

Chapter 660

2017 EDITION

Apprenticeship and Training; Workforce Development

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APPRENTICESHIP AND TRAINING

660.002 Declaration of policy. It is the policy of the State of Oregon:

(1) To encourage the development of an apprenticeship and training system through the voluntary cooperation of management, labor and interested state agencies, and in cooperation with other states and the federal government.

(2) To provide for the establishment and promotion of standards of apprenticeship and training to safeguard the welfare of apprentices and trainees and ensure proper training of an adequate, skilled labor force.

(3) To encourage the preparation of persons with skills that will enable them to find gainful employment in an ever-changing society and ensure the continued growth and development of the economy of Oregon by contributing to the maintenance of an adequate supply of skilled workers. [1957 c.270 §2; 1967 c.6 §2; 2007 c.620 §1]

660.006 Application. (1) ORS 660.002 to 660.210 shall apply to persons, political subdivisions, employer associations, and organizations of employees that agree to conform to its provisions.

(2) Nothing in ORS 660.002 to 660.210 is intended to supersede the civil service or merit systems applicable to state agencies and political subdivisions. Employees of state agencies and political subdivisions may be recognized and registered as apprentices, and may serve on apprenticeship committees when approved by the State Apprenticeship and Training Council in conformity with ORS 660.002 to 660.210. If an individual apprentice who is employed by a state agency or political subdivision wishes to participate in an apprenticeship and training program, the council may approve program standards that set forth a progressive wage within the salary structure range for journeyworker, employed by the state agency or political subdivision. [1957 c.270 §10(1); 1963 c.151 §3; 1967 c.6 §3; 1977 c.490 §1; 1981 c.764 §1; 2011 c.140 §1]

660.010 Definitions for ORS 660.002 to 660.210. As used in ORS 660.002 to 660.210, unless the context requires otherwise:

(1) “Apprentice” means a worker who is at least 16 years of age, except when a higher minimum age is otherwise required by law, and who is employed to learn an apprenticeable occupation under standards of apprenticeship approved by the State Apprenticeship and Training Council and under an apprenticeship agreement recognized by the council.

(2) “Apprenticeable occupation” means a skilled trade that:

(a) Is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training;

(b) Is clearly identified and commonly recognized throughout an industry;

(c) Involves manual, mechanical or technical skills and knowledge that require a minimum of 2,000 hours of on-the-job supervised training; and

(d) Requires related instruction to supplement the on-the-job training.

(3) “Apprenticeship agreement” means a written agreement between an apprentice and either the apprentice’s program sponsor or the local joint committee acting as the agent for the program sponsor that contains the minimum terms and conditions of the employment and training of the apprentice.

(4) “Course of study” means a course of study for the instruction of apprentices or trainees established in accordance with ORS 660.157.

(5) “District school board” includes the boards of community college service districts, education service districts, common school districts and community college districts.

(6) “Employer” means any person employing the services of an apprentice, regardless of whether the person is a party to an apprenticeship agreement with the apprentice.

(7) “Journeyworker” means a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation.

(8) “Local joint committee” includes local joint apprenticeship committees, local joint training committees and trade committees.

(9) “Program” means the total system of apprenticeship as operated by a particular local joint committee, including the committee’s registered standards and all other terms and conditions for the qualification, recruitment, selection, employment and training of apprentices in that apprenticeable occupation.

(10) “Trainee” means a worker who is at least 16 years of age, except when a higher minimum age is otherwise required by law, and who is to receive, in part consideration for services, complete instruction in an occupation that meets all the requirements of an apprenticeable occupation, except that such occupation requires, in the opinion of the council, less than 2,000 but not less than 1,000 hours of on-the-job supervised training.

(11) “Training agent” means an employer that is registered with a local joint committee and the Apprenticeship and Training Division of the Bureau of Labor and Industries.

[Amended by 1957 c.270 §3; 1963 c.151 §4; 1967 c.6 §1; 1971 c.271 §1; 1977 c.490 §2; 1981 c.764 §2; 2007 c.71 §215; 2007 c.620 §2; 2011 c.140 §2]

660.014 Committees not state agencies. Local joint committees formed under ORS 660.135, trade committees for apprenticeship and training formed under ORS 660.145 and state joint committees formed under ORS 660.155 shall not be considered state agencies for any purpose. [1997 c.31 §2]

660.015 [1963 c.645 §2; 1967 c.6 §6; repealed by 1981 c.764 §20]

660.020 Necessity for written agreement; transfer of agreement to another employer. (1) Every apprentice and either the apprentice's program sponsor or the local joint committee shall sign a written apprenticeship agreement on a form approved by the State Apprenticeship and Training Council or on a form to which the council chairperson may grant interim approval. The agreement shall be signed and registered with the council as soon as practicable, but not later than 45 days after the start of the apprenticeship.

(2) When a training agent is unable or unwilling to fulfill its obligations under an apprenticeship agreement, the local joint committee may approve the transfer of the training agent's obligation under the program standards to a subsequent approved training agent under the same program, with the consent of the apprentice. In such cases, it is not necessary to sign and register a new apprenticeship agreement, notwithstanding the requirements of subsection (1) of this section. [Amended by 1955 c.719 §1; 1957 c.270 §4; 1967 c.6 §7; 1981 c.764 §3; 2007 c.620 §3; 2011 c.140 §3]

660.030 [Amended by 1955 c.719 §2; 1957 c.270 §5; 1967 c.6 §8; repealed by 1981 c.764 §20]

660.040 [Repealed by 1955 c.719 §12]

660.050 [Repealed by 1955 c.719 §12]

660.060 Contents of agreement. To be registered with the State Apprenticeship and Training Council, every apprenticeship or training agreement shall contain:

(1) The names and signatures of the apprentice or trainee and of a parent or guardian if the apprentice or trainee is a minor;

(2) The names and addresses of the appropriate local joint committee and of the council;

(3) The date of birth of the apprentice or trainee;

(4) The beginning date and duration of the apprenticeship or training and the apprenticeable or trainable occupation in which the apprentice or trainee is to be trained;

(5) A statement that the parties to the agreement shall abide by the applicable

standards existing as of the date of the agreement, and as amended during the duration of the agreement, and a provision incorporating the standards explicitly or by reference as part of the agreement;

(6) A statement that there is a probationary period of up to one year or 25 percent of the length of the program, whichever period is shorter, during which the apprenticeship agreement may be terminated by either party to the agreement upon written notice to the Apprenticeship and Training Division of the Bureau of Labor and Industries;

(7) A statement that after the probationary period the apprenticeship agreement may be canceled at the request of the apprentice or may be suspended, canceled or terminated by the committee for good cause, which includes but is not limited to failure to report to work, nonattendance at related training, failure to submit work progress reports and lack of response to committee citations, with prior written notice to the apprentice, and with written notice to the apprentice and to the Apprenticeship and Training Division of the Bureau of Labor and Industries of the final action taken by the committee;

(8) A statement that the transfer of an apprentice between apprenticeship programs or within an apprenticeship program must be based on an agreement between the transferring apprentice and the affected apprenticeship committees or program sponsors that includes requirements that:

(a) The transferring apprentice must be provided a transcript of records of related instruction and on-the-job learning by the transferring apprenticeship committee or program sponsor;

(b) The transfer must be within the same occupation as the original apprenticeship program; and

(c) A new apprenticeship agreement must be executed prior to the transfer between program sponsors or within an apprenticeship program;

(9) Any additional provisions as the council may deem necessary or advisable to effectuate the policies and duties prescribed and imposed by ORS 660.002 to 660.210, provided that the provisions are customarily subject to agreement between program sponsors or local joint committees and apprentices or trainees; and

(10) A waiver by the apprentice granting permission for the release of related training school records to the appropriate joint apprenticeship committee for the purpose of evaluation. [Amended by 1955 c.719 §3; 1957 c.270 §6; 1967 c.6 §9; 1981 c.764 §4; 1985 c.98 §2; 2007 c.620 §4; 2011 c.140 §4]

660.110 State Apprenticeship and Training Council; members; confirmation; compensation and expenses. (1) The State Apprenticeship and Training Council shall consist of nine members, including the Commissioner of the Bureau of Labor and Industries and eight members appointed by the Governor as follows:

(a) Four members from apprenticeable building and construction crafts or trades that have programs approved and registered with the council, including two members representing employers and two members representing employees;

(b) Two members from other apprenticeable occupations that have programs approved and registered with the council, including one member representing employers and one member representing employees; and

(c) Two members representing the public.

(2) To qualify to be a member of the council, an individual shall provide the Governor with documentation showing that the individual meets at least one of the following requirements:

(a) Active participation on an apprenticeship governing body for a minimum of four years; or

(b) A minimum of four years of experience in workforce development or investment activities, vocational training or education, apprenticeship program administration or a related discipline.

(3)(a) Each member shall be appointed for a term of four years and shall hold office until a successor has been appointed and has qualified. When the term of a member expires, the Governor shall appoint a successor within 90 days after the term expiration date. A member may not automatically be removed from the council in midterm should the member's industry withdraw from the program for economic reasons.

(b) Any vacancy occurring among the appointed members shall be filled by appointment, as provided in this section, for the unexpired portion of the term.

(c) All appointments of members of the council by the Governor are subject to confirmation by the Senate pursuant to section 4, Article III, Oregon Constitution.

(4) The Commissioner of the Bureau of Labor and Industries shall serve as the chairperson of the council with the power to cast the deciding vote in case of a tie. The council shall choose from among its members a vice chairperson to preside at meetings and perform other functions of the chairperson when the commissioner is absent.

(5) Each member of the council is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1955 c.719 §6; 1967 c.6 §10; 1969 c.314 §71; 1973 c.792 §31; 1981 c.764 §5; 1983 c.318 §1; 1985 c.98 §3; 2007 c.620 §5]

660.112 [1977 c.490 §7; repealed by 1981 c.764 §20]

660.115 [1963 c.645 §3; 1967 c.6 §12; repealed by 1981 c.764 §20]

660.120 Duties and powers of council and division; rules. (1) The State Apprenticeship and Training Council, under the direction of the Apprenticeship and Training Division of the Bureau of Labor and Industries, shall enforce the provisions of ORS 660.002 to 660.210 in order to carry out the intent and purposes of those provisions. The State Director of Apprenticeship and Training, the division and the council may conduct investigations, issue subpoenas and subpoenas duces tecum, obtain evidence, administer oaths and take testimony in all matters relating to the council's duties and functions as set forth in ORS 660.002 to 660.210 when the information sought is relevant to a lawful investigative purpose and is reasonable in scope. The council and the division shall adopt rules for gathering information through subpoenas or testimony. The rules must include procedures through which a party may object to providing information. After being served with a subpoena, if a person refuses, without reasonable cause, to be examined, to answer any question or to produce any document or other thing as required by the subpoena, the director, the division or the council may petition the circuit court in the county in which the investigation is pending for an order directing the person to show cause why the person has not complied with the subpoena and should not be held in contempt. The director, division or council shall serve the court's order upon the person in the manner provided by ORCP 55 D. If the person fails to show cause for the noncompliance, the court shall order the person to comply with the subpoena within such time as the court shall direct and may hold the person in contempt.

(2) The division, on behalf of the council, may bring suit in a court of proper jurisdiction in the name of the Bureau of Labor and Industries, or in the name of an apprentice on behalf of the apprentice, through the district attorney or the Attorney General.

(3) The council and the division may adopt rules that are reasonably necessary to enforce and administer ORS 660.002 to 660.210. In adopting the rules, the council and the division shall comply with ORS chapter 183. In addition, if the council and the division find that it would be impractical for a number or all of the local joint committees in the state to develop criteria concerning a particular matter, the council and

the division may adopt rules on the matter. The rules shall govern on that matter except to the extent that a local joint committee's approved standards contain exceptions.

(4) The council and the division also shall:

(a) Establish policy of the program so as to encourage the promotion, expansion and improvement of programs of apprenticeship and training;

(b) Approve and register program standards and modifications to program standards that are submitted by appropriate local joint committees as provided in ORS 660.126, if the standards and modifications are in substantial conformity with the statewide standards approved under ORS 660.155;

(c) Establish committees and approve nominations of members and alternates to local joint committees and state joint committees to ensure balanced representation of employer and employee groups;

(d) Deregister standards and terminate entire programs, and remove any or all members of any committee, for inactivity or inadequate activity, or for failure to abide by the provisions of ORS 660.002 to 660.210 or by the rules and policies of the council and the division;

(e) Cooperate with interested state and federal agencies, including the Department of Education, the State Workforce and Talent Development Board and other providers of related training and curriculum such as community college districts, community college service districts, education service districts and recognized industry programs; and

(f) Perform such other functions and duties as are necessary or appropriate to carry out the purposes of ORS 660.002 to 660.210.

(5) The council shall hold at least four regular public meetings each year. Executive sessions shall be held on call of the chairperson, or at the written request of a majority of the members of the council. [Amended by 1955 c.719 §7; 1957 c.270 §7; 1967 c.6 §13; 1971 c.271 §2; 1975 c.605 §32; 1981 c.764 §6; 2007 c.277 §5; 2011 c.140 §5; 2017 c.185 §22; 2017 c.297 §27]

660.122 [1963 c.645 §4; 1967 c.6 §14; repealed by 1985 c.98 §5]

660.125 [1955 c.719 §5; 1957 c.270 §8; 1967 c.6 §15; 1977 c.299 §1; 1979 c.831 §1; repealed by 1981 c.764 §§7,20 (660.126 enacted in lieu of 660.125)]

660.126 Apprenticeship standards; rules. (1) Apprenticeship standards shall contain statements of:

(a) The apprenticeable occupation to be taught and a designation of the geographical area or areas in which the standards will apply;

(b) The qualifications required of apprentice applicants and the minimum eligible

starting age, which is at least 16 years unless a higher age is required by law;

(c) The outline of work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(d) The term required for completion of apprenticeship, which shall be consistent with requirements established by industry practice for the development of requisite skills, but in no event shall be less than 2,000 hours of reasonably continuous work experience;

(e) The approximate number of hours to be spent by the apprentice at work and the approximate number of hours to be spent in related and supplemental instruction;

(f) The minimum numeric ratio of journeyworkers to apprentices consistent with proper supervision, training, safety and continuity of employment, which shall be specifically and clearly stated as to application in terms of job site, workforce, department or plant;

(g) A probationary period of up to one year or 25 percent of the length of the program, whichever is shorter, with full credit given for the probationary period toward completion of apprenticeship and with provision that during the probationary period, the apprenticeship agreement may be terminated without cause;

(h) A progressively increasing schedule, showing the percentages of the journeyworker hourly wage to be paid the apprentice at each level of apprenticeship achieved;

(i) Any additional provisions that the State Apprenticeship and Training Council and the Apprenticeship and Training Division of the Bureau of Labor and Industries may, by rule, deem necessary or advisable to effectuate the policies and duties prescribed and imposed by ORS 660.002 to 660.210; and

(j) The content of related training with training objectives.

(2) Notwithstanding subsection (1) of this section, the council and the division may approve the inclusion of standards of additional provisions, or of provisions that depart from the requirements of subsection (1) of this section, when such standards or provisions have been submitted by joint employer and employee groups, or may be part of legitimate bargaining agreements between an employer and employees. In making the decision, the council and the division shall consider the following factors:

(a) The possibility that the provision might result in curtailment of opportunities

for apprentices to receive training or continuity of employment;

(b) The possibility that the provision might result in the diversion of needed qualified applicants for apprenticeship, and particularly of qualified applicants of protected classes, into unskilled or semiskilled jobs for which an adequate supply of labor already exists;

(c) The possibility that the provision might result in disputes among the participants in the programs that might curtail the cooperation necessary to build an adequate, skilled labor force in the State of Oregon;

(d) The need to safeguard the health, safety, continuity of employment and welfare of the apprentices and to ensure the public welfare;

(e) The need to raise the level of skill in each apprenticeable occupation to provide to the public quality goods and services at a fair price and an adequate and skilled workforce for the defense of the nation; and

(f) The need to provide training in the licensed occupations for the protection of the apprentices and of the general public.

(3) The council and the division shall adopt rules to allow a local committee to determine the circumstances under which an electrical apprentice, who is working under ORS 479.510 to 479.945 and has completed 6,500 hours of apprenticeship training for licenses requiring 8,000 hours of apprenticeship training or who has completed 5,000 hours of apprenticeship training for licenses requiring 6,000 hours of apprenticeship training, may work without direct supervision during the remainder of the apprenticeship. [1981 c.764 §8 (enacted in lieu of 660.125); 1989 c.698 §1; 2003 c.14 §407; 2005 c.22 §472; 2007 c.620 §6; 2010 c.15 §1; 2011 c.9 §85; 2011 c.140 §6]

660.128 [1957 c.270 §10(2); 1967 c.6 §16; repealed by 1981 c.764 §20]

660.130 [Amended by 1955 c.719 §8; 1967 c.6 §17; repealed by 1969 c.597 §281]

660.135 Local joint committees; members; meetings; authority of individual employed to assist committees. (1) In each locality where apprentices are employed, the State Apprenticeship and Training Council may approve as many local joint committees as are necessary to serve the needs of the various apprenticeable occupations. Local joint committees in building and construction trades occupations may be approved by the council only as group programs serving multiple employers.

(2) Each local joint committee shall have no more than eight principal members, all actively participating in apprenticeship programs, and shall consist of an equal number of representatives of employers and em-

ployees. One alternate member may be selected for each principal committee member. Committee members and the alternate members shall be selected pursuant to procedures established by the council. The alternate members may attend all committee meetings, participate in discussions and perform such duties as may be delegated to them by the committee, but may not vote at committee meetings except when actually substituting for an absent principal committee member for their respective employer or employee.

(3) To qualify as a local joint committee member representing employees, a prospective employee representative must be a member of the collective bargaining unit if a collective bargaining agreement exists for the trade or occupation that is the subject of the apprenticeship or training program administered by the committee. If no collective bargaining agreement exists, the prospective employee representative must be, or have been, a skilled practitioner of the particular trade or occupation that is the subject of the apprenticeship or training program administered by the committee.

(4) Each local joint committee shall select a chairperson and a secretary, for such terms and with such powers and duties necessary for the performance of the functions of those offices as the committee determines. A quorum for the transaction of committee business consists of two representatives of employers and two representatives of employees. Each local joint committee shall meet as often as is necessary to transact business. Meetings may be called by the chairperson or at the request of the majority of the members of the committee.

(5) When an individual is employed by a joint industry group, association or trust to assist local joint apprenticeship or training committees, trade committees or state joint committees in the performance of their statutory duties, the individual is authorized to perform any clerical, ministerial or other functions as the committees may direct. [1967 c.6 §19; 1977 c.490 §3; 1981 c.764 §11; 1985 c.98 §1; 2007 c.620 §7]

660.137 Duties of local apprenticeship and training programs. Every local apprenticeship or training program administered by a local joint committee, or by a trade committee functioning as a local joint committee, shall:

(1) Propose to the State Apprenticeship and Training Council and the Apprenticeship and Training Division of the Bureau of Labor and Industries standards for the local program that are in substantial conformity with ORS 660.126 and with the uniform standards, if any, adopted by the state joint committee for that occupation, and recommend to the

council and the division modifications of the standards.

(2) Administer its program in conformity with its approved standards, with the provisions of ORS 660.002 to 660.210, and with the rules and policies of the council and the division. Particularly, the local joint committee shall:

(a) Maintain records of all apprentices in its program, with respect to work experience, instruction on the job, attendance at related instruction and progress, and such other records as may be appropriate or required, and shall submit such reports as the council, division or other appropriate governmental agencies may require;

(b) Submit to the state joint committee appropriate requests for changes in courses of study for the instruction of apprentices; and

(c) Be responsible for apprentices receiving necessary on-the-job and related instruction, and for all apprenticeship agreements being promptly registered with the council.

(3) Be responsible for the recruitment, qualification, selection, approval and registration of apprentices entering the program, including the evaluation of previous creditable work experience, education and training for which advanced credit must be given, provided that advanced credit may be given for such creditable experience, education and training.

(4) Review and evaluate, at least semiannually, the progress of each apprentice, as to job performance and related instruction, and consistent with the skill acquired, accordingly advance the apprentice to the next level of apprenticeship or hold the apprentice at the same level for a reasonable period, and with reasonable opportunity for corrective action, or terminate the apprentice from the program for serious or continued inadequate progress and notify the council and the division of the action taken. The council, the division and the appropriate training agent shall also be notified of each rerating and of the apprentice's new level on the wage schedule. Recognition for successful completion of apprenticeship shall be evidenced by an appropriate certificate issued by the council.

(5)(a) Determine the qualifications, minimum facilities and training conditions required of an employer to serve as an approved training agent, and approve training agents accordingly;

(b) Make periodic checks of approved training agents to ensure that there are qualified training personnel and that there is adequate supervision on the job, adequate

and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction; and

(c) Withdraw approval of training agents when the qualifications are no longer met or when it appears to the committee that the training agent is in violation of the terms of an apprenticeship agreement, standards, provisions of ORS 660.002 to 660.210 or the rules and policies of the council and the division.

(6) Determine and redetermine at least annually the average journeyworker hourly rate of wage for the purposes of ORS 660.142 and submit the rate to the State Director of Apprenticeship and Training, along with a statement explaining how the determination was made. Training agents that fail or refuse to provide their committees with information shall be terminated as approved training agents. The council and the division may withhold approval of a new program or terminate an existing program for failure or refusal by the committee or its training agents to keep the established journeyworker hourly rate of wage current and correct. The committee shall retain all records from which a wage determination was made for inspection by the council and division, as required by law. [1981 c.764 §13 (enacted in lieu of 660.141); 2007 c.620 §8; 2011 c.140 §7]

660.139 Applicant indentured to family business or current employer. (1) Unless the State Apprenticeship and Training Council determines there is an adverse impact on apprenticeship opportunities based on an individual's race, sex, sexual orientation or ethnic group, an applicant who is otherwise eligible for selection as an apprentice under the selection method used by the local joint committee may, with the consent of the applicant, be indentured to a family business or the applicant's current employer without regard to whether another employer would otherwise be entitled to indenture the apprentice under the selection method used by the local joint committee.

(2) As used in this section:

(a) "Current employer" means the employer with whom the applicant has been a full-time, regular employee for at least six months before the applicant is selected into the apprenticeship program.

(b) "Family business" means a business owned in whole or in part by a parent or grandparent of the applicant. [1999 c.755 §2; 2007 c.100 §30]

660.140 [Amended by 1955 c.719 §9; repealed by 1967 c.6 §29]

660.141 [1967 c.6 §20; 1971 c.271 §3; repealed by 1981 c.764 §§12,20 (660.137 enacted in lieu of 660.141)]

660.142 Pay rates for apprentices and journeyworkers; exception. (1) A training agent may not pay an apprentice at a rate less than that obtained by applying the schedule, set forth in the applicable standards, at the apprentice's level of apprenticeship, to the journeyworker hourly rate of wage currently in effect for journeyworkers in the occupation for which the apprentice is being trained, as determined by the appropriate local joint committee.

(2) The journeyworker hourly wage rate shall be the average hourly wage currently being paid by the training agents participating in a program to their skilled workers, that is, to those employees with demonstrated knowledge, experience and proficiency in that trade or occupation who are currently performing the type of work for which the apprentice is to be trained. Upon receipt of a committee's determination of its current journeyworker hourly rate of wage, the State Director of Apprenticeship and Training shall cause notice of the determination to be promptly mailed to all apprentices and training agents participating in the program. The determination shall be in effect from the date set forth in the determination or, lacking such date, from the first of the month following the mailing of the determination. However, neither the wage determination nor the effective date alters the terms or effect of an existing collective bargaining agreement.

(3) If a higher journeyworker hourly wage rate is prescribed by federal or state law for work on a particular project, the higher rate is controlling for purposes of determining apprentice wages applicable to that particular project.

(4) Nothing stated in ORS 660.002 to 660.210 shall be construed to supersede the minimum wage or overtime provisions of ORS chapters 652 and 653, or the rules adopted under ORS chapter 652 or 653. Anything to the contrary notwithstanding, the entry wage (that wage derived by applying the lowest percentage on the schedule to the current journeyworker hourly wage rate) may not be less than the federal or state minimum wage rate, whichever is higher.

(5) The State Apprenticeship and Training Council may make such exceptions to the apprentice wage schedule or journeyworker hourly wage rate, and to the minimum numeric ratio of journeyworkers to apprentices, as it deems necessary or advisable to further the operation of apprenticeship and training programs in Department of Corrections and Oregon Youth Authority institutions. [1981 c.764 §10; 1987 c.320 §243; 2007 c.620 §9; 2011 c.140 §8; 2015 c.172 §1]

660.145 Trade apprenticeship and training committees. In an area where it is not practicable to establish a local joint apprenticeship committee or a local joint training committee, a trade committee for apprenticeship and training may be formed to administer the standards of various separate programs approved by the State Apprenticeship and Training Council. Members shall consist of one training agent and one employee representing each occupation affected, who shall be selected pursuant to the procedures established by the council. A trade committee for apprenticeship or training shall function in the manner prescribed for a local joint committee as to all occupations affected, except that recommendations to the council for amendments or modifications to the standards of a particular occupation may be made only by the members from that occupation. [1967 c.6 §21; 1981 c.764 §14; 2007 c.620 §10]

660.147 Registered apprentice required; exceptions. (1) Every local apprenticeship or training program administered by a local joint committee or by a trade committee functioning as a local joint committee must have at least one registered apprentice.

(2) Notwithstanding subsection (1) of this section, a local apprenticeship or training program administered by a local joint committee or by a trade committee functioning as a local joint committee is not required to have at least one registered apprentice during the period from:

(a) The date the standards for the program are registered and the date the first apprentice is registered under those standards or one year from the date the standards are registered, whichever period is shorter; or

(b) The date the committee graduates an apprentice under a set of standards and the date the next apprentice is registered under those standards or one year from the date the committee graduates an apprentice under a set of standards, whichever period is shorter. [2011 c.140 §13]

660.149 Evaluation of registered apprenticeship programs. (1) The Apprenticeship and Training Division of the Bureau of Labor and Industries shall evaluate the performance of registered apprenticeship programs.

(2) Factors to be used when conducting the evaluation required by subsection (1) of this section must include, but are not limited to:

- (a) Quality assurance assessments;
- (b) Equal Employment Opportunity Commission compliance reviews; and
- (c) Completion rates.

(3) Any additional factors used by the division in the evaluation of program performance must adhere to the goals and policies of the United States Department of Labor specified in 29 C.F.R. 29 and with guidance issued by the United States Department of Labor Office of Apprenticeship.

(4) To evaluate completion rates under this section, the division shall compare the completion rate of the program under review with the national average for completion rates. Based on the completion rate review, the division shall provide technical assistance to promote higher completion rates to programs with a completion rate lower than the national average.

(5) Cancellation of an apprenticeship agreement during the probationary period shall not have an impact on the completion rate of the program. [2011 c.140 §14]

660.150 [Amended by 1955 c.719 §10; subsection (2) of 1965 Replacement Part enacted as 1957 c.270 §9; repealed by 1967 c.6 §29]

660.155 State joint committees; rules.

(1) State joint apprenticeship committees may be formed in each apprenticeable occupation for the purpose of promoting and coordinating the apprenticeship goals of that occupation and of developing statewide standards and related instructional material for a course of study in that occupation. If only one joint committee exists for a particular occupation, that local joint committee has the same duties and powers as a state joint committee formed pursuant to this section. This subsection does not apply to training programs.

(2) State joint committees shall be composed of one member representing training agents and one member representing employees from each local joint committee for that occupation. Training agent members of a local joint committee shall choose the training agent representative to the state joint committee, and employee members shall choose the employee representative. The training agent and employee members of trade committees shall be members of the state joint committee for their respective occupations, but shall be counted in determining a quorum for the state joint committee only if present. An alternate member for each principal member from a local joint committee shall also be selected in the same manner as the principal members are selected. Each alternate member has full authority to exercise the powers of the principal member for whom the alternate was selected when that principal member is unable to perform as a committee member.

(3) Each state joint committee shall elect a chairperson and a vice chairperson, one of whom shall represent training agents, the

other of whom shall represent employees. The committee may also elect such other officers as it determines appropriate. All officers elected pursuant to this subsection shall serve such terms and have such duties and powers as the committee determines appropriate for the performance of their functions.

(4) Meetings may be called by the chairperson or at the request of the majority of the members of the committee. Each state joint committee may also formulate such rules as it deems necessary for the time, place and orderly conduct of its meetings. Each committee shall transmit to the State Apprenticeship and Training Council a written record of each such meeting. [1967 c.6 §22; 1971 c.271 §4; 1977 c.490 §4; 1981 c.764 §15; 2007 c.71 §216; 2007 c.620 §11]

660.157 Standard courses of study for apprentices and trainees.

(1) Each state joint committee, with the prior approval of the State Apprenticeship and Training Council, shall prescribe a standard course of study, developed from a trade analysis, for the trade, craft or industrial occupation over which the committee exercises jurisdiction. Each such course of study shall include instructional objectives and an outline of course content for related instruction and manipulative instruction in the classroom. The prescribed course shall also provide for evaluation procedures and instruments for measuring performance. For all programs in apprenticeable occupations a minimum of 144 hours of related instruction per year is recommended.

(2) Except as provided in subsection (3) of this section, no course of study for the instruction of apprentices or trainees that has not been prescribed pursuant to subsection (1) of this section may be implemented under ORS 660.002 to 660.210.

(3) Notwithstanding subsections (1) and (2) of this section, any course of study for the instruction of apprentices or trainees may be implemented under ORS 660.002 to 660.210 where such course of study:

(a) Involves instruction in any trades or crafts where the industry will provide the facilities for training;

(b) Prepares apprentices and trainees in any trades or crafts;

(c) Requires expert instructors to meet the level of skill and training required by the industry;

(d) Is substantially equivalent to the standard course prescribed under subsection (1) of this section; and

(e) Is supervised by a local joint committee or by a joint industry trust fund committee.

(4) Where a course of study meets the requirements of subsection (3) of this section, such course shall be approved:

(a) By the state joint committee;

(b) By the Higher Education Coordinating Commission for apprenticeship training credit; and

(c) By the Higher Education Coordinating Commission for community college associate degrees.

(5) Operation of a course of study under subsection (3) of this section shall be the responsibility of the recognized local apprenticeship committee or local industry trust fund or recognized local employee organization. Such local committee, trust or organization may prescribe criteria for enrollment into the course of study. [1971 c.271 §7; 1973 c.648 §1; 1979 c.808 §1; 1981 c.764 §16; 2013 c.747 §191; 2017 c.66 §3]

660.158 Interstate agreements regarding courses of study. (1) If there is an interstate agreement regarding apprenticeship courses of study between the State Apprenticeship and Training Council and an agency with similar functions in another state:

(a) Any course of study prescribed pursuant to ORS 660.157 is subject to the provisions of the interstate agreement.

(b) Each local joint committee of an occupation that is subject to the interstate agreement shall submit requests for changes in courses of study directly to the council.

(2) Reciprocal approval for federal purposes shall be accorded to apprentices, apprenticeship programs and standards that are registered by the United States Department of Labor Office of Apprenticeship, or by the registration agency or council of any other state that has been recognized by the United States Department of Labor Office of Apprenticeship, if reciprocal approval is requested by the program sponsor, even if the programs and their standards depart in some respects from the criteria of ORS 660.126 and from the other provisions set forth in ORS 660.002 to 660.210.

(3) Program sponsors seeking reciprocal approval must meet state wage and hour provisions, local wage provisions, apprenticeship ratio standards and licensing requirements. [1971 c.271 §8; 1979 c.831 §2; 1981 c.764 §17; 2011 c.140 §9]

660.159 [1971 c.271 §11; repealed by 1981 c.764 §20]

660.160 Coordination of schooling for apprentices and trainees. All district school boards shall cooperate with the State Apprenticeship and Training Council, the Department of Education, and the local joint committees or trade committees in providing

the necessary related instruction classes to meet the objectives of courses of study prescribed pursuant to ORS 660.157 (1) for apprentices and trainees. The coordination of related instruction offered in these classes with job instruction, and the carrying out of the other details shall be the responsibility of the recognized local or state agency for professional education. The apprentice or trainee shall attend such classes, either within or without the usual working hours. [Amended by 1955 c.719 §11; 1967 c.6 §23; 1971 c.271 §5; 1973 c.648 §2; 1995 c.343 §59]

660.162 Adoption of policies, standards and programs by Higher Education Coordinating Commission; rules. The Higher Education Coordinating Commission, in cooperation with the State Apprenticeship and Training Council and the appropriate state joint committee, by rule shall adopt policies, standards and programs to carry out the provisions of ORS 660.002. Such policies, standards or programs may involve any of the following matters:

(1) Development of courses of study for apprentices and trainees in the trade, craft or industrial occupation over which the committee exercises jurisdiction.

(2) Operation of related instruction classes by district school boards and in courses implemented under ORS 660.157 (3).

(3) Development of uniform standards covering occupational qualifications and teacher training requirements for instructors.

(4) Preservice and inservice training for instructors.

(5) Evaluation procedures for determining credit for apprenticeship training toward community college associate degrees.

(6) Defining procedures for granting credit for work experience to instructors, skilled craftsmen or journeymen toward the requirements of a community college associate degree. [1971 c.271 §9; 1973 c.648 §3; 1977 c.490 §5; 1989 c.491 §65; 2011 c.140 §10; 2017 c.66 §4]

660.165 [1967 c.6 §5; repealed by 1981 c.764 §20]

660.167 Adoption of policies by council. The State Apprenticeship and Training Council, in cooperation with the Higher Education Coordinating Commission, shall adopt policies regarding:

(1) Evaluation procedures relating to the determination of apprenticeship credit for work experience, education and training.

(2) Procedures for demonstrating the level of achievement required in any area of related instruction, including but not limited to taking a qualifying examination of the course content. [1971 c.271 §10; 2017 c.66 §5]

660.170 State Director of Apprenticeship and Training; commissioner authority to employ others. (1) Subject to confirmation by the State Apprenticeship and Training Council, the Commissioner of the Bureau of Labor and Industries shall appoint a State Director of Apprenticeship and Training. The director shall be well qualified, shall serve as council secretary and shall be responsible to the commissioner for the administration of ORS 660.002 to 660.210, including supervision of all office and field staff.

(2) The commissioner, with the advice and consent of the council, may appoint such other personnel and incur such other expenses as may be necessary to aid the council and the director in carrying out their duties and functions under ORS 660.002 to 660.210. [Amended by 1967 c.6 §24; 1981 c.764 §18]

660.180 [Amended by 1957 c.270 §11; 1967 c.6 §25; 1971 c.734 §104; 1977 c.299 §2; 1979 c.831 §3; repealed by 1981 c.764 §20]

660.190 Community college training program advisory committee. Each community college operating a preemployment or trade extension training program in an apprenticeable occupation shall appoint at least one employee member and one training agent member of an appropriate local joint committee to the advisory committee for that training program. [1977 c.155 §2; 1981 c.764 §19; 2007 c.620 §12]

660.195 [1977 c.490 §8; repealed by 1981 c.764 §20]

660.200 [1977 c.490 §9; repealed by 1981 c.764 §20]

660.205 Certification of program completion for certain apprentices; card; rules; fee. (1) There shall be a uniform system of certification in those apprenticeable occupations for which the State Apprenticeship and Training Council determines certification is required. Such certification shall be awarded to apprentices successfully completing such an apprenticeship program and shall signify the apprentice's attainment of the status of journeyworker. The council shall prescribe by rule a singular form of certification card for apprenticeable occupations and the conditions for its issuance.

(2) Only the Commissioner of the Bureau of Labor and Industries may prepare or issue or cause to be prepared or issued a card or other form of documentation purporting to certify or otherwise representing the bearer to be a journeyworker in an apprenticeable occupation.

(3) The commissioner may establish and charge a fee for the issuance of certification in an amount not to exceed \$25.

(4) The provisions of this section first apply to apprentices who successfully complete an apprenticeship program after January 1, 1990. [1989 c.1061 §2; 2011 c.140 §11]

660.210 Tort liability of committees, officers, employees and agents; limitations; punitive damages excluded. (1) In any action based on tort, as defined in ORS 30.260, the liability of any local joint committee formed under ORS 660.135, trade committee for apprenticeship and training formed under ORS 660.145 or state joint committee formed under ORS 660.155, and the liability of its officers, employees and agents acting within the scope of their employment or duties, shall not exceed:

(a) \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence.

(b) \$100,000 to any claimant as general and special damages for all other claims arising out of a single accident or occurrence unless those damages exceed \$100,000, in which case the claimant may recover additional special damages, but in no event shall the total award of special damages exceed \$100,000.

(c) \$500,000 for any number of claims arising out of a single accident or occurrence.

(2) No award for damages on any claim subject to this section shall include punitive damages. The limitation imposed by this section on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort, as defined in ORS 30.260.

(3) In any action subject to this section in which the amount awarded to or settled upon multiple claimants exceeds \$500,000, any party may apply to any circuit court to apportion to each claimant the proper share of the total amount limited by subsection (1) of this section. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to the claimant bears to the aggregate awards and settlements for all claims arising out of the occurrence.

(4) The liability of a committee described in subsection (1) of this section and one or more of its officers, employees or agents, or two or more officers, employees or agents of the committee, on claims arising out of a single accident or occurrence, shall not exceed in the aggregate the amounts limited by subsection (1) of this section. [1999 c.642 §2]

WORKFORCE DEVELOPMENT

(General Provisions)

660.300 Definitions for ORS 660.300 to 660.364. As used in ORS 660.300 to 660.364:

(1) "Chief elected official" means a

county commissioner, a county judge or the mayor of the City of Portland.

(2) “Federal Act” or “federal Workforce Innovation and Opportunity Act” means the federal Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

(3) “Local workforce development area” means the City of Portland or a county when the city or county has been designated as a local workforce development area under ORS 660.324. “Local workforce development area” may include two or more counties that have joined together to form a local workforce development area and that have been designated as a local workforce development area under ORS 660.324.

(4) “Local workforce development board” means a board established pursuant to section 3122 of the federal Workforce Innovation and Opportunity Act.

(5) “Maritime sector” includes but is not limited to:

(a) Enterprises engaged in the design, construction, manufacture, acquisition, operation, supply, repair or maintenance of marine vessels or component parts of marine vessels;

(b) Enterprises engaged in managing or operating shipping lines;

(c) Customs brokerage services, shipyards, shipping and freight forwarding services, dry docks, marine railways and marine repair shops;

(d) Enterprises engaged in commercial or recreational fishing;

(e) Enterprises and academic institutions engaged in scientific research of ocean processes, marine life or other ocean resources; and

(f) Enterprises engaged in marine tours or travel, water sports or other marine leisure activities.

(6) “Office” means the Office of Community Colleges and Workforce Development.

(7) “Participant” means a person receiving services under the federal Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

(8) “Participant records” means records relating to matters such as grades, conduct, personal and academic evaluations, results of psychometric testing, counseling, disciplinary actions, if any, and other personal matters.

(9) “State workforce agencies” means state agencies that administer workforce programs.

(10) “Workforce development” means services designed to help individuals attain employment and progress along career pathways

and to help businesses better achieve business goals by more easily finding skilled employees. “Workforce development” includes:

(a) Education, training and apprenticeship services;

(b) Labor market analysis;

(c) Employment and reemployment services;

(d) Employee recruitment and retention services; and

(e) Convening, coordinating, oversight and evaluation services for business and state workforce agencies.

(11) “Workforce programs” means programs that have a primary mission of helping individuals become employed, retain employment, increase wages and progress along career pathways and that are responsible for outcomes related to the primary mission. [Formerly 285A.443; 2014 c.49 §2; 2015 c.366 §57; 2017 c.185 §23; 2017 c.297 §1; 2017 c.738 §1]

660.302 Findings and policy. (1) The Legislative Assembly finds that:

(a) A robust and effective workforce system is necessary to produce a highly skilled workforce, to advance more Oregonians into family wage jobs and to help Oregon businesses compete in a global economy.

(b) Oregon’s economy is strongest when all workers are self-sufficient and all businesses can find the talented workforce they need to grow.

(2) The Legislative Assembly declares that:

(a) It will be beneficial to consolidate state-level coordination, employer engagement and oversight responsibilities within the State Workforce and Talent Development Board and to align state investments in workforce development, economic development and education to meet the needs of identified key industries in this state.

(b) It is the policy of this state to promote the coordinated provision of education, employment, economic development and job training to:

(A) Develop a workforce system that is flexible, accountable, outcome-focused and data-driven;

(B) Meet the needs of employers for skilled, committed and innovative employees;

(C) Deliver an effective, efficient, highly integrated and responsive workforce system;

(D) Offer services;

(E) Ensure equity in program access, services and outcomes for populations that have historically experienced high levels of unemployment, underemployment and poverty;

(F) Provide greater economic security and grow a more inclusive and dynamic economy;

(G) Support the economic health of local communities throughout this state with workforce solutions that meet community needs and advance the prosperity of Oregonians and Oregon-based businesses;

(H) Build on the WorkSource Oregon network of state workforce agencies, local workforce development boards, public and private secondary and post-secondary institutions of education and other public and private partners to deliver a comprehensive, robust and outcome-oriented array of services to unemployed and underemployed individuals and to businesses seeking employees;

(I) Support the achievement of Oregon's 40-40-20 goal in conjunction with the education system and private industry to ensure that more Oregonians may access opportunities to gain skills and earn credentials to support their employment goals; and

(J) Support the continuing economic health of the maritime sector in Oregon and provide opportunities for Oregonians to acquire family wage jobs in the maritime sector. [2014 c.49 §1; 2017 c.185 §24; 2017 c.297 §2; 2017 c.738 §2]

660.303 [Formerly 285A.440; repealed by 2014 c.49 §10]

660.306 [Formerly 285A.452; repealed by 2014 c.49 §10]

660.309 [Formerly 411.920; repealed by 2014 c.49 §10]

660.310 Workforce Innovation and Opportunity Act and alternative education programs. For the purposes of the Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), an individual enrolled in an alternative education program as provided by ORS 336.615 to 336.665 may be considered to be an out-of-school youth. [2015 c.239 §2; 2017 c.17 §53]

(State Workforce Development System)

660.312 Education and Workforce Policy Advisor; duties; rules. (1) The Governor shall be responsible for a coordinated and comprehensive response to education and workforce issues. The Governor shall appoint an Education and Workforce Policy Advisor, who serves at the pleasure of the Governor. The advisor shall, with the advice of such advisory committees as may be appointed or assigned, advise the Governor on policy, planning and coordination for education and workforce development in Oregon.

(2) The duties of the advisor shall include:

(a) Guiding the development of state-level policy related to education and workforce issues;

(b) Providing general direction and serving as a liaison between state and local efforts in education, training and workforce development;

(c) Ensuring, through collaboration with the leadership of local workforce development boards, the alignment of statewide and local strategic plans, and the periodic reporting of performance in the implementation of such plans; and

(d) Consulting with local workforce development boards on the development and implementation of a workforce performance measurement system.

(3) In the performance of duties, the advisor shall collectively involve state agencies, including but not limited to:

(a) The Department of Education;

(b) The Higher Education Coordinating Commission;

(c) The Oregon Business Development Department;

(d) The Employment Department;

(e) The Department of Human Services;

(f) The Bureau of Labor and Industries;

(g) The Department of Corrections; and

(h) The public universities with governing boards listed in ORS 352.054.

(4) The advisor shall seek input from key interested parties to help guide policy development, including but not limited to representatives of:

(a) Businesses and industry organizations;

(b) Labor and labor organizations;

(c) Local education providers, community colleges and other public and private post-secondary institutions of education and their governing boards;

(d) Local government;

(e) Student, teacher, parent and faculty organizations;

(f) Community-based organizations;

(g) Public-private partnership organizations;

(h) Independent nonprofit and proprietary post-secondary colleges and schools; and

(i) The State Workforce and Talent Development Board and local workforce development boards.

(5) The advisor shall meet, on a regularly scheduled basis, with the local workforce development boards and such others as necessary to ensure that local interests are

represented. The advisor shall seek input, advice and feedback on policy issues affecting state and local education and workforce development from interested parties and any advisory committees appointed or assigned under this section.

(6) Pursuant to ORS chapter 183, the advisor may adopt rules necessary to carry out the duties of the advisor. [Formerly 285A.455; 2011 c.637 §280; 2013 c.747 §170; 2013 c.768 §148a; 2014 c.49 §§3.4; 2015 c.366 §58; 2017 c.185 §25; 2017 c.297 §3]

660.315 [Formerly 285A.458; 2005 c.242 §3; 2011 c.637 §281; repealed by 2014 c.49 §10]

660.318 Duties of Higher Education Coordinating Commission; rules. (1) To implement and oversee state implementation of the federal Workforce Innovation and Opportunity Act, the Higher Education Coordinating Commission may:

(a) Receive federal youth activities funds allotted to this state by the Secretary of Labor pursuant to the federal Workforce Innovation and Opportunity Act and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce and Talent Development Board and approved by the Governor.

(b) Receive federal adult employment and training activities funds allotted to this state by the Secretary of Labor pursuant to the federal Workforce Innovation and Opportunity Act and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce and Talent Development Board and approved by the Governor.

(c) Receive federal dislocated worker funds allotted to this state by the Secretary of Labor pursuant to the federal Workforce Innovation and Opportunity Act and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce and Talent Development Board and approved by the Governor.

(d) Establish a procedure for use by local workforce development boards to identify eligible providers of training services according to section 3174 of the federal Act and to maintain the list of providers identified as eligible by the boards in all local workforce development areas in this state.

(e) Receive the comprehensive strategic plan developed and implemented by each local workforce development board and review the plan, with input from representatives of state and local workforce programs, to determine if the plan meets the requirements of section 3123 of the federal Act and state policy.

(f) Approve the plans, after review by the State Workforce and Talent Development Board, that are found to meet the require-

ments of the federal Workforce Innovation and Opportunity Act and review and approve any amendments to the plans.

(g) Carry out the required and allowable activities described in section 3174 of the federal Act with the advice of the Education and Workforce Policy Advisor.

(h) Pursuant to ORS 660.339, establish procedures to maintain the confidentiality of the names and records of participants in workforce programs for which the commission is responsible, including circumstances under which the names and records may be disclosed.

(i) Establish a method to set performance standards for the Secretary of Labor as required under section 3141 of the federal Act.

(j) Perform planning functions related to programs and performance reporting under the federal Workforce Innovation and Opportunity Act.

(2)(a) Subject to the availability of funds from the federal Workforce Innovation and Opportunity Act, the commission shall create and operate a summer youth employment program that reestablishes meaningful summer work experience for persons between the ages of 14 and 24 and that meets the requirements for funding under the federal Act.

(b) Programs funded under this subsection:

(A) Must include representatives of the business community in the planning, implementation and evaluation of the program.

(B) May provide for private and public sector employment opportunities.

(C) Shall be managed by local workforce development boards in a manner that coordinates regional state-sponsored youth work experience programs.

(c) Local workforce development boards responsible for managing programs created under this subsection shall provide training for business, labor and education leaders in use of best practices that ensure positive summer work experiences for participants.

(3) The commission shall collaborate with the State Workforce and Talent Development Board and local workforce development boards to collect data on summer work experience programs that identify successful summer work experiences and allow for the identification and dissemination of promising practices.

(4) The commission, in consultation with the State Workforce and Talent Development Board, may adopt rules pursuant to ORS chapter 183 to implement this section. [2001 c.684 §11; 2009 c.836 §6; 2013 c.747 §171; 2015 c.366 §59; 2017 c.185 §26; 2017 c.297 §4]

660.321 State Workforce and Talent Development Board. (1) A State Workforce and Talent Development Board shall be created under section 3111 of the federal Workforce Innovation and Opportunity Act to assist in the development of the Workforce and Talent Development Plan established under ORS 660.324, to carry out the other functions described by the federal Act and to provide strategic planning and recommendations related to state talent development.

(2) The membership of the board must be in accordance with the requirements of section 3111(b) of the federal Act.

(3) Representatives of business described in section 3111(b)(1)(C)(i) of the federal Act who are appointed to the board must be confirmed by the Senate in the manner prescribed under ORS 171.562 and 171.565.

(4) The Governor shall select a chairperson in accordance with the requirements of section 3111(c) of the federal Act.

(5) The Governor shall appoint one member who is a representative of a local workforce development board.

(6) A majority of the board must be representatives of business, as described in section 3111(b)(1)(C)(i) of the federal Act.

(7) Members of the Legislative Assembly appointed to the board are nonvoting members of the board and may act in an advisory capacity only.

(8) To transact business at a meeting of the board, a quorum of voting members must participate. A quorum consists of a majority of the voting members. At least 25 percent of the members participating must be representatives of business, as described in section 3111(b)(1)(C)(i) of the federal Act.

(9) Members of the board are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided for in ORS 292.495. [Formerly 411.926; 2005 c.242 §1; 2011 c.272 §8; 2014 c.49 §5; 2017 c.185 §27; 2017 c.297 §5a]

660.324 Duties of state board; state plan for workforce development system.

(1) The State Workforce and Talent Development Board shall identify:

(a) Key industries in this state and the workforce skills needed for key industries to grow and thrive;

(b) In collaboration with workforce representatives, needs for education, training, work experience, and job preparation to ensure Oregonians access to stable high-wage jobs and employment advancement; and

(c) Opportunities for partnerships with key industry sectors to coordinate workforce

development, economic development and education in response to industry and workforce needs.

(2) The board shall assist the Governor in:

(a) Developing Oregon's workforce development system;

(b) Ensuring timely consultation and collaboration with chief elected officials, local workforce development boards and other workforce stakeholders, including but not limited to business and labor organizations and organizations working with persons with disabilities, persons living at or below 100 percent of the federal poverty guidelines and the chronically unemployed and underemployed;

(c) Reviewing and approving local workforce plans;

(d) Developing, as required by the federal Act, allocation formulas for the distribution of funds to local workforce development areas for adult employment and training activities and for youth activities that are developed by the local workforce development boards;

(e) Working with local workforce development boards to increase efficiencies and align workforce programs and services with local needs;

(f) Recommending the duties and responsibilities of state agencies to implement the federal Act, to avoid conflicts of interest and to capitalize on the experience developed by workforce partners that are efficient and effective at meeting the requirements of the federal Act;

(g) Participating in the development of a coordinated statewide system of activities and services that includes both mandatory and optional partners of the one-stop delivery system, as provided in the federal Act;

(h) Providing for the development, accountability and continuous improvement of comprehensive workforce performance measures to assess the effectiveness of the workforce development activities in this state;

(i) Developing a statewide employment statistics system, as described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49L-2(e)); and

(j) Preparing an annual report and submitting it to the United States Department of Labor.

(3) The State Workforce and Talent Development Board, in partnership with the Governor, shall establish criteria for use by chief elected officials in appointing members to local workforce development boards in accordance with the requirements of section

3122 of the federal Workforce Innovation and Opportunity Act. The State Workforce and Talent Development Board shall establish the following requirements:

(a) To transact business at a meeting of a local workforce development board, a quorum of members must participate. A quorum shall consist of a majority of the members. At least 25 percent of the members participating must be representatives of business.

(b) When appropriate and upon a request from the chief elected official of a county or the City of Portland, the State Workforce and Talent Development Board shall consider the county or the City of Portland to be a candidate for designation as a local workforce development area. The board shall consult with the county or the City of Portland before designating it as a local workforce development area. After considering the criteria in section 3121 of the federal Act for designating local workforce development areas, chief elected officials may submit a request to the board to combine their units of government into a local workforce development area. The board shall make recommendations to the Governor about the designation of local workforce development areas. Only the Governor may designate local workforce development areas. The Governor must show just cause for not designating a requested local workforce development area. A county or the City of Portland may submit an appeal to the board, as provided in section 3121 of the federal Act, if the Governor does not grant the county's or the city's request to designate a local workforce development area.

(4) The State Workforce and Talent Development Board shall provide guidance and direction to local workforce development boards in the development of local workforce plans. The State Workforce and Talent Development Board shall adopt policies that:

(a) Require each local workforce development board, in partnership with its chief elected officials and in accordance with section 3123 of the federal Act, to develop and submit to the Governor and the State Workforce and Talent Development Board a strategic local workforce plan that includes, but is not limited to, performance goals; and

(b) Permit each local workforce development board, in consultation with its chief elected officials:

(A) To determine, consistent with the requirements of the federal Act, the appropriate level of services based on the workforce needs in the local workforce development area; and

(B) To designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(5) The State Workforce and Talent Development Board may charter and enter into performance compacts with local workforce development boards.

(6) The State Workforce and Talent Development Board shall:

(a) Function as the primary advisory committee to the Employment Department in conjunction with the Employment Department Advisory Council established under ORS 657.695;

(b) Collaborate with other advisory bodies also tasked with workforce development, including but not limited to the Oregon State Rehabilitation Council, the Commission for the Blind, the State Apprenticeship and Training Council and the Higher Education Coordinating Commission;

(c) Work with the Chief Education Office and the Oregon Business Development Commission to identify areas of common interest to efficiently align resources, recommend common strategies and provide accountability for reaching statewide goals; and

(d) Hold state workforce agencies and local workforce development boards accountable for meeting performance goals and system outcomes.

(7) The State Workforce and Talent Development Board shall convene, engage and coordinate with senior executives of identified key industries in this state, the Oregon Business Development Commission, the Higher Education Coordinating Commission, the Department of Education, the Bureau of Labor and Industries, the STEM Investment Council, local workforce development boards, the Employment Department, the Department of Human Services, the Commission for the Blind, the Chief Education Office, the Youth Development Council and any other partners from training or workforce development entities in this state to:

(a) Determine needs across identified key industries in this state, including challenges and opportunities in developing and growing relevant talent pipelines;

(b) Ensure that the talent pipeline development infrastructure includes:

(A) A listening process to collect workforce needs of employers from identified key industries in this state;

(B) Curriculum alignment for high-demand occupation skill needs;

(C) Prediction and monitoring of national trends relating to high-demand industries and occupations;

(D) Occupation-aligned education and training options with a clearly articulated progression;

(E) Skills assessments; and

(F) Academic career counseling;

(c) Utilize sector partnerships to:

(A) Advise the development of career pathway programs for critical occupations in identified key industries in this state; and

(B) Ensure the coordination of education, economic development, business and workforce initiatives between key partners to develop a strong talent pipeline;

(d) Leverage and optimize existing measures and data systems to improve systems alignment and interagency communication; and

(e) Ensure state alignment and coordination between industry sector partnerships and initiatives in the local workforce development areas.

(8)(a) Every biennium, the State Workforce and Talent Development Board shall coordinate and collaborate with entities listed under subsection (7) of this section to create a single, unified state Workforce and Talent Development Plan.

(b) The Workforce and Talent Development Plan must include:

(A) A strategy, with quantitative goals, for the statewide workforce development system for the State of Oregon in accordance with section 3111 of the federal Workforce Innovation and Opportunity Act;

(B) Quantifiable goals designed to promote Oregonians' self-sufficiency and that will empower Oregonians to gain independence from public assistance and move up the socioeconomic ladder;

(C) Expectations for performance and the priorities for delivery of services to local workforce development boards and state workforce agencies;

(D) Industry-based information and data from the Employment Department and other agencies and entities listed in subsection (7) of this section related to talent needs and gaps;

(E) Analysis of data regarding the skills required for identified key industry jobs;

(F) Information regarding the status of career pathway programs targeted at identified key industries in this state;

(G) Recommendations related to advancing talent pipeline and career pathways development based on the identified talent issues and trends;

(H) Recommendations regarding the alignment and consistency of data nomenclature, collection practices and data sharing;

(I) Utilization and, as appropriate, expansion of existing data-sharing agreements between agencies and partners;

(J) Identification of talent issues and trends related to identified key industries in this state that are in strategic alignment with state and local workforce and economic priorities;

(K) Identification and prioritization of the urgent talent gaps of identified key industries in this state;

(L) A response to immediate talent needs through the creation of additional opportunities for Oregonians to pursue education and training in disciplines critical to the advancement of identified key industries in this state;

(M) Ways to strengthen efforts to enhance student work experience and job preparedness in high-demand and critical occupations;

(N) New means of delivering workforce training and proficiency-based education to enhance program efficiency, upgrading and sharing resources and facilities and improving student outcomes and access to typically underrepresented populations while meeting talent needs of traded sector and high growth industries; and

(O) Ways to increase the skills of the existing professional and technical workforce, including the issuance of certifications, badges and industry-based credentials.

(c) The State Workforce and Talent Development Board shall:

(A) Update the plan every biennium; and

(B) Submit a report about the plan every year to:

(i) The Governor; and

(ii) The Legislative Assembly in the manner provided by ORS 192.245. [Formerly 411.929; 2005 c.242 §2; 2014 c.49 §6; 2015 c.774 §35; 2017 c.185 §28; 2017 c.297 §7a]

Note: The amendments to 660.324 by section 65, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, including amendments by section 29, chapter 185, Oregon Laws 2017, and section 7b, chapter 297, Oregon Laws 2017, is set forth for the user's convenience.

660.324. (1) The State Workforce and Talent Development Board shall identify:

(a) Key industries in this state and the workforce skills needed for key industries to grow and thrive;

(b) In collaboration with workforce representatives, needs for education, training, work experience, and job

preparation to ensure Oregonians access to stable high-wage jobs and employment advancement; and

(c) Opportunities for partnerships with key industry sectors to coordinate workforce development, economic development and education in response to industry and workforce needs.

(2) The board shall assist the Governor in:

(a) Developing Oregon's workforce development system;

(b) Ensuring timely consultation and collaboration with chief elected officials, local workforce development boards and other workforce stakeholders, including but not limited to business and labor organizations and organizations working with persons with disabilities, persons living at or below 100 percent of the federal poverty guidelines and the chronically unemployed and underemployed;

(c) Reviewing and approving local workforce plans;

(d) Developing, as required by the federal Act, allocation formulas for the distribution of funds to local workforce development areas for adult employment and training activities and for youth activities that are developed by the local workforce development boards;

(e) Working with local workforce development boards to increase efficiencies and align workforce programs and services with local needs;

(f) Recommending the duties and responsibilities of state agencies to implement the federal Act, to avoid conflicts of interest and to capitalize on the experience developed by workforce partners that are efficient and effective at meeting the requirements of the federal Act;

(g) Participating in the development of a coordinated statewide system of activities and services that includes both mandatory and optional partners of the one-stop delivery system, as provided in the federal Act;

(h) Providing for the development, accountability and continuous improvement of comprehensive workforce performance measures to assess the effectiveness of the workforce development activities in this state;

(i) Developing a statewide employment statistics system, as described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49L-2(e)); and

(j) Preparing an annual report and submitting it to the United States Department of Labor.

(3) The State Workforce and Talent Development Board, in partnership with the Governor, shall establish criteria for use by chief elected officials in appointing members to local workforce development boards in accordance with the requirements of section 3122 of the federal Workforce Innovation and Opportunity Act. The State Workforce and Talent Development Board shall establish the following requirements:

(a) To transact business at a meeting of a local workforce development board, a quorum of members must participate. A quorum shall consist of a majority of the members. At least 25 percent of the members participating must be representatives of business.

(b) When appropriate and upon a request from the chief elected official of a county or the City of Portland, the State Workforce and Talent Development Board shall consider the county or the City of Portland to be a candidate for designation as a local workforce development area. The board shall consult with the county or the City of Portland before designating it as a local workforce development area. After considering the criteria in section 3121 of the federal Act for designating local workforce development areas, chief elected officials may submit a request to the board to combine their units of government into a local workforce development area. The board shall make recommendations to the Governor about the designation of local workforce development areas. Only the Governor may designate local workforce development areas. The Governor must

show just cause for not designating a requested local workforce development area. A county or the City of Portland may submit an appeal to the board, as provided in section 3121 of the federal Act, if the Governor does not grant the county's or the city's request to designate a local workforce development area.

(4) The State Workforce and Talent Development Board shall provide guidance and direction to local workforce development boards in the development of local workforce plans. The State Workforce and Talent Development Board shall adopt policies that:

(a) Require each local workforce development board, in partnership with its chief elected officials and in accordance with section 3123 of the federal Act, to develop and submit to the Governor and the State Workforce and Talent Development Board a strategic local workforce plan that includes, but is not limited to, performance goals; and

(b) Permit each local workforce development board, in consultation with its chief elected officials:

(A) To determine, consistent with the requirements of the federal Act, the appropriate level of services based on the workforce needs in the local workforce development area; and

(B) To designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(5) The State Workforce and Talent Development Board may charter and enter into performance compacts with local workforce development boards.

(6) The State Workforce and Talent Development Board shall:

(a) Function as the primary advisory committee to the Employment Department in conjunction with the Employment Department Advisory Council established under ORS 657.695;

(b) Collaborate with other advisory bodies also tasked with workforce development, including but not limited to the Oregon State Rehabilitation Council, the Commission for the Blind, the State Apprenticeship and Training Council and the Higher Education Coordinating Commission;

(c) Work with the Oregon Business Development Commission to identify areas of common interest to efficiently align resources, recommend common strategies and provide accountability for reaching statewide goals; and

(d) Hold state workforce agencies and local workforce development boards accountable for meeting performance goals and system outcomes.

(7) The State Workforce and Talent Development Board shall convene, engage and coordinate with senior executives of identified key industries in this state, the Oregon Business Development Commission, the Higher Education Coordinating Commission, the Department of Education, the Bureau of Labor and Industries, the STEM Investment Council, local workforce development boards, the Employment Department, the Department of Human Services, the Commission for the Blind, the Chief Education Office, the Youth Development Council and any other partners from training or workforce development entities in this state to:

(a) Determine needs across identified key industries in this state, including challenges and opportunities in developing and growing relevant talent pipelines;

(b) Ensure that the talent pipeline development infrastructure includes:

(A) A listening process to collect workforce needs of employers from identified key industries in this state;

(B) Curriculum alignment for high-demand occupation skill needs;

(C) Prediction and monitoring of national trends relating to high-demand industries and occupations;

(D) Occupation-aligned education and training options with a clearly articulated progression;

(E) Skills assessments; and

(F) Academic career counseling;

(c) Utilize sector partnerships to:

(A) Advise the development of career pathway programs for critical occupations in identified key industries in this state; and

(B) Ensure the coordination of education, economic development, business and workforce initiatives between key partners to develop a strong talent pipeline;

(d) Leverage and optimize existing measures and data systems to improve systems alignment and interagency communication; and

(e) Ensure state alignment and coordination between industry sector partnerships and initiatives in the local workforce development areas.

(8)(a) Every biennium, the State Workforce and Talent Development Board shall coordinate and collaborate with entities listed under subsection (7) of this section to create a single, unified state Workforce and Talent Development Plan.

(b) The Workforce and Talent Development Plan must include:

(A) A strategy, with quantitative goals, for the statewide workforce development system for the State of Oregon in accordance with section 3111 of the federal Workforce Innovation and Opportunity Act;

(B) Quantifiable goals designed to promote Oregonians' self-sufficiency and that will empower Oregonians to gain independence from public assistance and move up the socioeconomic ladder;

(C) Expectations for performance and the priorities for delivery of services to local workforce development boards and state workforce agencies;

(D) Industry-based information and data from the Employment Department and other agencies and entities listed in subsection (7) of this section related to talent needs and gaps;

(E) Analysis of data regarding the skills required for identified key industry jobs;

(F) Information regarding the status of career pathway programs targeted at identified key industries in this state;

(G) Recommendations related to advancing talent pipeline and career pathways development based on the identified talent issues and trends;

(H) Recommendations regarding the alignment and consistency of data nomenclature, collection practices and data sharing;

(I) Utilization and, as appropriate, expansion of existing data-sharing agreements between agencies and partners;

(J) Identification of talent issues and trends related to identified key industries in this state that are in strategic alignment with state and local workforce and economic priorities;

(K) Identification and prioritization of the urgent talent gaps of identified key industries in this state;

(L) A response to immediate talent needs through the creation of additional opportunities for Oregonians to pursue education and training in disciplines critical to the advancement of identified key industries in this state;

(M) Ways to strengthen efforts to enhance student work experience and job preparedness in high-demand and critical occupations;

(N) New means of delivering workforce training and proficiency-based education to enhance program efficiency, upgrading and sharing resources and facilities

and improving student outcomes and access to typically underrepresented populations while meeting talent needs of traded sector and high growth industries; and

(O) Ways to increase the skills of the existing professional and technical workforce, including the issuance of certifications, badges and industry-based credentials.

(c) The State Workforce and Talent Development Board shall:

(A) Update the plan every biennium; and

(B) Submit a report about the plan every year to:

(i) The Governor; and

(ii) The Legislative Assembly in the manner provided by ORS 192.245.

Note: Sections 3 and 4, chapter 738, Oregon Laws 2017, provide:

Sec. 3. Task Force on Maritime Sector Workforce Development. (1) The Task Force on Maritime Sector Workforce Development is established.

(2) The task force consists of 17 members appointed as follows:

(a) The President of the Senate shall appoint two members from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives.

(c) The Governor shall appoint 13 members as follows:

(A) One member who represents commercial fishing interests;

(B) One member who represents recreational fishing interests;

(C) One member who represents the marine construction or repair industry;

(D) One member who represents the marine vessel construction or repair industry;

(E) One member who represents marine transportation or transit services;

(F) One member who represents mariners;

(G) One member who represents cities;

(H) One member who represents counties;

(I) One member who represents ports;

(J) One member who represents the State Workforce and Talent Development Board;

(K) One member who represents Clatsop Community College;

(L) One member who represents Oregon Coast Community College; and

(M) One member who represents Oregon State University.

(3) In making appointments under subsection (2) of this section, the President of the Senate and the Speaker of the House of Representatives shall prioritize appointing to the task force members of the Senate and members of the House of Representatives who represent coastal districts or districts that border the Columbia River.

(4) The task force shall:

(a) Study and develop a description of the scope and extent of the maritime sector and the maritime sector workforce in Oregon, which shall include those members of the maritime sector workforce who are Oregon taxpayers but who work outside Oregon.

(b) Develop recommendations for the State Workforce and Talent Development Board to address the maritime sector in the unified plan for a statewide workforce investment system required by ORS 660.324.

Recommendations developed under this paragraph shall take into account:

- (A) The needs of the maritime sector in Oregon;
 - (B) The continuing economic health of the maritime sector in Oregon; and
 - (C) Opportunities for Oregonians to acquire family wage jobs in the maritime sector.
- (5) A majority of the voting members of the task force constitutes a quorum for the transaction of business.
 - (6) Official action by the task force requires the approval of a majority of the voting members of the task force.
 - (7) The task force shall elect one of its members to serve as chairperson.
 - (8) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.
 - (9) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.
 - (10) The task force may adopt rules necessary for the operation of the task force.
 - (11) The task force shall no later than September 15, 2018, submit a report in the manner provided by ORS 192.245, that may include recommendations for legislation, to:
 - (a) One or more interim committees of the Legislative Assembly related to workforce development; and
 - (b) The State Workforce and Talent Development Board for the board's consideration when updating or amending the unified plan for a statewide workforce investment system required by ORS 660.324.
 - (12) The Association of Oregon Counties shall provide staff support to the task force, dependent on resources available for such purposes.
 - (13) Members of the Legislative Assembly appointed to the task force are nonvoting members of the task force and may act in an advisory capacity only.
 - (14) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.
 - (15) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the task force's duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advise the members of the task force consider necessary to perform their duties. [2017 c.738 §3]

Sec. 4. Section 3 of this 2017 Act is repealed on December 31, 2018. [2017 c.738 §4]

660.327 Duties of local workforce development boards. In accordance with section 3122 of the federal Act, each local workforce development board shall:

- (1) Consistent with section 3123 of the federal Act, in partnership with the chief elected official for the local area involved, develop and submit a local plan to the Governor. The local plan must:
 - (a) Be developed by the local workforce development board with local workforce partners;
 - (b) Identify strategies and outcomes that the local workforce development board will

implement in the local workforce development area;

- (c) Make all parties to the local plan accountable for carrying out the strategies and achieving the outcomes identified in the local plan; and
- (d) Be submitted to and approved by the State Workforce and Talent Development Board.

(2) Consistent with section 3151(d) of the federal Act, with the agreement of the chief elected official, designate or certify one-stop operators as described in section 3151(d)(2)(A) of the federal Act and may terminate for cause the eligibility of such operators.

(3) Consistent with section 3153 of the federal Act, identify eligible providers of youth activities in the local area and award grants or contracts on a competitive basis to those providers, based on recommendations of a youth council.

(4) Consistent with section 3152 of the federal Act, identify eligible providers of training services described in section 3174(d)(4) of the federal Act.

(5) Subject to the approval of the chief elected official, develop a budget for the purpose of carrying out the duties of the local workforce development board under section 3122 of the federal Act.

(6) In partnership with the chief elected official, provide oversight of local programs of youth activities authorized under section 3164 of the federal Act, local employment and training activities authorized under section 3174 of the federal Act and the one-stop delivery system in the local area.

(7) With the chief elected official and the Governor, negotiate and reach agreement on local performance measures as described in section 3141(c) of the federal Act.

(8) Coordinate the workforce development activities authorized under the federal Act and carried out in the local area with economic development strategies and develop other employer linkages with such activities.

(9) Promote the participation of private sector employers in the statewide workforce development system and ensure the effective provision, through the system, of connecting, brokering and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs. [2001 c.684 §12; 2014 c.49 §7; 2017 c.185 §30; 2017 c.297 §8]

660.330 One-stop delivery system; service providers. (1) The State Workforce and Talent Development Board and local workforce development boards shall ensure that

Oregon's one-stop delivery system under the federal Workforce Innovation and Opportunity Act is the foundation of local service delivery to employers and participants.

(2) One-stop partners shall include, but are not limited to, those described in section 3151 of the federal Act and programs referenced under section 3151(b) of the federal Act.

(3) This section does not restrict the authority of local workforce development boards to select providers and one-stop operators, or to set goals or policies, under the federal Act. [Formerly 411.935; 2017 c.185 §31; 2017 c.297 §9]

660.333 Use of funds; one-stop delivery system services. (1) The State Workforce and Talent Development Board shall advise the Governor as required under section 3111 of the federal Workforce Innovation and Opportunity Act and on matters pertaining to the use of funds under section 3174 of the federal Act.

(2) As a part of the core services required by section 3174(c)(2)(A)(vi)(I) of the federal Act, the one-stop delivery system, as described in section 3151(e) of the federal Act, shall provide timely listings of all job opportunities, consistent with statute or rule, to a participant immediately upon application by the participant for services offered by the one-stop delivery system.

(3) Intensive services offered by the one-stop delivery system may include drug and alcohol rehabilitative services meeting minimum standards established pursuant to ORS 430.357.

(4) Local workforce development boards shall determine whether funds will be used as provided in section 3174(d)(3) of the federal Act.

(5) Participants may receive training in accordance with section 3174 of the federal Act. In addition, a participant who is employed in a subsidized or unsubsidized job and who needs training may receive an individual training account that allows the participant to choose among training providers, except as provided in section 3174(c)(3)(G)(ii) of the federal Act.

(6) Any funds expended under ORS 660.300 to 660.364 shall be from funds appropriated by the Legislative Assembly or within any expenditure limitations placed on federal funds by the Legislative Assembly. [Formerly 411.932; 2011 c.673 §41; 2017 c.185 §32; 2017 c.297 §10]

660.334 Agreements to create entities to perform workforce development activities. (1) As used in this section:

(a) "Federal Act" has the meaning given that term in ORS 660.300.

(b) "One-stop delivery system" means the one-stop delivery system described in ORS 660.330 and 660.333.

(c) "State agency" has the meaning given that term in ORS 190.430.

(d) "Unit of local government" has the meaning given that term in ORS 190.003.

(2) To create an entity to perform functions and activities under the federal Act and the one-stop delivery system, a state agency may enter into a written agreement with:

(a) A unit of local government.

(b) An intergovernmental entity created by units of local government.

(c) An entity created by a unit of local government and a person.

(d) An entity created by a state agency, a unit of local government and a person.

(e) An entity created by a state agency, an intergovernmental entity and a person.

(3) Functions and activities of an entity created under this section may include, but are not limited to, employment services, job training and job placement.

(4) The parties to an agreement under this section shall appoint a board or commission to govern the entity created under this section. [Formerly 660.342]

Note: 660.334 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 660 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

660.336 Reports on performance of local training providers and programs. (1) The designated state agency and state level fiscal agent for the federal Workforce Innovation and Opportunity Act shall provide customers of the one-stop delivery system with reports containing information about the performance of training providers and programs in each local area.

(2) In order for customers to have choices in deciding the training program that best fits their needs and the organization that best provides that service, and in order for customers to have information about how well training providers succeed in preparing people for jobs, the reports shall include information about:

(a) Training programs and the organizations that provide the programs; and

(b) The success rate of the programs in preparing people for jobs.

(3) The reports shall present the information in a manner that allows a customer to easily understand the options that are available in choosing a program of training services. [2001 c.684 §10; 2017 c.185 §33; 2017 c.297 §11]

660.339 Participant records; confidentiality; when records available for inspection or release; rules. (1) All participant records maintained by the local workforce development boards or any public or private agency involved in programs under the federal Workforce Innovation and Opportunity Act shall be confidential and except as provided in ORS 660.300 to 660.364 shall be open for inspection only in accordance with policies adopted by the Higher Education Coordinating Commission.

(2) A participant may provide written consent for the examination or release of any record pertaining to the participant.

(3) All information contained in participant files shall be available for inspection by the participant and by the participant's parent or legal guardian if the participant is under 18 years of age. Participant behavioral records shall be released only in the presence of an individual qualified to explain or interpret the records.

(4) The commission may adopt policies and rules to provide the circumstances under which participant names or records may be made available for inspection when:

(a) Ordered by a court of competent jurisdiction.

(b) Necessary to protect the health or safety of a participant or another.

(c) Necessary to provide information to state and local agencies administering ORS 412.001 to 412.161 and 412.991 and ORS chapters 418 and 657, other programs under the federal Workforce Innovation and Opportunity Act and other mandatory programs under this state's one-stop service delivery system.

(d) Necessary for program staff work or studies of a statistical or demographic nature.

(e) Necessary to carry out the planning and coordinating functions between state and local agencies under the federal Workforce Innovation and Opportunity Act, other applicable state laws or those functions assigned by the Education and Workforce Policy Advisor. [Formerly 285A.446; 2015 c.366 §60; 2017 c.185 §34; 2017 c.297 §12]

660.340 Oregon Employer Workforce Training Program; rules. (1) There is created in the Higher Education Coordinating Commission the Oregon Employer Workforce Training Program. Subject to the availability of funding, and in consultation with the State Workforce and Talent Development Board, the commission shall operate, and local workforce development boards shall manage, the program for the purpose of:

(a) Assisting businesses and consortia of businesses in implementing projects that identify and provide cost-effective solutions to the issues of employee training, retention and advancement;

(b) Maximizing the utilization of public and private resources for providing training to employed persons in skills that are responsive to the need of businesses and industries in Oregon to become and to remain competitive on the national and international level; and

(c) Responding to the need of workers in Oregon to develop current job skills necessary to meet the current and future needs of employers.

(2)(a) Businesses in industries identified in the plans developed by local workforce development boards as required by ORS 660.327 are eligible to participate in projects selected for participation in the program.

(b) Priority for approval of projects submitted under this subsection shall be given to businesses in industries that have the greatest impact on the local economy and emerging green jobs.

(3) Local workforce development boards shall:

(a) Identify businesses and consortia of businesses for potential participation in the program;

(b) Develop and implement an application process for projects proposed for the program;

(c) Notwithstanding the provisions of the Public Contracting Code, use an open and competitive procurement process for agreements entered into with participants in the program;

(d) Require that businesses participating in a project provide private sector funding equal to the amount of state funding provided for the project; and

(e) Track and report to the commission the outcomes of projects implemented in the local workforce development area, including, but not limited to:

(A) The number of businesses participating in approved projects;

(B) The number and types of projects completed;

(C) The number of employees receiving training;

(D) The number of jobs retained or created by the businesses participating in the project; and

(E) The value of the private sector funding provided.

(4) The commission shall adopt rules necessary for the implementation and operation of the program created under subsection (1) of this section. The rules shall include, but are not limited to, a process by which moneys may be appropriated and allocated to the local workforce development boards to support projects identified by the local workforce development boards under subsection (3) of this section. [2011 c.702 §2; 2013 c.747 §172; 2015 c.366 §61; 2017 c.185 §35; 2017 c.297 §13]

660.341 Oregon Employer Workforce Training Fund. The Oregon Employer Workforce Training Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Employer Workforce Training Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Higher Education Coordinating Commission for the purposes of ORS 660.340. [2011 c.702 §3; 2015 c.366 §62]

660.342 [2003 c.149 §1; renumbered 660.334 in 2009]

660.343 Oregon National Career Readiness Certification Program; rules; annual report. (1) There is created in the Higher Education Coordinating Commission the Oregon National Career Readiness Certification Program to certify the workplace and college readiness skills of Oregonians and to better prepare Oregonians for continued education and workforce training, successful employment and career advancement in a demand-driven, skills-based economy.

(2) Program services may be offered through public high schools, community colleges, local and regional career centers and any other institutions determined to be appropriate by the commission to residents of Oregon and to employees of businesses located in Oregon.

(3) Services provided by the program shall include, but are not limited to:

(a) An assessment process that identifies the proficiency level of program participants in work-ready skills including, but not limited to, reading, applied mathematics, locating information and any additional skills determined by the commission to be necessary to meet business and industry skill demands;

(b) Targeted instruction and remedial skills training to provide work-ready skills in which program participants are not proficient, as determined by the assessment process described in paragraph (a) of this subsection, and that have been identified by the commission as work-ready skills required by local employers;

(c) Issuance of a National Career Readiness Certificate to program participants who

demonstrate proficiency in work-ready skills, as determined by the assessment process described in paragraph (a) of this subsection, and who satisfy any other requirements for certification adopted by the commission by rule;

(d) Providing information to school districts, community colleges and community college service districts about the National Career Readiness Certificate and the assessments, targeted instruction and remedial skills training available through the program; and

(e) An online database that:

(A) Serves as the repository for National Career Readiness Certificate attainment data.

(B) Provides online access to program data that enables employers to determine the work skill proficiency level of individual program participants and to locate certified individuals on a statewide or regional basis.

(C) Provides individual program participants the opportunity for career exploration, continuing education, job readiness practice and job searches.

(D) Provides individual program participants the opportunity to opt out of the database in accordance with rules adopted by the commission.

(4) The commission, after consultation with the State Workforce and Talent Development Board and the Department of Education, shall adopt rules for the implementation and administration of the program created under subsection (1) of this section.

(5) By September 1 of each year, school districts, community colleges and community college service districts shall report to the commission the rate of participation in and the total number of students enrolled in the district or community college who utilized the services provided by the program in the most recently concluded school year.

(6) The commission shall submit a report on program outcomes and recommendations for improving and funding the program to the appropriate interim legislative committees and to the Governor by December 1 of each year. The report shall include a summary of the information required under subsection (5) of this section. [2009 c.836 §2; 2011 c.148 §1; 2013 c.747 §192; 2015 c.366 §63; 2017 c.185 §36; 2017 c.297 §14]

660.346 Integrated workforce delivery system; occupational prioritization; rules.

(1)(a) The Higher Education Coordinating Commission, in collaboration with the Employment Department and the State Workforce and Talent Development Board, shall develop and implement a demand-driven, skills-based integrated workforce delivery

system focused on skills and talent development.

(b) The integrated workforce delivery system implemented under paragraph (a) of this subsection must include, and the commission shall maintain, a workforce training inventory of prioritized occupations.

(c) The commission shall prioritize recommendations for the allocation of workforce training resources by the integrated workforce delivery system based on occupational prioritization data developed by the Employment Department.

(2) The commission shall adopt rules necessary for the implementation and administration of the integrated workforce delivery system developed under subsection (1) of this section. [2009 c.836 §3; 2015 c.366 §64; 2017 c.185 §37; 2017 c.297 §15]

660.349 Grant program for collaborative pilot projects providing high school students experience and education in architecture, construction trades and engineering; rules. (1)(a) There is created in the Office of Community Colleges and Workforce Development a program to make grants to pilot projects to promote hands-on experience and education in the fundamentals and core competencies in architecture, construction trades and engineering for high school juniors and seniors.

(b) Pilot projects funded by the program created under this subsection shall be based on collaborative efforts between local school districts, community colleges, business organizations and labor organizations that provide participants the opportunity for education and training in skills required to meet the workforce development needs of local, regional and statewide employers.

(c) The office may apply for and receive grants and gifts from public and private sources to fund grants provided under this section.

(2) The program created under subsection (1) of this section for making grants to pilot projects shall ensure that:

(a) Local communities are informed about the availability of the grants;

(b) The pilot projects are geographically distributed throughout Oregon;

(c) Urban and rural participants have equal opportunity to access quality educational opportunities;

(d) Representatives of related, ongoing community efforts assist in the implementation of architecture, construction trades and engineering education and training; and

(e) The program and timelines are designed to minimize barriers to receiving funds.

(3) When considering applications for grants, the program shall give priority to pilot projects that:

(a) Provide access for high school juniors and seniors to architecture, construction trades and engineering education and training through the efforts of local and regional career centers and public-private consortia;

(b) In combination with other projects receiving funds, contribute to architecture, construction trades and engineering education and training opportunities in every part of the state;

(c) Use private and federal funds;

(d) Facilitate sharing of resources through public-private partnerships including collaboration among local school districts, community colleges, business organizations and labor organizations;

(e) Have a long-term strategic plan and lack only the necessary financial resources;

(f) Help students connect education and training with career planning and job opportunities through local and regional career centers implemented under the federal Workforce Innovation and Opportunity Act;

(g) Provide articulated secondary and post-secondary education programs that are designed to lead to a degree or industry-specific skills certification; and

(h) Establish short-term training programs that meet the immediate needs of local and regional employers.

(4)(a) The office shall include in the program created under subsection (1) of this section a process for the certification of instructors for the program to provide education and practical experience in architecture, construction trades and engineering.

(b) The office shall adopt by rule requirements for the certification of instructors described in paragraph (a) of this subsection.

(c) Notwithstanding the requirements adopted under paragraph (b) of this subsection, a person qualified to serve as an instructor in a state-recognized apprenticeship program is qualified for certification as an instructor for projects implemented under this section. [2009 c.836 §4; 2015 c.366 §65; 2017 c.185 §38; 2017 c.297 §16]

660.352 Youth Employment Enhancement Fund. The Youth Employment Enhancement Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Youth Employment Enhancement Fund are continuously appropriated to the Higher Education Coordinating Commission for the purposes of ORS 660.349. [2009 c.836 §5; 2015 c.366 §66]

660.353 Oregon Youth Employment Program; rules. (1) There is created in the Higher Education Coordinating Commission the Oregon Youth Employment Program. Subject to the availability of funding, the commission shall create and operate, and local workforce development boards shall manage, the program to provide meaningful work experience and workforce training for persons between the ages of 14 and 24.

(2) The program shall provide to participants in the program case management and support services that include, but are not limited to:

(a) Developing an individual development plan for the participant that outlines work readiness, career and educational goals;

(b) Work readiness instruction;

(c) At least 12 weeks of paid internships or other work experience; and

(d) Academic support for earning high school graduation credit, completion of approved high school equivalency programs such as the General Educational Development (GED) certificate program or earning college credit for work experience or internships provided through the program.

(3) The program:

(a) Plan, implementation procedures and evaluation criteria shall be described in the local plan developed by a local workforce development board under ORS 660.327.

(b) May provide for public and private sector employment opportunities.

(4) Local workforce development boards responsible for managing the program shall ensure appropriate training and positive work experiences for participants.

(5) The commission shall collaborate with the local workforce development boards to collect data on youth work experience programs that identify successful work experiences and allow for the identification and dissemination of the most promising practices. The data collected shall also include the number of participants in the program, the number of participants that complete the program, the cost of internships and other work experiences provided, the academic credit earned by participants and the number of certificates for passing approved high school equivalency tests such as the General Educational Development (GED) test earned by participants.

(6) The commission shall adopt rules necessary for the implementation and operation of the program created under subsection (1) of this section. The rules shall include, but are not limited to, establishing eligibility criteria for persons participating in the pro-

gram. [2011 c.702 §4; 2015 c.366 §67; 2017 c.66 §25; 2017 c.185 §39; 2017 c.297 §17]

660.354 Oregon Youth Employment Fund. The Oregon Youth Employment Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Youth Employment Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Higher Education Coordinating Commission for the purposes of ORS 660.353. [2011 c.702 §5; 2015 c.366 §68]

(Development of Green Jobs)

660.355 Definitions for ORS 660.355 to 660.364. As used in ORS 660.355 to 660.364:

(1) “Green job” means a job that provides a service or produces a product that:

(a) Increases energy efficiency;

(b) Produces renewable energy;

(c) Prevents, reduces or mitigates environmental degradation;

(d) Cleans up and restores the natural environment; or

(e) Provides education, consultation, policy promotion, accreditation, trading and offsets or similar supporting services for any of the activities identified in this subsection.

(2) “Targeted population” means:

(a) Entry level or similar workers in high demand green job careers who are in or preparing for high wage green jobs;

(b) Dislocated workers in declining industries who are in or are seeking training for high wage green jobs;

(c) Dislocated workers in the forest products, agricultural or energy sectors who are in or are seeking training for high wage green jobs;

(d) Veterans who are residents of Oregon or members of the Oregon National Guard; or

(e) Members of disadvantaged groups. [2009 c.887 §2; 2011 c.452 §1]

660.358 Green jobs growth initiative plan. (1) The State Workforce and Talent Development Board, in consultation with the Governor, the Education and Workforce Policy Advisor and other parties deemed appropriate by the board and after consideration of the clean energy and energy efficiency policies of this state, shall develop a plan for a green jobs growth initiative to promote the development of emerging technologies and innovations that lead to, create or sustain family wage green jobs.

(2) The plan for the initiative developed by the board shall:

(a) Identify industries that are high demand green industries based on current and projected creation of family wage green jobs and the potential for career pathways created for such jobs.

(b) Use the needs of identified high demand green industries as the basis for the planning of workforce development activities that promote the development of emerging green technologies and innovations. These activities include, but are not limited to, such efforts undertaken by community colleges, public universities listed in ORS 352.002, designated signature research centers, registered apprenticeship programs and other private sector training programs.

(c) Leverage and align existing public workforce development programs and other public and private resources to the goal of recruiting, supporting, educating and training of targeted populations of workers.

(d) Require the board to work collaboratively with stakeholders from business, labor and low income advocacy groups in the regional economy to develop and implement the initiative.

(e) Link adult basic and remedial education programs with job training for skills necessary for green jobs.

(f) Require the board to collaborate with employers and labor organizations to identify skills and competencies necessary for green job career pathways.

(g) Ensure that support services are integrated with education and training for green jobs and that such services are provided by organizations with direct access to and experience with targeted populations.

(h) Include an analysis of occupations in the forest products industry to:

(A) Determine key growth factors and employment projections for green jobs in the forest products industry; and

(B) Define the educational and skill standards required for current and emerging green occupations in the forest products industry.

(3) Based on the analysis conducted under subsection (2)(h) of this section, the State Workforce and Talent Development Board, in consultation with the Education and Workforce Policy Advisor, shall identify those forest products industries to be classified as high-demand green industries, taking into consideration current and future job creation and the strategic importance of the develop-

ment of high-demand green forest products industry jobs to the development and growth of the state's green economy.

(4) As used in this section, "forest products industry" includes, but is not limited to, businesses that grow, manage, harvest, transport or process forest, wood and paper products. [2009 c.887 §3; 2011 c.452 §2; 2011 c.637 §282; 2013 c.768 §149; 2017 c.185 §40; 2017 c.297 §18]

660.361 Green jobs and green economy terminology. The State Workforce and Talent Development Board, in consultation with state agencies, boards, commissions and private entities deemed appropriate by the State Workforce and Talent Development Board shall develop a list of defined terms related to green jobs and the green economy that are consistent with current workforce development and economic development terminology. [2009 c.887 §4; 2017 c.185 §41; 2017 c.297 §19]

660.364 Financial incentives and comprehensive strategies to promote green economy and green technology and innovation. The Oregon Business Development Department, in consultation with the State Workforce and Talent Development Board, shall:

(1) Develop criteria for existing investments and new or expanded financial incentives and comprehensive strategies to recruit, retain and expand green economy industries, including but not limited to forest products industries as defined in ORS 660.358, and small businesses.

(2) Make recommendations for new or expanded financial incentives and comprehensive strategies to stimulate research and development of green technology and innovation. [2009 c.887 §6; 2011 c.452 §3; 2017 c.185 §42; 2017 c.297 §20]

660.367 Legislative findings. The Legislative Assembly finds that the development of green jobs is essential to the economic well-being of Oregonians and encourages the Governor to support clean technology and efforts to prepare workers for employment in green jobs. [2009 c.887 §8]

660.370 Payment of costs. The payment of costs associated with ORS 660.355 to 660.364 is the responsibility of the Office of the Governor and those costs shall be paid from moneys available for disbursement at the direction of the Governor. [2009 c.887 §7]

660.990 [Amended by 1967 c.6 §26; repealed by 1981 c.764 §20]

