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TITLE A Bill to Provide a Special Program for Financial Assistance to Opportunities Industrialization Centers in Order to Provide New Skills Training Opportunities, and to Other National Community Based Organizations to Provide Comprehensive Employment Services to Create One Million New Training and Job Opportunities.

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ABSTRACT

Topic headings in the bill are declaration of policy and purpose, program authorization, contract provisions, special conditions, definitions, and authorization of appropriations. (WL)

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94TH CONGRESS
2D SESSION

H. R. 15066

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1976

Mr. GREEN introduced the following bill; which was referred to the Com-
mittee on Education and Labor

A BILL

To provide a special program for financial assistance to Opportunities Industrialization Centers in order to provide new skills training opportunities, and to other national community based organizations to provide comprehensive employment services to create one million new training and job opportunities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Opportunities Industriali-
4 zation Centers Skills Training and National Community
5 Based Organizations Job Creation and Employment Act of
6 1976".

I

CE 008 145

1 **DECLARATION OF POLICY AND PURPOSE**

2 **SEC. 2. (a)** The Congress finds that over the years the
3 success of the Opportunities Industrialization Centers in skills
4 training and of national community based organizations,
5 such as the National Urban League, SER-Jobs for Progress,
6 Community Action Agencies, union-related organizations,
7 and others which have demonstrated effectiveness in the
8 delivery of employment services qualifies them to receive
9 special assistance to train and provide jobs for one million
10 Americans in the Bicentennial year, and the three succeed-
11 ing years.

12 **(b)** It is the purpose of this Act to provide special
13 authority for the Opportunities Industrialization Centers,
14 utilizing its self-help concept in order to—

15 (1) create jobs and provide skills training for un-
16 employed persons who are particularly hard to employ
17 and to train such individuals to make the transition to
18 permanent employment;

19 (2) create jobs and skills training opportunities for
20 unemployed persons in depressed urban and rural areas,
21 particularly hard hit by the recent economic recession;
22 and

23 (3) create jobs and skills training opportunities for
24 unemployed persons who were employed in industries
25 particularly hard hit by the recent recession.

1 (c) It is the purpose of this Act to also provide to
2 National Community Based Organizations such as the Na-
3 tional Urban League, SER-Jobs for Progress, Community
4 Action Agencies, union-related organizations, and others
5 which have demonstrated effectiveness in the delivery of
6 employment services, authority to—

7 (1) create and provide job opportunities through
8 comprehensive employment services for unemployed
9 persons who are particularly hard to employ and to
10 train such individuals to make the transition to perma-
11 nent employment;

12 (2) create and provide job opportunities through
13 comprehensive employment services for unemployed
14 persons in depressed urban and rural areas, particularly
15 hard hit by the recent economic recession;

16 (3) create and provide job opportunities through
17 comprehensive employment services for unemployed
18 persons who were employed in industries particularly
19 hard hit by the recent recession;

20 (4) utilize public works projects and other Federal
21 financial assistance made by the Federal Government to
22 local Federal, State, and public agencies in order to
23 increase the employability of unemployed individuals;

24 (5) create job opportunities through comprehen-
25 sive employment services for unemployed persons in

1 rural communities in order to prevent outmigration from
2 such communities; and

3 (6) provide opportunities for industry to create
4 additional jobs for the unemployed in rural and urban
5 communities.

6 **PROGRAM AUTHORIZED**

7 **SEC. 3. (a)** The Secretary of Labor is authorized and
8 directed to enter into a contract with Opportunities Industrial-
9 ization Centers, Incorporated, in order to provide through
10 such centers skills training as enumerated in section 2 (b)
11 for unemployed persons in accordance with the provisions
12 of this Act and to contract with other National Community
13 Based Organizations to provide comprehensive employment
14 services enumerated in sections 2 (c) and 4 (b) (1).

15 (b) Notwithstanding any other provision of law, and to
16 the extent consistent with the objective of each authority
17 specified in subsection (c) of this section, the head of each
18 agency administering such authority shall make whatever
19 arrangements he deems necessary, with the Federal, State,
20 and local public agency concerned receiving assistance under
21 that authority, to assure that special consideration will be
22 given to National Community Based Organizations of dem-
23 onstrated effectiveness for the provision of comprehensive
24 employment services and job opportunities for unemployed
25 persons pursuant to such authority.

1 (c) The programs to which subsection (b) applies
2 are—

3 (1) State and Local Fiscal Assistance Act of 1972,
4 and any successor program providing for general reve-
5 nue sharing to States and local governments;

6 (2) title I of the Housing and Community Devel-
7 opment Act of 1974;

8 (3) the Public Works Employment Act of 1975;

9 (4) any authority providing for Federal financial
10 assistance to public works; and

11 (5) special rehabilitation projects designed to im-
12 prove the Nation's railroads.

13 CONTRACT PROVISIONS

14 SEC. 4. (a) Financial assistance will be provided pur-
15 suant to this Act by the Secretary for each fiscal year only,
16 pursuant to a contract between the Secretary and the head
17 of the appropriate national community based organization.

18 (b) Each such contract shall contain provisions to
19 assure that—

20 (1) the Opportunities Industrialization Centers shall
21 have priority to provide for unemployed persons, skills
22 training designed to make such persons employable.
23 Comprehensive employment services shall be provided
24 by National Community Based Organizations experi-
25 enced in the delivery of employment services such as

1 the National Urban League, SER-Jobs for Progress,
2 Community Action Agencies, union-related organiza-
3 tions, and others which have demonstrated effectiveness
4 in the provision of employment services through Na-
5 tional and/or State or local contracts. These services
6 shall include, but not be limited to, outreach, recruitment,
7 assessment, counseling, skills training, remedial educa-
8 tion, job creation, job development, job placement,
9 followup, and other supportive services;

10 (2) whenever jobs or training are furnished by an
11 eligible employer, the national community based orga-
12 nizations will enter into a contract with such employer
13 to assure that the appropriate provisions of this Act are
14 complied with;

15 (3) special consideration will be given to training
16 persons for jobs which provide sufficient prospects for
17 advancement or suitable continued employment by pro-
18 viding training and employment services designed to
19 (A) promote the advancement of participants to em-
20 ployment or training opportunities suitable to the in-
21 dividuals involved, whether in the public or private
22 sector of the economy; (B) provide participants with
23 skills for which there is an anticipated high demand;
24 or (C) provide participants with self-development skills,
25 but nothing contained in this paragraph shall be cou-

1 strued to preclude the participation of any individuals
2 or the development of any programs for which the fore-
3 going goals are not feasible or appropriate;

4 (4) special consideration in providing skills train-
5 ing and jobs will be given to unemployed persons who
6 served in the Armed Forces in Indochina or Korea on
7 or after August 5, 1964, in accordance with criteria
8 established by the Secretary in such contract; National
9 Community Based Organizations shall make special ef-
10 forts to acquaint such veterans with the program and
11 the jobs available to veterans under this Act;

12 (5) to the extent feasible skills training and jobs
13 will be provided in occupational fields which are most
14 likely to expand within the public or private sector as
15 the unemployment rate recedes;

16 (6) special consideration in providing skills train-
17 ing and jobs will be given to unemployed persons who
18 are the most severely disadvantaged in terms of the
19 length of time they have been unemployed, and the
20 prospects of such persons for finding employment with-
21 out assistance under this Act, but such special con-
22 sideration shall not authorize the hiring of any person
23 when any other person is on layoff from the same or
24 equivalent job;

25 (7) no funds received pursuant to this Act will

1 be used to hire any person to fill a job opening created
2 by the action of an employer in laying off or terminat-
3 ing the employment of any regular employee not sup-
4 ported under this Act or under the Comprehensive Em-
5 ployment Training Act of 1973, in anticipation of filling
6 the vacancy so created by hiring an employee to be
7 supported under this Act;

8 (8) due consideration will be given to persons
9 who have participated in manpower training programs
10 for whom employment opportunities would not be
11 otherwise immediately available;

12 (9) the wages or salaries to be paid persons em-
13 ployed in jobs under this Act are disclosed;

14 (10) the planning for and training of supervisory
15 personnel to be employed under this Act is specified;

16 (11) whenever possible all persons employed under
17 such programs will be selected from among unemployed
18 and underemployed persons;

19 (12) the programs will to the maximum extent
20 feasible contribute to the elimination of artificial bar-
21 riers to employment and occupational advancement; and

22 (13) not more than 15 per centum of the partici-
23 pants in the program will be employed in a bona fide
24 professional capacity (as that term is used in section
25 13 (a) (1) of the Fair Labor Standards Act of 1938),

1 except that this paragraph shall not be applicable in
2 the case of participants employed as classroom teachers,
3 and the Secretary may provide objective criteria for
4 the waiver of this limitation in exceptional circum-
5 stances in such contract.

6 The Secretary shall include such other assurance provisions
7 in the contract as are consistent with the provisions of this
8 Act.

9 SPECIAL CONDITIONS

10 SEC 5. (a) The Secretary shall not provide financial
11 assistance for any program or activity pursuant to a contract
12 entered into under this Act, unless he determined that—

13 (1) the program (A) will result in an increase in
14 employment or in employee skills likely to lead to em-
15 ployment opportunities, over those opportunities which
16 would otherwise be available, (B) will not result in the
17 displacement of currently employed workers (includ-
18 ing partial displacement such as a reduction in the hours
19 of nonovertime work or wages or employment benefits),
20 (C) will not impair existing contracts for services or
21 result in the substitution of Federal or other funds in
22 connection with work that would otherwise be per-
23 formed, and (D) will not substitute jobs supported here-
24 under for existing federally assisted jobs;

25 (2) persons employed in jobs under this Act shall

1 be paid wages which shall not be lower than whichever
2 is the highest of (A) the minimum wage which would
3 be applicable to the employee under the Fair Labor
4 Standards Act of 1938, if section 6 (a) (1) of such Act
5 applied to the participant and if he were not exempt
6 under section 13 thereof, (B) the State or local minimum
7 wage for the most nearly comparable covered employ-
8 ment, or (C) the prevailing rates of pay for persons
9 employed in similar occupations by the same employer;

10 (3) all persons employed in jobs under this Act will
11 be assured of workmen's compensation, health insurance,
12 unemployment insurance, and other benefits at the same
13 levels and to the same extent as other employees of the
14 employer and to working conditions and promotional
15 opportunities neither more nor less favorable than such
16 other employees enjoy;

17 (4) the provisions of section 2 (a) (3) of Public
18 Law 89-286 (relating to health and safety conditions)
19 shall apply to such program or activity;

20 (5) the program will, to the maximum extent
21 feasible, contribute to the occupational development or
22 upward mobility of individual participants;

23 (6) every participant shall be advised, prior to
24 entering skills training and employment, of his rights and

1 benefits in connection with such training and employ-
2 ment.

3 (b) The Secretary shall include provisions in any con-
4 tract entered into under section 4 of this Act to assure that
5 National Community Based Organizations will to the extent
6 practicable provide comprehensive employment services and
7 job opportunities on an equitable basis among significant
8 segments of the population of unemployed persons.

9 (c) To the extent of their capability, OIC skills training
10 centers will utilize self-help resources.

11 (d) The Secretary shall include provisions in any con-
12 tract entered into under section 4 of this Act to insure that
13 adequate internal administrative controls, accounting re-
14 quirements, personnel standards, evaluation procedures, and
15 other policies as may be necessary are established which
16 promote the effective use of funds.

17 (e) The Secretary shall not provide financial assistance
18 for any program covered by a contract entered into pursuant
19 to section 4 unless he determines that periodic reports will
20 be submitted to him containing data designed to enable the
21 Secretary and the Congress to measure the relative and,
22 where such program can be compared appropriately, com-
23 parative effectiveness of the programs assisted pursuant to
24 such contract.

1 (f) The Secretary shall not provide financial assistance
2 for any program covered by a contract under section 4, un-
3 less the contract and subcontract entered into by National
4 Community Based Organizations specifically provide that no
5 person with responsibilities in the operation of such programs
6 will discriminate with respect to any program participant or
7 any applicant for participation in such programs because of
8 race, creed, color, national origin, sex, political affiliation, or
9 beliefs.

10 (g) The Secretary shall not provide financial assistance
11 for any program covered by a contract entered into under
12 section 4, which involves political activities; and neither
13 that program, the funds provided therefor, nor personnel em-
14 ployed in the administration thereof shall be, in any way or
15 to any extent, engaged in the conduct of political activities
16 in contravention of chapter 15 of title 5, United States Code.

17 (h) The Secretary shall not provide financial assist-
18 ance for any program covered under the contract under
19 section 4, unless he determines the participants in the pro-
20 gram will not be employed on the construction, operation,
21 or maintenance of any facility or proportion thereof used or
22 to be used for sectarian instruction or as a place of religious
23 worship.

24 DEFINITIONS

25 SEC. 6. As used in this Act, the term—

1 (1) “national community based organization”,
 2 shall be defined as a nonprofit, tax-exempt, organization
 3 which has demonstrated effectiveness in the delivery of
 4 employment and training services, such as the National
 5 Urban League, Opportunities Industrialization Centers,
 6 Incorporated, SER-Jobs for Progress, Community Ac-
 7 tion Agencies, union-related organizations, and others;

8 (2) “eligible employer” means any public agency,
 9 including any department or agency of the Federal
 10 Government and any State or local government agency,
 11 any private nonprofit organization, and any business
 12 enterprise;

13 (3) “unemployed persons” means—

14 (A) adults who are without jobs and who want
 15 and are available for work; and

16 (B) adults who or whose families receive sup-
 17 plemental security income or money payments pur-
 18 suant to a State plan approved under title I, IV,
 19 X, or XVI of the Social Security Act, or would,
 20 as defined in regulations to be issued by the Sec-
 21 retary, be eligible for such payments but for the fact
 22 that both parents are present in the home—

23 (i) who are determined by the Secretary
 24 of Labor in consultation with the Secretary of

1 Health, Education, and Welfare, to be avail-
2 able for work, and

3 (ii) who are persons without jobs, and a
4 determination of whether adults are without
5 jobs shall be made in accordance with the cri-
6 teria used by the Bureau of Labor Statistics of
7 the Department of Labor in defining persons
8 as unemployed, but such criteria shall not be
9 applied differently on account of an individual's
10 previous employment;

11 (4) "adult" means an individual who has attained
12 sixteen years of age;

13 (5) "Secretary" means the Secretary of Labor;
14 and

15 (6) "skills training" for the purpose of this Act
16 means the conduct of training and vocational instruc-
17 tion, in a classroom setting, designed to provide in-
18 dividuals with the technical skills and information re-
19 quired to perform a specific job or groups of jobs for
20 unemployed persons, and shall include recruitment of
21 clients and the provision of preskill and skills train-
22 ing, and skill related job placement.

23 SEC. 7. (a) The Secretary, in carrying out the pro-
24 visions of this Act, shall have the same authority as is pro-

1 vided in title VII of the Comprehensive Employment and
2 Training Act of 1973.

3 (b) Nothing in the Act shall be construed as a limita-
4 tion on or inconsistent with any existing employment and
5 training legislation, regulation, or related program activity.

6 **AUTHORIZATION OF APPROPRIATIONS**

7 **SEC. 8.** There are authorized to be appropriated to
8 carry out the provisions of this Act, such sums as are
9 necessary.

94TH CONGRESS
2D SESSION
H. R. 15066

A BILL

To provide a special program for financial assistance to Opportunities Industrialization Centers in order to provide new skills training opportunities, and to other national community based organizations to provide comprehensive employment services to create one million new training and job opportunities.

By Mr. GREEN

August 5, 1976

Referred to the Committee on Education and Labor