

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 5 FY 88-89
DATE January 25, 1989

AN ORDER
RECONSTITUTING THE
MAINE HUMAN RESOURCE DEVELOPMENT COUNCIL

WHEREAS, the State of Maine faces increasing changes in the makeup of the manufacturing and service sectors of its economy, a potential shortage of workers, and a need to provide job training to groups facing barriers to employment; and

WHEREAS, there is a need for the private sector, statewide economic development organizations, and the various State government agencies which deliver employment training programs, to work closely together in order to construct a comprehensive strategy to coordinate all Federal, State, and local human development resources in a united effort for the training and retraining of Maine's work force; and

WHEREAS, Maine needs a specific plan, derived from this comprehensive strategy, which not only responds to current human resource development needs but also addresses and plans for the future such needs of Maine citizens; and

WHEREAS, the Federal Job Training Partnership Act (JTPA) of 1982, Public Law 97-300, as amended, requires each State to establish a State job training coordinating council; and

WHEREAS, the recently-enacted Omnibus Trade and Competitiveness Act (OTCA) of 1988, Public Law 100-418, requires each State to reconstitute its job training coordinating council; and

NOW, THEREFORE, I JOHN R. MCKERNAN, JR., Governor of the State of Maine, do hereby reconstitute the MAINE HUMAN RESOURCE DEVELOPMENT COUNCIL, the organization and function of which shall be as follows:

Purpose

The major purpose of the Maine Human Resource Development Council, hereafter referred to as "the Council," is to enable the implementation of the Governor's annual human resource development goals by recommending to the Governor those policies and procedures which will achieve such goals within a single, comprehensive statewide approach to the delivery of human resource development programs. Such approach shall be termed the Governor's Human Resource Development Policy.

Membership

The Council shall be composed of at least 30 members as provided below, who, consistent with the requirements of the JTPA, Sec. 122(a), as amended by the OCTA, Sec. 6304(b), shall represent the following sectors:

- A. The Governor shall appoint nine representatives from the private sector. Such members shall be Chief Executive Officers or executives who hold high level management positions, including one current member from each existing Private Industry Council who represents the private sector.
- B. The Governor shall appoint seven representatives of State bodies, such as the Department of Labor, the Department of Human Services, the Department of Educational and Cultural Services, the Department of Economic and Community Development, the University of Maine System, the Maine Vocational-Technical Institute System, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State.
- C. The Governor shall appoint five members who shall represent organized labor and four members who represent community-based organizations in the State.
- D. The Governor shall appoint three representatives of the general public.
- E. Two representatives of the Legislature shall serve on the council:
 - 1. The Speaker of the House or the Speaker's designee; and,
 - 2. The President of the Senate or the President's designee.

Officers

The Governor shall appoint a Chairperson and Vice-Chairperson from the private sector executive membership of the Council to serve for a one-year term. The Governor may reappoint Officers.

Function and Duties of the Council

The Council shall carry out the following duties:

- A. Inventory, Determine Citizen Need for, and Examine Delivery Structure of Current Human Resource Development Programs

The Council, following the general requirements of the Governor's Human Resource Development Policy, shall identify, in cooperation with appropriate State agencies and other interested parties such as the Private Industry Councils, the employment and training and vocational education needs throughout the State.

The Council shall assess the extent to which employment and training, vocational education, welfare recipient job training, rehabilitation

services, public assistance, economic development, and other Federal, State, and local programs represent a consistent, integrated, and coordinated approach to the delivery of such services.

B. Provide Coordination Requirements, Planning Instructions to Identified Agencies

Based on its assessment of the need for better coordination of the delivery of services listed in Section A above, the Council shall recommend to the Governor the "Governor's Human Resource Development (HRD) Coordination Criteria" affecting agencies involved with human resource development. This document shall contain the elements of Section 121 of the JTPA and shall also contain coordination requirements derived from the Governor's Human Resource Development Policy.

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The coordination requirements of the "Governor's HRD Coordination Criteria" shall be communicated to affected State, Federal, and local agencies through Planning Instructions issued by the Maine Department of Labor.

C. Review Plans

The Council shall review the plans of all State agencies identified in the "Governor's HRD Coordination Criteria."

The Council shall advise the Governor on these plans and certify the consistency of such plans with the criteria contained in the "Governor's HRD Coordination Criteria."

The Council shall also review and comment, annually, on the reports required pursuant to Sections 113(b)(9), 113(c)(1) and 114(a)(1) of the Carl D. Perkins Vocational Education Act of 1984, Public Law 98-524, as amended, review and comment on the State Plan developed by the State employment service agency and review and comment pursuant to Section 483(a)(2) of the Family Support Act of 1988, PL 100-998, on the State Plan developed by the state income maintenance agency.

D. Recommend a "Maine Human Resource Development Plan"

The Council shall recommend to the Governor an annual "Maine Human Resource Development Plan," which shall describe the human resource development services and numbers of participants to be served by all agencies identified in the "Governor's HRD Coordination Criteria."

E. Conduct Oversight of Human Resource Development Programs

The Council shall review the operation of programs identified in the "Maine Human Resource Development Plan" in order to determine the responsiveness, adequacy, and coordination of such programs.

The Council shall make recommendations to the Governor and other interested entities with respect to ways to improve the effectiveness of such programs.

F. Produce Annual Report

The Council shall prepare an Annual Report to the Governor which shall be a public document and issue such other studies, reports, or documents it deems advisable in carrying out the purposes of this Order.

G. Other Duties

The Council shall perform the following additional duties:

- Recommend to the Governor substate service delivery areas, as well as substate areas, grantees and procedures for the selection of representatives pursuant to the OCTA of 1988, PL 100-418, Subtitle D, the Economic Dislocation Worker Adjustment Assistance Act;
- Recommend resource allocations under Titles I, II, and III of the JTPA that are not subject to Section 202(a) of the JTPA;
- Develop appropriate relationships with other programs;
- Coordinate activities with Private Industry Councils;
- Recommend variations in performance standards (such recommendations shall be contained in the "Governor's HRD Coordination Criteria"); and
- Submit comments to the Governor on state and substate plans and programs for dislocated workers, as required under the Economic Dislocation and Worker Adjustment Assistance Act.

Powers

The Council shall have the necessary authority to carry out the purpose of this Order.

Terms of Members

One-third of the initial appointments shall serve for a one-year term and a second third of the initial appointments shall serve for a two-year term. The term of the final third of such appointments shall be three years.

Following the initial appointments, the Governor may appoint members to additional three-year terms. Members shall serve until a successor is appointed. Selection shall be in a manner consistent with that of the original appointment.

Transitional Provisions

In order to ensure continuity during the planning cycle, those members who are serving on the Council as of December, 1988, and who will be displaced by the reconstruction of the Council under the Economic Dislocation and Worker Adjustment Assistance Act, shall continue to serve until June 30, 1989.

Committee Structure

Such standing and ad hoc committees as are necessary to the performance of this Order may be formed by the Council.

Committees may include subject matter experts who are not members of the Council.

Meetings

The Council shall meet at such times and such places as it deems necessary. The meetings shall be publicly announced and open to the general public.

A majority of members of the Council shall constitute a quorum for the transaction of business.

Administration

The Maine Department of Labor shall be the fiscal agent for the State as required under Public Law 97-300, and shall be the fiscal agent for the Council. Pursuant to his authority under 26 MRSA Section 1401, the Commissioner of the Department of Labor may appoint such employees as he deems necessary to carry out the purpose of this Order.

The Commissioner of the Department of Labor is authorized to promulgate regulations, in accordance with the Maine Administrative Procedure Act, 5 MRSA Section 8002 et seq., as may be necessary to carry out the State's responsibilities under this Order.

The Council shall establish by-laws for its governance. Such by-laws shall be subject to the Governor's approval.

The Council shall replace the Maine Job Training Council on or before July 1, 1987, at which time Executive Order 9 FY 82/83 is hereby rescinded.

Compensation

Members of the Council shall receive no compensation for their services. Reimbursement of necessary expenditures incurred in the performance of their

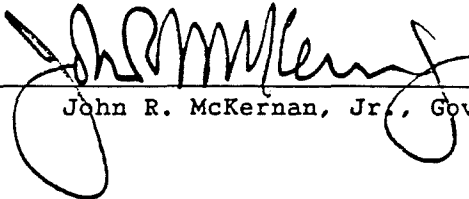
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duties on the Council which are allowed by State law shall be administered by the Department of Labor with funds provided by the JTPA or the Federal or State appropriations made pursuant thereto.

The effective date of this Order is January 23, 1989. This Order supersedes Executive Order 16 FY 86/87.



John R. McKernan, Jr., Governor