

# Chapter 660

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**LABOR AND EMPLOYMENT**

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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 furtherance of standards of apprenticeship and training to safeguard the welfare of apprentices and trainees and assure 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 insure 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]

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

(2) Nothing in this chapter 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 this chapter. Where 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 which set forth a progressive wage within the salary structure range for journeymen employed by such 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]

**660.010 Definitions.** As used in this chapter, unless the context requires otherwise:

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

(2) "Apprenticeship agreement" means a written agreement between an apprentice and either the employer or the local joint committee which shall contain the minimum terms and conditions of the employment and training of the apprentice.

(3) "Apprenticeable occupation" means a skilled trade which:

(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 which 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.

(4) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.

(5) "Council" means the State Apprenticeship and Training Council.

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

(7) "Director" means the State Director of Apprenticeship and Training.

(8) "District school board" includes the boards of community college service districts, education service districts, common school districts and community college districts.

(9) "Employer" means any person employing the services of an apprentice, regardless of whether such person is a party to an apprenticeship agreement with that apprentice.

(10) "Local joint committee" includes local joint apprenticeship committees, local joint training committees and trade committees.

(11) "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.

(12) "Trainee" means a worker at least 16 years of age, except where a higher minimum age is otherwise required by law, who is to receive, in part consideration for services, complete instruction in an occupation which 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. [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]

**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 the apprentice's employer or the agent of the apprentice's employer, 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 within a period of time not to exceed 90 days.

(2) When the original employer has been unable or unwilling to fulfill its obligations under the apprenticeship agreement, the local joint committee may approve the transfer of the employer's obligation to a subsequent approved employer or employers under the same program, with the consent of the apprentice. In such cases, it will not be 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]

**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.** In order to be registered, every apprenticeship or training agreement made after November 1, 1981, shall contain:

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

(2) The names and addresses of the appropriate local joint committee and of the State Apprenticeship and Training 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 thereto 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 during which the apprentice-

ship agreement may be terminated by either party to the agreement upon written notice to the Apprenticeship 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 due notice to the apprentice and a reasonable opportunity for correction and with written notice to the apprentice and to the Apprenticeship Division of the Bureau of Labor and Industries of the final action taken by the committee;

(8) Such additional provisions as the council may deem necessary or advisable to effectuate the policies and duties prescribed and imposed by this chapter, provided such provisions are customarily subject to agreement between employers and apprentices or trainees; and

(9) A waiver by the apprentice granting permission for 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]

**660.110 State Apprenticeship and Training Council; members; confirmation; compensation and expenses.** (1) The State Apprenticeship and Training Council shall consist of 11 members, including the Commissioner of the Bureau of Labor and Industries, and 10 members appointed by the Governor, as follows:

(a) Two members representing employees from the apprenticeable crafts or trades for which programs are approved and registered with the council;

(b) Two members representing employees from the industrial occupations for which programs are approved and registered with the council;

(c) Two members representing industrial employers whose programs are approved and registered with the council;

(d) Two members representing employers from the apprenticeable crafts or trades whose programs are approved and registered with the council; and

(e) Two members representing the public.

(2) 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 of the term expiration date. A member shall not automatically be removed from the council in midterm should the member's industry withdraw from the program for economic reasons.

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

(4) 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.

(5) 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.

(6) 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]

**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; rules.** (1) The State Apprenticeship and Training Council shall enforce the provisions of this chapter in order to carry out its intent and purposes. With the assistance of the State Director of Apprenticeship and Training and the director's staff, the council may conduct investigations, issue subpoenas, obtain evidence, administer oaths and take testimony in all matters relating to its duties and functions as set forth in this chapter. The council may bring suit in a court of proper jurisdiction in its own name, or in the name of an apprentice on behalf of the apprentice, through the district attorney or the Attorney General. The council may make such rules as are reasonably necessary to enforce and administer this chapter. However, all rules which the council makes under this chapter shall be adopted in compliance with ORS chapter 183. In addition, where the council finds 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 may make rules on such matter. The council's rules shall govern on that matter except to the extent that a local joint committee's approved standards contain exceptions.

(2) The council 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 such program standards and modifications thereto, as are submitted by appropriate local joint committees as provided in ORS 660.126, which 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 insure 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 this chapter or by the rules and policies of the council;

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

(f) Perform such other functions and duties as are necessary or appropriate to carry out the purposes of this chapter; and

(g) 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]

**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 §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 shall be applicable;

(b) The qualifications required of apprentice applicants and the minimum eligible starting age, which shall be 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 journeymen 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 reasonable in relation to the full apprenticeship term, with full credit given for such 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 journeyman hourly wage to be paid the apprentice at each level of apprenticeship achieved;

(i) Such additional provisions as the State Apprenticeship and Training Council may, by rule, deem necessary or advisable to effectuate the policies and duties prescribed and imposed by this chapter; and

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

(2) Notwithstanding subsection (1) of this section, the council may approve the inclusion of standards of additional provisions, or of provisions which depart from the requirements of subsection (1) of this section, where 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. The council, in making its decision, shall take into consideration 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 such as 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 insure 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 adequate and skilled manpower for the defense of the nation; and

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

(3) The council shall adopt rules to allow a local committee to determine the circumstances under which an apprentice, working under ORS 479.510 to 479.945 who has completed 6,500 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]

**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; qualifications of employee representative.** (1) In each locality where apprentices are employed, there shall be formed as many local joint committees as are necessary to serve the needs of the various apprenticeable occupations.

(2) Each local joint committee shall have no more than eight members, all actively participating in apprenticeship programs, and shall consist of an equal number of representatives of employers and employees. The principal members and the alternate members, one alternate for each of the principal members, shall be selected pursuant to procedures established by the State Apprenticeship and Training 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 serving to substitute for an absent principal committee member for their respective employer or employee.

(3) 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 such offices as the committee determines. The secretary shall maintain an accurate record of all proceedings of the committee, which shall be made available for public inspection at any reasonable time upon request. A copy of the minutes of each meeting shall be sent to the Commissioner of the Bu-

reau of Labor and Industries. A quorum for the transaction of committee business shall consist 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.

(4) 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, such individual is authorized to perform any clerical, ministerial or other functions as the committees may direct.

(5) For purposes of membership as an employee representative on a local joint committee the prospective employee representative must be a member of the collective bargaining unit when a collective bargaining agreement exists which covers the trade or occupation that is the subject of the apprenticeship or training program administered by the local joint committee. When 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 local joint committee. [1967 c.6 §19; 1977 c.490 §3; 1981 c.764 §11; 1985 c.98 §1]

**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 standards for the local program which 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 modifications of the standards.

(2) Administer its program in conformity with its approved standards, with the provisions of this chapter, and with the rules and policies of the council. Particularly, the local 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 or 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, however, 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 Apprenticeship Division of the Bureau of Labor and Industries of the action taken. The council and the appropriate employer or employers 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) Determine the qualifications, minimum facilities and training conditions required of an employer to serve as an approved training agent, and approve training agents accordingly; make periodic checks of approved training agents to assure 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 withdraw approval of training agents when the qualifications are no longer met or when it appears to the committee that the employer is in violation of the terms of an apprenticeship agreement, standards, provisions of this chapter or the rules and policies of the council.

(6) Determine and redetermine at least annually the average journeyman hourly rate of wage for the purposes of ORS 660.142 and submit such rate to the State Director of Apprenticeship and Training, along with a statement explaining how such determination was made. Employers who fail or refuse to provide their committee with information shall be terminated as approved training agents. The council may withhold approval of a new program or terminate an existing

program for failure or refusal by the committee or its employers to keep the established journeyman 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, as required by law. [1981 c.764 §13 (enacted in lieu of 660.141)]

**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 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]

**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 §20 (660.137 enacted in lieu of 660.141)]

**660.142 Pay rates for apprentices and journeymen; exception.** (1) No employer shall pay a registered 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 journeyman hourly rate of wage currently in effect for journeymen in the occupation for which the apprentice is being trained, as determined by the appropriate local joint committee.

(2) The journeyman hourly wage rate shall be the average hourly wage currently being paid by the employers 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 journeyman hourly rate of wage, the State Director of Apprenticeship and Training shall cause notice thereof to be promptly mailed to all apprentices and employers participating in the program. Such determi-

nation shall be in effect from the date set forth therein or, lacking such date, from the first of the month following the mailing thereof; provided, however, that no such wage determination or effective date shall alter the terms or effect of an existing collective bargaining agreement.

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

(4) Nothing stated in this chapter shall be construed to supersede the minimum wage or overtime provisions of ORS chapters 652 and 653, or the rules adopted. Anything to the contrary notwithstanding, the entry wage (that wage derived by applying the lowest percentage on the schedule to the current journeyman hourly wage rate) shall 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 journeyman hourly wage rate, and to the minimum numeric ratio of journeymen 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]

**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 employer 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]

**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.** (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 employers and one member representing employees from each local joint committee for that occupation. Employer members of a local joint committee shall choose the employer representative to the state joint committee, and employee members shall choose the employee representative. The employer 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 employers, 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]

**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 this chapter.

(3) Notwithstanding subsections (1) and (2) of this section, any course of study for the instruction of apprentices or trainees may be implemented under this chapter 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 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]

**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) Apprenticeship programs which jointly form a sponsoring entity on a multi-

state basis and are registered pursuant to all requirements of the United States Department of Labor, Bureau of Apprenticeship and Training, or by the apprenticeship agency or council of any other state which has been recognized by the United States Department of Labor, Bureau of Apprenticeship and Training, shall be accorded approval reciprocally by the council if such approval is requested by the sponsoring entity, even though such programs and their standards may depart in some respects from the criteria of ORS 660.126 and from the other provisions set forth in this chapter. [1971 c.271 §8; 1979 c.831 §2; 1981 c.764 §17]

**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 journeymen toward the requirements of a community college associate degree. [1971 c.271 §9; 1973 c.648 §3; 1977 c.490 §5; 1989 c.491 §65]

**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 this chapter, 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 this chapter. [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 employer member of an appropriate local joint committee to the advisory committee for that training program. [1977 c.155 §2; 1981 c.764 §19]

**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 journeyman. 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 journeyman 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]

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

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

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

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

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

(3) In any action subject to this section in which the amount awarded to or settled upon multiple claimants exceeds \$500,000, any party may apply to any circuit court to apportion to each claimant the proper share of the total amount limited by subsection (1) of this section. The share apportioned each claimant shall be in the proportion that the

ratio of the award or settlement made to the claimant bears to the aggregate awards and settlements for all claims arising out of the occurrence.

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

**WORKFORCE DEVELOPMENT**

**(General Provisions)**

**660.300 Definitions for ORS 660.300 to 660.339.** As used in ORS 660.300 to 660.339:

(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 section 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]

**Note:** 660.300 to 660.339 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 660 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**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]

**Note:** See note under 660.300.

**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]

**Note:** See note under 660.300.

**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 re-

sources 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]

**Note:** See note under 660.300.

**(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 Economic and Community 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 Assistance 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. [Formerly 285A.455]

**Note:** See note under 660.300.

**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, state institutions of higher education and Oregon Health and Science University;
- (c) The Economic and Community 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 five-year regional workforce plan that responds to the current and future workforce needs of the regional labor market.

(7) The strategic five-year 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 multi-regional workforce area. [Formerly 285A.458]

**Note:** See note under 660.300.

**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) The department, in consultation with the State Workforce Investment Board, may adopt rules pursuant to ORS chapter 183 to implement this section. [2001 c.684 §11]

**Note:** See note under 660.300.

**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 board shall consist of:

(a) The Governor;

(b) Two members of the House of Representatives appointed by the Speaker of the House of Representatives and two members of the Senate appointed by the President of the Senate;

(c) Thirty-four members appointed by the Governor and confirmed by the Senate in the manner prescribed under ORS 171.562 and 171.565, such members to include:

(A) Twenty representatives of business from both urban and rural areas who:

(i) Are owners of businesses, chief executive officers or chief operating officers of businesses, or other business executives or employers with ultimate policymaking or hiring authority, including members of local workforce investment boards and including at least one representative who is or has been the chairperson of a local workforce investment board;

(ii) Represent businesses with employment opportunities that reflect the employment opportunities of this state; and

(iii) Are appointed from among individuals nominated by state business organizations and business trade associations;

(B) Two chief elected officials;

(C) Two representatives of labor organizations, who have been nominated by a state labor federation;

(D) Two representatives of individuals or organizations that have experience with respect to youth activities;

(E) Two representatives of individuals or organizations that have experience and expertise in the delivery of workforce invest-

ment activities, including chief executive officers of community colleges or community-based organizations within this state;

(F) The following five representatives of public workforce development agencies:

(i) The Director of the Employment Department;

(ii) The Director of Human Services;

(iii) The Director of the Economic and Community Development Department;

(iv) The Commissioner for Community College Services; and

(v) The Chancellor of the Oregon University System; and

(G) One additional member described in subparagraph (B), (C) or (D) of this paragraph; and

(d) Additional members appointed by the Governor as necessary in order to comply with applicable federal law.

(3) The Governor shall select a chairperson from among the representatives of business appointed under subsection (2)(c)(A) or (d) of this section.

(4) A majority of the board shall be representatives of business appointed under subsection (2)(c)(A) or (d) of this section.

(5) To transact business at a meeting of the 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 appointed under subsection (2)(c)(A) or (d) of this section. [Formerly 411.926]

**Note:** See note under 660.300.

**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 five-year 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 described in ORS 660.321 (2)(c)(A).

(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 five-year 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]

**Note:** See note under 660.300.

**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 ter-

minate 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]

**Note:** See note under 660.300.

**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]

**Note:** See note under 660.300.

**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.

(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 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 660.339 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]

**Note:** See note under 660.300.

**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 In-

vestment 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]

**Note:** See note under 660.300.

**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 660.339 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 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]

**Note:** See note under 660.300.

**660.342 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. [2003 c.149 §1]

**Note:** 660.342 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.

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

