



10-01-84-02-14

STATE OF DELAWARE
OFFICE OF THE GOVERNOR

PIERRE S. DU PONT IV
GOVERNOR

EXECUTIVE ORDER
NUMBER ONE HUNDRED THIRTY-SEVEN

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: REORGANIZATION OF THE DEPARTMENT OF LABOR AND
REDESIGNATION OF THE DIVISION OF EMPLOYMENT SERVICES
AND THE DIVISION OF TRAINING SERVICES AS THE DIVISION
OF EMPLOYMENT AND TRAINING.

WHEREAS, Executive Order Number One Hundred
Twenty-Eight established a new Division of Training Services
within the Department of Labor as a means of bringing together,
under one administrative structure, Department of Labor
programs providing job training and related services to the
unemployed and underemployed, and including those programs
authorized by the Job Training Partnership Act (Public Law
97-300); and

WHEREAS, The Division of Employment Services within
the Department of Labor provides a statewide delivery system of
labor exchange services as authorized by the Act of July 6,
1933, known as the "Wagner-Peyser Act", as amended by Title V
of the Job Training Partnership Act; and

WHEREAS, the Wagner-Peyser Act amendments contained in
Title V of the Job Training Partnership Act are intended to
integrate the Federal-State Employment Service "ES" into a

comprehensive state delivery system for employment and training under the leadership of the Governor, the State Job Training Coordinating Council and the Private Industry Council and link more closely the labor exchange and job training functions; and

WHEREAS, in response to this enhanced role for the Governor in establishing goals, coordinating services and overseeing service delivery in the State's employment and training system, Executive Order Number One Hundred Twenty-Eight directed the Secretary of the Department of Labor to establish a task force to study and 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; and

WHEREAS, an Employment Services Task Force was created under the chairmanship of a former Secretary of Labor and has recommended that the activities of the Division of Employment Services and the Division of Training Services should be completely integrated into one division within the Department of Labor; and

WHEREAS, the Task Force determined that such consolidation will improve labor exchange and job training services for both clients and employers in Delaware by eliminating duplicative functions in the two divisions and by establishing a fully integrated, comprehensive statewide employment and training service delivery system; and

WHEREAS, it is within the authority of the Secretary of Labor to establish, consolidate or abolish divisions, subdivisions and offices within the Department of Labor, 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, Sections 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 of Labor, pursuant to 29 Del. C., Ch. 85, Section 8503.

NOW, THEREFORE, I, PIERRE S. du PONT, IV, in concurrence with the Secretary 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. Effective July 1, 1984, the Division of Employment Services established pursuant to 29 Del. C., Ch. 85, Section 8506, is redesignated as the Division of Employment and Training having all the powers, duties, and functions heretofore vested in the Division of Employment Services and in the Division of Training Services; having responsibility, in partnership with the Private Industry Council, for carrying out the provisions of the Job Training Partnership Act within the State, including services to dislocated workers; 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, the Delaware Displaced Homemakers under 31 Del. C., Ch. 13, Sections 1301-1304, and the Council on Employment Services under 29 Del. C., Ch. 85, Section 8507; 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. The position of Director of Employment Services, designated in 29 Del. C., Ch. 85, Section 8503(c) is, effective July 1, 1984, redesignated as the Director of Employment and Training.

3. The Apprentice and Training Section under 29 Del. C., Ch. 85, including the Council on Apprenticeship and Training and the powers and duties of the Office of Apprenticeship and Training under 19 Del. C., Ch. 2, are hereby placed within the Division of Employment and Training.

The Apprenticeship and Training Section will continue to implement the State's declared policy, as set forth in 19 Del. C., Ch. 2, 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 work 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 to attract new industry.

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 Employment and Training and its Director.

4. The Displaced Homemakers Center under 31 Del. C., Ch. 13, is hereby placed within the Division of Employment and Training, under the title of Women's Vocational Services.

All functions and responsibilities identified under 31 Del. C., Ch. 13 are to continue under the aegis of the Director of Employment and Training. In addition to displaced homemakers, Women's Vocational Services will provide services 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.

5. The Council on Women's Vocational Services, established by Executive Order Number One Hundred and Twenty-Eight to replace the Delaware Displaced Homemakers Center Advisory Board, is continued and shall serve in an advisory capacity to the Secretary of the Department of Labor and the Director of Employment and Training 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 each appointed by the Governor and 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 a term of three years. The Executive Director of the Delaware Commission for Women shall serve as an ex-officio member of the Council.

6. The Division of Employment and Training shall carry out all responsibilities previously carried out by the Division of Employment Services under 29 Del. C., Ch. 85, Section 8506.

The Council on Employment Services will continue to provide the advisory services outlined in 29 Del. C., Ch. 85, Section 8507 to the Director of Employment and Training. Consideration should be given to combining the functions of the Council on Employment Services either with the Job Service Employers Committee, an active group of employer representatives formed to provide a link between the Employment Services and the private sector, or the Employment Services subcommittee of the State Job Training Coordinating Council. If such consolidation is determined to be advantageous, appropriate recommendations should be made to the General Assembly in the form of proposed legislation to abolish or change the nature of the Council on Employment Services.

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

8. Assumption of Powers

(a) The Division of Employment and Training, 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 on Apprenticeship and Training, the Office of CETA Planning and Administration, the Intergovernmental Manpower Service Administration, the Division of Training Services, the Displaced Homemakers Center, the Division of Employment Services and the Council on Employment Services, immediately prior to the effective date of this Executive Order and which are not specifically granted in this Executive Order.

(b) Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any functions now vested by this Executive Order in the Division of Employment and Training or in any subdivision thereof shall continue to exist with respect to such act or acts as hereafter performed by the Division or by any subdivision thereof, and each such appeal shall be perfected in the manner heretofore provided by law.

(c) All books, records, papers, maps, charts, plans and other materials 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 Employment and Training by this Executive Order shall, on the effective date of this Executive Order, be delivered into the custody of the Division of Employment and Training. 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 for, by, or in the name of, the Division of Employment and Training. 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 Employment and Training. 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 Employment and Training.

(d) 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 Employment and Training to carry out the provisions of this Executive Order, and these employees shall continue to be deemed to be the employees of the Division of Employment and Training 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. The foregoing notwithstanding, nothing in this Executive Order shall be deemed to create in affected personnel the right to any greater benefits as Merit System employees than they already had accrued as of the effective date of this Executive Order.

(e) Subject to 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 Employment and Training to carry out the provisions of this Executive Order.

(f) All definitions and references to any commission, board, department, council or agency which appear in any other Act or law, to the extent that 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 Division of Employment and Training.

(g) 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 by this Executive Order.

(9) Misnomer of Division in Donation. Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Division of Employment and Training 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 Employment and Training or to any commission, board, department, authority, council or agency whose powers, duties and functions are affected by this Executive Order, and to which the will, conveyance in other writing referred.

(10) 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.

(11) 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 thereby.

(12) Transition. The Secretary of Labor is hereby directed to establish a transition team under the co-leadership of the Director of the Division of Employment Services and the Director of the Division of Training Services to bring into full effect by July 1, 1984 all provisions of this executive order.



APPROVED this *26th* day
of *January*, 1984.

R. A. B.
Governor

Denis C. Casey
Secretary of Department
of Labor

ATTEST:

John C. ...
Secretary of State