

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER NUMBER ONE HUNDRED AND THIRTY-TWO

TO: HEADS OF STATE DEPARTMENTS AND AGENCIES

RE: ESTABLISHMENT OF THE OFFICE OF OCCUPATIONAL AND LABOR MARKET INFORMATION WITHIN THE DEPARTMENT OF LABOR TO CONSOLIDATE THE FUNCTIONS OF THE OFFICE OF PLANNING, RESEARCH AND EVALUATION, AND THE STATE OCCUPATIONAL INFORMATION COORDINATING COMMITTEE OF DELAWARE

WHEREAS, the Federal "Job Training Partnership Act" (Public Law 97-300) ("the Act") requires the Governor, in order for the State of Delaware to be eligible for federal financial assistance under the Act for State labor market information programs, to designate the State Occupational Information Coordinating Committee or another organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system; and

WHEREAS, the State is required under the Act to design a comprehensive cost-efficient labor market and occupational supply and demand information system which:

1. Is responsive to the economic demand and education and training supply support needs of the State and areas within the State; and
2. Meets the federal standards under Chapter 35 of Title 44, United States Code, and other applicable federal standards established by the Bureau of Labor Statistics; and

WHEREAS, the State's system under the Act must standardize available Federal and State multi-agency administrative records and direct survey data sources to produce an employment and economic analysis with a published set of projections for the State and designated areas within the State which, at a minimum, includes (A) identification of geographic and occupational areas of potential growth or decline; and (B) an assessment of the potential impact of such growth or decline on individuals, industries, and communities, including occupational supply and demand characteristics data, which shall be used to assist in carrying out the provisions of the "Job Training Partnership Act," the "Vocational Education Act of 1963," and the Act of July 6, 1933, known as the "Wagner-Peyser Act"; and

WHEREAS, the State's system under the Act must assure, to the extent feasible, that:

1. Automated technology will be used by the State;
2. Administrative records have been designed to reduce paperwork; and
3. Multiple survey burdens on the employers of the State have been reduced; and
4. To the maximum extent possible, available administrative data and surveys will be consolidated to reduce duplication of recording of State and local agencies, including secondary and postsecondary educational institutions; and

WHEREAS, the State agency designated under the Act must also:

1. Publish and disseminate labor market and occupational supply and demand information and individualized career information to State agencies, area public agencies, libraries, and private not-for-profit users, and individuals who are in the process of making career decision choices; and

2. Conduct research and demonstration projects designed to improve any aspect of the statewide information system; and

WHEREAS, Title 29 of the Delaware Code, Section 8505 establishes, within the Department of Labor, the Office of Planning, Research and Evaluation, which is charged with operating a comprehensive system of labor market information programs, and having the power and responsibility for statistical research and analysis regarding employment and unemployment, as well as future comprehensive planning of the programs, policies and operations of the Department, and the evaluation, necessary research, data collection and analysis of the programs, policies and operations of the Department; and

WHEREAS, the State Occupational Information Coordinating Committee of Delaware ("SOICCD"), which is required by the "Vocational Education Act of 1963", as amended by the "Education Amendments of 1976" (Public Law 94-482), has been operating in Delaware since 1977 to coordinate:

1. The combination and standardization of existing sources of occupational supply, demand and characteristics data into a comprehensive, automated statewide Occupational Information System designed to meet the common data needs of State economic development, education, employment and training agencies, as well as individuals in the State's labor force; and
2. The delivery of information in the Delaware Occupational Information System to users for planning and career decision purposes; and

WHEREAS, the State Occupational Information Coordinating Committee of Delaware already has developed a comprehensive, computerized occupational and career information delivery system (known as "DELPHI") which combines the features and applications of a career information system, an economic information system, and an occupational information system; and

WHEREAS, there are substantial areas of common concern shared by the Office of Planning, Research and Evaluation and SOICCD, as indicated by the language of the "Job Training Partnership Act" and by the federal guidelines of their respective programs; and

WHEREAS, the pooling of the resources and expertise of the Office of Planning, Research and Evaluation and SOICCD staff within a unified framework will serve to increase the effectiveness and impact of both programs; 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 to 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 Title 29 of the Delaware Code, Section 8503(4); 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 Title 29 of the Delaware Code, Section 8503(3); and

WHEREAS, it is within the authority of the State Occupational Information Coordinating Committee of Delaware to determine the organizational forms, interagency arrangements, staffing patterns, and staff that will best fulfill its mandates under the "Education Amendments of 1976" and the "Job Training Partnership Act of 1982";

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

1. An Office of Occupational and Labor Market Information is hereby established within the Department of Labor, effective November 1, 1983, and is designated pursuant to Section 125 of the "Job Training Partnership Act" as the organizational unit responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system, as defined by Section 125 of the Act.

2. The Office of Occupational and Labor Market Information shall assume all the powers, duties, and functions heretofore vested in the Office of Planning, Research and Evaluation under Title 29 of the Delaware Code, Section 8505, and also shall assume the responsibilities, duties and functions of the office and staff of the State Occupational Information Coordinating Committee of Delaware.

3. The position of Chief of Planning, Research and Evaluation, who is designated in Title 29 of the Delaware Code, Section 8503, as the administrator and head of the Office of Planning, Research and Evaluation, is hereby redesignated as the Chief of Occupational and Labor Market Information. The Chief, as the administrator and head of the Office of Occupational and Labor Market Information, will serve simultaneously as the administrator of the Federal-State cooperative labor market information programs in Delaware and as the director of SOICCD.

4. The State Occupational Information Coordinating Committee, known as the "Statutory Committee", shall be composed of a representative of the State Board of Education, the State Employment Security Agency, the State Vocational Rehabilitation Agency, the State Job Training Coordinating Council, the Delaware Development Office, and the Office of the Governor. The Statutory Committee is charged with the responsibility of overseeing the functions of the Office of Occupational and Labor Market Information carried out under grant(s) from the National Occupational Information Coordinating Committee (NOICC) and, with such additional persons as the Statutory Committee and the Secretary of Labor deem necessary, shall advise the Chief of Occupational and Labor Market Information, the Secretary of Labor, the State Job Training Coordinating Council and the Private Industry Council on all matters pertaining to the collection, analysis, maintenance and distribution of occupational and labor market information.

5. The Office of Occupational and Labor Market Information shall serve as a screening agency for State government to oversee and coordinate all proposed surveys of private employers in Delaware which solicit occupational and labor market information beyond that required by federally-mandated data collection systems.

6. Continuity

(a) All books, records, papers, charts, plans and other materials including, but not limited to, any equipment and office furniture, which is in the possession of any agency of the State, including, but not limited to, the Office of Planning, Research and Evaluation and the State Occupational

Information Coordinating Committee of Delaware, and which is used in connection with a function now vested in the Office of Occupational and Labor Market Information by this Executive Order, shall, on the effective date of this Executive Order, be delivered into the custody of the Office of Occupational and Labor Market Information.

(b) All orders, rules and regulations made by any agency affected by the provisions of this Executive Order, which order, rules and regulations are in effect upon the effective date of this Executive Order, shall remain in full force and effect until revoked or modified by the Secretary of Labor and/or the Office of Occupational and Labor Market Information in accordance with applicable law.

(c) All contracts and obligations of any agency affected by the provisions of this Executive Order, made or undertaken in performance of their lawful duties, and being in force on the effective date of this Executive Order, shall, this Executive Order notwithstanding, remain in full force and effect and be performed by the Office of Occupational and Labor Market Information.

(d) Subject to the applicable provisions of State law and personnel procedures, employees of any agency affected by the provisions of this Executive Order shall be transferred to the Office of Occupational and Labor Market Information on the effective date of this Executive Order, with, where applicable, all the benefits accrued under the rules of the agency or as merit employees, as of the effective date of this Executive Order.

(e) Subject to the applicable provisions of State law and State budget and accounting procedures, any sums appropriated to any office, committee, department or agency affected by the provisions of this Executive Order, which sums were appropriated to fund functions now vested in the Office of Occupational and Labor Market Information by this Executive Order, and which sums, on the effective date of this Executive Order, are unencumbered or unexpended, shall be transferred to the Office of Occupational and Labor Market Information to carry out the provisions of this Executive Order.

(f) All definitions and references to any office, committee, department or agency, which appears in any other law, to the extent they are consistent with this Executive Order and in connection with a function affected by this Executive Order, shall be construed as referring and relating to the Office of Occupational and Labor Market Information.

(g) All definitions and references to any administrator, agency or department head, or committee member or chairperson, or other similar person, which appear in any other law, to the extent they are consistent with, and in connection with a function affected by, this Executive Order, shall be construed as referring or relating to such person or persons and their powers, duties and functions as established by this Executive Order.

7. Misnomer of Office in Donation. Any misnomer shall not defeat or annul any gift, grant or devise to the Office of Occupational and Labor Market Information if it sufficiently appears in the instrument, conveyance or other writing that the party making

the same intended to pass and convey thereby to the Office of Occupational and Labor Market Information, the Office of Planning, Research and Evaluation, the State Occupational Information Coordinating Committee of Delaware, or to any office, committee, department or agency, to which, by this Executive Order, the powers, duties and functions of such named donee were affected, and to which the instrument, conveyance or writing referred.

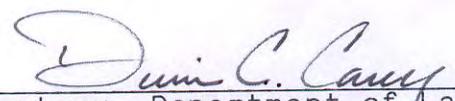
8. Supremacy. All other Executive Orders now in effect inconsistent with this Executive Order are hereby repealed, superseded, modified or amended so far as necessary to conform to, and give full force and effect to, this Executive Order.

9. Severability. If any provision of this Executive Order, or of any rule, regulation or order thereunder of the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Executive Order, and the application of such provision 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 thereby.

APPROVED this *28th* day of *October*,
1983.

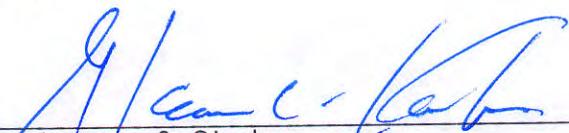


Governor



Secretary, Department of Labor

ATTEST:



Secretary of State

