

NSSB



Achieving Equality

Through Opportunity



A Guide for Community-Based Organizations and
Civil Rights Groups Participating in the National Skill Standards System

A blurred background image showing a group of people in a meeting or conference room. The people are out of focus, with their hands and arms visible, suggesting an active discussion or presentation. The overall tone is professional and collaborative.

National Skill Standards Board
Setting the standard for workforce excellence

Achieving Equality Through Opportunity

A Guide for Community-Based Organizations and
Civil Rights Groups Participating in the National Skill Standards System.

Table of Contents

Introduction	2
I. What's In It For You?	3
II. Setting The Stage	6
A. THE ROLE OF COMMUNITY-BASED ORGANIZATIONS AND CIVIL RIGHTS GROUPS IN DEVELOPING THE NATIONAL SKILL STANDARDS SYSTEM	6
B. NATIONAL SKILL STANDARDS ACT REQUIREMENTS CONCERNING CIVIL RIGHTS LAW	9
III. Coalition Building and Voluntary Partnership Recognition	10
A. NSSB CRITERIA FOR RECOGNITION AS A VOLUNTARY PARTNERSHIP	10
IV. Developing Standards, Assessment, and Certification	12
A. NSSB CRITERIA FOR SKILL STANDARDS AND ASSESSMENTS PERTAINING TO CIVIL RIGHTS, OPPORTUNITY, AND ACCESS	12
B. PROMOTION OF EMPLOYMENT OPPORTUNITIES AND WORKER MOBILITY	15
C. EVALUATION	17
V. Concluding Remarks	18
VI. Appendices	20
A. THE NATIONAL SKILL STANDARDS ACT	20
B. NSSB CRITERIA FOR CIVIL RIGHTS, OPPORTUNITY, AND ASSESSMENT	28

INTRODUCTION

This document is designed to help community-based organizations (CBOs) and civil rights groups get involved as full partners in developing a voluntary, national system of skill standards, assessment, and certification. Skill standards identify what people need to know and be able to do to successfully perform work-related functions within an industry sector. Specifically, they define the work to be performed, how well the work must be done, and the level of knowledge and skill required. The assessment process will measure an individual's level of performance in attaining skill standards while certification will be awarded to individuals who have attained a particular level of proficiency.

The National Skill Standards Act of 1994 (the Act), created the National Skill Standards Board (NSSB). The NSSB is a diverse organization composed of representatives of employers, employees, educators, community-based organizations, civil rights groups, and government officials, collectively known as stakeholders, empowered to promote the establishment of a national skill standards system. The NSSB spurs the creation and facilitates the work of Voluntary Partnerships, which are charged with the development of skill standards. Voluntary Partnerships are groups of interested parties who have a material interest in the development of these standards. The Act calls for the participation of a broad range of civic groups in this effort. Such groups include:

- Employers**
- Labor organizations**
- Community-based organizations**
- Civil rights groups**
- Current and future employees**
- Educators and trainers**

To be successful, skill standards are required to be "consistent with civil rights laws" to ensure access and diversity for all and to increase opportunities for minorities and women. Not only is this an essential social goal, it is explicitly required by the Act. Based on this requirement, the participation of CBOs and civil rights groups, such as yours, is critical. Voluntary Partnerships must include your group's meaningful participation in order for the standards to be effective. Otherwise, this entire effort will not succeed. In the following pages, you will learn more about how your organization can play an active and crucial role in a Voluntary Partnership and in building this national system.

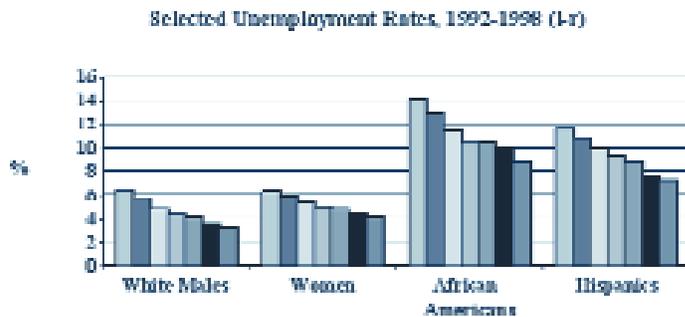
This guide is divided into four main sections plus a final section of concluding remarks. The first section explains the benefits to CBOs and civil rights groups of becoming involved in the skill standards development. The second section previews the process through which the NSSB and the Voluntary Partnerships are developing a national skill standards system. It highlights ways in which the Act requires the involvement of CBOs and civil rights groups. The process of developing a skill standards system includes (1) Building Coalitions; and (2) Developing Standards, Assessment, and Certification Systems. The third and fourth sections of this guide correspond to these first two stages.



As they develop skill standards systems, the Voluntary Partnerships are guided by rules prescribed in the provisions of the Act and the criteria adopted by the NSSB to recognize and endorse the work of the Voluntary Partnerships. This guide will provide you with a roadmap to understanding the Act and the NSSB criteria and how they can be important to your organization.

I. WHAT'S IN IT FOR YOU?

As we enter the new millennium, our nation is experiencing a period of great economic prosperity and opportunity. Most have benefited from this expansion: the unemployment rates for women, African Americans, Hispanics, other minorities, people with disabilities, and older workers decreased from 1992 to 1998. Yet, members of these historically disadvantaged groups continue to face higher rates of unemployment than other groups.



Note: Each bar corresponds to one year

Source: Bureau of Labor Statistics, 1999.

While the general unemployment rate is at a historic low point (4.5% in 1998), the unemployment rate for African Americans averages more than twice that for Whites (8.9% for African Americans versus 3.9% for Whites). Hispanics also experience consistently higher unemployment rates than Whites (7.2% for 1998). Similarly, unemployment rates for women continue to exceed those for men in all ethnic categories. Further, though actual rates vary considerably by disability status, data reveals that people with disabilities are more likely to be unemployed or underemployed than other groups. A recent U.S. Census Bureau survey (1997) revealed overall employment rates of 76.2% for people with disabilities versus 82.1% for those reporting no disability.

Moreover, members of these groups often have lower levels of training and education. Although current data from the U.S. Census Bureau (1996) reflect positive trends in educational attainment across groups, the data also indicate persistent disparities. While the percentage of African Americans aged 25-29 with a high school diploma has reached a level almost equal to that for Whites (85.6% for African Americans and 87.5% for Whites in 1996), Hispanics have not fared as well. Though up dramatically from 1974 when such data were first collected, the percentage of Hispanics 25 years or older having earned a high school diploma remains comparatively low (53.1% in 1996). Data regarding



post-secondary education and training also reveal disparities. One such example, the rate of college completion, has significant implications for current and projected median earnings among protected groups. Current U.S. Bureau of the Census data shows Whites completing college at a consistently higher rate than other groups, Whites 24.3%, African Americans 13.6%, and Hispanics 9.3%.¹

Since 1994, the NSSB has worked to develop a system of skill standards aimed at helping America's workers to work smarter than ever before, and to learn new, high tech skills to keep pace with the constant changes in workplace technology. This system is designed to help raise the standard of living for all employees. In addition, we believe that it can particularly enhance employment opportunities for women, minorities, and other disadvantaged groups, by clarifying what skills are needed in today's workforce and by developing blueprints for more effective and targeted education and training. These are our goals, but in order to meet them, we need your help.

We know your time is precious and already stretched too thin. Community-based and civil rights organizations play vitally important roles in every community in our nation. We know that your primary focus must be the needs of the people you serve. That is exactly why we believe you should join in our effort: working with the NSSB on skill standards could result in real gains for the very people you care about the most. By participating with us, you have the opportunity to:

Promote career opportunities and economic security for the people you serve - You can help us to be certain that sectors of the economy in which disadvantaged workers are more likely to be found are neither overlooked nor shortchanged in the process of developing skill standards. You can also help to ensure that the system is implemented in such a way that it makes it easier for the people you serve to change jobs and to avoid being stuck in dead-end positions.

Provide a strong voice for women, minorities, and other disadvantaged groups - Your participation in the NSSB process will help make certain that your constituents are heard in the skill standards development process and that their voices are reflected in the research that will support the skill standards and assessments. In so doing you can help ensure that disadvantaged employees have input into the system and that their views are heard by others. This will help to ensure that the final system is fair, effective and inclusive.

Ensure that your constituents are a key part of the information exchange around skill standards - Your interaction with the employers, educators and trainers involved with the NSSB will provide an excellent opportunity to enhance their awareness of the needs of your clients and communities. Working with the technical experts and professionals involved with the NSSB will give you key information to share with the people you serve, information that will promote better training and education and better jobs.

Help ensure that skill standards, assessment, and certification are fair and accessible

While the general unemployment rate is at a historic low point, the unemployment rate for African Americans averages more than twice that for Whites. Hispanics also experience consistently higher unemployment rates than Whites. Similarly, unemployment rates for women continue to exceed those for men in all ethnic categories.

for all - The NSSB is profoundly committed to non-discrimination and to increasing opportunities for all employees, especially those historically and currently disadvantaged. We are also committed to the full and balanced participation of civil rights and community organizations in the development of skill standards. Many groups across the country are engaged in efforts to develop skill standards, but only the NSSB is founded on legislation, drafted by the United States Congress and signed by the President, which makes an explicit commitment to civil rights.

Network with your peers and other professionals - Working with us will expand your contacts within today's employment market. Your participation will encompass a unique opportunity to communicate across traditionally adversarial lines and to raise the awareness of large corporations, small business owners, members of organized labor unions, and education officials on different shades of employment discrimination. With your guidance, we will facilitate discussions around emerging workplace and training issues in the context of the skill standards process to identify emerging workplace challenges with important implications for civil rights and communities across the nation.

Work with a group that really values your ideas and input - The NSSB needs you and is committed to doing what we can to facilitate your participation. We need your help, your knowledge, skills, and your insight. We will do everything we can to help you help us.

We know that there are many other priorities and issues demanding your time and attention. Nevertheless, we hope that you will carefully consider the potential benefits of partnering with the NSSB. We think that a small investment of your time and energy in this process could result in enormous rewards for your organization and the people you serve. We hope that you will agree and choose to join us!

HOW TO GET INVOLVED:

There are so many different ways you can become more involved in the work of the NSSB ranging from no time at all to a more significant time commitment. The most important thing is that you get involved in whatever way makes the most sense for you, so that we can benefit from your skill and expertise. Below are a few suggestions:

Get on our mailing list - You can learn a lot about us and about skill standards simply by reading our newsletter and other publications. To get on the NSSB's mailing list, drop us a postcard with your contact information. Or call us toll free at 877-843-6772 or locally in the Washington D.C. area at 202-254-8628. You can also contact us by fax at 202-254-8646 or via e-mail at: information@nssb.org.

Log on to NSSB Online - By visiting us online, you can learn more about the work of the NSSB, the Voluntary Partnerships, and the process of creating skill standards. Our address is <http://www.nssb.org> .



Write to us - If you want to contribute your views to our process but don't have the time to serve on a Voluntary Partnership or in any other on-going capacity, we would still like to hear from you! Write us a letter and provide your input on creating skill standards. Our address is:

**National Skill Standards Board
1441 L Street, NW
Suite 9000
Washington, DC 20005-3512**

Attend an NSSB Board Meeting - The public is invited to attend the NSSB's Open Board Meetings. If you would like to attend such a session, please contact us and we will let you know when and where the next meeting is scheduled. Check out our website for a complete listing of upcoming Board meetings.

Volunteer your expertise - The NSSB and the Voluntary Partnerships need all kinds of expertise, especially from civil rights experts and community-based organizations. If you have special skills that you can contribute, let us know. We would be happy to bring you aboard and get you involved in our work.

Become a member of either a Voluntary Partnership or Convening Group - The main work of creating skill standards happens in the Voluntary Partnerships. These organizations, which start out as Convening Groups, welcome the participation of members from community-based organizations and civil rights groups. If you are interested in serving in this capacity, please call, write, or e-mail us and let us know.

II. SETTING THE STAGE

A. The Role of CBOs and Civil Rights Groups in Developing the National Skill Standards System

Since its creation in 1994, the NSSB and its partners have successfully carried out many of the provisions of the Act. Because the Act called for the creation of broad skill standards that would apply across many occupations, one of the NSSB's first tasks was to assemble groups of similar occupations and industries. The NSSB has defined 15 groups of similar jobs in the U.S., known as "industry clusters." Defining these clusters was a critical part of developing an overarching framework for the skill standards system. Within this framework, the NSSB will help develop and divide skill standards into Core, Concentrations, and Specialties- three levels of skill standards that will be developed by the Voluntary Partnerships and endorsed by the NSSB.

The NSSB has established guidelines used to endorse the standards created by Voluntary Partnerships. Because no coalitions existed with the breadth and inclusiveness required by the Act, the NSSB helped to create initial coalitions, referred to as Convening Groups. The Convening Groups include representatives of all major stakeholders who have an interest in skill standards within each industry cluster. In 1997, the NSSB established requirements for the membership of a Voluntary Partnership (see Section III). It recognizes Voluntary Partnerships that include all stakeholders and successfully meet other criteria established by the NSSB. To date, it has recognized four Voluntary Partnerships - the Manufacturing Skill Standards Council (MSSC), the Sales & Service Voluntary Partnership, Inc. (S&SVP), the Education and Training Voluntary Partnership (E&TVP), and the Hospitality and Tourism Voluntary Partnership - and continues coalition building efforts in four additional industry clusters.

The NSSB has accomplished much work since 1994. However, one continuing challenge for the NSSB, the Convening Groups, and the Voluntary Partnerships is to ensure that the evolving skill standards system upholds civil rights and increases employment opportunities for all. We need your help to achieve these goals.

1. The Importance of CBO and Civil Rights Group Involvement at Each Stage in Developing the NSSB Skill Standards System

a. Stage 1: Building Coalitions - The first step in developing a skill standards system that will meet NSSB requirements is to form a coalition of interest groups within an industry cluster. In this stage, a Convening Group is assembled, which builds support for skill standards and begins strategic planning. Upon completing a strategic plan and electing a Decision Council that will provide leadership, the Convening Group can apply for recognition by the NSSB as a Voluntary Partnership.

NSSB criteria (see Section III below for complete criteria) require that each Voluntary Partnership include all stakeholders, especially:

- **Community-based organizations, and**
- **Non-governmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, individuals with disabilities, or older persons.**

By getting involved in this first stage, your group can be an important team player in the skill standards system from the very beginning. You can develop relationships and exchange information with other members of the Convening Group. There may be numerous opportunities to gain useful information about potential employment and training opportunities for your clients, and, at the same time, you can let other stakeholders know what issues are important to your constituency.

The NSSB Clusters are:

- **Agriculture, Forestry and Fishing**
- **Business and Administrative Services**
- **Construction**
- **Education and Training**
- **Finance and Insurance**
- **Health and Human Services**
- **Manufacturing, Installation and Repair**
- **Mining**
- **Public Administration, Legal and Protective Services**
- **Restaurants, Lodging, Hospitality and Tourism, and Amusement and Recreation**
- **Retail Trade, Wholesale Trade, Real Estate and Personal Services**
- **Scientific and Technical Services**
- **Telecommunications, Computers, Arts and Entertainment, and Information**
- **Transportation**
- **Utilities and Environmental and Waste Management**

During this stage, you will also participate in developing a strategic plan for a skill standards system. Strategic planning generally includes discussions of the strengths and weaknesses of current systems of education, training, and employment within the industry cluster and the opportunities and challenges presented by a system of skill standards. Your organization may have valuable information to contribute about these issues and how they affect your clients. The relationships you establish in this early stage of the skill standards process, and the information you provide, will prove invaluable as your Convening Group moves into the later stages of skill standards development and is recognized as a Voluntary Partnership.

b. Stage 2: Developing Standards, Assessment, and Certification - After being recognized by the NSSB, a Voluntary Partnership can move into Stage 2 and begin the actual development of the skill standards system. This stage includes three phases:



As active participants in Voluntary Partnerships, your group can play vital roles in all three phases.

Standards Development

In this phase, each Voluntary Partnership will conduct background research as an initial step in developing skill standards. This will include a benchmarking study that will examine existing systems of skill standards and certification² within the industry cluster. Your group can help ensure that the study takes into account patterns of professional development, education, training, and demographic changes in particular communities, especially communities that are traditionally underserved or not served at all by current training programs.

Another important role you can play during the development phase is to assist in educating other members of the Voluntary Partnership about the importance of civil rights law. Your organization can help other stakeholders understand the need to develop standards that operate to expand opportunities for everyone- especially those who have been denied opportunity in the past. The NSSB requires each Voluntary Partnership to develop standards based on an extensive study of both work and workers across the industry cluster, known as a “work analysis.” Your group can assist the Voluntary Partnerships in ensuring that this analysis relies on valid methods that are non-discriminatory and widely inclusive and that skill standards directly reflect actual job requirements. The NSSB requires that skill standards and assessments be professionally validated (see Section IV).

What are Core, Concentration, and Specialty Standards?

Core refers to the level of description applicable to an entire cluster, such as transportation; concentration refers to the level of description applicable to broad industry or occupational areas or job families within a cluster, such as trucking; and specialty refers to the level of description applicable to particular or specialized jobs or occupations within a concentration, such as tractor-trailer driver.

Assessment Development

Your group also has a critical role to play in helping Voluntary Partnerships develop assessments, which measure whether individuals have attained the level of performance specified in the skill standards. In some circumstances, employers may use the results of assessments in deciding which individuals to hire, promote, or train. Thus, it is important to ensure that assessments are fair and accurately measure skills required by work in the industry cluster. You can also assist in explaining to your counterparts that both civil rights law and the NSSB criteria (see Section IV) require that assessments be analyzed for possible adverse impact on federally protected groups, and that the assessment with the least adverse impact must be used.

Assessment Implementation

The implementation stage is a critical area in which your group can make an especially valuable contribution. Assessments can and should be administered in ways that are fair for all demographic groups. For example, if many of those undergoing assessment have limited English ability, it may be necessary to offer the assessment in other languages. One of the most important contributions that you can offer is to help ensure full access to the benefits of assessment and certification for your constituency. Additionally, NSSB criteria for employment opportunities and worker mobility (see Section IV) require that information about a Voluntary Partnership's skill standards system be widely disseminated. Your group can help make certain that this information is distributed to all possible audiences.

Helping to ensure broad access to education and training is perhaps the most valuable contribution that groups like yours can make to this process. By focusing training programs on the requirements of the skill standards, you can help community members successfully complete assessments and obtain certification, leading to high quality jobs. You can work with Voluntary Partnership members to assist public and private training providers in aligning their curricula with the skill standards, thus helping to create a system linking education and training and future skill standards to increased employment opportunities for minorities, women, and other disadvantaged groups.

B. National Skill Standards Act Requirements Concerning Civil Rights Law

The Act places great importance on compliance with civil rights law in the evolving national skill standards system by requiring that all aspects of the system be used consistent with civil rights laws. It also makes clear that a fundamental purpose of the system is to increase opportunities for minorities and women, including removing barriers to the entry of women into nontraditional employment. Your active participation will help the NSSB in meeting these mandates. The box below contains an abstract of the Act pertaining to compliance with civil rights laws and the mandate to increase opportunities for minorities and women.



Federal civil rights law prohibits discrimination based on race, color, national origin, ethnicity, sex, religion, age, and disability. Individuals who fall into any of these groups are considered members of a protected class. An employment practice with an adverse impact is one that disproportionately screens out such members.



BOX 1: ABSTRACT OF THE NATIONAL SKILL STANDARDS ACT RELATED TO COMPLIANCE WITH CIVIL RIGHTS LAW

Section 502(3) of the Act states that the purpose of the NSSB is to serve as a catalyst for the development and adoption of a voluntary, national system of skill standards, assessments and certification that complies with civil rights laws and will increase opportunities for minorities and women, including removing barriers to the entry of women into nontraditional employment.

Section 504(d) and (e) of the Act require that the Board of the NSSB develop a set of criteria that will be used to endorse any skill standards system. Both the skill standards and the processes of assessment and certification of those standards cannot be discriminatory and must be consistent with existing federal civil rights laws. In addition, the actions of the NSSB cannot modify any federal or State anti-discrimination laws. Finally, the endorsement or lack of endorsement of skill standards by the NSSB cannot be used as legal evidence to establish that any use of skill standards complies with civil rights laws.

III. COALITION BUILDING AND VOLUNTARY PARTNERSHIP RECOGNITION

This section provides an abstract of the language of the Act and the NSSB criteria governing official recognition of a Voluntary Partnership. Both the summaries of the statute and the criteria identify the types of organizations that must be included in each Voluntary Partnership. The NSSB criteria identify two levels of participation - as a general member, and as a member of the leadership group known as the Decision Council.

BOX 2: ABSTRACT OF THE NATIONAL SKILL STANDARDS ACT PERTAINING TO MEMBERSHIP IN THE VOLUNTARY PARTNERSHIPS

Section 504(b) of the Act requires that Voluntary Partnerships include the full and balanced participation of the following groups:

- Representatives of business and trade associations
- Representatives of organized labor and other employees
- Representatives of educational institutions and public training organizations
- Representatives of community-based organizations and civil rights groups
- Experts in assessment

A. NSSB Criteria for Recognition as a Voluntary Partnership

The statute requires the NSSB to issue criteria to assist with the creation of skill standards. The NSSB uses these criteria to ensure quality and fairness in the development and implementation of skill standards systems. The criteria listed below are designed to ensure that the statutory provisions above are met.

1. General Membership of the Voluntary Partnership

All interested individuals, organizations, and coalitions are invited by the Convening Group to become members of the Voluntary Partnership. Each member of the Voluntary Partnership has the right to:

- **Participate in the selection of representatives to the Decision Council.**
- **Participate in the Decision Council if selected by his or her peers.**
- **Receive communications about the development of a skill standards system for the cluster.**
- **Comment on the direction taken by the Voluntary Partnership's Decision Council.**

The Voluntary Partnerships shall include the adequate representation and full participation of the stakeholders listed in the Act.

2. Voluntary Partnership Decision Council

The NSSB prescribes the Voluntary Partnerships and their Decision Councils to (1) be employer led, and (2) involve all key stakeholders as full partners. The initial Chair of the Decision Council must be an employer. The members of the Decision Council shall, to the extent feasible, be geographically representative of the United States and reflect the racial, ethnic, and gender diversity of the United States.

Each Voluntary Partnership will make every effort to include equal numbers of the three main stakeholder groups identified below in the Decision Council. The composition of the Decision Council must reflect the ranges identified below for the three broadly defined groups:

Stakeholder Group

Share of the Decision Council

Employer Representatives	(such as employers and trade associations)	35-50%
Employee Representatives ³		25-40%
Public Interest Representatives	(such as community-based organizations and civil rights groups)	20-40%

IV. DEVELOPING STANDARDS, ASSESSMENT, AND CERTIFICATION

A. NSSB Criteria For Skill Standards and Assessments Pertaining to Civil Rights, Opportunity, and Access

The Act also requires the NSSB to “develop objective criteria for endorsing skill standards systems,” including criteria concerning civil rights, opportunity, and access. The following section presents these criteria and requirements for the development of consensus within the Voluntary Partnership.

1. General Criteria For Standards and Assessments

Employers can only use skill standards in hiring or promotion if the standards are non-discriminatory and are used consistent with federal civil rights law. The NSSB will endorse the skill standards developed by the Voluntary Partnerships only if they meet these criteria. Proposed skill standards and assessments must be:

- **“Neutral on their face”** with respect to the groups protected by civil rights laws (i.e. refers to a neutral policy or practice that applies to everyone regardless of race, color, national origin, ethnicity, sex, religion, age or disability).
- **Manifestly job-related and consistent with business necessity**, reflecting only the knowledge and skills (including language and physical skills) actually required for competent performance. Voluntary Partnerships will make certain that no effective alternative with less adverse impact exists.
- **Professionally validated, using state-of-the-art techniques.** At a minimum, they meet the Uniform Guidelines on Employee Selection Procedures issued by the U.S. Equal Employment Opportunity Commission.

2. Due Process in Standards Development

Due process ensures that any person (organization, company, or government agency) with a direct and material interest has a right to participate by: (a) expressing a position and its basis, (b) having that position considered, and

Federal civil rights law forbids employers from discriminating on the basis of race, color, national origin, ethnicity, sex, religion, age or disability of an employee or job applicant. These laws bar intentional discrimination. They also bar discrimination that results from an employment decision that is neutral on its face but has an adverse impact on individuals in the groups listed above, unless the standard or assessment is job related for the position... and consistent with business necessity. Even if the standard or assessment is job related and consistent with business necessity, if an adverse impact results the standard or assessment is still illegal if another standard or assessment could be devised that effectively predicts job competence with less of an adverse impact.

(c) appealing a decision of the Voluntary Partnership if adversely affected. Due process allows for equity and fair play. The following constitute the minimum acceptable due process requirements for the development of consensus:

Openness - Voluntary Partnerships are open for participation to anyone who is directly and materially affected by the standards, regardless of professional association, technical expertise, or financial situation. Whenever the Voluntary Partnerships begin the development or revision of a standard, they must publicize their efforts to interested parties in a clear and meaningful manner.

Balance - The voluntary, national skill standards development process should have a balance of interests and shall not be dominated by any single interest category.

Consensus - Consensus requires that all views and objections be considered and that an effort be made toward the resolution of the latter. Approval in this manner assures future users that each skill standard is generally acceptable to the stakeholders.

Written procedures - Written procedures shall govern the methods used for skill standards development and shall be available to any interested person. The written procedures shall also contain a mechanism for the appeals process.

Notification of skill standards development - Voluntary Partnerships will announce any skill standard being developed or revised in all suitable media targeting each affected party. The public and interested parties will be allowed a period to comment on any proposals or revisions. The comment period is a minimum of 60 days. However, if the full text of the revision(s) can be published in the public listing (i.e. the *Federal Register* published by the United States Government Printing Office and accessible via the internet at <http://www.access.gpo.gov>), then the comment period may be a minimum of 30 days. Voluntary Partnerships may request a public listing at any stage in the development of the proposal and are required to do so in the event of subsequent changes.

Consideration of views and objections - Voluntary Partnerships must promptly consider written views and objections from all participants, including those commenting on the public listing. Once informed, the Voluntary Partnership must make an effort to resolve all expressed objections, advising the objector of: the decision made; the reasons for that decision; and the option to appeal. The Voluntary Partnership may respond to comments received after the close of the public listing process as well as when the standards are updated.



3. NSSB Requirements Governing a Voluntary Partnership's Skill Standards Development Plan

The NSSB requires each Voluntary Partnership to develop skill standards based on an analysis of work performed in the industry cluster. The first step in this process is to prepare a workplan, outlining the approach to be used in analyzing work and developing the skill standards. The workplan includes:

- **Specific methodologies**
- **Detailed timeline**
- **Human and technical resources**
- **Budgets**

The workplan should clearly explain how the planned methodologies are designed to meet the NSSB criteria for standards. The methodology for determining concentrations must be identified as well.

4. Criteria Specific to Assessment

Assessments are to be reliable, fair, and valid, and must accurately evaluate the skills they are designed to measure. They should adhere to the following:

- **Assessments are as objective as possible. When subjective measures are necessary, well-accepted techniques are applied to increase the consistency of judgments.**
- **Assessments reasonably accommodate persons with disabilities, consistent with the Americans with Disabilities Act.**
- **When economically feasible, and without impairing their validity, assessments for the core, concentration, or specialty skill standards are not limited to a single assessment tool or method, and include multiple measures of the same skill.**
- **Assessments are to be analyzed for their adverse impact on groups protected by civil rights laws. The Voluntary Partnership will select the assessment(s) with the least adverse impact.**



B. Promotion of Employment Opportunities and Worker Mobility

In addition to the Act's requirements pertaining to civil rights law, the statute includes a variety of other provisions that address the goals of employment opportunities, worker mobility, and access. This section presents both the relevant statutory provisions and the NSSB's criteria designed to meet them.

BOX 3: ABSTRACT OF THE NATIONAL SKILL STANDARDS ACT PERTAINING TO EMPLOYMENT OPPORTUNITIES AND WORKER MOBILITY

Section 502 of the Act states that the purpose of the NSSB is to serve as a catalyst for the development and adoption of a voluntary, national system of skill standards, assessment, and certification that complies with civil rights laws which can be used by workers to advance their careers, help them reenter the workforce, and increase opportunities for minorities and women, including removing barriers to the entry of women into nontraditional employment.

Section 504 of the Act requires that skill standards established by the NSSB be portable and facilitate worker mobility within an industry and among industries. Also, the NSSB must create a system to share information related to skill standards with interested parties and the public.



1. NSSB Criteria on Access to the National Skill Standards System

a. Information About the Skill Standards System - Information about skill standards systems and their use will be accessible to all stakeholders and individuals. The following types of information must be as accessible as possible:

- **Information about the standards, including the standards themselves**
- **Information about education and training available to meet the standards**
- **Information about the assessments - to include information on delivery sites, costs, and certification routes, but not necessarily including disclosure of the assessments themselves**
- **Other information and programs operated by the Voluntary Partnerships**
- **Information about employers that use NSSB-endorsed skill standards**

b. Information About Relevant Civil Rights Law - It is the responsibility of the Voluntary Partnerships to advise employers that they are legally responsible for compliance with federal, state, and local civil rights laws if they use skill standards in their employment decisions. Some helpful advice includes the following:

- **Employers must ascertain the applicability of NSSB-endorsed standards and assessments to their workplace. Knowledge and skills for a position that vary from the knowledge and skills in an NSSB-endorsed skill standard will need to be independently validated by the employer.**
- **Employers must make the reasonable accommodations required by the Americans with Disabilities Act when using NSSB-endorsed standards and certificates.**
- **Employers may want to offer training and/or experiential opportunities to workers to assist them in attaining skill standards.**
- **Employers may not use the NSSB's endorsement per se in a legal proceeding as evidence that an employer's practices conform to civil rights laws. However, the research used by the NSSB to validate the standards may be used by an employer in a legal proceeding.**

c. Outreach - Communication of the information mentioned above is designed to reach the widest possible audience, including the groups protected by civil rights laws as well as every interested party in this process.

d. Using the System - To maximize its impact and effectiveness, the skill standards system must be easy to use. Thus:

- **Assessments will be available in locations that do not burden individuals with unnecessary travel time or costs.**
- **Costs to users of the system, including for assessment, are to be kept as low as reasonably possible.**
- **The number and difficulty of forms/paperwork⁴ necessary to use the skill standards system are kept at the minimum level possible.**
- **Individuals who do not successfully complete an assessment are provided specific feedback on the skill areas in which they need improvement and are afforded an opportunity for reassessment.⁵**

2. NSSB Criteria on the Promotion of Employment Opportunities and Worker Mobility

Skill standards systems must promote the portability of credentials and facilitate worker mobility both within and among industry clusters. Skill standards systems will increase employment opportunities for all workers, including women, minorities, the elderly, disabled, and the economically disadvantaged (including welfare recipients). Voluntary Partnerships must demonstrate how their skill standards system achieves these goals, including:

- **Skill standards and assessments will be modular,⁶ allowing individuals to demonstrate proficiency in and receive credit for attainment of a portion of a skill standard. Voluntary Partnerships will cooperate with the NSSB and other Voluntary Partnerships to construct modules that are portable within and across industry clusters.**
- **Voluntary Partnerships will analyze and present information on existing mobility patterns within their industry clusters, as well as on existing skill-related impediments to mobility.⁷**
- **Skill standards systems will not erect new barriers to opportunity or mobility.**

C. Evaluation

Evaluation - and the continuous improvement activities that accompany it - is essential to a world-class skill standards system. This section presents the relevant statutory abstracts and the NSSB criteria (in the area of civil rights, opportunity, and access) designed to meet the statute.

BOX 4: ABSTRACT OF THE NATIONAL SKILL STANDARDS ACT PERTAINING TO EVALUATION

Section 504(c) of the Act requires that the NSSB conduct workforce research relating to skill standards, including research related to the use of skill standards in compliance with civil rights laws, and make its findings available to both the Voluntary Partnerships and the public. In addition, the skill standards system that is eventually endorsed shall have systems in place to evaluate, assess, and certify the implementation of skill standards that are consistent with civil rights laws.

Section 504(d) highlights the importance of civil rights laws and non-discrimination in the endorsement of skill standards systems.



1. NSSB Criteria Pertaining to Evaluation

Voluntary Partnerships will provide annual reports to the NSSB that analyze the effectiveness of their skill standards systems in meeting the goals of the National Skill Standards Act. Regarding the goals of civil rights, opportunity, and access, these reports must cover the following:

- **Problems and impediments in implementing a skill standards system that can be used consistent with federal, state, and local civil rights law.**
- **Accomplishments and impediments of the system in increasing opportunities for minorities, women, and individuals seeking to reenter the workforce, including removal of barriers to the entry of women into nontraditional employment.**
- **Accomplishments and impediments of the system in facilitating worker mobility, including upward and lateral mobility.**
- **Accomplishments and impediments of the system in achieving credentials that are portable both within and among industry clusters.**
- **Effectiveness of information dissemination for informing users of the requirements of relevant civil rights law.**
- **Cooperation between Voluntary Partnerships and the NSSB in the collection of information and data using uniform definitions, procedures, and computer formats designated by the NSSB.**



V. CONCLUDING REMARKS

The NSSB was created in 1994 by an Act of Congress to develop a voluntary, national system of skill standards. Skill standards are necessary to provide America's workforce with specialized skills to meet the needs of employers in this increasingly information-based economy. This system will help our workers remain competitive with the rest of the world, thereby providing greater job opportunities and raising the standards of living and economic security for everyone.

The development of a skill standards system requires the participation of a broad range of civic and interest groups to provide valuable input and create a system that is practical and effective. Most of all, the standards must be created to ensure equal access, fairness, and participation by each and every person who wishes to benefit from this system. To make that happen, the NSSB needs organizations such as yours to join us in making a voluntary, national system of skill standards, assessment, and certification a reality.

Your organization will help ensure that standards are created that are fair and do not discriminate against any individual in this country. Your critical input will help ascertain that trends and needs affecting underserved populations are taken into consideration during the development of skill standards. The NSSB wants to create the best possible voluntary, national skill standards system that will be a model for the rest of the world. We need your participation to make this happen. Join us in our effort. GET INVOLVED!

¹U.S. Bureau of the Census, Current Population Reports, Series P23- 194 (U.S. GPO 1998).

²For more information on this benchmarking study, see Tab 6 of the NSSB Reference Manual for a Voluntary Skill Standards System

³At least 5% of the Decision Council must represent non-managerial employees (as defined by the Fair Labor Standards Act) that, in the opinion of the NSSB (with the assistance of staff), reflects and fairly represents the needs and issues of national skill standards and assessments.

⁴ Forms/paperwork do not include the assessments themselves.

⁵This criterion does not require Voluntary Partnerships to divulge information about assessments (either through feedback or re-assessment) that is so specific as to endanger the security of the assessment.

⁶This criterion will need subsequent development to ensure that the modules possess sufficient breadth. The criterion does not require certification of the modules, which might undermine the value of the overall certification.

⁷NSSB will fund research using national data sources to supplement the analysis of the Voluntary Partnerships, and to assist them to meet this criterion.

National Skill Standards Act of 1994

SEC. 501. SHORT TITLE.

This title may be cited as the “National Skill Standards Act of 1994.”

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Skill Standards Board to serve as a catalyst in *stimulating the development and adoption of a voluntary national system of skill standards* and of assessment and certification of attainment of skill standards—

- (1) that will serve as a cornerstone of the national strategy to *enhance workforce skills*;
- (2) that will result in *increased productivity, economic growth, and American economic competitiveness*; and
- (3) that can be used, *consistent with civil rights laws*—

(A) *by the Nation*, to ensure the development of a high skills, high quality, high performance workforce, including the most skilled frontline workforce in the world;

(B) *by industries*, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) *by employers*, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) *by labor organizations*, to enhance the employment security of workers by providing portable credentials and skills;

(E) *by workers*, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the workforce;

(F) *by students and entry-level workers*, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) *by training providers and educators*, to determine appropriate training services to offer;

(H) *by government*, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures;

(I) to *facilitate the transition to high performance work organizations*;

(J) to *increase opportunities for minorities and women*, including removing barriers to the entry of women into nontraditional employment; and

(K) to *facilitate linkages between other components of the national strategy to enhance workforce skills*, including school-to-work transition, secondary and postsecondary vocational-technical education, and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) **IN GENERAL.**— There is established a National Skill Standards Board (hereafter in this title referred to as the “National Board”).

(b) COMPOSITION.—

(1) IN GENERAL.— The National Board **shall** be composed of 28 members (appointed in accordance with paragraph (3)), of whom —

- (A)** one member **shall** be the Secretary of Labor;
- (B)** one member **shall** be the Secretary of Education;
- (C)** one member **shall** be the Secretary of Commerce;
- (D)** one member **shall** be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);
- (E)** eight members **shall** be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;
- (F)** eight members **shall** be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and
- (G)**
 - (i)** 2 members **shall** be neutral, qualified human resource professionals; and
 - (ii)** 6 members **shall** be representatives from the following groups, with at least 1 member from each group:
 - (I)** Educational institutions (including vocational-technical institutions).
 - (II)** Community-based organizations.
 - (III)** State and local governments.
 - (IV)** Nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, individuals with disabilities, or older persons.

(2) DIVERSITY REQUIREMENTS.— The members described in subparagraph (G) of paragraph (1) **shall** have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) **shall—**

- (A)** in the aggregate, represent a broad cross-section of occupations and industries; and
- (B)** to the extent feasible, be geographically representative of the United States and reflect the racial, ethnic, and gender diversity of the United States.

(3) APPOINTMENT.— The membership of the National Board **shall** be appointed as follows:

- (A)** Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) **shall** be appointed by the President.
- (B)** Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) **shall** be appointed by the Speaker of the House of Representatives, of whom three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) **shall** be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) **shall** be selected from recommendations made by the Minority Leader of the House of Representatives.
- (C)** Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) **shall** be appointed by the President pro tempore of the Senate, of whom three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) **shall** be selected from recommendations made by the Majority Leader of the Senate and three members (one

from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1) **shall** be selected from recommendations made by the Minority Leader of the Senate.

(4) EX OFFICIO NON-VOTING MEMBERS.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) **shall** be ex officio, non-voting members of the National Board.

(5) TERM.— Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) **shall** be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members **shall** be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class **shall** be appointed in accordance with paragraph (3)(A);

(ii) one from each such class **shall** be appointed in accordance with paragraph (3)(B);
and

(iii) one from each such class **shall** be appointed in accordance with paragraph (3)(C);
and

(B) twelve members **shall** be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class **shall** be appointed in accordance with paragraph (3)(A);

(ii) one from each such class **shall** be appointed in accordance with paragraph (3)(B);

(iii) one from each such class **shall** be appointed in accordance with paragraph (3)(C).

(6) VACANCIES.— *Any vacancy in the National Board shall not affect its powers, but shall be filled in the same manner as the original appointment.*

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—

(A) IN GENERAL.— Except as provided in subparagraph (B), *the National Board, by majority vote, shall elect a Chairperson once every two years from among the members of the National Board.*

(B) INITIAL CHAIRPERSON.— The first Chairperson of the National Board **shall** be elected, by a majority vote of the National Board, from among the members who are representatives of business (as described in subparagraph (E) of subsection (b)(1)) and **shall** serve for a term of 2 years.

(2) VICE CHAIRPERSONS.— The National Board, by majority vote, **shall annually elect three Vice Chairpersons** (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom **shall** serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.— All Members of the National Board who are not full-time employees or officers of the Federal Government **shall** serve without compensation. All members of the National Board who are officers or employees of the United States **shall** serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) EXPENSES.— The members of the National Board **shall** be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—

(1) EXECUTIVE DIRECTOR.— *The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board, not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.*

(2) STAFF.—

(A) **IN GENERAL.**— The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. Such staff *shall include at least one individual with expertise in measurement and assessment.*

(B) **COMPENSATION.**— The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) **VOLUNTARY AND UNCOMPENSATED SERVICES.**— Notwithstanding section 1342 of title 31, United States Code, *the National Board is authorized, in carrying out this title, to accept voluntary and uncompensated services.*

(g) **AGENCY SUPPORT.**—

(1) **USE OF FACILITIES.**—The National Board may use the research, equipment, services, and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this title. Such detail *shall* be without interruption or loss of civil service status or privilege.

(h) **CONFLICT OF INTEREST.**— *An individual who has served as a member of the National Board may not have any financial interest in an assessment and certification system developed or endorsed under this title for a period of three years after the termination of service* of such individual from the National Board.

(i) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**— The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(j) **TERMINATION.**—*The National Board shall terminate on September 30, 1999.*

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) **IDENTIFICATION OF OCCUPATIONAL CLUSTERS.**—

(1) **IN GENERAL.**— Subject to paragraph (2), the National Board *shall identify broad clusters of major occupations that involve one or more than one industry in the United States and that share characteristics that are appropriate for the development of common skill standards.*

(2) **PROCEDURES FOR IDENTIFICATION.**— Prior to identifying board clusters of major occupations under paragraph (1), the National Board *shall* engage in extensive public consultation, including *solicitation of public comment on proposed clusters through publication in the Federal Register.*

(b) **ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.**—

(1) **IN GENERAL.**— *For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).*

(2) **REPRESENTATIVES.**— Such voluntary partnerships *shall* include the full and balanced participation of—

(A) (i) *representatives of business* (including representatives of large employers and representatives of small employers) who have expertise in the area of workforce skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) *representatives of trade associations* that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) *employee representatives* who have expertise in the area of workforce skill requirements and who shall be—

(i) *individuals recommended by recognized national labor organizations* representing employees in the occupation or industry for which a standard is being developed; and

(ii) such other individuals who are ***nonmanagerial employees with significant experience and tenure in such occupation*** or industry as are appropriate given the nature and structure of employment in the occupation or industry;

(C) representatives of—

(i) *educational institutions*;

(ii) *community-based organizations*;

(iii) *State and local agencies* with administrative control or direction over education, vocational-technical education, or employment and training;

(iv) *other policy development organizations* with expertise in the area of workforce skill requirements; and

(v) *non-governmental organizations* with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, individuals with disabilities, or older persons; and

(D) *individuals with expertise in measurement and assessment*, including relevant experience in designing unbiased assessments and performance-based assessments.

(3) EXPERTS.— The partnerships described in paragraph (1) may also include such other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATION.— In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) *conduct workforce research relating to skill standards* (including research relating to use of skill standards in compliance with civil rights laws) and make such research available to the public, including the voluntary partnerships described in subsection (b);

(2) *identify and maintain a catalog of skill standards* used by other countries and by States and leading firms and industries in the United States;

(3) *serve as a clearinghouse* to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), the voluntary partnerships described in subsection (b), and among education and training providers through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)) and the Educational Resources Information Center Clearinghouses;

(4) *develop a common nomenclature relating to skill standards*;

(5) *encourage the development and adoption of curricula and training materials*, for attaining the skill standards developed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification and postsecondary education;

(6) *provide appropriate technical assistance to voluntary partnerships* involved in the development of standards and systems described in subsection (b); and

(7) *facilitate coordination among voluntary partnerships* that meet the requirements of subsection (b) to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) DEVELOPMENT OF ENDORSEMENT CRITERIA.—

(A) The National Board, after extensive public consultation, shall develop *objective criteria for endorsing skill standards systems relating to the occupational clusters* identified pursuant to subsection (a). Such criteria shall, at a minimum, include the components of a skill standards system described in subparagraph (B). *The endorsement criteria shall be published in the Federal Register*, and updated as appropriate.

(B) The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(i) Voluntary skill standards, which at a minimum—

(I) take into account relevant *standards used in other countries* and relevant international standards;

(II) meet or exceed *the highest applicable standards used in the United States, including apprenticeship* standards registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act,” 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.);

(III) take into account content and performance standards certified pursuant to title II [*academic standards*];

(IV) take into account *the requirements of high performance work organizations*;

(V) are in a form that *allows for regular updating* to take into account advances in technology or other developments within the occupational cluster;

(VI) are formulated in such a manner that *promotes the portability of credentials and facilitates worker mobility* within an occupational cluster or industry and among industries; and

(VII) are not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, *consistent with Federal civil rights laws*.

(ii) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which at a minimum-

(I) has been developed after *taking into account relevant methods of such assessment and certification used in other countries*;

(II) *utilizes a variety of evaluation techniques*, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests; and

(III) includes methods for establishing that the assessment and certification system is *not discriminatory* with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

(iii) *A system to promote the use of and to disseminate information relating to skill standards*, and assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems) to entities such as institutions of higher education offering professional and technical education, labor organizations, trade associations, employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(iv) *A system to evaluate the implementation of the skill standards*, and assessment and certification systems developed pursuant to this paragraph, and the effectiveness of the information disseminated pursuant to subparagraph (C) for informing the users of such standards and systems of the requirements of relevant civil rights laws.

(v) *A system to periodically revise and update the skill standards*, and assessment and certification systems developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(2) **ENDORSEMENT.**— The National Board, after public review and comment, *shall endorse those skill standards systems* relating to the occupational clusters identified pursuant to subsection (a) that—

(A) *meet the objective endorsement criteria* that are developed pursuant to paragraph (1); and

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b).

(e) **RELATIONSHIP WITH CIVIL RIGHTS LAWS.**—

(1) **IN GENERAL.**— *Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, gender, age, religion, ethnicity, disability, or national origin.*

(2) **EVIDENCE.**— The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, under subsection (d) *shall not be used in any action or proceeding* to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) **COORDINATION.**— The National Board **shall** establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) **FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**— From funds appropriated pursuant to section 507—

(A) *the National Board may enter into contracts and cooperative agreements* to carry out the purposes of this title; and

(B) *the Secretary of Labor may, in accordance with paragraph (2), award grants to voluntary partnerships for the development of skill standards systems meeting the requirements of subsection (d).*

(2) **GRANTS TO VOLUNTARY PARTNERSHIPS.**—

(A) **ELIGIBILITY AND APPLICATION.**— Voluntary partnerships that meet the requirements of subsection (b) **shall** be eligible to apply for a grant under this subsection. Each such voluntary partnership desiring a grant **shall** submit an application to the National Board at such time, in such manner, and accompanied by such information as the National Board may reasonably require.

(B) **REVIEW AND RECOMMENDATION.**— *The National Board shall review each application submitted pursuant to subparagraph (A) in accordance with the objective criteria published pursuant to subparagraph (C) and shall forward each such application to the Secretary of Labor accompanied by a nonbinding recommendation for the approval or disapproval of each such application by the Secretary.*

(C) **CRITERIA FOR REVIEW.**— *Prior to each fiscal year, the National Board shall publish objective criteria to be used by the Board in reviewing applications* under subparagraph (B).

(3) **LIMITATION ON USE OF FUNDS.**—

(A) **IN GENERAL.**— Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year **shall** be used by the National Board for the costs of administration.

(B) COSTS OF ADMINISTRATION DEFINED.— For purposes of this paragraph, the term “costs of administration” means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1995, the National Board shall, at a minimum—

- (1) *identify occupational clusters* pursuant to section 504(a) representing a substantial portion of the workforce; and
- (2) *promote the development of an initial set of skill standards* in accordance with section 504(d) for such clusters.

SECTION 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1999, a report on the activities conducted under this title. Such report **shall** include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SECTION 507. AUTHORIZATION OF APPROPRIATIONS.

- (a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1999.
- (b) **AVAILABILITY.**—Amounts appropriated pursuant to subsection (a) **shall** remain available until expended.

SEC. 508. DEFINITIONS.

For purposes of this title, the following definitions apply:

- (1) **COMMUNITY-BASED ORGANIZATIONS.** — The term “community-based organizations” has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)). [The JTPA definition is as follows: The term “community-based organizations” means private non-profit organizations which are representative of communities or significant segments of communities and which provide job training services (for example, Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, National Council of La Raza, 70,001, Jobs for Youth, organizations operating career intern programs, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities (as defined in section 7(10) of the rehabilitation act of 1973 [29 U.S.C.A. § 706(10)]), agencies serving youth, agencies serving the handicapped, agencies serving displaced homemakers, union-related organizations, and employer-related nonprofit organizations), and organizations serving non-reservation Indians (including the National Urban Indian Council), as well as tribal governments and Native Alaskan groups.]
- (2) **EDUCATIONAL INSTITUTION.**— The term “educational institution” means a high school, a vocational school, and an institution of higher education.
- (3) **INSTITUTION OF HIGHER EDUCATION.**— The term “institution of higher education” means an institution of higher education (as such term is defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) which continues to meet the eligibility and certification requirements under section 498 of such Act.
- (4) **SKILL STANDARD.**— The term “*skill standard*” means a standard that specifies the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION

- (a) **REPEAL.**— This title is repealed on September 30, 1999.
- (b) **REVIEW OF REPEAL.**— It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

FULL TEXT OF THE NSSB CRITERIA FOR CIVIL RIGHTS, OPPORTUNITY, AND ACCESS

The National Skill Standards Act requires the Board to “develop objective criteria for endorsing skill standards systems,” including criteria concerning civil rights, opportunity and access. Statutory criteria include requirements that skill standards systems:

- are not discriminatory, and can be used consistent with federal civil rights laws;
- promote portable credentials;
- facilitate worker mobility;
- disseminate information concerning the system;
- increase opportunities for minorities and women; and
- evaluate the system’s effectiveness, including its effectiveness in creating a system that complies with civil rights law and opens opportunities for women and minorities.

The Board’s endorsement of a skill standards system is its seal of approval, informing all stakeholders that the system represents both quality and fairness. The Board’s criteria will help the Voluntary Partnerships meet these goals as well as the specific civil rights, opportunity and access provisions in the National Skill Standards Act. The criteria are also designed to assist the Voluntary Partnerships in developing skill standards systems that can be used consistent with federal civil rights law.

To achieve the twin goals of quality and fairness, the Board will use both criteria and specific activities by the NSSB itself, described below. The criteria are what the NSSB expects the Voluntary Partnerships to meet to receive NSSB endorsement. In addition, the NSSB itself will take steps to help the Voluntary Partnerships meet the goals of civil rights, opportunity, and access.

The criteria group the National Skill Standards Act’s requirements listed above into four categories:

- I. Consistency with federal civil rights law
- II. Promotion of employment opportunities and worker mobility
- III. Access to the skill standards system
- IV. Evaluation of the system’s effectiveness with regard to civil rights, opportunity and access

I. Consistency with Federal Civil Rights Law

A. General Criteria for Standards and Assessments

Skill standards systems can be used by employers consistent with federal civil rights law¹ and are nondiscriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin. For the critical work functions of jobs within the clusters for which they are developed, the skill standards and assessments are:

- **Neutral on their face with respect to the groups protected by civil rights law.**
- **Manifestly job-related and consistent with business necessity, reflecting only the knowledge and skills (including language and physical skills) actually required for competent performance. Voluntary Partnerships will further ascertain that no effective alternative with less adverse impact exists.**
- **Professionally validated, using state-of-the-art techniques. At a minimum, they meet the Uniform Guidelines on Employee Selection Procedures found in 29 Code of Federal Regulations 1607.**

¹Federal civil rights law forbids employers from discriminating on the basis of race, color, national origin, ethnicity, sex, religion, age or disability of an employee or job applicant. These laws bar intentional discrimination. They also bar discrimination that results from an employment decision that is neutral on its face but has an adverse impact on individuals in the groups listed above, unless the standard or assessment is job related for the position and consistent with business necessity. Even when the standard or assessment is job-related and consistent with business necessity, if an adverse impact results the standard or assessment is still illegal if another standard or assessment could be devised that effectively predicts job competence with less of an adverse impact.

B. Criteria specific to assessment

1. Criteria Related to Methodology

- a) Assessments are reliable, fair, and valid, accurately measuring the skills they are designed to measure, and are not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with federal civil rights laws. To achieve these goals of reliability, validity, and fairness, the assessments are developed in a manner consistent with relevant professional and technical standards and government guidelines. Professional standards include the APA/AERA/NCME Standards for Educational and Psychological Tests and the Society for Industrial and Organizational Psychology's Principles for the Validation and Use of Employee Selection Procedures. Government guidelines are found in 29 Code of Federal Regulations 1607, Uniform Guidelines on Employee Selection Procedures.
- b) Assessments are as objective as possible. When subjective measures are necessary, well-accepted techniques are applied to increase the consistency of judgments.
- c) The assessments are practical in terms of the time, expense, and resource requirements involved in both their development (that is, creation and validation of the assessments) and delivery (that is, ongoing administration, scoring, and maintenance/updating of the assessments).

2. Criteria Related to the Use of Assessments

- a) Assessments are analyzed for their adverse impact on the groups protected by civil rights, and the Voluntary Partnership selects the assessment(s) with the least adverse impact. Assessments reasonably accommodate persons with disabilities, consistent with the Americans with Disabilities Act.

II. Promotion of Employment Opportunities and Worker Mobility

Skill standards systems will promote the portability of credentials and facilitate worker mobility both within and among industry clusters. Skill standards systems will increase employment opportunities for all workers, including women, minorities, the elderly, handicapped, and the economically disadvantaged (including welfare recipients). Voluntary Partnerships will demonstrate how their skill standards system achieves these goals, including through the following means:

- **Skill standards and assessments are modular,² allowing individuals to demonstrate proficiency in and receive credit for attainment of a portion of a skill standard. Voluntary Partnerships will cooperate with the NSSB and other Voluntary Partnerships to construct modules that are portable within and across industry clusters. (See Section III for additional criteria.)**
- **Voluntary Partnerships analyze and present information on existing mobility patterns within their industry clusters, as well as present information on existing skill-related impediments to mobility.**
- **Skill standards systems do not erect new barriers to opportunity or mobility.³**

²This criterion will need subsequent development to ensure that the modules possess sufficient breadth. The criterion does not require certification of the modules, which might undermine the value of the overall certification.

³NSSB will fund research using national data sources to supplement the analysis of the Voluntary Partnerships, and to assist them to meet this criterion.

III. Access to the Skill Standards System

Information about and use of skill standards systems are maximally accessible to all stakeholders and individuals.

A. Information about the National Skill Standards System

The following types of information are maximally accessible:

- Information about the standards, including the standards themselves
- Information about education and training available to meet the standards
- Information about the assessments⁴
- Other information and programs operated by the Voluntary Partnerships
- Available information about employers that use NSSB-endorsed skill standards.

B. Information about Relevant Civil Rights Law

Voluntary Partnerships will advise employers that, if they use skill standards to make employment decisions, employers are legally responsible for compliance with federal, state and local civil rights law.⁵ The advice includes the following:

- **Employers are responsible for ascertaining the applicability of NSSB-endorsed standards and assessments to their workplace. Knowledge and skills required for specific jobs that vary from the knowledge and skills in an NSSB-endorsed skill standard will need to be independently validated by the employer for that job.**
- **Employers must make the reasonable accommodations required by the Americans with Disabilities Act in using NSSB-endorsed skill standards and certificates.**
- **Employers may want to offer training and/or experiential opportunities to workers to assist them to attain skill standards, which may limit the adverse impact of standards and assessments upon the legally protected groups listed in Criterion I.**
- **Employers may not use NSSB's endorsement per se in a legal proceeding as evidence that an employer's practices conform to civil rights law. However, the research used to validate the standards can be used.**

C. Outreach

Outreach of the information in criteria 1 and 2 above is designed to reach the widest possible audience, including the groups protected by civil rights law as well as employers of all sizes, employer associations, unions, educational institutions, community-based organizations, government offices including the public employment service, the economically disadvantaged (including welfare recipients), and individuals not currently employed.

⁴Information about the assessments does not include disclosure of the assessments themselves.

⁵The NSSB Reference Manual will contain the relevant legal advice necessary for the Voluntary Partnerships to meet this criterion. If the Voluntary Partnerships convey this NSSB advice to employers, the Voluntary Partnerships will have met this criterion.

D. Using the System

Opportunities to use the skill standards system are maximally accessible, including the following:

- **To the extent economically feasible, assessments are available in locations which do not necessitate undue travel time or costs for individuals.**
- **The number and difficulty of forms/paperwork⁶ necessary to use the skill standards system are kept at the minimum level possible.**
- **Individuals who do not successfully complete an assessment are provided specific feedback on the skill areas in which they need improvement.⁷ Such individuals are also afforded some opportunity to be assessed again.**

IV. Evaluation of the System's Effectiveness

Each Voluntary Partnership will provide annual reports to the NSSB that analyze the effectiveness of their skill standards system in meeting the goals of the National Skill Standards Act. Regarding the goals of civil rights, opportunity and access, these reports cover the following issues:

1. Problems and impediments in implementing a skill standards system that can be used consistent with federal, state and local civil rights law.
2. Accomplishments and impediments of the system in increasing opportunities for minorities, women and individuals seeking to reenter the workforce, including removal of barriers to the entry of women into nontraditional employment.
3. Accomplishments and impediments of the system in facilitating worker mobility, including upward and lateral mobility.
4. Accomplishments and impediments of the system in achieving credentials that are portable both within and among industry clusters.
5. Effectiveness of information dissemination for informing users of the requirements of relevant civil rights law.
6. Voluntary Partnerships cooperate with the NSSB in the collection of information and data using uniform definitions, procedures and computer formats designated by the NSSB.

⁶“Forms/paperwork” do not include the assessments themselves.

⁷This criterion does not require Voluntary Partnerships to divulge information about assessments, either through feedback or re-assessment that is so specific as to endanger the security of the assessment.

MEMBERS OF THE NATIONAL SKILL STANDARDS BOARD

Chairman:

James R. Houghton
Chairman of the Board, Emeritus
Corning Inc.

Vice Chairs:

James Burge
*Former Corporate Vice President
& Director of Governmental Affairs*
Motorola, Inc.

Paul F. Cole
*Sec.-Treas., New York State
AFL-CIO Vice Pres.,
American Federation of Teachers*

William E. Weisgerber
Former State Director
Michigan Department of Education's
Office of Career and Technical
Education

Members:

Earline Ashley
Executive Director
Rankin County Human Resource
Agency

Susan Auld
President
Auld, Bishop and Adams
Capitol Strategies, LTD
George Becker

President
United Steelworkers of America

George Bliss
Director of Training
United Assn. of Journeymen and
Apprentices of the Plumbing and
Pipe Fitting Industry of the United
States and Canada

Terrance Craney
President
Wisconsin Education Association
Council

Kenneth Edwards
*Former Director, Research and
Technical Services Department.*
IBEW

Tim C. Flynn
Chairman
LodgeNet Entertainment

Barbara Kairson
Administrator
District Council 37
Education Fund of American
Federation State County Municipal
Employees

William L. Lepley
President and Chief Executive Officer
The Milton Hershey School
Ray Marshall
Audre & Bernard Rapopore

*Centennial Chair, Emeritus in
Economics and Public Affairs*
University of Texas
LBJ School of Public Affairs

Jon A. Reeves
President
Reeves and Williams Builders

Ronald K. Robinson
President
International Longshoremen's
Association
Local 1752

Marc Tucker
President
National Center on Education & the
Economy

Jerald Tunheim
President
Dakota State University

Anne-Lee Verville
*Former General Manager of
Worldwide Education Industry*
IBM Corporation

Carolyn Warner
President
Corporate Education Consulting, Inc.
Alan L. Wurtzel
Vice Chairman of the Board
Circuit City Stores, Inc.

Ex Officio Members:

The Honorable
Alexis M. Herman
Secretary
U.S. Department of Labor

The Honorable
William M. Daley
Secretary
U.S. Department of Commerce

The Honorable
Richard W. Riley
Secretary
U.S. Department of Education

Edie West
Executive Director
National Skill Standards Board

NSSB's Partners in the National System





NSSB National
Skill
Standards
Board

1441 L Street, NW
Suite 9000
Washington, DC 20005
Tel: 202-254-8628
1-877-THE-NSSB
Fax: 202-254-8646
www.nssb.org