

HB 3009

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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

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STATE OF WEST VIRGINIA

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H. B. 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.

1 (a) The Legislature finds that a recent statewide study of the
2 workforce training needs of employers throughout the state
3 provided a clear message from the business community:

4 (1) The needs of employers are rapidly changing and
5 training providers must be more responsive or the state econ-
6 omy will suffer;

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

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

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

26 (1) Jump-start development of community college and
27 postsecondary workforce development initiatives,

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

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

35 (4) Allocate funds competitively on the basis of proposals
36 submitted by providers.

37 (c) It is further the intent of the Legislature that the granting
38 of funds under this article will promote the mission of commu-
39 nity and technical colleges as set forth in section three-a, article
40 three of this chapter.

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

45 (1) Improving employer awareness and access to services
46 available through the state's education institutions,

47 (2) Providing designated professionals and resources to
48 support workforce education through the state's education
49 institutions,

50 (3) Increasing the capacity of the state's education institu-
51 tions to respond rapidly to employer needs for workforce
52 education, and training on an on-going basis through the
53 development of a client-focused, visible point of contact for
54 program development and delivery, service referral and needs
55 assessment, such as a workforce development center and

56 (4) Maximizing the use of available resources for
57 workforce education and training through partnerships with
58 public vocational, technical and adult education centers and
59 private training providers.

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

67 (f) The Legislature intends that grants of funds made under
68 the provisions of this article will be competitive among
69 applicants who meet all of the criteria established in this article
70 and such other criteria as may be specified in the by the council.
71 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
2 council for community and economic development as defined
3 in section two, article two, chapter five-b of this code.

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

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

19 (1) To aid in decisionmaking, the council shall appoint an
20 advisory committee consisting of the vice chancellor for
21 community and technical colleges, the secretary of education
22 and the arts or a designee, the assistant state superintendent for
23 technical and adult education, the chair of the joint commission
24 for vocational-technical-occupational education, and the chair
25 of the human resource investment council. The advisory
26 committee shall review all applications for workforce develop-
27 ment initiative grants and make a report including recommen-
28 dations for distributing grant funds to the council. The advisory
29 committee also shall make recommendations on methods to

30 share among the community and technical colleges any
31 curricula developed as a result of a workforce development
32 initiative grant.

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

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

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

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

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

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

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

1 (a) The state-wide mission of the workforce development
2 initiative program is to develop a strategy to strengthen the
3 quality of the state's workforce by linking the existing
4 postsecondary education capacity to the needs of business,
5 industry and other employers. Available funding will be used to
6 provide explicit incentives for partnerships between employers

7 and community and technical colleges to develop comprehen-
8 sive workforce development services. Funds will be granted on
9 the basis of proposals developed according to criteria estab-
10 lished by the council.

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

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

15 (2) Involve and collaborate with employers in the develop-
16 ment of programs;

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

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

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

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

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

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

4 (1) Establish a consortia committee as required by section
5 three, article three-a of this chapter. The consortia committee or
6 a subcommittee thereof shall participate in the development of
7 and approve applications for funding grants under the provi-
8 sions of this article, and shall approve the workforce develop-
9 ment initiative budget;

10 (2) Develop a plan to achieve measurable improvements in
11 the quality of the workforce within its service area over a five-
12 year period. The plan must be developed in partnership with
13 employers, local vocational schools, and other workforce
14 education providers.

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

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

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

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

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

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

41 (5) An acknowledgment that acceptance of a grant under
42 the provisions of this article commits the community and
43 technical college and its consortia committee to such terms,
44 conditions and deliverables as is specified by the council in the

45 request for applications, including, but not limited to, the
46 measures by which the performance of the workforce develop-
47 ment initiative will be evaluated.

§18B-3D-5. Legislative rules.

1 The council shall propose a legislative rule pursuant to
2 article three-a, chapter twenty-nine-a of this code to implement
3 the provisions of this article and shall file the rule with the
4 legislative oversight commission on education accountability
5 no later than the first day of September, one thousand nine
6 hundred ninety-nine.

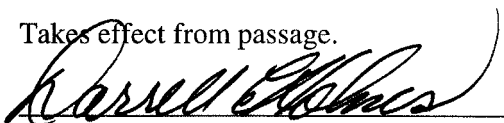
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

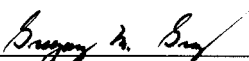

Chairman Senate Committee

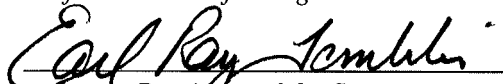

Chairman House Committee

Originating in the House.

Takes effect from passage.

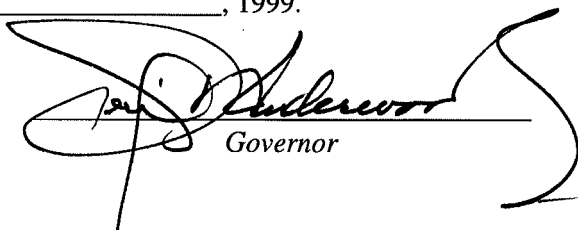

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is Approved this the 15th
day of April, 1999.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 4:03