contract with associate development
34 organizations or other local organizations to increase the support for
35 and coordination of community and economic development services in
36 communities or regional areas. The organizations contracted with in
37 each community or regional area shall be broadly representative of
38 community and economic interests. The organization shall be capable of

1 identifying key economic and community development problems, developing
2 appropriate solutions, and mobilizing broad support for recommended
3 initiatives. The contracting organization shall work with and include
4 local governments, local chambers of commerce, (~~(private industry)~~)
5 local work force development councils, port districts, labor groups,
6 institutions of higher education, community action programs, and other
7 appropriate private, public, or nonprofit community and economic
8 development groups. The department shall be responsible for
9 determining the scope of services delivered under these contracts.

10 (2) Associate development organizations or other local development
11 organizations contracted with shall promote and coordinate, through
12 local service agreements with local governments, small business
13 development centers, port districts, community and technical colleges,
14 private industry councils, and other development organizations, for the
15 efficient delivery of community and economic development services in
16 their areas.

17 (3) The department shall (~~(consult with associate development~~
18 ~~organizations, port districts, local governments, and other local~~
19 ~~development organizations in the establishment of)~~) establish local
20 service delivery regions throughout the state that match the regions
21 established for local work force development councils. The legislature
22 encourages local associate development organizations to form
23 partnerships with other associate development organizations in their
24 region to combine resources for better access to available services, to
25 encourage regional delivery of state services, and to build the local
26 capacity of communities in the region more effectively.

27 (4) The department shall contract on a regional basis for surveys
28 of key sectors of the regional economy and the coordination of
29 technical assistance to businesses and employees within the key
30 sectors. The department's selection of contracting organizations or
31 consortiums shall be based on the sufficiency of the organization's or
32 consortium's proposal to examine key sectors of the local economy
33 within its region adequately and its ability to coordinate the delivery
34 of services required by businesses within the targeted sectors.
35 Organizations contracting with the department shall work closely with
36 the department to examine the local economy and to develop strategies
37 to focus on developing key sectors that show potential for long-term
38 sustainable growth. The contracting organization shall survey
39 businesses and employees in targeted sectors on a periodic basis to

1 gather information on the sector's business needs, expansion plans,
2 relocation decisions, training needs, potential layoffs, financing
3 needs, availability of financing, and other appropriate information
4 about economic trends and specific employer and employee needs in the
5 region.

6 (5) (~~The contracting~~) Any associate development organization or
7 other local organization contracting with the department under this
8 section shall participate with the work force (~~training and education~~
9 coordinating)) development board and local work force development
10 councils, as created in chapter 28C.18 RCW, (~~and any regional entities~~
11 designated by that board,) in providing for the coordination of job
12 skills training within (~~its region~~) local areas. Such participation
13 shall include assistance in the development of a coordinated and
14 responsive system of outreach to employers and technical assistance to
15 brokers as provided in section 10 of this act.

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

18 The department shall have the following duties:

19 (1) Oversight and management of a state-wide comprehensive labor
20 market and occupational supply and demand information system, including
21 development of a five-year employment forecast for state and labor
22 market areas;

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

28 (3) Coordinate with the office of financial management and the
29 office of the forecast council to improve employment estimates by
30 enhancing data on corporate officers, improving business establishment
31 listings, expanding sample for employment estimates, and developing
32 business entry/exit analysis relevant to the generation of occupational
33 and economic forecasts; (~~and~~)

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

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

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

5 ~~(1) ((There is hereby created the Washington state job training~~
6 ~~coordinating council for so long as a state council is required by~~
7 ~~federal law or regulation as a condition for receipt of federal funds.~~
8 ~~The council shall perform all duties of state job training coordinating~~
9 ~~council as specified in the federal job training partnership act, P.L.~~
10 ~~97-300, as amended, including the preparation of a coordination and~~
11 ~~special services plan for a two year period, consistent with the state~~
12 ~~comprehensive plan for work force training and education prepared by~~
13 ~~the work force training and education coordinating board as provided~~
14 ~~for in RCW 28C.18.060.~~

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

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

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

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

27 (2) Assurances that the state will provide, in accordance with
28 section 184 of the work force investment act, for fiscal control and
29 fund accounting procedures that are necessary to ensure the proper
30 disbursement of, and accounting for, funds paid to the state through
31 the allotments made under sections 127 and 132 of the work force
32 investment act;

33 (3)(a) A description of the methods and factors the state will use
34 in distributing funds to local areas for youth activities and adult
35 employment and training activities under sections 128(b)(3)(B) and
36 133(b)(3)(B) of the work force investment act, including:

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

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

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

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

14 (4) With respect to the one stop delivery systems described in
15 section 134(c) of the work force investment act, a description of the
16 operational strategy of the state for assisting local areas in
17 development and implementation of fully operational one stop delivery
18 systems in the state;

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

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

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

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

32 (c) With other state operating agencies, how the state will serve
33 the employment and training needs of dislocated workers, including
34 displaced homemakers; low-income individuals, including recipients of
35 public assistance; individuals training for nontraditional employment;
36 and other individuals with multiple barriers to employment, including
37 older individuals and individuals with disabilities;

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

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

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

8 (c) Describing how the state will coordinate youth activities
9 described in subparagraph (C) of the work force investment act with
10 activities carried out through the youth opportunity grants under
11 section 169 of the work force investment act; and

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

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

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

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

28 (a) The agency submits an application in writing to the employment
29 security department for the records or information containing a
30 statement of the official purposes for which the information or records
31 are needed and specific identification of the records or information
32 sought from the department; and

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

36 (c) The agency requesting access has served a copy of the
37 application for records or information on the individual or employing

1 unit whose records or information are sought and has provided the
2 department with proof of service. Service shall be made in a manner
3 which conforms to the civil rules for superior court. The requesting
4 agency shall include with the copy of the application a statement to
5 the effect that the individual or employing unit may contact the public
6 records officer of the employment security department to state any
7 objections to the release of the records or information. The
8 employment security department shall not act upon the application of
9 the requesting agency until at least five days after service on the
10 concerned individual or employing unit. The employment security
11 department shall consider any objections raised by the concerned
12 individual or employing unit in deciding whether the requesting agency
13 needs the information or records for official purposes.

14 (2) The requirements of subsections (1) and (9) of this section
15 shall not apply to the state legislative branch. The state legislature
16 shall have access to information or records deemed private and
17 confidential under this chapter, if the legislature or a legislative
18 committee finds that the information or records are necessary and for
19 official purposes. If the employment security department does not make
20 information or records available as provided in this subsection, the
21 legislature may exercise its authority granted by chapter 44.16 RCW.

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

30 (4) The requirements of subsection (1)(c) of this section shall not
31 apply to governmental agencies where the procedures would frustrate the
32 investigation of possible violations of criminal laws or to the release
33 of employing unit names, addresses, number of employees, and aggregate
34 employer wage data for the purpose of state governmental agencies
35 preparing small business economic impact statements under chapter 19.85
36 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c).
37 Information provided by the department and held to be private and
38 confidential under state or federal laws must not be misused or
39 released to unauthorized parties. A person who misuses such

1 information or releases such information to unauthorized parties is
2 subject to the sanctions in RCW 50.13.080.

3 (5) Governmental agencies shall have access to certain records or
4 information, limited to such items as names, addresses, social security
5 numbers, and general information about benefit entitlement or employer
6 information possessed by the department, for comparison purposes with
7 records or information possessed by the requesting agency to detect
8 improper or fraudulent claims, or to determine potential tax liability
9 or employer compliance with registration and licensing requirements.
10 In those cases the governmental agency shall not be required to comply
11 with subsection (1)(c) of this section, but the requirements of the
12 remainder of subsection (1) of this section must be satisfied.

13 (6) Governmental agencies may have access to certain records and
14 information, limited to employer information possessed by the
15 department for purposes authorized in chapter 50.38 RCW. Access to
16 these records and information is limited to only those individuals
17 conducting authorized statistical analysis, research, and evaluation
18 studies. Only in cases consistent with the purposes of chapter 50.38
19 RCW are government agencies not required to comply with subsection
20 (1)(c) of this section, but the requirements of the remainder of
21 subsection (1) of this section must be satisfied. Information provided
22 by the department and held to be private and confidential under state
23 or federal laws shall not be misused or released to unauthorized
24 parties subject to the sanctions in RCW 50.13.080.

25 (7) Disclosure to governmental agencies of information or records
26 obtained by the employment security department from the federal
27 government shall be governed by any applicable federal law or any
28 agreement between the federal government and the employment security
29 department where so required by federal law. When federal law does not
30 apply to the records or information state law shall control.

31 (8) The department may provide information for purposes of
32 statistical analysis and evaluation of the WorkFirst program or any
33 successor state welfare program, the department of social and health
34 services, the office of financial management, and other governmental
35 entities with oversight or evaluation responsibilities for the program
36 (~~shall have access to employer wage information on clients in the~~
37 ~~program whose names and social security numbers are provided to the~~
38 ~~department~~) in accordance with RCW 43.20A.080. The confidential
39 information provided by the department shall remain the property of the

1 department and may be used by the authorized requesting agencies only
2 for statistical analysis, research, and evaluation purposes as provided
3 in RCW 74.08A.410 and 74.08A.420. The department of social and health
4 services ((is)), the office of financial management, or other
5 governmental entities with oversight or evaluation responsibilities for
6 the program are not required to comply with subsection (1)(c) of this
7 section, but the requirements of the remainder of subsection (1) of
8 this section and applicable federal laws and regulations must be
9 satisfied. The confidential information used for evaluation and
10 analysis of welfare reform supplied to the authorized requesting
11 entities with regard to the WorkFirst program or any successor state
12 welfare program are exempt from public inspection and copying under RCW
13 42.17.310.

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

18 (10) In conducting periodic salary or fringe benefit studies
19 pursuant to law, the department of personnel shall have access to
20 records of the employment security department as may be required for
21 such studies. For such purposes, the requirements of subsection (1)(c)
22 of this section need not apply.

23 (11) To promote the reemployment of job seekers, the commissioner
24 may enter into data-sharing contracts with partners of the one-stop
25 career development system. The contracts shall provide for the
26 exchange of data only to the extent that the exchange is necessary for
27 the efficient provisions of work force programs, including but not
28 limited to public labor exchange, unemployment insurance, worker
29 training and retraining, vocational rehabilitation, vocational
30 education, adult education, transition from public assistance, and
31 support services. The exchange of information under contracts with
32 one-stop partners is exempt from subsections (1), (5), and (6) of this
33 section.

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

1 (13) The misuse or unauthorized release of records or information
2 by any person or organization to which access is permitted by this
3 chapter subjects the person or organization to a civil penalty of five
4 thousand dollars and other applicable sanctions under state and federal
5 law. Suit to enforce this section shall be brought by the attorney
6 general and the amount of any penalties collected shall be paid into
7 the employment security department administrative contingency fund.
8 The attorney general may recover reasonable attorneys' fees for any
9 action brought to enforce this section.

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

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

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

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

19 (c) Information required of any taxpayer in connection with the
20 assessment or collection of any tax if the disclosure of the
21 information to other persons would (i) be prohibited to such persons by
22 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
23 taxpayer's right to privacy or result in unfair competitive
24 disadvantage to the taxpayer.

25 (d) Specific intelligence information and specific investigative
26 records compiled by investigative, law enforcement, and penology
27 agencies, and state agencies vested with the responsibility to
28 discipline members of any profession, the nondisclosure of which is
29 essential to effective law enforcement or for the protection of any
30 person's right to privacy.

31 (e) Information revealing the identity of persons who are witnesses
32 to or victims of crime or who file complaints with investigative, law
33 enforcement, or penology agencies, other than the public disclosure
34 commission, if disclosure would endanger any person's life, physical
35 safety, or property. If at the time a complaint is filed the
36 complainant, victim or witness indicates a desire for disclosure or
37 nondisclosure, such desire shall govern. However, all complaints filed
38 with the public disclosure commission about any elected official or

1 candidate for public office must be made in writing and signed by the
2 complainant under oath.

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

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

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

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

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

23 (k) Records, maps, or other information identifying the location of
24 archaeological sites in order to avoid the looting or depredation of
25 such sites.

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

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

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

38 (o) Financial and commercial information and records supplied by
39 private persons pertaining to export services provided pursuant to

1 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
2 export projects pursuant to RCW 43.23.035.

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

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

8 (r) Financial and commercial information and records supplied by
9 businesses or individuals during application for loans or program
10 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
11 or during application for economic development loans or program
12 services provided by any local agency.

13 (s) Membership lists or lists of members or owners of interests of
14 units in timeshare projects, subdivisions, camping resorts,
15 condominiums, land developments, or common-interest communities
16 affiliated with such projects, regulated by the department of
17 licensing, in the files or possession of the department.

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

21 (u) The residential addresses and residential telephone numbers of
22 employees or volunteers of a public agency which are held by the agency
23 in personnel records, employment or volunteer rosters, or mailing lists
24 of employees or volunteers.

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

32 (w)(i) The federal social security number of individuals governed
33 under chapter 18.130 RCW maintained in the files of the department of
34 health, except this exemption does not apply to requests made directly
35 to the department from federal, state, and local agencies of
36 government, and national and state licensing, credentialing,
37 investigatory, disciplinary, and examination organizations; (ii) the
38 current residential address and current residential telephone number of
39 a health care provider governed under chapter 18.130 RCW maintained in

1 the files of the department, if the provider requests that this
2 information be withheld from public inspection and copying, and
3 provides to the department an accurate alternate or business address
4 and business telephone number. On or after January 1, 1995, the
5 current residential address and residential telephone number of a
6 health care provider governed under RCW 18.130.140 maintained in the
7 files of the department shall automatically be withheld from public
8 inspection and copying unless the provider specifically requests the
9 information be released, and except as provided for under RCW
10 42.17.260(9).

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

13 (y) Information obtained by the board of pharmacy or the department
14 of health and its representatives as provided in RCW 69.41.044,
15 69.41.280, and 18.64.420.

16 (z) Financial information, business plans, examination reports, and
17 any information produced or obtained in evaluating or examining a
18 business and industrial development corporation organized or seeking
19 certification under chapter 31.24 RCW.

20 (aa) Financial and commercial information supplied to the state
21 investment board by any person when the information relates to the
22 investment of public trust or retirement funds and when disclosure
23 would result in loss to such funds or in private loss to the providers
24 of this information.

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

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

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

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

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

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

7 (hh) Information and documents created specifically for, and
8 collected and maintained by a quality improvement committee pursuant to
9 RCW 43.70.510, regardless of which agency is in possession of the
10 information and documents.

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

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

16 (kk) Names of individuals residing in emergency or transitional
17 housing that are furnished to the department of revenue or a county
18 assessor in order to substantiate a claim for property tax exemption
19 under RCW 84.36.043.

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

26 (mm) Proprietary financial and commercial information that the
27 submitting entity, with review by the department of health,
28 specifically identifies at the time it is submitted and that is
29 provided to or obtained by the department of health in connection with
30 an application for, or the supervision of, an antitrust exemption
31 sought by the submitting entity under RCW 43.72.310. If a request for
32 such information is received, the submitting entity must be notified of
33 the request. Within ten business days of receipt of the notice, the
34 submitting entity shall provide a written statement of the continuing
35 need for confidentiality, which shall be provided to the requester.
36 Upon receipt of such notice, the department of health shall continue to
37 treat information designated under this section as exempt from
38 disclosure. If the requester initiates an action to compel disclosure

1 under this chapter, the submitting entity must be joined as a party to
2 demonstrate the continuing need for confidentiality.

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

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

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

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

15 (2) Except for information described in subsection (1)(c)(i) of
16 this section and confidential income data exempted from public
17 inspection pursuant to RCW 84.40.020, the exemptions of this section
18 are inapplicable to the extent that information, the disclosure of
19 which would violate personal privacy or vital governmental interests,
20 can be deleted from the specific records sought. No exemption may be
21 construed to permit the nondisclosure of statistical information not
22 descriptive of any readily identifiable person or persons.

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

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

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

35 (1) The department shall provide the employment security department
36 quarterly with the names ~~((and))~~, social security numbers, and program
37 information of all clients in the WorkFirst program and any successor

1 state welfare program needed to assess and improve the quality of the
2 employment outcomes.

3 (2) The information provided by the employment security department
4 under RCW 50.13.060 for statistical analysis and welfare program
5 evaluation purposes may be used only for statistical analysis,
6 research, and evaluation purposes as provided in RCW 74.08A.410 and
7 74.08A.420. (~~Through individual matches with accessed employment~~
8 ~~security department confidential employer wage files, only aggregate,~~
9 ~~statistical, group level data shall be reported. Data sharing by the~~
10 ~~employment security department may be extended to include the office of~~
11 ~~financial management and other such governmental entities with~~
12 ~~oversight responsibility for this program.))~~

13 (3) The department and other agencies of state government shall
14 protect the privacy of confidential personal data supplied under RCW
15 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms
16 and conditions of a formal data-sharing agreement between the
17 employment security department and agencies of state government,
18 however the misuse or unauthorized use of confidential data supplied by
19 the employment security department is subject to the penalties in RCW
20 50.13.080.

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

23 (1) RCW 28C.18.070 (Intent--"Program" clarified) and 1995 c 130 s
24 1;

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

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

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

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

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

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

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

3 NEW SECTION. **Sec. 21.** If any part of this act is found to be in
4 conflict with federal requirements that are a prescribed condition to
5 the allocation of federal funds to the state, the conflicting part of
6 this act is inoperative solely to the extent of the conflict and with
7 respect to the agencies directly affected, and this finding does not
8 affect the operation of the remainder of this act in its application to
9 the agencies concerned. Rules adopted under this act must meet federal
10 requirements that are a necessary condition to the receipt of federal
11 funds by the state.

12 NEW SECTION. **Sec. 22.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 23.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

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