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**SUBSTITUTE SENATE BILL 5909**

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**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; and

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.

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

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

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

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

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

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

37 (f) Recommend grant applicants for receipt of job skills program  
38 grants.

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

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

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout section 1 of this act and RCW  
12 ~~((28C.04.040 and))~~ 28C.04.420 ~~((through 28C.04.480))~~.

13 (1) "Applicant" means an educational institution which has made  
14 application for a job skills grant under section 1 of this act and RCW  
15 28C.04.420 ~~((through 28C.04.480))~~.

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

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

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

31 ~~((+4))~~ (5) "Equipment" means tangible personal property which will  
32 further the objectives of the supported program and for which a  
33 definite value and evidence in support of the value have been provided  
34 by the donor.

35 ~~((+5))~~ (6) "Financial support" means any thing of value which is  
36 contributed by business ~~((and))~~, industry, and others to an educational  
37 institution which is reasonably calculated to support directly the  
38 development and expansion of a particular program under section 1 of

1 this act and RCW 28C.04.420 (~~through 28C.04.480~~) and represents an  
2 addition to any financial support previously or customarily provided to  
3 such educational institutions by the donor. "Financial support"  
4 includes, but is not limited to, funds, equipment, facilities, faculty,  
5 and scholarships for matriculating students and trainees.

6 (~~(6)~~) (7) "Job skills grant" means funding that is provided to an  
7 educational institution by the commission for the development or  
8 significant expansion of a program under section 1 of this act and RCW  
9 28C.04.420 (~~through 28C.04.480~~).

10 (~~(7)~~) (8) "Job skills program" means a program of skills training  
11 or education separate from and in addition to existing vocational  
12 education programs and which:

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

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

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

21 (d) Serves areas with high concentrations of economically  
22 disadvantaged persons and high unemployment;

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

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

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

28 (~~(8)~~) (9) "Technical assistance" means professional and any other  
29 assistance provided by business and industry to an educational  
30 institution, which is reasonably calculated to support directly the  
31 development and expansion of a particular program and which represents  
32 an addition to any technical assistance previously or customarily  
33 provided to the educational institutions by the donor.

34 (~~(9) "Commission" or "commission for vocational education" shall~~  
35 ~~mean the commission for vocational education or any successor agency or~~  
36 ~~organization.))~~

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

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

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

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

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

26       ~~((a))~~ The college board shall work in collaboration with the work  
27 force training customer advisory committee established in section 1 of  
28 this act to assure that:

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

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

34       ~~((c))~~ (3) The job skills grant will only be used to cover the  
35 costs associated with the program;

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

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

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

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

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

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

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

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

34        ~~(k)~~ Binding commitments have been made to the commission by the  
35 applicant for compliance with the monitoring and evaluation rules of  
36 the commission)).

37        Beginning October 1, 1999, and every two years thereafter, the  
38 college board shall provide the legislature and the governor with a

1 report describing the activities and outcomes of the state job skills  
2 program.

3 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each  
4 repealed:

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

8 (2) RCW 28C.04.440 (Job skills program--Interagency agreement by  
9 commission and the department of community, trade, and economic  
10 development and the employment security department) and 1995 c 399 s  
11 32, 1985 c 466 s 40, & 1983 1st ex.s. c 21 s 6;

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

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

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

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