

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 32.
LABOR.

CHAPTER 16.
WORKFORCE INVESTMENT IMPLEMENTATION.

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CHAPTER 16. WORKFORCE INVESTMENT IMPLEMENTATION.

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CHAPTER 16. WORKFORCE INVESTMENT IMPLEMENTATION.

SUBCHAPTER I. GENERAL.

§ 32-1601. COUNCIL FINDINGS.

The Council of the District of Columbia finds that:

- (1) Many District workers need an integrated workforce investment system to help them assume responsibility for building a better future for themselves and their families.
- (2) A workforce investment system should be consumer-driven, accountable and responsive to the needs of employers and job seekers.
- (3) The goals of an integrated workforce development systems are to:
 - (A) Coordinate activities at the state and local levels to increase the occupational skills, employment, job retention and earnings of the workforce;
 - (B) Reduce welfare dependency by helping workers obtain employment that will assure self-sufficiency;
 - (C) Enhance the productivity and competitiveness of District business and industry;
 - (D) Encourage ongoing progress toward work preparation from kindergarten through adulthood;
 - (E) Encourage the attraction and retention of high skill and high wage employers; and
 - (F) Encourage cooperation among regional workforce development efforts to promote the participation of District residents in the regional economy.
- (4) To implement the federal Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822), the District of Columbia must apply the necessary resources to carry out its assigned responsibilities and must delegate accountability and authority, as allowed under the federal law, to the governing entity of the workforce investment system.
- (5) These objectives are to be accomplished under the direction of the District's Workforce Investment Council. This Council will enlist the views of a diverse group of business, labor, community, education and government leaders to develop a strategic plan for workforce development in the District of Columbia.
- (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 seek to enhance their skills for continued career advancement.

(July 18, 2000, D.C. Law 13-150, § 2, 47 DCR 4644; Mar. 2, 2007, D.C. Law 16-191, § 2(a), 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-191 substituted "Council of the District of Columbia" for "Council" in the introductory language.

Legislative History of Laws

Law 13-150, the "Workforce Investment Implementation Act of 2000," was introduced in Council and assigned Bill No. 13-552, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on March 7, 2000, and April 4, 2000, respectively. Signed by the Mayor on April 24, 2000, it was assigned Act No. 13-337 and transmitted to both Houses of Congress for its review. D.C. Law 13-150 became effective on July 18, 2000.

For Law 16-191, see notes following § 32-242.

Establishment -- Workforce Investment Council, see Mayor's Order 2011-114, July 1, 2011 (58 DCR 5868).

§ 32-1602. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Basic skills deficient" means reading, writing or computing on a level no higher than 8th grade.
- (2) "Federal Act" means the federal Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822).
- (3) "Self-sufficiency" means employment that pays a wage equal to the wage calculated by *The Self-Sufficiency Standard for the Washington, DC Metropolitan Area*, for the appropriate family composition.
- (4) "Service provider" and "provider" mean a provider of employment and training services including a private or public school or institution of higher education, a business, labor organization or a community-based organization.

(July 18, 2000, D.C. Law 13-150, § 3, 47 DCR 4644.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

§ 32-1602.01. PARTICIPANT ELIGIBILITY CRITERIA.

Any individual who receives an Individual Training Account as provided in Chapter 5, section 134 of the Federal Act shall be a bona fide resident of the District.

(July 18, 2000, D.C. Law 13-150, § 3a, as added Nov. 13, 2003, D.C. Law 15-39, § 1702, 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 1702 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) addition, see § 1702 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

Law 15-39, the "Fiscal Year 2004 Budget Support Act of 2003", was introduced in Council and assigned Bill No. 15-218, which was referred to Committee on Whole. The Bill was adopted on first and second readings on May 6, 2003, and June 3, 2003, respectively. Signed by the Mayor on June 20, 2003, it was assigned Act No. 15-106 and transmitted to both Houses of Congress for its review. D.C. Law 15-39 became effective on November 13, 2003.

Miscellaneous Notes

Short title of title XVII of Law 15-39: Section 1701 of D.C. Law 15-39 provided that title XVII of the act may be cited as the Residency Requirement for Individual Training Accounts Funded by the Workforce Investment Act Amendment Act of 2003.

§ 32-1603. WORKFORCE INVESTMENT COUNCIL.

(a) There is created a Workforce Investment Council ("Council") pursuant to section 111(b) and (c) and section 117(c)(4) of the Federal Act, to assist in the development of the State Unified Workforce Plan to carry out the functions described by the Federal Act.

(b) The Council shall assist the Mayor in:

- (1) Developing the District's workforce investment system;
- (2) Assigning duties and responsibilities to the Department of Human Services ("DHS") and the Department of Employment Services ("DOES") to implement the Federal Act, and to do so in a manner that avoids conflicts of interest and capitalizes on the experience developed by workforce partners who are efficient and effective at meeting the requirements of the Federal Act;
- (3) Developing an employment statistics system, as described in section 15(e) of the Wagner-Peyser

Act, approved October 13, 1982 (96 Stat. 1392; 29 U.S.C. § 49L-2(e));

(4) Preparing an annual report and submitting it to the Council of the District of Columbia by September 30th of each year;

(5) Establishing performance standards for training and employment programs pursuant to § 32-1606;

(6) Fostering and coordinating initiatives of the District of Columbia Public Schools and the University of the District of Columbia as well as with any institution of higher education accredited by the Middle States Association of Colleges and Schools and located in the District to enhance the contributions of public schools and institutions of higher education to the implementation of the District employment and training policy;

(7) Examining federal and local laws and regulations to assess whether those laws and regulations present barriers to achieving any of the goals of this subchapter. The Council shall, as it deems appropriate, issue to the Mayor and the Council of the District of Columbia reports on its findings, including recommendations for changes in local and federal laws or regulations concerning employment and training programs or service; and

(8) Developing a wage progression strategy that includes mechanisms to help low-income workers upgrade skills to assist them in moving up the career ladder toward self-sufficiency.

(9) Implementing the Educational Stepladder program established by subchapter III of this chapter, including establishing the criteria for certificate course approval and working with interested institutions of higher education accredited by the Middle States Association of Colleges and Schools and located in the District of Columbia to develop a curriculum of courses that will meet the institutions's educational mission as well as provide Educational Stepladder students with marketable knowledge or skills that meet the stated workforce needs of business and industry in the District.

(July 18, 2000, D.C. Law 13-150, § 4, 47 DCR 4644; Dec. 7, 2004, D.C. Law 15-205, § 1155(a), 51 DCR 8441; Mar. 25, 2009, D.C. Law 17-353, § 129(a), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-205, in subsec. (b), substituted "University of the District of Columbia as well as with any institution of higher education accredited by the Middle States Association of Colleges and Schools and located in the District to enhance" for "University of the District of Columbia to enhance" in par. (6), and added par. (9).

D.C. Law 17-353, in subsecs. (b)(4) and (7), substituted "Council of the District of Columbia" for "Council"; and validated a previously made technical correction by substituting "Council" for "Board".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1155(a) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 1155(a) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 15-205, see notes following § 32-1521.01.

For Law 17-353, see notes following § 32-101.

§ 32-1604. UNIFIED WORKFORCE PLAN.

The Council shall develop and submit to the Mayor a single unified workplace plan that outlines a 5-year strategy, with quantitative goals, for the statewide workforce investment system for the District of Columbia in accordance with section 112 of the Federal Act. Upon the Mayor's approval of the state plan, the Mayor shall transmit the State Unified Workforce Plan to the Council of the District of Columbia for a 10-day period of review, excluding days of Council of the District of Columbia recess. If the Council of the District of Columbia does not approve or disapprove the State Unified Workforce Plan by resolution within the 10-day review period, the State Unified Workforce Plan shall be deemed approved. Within 2 years of July 18, 2000, the Unified Workforce Plan shall be amended to also encompass services provided to the Welfare to Work and TANF implementing laws.

(July 18, 2000, D.C. Law 13-150, § 5, 47 DCR 4644; Mar. 25, 2009, D.C. Law 17-353, § 129(b), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 substituted "Council of the District of Columbia" for "Council"; and validated a previously made technical correction by substituting "Council" for "Board".

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 17-353, see notes following § 32-101.

Miscellaneous Notes

Establishment and Appointments—D.C. State Rehabilitation Council, see Mayor's Order 2001-173, November 30, 2001 (48 DCR 11586).

§ 32-1605. LABOR MARKET ANALYSIS.

The Council shall conduct a labor market analysis. The analysis shall:

- (1) Identify industries or occupations that have or expect growth, the loss of skilled workers or that have a demand for a subset of workers;
- (2) Create a profile and analyze the characteristics of the District's unemployed and underemployed residents, including educational attainment, barriers to employment, geographic concentrations, self-sufficiency needs and access to needed support services;
- (3) Identify the entry-level education and skills requirements for the industries or occupations that have or expect a need for workers;
- (4) Analyze the entry-level wages and benefits in identified industries or occupations;
- (5) Develop a profile of the education, training and support services already in place to prepare workers for the identified industries or occupations;
- (6) Identify the mismatch between job seekers and identified industries or occupations where wages and benefits match the needs of the unemployed, in terms of education and training resources; and
- (7) Identify opportunities for collaboration with institutions of higher education community-based organizations and economic development and welfare agencies.

(July 18, 2000, D.C. Law 13-150, § 6, 47 DCR 4644; Mar. 25, 2009, D.C. Law 17-353, § 129(c), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction by substituting "Council" for "Board".

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 17-353, see notes following § 32-101.

§ 32-1606. PERFORMANCE BASED ACCOUNTABILITY.

- (a) Service providers shall be paid only for achieving positive outcomes for participants, such as job placement, job retention and earnings in accordance with the Core Indicators of Performance as described in section 136(b)(2)(A) of the Federal Act, except partial payment to a service provider is permissible when a participant meets the Core Indicator of attaining a recognized credential, pending further payment when the participant enters unsubsidized employment.
- (b) The Council shall establish a performance report with quantifiable benchmarks to assess the full range of programs providing education and training services, including WIA, TANF, Welfare to Work, and Vocational Rehabilitation.
- (c) The Council shall evaluate the workforce investment system by using the following factors as relevant for individual programs:
 - (1) The amount and source of funding;
 - (2) Program entrance and successful completion rates;
 - (3) Employment and wage information for 6 months and one year after completion of the training;
 - (4) The relationship of training to employment;
 - (5) Achievement of industry skill standard certification, where it exists;

- (6) Return on public investment;
- (7) Employment-related barriers of customers; and
- (8) Any other indicators of performance required under the Federal Act.

(July 18, 2000, D.C. Law 13-150, § 7, 47 DCR 4644; Mar. 25, 2009, D.C. Law 17-353, § 129(d), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction by substituting "Council" for "Board".

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 17-353, see notes following § 32-101.

§ 32-1607. EMPLOYMENT AND TRAINING SERVICES CRITERIA.

(a) Employment and training services, including on-the-job training, shall not be obtained from a service provider with appropriated funds unless the provider is approved, pursuant to the procedures and criteria established by the Council, which are submitted to the Council of the District of Columbia for a 10-day period of review, excluding days of Council of the District of Columbia recess. If the Council of the District of Columbia does not approve or disapprove the procedures and criteria by resolution within this 10-day period, the procedures and criteria shall be deemed approved.

(1) Each service provider shall certify that none of its officers or employees has, in the past 5 years, been convicted of a felony or a misdemeanor, the underlying basis of which involved workplace safety and health or labor standards.

(2) The service provider shall also certify as to all violations issued by the U.S. Department of Labor and DOES within the past 5 years, and all judgments and settlements, the underlying basis of which involved workplace safety and health or labor standards.

(b) All participants who meet the requirements of an employee pursuant to the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201), in the on-the-job training program shall be compensated at no less than the minimum wage required by § 32-1003.

(c) Each service provider shall make appropriate records available upon request for monitoring or inspection by the Council, including a record:

(1) For each student enrolled, including the student's name and social security number; and

(2) Of all administrative and overhead expenses of the provider, except for employers providing on the job training, that derive from employment and training services funded by the program and the provider's direct expenses for providing the services.

(d) In the case of a provider of vocational training, the Council shall collect the information needed to effectively measure the long-term success of the former trainees of the provider in moving toward self-sufficiency, including obtaining permanent employment and increasing earnings over a period of not less than one year following the completion of training. The Council shall use the information obtained pursuant to subsection (c) of this section to assist in:

(1) Evaluating the performance of providers of vocational training services;

(2) Determining which providers of vocational training services to approve pursuant to subsection (a) of this section; and

(3) Evaluating the overall effectiveness of training funded by the program.

(July 18, 2000, D.C. Law 13-150, § 8, 47 DCR 4644; Mar. 25, 2009, D.C. Law 17-353, § 129(e), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 substituted "Council of the District of Columbia" for "Council"; and validated a previously made technical correction by substituting "Council" for "Board".

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 17-353, see notes following § 32-101.

§ 32-1608. ANTI-DISPLACEMENT.

Participants shall not be assigned, placed or be permitted to work for any employer or worksite where:

- (1) Any other individual is laid off from the same or substantially equivalent job;
- (2) An employer has terminated a regular employee and filled the vacancy with a participant;
- (3) An employer has caused an involuntary reduction in the workforce and filled the vacancy with a participant;
- (4) An employer has caused an involuntary reduction below full-time hours of any employee in the same or substantially equivalent job;
- (5) An employer has caused an involuntary reduction in wages or employment benefits;
- (6) Placement of a recipient will violate an existing collective bargaining agreement, unless the labor organization and the employer provide a written concurrence;
- (7) The job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals;
- (8) The placement is the equivalent of filling an established unfilled position vacancy, or is the equivalent of performing a job that is substantially similar to the vacant position, unless the participant is given a bona fide opportunity to apply for the position as an unsubsidized employee after 18 weeks of satisfactory service in the position; or
- (9) There is a hiring freeze for positions that are the same or substantially similar to the position performed by the participants.

(July 18, 2000, D.C. Law 13-150, § 9, 47 DCR 4644.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

§ 32-1609. GRIEVANCE PROCEDURE.

The Mayor shall direct the Office of Human Rights to establish and maintain a procedure to receive grievances or complaints alleging violations of the Federal Act from participants and other interested or affected parties. The procedure shall be in accordance with section 181(c) of the Federal Act.

(July 18, 2000, D.C. Law 13-150, § 10, 47 DCR 4644.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

§ 32-1610. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

(a) The Council shall advise the Mayor as required pursuant to section 112 of the Federal Act and on matters pertaining to the use of funds pursuant to section 134 of the Federal Act.

(b) As a part of the core services required by section 134(d)(2)(E)(i) of the Federal Act, the one-stop delivery system, as described in section 134(c) of the Federal Act, shall provide timely listings of all job opportunities and supportive services providers, consistent with this subchapter, to a participant immediately upon application by the participant for services offered by the one-stop delivery system. In addition, core services shall include an initial assessment of aptitudes and abilities that is non-gender biased using tools that assess women's interest in high-wage employment that is nontraditional for women.

(c) Intensive services offered by the one-stop delivery system may include addiction recovery. Consistent with this subchapter, intensive services may also include short-term prevocational services that raise job seekers' basic reading, writing and computational skills to enable them to compete for jobs.

(d) The one stop delivery system shall provide a thorough assessment of job seekers' skills and employment barriers. If individuals are basic skills deficient or face other serious barriers to employment, such as a poor work history or long-term absence from the workforce, or TANF receipt, the one-stop operator shall determine that they are unable to obtain employment through core services.

(e) Consistent with this subchapter, job seekers who are employed, but do not earn a self-sufficient wage,

shall be eligible for intensive services.

(f) Any funds expended pursuant to this section shall be appropriated by the Council of the District of Columbia.

(July 18, 2000, D.C. Law 13-150, § 11, 47 DCR 4644; Mar. 25, 2009, D.C. Law 17-353, § 129(f), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353, in subsecs. (a) and (f), validated previously made technical corrections.

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 17-353, see notes following § 32-101.

§ 32-1611. ONE-STOP PARTNERS.

(a) The Council shall ensure that the District's one-stop delivery system under the Federal Act is the foundation of local service delivery to employers and participants.

(b) One-stop partners shall include the Income Maintenance Administration, Office of Early Childhood Development, and the Medicaid program.

(July 18, 2000, D.C. Law 13-150, § 12, 47 DCR 4644; Mar. 25, 2009, D.C. Law 17-353, § 129(g), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction by substituting "Council" for "Board".

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 17-353, see notes following § 32-101.

§ 32-1612. REGIONAL COOPERATION.

This subchapter encourages the Council to work with its Maryland and Virginia counterparts to develop a regional information sharing system that allows one-stops and welfare agencies in the District and surrounding jurisdictions to access information regarding regional employment opportunities, job training providers, and support services.

(July 18, 2000, D.C. Law 13-150, § 13, 47 DCR 4644; Mar. 25, 2009, D.C. Law 17-353, § 129(h), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction by substituting "Council" for "Board".

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 17-353, see notes following § 32-101.

§ 32-1613. DISCLOSURE OF INFORMATION BY THE COUNCIL.

The Council shall not withhold information from the public regarding its operations, procedures, and decisions that would otherwise be subject to disclosure under subchapter II of Chapter 5 of Title 2.

(July 18, 2000, D.C. Law 13-150, § 14, 47 DCR 4644; Mar. 25, 2009, D.C. Law 17-353, § 129(i), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction by substituting "Council" for "Board".

Legislative History of Laws

For Law 13-150, see notes following § 32-1601.

For Law 17-353, see notes following § 32-101.

SUBCHAPTER II. WORKFORCE INVESTMENT IMPLEMENTATION INDIVIDUAL TRAINING ACCOUNTS LIMITATION.

§ 32-1631. LIMIT ON INDIVIDUAL TRAINING ACCOUNTS.

(a) Beginning January 1, 2005, no entity providing training services will be eligible to receive funding for more than 5 Individual Training Accounts in a calendar year unless at least 25% of the students participating in the entity's training programs are paying commercially established tuition funded by sources other than the District government.

(b) Beginning January 1, 2006, no entity providing training services will be eligible to receive funding for more than 5 Individual Training Accounts in a calendar year unless at least 50% of the students participating in the entity's training programs are paying commercially established tuition funded by sources other than the District government.

(c) An entity providing training services shall certify to the Mayor on July 1st and January 2nd of each year:

- (1) The total number of students enrolled in the entity's training programs;
- (2) The number of students who are funded by sources other than the District government; and
- (3) The percentage calculated using the number in paragraph (1) of this subsection as the denominator and the number in paragraph (2) of this subsection as the numerator.

(Dec. 7, 2004, D.C. Law 15-205, § 1142, 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) workforce investment implementation individual training accounts limitation provisions, see § 1142 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) workforce investment implementation individual training accounts limitation provisions, see § 1142 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 15-205, see notes following § 32-1521.01.

Miscellaneous Notes

Short title of subtitle M of title I of Law 15-205: Section 1141 of D.C. Law 15-205 provided that subtitle M of title I of the act may be cited as the Workforce Investment Implementation Individual Training Accounts Limitation Amendment Act of 2004.

SUBCHAPTER III. EDUCATIONAL STEPLADDER PROGRAM.

§ 32-1651. ESTABLISHMENT OF THE EDUCATIONAL STEPLADDER PROGRAM.

(a) There is established an Educational Stepladder program. The Educational Stepladder program shall provide funding for undertrained and unemployed District residents to enroll in certain certificate courses that are, in consultation with the Department of Employment Services ("DOES"):

- (1) Offered by institutions of higher education accredited by the Middle States Association of Colleges and Schools and located in the District of Columbia; and
- (2) Approved by the Workforce Investment Council ("Council"), established by § 32-1603.

(b) An institution of higher education described in subsection(a)(1) of this section that seeks to become a participant in the Educational Stepladder program is encouraged to enter into discussions with business and industry leaders to ascertain what workforce skills and knowledge are in demand so that the institution can design its course offerings to meet actual workforce needs in the District. The Council shall approve only courses that are:

- (1) Tailored to the needs of the job market in the District;
- (2) Designed to provide the student with marketable knowledge or a marketable skill;
- (3) A maximum of 12 months in duration; and
- (4) Student aid or grant eligible.

(Dec. 7, 2004, D.C. Law 15-205, § 1152, 51 DCR 8441; Mar. 2, 2007, D.C. Law 16-191, § 99(a), 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-191, in subsecs. (a)(2) and (b), substituted "Council" for "Board".

Temporary Addition of Section

For temporary (225 day) additions, see §§ 2 to 7 of Educational Stepladder Temporary Act of 2002 (D.C. Law 14-111, April 13, 2002, law notification 49 DCR 4059).

Emergency Act Amendments

For temporary (90 day) educational stepladder, see §§ 2 to 7 of Educational Stepladder Emergency Act of 2001 (D.C. Act 14-220, December 21, 2001, 49 DCR 400).

For temporary (90 day) educational stepladder, see §§ 2 to 7 of Educational Stepladder Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 303, March 25, 2002, 49 DCR 3395).

For temporary (90 day) addition, see § 1152 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 1152 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 15-205, see notes following § 32-1521.01.

For Law 16-191, see notes following § 32-242.

Miscellaneous Notes

Short title of subtitle N of title I of Law 15-205: Section 1151 of D.C. Law 15-205 provided that subtitle N of title I of the act may be cited as the Educational Stepladder Act of 2004.

§ 32-1652. FUNDING OF PROGRAM.

(a) The DOES shall make individual training account ("ITA") funds received by the District pursuant to the federal Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2801 *et seq.*), available to pay for a student's enrollment in a certificate course; provided, that the course has been approved pursuant to the procedures and criteria established by this subtitle, and by the Council, in consultation with the DOES.

(b) The Council's proposed procedures and criteria shall be submitted to the Council of the District of Columbia for a 30-day period of review, excluding days of Council of District of Columbia recess. If the Council of the District of Columbia does not approve or disapprove the procedures and criteria by resolution within this 30-day period, the procedures and criteria shall be deemed approved.

(c) Prior to expending ITA funds to pay for a student's enrollment in an approved course, the institution or the student shall apply for any grant funds available to the institution or to the student for this purpose. In the case of a student who meets the eligibility requirements for a grant and who has made timely application for such grant but the funds have not been received by the institution, the institution shall credit the student's account in the amount of the grant. Upon receipt of the grant, the institution shall apply the funds received to the student's account. In the case where a grant is available, ITA funds shall be used to the extent that the cost of the course exceeds the amount of grant funds received.

(Dec. 7, 2004, D.C. Law 15-205, § 1153, 51 DCR 8441; Mar. 2, 2007, D.C. Law 16-191, § 99(b), 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-191, in subsecs. (a) and (b), substituted "Council" for "Board"; and, in subsec. (b), substituted "Council of the District of Columbia" for "Council".

Emergency Act Amendments

For temporary (90 day) addition, see § 1153 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 1153 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 15-205, see notes following § 32-1521.01.

For Law 16-191, see notes following § 32-242.

§ 32-1653. FUNDING OF STUDENTS.

Pursuant to § 51-109.01, a student enrolled in an Educational Stepladder program approved course and who maintains a satisfactory level of attendance and achievement in the program and who is:

- (1) Receiving unemployment insurance compensation shall be eligible for an extension of benefits for the duration of the program, up to a maximum amount of 52 times his or her weekly benefit amount, or 100% of the wages for employment paid the individual by employers during his or her base period, whichever is the lesser; this total amount includes regular benefits and any federal extension that may be in effect; or
- (2) Not receiving unemployment insurance compensation may be eligible for a weekly monetary benefit equal to the unemployment insurance compensation weekly benefit amount a person earning minimum wage would receive, to the extent that funds are available, for the duration of the program, up to a maximum of 52 times the calculated weekly benefit.

(Dec. 7, 2004, D.C. Law 15-205, § 1154, 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 1153 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 1153 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 15-205, see notes following § 32-1521.01.

SUBCHAPTER IV. ADULT TRAINING FUNDING.

§ 32-1671. USE OF LOCAL FUNDS DESIGNATED FOR ADULT TRAINING.

(a) No more than 5% of the budgeted amount approved for adult training in the Department of Employment Services ("DOES") shall be used for administration.

(b) The DOES shall ensure that funding supports training for jobs that:

- (1) Currently exist in the District;
- (2) Are in emerging industries, in the District;
- (3) Offer career advancement; and
- (4) Are in industries that are hiring and that offer career advancement.

(c) Funding opportunities shall be open to the broadest range of District workforce development providers, not solely those under the Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 20 U.S.C. § 2822), or the Temporary Assistance to Needy Families program.

(d) The DOES shall require organizations that receive funding to demonstrate how the funds were utilized. The DOES shall require each organization that receives funding to report the number of residents placed in jobs, including:

- (1) Titles and job descriptions;

- (2) Starting wage;
- (3) Starting hours per week;
- (4) Starting benefits, if any;
- (5) The retention number after:
 - (A) Three months;
 - (B) Six months; and
 - (C) One year;
- (6) Wages after one year;
- (7) Hours of work per week after one year; and
- (8) Benefits, if any, after one year.

(e) The DOES shall encourage collaboration, particularly with organizations that offer adult literacy and multiple services, and shall give preference in funding to providers that apply for funding collectively and can demonstrate the ability to provide a wide range of job training services.

(Mar. 3, 2010, D.C. Law 18-111, § 2261, 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 2261 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

Legislative History of Laws

Law 18-111, the "Fiscal Year 2010 Budget Support Act of 2009", was introduced in Council and assigned Bill No. 18-203, which was referred to the Committee on the Whole. The bill was adopted on first and second readings on May 12, 2009, and September 22, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-255 and transmitted to both Houses of Congress for its review. D.C. Law 18-111 became effective on March 3, 2010.

Miscellaneous Notes

Short title: Section 2260 of D.C. Law 18-111 provided that subtitle BB of title II of the act may be cited as the "Adult Training Funding Act of 2009".