WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

ENROLLED

House Bill No. 3009
(By Delegates Mezzatesta, Martin, Williams, Stemple, Manuel, Houston and Fletcher)

Passed March 12, 1999
In Effect from Passage
AN ACT to amend chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-d, relating to creating the workforce development initiative program under the council for community and economic development; providing that the council is responsible for administering the state fund for community and technical college and workforce development; providing the programs mission is to link postsecondary education capacity to the needs of employers; requirements for participating in the program; establishing grant application procedures; and requiring legislative rules.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-d, to read as follows:

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 3D. WORKFORCE DEVELOPMENT INITIATIVE.

§18B-3D-1. Legislative findings and intent.
(a) The Legislature finds that a recent statewide study of the workforce training needs of employers throughout the state provided a clear message from the business community:

(1) The needs of employers are rapidly changing and training providers must be more responsive or the state economy will suffer;

(2) Information specific to West Virginia, once again emphasizes the critical link between education and economic development that empowering youth and adults with the knowledge and skills they need to succeed in the competitive work world also results in a workforce which enables businesses and communities to prosper;

(3) Although employers are generally satisfied with the quality of the West Virginia workforce and the study provides additional support that the measures adopted in the Jobs Through Education Act will bring continued improvement, workforce needs are not static, critical skill shortages currently exist, and the establishment of a workforce development system that responds more quickly to the evolving skill requirements of employers is needed.

(b) The Legislature further finds that a study of community and technical education in West Virginia performed by the national center for higher education management systems called attention to problems in providing needed workforce education and found that there is a need to:

(1) Jump-start development of community college and postsecondary workforce development initiatives;

(2) Provide incentives for existing public postsecondary providers to respond jointly to both short and long term needs of employers and other clients;

(3) Provide funding for explicit incentives for partnerships between employers and public postsecondary institutions to develop comprehensive community college and workforce development services, and

(4) Allocate funds competitively on the basis of proposals submitted by providers.
(c) It is further the intent of the Legislature that the granting of funds under this article will promote the mission of community and technical colleges as set forth in section three-a, article three of this chapter.

(d) It is the intent of the Legislature through the grant of funds under this article to provide limited seed money to address some of the specific areas where improvement is needed, including:

1. Improving employer awareness and access to services available through the state’s education institutions,
2. Providing designated professionals and resources to support workforce education through the state’s education institutions,
3. Increasing the capacity of the state’s education institutions to respond rapidly to employer needs for workforce education, and training on an on-going basis through the development of a client-focused, visible point of contact for program development and delivery, service referral and needs assessment, such as a workforce development center and
4. Maximizing the use of available resources for workforce education and training through partnerships with public vocational, technical and adult education centers and private training providers.

(e) It is further the intent of the Legislature that consideration and partnering opportunities be given to small businesses on an equal basis with larger businesses for the purposes of this article and that the seed money will assist providers in becoming self-sustaining through partnerships with business and industry which will include cost-sharing initiatives and fees charged for the use of services.

(f) The Legislature intends that grants of funds made under the provisions of this article will be competitive among applicants who meet all of the criteria established in this article and such other criteria as may be specified in the by the council. Subject to the availability of funds, more than one competition
72 may be held during the same fiscal year and the dollar range of
73 awards granted in successive competitions shall be prorated
74 based on the number of months remaining in the fiscal year.
75 Subject to annual review and justification, it is the intent of the
76 Legislature to renew grant awards made under this article each
77 year for five years following the initial grant award.

§18B-3D-2. Workforce development initiative program created; program administration.

1 (a) For the purposes of this article “Council” means the
council for community and economic development as defined
in section two, article two, chapter five-b of this code.

4 (b) There is hereby created under the council, a workforce
development initiative program to administer and oversee
grants to community and technical colleges to achieve the
purposes of this article in accordance with legislative intent.
The primary responsibility of the council as it relates to the
workforce development initiative program is to administer the
state fund for community and technical college and workforce
development including setting criteria for grant applications,
receiving applications for grants, making determinations on
distribution of funds, and evaluating the performance of
workforce development initiatives.

15 (b) The council shall review and approve the expenditure of
all grant funds, including development of application criteria,
the review and selection of applicants for funding, and the
annual review and justification of applicants for grant renewal.

19 (1) To aid in decisionmaking, the council shall appoint an
advisory committee consisting of the vice chancellor for
community and technical colleges, the secretary of education
and the arts or a designee, the assistant state superintendent for
technical and adult education, the chair of the joint commission
for vocational-technical-occupational education, and the chair
of the human resource investment council. The advisory
committee shall review all applications for workforce develop-
ment initiative grants and make a report including recommen-
dations for distributing grant funds to the council. The advisory
committee also shall make recommendations on methods to
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share among the community and technical colleges any
curricula developed as a result of a workforce development
initiative grant.

(2) When determining which grant proposals will be
funded, the council shall give special consideration to proposals
by community and technical colleges that involve businesses
with fewer than fifty employees.

(3) The council also shall weigh each proposal to avoid
awarding grants which will have the ultimate effect of providing
unfair advantage to employers new to the state who will be
in direct competition with established local businesses.

(c) The council may allocate a reasonable amount, not to
exceed five percent up to a maximum of $50,000 of the funds
available for grants on an annual basis, for general program
administration.

(d) The head of the council shall report to the legislative
oversight commission on education accountability on the status
of the workforce development initiative program by the first
day of December, one thousand nine hundred ninety-nine, and
annually thereafter by the first day of December.

(e) Moneys appropriated or otherwise available for the
workforce development initiative program shall be allocated by
line item to an appropriate account. Any moneys remaining in
the fund at the close of a fiscal year shall be carried forward for
use in the next fiscal year.

(f) Nothing in this article requires a specific level of
appropriation by the Legislature.

§18B-3D-3. Mission of the workforce development initiative
program.

(a) The state-wide mission of the workforce development
initiative program is to develop a strategy to strengthen the
quality of the state's workforce by linking the existing
postsecondary education capacity to the needs of business,
industry and other employers. Available funding will be used to
provide explicit incentives for partnerships between employers
and community and technical colleges to develop comprehensive workforce development services. Funds will be granted on the basis of proposals developed according to criteria established by the council.

(b) The mission of any community and technical college accepting a workforce development initiative grant is to:

(1) Become client-focused and develop programs that meet documented employer needs;

(2) Involve and collaborate with employers in the development of programs;

(3) Develop customized training programs that provide for the changing needs of employers and that are offered at flexible times and locations to accommodate employer scheduling;

(4) Develop partnerships with other public and private providers, including small business development centers and, vocational, technical and adult education centers, and with business and labor, to fulfill the workforce development needs of the service area;

(5) Assist in the on-going assessment of the workforce development needs of the service area; and

(6) Serve as a visible point of contact and referral for services to meet the workforce development needs of the service area.

§18B-3D-4. Grant Application Procedures.

(a) In order to participate in the workforce development initiative grant program, a community and technical college must meet the following conditions:

(1) Establish a consortia committee as required by section three, article three-a of this chapter. The consortia committee or a subcommittee thereof shall participate in the development of and approve applications for funding grants under the provisions of this article, and shall approve the workforce development initiative budget;
(2) Develop a plan to achieve measurable improvements in the quality of the workforce within its service area over a five-year period. The plan must be developed in partnership with employers, local vocational schools, and other workforce education providers.

(3) Establish a special revolving fund under the jurisdiction of the consortia committee dedicated solely to workforce development initiatives for the purposes provided in this article. Any fees or revenues generated from workforce development initiatives funded by a competitive grant shall be deposited into this fund;

(b) To be eligible to receive a workforce development initiative grant, a community and technical college must provide at least the following information in its application:

(1) Identification of the specific business or business sector training needs that will be met if a workforce development initiative grant is received;

(2) A commitment from the private sector to provide a match of one dollar for each dollar of state grant money received except in cases where the community and technical college can demonstrate in the grant application that it would be a hardship for the business being served to provide such a match. In those cases only, the match required may be reduced to one private dollar for every three dollars of state grant money provided.

(3) An agreement to share with other community and technical colleges any curricula developed using funds from a workforce development initiative grant;

(4) A specific plan showing how the community and technical college will collaborate with local postsecondary vocational institutions to maximize the use of existing facilities;

(5) An acknowledgment that acceptance of a grant under the provisions of this article commits the community and technical college and its consortia committee to such terms, conditions and deliverables as is specified by the council in the
request for applications, including, but not limited to, the measures by which the performance of the workforce development initiative will be evaluated.

§18B-3D-5. Legislative rules.

1 The council shall propose a legislative rule pursuant to article three-a, chapter twenty-nine-a of this code to implement the provisions of this article and shall file the rule with the legislative oversight commission on education accountability no later than the first day of September, one thousand nine hundred ninety-nine.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 1st day of April, 1999.

Governor