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SENATE BILL 5909

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State of Washington

56th Legislature

1999 Regular Session

By Senator Fairley

Read first time 02/16/1999. Referred to Committee on Labor & Workforce Development.

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 state board for community and technical colleges worker  
9 retraining program funds shall be used for training programs and  
10 related support services, including financial aid, counseling, referral  
11 to training resources, job referral, and job development that:

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

14 (b) Provide increased enrollments for dislocated workers; and

15 (c) Provide increased enrollments and support services, including  
16 financial aid for those students not receiving unemployment insurance  
17 benefits, that do not replace or supplant any existing enrollments,  
18 programs, support services, or funding sources.

1 (2) The state board for community and technical colleges shall  
2 develop a plan for use of the worker retraining funds which is to be  
3 approved by the work force training customer advisory committee  
4 established in section 2 of this act. In developing the plan, the  
5 state board for community and technical colleges shall:

6 (a) Provide for the distribution of forty percent of the worker  
7 retraining program funds to the department of community, trade, and  
8 economic development for distribution to job skills program grantees as  
9 provided in section 2 of this act;

10 (b) Provide for the distribution of thirty percent of the worker  
11 retraining program funds through an allocation process based on  
12 population within a community or technical college district;

13 (c) Provide for the distribution of thirty percent of the worker  
14 retraining program funds through a grant process administered by the  
15 board which distributes funds to college programs developed in  
16 partnership with local businesses, with one-third of the grants being  
17 reserved for community colleges serving rural areas; and

18 (d) Ensure that local colleges receiving worker retraining program  
19 funds gather information from local work force development councils on  
20 employer work force needs.

21 (3) For purposes of chapter . . . , Laws of 1999 (this act),  
22 training provided by the community and technical colleges shall only  
23 consist of basic skills and literacy, occupational skills, vocational  
24 education, and related or supplemental instruction for apprentices who  
25 are enrolled in a registered, state-approved apprenticeship program.  
26 Community and technical colleges may contract with skill centers to  
27 provide training authorized in this section. Upon the request of a  
28 recipient eligible under subsection (1)(b) of this section, a community  
29 and technical college may contract with a private technical school for  
30 specialized vocational training. Available tuition for the training is  
31 limited to the amount that would otherwise be payable per enrolled  
32 quarter to a public institution. Furthermore, the funding is only  
33 available to students who seek training in a course of study not  
34 available at a public institution within an eligible recipient's  
35 congressional district.

36 NEW SECTION. **Sec. 2.** A new section is added to chapter 28C.04 RCW  
37 to read as follows:

1 (1) The director of the department of community, trade, and  
2 economic development shall appoint a work force training customer  
3 advisory committee by July 1, 1999, to:

4 (a) Select applicants for receipt of job skills program grants;

5 (b) Establish, with the advice of the director of the state board  
6 for community and technical colleges, selection criteria for job skills  
7 grants, consistent with criteria established in chapter 28C.04 RCW and  
8 chapter . . . , Laws of 1999 (this act);

9 (c) Recommend guidelines to the department for the operation of the  
10 job skills program; and

11 (d) Approve the plan for the use of the state board for community  
12 and technical colleges worker retraining program funds.

13 (2) One-third of the job skills grants shall be reserved for  
14 businesses in rural areas.

15 (3) Members of the advisory committee shall consist of three  
16 representatives of business selected from nominations provided by  
17 state-wide business organizations representing a cross-section of  
18 industries; and three representatives of labor selected from  
19 nominations provided by a state-wide labor organization.

20 **Sec. 3.** RCW 28C.04.410 and 1983 1st ex.s. c 21 s 2 are each  
21 amended to read as follows:

22 Unless the context clearly requires otherwise, the definitions in  
23 this section apply throughout sections 1 and 2 of this act and RCW  
24 ((28C.04.040 and)) 28C.04.420 ((through 28C.04.480)).

25 (1) "Applicant" means an educational institution which has made  
26 application for a job skills grant under sections 1 and 2 of this act  
27 and RCW 28C.04.420 ((through 28C.04.480)).

28 (2) "Business and industry" means a private corporation,  
29 institution, firm, person, group, or association concerned with  
30 commerce, trades, manufacturing, or the provision of services within  
31 the state, or a public or nonprofit hospital licensed by the department  
32 of social and health services.

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

36 (4) "Educational institution" means a public secondary or  
37 postsecondary institution or an independent institution within the  
38 state authorized by law to provide a program of skills training or

1 education beyond the secondary school level. Any educational  
2 institution receiving a job skills grant under RCW 28C.04.420 through  
3 28C.04.480 shall be free of sectarian control or influence as set forth  
4 in Article IX, section 4 of the state Constitution.

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

9 ~~((+5))~~ (6) "Financial support" means any thing of value which is  
10 contributed by business and industry to an educational institution  
11 which is reasonably calculated to support directly the development and  
12 expansion of a particular program under section 1 and 2 of this act and  
13 RCW 28C.04.420 ~~((through 28C.04.480))~~ and represents an addition to any  
14 financial support previously or customarily provided to such  
15 educational institutions by the donor. "Financial support" includes,  
16 but is not limited to, funds, equipment, facilities, faculty, and  
17 scholarships for matriculating students and trainees.

18 ~~((+6))~~ (7) "Job skills grant" means funding that is provided to an  
19 educational institution by the commission for the development or  
20 significant expansion of a program under sections 1 and 2 of this act  
21 and RCW 28C.04.420 ~~((through 28C.04.480))~~.

22 ~~((+7))~~ (8) "Job skills program" means a program of skills training  
23 or education separate from and in addition to existing vocational  
24 education programs and which:

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

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

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

33 (d) Serves areas with high concentrations of economically  
34 disadvantaged persons and high unemployment;

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

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

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

1       (~~(8)~~) (9) "Technical assistance" means professional and any other  
2 assistance provided by business and industry to an educational  
3 institution, which is reasonably calculated to support directly the  
4 development and expansion of a particular program and which represents  
5 an addition to any technical assistance previously or customarily  
6 provided to the educational institutions by the donor.

7       (~~(9)~~ "Commission" or "commission for vocational education" shall  
8 mean the commission for vocational education or any successor agency or  
9 organization.) (10) "Department" means the department of community,  
10 trade, and economic development.

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

13       The (~~commission~~) department may, subject to appropriation from  
14 the legislature or from funds made available from any other public or  
15 private source and pursuant to rules adopted by the (~~commission~~)  
16 department with the advice of the work force training customer advisory  
17 committee established in section 2 of this act, provide job skills  
18 grants to educational institutions. The job skills grants shall be  
19 used exclusively for programs which are consistent with the job skills  
20 program. (~~A job skills grant may be awarded only after:~~

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

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

36       ~~(a))~~ The department shall work in collaboration with the work  
37 force training customer advisory committee established in section 2 of  
38 this act to assure that:

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

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

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

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

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

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

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

19        ~~(h))~~ (3) The program represents a collaborative partnership  
20 between business, industry, labor, educational institutions, and other  
21 partners, as appropriate;

22        (4) The commitment of financial support from business and industry  
23 shall be equal to or greater than the amount of the requested job  
24 skills grant; and

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

36        ~~(j))~~ (5) A provision has been made by the applicant to work, in  
37 cooperation with the employment security department, to identify and  
38 screen potential trainees, and that provision has been made by the  
39 applicant ~~((ef))~~ for the participation as trainees of low-income

1 persons (~~(who are victims of economic dislocation)~~) including temporary  
2 assistance for needy families recipients, dislocated workers, and  
3 persons from minority and economically disadvantaged groups to  
4 participate in the program(~~(; and~~

5 ~~(k) Binding commitments have been made to the commission by the~~  
6 ~~applicant for compliance with the monitoring and evaluation rules of~~  
7 ~~the commission)).~~

8 Beginning October 1, 1999, and every two years thereafter, the  
9 department shall provide the legislature and the governor with a report  
10 describing the activities and outcomes of the state job skills program.

11 NEW SECTION. Sec. 5. The following acts or parts of acts are each  
12 repealed:

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

16 (2) RCW 28C.04.440 (Job skills program--Interagency agreement by  
17 commission and the department of community, trade, and economic  
18 development and the employment security department) and 1995 c 399 s  
19 32, 1985 c 466 s 40, & 1983 1st ex.s. c 21 s 6;

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

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

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

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