

Chapter 660

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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 Investment 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]

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 institutions. [1981 c.764 §10; 1987 c.320 §243; 2007 c.620 §9; 2011 c.140 §8]

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 State Board of Education 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]

Note: The amendments to 660.157 by section 191, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

660.157. (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; and
 - (b) By the State Board of Education for apprenticeship training credit and toward 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 organiza-

tion may prescribe criteria for enrollment into the course of study.

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 State Board of Education; rules. The State Board of Education, 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 journeyworkers 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]

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 State Board of Education, 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]

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 addi-

tional 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) “Department” means the Department of Community Colleges and Workforce Development.

(3) “Federal Act” or “federal Workforce Investment Act” means the federal Workforce Investment Act of 1998 (enacted as P.L. 105-220 and codified as 29 U.S.C. 2801 et seq.).

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

(5) “Local workforce investment board” means a board established pursuant to sec-

tion 2832 of the federal Workforce Investment Act of 1998.

(6) “Participant” means a person receiving services under Title I-B of the federal Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(7) “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.

(8) “Title I-B” means the adult, dislocated worker and youth programs delivered under the federal Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.). [Formerly 285A.443]

660.303 Findings and policy. The Legislative Assembly finds that job training is an essential component in promoting the economic development of Oregon and the economic well-being of the citizens of this state. Therefore, the Legislative Assembly declares that it is the policy of this state to promote the coordinated provision of education, employment and job training to achieve the following goals:

(1) Develop the human resources of Oregon, by preparing citizens for careers and job opportunities which will provide for their long-term economic security;

(2) Aid the economically disadvantaged citizens of this state to attain long-term self-sufficiency, especially those living in distressed rural and inner city areas;

(3) Coordinate the delivery of all employment, job training, retraining, apprenticeship training and related educational programs to assure the efficient and effective provision of needed services;

(4) Promote local initiative and innovation to flexibly and responsibly meet the special needs of businesses and individuals in different regions of the state;

(5) Promote employee and employer participation in efforts to improve productivity, through improvements in worker skills and management practices thereby enhancing the competitiveness of Oregon’s workforce;

(6) Provide retraining assistance to workers displaced by the changing economy, particularly older workers; and

(7) Promote expansion of the state’s economy consistent with the following criteria:

(a) Increase the number of family wage jobs in this state.

(b) Promote economic recovery in small cities heavily dependent on a single industry.

(c) Emphasize development in underdeveloped rural areas of this state.

(d) Utilize the educational resources available at community colleges and other higher education institutions.

(e) Support the development of the state's small businesses, especially businesses owned by women and members of minority groups.

(f) Encourage the use of Oregon's human and natural resources in endeavors which harness Oregon's economic comparative advantages.

(g) Assist businesses selling goods and services in markets for which national or international competition exists. [Formerly 285A.440]

660.306 Findings and policy; purpose of ORS 660.306, 660.312 and 660.315. (1) The Legislative Assembly finds that all Oregonians should benefit from the advantages of Oregon's growing economy. The responsiveness and flexibility of providers of education and workforce development services are critical to the continued success of Oregon's economy. Involvement of key interested parties in identifying current and future workforce needs will be critical to matching the needs of the workplace and economy with the development of trained workers. Therefore, it is hereby declared the policy of the state to support and promote the best possible education, training and employment for its citizens through effective statewide policy, planning, coordination and service delivery.

(2) It is the purpose of ORS 660.306, 660.312 and 660.315 to provide advisory and technical services under the executive direction of the Governor to support the efforts of state government:

(a) To integrate education and workforce development by coordinating the contributions of participating segments and providers;

(b) To achieve and maintain excellence in education, training and employment; and

(c) To connect education to social and economic commitments generally and workforce development in particular.

(3) The Legislative Assembly further finds that the statewide workforce development and education coordinating functions established in ORS 660.306, 660.312 and 660.315 include job creation and economic development activities within the meaning of section 4 (3), Article XV of the Oregon Constitution. [Formerly 285A.452]

660.309 Policy. (1) It is the policy of the State of Oregon that implementing an integrated workforce investment system will help workers take responsibility for building a better future for themselves and their families.

(2) A workforce investment system should be a consumer-driven system, accountable and responsive to the needs of employers and job seekers.

(3) To build on current workforce models and remain in compliance with the federal Workforce Investment Act of 1998, Oregon must maximize local flexibility consistent with statewide goals and must preserve business, labor and community involvement in state and local governing boards.

(4) To implement the federal Act, Oregon must apply the necessary workforce resources to carry out its assigned responsibilities and must delegate accountability and authority, as allowed under the federal Act, to each governing entity of the workforce investment system.

(5) These objectives can be accomplished under the auspices of a State Workforce Investment Board and local workforce investment boards that enlist the views of a diverse group of business, labor, community, education and government leaders to develop a strategic plan for workforce development in Oregon.

(6) The strategic plan should provide for the development of a comprehensive, consumer-driven employment and career development system that meets the needs of all members of the workforce, including those entering the workforce for the first time, those in transition to employment and those currently employed who are seeking to enhance their skills for continued career advancement. [Formerly 411.920]

(State Workforce Investment 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 investment

boards and regional workforce committees, the alignment of statewide, local and regional strategic plans, and the periodic reporting of performance in the implementation of such plans; and

(d) Consulting with local workforce investment boards and regional workforce committees 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 Oregon University System;
- (c) The Oregon Business Development Department;
- (d) The Department of Community Colleges and Workforce Development;
- (e) The Employment Department;
- (f) The Department of Human Services;
- (g) The Bureau of Labor and Industries;
- (h) The Department of Corrections;
- (i) The Teacher Standards and Practices Commission; and
- (j) 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;
- (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) Regional workforce committees, local workforce investment boards and regional investment boards.

(5) The advisor shall meet, on a regularly scheduled basis, with the local workforce investment boards, regional workforce committees 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, regional and local education and workforce development from interested parties and other committees formed under ORS 660.306, 660.312 and 660.315.

(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]

Note: The amendments to 660.312 by section 170, chapter 747, Oregon Laws 2013, and section 148a, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

660.312. (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 investment boards and regional workforce committees, the alignment of statewide, local and regional strategic plans, and the periodic reporting of performance in the implementation of such plans; and
- (d) Consulting with local workforce investment boards and regional workforce committees 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 Oregon University System;
- (c) The Oregon Business Development Department;
- (d) The Department of Community Colleges and Workforce Development;
- (e) The Employment Department;
- (f) The Department of Human Services;
- (g) The Bureau of Labor and Industries;
- (h) The Department of Corrections;
- (i) The Oregon Student Access Commission; and
- (j) The Teacher Standards and Practices Commission.

(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;
- (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) Regional workforce committees, local workforce investment boards and regional investment boards.

(5) The advisor shall meet, on a regularly scheduled basis, with the local workforce investment boards, regional workforce committees 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, regional and local education and workforce development from interested parties and other committees formed under ORS 660.306, 660.312 and 660.315.

(6) Pursuant to ORS chapter 183, the advisor may adopt rules necessary to carry out the duties of the advisor.

660.315 Regional workforce committees; duties; strategic regional workforce plans.

(1) The Governor shall designate regional workforce committees to advise the Governor, local workforce investment boards that represent federally recognized workforce areas containing multiple regions, and county elected officials on regional and local needs for workforce development. The committees shall also prepare plans for achieving regional goals and coordinate the provision of services within regions. The committees shall have private and public sector members. However, a majority of the members of each committee shall represent the private sector and include business and labor representatives. The chairperson of each committee shall be a private sector member and be elected by the committee.

(2) The private sector committee members shall play a critical role in workforce development, including but not limited to:

- (a) Identifying current and future workforce needs;
- (b) Providing feedback on public sector programs;
- (c) Assisting public agencies in changing programs to be more effective in meeting private sector needs; and
- (d) Being a partner in addressing workforce needs.

(3) Private sector members of a committee created under this section shall be appointed by county commissioners and, in the region that includes the City of Portland, the Mayor of Portland. The members of the committee shall reflect the broadest feasible representation from the groups described in ORS 660.312 (4)(a) to (h).

(4) The public sector representatives on the committee are representatives who receive resources and deliver education and workforce programs within the labor market area. Public sector members shall include the broadest feasible representation from, but not be limited to, the following:

- (a) The Department of Human Services;
- (b) School districts, education service districts, community colleges, public universities listed in ORS 352.002 and Oregon Health and Science University;

(c) The Oregon Business Development Department and local economic development entities;

- (d) The Employment Department;
- (e) The federal Act programs; and
- (f) Other public sector partners.

(5) A region may recommend to the Governor an alternate structure for its regional committee, based on regional determination and mutually agreed to by the current public and private sector members of the regional workforce committee and the chief elected officials. The alternate structure must retain a private sector chairperson, appointments of the private sector members as provided in subsection (3) of this section, and substantive public and private sector and other stakeholder participation through formalized methods, such as standing committees.

(6) A regional workforce committee shall develop and implement a strategic regional workforce plan that responds to the current and future workforce needs of the regional labor market.

(7) The strategic regional workforce plan shall:

- (a) Consider the supply and demand outlook for the region;
- (b) Identify and prioritize initiatives and resources, both public and private, to meet the regional workforce needs;
- (c) Articulate and include the coordination of both public and private resources in addressing the workforce needs and goals; and
- (d) Ensure the most appropriate use of resource investments.

(8) The regional workforce committee shall create or enhance the workforce program delivery system to meet the strategic priorities of the region and any strategic priorities of a federally recognized workforce area that includes that region.

(9) Within each region, or within overlapping regions, regional workforce committees, local workforce investment boards and regional investment boards shall coordinate their planning efforts to ensure that the strategic efforts and resource allocation of economic and workforce development of an area are consistent. Regional workforce committees and regional investment boards will extend opportunities to other entities engaged in economic and workforce development programs and services to participate in their joint or integrated strategic planning.

(10)(a) A local workforce investment board that represents a multiregional workforce area shall hold regional workforce committees in the area accountable for any

policy and operational responsibilities under 2832(d) of the federal Act that is delegated to the committees in accordance with state policy and local workforce investment board policy.

(b) A regional workforce committee within a multiregional workforce area is accountable to the local workforce investment board for any policy and operational responsibilities carried out under the federal Act on behalf of the board.

(c) As it relates to regional responsibilities under this section, a regional workforce committee may, through a vote of the committee, determine the methodology for delegating the responsibilities of the regional workforce committee to a local workforce investment board representing the multiregional workforce area. [Formerly 285A.458; 2005 c.242 §3; 2011 c.637 §281]

660.318 Duties of Department of Community Colleges and Workforce Development; rules. (1) To implement and oversee state implementation of Title I-B, the Department of Community Colleges and Workforce Development may:

(a) Receive federal youth activities funds allotted to this state by the Secretary of Labor pursuant to Title I-B and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce Investment 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 Title I-B and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce Investment Board and approved by the Governor.

(c) Receive federal dislocated worker funds allotted to this state by the Secretary of Labor pursuant to Title I-B and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce Investment Board and approved by the Governor.

(d) Establish a procedure for use by local workforce investment boards to identify eligible providers of training services according to section 2864 of the federal Act and to maintain the list of providers identified as eligible by the boards in all local workforce investment areas in this state.

(e) Receive the comprehensive strategic plan developed and implemented by each local workforce investment 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 2833 of the federal Act and state policy.

(f) Approve the plans, after review by the State Workforce Investment Board, that are found to meet the requirements of Title I-B and review and approve any amendments to the plans.

(g) Carry out the required and allowable activities described in section 2864 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 department 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 2871 of the federal Act.

(j) Perform planning functions related to Title I-B programs and performance reporting.

(2)(a) Subject to the availability of funds from the federal Workforce Investment Act, the Department of Community Colleges and Workforce Development 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 investment boards in a manner that coordinates regional state-sponsored youth work experience programs.

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

(3) The Department of Community Colleges and Workforce Development shall collaborate with the State Workforce Investment Board and local workforce investment 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 Higher Education Coordinating Commission, in consultation with the State Workforce Investment Board, may adopt rules pursuant to ORS chapter 183 to imple-

ment this section. [2001 c.684 §11; 2009 c.836 §6; 2013 c.747 §171]

Note: The amendments to 660.318 by section 171, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

660.318. (1) To implement and oversee state implementation of Title I-B, the Department of Community Colleges and Workforce Development may:

(a) Receive federal youth activities funds allotted to this state by the Secretary of Labor pursuant to Title I-B and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce Investment 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 Title I-B and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce Investment Board and approved by the Governor.

(c) Receive federal dislocated worker funds allotted to this state by the Secretary of Labor pursuant to Title I-B and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce Investment Board and approved by the Governor.

(d) Establish a procedure for use by local workforce investment boards to identify eligible providers of training services according to section 2864 of the federal Act and to maintain the list of providers identified as eligible by the boards in all local workforce investment areas in this state.

(e) Receive the comprehensive strategic plan developed and implemented by each local workforce investment 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 2833 of the federal Act and state policy.

(f) Approve the plans, after review by the State Workforce Investment Board, that are found to meet the requirements of Title I-B and review and approve any amendments to the plans.

(g) Carry out the required and allowable activities described in section 2864 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 department 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 2871 of the federal Act.

(j) Perform planning functions related to Title I-B programs and performance reporting.

(2)(a) Subject to the availability of funds from the federal Workforce Investment Act, the Department of Community Colleges and Workforce Development 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 investment boards in a manner that coordinates regional state-sponsored youth work experience programs.

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

(3) The Department of Community Colleges and Workforce Development shall collaborate with the State Workforce Investment Board and local workforce investment 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 department, in consultation with the State Workforce Investment Board, may adopt rules pursuant to ORS chapter 183 to implement this section.

660.321 State Workforce Investment Board. (1) A State Workforce Investment Board shall be created under section 2821(b) and (c) of the Workforce Investment Act of 1998 to assist in the development of the State Unified Workforce Plan established under ORS 660.324 and to carry out the other functions described by the federal Act.

(2) The membership of the board must be in accordance with the requirements of section 2821(b) of the federal Act.

(3) Representatives of business described in section 2821(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 2821(c) of the federal Act.

(5) A majority of the board must be representatives of business, as described in section 2821(b)(1)(C)(i) of the federal Act.

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

(7) 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 2821(b)(1)(C)(i) of the federal Act.

(8) 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]

660.324 Duties of state board; state plan for workforce investment system. (1) The State Workforce Investment Board shall develop and submit to the Governor a single, unified state plan that outlines a strategy, with quantitative goals, for the statewide

workforce investment system for the State of Oregon in accordance with section 2821 of the federal Workforce Investment Act of 1998. Upon the Governor's approval of the state plan, the Governor shall cause the State Unified Workforce Plan to be delivered to the Legislative Assembly.

(2) The board shall develop and include in the state plan goals designed to promote Oregonians' self-sufficiency. In addition to requirements under the federal Act regarding wage and other goals, the state plan shall include quantifiable goals that will empower Oregonians to gain independence from public assistance and move up the socioeconomic ladder.

(3) The board shall assist the Governor in:

(a) Developing Oregon's workforce investment system;

(b) Ensuring timely consultation and collaboration with chief elected officials, local workforce investment boards and other workforce stakeholders, including but not limited to business and labor organizations;

(c) Reviewing local workforce plans;

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

(e) 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 who are efficient and effective at meeting the requirements of the federal Act;

(f) 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;

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

(h) 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

(i) Preparing an annual report and submitting it to the United States Department of Education, the United States Department of Health and Human Services and the United States Department of Labor.

(4) The board, in partnership with the Governor, shall establish criteria for use by chief elected officials in appointing members

to local workforce investment boards in accordance with the requirements of section 2832 of the federal Workforce Investment Act of 1998. The board shall establish the following requirements:

(a) To transact business at a meeting of a local workforce investment 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, as described in section 2821(b)(1)(C)(i) of the federal Act.

(b) When appropriate and upon a request from the chief elected official of a county or the City of Portland, the State Workforce Investment Board shall consider the county or the City of Portland to be a candidate for designation as a local workforce investment area. The board shall consult with the county or the City of Portland before designating it as a local workforce investment area. After considering the criteria in section 2831 of the federal Act for designating local workforce investment areas, chief elected officials may submit a request to the board to combine their units of government into a local workforce investment area. The board shall make recommendations to the Governor about the designation of local workforce investment areas. Only the Governor may designate local workforce investment areas. The Governor must show just cause for not designating a requested local workforce investment area. A county or the City of Portland may submit an appeal to the board, as provided in section 2831 of the federal Act, if the Governor does not grant the county's or the city's request to designate a local workforce investment area.

(5) The board shall provide guidance and direction to local workforce investment boards in the development of local workforce plans. The State Workforce Investment Board shall adopt policies that:

(a) Require each local workforce investment board, in partnership with its chief elected officials and in accordance with section 2833 of the federal Act, to develop and submit to the Governor and the board a strategic local workforce plan that includes, but is not limited to, performance goals; and

(b) Permit each local workforce investment 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 investment area; and

(B) To certify local one-stop operators. [Formerly 411.929; 2005 c.242 §2]

660.327 Duties of local workforce investment boards. (1) In accordance with section 2832 of the federal Act, each local workforce investment board shall:

(a) Consistent with section 2833 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.

(b) Consistent with section 2841(d) of the federal Act, with the agreement of the chief elected official, designate or certify one-stop operators as described in section 2841(d)(2)(A) of the federal Act and may terminate for cause the eligibility of such operators.

(c) Consistent with section 2843 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.

(d) Consistent with section 2842 of the federal Act, identify eligible providers of training services described in section 2864(d)(4) of the federal Act.

(e) Subject to the approval of the chief elected official, develop a budget for the purpose of carrying out the duties of the local workforce investment board under section 2832 of the federal Act.

(f) In partnership with the chief elected official, provide oversight of local programs of youth activities authorized under section 2854 of the federal Act, local employment and training activities authorized under section 2864 of the federal Act and the one-stop delivery system in the local area.

(g) With the chief elected official and the Governor, negotiate and reach agreement on local performance measures as described in section 2871(c) of the federal Act.

(h) Coordinate the workforce investment 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.

(i) Promote the participation of private sector employers in the statewide workforce investment 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.

(2) In order to maintain the statewide workforce investment system that consists of regional workforce committees and to meet the requirements of the federal Act:

(a) A local workforce investment board representing a local workforce investment area according to the Governor's designation pursuant to section 2831 of the federal Act meets the requirements of a regional workforce committee under ORS 660.315.

(b) A strategic plan submitted by a local workforce investment board pursuant to section 2833 of the federal Act meets the strategic plan requirement for the workforce region in ORS 660.315. [2001 c.684 §12]

660.330 One-stop delivery system; service providers. (1) The State Workforce Investment Board and local workforce investment boards shall ensure that Oregon's one-stop delivery system under the federal Workforce Investment Act of 1998 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 2841 of the federal Act and programs referenced under section 2841(b)(1) and (2) of the federal Act.

(3) This section does not restrict the authority of local workforce investment boards to select providers and one-stop operators, or to set goals or policies, under the federal Act. [Formerly 411.935]

660.333 Use of workforce investment funds; one-stop delivery system services. (1) The State Workforce Investment Board shall advise the Governor as required under section 2821 of the Workforce Investment Act of 1998 and on matters pertaining to the use of funds under section 2864 of the federal Act.

(2) As a part of the core services required by section 2864(d)(2)(E)(i) of the federal Act, the one-stop delivery system, as described in section 2864(c) 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 investment boards shall determine whether funds will be used as provided in section 2864(e)(3) of the federal Act.

(5) Participants may receive training in accordance with section 2864 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 par-

participant to choose among training providers, except as provided in section 2864(d)(4)(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]

660.334 Agreements to create entities to perform workforce investment 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 Investment Act of 1998 (P.L. 105-220) 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]

660.339 Participant records; confidentiality; when records available for inspection or release; rules. (1) All participant records maintained by the local workforce investment boards or any public or private agency involved in Title I-B programs shall be confidential and except as provided in ORS 660.300 to 660.364 shall be open for inspection only in accordance with such rules as the Department of Community Colleges and Workforce Development shall adopt.

(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 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 department may adopt 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 Investment Act of 1998 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 Title I-B of the federal Workforce Investment Act, other applicable state laws or those functions assigned by the Education and Workforce Policy Advisor. [Formerly 285A.446]

660.340 Oregon Employer Workforce Training Program; rules. (1) There is created in the Department of Community Colleges and Workforce Development the Oregon Employer Workforce Training Program. Subject to the availability of funding, the department shall create and operate, and local workforce investment 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 investment 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 investment 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 department the outcomes of projects implemented in the local workforce investment 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 Higher Education Coordinating 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 investment boards to support projects identified by the local workforce investment boards under subsection (3) of this section. [2011 c.702 §2; 2013 c.747 §172]

Note: The amendments to 660.340 by section 172, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

660.340. (1) There is created in the Department of Community Colleges and Workforce Development the Oregon Employer Workforce Training Program. Subject to the availability of funding, the department shall create and operate, and local workforce investment 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 investment 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 investment 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 department the outcomes of projects implemented in the local workforce investment 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 department 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 investment boards to support projects identified by the local workforce investment boards under subsection (3) of this section.

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 Department of Community Colleges and Workforce Development for the purposes of ORS 660.340. [2011 c.702 §3]

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 Department of Community Colleges and Workforce Development 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 department 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 department 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 department 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 department 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 department.

(4) The Department of Community Colleges and Workforce Development, after consultation with the State Workforce Investment Board, the Department of Education and the Higher Education Coordinating Commission, 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 Department of Community Colleges and Workforce Development 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 Department of Community Colleges and Workforce Development 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]

Note: The amendments to 660.343 by section 192, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

660.343. (1) There is created in the Department of Community Colleges and Workforce Development 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 department 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 department 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 department 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 department 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 department.

(4) The Department of Community Colleges and Workforce Development, after consultation with the State Workforce Investment Board, the Department of Education and the State Board 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 Department of Community Colleges and Workforce Development 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 Department of Community Colleges and Workforce Development 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.

660.346 Integrated workforce delivery system; occupational prioritization; rules.

(1)(a) The Department of Community Colleges and Workforce Development, in collaboration with the Employment Department and the State Workforce Investment 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 Department of Community Colleges and Workforce Development shall maintain, a workforce training inventory of prioritized occupations.

(c) The Department of Community Colleges and Workforce Development 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 Department of Community Colleges and Workforce Development 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]

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 Department 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 department 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 Investment 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 department 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 department shall adopt by rule requirements for the certification of instruc-

tors 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]

660.352 Youth Employment Enhancement Fund. There is established in the State Treasury, separate and distinct from the General Fund, the Youth Employment Enhancement Fund. Moneys in the fund are appropriated continuously to the Department of Community Colleges and Workforce Development for the purposes of ORS 660.349. [2009 c.836 §5]

660.353 Oregon Youth Employment Program; rules. (1) There is created in the Department of Community Colleges and Workforce Development the Oregon Youth Employment Program. Subject to the availability of funding, the department shall create and operate, and local workforce investment 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 a 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 investment board under ORS 660.327.

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

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

(5) The department shall collaborate with the local workforce investment boards to collect data on youth work experience programs that identify successful work experi-

ences 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 General Educational Development (GED) certificates earned by participants.

(6) The department 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 program. [2011 c.702 §4]

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 Department of Community Colleges and Workforce Development for the purposes of ORS 660.353. [2011 c.702 §5]

(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 Investment 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 Investment 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 development 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]

Note: The amendments to 660.358 by section 149, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

660.358. (1) The State Workforce Investment 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, the public universities of the Oregon University System, 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 Investment 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 development 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.

660.361 Green jobs and green economy terminology. The State Workforce Investment Board, in consultation with state agencies, boards, commissions and private entities deemed appropriate by the State Workforce Investment 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]

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 Investment 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]

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]

