

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER
NUMBER ONE HUNDRED TWENTY-EIGHT

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES
RE: ESTABLISHMENT OF THE DIVISION OF TRAINING SERVICES
WITHIN THE DEPARTMENT OF LABOR

WHEREAS, it is of critical concern that Delaware coordinate and expand its efforts to train and retrain its labor force to meet the challenges of the technological revolution and prevent the waste of human resources; and

WHEREAS, it is estimated that two-thirds of the new entrants into the workforce of the 1980's will be women who frequently are in need of vocational assistance; and

WHEREAS, it is necessary, in view of the changing makeup of the labor force, to expand programs to assist women as well as new entrants and re-entrants into the workforce to achieve stable employment; and

WHEREAS, the special responsibility of the Department of Labor is to perform all duties and functions related to service to the unemployed, including job placement and employment development services and research and analysis regarding unemployment and employment as identified in 29 Del. C., Ch. 85; and

WHEREAS, the Department of Labor is further mandated, in 19 Del. C., Ch. 2, Sections 201-202, to provide maximum opportunities for unemployed and employed persons to improve and modernize their work skills; and

WHEREAS, the Department of Labor presently operates separate training and placement programs to serve the unemployed and underemployed through administration of the Comprehensive Employment and Training Act, (Public Law 95-524), which is being replaced by the Job Training Partnership Act (Public Law 97-300), through programs for displaced homemakers pursuant to 31 Del. C., Ch. 13, Section 1302, and through the Council on Apprenticeship and Training pursuant to 29 Del. C., Ch. 85, Sections 8510 and 8512, and 19 Del. C., Ch. 2; and

WHEREAS, there is an increasing need to provide counseling, specialized job search assistance and, in some instances, retraining for workers who have been displaced by technological advancement; and

WHEREAS, in order to achieve increased and more effective targeting of employment and training assistance to dislocated workers, women, youth and other segments of the population, it is appropriate and essential to reorganize certain functions of the Department of Labor within the framework of a new Division of Training Services; and

WHEREAS, it is within the authority of the Secretary of Labor to establish, consolidate or abolish divisions, subdivisions and offices within the Department, or transfer or combine the powers, duties and functions of the divisions, subdivisions and offices within the Department, with the written approval of the Governor pursuant to 29 Del. C., Ch. 85, Section 8503-8504; and

WHEREAS, it is within the authority of the Secretary of Labor to appoint such additional personnel as may be necessary for the administration and operation of the Department pursuant to 29 Del. C., Ch. 85, Section 8503.

NOW, THEREFORE, I, PIERRE S. du PONT, IV, in concurrence with the Secretary of the Department of Labor and by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Division of Training Services

In order to underscore the importance of the Department of Labor's mandate to provide maximum opportunities for both unemployed and employed persons to improve and modernize their work skills so that they may obtain and remain in productive employment, and to target increased services to dislocated workers, women, and youth; a Division of Training Services is established in the Department of Labor, effective July 1, 1983, having administrative responsibility for the Job Training Partnership Act within the State (Public Law 97-300), including services to dislocated workers; and having all the powers, duties and functions heretofore vested in the Council of Apprenticeship and Training under 29 Del. C., Ch. 85, Sections 8510 and 8512; the Office of Apprenticeship and Training under 19 Del. C., Ch. 2, Sections 201 and 202; Delaware Displaced Homemakers under 31 Del. C., Ch. 13, Sections 1301-1304; and including responsibility for development of new and improved employment opportunities and coordination with all other state and local agencies and private organizations in the employment development field, in cooperation with the Delaware Development Office pursuant to 29 Del. C., Ch. 85 Section 8525.

2. Organization of Division of Training Services

A Director of Training Services will be appointed by the Secretary of the Department of Labor, with the written approval of the Governor, who shall be qualified by training and experience to perform the duties of that office.

The Division of Training Services will consist of four subdivisions, answering to the Director of Training Services: the Apprenticeship and Training Section, Dislocated Workers Section, JTPA Training Services Section, and Women's Vocational Services Section.

a. Apprenticeship and Training Section

The Apprenticeship and Training Section under 29 Del. C., Ch. 85, including the Council of Apprenticeship and Training and the powers and duties of the Office of Apprenticeship and Training under 19 Del. C., Ch. 2, are hereby withdrawn from the Division of Industrial Affairs and placed within the Division of Training Services.

The Apprenticeship and Training Section will continue to implement the State's declared policy to: 1) encourage the development of an apprenticeship and training system through the voluntary cooperation of management and labor and interested state agencies, and in cooperation with other states and the Federal government; 2) provide for the establishment and furtherance of standards of apprenticeship and training to safeguard the welfare of apprentices and trainees; 3) aid in providing maximum opportunities for unemployed and employed persons to improve and modernize their skills; and 4) contribute to a healthy economy by aiding in the development and maintenance of a skilled labor force sufficient in numbers and quality to meet the expanding needs of industry and attract new industry. (19 Del. C., Ch. 2).

An Administrator of the Apprenticeship and Training Section will be responsible to the Director of Training Services.

The Council on Apprenticeship and Training will continue to provide the advisory services outlined in 29 Del. C., Ch. 85, Section 8512, through the organizational channel provided by the Division of Training Services and its Director.

b. Dislocated Workers Section

The Dislocated Workers Section is established to provide job counseling, job search and job development assistance, training and retraining for members of the labor force who have been terminated from employment, or who face the threat of layoff and have little likelihood of returning to their previous occupation because of changes in the economy or technological advances.

Training and services provided by the Dislocated Workers Section will comply with Title III of the Job Training Partnership Act (Public Law 97-300).

An Administrator of Dislocated Worker Section will be responsible to the Director of Training Services.

c. JTPA Training Services Section

The JTPA Training Services Section is herewith established to administer Title I and II of the Job Training Partnership Act (Public Law 97-300) and to work cooperatively with the Division of Employment Services and any other mandated participants in implementing amendments to the Wagner-Peyser Act, as set forth in both the Job Training Partnership Act and the revised Wagner-Peyser Act.

The Secretary of the Department of Labor is directed to establish a task force to study and to make recommendations to the Governor no later than December 15, 1983, concerning the consolidation of the employment services authorized under the

Wagner-Peyser Act and provided by the Division of Employment Services under 29 Del. C., Ch. 85, Section 8506 with those of the Division of Training Services.

An Administrator of JTPA Training Services will be responsible to the Director of Training Services.

d. Women's Vocational Services Section

The Displaced Homemakers Center under 31 Del. C., Ch. 13, is hereby withdrawn from the Division of Vocational Rehabilitation and placed within the Division of Training Services, under the new title of Women's Vocational Services Section.

All functions and responsibilities identified under 31 Del. C., Ch. 13 are to continue under the aegis of the Director of Training Services. In addition, the Women's Vocational Services Section will provide counseling and placement services and, in some cases, training to an expanded target group of women, including: heads of households who are entering the labor force for the first time; divorced, separated and widowed women who may not meet the criteria of the former Displaced Homemakers program; low income women holding low-paying, marginal jobs; and women who are members of minorities.

An Administrator of Women's Vocational Services will be responsible to the Director of Training Services.

e. Council on Women's Vocational Services

The Council on Women's Vocational Services is hereby established, replacing the Delaware Displaced Homemakers Center Advisory Board, and shall serve in an advisory capacity to the Secretary of the Department of Labor, the Director of Training Services and the Administrator of the Women's Vocational Services

Section and, in coordination with other service providers, shall work toward improving the economic status of women by advising in the development of policies and programs which impact on the employment and training of Delaware women. The Council on Women's Vocational Services shall be composed of 15 members broadly representative of the following major groups: women's organizations, public and private non-profit employment and training agencies, the business community, educational institutions, and minorities. Members of the Delaware Displaced Homemakers Center Advisory Board shall, without further action required, become members of the Council and shall serve a term of one (1) year. The terms of newly appointed members shall be staggered, with one-half of the new appointees serving a term of two (2) years and the other half serving a term of three (3) years. Thereafter, all new appointees shall serve for a term of three years. The Executive Director of the Delaware Commission for Women shall serve as an ex officio member of the Council.

f. The Advisory Council on Career and Vocational Education, pursuant to 14 Del. C., Ch. 86 also will serve in an advisory capacity to the Secretary of the Department of Labor and to the Director of the Division of Training Services as a link between the education and employment and training communities.

3. Assumption of Powers

a. The Division of Training Services, through appropriate sections and centers, shall also have the power to perform and shall be responsible for the performance of all the powers, duties, and functions previously vested in the Council of

Apprenticeship and Training, Office of CETA Planning and Administration, the Intergovernmental Manpower Service Administration and the Displaced Homemakers Center, immediately prior to the effective date of this executive order and which are not specifically granted in this executive order.

4. Appeals

a) Any and all rights of appeal now existing by law with respect to any Act or Acts constituting the exercise of any functions or functions now vested by this executive order in the Division of Training Services or in any subdivision thereof shall continue to exist with respect to such Act or Acts as hereafter performed by the Division or by the subdivision thereof, and each such appeal shall be perfected in the manner heretofore provided by law.

5. Continuity

a) All books, records, papers, maps, charts, plans and other material including, but not limited to, any equipment and office furniture in the possession of any agency of the State and used in connection with a function now vested in the Division of Training Services by this executive order shall, on the effective date of this executive order, be delivered into the custody of the Division of Training Services. All investigations, petitions, hearings and legal proceedings pending before, or instituted by, any agency affected by the provisions of this executive order, shall continue unabated and remain in full force and effect, notwithstanding the execution of this executive order and, where necessary, may be completed before, by, or in the name of the Division of Training Services. All orders, rules and regulations

made by any agency affected by the provisions of this executive order and which govern such functions, and which are in effect upon the effective date of this executive order, shall remain in full force and effect until revoked or modified in accordance with law by the Division of Training Services. All contracts and obligations of any agency affected by the provisions of this executive order made or undertaken in the performance of their duties and being in force on the effective date of this executive order, shall, notwithstanding this executive order, remain in full force and effect and be performed by the Division of Training Services.

b) Subject to the applicable provisions of State law and personnel procedures, employees of any commission, board, department, council or agency, whose functions may have been affected by the provisions of this executive order, shall be transferred to the Division of Training Services to carry out the provisions of this executive order and these employees shall continue and be deemed to be the employees of the Division of Training Services on the effective date of this executive order and, where applicable, with all the benefits accrued as merit employees as of the effective date of this executive order.

c) Subject to the applicable provisions of State law and State budget and accounting procedures, any sums appropriated to any office, commission, department, council, agency or person affected by this executive order and which, upon the effective date of this executive order, are unencumbered or unexpended shall be transferred to the Division of Training Services to carry out the provisions of this executive order.

d) All definitions and references to any commission, board, department, council or agency which appear in any other Act or law shall, to the extent that they are consistent with this executive order and in connection with a function affected by this executive order, be construed as referring and relating to the Division of Training Services.

e) All definitions and references to any director, commissioner, executive secretary, commission, board or council member, or other similar person which appear in any other Act or law shall, to the extent that they are consistent with this executive order, and in connection with a function affected by this executive order, be construed as referring or relating to such person or persons and their powers, duties and functions as established and created in this executive order.

6. Misnomer of Department in Donation

a) Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Division of Training Services if it sufficiently appears by the will, conveyance or other writing that the party making the same intended to pass and convey thereby to the Division of Training Services or to any commission, board, department, authority, council or agency, to which, by this executive order, the powers, duties and functions have been affected by this executive order the estate or interest therein expressed or described.

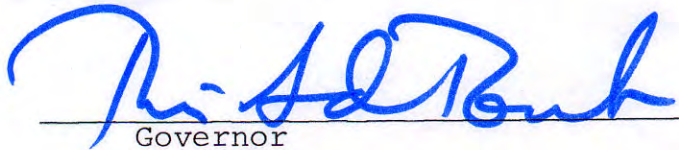
7. Supremacy

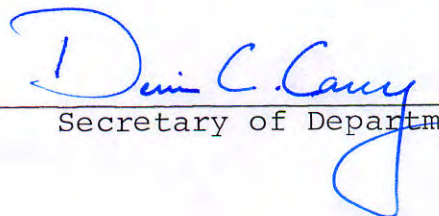
All other executive orders now in effect inconsistent with this executive order are hereby repealed, superseded, modified or amended so far as necessary to conform to, and give full force and affect to, this executive order.

8. Severability

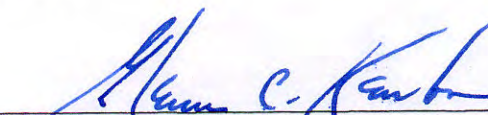
If any provision of this executive order, or of any rule, regulation or order thereunder of the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this executive order and the application of such provisions of this executive order or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid, shall not be affected hereby.

APPROVED this 28th day of June, 1983.


Governor


Secretary of Department of Labor

ATTEST:


Secretary of State

