

## EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1994-10

**408.48 Transfer of powers and duties of Michigan jobs commission to new principal state department named the Michigan jobs commission; transfer of certain powers and duties of departments of education, social services, and commerce to new Michigan jobs commission; establish governor's workforce commission and Michigan jobs commission board.**

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; and

WHEREAS, the Michigan Jobs Commission was created by Executive Order 1993-2 as a temporary agency; and

WHEREAS, the functions, duties and responsibilities assigned to the Michigan Jobs Commission can be more effectively carried out by the director of a new principal department; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by Article V, Section 1, Article V, Section 2, and Article V, Section 8 of the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

### I. DEFINITIONS

In this Order the following definitions shall apply except where the context clearly requires a different definition.

1. "Board" means the Michigan Jobs Commission Board established as a board by this Order.
2. "Michigan Jobs Commission" means the new principal department created by this Order.
3. "Chief Executive Officer" means that member of the Michigan Jobs Commission Board designated by the Governor as the president/chief executive officer of the Michigan Jobs Commission Board and Director of the Michigan Jobs Commission.
4. "Director" means the Chief Executive Officer of the Michigan Jobs Commission Board and Director of the Michigan Jobs Commission.
5. "Vice President for Economic Expansion" means that member of the Michigan Jobs Commission Board appointed under Part VI.B.1. to serve as Vice President for Economic Expansion and that member shall serve as Vice President for Economic Expansion at the pleasure of the Governor. The Vice President for Economic Expansion shall report to and be directly responsible to the Chief Executive Officer. The Vice President for Economic Expansion shall perform such duties and exercise such powers as the Chief Executive Officer may prescribe.
6. "Vice President for Workforce Development" means that member of the Michigan Jobs Commission Board appointed under Part VI.B.1. to serve as Vice President for Workforce Development and that member shall serve as Vice President for Workforce Development at the pleasure of the Governor. The Vice President for Workforce Development shall report to and be directly responsible to the Chief Executive Officer. The Vice President for Workforce Development shall perform such duties and exercise such powers as the Chief Executive Officer may prescribe.
7. "Member" means a member appointed by the Governor to the Michigan Jobs Commission Board established by this Order.
8. "Applicable federal human resource program" includes the programs authorized under:
  - a. The Job Training Partnership Act, 29 USC 1501 et seq.
  - b. The Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301 et seq.
  - c. The National and Community Service Act of 1990, 42 USC 12501 et seq.
  - d. The Adult Education Act, 20 USC 1201 et seq.
  - e. The Wagner-Peyser Act, 29 USC 49 et seq.

- f. Part F of Subchapter IV of the Social Security Act, 42 USC 681 et seq.
- g. The employment program established under Section 6(d)(4) of the Food Stamp Act of 1977, 7 USC 2015(d)(4).
- 9. "Governor's Workforce Commission" means the Governor's Workforce Commission established by this Order.
- 10. "Governor's Workforce Commission Member" means a member appointed by the Governor to the Governor's Workforce Commission established by this Order.

## II. GENERAL

1. Consistent with Article V, Section 2, of the Constitution of the State of Michigan of 1963, which limits the number of principal departments to twenty (20), the Michigan Jobs Commission created pursuant to Executive Order 1993-2 is hereby transferred to a new principal state department, which shall be named the Michigan Jobs Commission.
2. All the statutory authority, powers, duties, functions, and responsibilities of the Michigan Jobs Commission created pursuant to Executive Order 1993-2, including the authority granted under Executive Orders 1993-2, 1993-3, 1993-4, 1993-5, 1993-9, 1993-20, 1994-14, 1994-20 and Act No. 219 of 1994, are hereby transferred to the principal department created by this Order by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.
3. Pursuant to Article V, Section 1, Article V, Section 2, and Article V, Section 8, of the Constitution of the State of Michigan of 1963, the power to appoint the Director of the Michigan Jobs Commission is hereby vested in the Governor.
4. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The functions transferred to the Michigan Jobs Commission by this Order, except the power to appoint the director, shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission, and all prescribed functions of rule making, licensing, and registration, including the prescription of rules, regulations, standards, and adjudications shall be transferred to the Director of the Michigan Jobs Commission.
5. The director shall, in addition to the other duties and responsibilities given to the director herein or assigned or transferred to the director as head of the department by statute or executive order, be responsible for the oversight and supervision of employees of the department and for the operations of the department. The director shall also perform such other duties and exercise other powers as the Governor may prescribe.
6. The Director of the Michigan Jobs Commission shall establish an administrative unit, including budget, personnel, information systems, internal audit, procurement, legislative and other related administrative functions. The director shall develop agreements with the Directors of the Departments of Commerce, Labor, Education, Social Services, Corrections, Mental Health and Management and Budget to transfer to the Michigan Jobs Commission the necessary personnel, records, property, unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the departments for these activities. The agreements must be developed no later than the effective date of this Order and implemented within 60 days of the effective date of this Order.
7. Until such time as the Michigan Jobs Commission has a fully operational administrative unit, the Director of the Michigan Jobs Commission may request the assistance of the Department of Labor, the Department of Commerce, the Department of Education, the Department of Social Services, and the Department of Management and Budget with respect to personnel, budgeting, procurement, information systems and other management-related functions and such departments shall provide such assistance.
8. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Michigan Jobs Commission created pursuant to Executive Order 1993-2 are hereby transferred to the principal department created by this Order.
9. All rules, orders, contracts and agreements relating to the functions transferred to the principal department created by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.
10. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

## III. DEPARTMENT OF COMMERCE

### A. Community Development Block Grants

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the federal Community Development Block Grant program operated by the Department of Commerce pursuant to Title I of the Housing and Community Development Act of 1974, as amended, being 42 USC 5300 et seq., commonly known as the Michigan Community Development Block Grant Program, are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.
2. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to

promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Director of the Michigan Jobs Commission and the Director of the Department of Commerce shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Commerce.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

#### B. Michigan Strategic Fund Board

1. The Michigan Strategic Fund Board created pursuant to Act No. 270 of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws, is hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Jobs Commission shall replace the Director of the Department of Commerce as a member of the Michigan Strategic Fund Board.

3. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce, the Michigan Strategic Fund or the Michigan Strategic Fund Board for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

6. The Director of the Michigan Jobs Commission and the Director of the Department of Commerce shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Commerce.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

#### C. Michigan Strategic Fund

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Michigan Strategic Fund created pursuant to Act No. 270 of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws, are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the authority, powers, duties, functions and responsibilities of the Director of the Department of Commerce with respect to the operations of the Michigan Strategic Fund, including the power of appointment, are hereby transferred to the Director of the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the

implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce, the Michigan Strategic Fund or the Michigan Strategic Fund Board for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

6. The Director of the Michigan Jobs Commission and the Director of the Department of Commerce shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Commerce.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

#### D. Michigan Travel Commission

1. The Michigan Travel Commission, created pursuant to Act No. 106 of 1945, as amended, being Section 2.101 et seq. of the Michigan Compiled Laws, is hereby transferred from the Department of Commerce to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The function performed by the Director of the Department of Commerce with respect to the appointment of the Travel Bureau Director pursuant to Section 2(5) of Act No. 106 of 1945, being Section 2.102(5) of the Michigan Compiled Laws, is hereby transferred to the Director of the Michigan Jobs Commission.

3. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce, the Michigan Travel Commission or the Michigan Travel Bureau for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

6. The Director of the Michigan Jobs Commission, the Director of the Department of Commerce and the Director of the Michigan Travel Bureau shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Travel Bureau and/or the Department of Commerce.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

#### E. Michigan Travel Bureau

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Michigan Travel Bureau are hereby transferred from the Department of Commerce to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used,



held, employed, available or to be made available to the Department of Commerce or the Michigan Travel Bureau for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Director of the Michigan Jobs Commission, the Director of the Department of Commerce and the Director of the Michigan Travel Bureau shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Travel Bureau and/or the Department of Commerce.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

F. K.I. Sawyer Conversion Authority

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the K.I. Sawyer Conversion Authority, created pursuant to Executive Order 1993-16, are hereby transferred from the Department of Commerce to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the K.I. Sawyer Conversion Authority or the Department of Commerce for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Director of the Michigan Jobs Commission and the Director of the Department of Commerce shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the K.I. Sawyer Conversion Authority and/or the Department of Commerce.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

G. Wurtsmith Conversion Authority

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions of the Department of Commerce related to the Wurtsmith Conversion Authority created pursuant to Executive Order 1991-37, are hereby transferred from the Department of Commerce to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Director of the Michigan Jobs Commission and the Director of the Department of Commerce shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Commerce.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

H. Office of the Michigan Business Ombudsman

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Office of the Michigan Business Ombudsman in the Department of Commerce, created pursuant to Executive Directive 1991-12, are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce or the Michigan Business Ombudsman for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Director of the Michigan Jobs Commission and the Director of the Department of Commerce shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Commerce.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

8. Executive Directive 1991-12 and Executive Directive 1983-4 are hereby rescinded.

I. Other Programs

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Department of Commerce for the Minority, Women and Small Business Services units, created pursuant to Act No. 165 of 1975, being Section 125.1221 et seq. of the Michigan Compiled Laws; the Capital Resources Group, created pursuant to Act No. 270 of 1984, being Section 125.2001 et seq. of the Michigan Compiled Laws; the Office of the Small Business Clean Air Ombudsman, created pursuant to Act No. 12 of 1993, being Section 336.121 et seq. of the Michigan Compiled Laws; the Office of Business and Education Coordination; and the Sales Unit of the Development Services Division are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Commerce having certified that the consolidation of the Office of Film and Television Services ordered pursuant to Executive Order 1991-13 has not occurred, all the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions of the Office of Film and Television Services, created pursuant to Executive Directive 1979-3 and continued by Executive Order 1984-8, are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

6. The Director of the Michigan Jobs Commission and the Director of the Department of Commerce shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other

obligations to be resolved by the Department of Commerce.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

**J. Michigan International Trade Authority Board**

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Michigan Export Development Authority Board, created pursuant to Act No. 157 of the Public Acts of 1986, as amended, being Section 447.151 et seq. of the Michigan Compiled Laws, are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the board shall hereafter be named the Michigan International Trade Authority Board.

2. The Director of the Michigan Jobs Commission shall replace the Director of the Department of Commerce as a member of the Michigan International Trade Authority Board.

3. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce, the Michigan International Trade Authority or the Michigan International Trade Authority Board for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

6. The Director of the Michigan Jobs Commission, the Director of the Department of Commerce and the Director of the Michigan International Trade Authority shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan International Trade Authority and/or the Department of Commerce.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

**K. Michigan International Trade Authority**

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Michigan International Trade Authority, created pursuant to Executive Order 1994-6, are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce, the Michigan International Trade Authority or the Michigan International Trade Authority Board for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Director of the Michigan Jobs Commission, the Director of the Department of Commerce and the Director of the Michigan International Trade Authority shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan International Trade Authority and/or the Department of Commerce.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the

effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

#### IV. DEPARTMENT OF EDUCATION

##### A. Michigan Transition Initiative

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Michigan Transition Initiative in the Department of Education, created pursuant to Section 626(e) of part C of the Individuals with Disabilities in Education Act (IDEA) of 1990, P.L. 101-476, are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Jobs Commission and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Jobs Commission.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Education for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Director of the Michigan Jobs Commission and the Superintendent of Public Instruction shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Education.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

#### V. DEPARTMENT OF SOCIAL SERVICES

##### Federal JOBS Program and Grant Diversion

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, to develop policies and procedures for the Work First and Grant Diversion programs in the Department of Social Services, created pursuant to Title IV of Part F of the Social Security Act, being 42 USC 681 et seq., and to implement those policies and procedures, are hereby transferred to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. The Director of the Department of Social Services shall retain the authority to approve the policies the Michigan Jobs Commission develops pursuant to this Order. The Directors of the Michigan Jobs Commission and the Department of Social Services shall, before the effective date of this Order, develop an interdepartmental agreement to effect the transfer, which shall provide that the employees who have been detailed from the Department of Social Services to the Michigan Jobs Commission to administer the Work First program shall become employees of the Michigan Jobs Commission.

2. The Director of the Michigan Jobs Commission shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of the transfer.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Social Services for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission, subject to the interdepartmental agreement referenced in Section V.1. of this Order.

5. The Director of the Michigan Jobs Commission and the Director of the Department of Social Services shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Social Services, subject to the interdepartmental agreement referenced in Section V.1. of this Order.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.



7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order, subject to the interdepartmental agreement.

#### VI. THE MICHIGAN JOBS COMMISSION BOARD

##### A. Establishment

Board. The Michigan Jobs Commission Board is established as an advisory board by this Order to advise the Governor and Chief Executive Officer/Director of the Michigan Jobs Commission on matters regarding economic and workforce development policy.

##### B. Members of the Board

1. Total Membership and Terms. The Board shall have up to twenty-five (25) voting members who shall be appointed by the Governor and such members shall serve as members at the pleasure of the Governor. Of these members, one (1) shall be the chief executive officer, one (1) shall be the Vice President for Economic Expansion, and one (1) shall be the Vice President for Workforce Development. The Chief Executive Officer, the Vice President for Economic Expansion and the Vice President for Workforce Development shall be or become full-time employees of the State of Michigan.

2. Department Heads. The Directors of the Department of Social Services, the Department of Labor, the Department of Commerce, the Department of Natural Resources, the Department of Agriculture, the Department of Transportation, the Department of Treasury and the Superintendent of Public Instruction shall be ex officio, non-voting members of the Board.

##### C. Operations of the Board

1. Chairperson. The Governor or his designee shall serve as chairperson of the Board at the pleasure of the Governor.

2. Bylaws. The Board may promulgate bylaws, not inconsistent with law and with this Order, governing its organization and procedure.

3. Quorum, Voting. A majority of the serving, voting members constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of one (1) or more vacancies. Voting upon actions taken by the Board shall be conducted by a majority vote of the members present in person at a meeting of the Board or present by use of amplified telephonic equipment or by proxy. The Board shall meet at the call of the chief executive officer and as may be provided in the bylaws of the Board. Meetings of the Board may be held anywhere within the State of Michigan.

4. Conflicts of Interest. Members and employees of the Board are subject to Act No. 317 of the Public Acts of 1968, being Section 15.321 et seq. of the Michigan Compiled Laws, or Act No. 318 of the Public Act of 1968, being Section 15.301 et seq. of the Michigan Compiled Laws, as appropriate. Employees are also subject to applicable Civil Service Commission rules and procedures concerning conflicts of interest.

##### D. Compensation

1. Members of the Board. Members of the Board, not including the Chief Executive Officer, the Vice President for Economic Expansion and the Vice President for Workforce Development, shall serve without compensation for their membership on the Board.

2. Reimbursement. Members of the Board may receive reimbursement for necessary travel and expenses according to relevant procedures of the Civil Service Commission and the Department of Management and Budget.

#### VII. GOVERNOR'S WORKFORCE COMMISSION

##### A. Establishment

The Governor's Workforce Commission is established by this Order as an advisory body to advise the Governor and Chief Executive Officer/Director of the Michigan Jobs Commission on matters regarding workforce development. All the authority, powers, duties, functions and responsibilities of the Governor's Workforce Commission created under Executive Order 1993-3 are hereby transferred to the new Governor's Workforce Commission created by this Order.

##### B. Members of the Governor's Workforce Commission

1. Total Membership and Terms. The Governor's Workforce Commission shall have twenty (20) members who shall serve for a term of two (2) years.

2. State Government Representatives. Five (5) members of the Governor's Workforce Commission shall be appointed by the Governor, including the Director of the Department of Social Services, the Director of the Michigan Jobs Commission, the Director of the Department of Labor, Vice President for Workforce Development and the Superintendent of Public Instruction. These members shall serve at the pleasure of the Governor, subject to redesignation by the Governor.

3. Private Sector. Four (4) members of the Governor's Workforce Commission shall be appointed by the Governor to represent business and industry.

4. Education. Three (3) members of the Governor's Workforce Commission shall be appointed by the Governor to represent education and shall include representatives of each of the following: local public education, post-secondary institutions and secondary or post-secondary vocational educational institutions.

5. Labor. Three (3) members of the Governor's Workforce Commission shall be appointed by the Governor to represent labor and shall be selected from among individuals nominated by recognized state labor federations.

6. Community-Based Organizations. One (1) member of the Governor's Workforce Commission shall be appointed by the Governor to represent community-based organizations.

7. Other. Four (4) other members of the Governor's Workforce Commission shall be appointed by the Governor and may include representatives of local welfare agencies, public housing agencies, units of local government or consortia of such units appointed from nominations made by the chief elected officials of such units or consortia, state or local programs that receive funding from an applicable Federal human resource program that the Governor determines to have a direct interest in the utilization of human resources within the State of Michigan and individuals with special knowledge and qualifications with respect to special education and career development needs of hard-to-serve individuals.

C. Operations of the Governor's Workforce Commission

1. Chairperson. The Governor shall designate one (1) member of the Governor's Workforce Commission to serve as its chairperson and that member shall serve as chairperson at the pleasure of the Governor.

2. Bylaws. The Governor's Workforce Commission may promulgate bylaws, not inconsistent with law and with this Order, governing its organization and procedure.

3. Quorum, Voting. A majority of the serving members constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of one (1) or more vacancies. Voting upon actions taken by the Governor's Workforce Commission shall be conducted by a majority vote of the members present in person at a meeting of the Governor's Workforce Commission or present by use of amplified telephonic equipment. The Governor's Workforce Commission shall meet at the call of the chairperson and as may be provided in the bylaws of the Governor's Workforce Commission. Meetings of the Governor's Workforce Commission may be held anywhere within the State of Michigan.

4. Audits. The Auditor General or a certified public accountant appointed by the Auditor General may annually conduct and remit to the Governor and the Legislature an audit of the Governor's Workforce Commission and, in the conduct of the audit, shall have access to all records of the Commission at any time.

D. Compensation

1. Members of the Governor's Workforce Commission. Members of the Governor's Workforce Commission, not including the Chief Executive Officer and the Vice President for Workforce Development, shall serve without compensation for their membership on the Governor's Workforce Commission.

2. Reimbursement. Members of the Governor's Workforce Commission may receive reimbursement for necessary travel and expenses according to relevant procedures of the Civil Service Commission and the Department of Management and Budget.

VIII. MISCELLANEOUS

A. Validity

The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

B. Inquiries, Studies, Investigations, Hearings, Comments

The Michigan Jobs Commission, the Michigan Jobs Commission Board and the Governor's Workforce Commission may, as appropriate, make inquiries, studies and investigations, hold hearings and receive comments from the public.

C. Cooperation of Agencies

All departments, boards, commissions or officers of the state or of any political subdivision thereof shall give to the Michigan Jobs Commission, or to any member or representative thereof, any necessary assistance required by the Department, or any member or representative thereof, in the performance of the duties of the Michigan Jobs Commission so far as is compatible with its, his or her duties; free access shall also be given to any books, records or documents in its, his or her custody, relating to matters within the scope of the inquiry, study or investigation of the Michigan Jobs Commission.

D. Contractors

The director may hire or retain such contractors, sub-contractors, advisors, consultants and agents as the director may deem advisable and necessary, in accordance with the relevant statutes, rules and procedures of the Civil Service Commission and the Department of Management and Budget, and may make and enter into contracts necessary or incidental to the exercise of the powers of and the performance of the duties of the Michigan Jobs Commission and the director.

E. Grants and Donations

The Michigan Jobs Commission may accept grants of funds and donations of funds, property, labor or other things of value from any department or agency of the State of Michigan and the United States and from any other public or private agency or person.

F. Pilot Programs

The director shall have the authority to and may operate such pilot or demonstration programs as the director determines to be reasonable and necessary.

Executive Order Nos. 1984-8, 1993-3, 1993-4, 1993-5, 1993-9, 1993-20, 1993-24 and 1994-14 are hereby

rescinded.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

**History:** 1994, E.R.O. No. 1994-10, Eff. Feb. 27, 1995

**Compiler's Notes:** Sections III.B and III.C of E.R.O. No. 1994-10, compiled at MCL 408.48, were rescinded by E.R.O. No. 1995-4, Eff. May 15, 1995. For transfer of authority, powers, duties, functions, and responsibilities established under the Michigan economic and social opportunity act and transferred by Executive Order 1993-4 from the department of labor to the Michigan jobs commission and continued by Executive Order 1994-26 within the Michigan jobs commission to the department of social services, see E.R.O. No. 1995-1, compiled at MCL 408.49 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities established under the community services block grant program and transferred by Executive Order 1993-4 from the department of labor to the Michigan jobs commission and continued by Executive Order 1994-26 within the Michigan jobs commission to the department of social services, see E.R.O. No. 1995-1, compiled at MCL 408.49 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities established under the weatherization assistance for low income persons program and transferred by Executive Order 1993-4 from the department of labor to the Michigan jobs commission and continued by Executive Order 1994-26 within the Michigan jobs commission to the department of social services, see E.R.O. No. 1995-1, compiled at MCL 408.49 of the Michigan Compiled Laws. For creation of Michigan workforce investment board within Michigan department of career development, see E.R.O. No. 2002-4, compiled at MCL 408.101 of the Michigan Compiled Laws. For transfer of powers and duties of department of career development, including any board, commission, council, or similar entity within the department of career development, to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.