
ENGROSSED SUBSTITUTE SENATE BILL 5909

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Labor & Workforce Development (originally sponsored by Senator Fairley)

Read first time 03/03/1999.

1 AN ACT Relating to a worker retraining program; amending RCW
2 28C.04.410 and 28C.04.420; adding new sections to chapter 28C.04 RCW;
3 and repealing RCW 28C.04.430, 28C.04.440, 28C.04.450, 28C.04.460, and
4 28C.04.480.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28C.04 RCW
7 to read as follows:

8 (1) The college board worker retraining program funds shall be used
9 for training programs and related support services, including financial
10 aid, counseling, referral to training resources, job referral, and job
11 development that:

12 (a) Are consistent with the unified plan for work force
13 development;

14 (b) Provide increased enrollments for dislocated workers;

15 (c) Provide customized training opportunities for dislocated
16 workers; and

17 (d) Provide increased enrollments and support services, including
18 financial aid for those students not receiving unemployment insurance

1 benefits, that do not replace or supplant any existing enrollments,
2 programs, support services, or funding sources.

3 (2) The college board shall develop a plan for use of the worker
4 retraining program funds in conjunction with the work force training
5 customer advisory committee established in subsection (3) of this
6 section. In developing the plan the college board shall:

7 (a) Provide that applicants for worker retraining program funds
8 shall solicit financial support for training programs and give priority
9 in receipt of funds to those applicants which are most successful in
10 matching public dollars with financial support;

11 (b) Provide that applicants for worker retraining program funds
12 shall develop training programs in partnership with local businesses,
13 industry associations, labor, and other partners as appropriate and
14 give priority in receipt of funds to those applicants who develop
15 customized training programs in partnership with local businesses,
16 industry associations, and labor organizations;

17 (c) Give priority in receipt of funds to those applicants serving
18 rural areas;

19 (d) Ensure that applicants receiving worker retraining program
20 funds gather information from local work force development councils on
21 employer work force needs, including the needs of businesses with less
22 than twenty-five employees; and

23 (e) Provide for specialized vocational training at a private career
24 school or college at the request of a recipient eligible under
25 subsection (1)(b) of this section. Available tuition for the training
26 is limited to the amount that would otherwise be payable per enrolled
27 quarter to a public institution.

28 (3) The executive director of the college board shall appoint a
29 work force training customer advisory committee by July 1, 1999, to:

30 (a) Assist in the development of the plan for the use of the
31 college board worker retraining program funds and recommend guidelines
32 to the college board for the operation of worker retraining programs;

33 (b) Recommend selection criteria for worker retraining programs and
34 grant applicants for receipt of worker retraining program grants;

35 (c) Provide advice to the college board on other work force
36 development activities of the community and technical colleges;

37 (d) Recommend selection criteria for job skills grants, consistent
38 with criteria established in this chapter and this act. Such criteria
39 shall include a prioritization of job skills applicants in rural areas;

1 (e) Recommend guidelines to the college board for the operation of
2 the job skills program; and

3 (f) Recommend grant applicants for receipt of job skills program
4 grants.

5 (4) Members of the work force training customer advisory committee
6 shall consist of three college system representatives selected by the
7 executive director of the college board, three representatives of
8 business selected from nominations provided by state-wide business
9 organizations, and three representatives of labor selected from
10 nominations provided by a state-wide labor organization representing a
11 cross-section of workers in the state.

12 **Sec. 2.** RCW 28C.04.410 and 1983 1st ex.s. c 21 s 2 are each
13 amended to read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout section 1 of this act and RCW
16 ~~((28C.04.040 and))~~ 28C.04.420 ~~((through 28C.04.480))~~.

17 (1) "Applicant" means an educational institution which has made
18 application for a job skills grant under section 1 of this act and RCW
19 28C.04.420 ~~((through 28C.04.480))~~.

20 (2) "Business and industry" means a private corporation,
21 institution, firm, person, group, or association concerned with
22 commerce, trades, manufacturing, or the provision of services within
23 the state, or a public or nonprofit hospital licensed by the department
24 of social and health services.

25 (3) "Dislocated worker" means an individual who meets the
26 definition of dislocated worker contained in P.L. 105-220, Sec. 101 on
27 the effective date of this act.

28 (4) "Educational institution" means a public secondary or
29 postsecondary institution ~~((or))~~, an independent institution, or a
30 private career school or college within the state authorized by law to
31 provide a program of skills training or education beyond the secondary
32 school level. Any educational institution receiving a job skills grant
33 under RCW 28C.04.420 through 28C.04.480 shall be free of sectarian
34 control or influence as set forth in Article IX, section 4 of the state
35 Constitution.

36 ~~((+4))~~ (5) "Equipment" means tangible personal property which will
37 further the objectives of the supported program and for which a

1 definite value and evidence in support of the value have been provided
2 by the donor.

3 ~~((+5))~~ (6) "Financial support" means any thing of value which is
4 contributed by business ~~((and))~~, industry, and others to an educational
5 institution which is reasonably calculated to support directly the
6 development and expansion of a particular program under section 1 of
7 this act and RCW 28C.04.420 ~~((through 28C.04.480))~~ and represents an
8 addition to any financial support previously or customarily provided to
9 such educational institutions by the donor. "Financial support"
10 includes, but is not limited to, funds, equipment, facilities, faculty,
11 and scholarships for matriculating students and trainees.

12 ~~((+6))~~ (7) "Job skills grant" means funding that is provided to an
13 educational institution by the commission for the development or
14 significant expansion of a program under section 1 of this act and RCW
15 28C.04.420 ~~((through 28C.04.480))~~.

16 ~~((+7))~~ (8) "Job skills program" means a program of skills training
17 or education separate from and in addition to existing vocational
18 education programs and which:

19 (a) Provides short-term training which has been designated for
20 specific industries;

21 (b) Provides training for prospective employees before a new plant
22 opens or when existing industry expands;

23 (c) Includes training and retraining for workers already employed
24 by an existing industry or business where necessary to avoid
25 dislocation or where upgrading of existing employees would create new
26 vacancies for unemployed persons;

27 (d) Serves areas with high concentrations of economically
28 disadvantaged persons and high unemployment;

29 (e) Serves areas with new and growing industries;

30 (f) Serves areas where there is a shortage of skilled labor to meet
31 job demands; or

32 (g) Promotes the location of new industry in areas affected by
33 economic dislocation.

34 ~~((+8))~~ (9) "Technical assistance" means professional and any other
35 assistance provided by business and industry to an educational
36 institution, which is reasonably calculated to support directly the
37 development and expansion of a particular program and which represents
38 an addition to any technical assistance previously or customarily
39 provided to the educational institutions by the donor.

1 (~~(9)~~ "Commission" or "commission for vocational education" shall
2 mean the commission for vocational education or any successor agency or
3 organization.))

4 (10) "College board" means the state board for community and
5 technical colleges under chapter 28B.50 RCW.

6 **Sec. 3.** RCW 28C.04.420 and 1983 1st ex.s. c 21 s 4 are each
7 amended to read as follows:

8 The (~~commission~~) college board may, subject to appropriation from
9 the legislature or from funds made available from any other public or
10 private source and pursuant to rules adopted by the (~~commission~~)
11 college board with the advice of the work force training customer
12 advisory committee established in section 1 of this act, provide job
13 skills grants to educational institutions. The job skills grants shall
14 be used exclusively for programs which are consistent with the job
15 skills program. (~~A job skills grant may be awarded only after:~~

16 (1) ~~Receipt of an application from an educational institution which~~
17 ~~contains a proposal for a program of skills training and education,~~
18 ~~including a description of the program, the type of skills training or~~
19 ~~education to be provided, a statement of the total cost of the program~~
20 ~~and a breakdown of the costs associated with equipment, personnel,~~
21 ~~facilities, and materials, a statement of the employment needs for the~~
22 ~~program and evidence in support thereof, demonstrates that the program~~
23 ~~does not unnecessarily duplicate existing programs in the area and is~~
24 ~~provided at a reasonable cost, a statement of the technical assistance~~
25 ~~and financial support for the program received or to be received from~~
26 ~~business and industry, and such other information as the commission~~
27 ~~requests; and~~

28 (2) ~~The commission, based on the application submitted by the~~
29 ~~educational institution and such additional investigation as the staff~~
30 ~~of the commission shall make, finds that:~~

31 (a)) The college board shall work in collaboration with the work
32 force training customer advisory committee established in section 1 of
33 this act to assure that:

34 (1) The program is within the scope of the job skills program under
35 this chapter and may reasonably be expected to succeed and thereby
36 increase employment within the state;

37 (~~(b)~~) (2) Provision has been made to use any available
38 alternative funding from local, state, and federal sources;

1 ~~((e))~~ (3) The job skills grant will only be used to cover the
2 costs associated with the program;

3 ~~((d))~~ (4) The program will not unnecessarily duplicate existing
4 programs and could not be provided by another educational institution
5 more effectively or efficiently;

6 ~~((e))~~ (5) The program involves an area of skills training and
7 education for which there is a demonstrable need;

8 ~~((f))~~ (6) The applicant has made provisions for the use of
9 existing federal and state resources for student financial assistance;

10 ~~((g))~~ (7) The job skills grant is essential to the success of the
11 program as the resources of the applicant are inadequate to attract the
12 technical assistance and financial support necessary for the program
13 from business and industry;

14 ~~((h))~~ (8) The program represents a collaborative partnership
15 between business, industry, labor, educational institutions, and other
16 partners, as appropriate;

17 (9) The commitment of financial support from business and industry
18 shall be equal to or greater than the amount of the requested job
19 skills grant;

20 ~~((i))~~ (10) Binding commitments have been made to the commission
21 by the applicant for adequate reporting of information and data
22 regarding the program to the commission, particularly information
23 concerning the recruitment and employment of trainees and students, and
24 including a requirement for an annual or other periodic audit of the
25 books of the applicant directly related to the program, and for such
26 control on the part of the commission as it considers prudent over the
27 management of the program, so as to protect the use of public funds,
28 including, in the discretion of the commission and without limitation,
29 right of access to financial and other records of the applicant
30 directly related to the programs; and

31 ~~((j))~~ (11) A provision has been made by the applicant to work, in
32 cooperation with the employment security department, to identify and
33 screen potential trainees, and that provision has been made by the
34 applicant ~~((ef))~~ for the participation as trainees of low-income
35 persons ~~((who are victims of economic dislocation)) including temporary~~
36 assistance for needy families recipients, dislocated workers, and
37 persons from minority and economically disadvantaged groups to
38 participate in the program~~((; and~~

1 ~~(k) Binding commitments have been made to the commission by the~~
2 ~~applicant for compliance with the monitoring and evaluation rules of~~
3 ~~the commission)).~~

4 Beginning October 1, 1999, and every two years thereafter, the
5 college board shall provide the legislature and the governor with a
6 report describing the activities and outcomes of the state job skills
7 program.

8 NEW SECTION. Sec. 4. The following acts or parts of acts are each
9 repealed:

10 (1) RCW 28C.04.430 (Job skills program--Notification of approval of
11 grant to employment security department--Contents) and 1983 1st ex.s.
12 c 21 s 5;

13 (2) RCW 28C.04.440 (Job skills program--Interagency agreement by
14 commission and the department of community, trade, and economic
15 development and the employment security department) and 1995 c 399 s
16 32, 1985 c 466 s 40, & 1983 1st ex.s. c 21 s 6;

17 (3) RCW 28C.04.450 (Job skills program--Duties of employment
18 security department) and 1983 1st ex.s. c 21 s 7;

19 (4) RCW 28C.04.460 (Job skills program--Duties of department of
20 community, trade, and economic development) and 1995 c 399 s 33, 1985
21 c 466 s 41, & 1983 1st ex.s. c 21 s 8; and

22 (5) RCW 28C.04.480 (Job skills program--Participant deemed to be in
23 training for purposes of RCW 50.20.043) and 1983 1st ex.s. c 21 s 10.

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