

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law, in relation to establishing centers of workforce achievement

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative intent. The purpose of this act is to advance  
2 the creation of public/private partnerships between the state university  
3 of New York's community colleges and private businesses by instituting  
4 the designation of centers of workforce achievement; the creation of a  
5 designation of center of workforce achievement; the creation of a fund-  
6 ing stream to support the creation and development of these centers of  
7 workforce development and training. The designation as a center of work-  
8 force achievement will allow community colleges to form collaborative  
9 partnerships with regional workforce investment boards, industrial  
10 development agencies, and private businesses to accurately assess the  
11 gap between middle skill and high skills training and the jobs that are  
12 available in each region. Many community colleges are already engaging  
13 in public/private partnerships with local businesses. It is estimated  
14 that up to eighty percent of community college graduates remain in the  
15 area and as technologies and industries evolve, our education system  
16 must also evolve to create a workforce that is equipped with the skills  
17 to perform these new jobs.

18     S 2. The economic development law is amended by adding a new article  
19 19-A to read as follows:

20                     ARTICLE 19-A

21                     CENTERS OF WORKFORCE

22                     ACHIEVEMENT PROGRAM

23 SECTION 415. CENTERS OF WORKFORCE ACHIEVEMENT PROGRAM.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD03048-01-3

1 S 415. CENTERS OF WORKFORCE ACHIEVEMENT PROGRAM. THE CENTERS OF WORK-  
2 FORCE ACHIEVEMENT PROGRAM IS HEREBY ESTABLISHED FOR THE PURPOSE OF  
3 FOSTERING COLLABORATION BETWEEN THE STATE UNIVERSITY OF NEW YORK'S  
4 COMMUNITY COLLEGES AND THE PRIVATE BUSINESS SECTOR TO DEVELOP A SKILLED  
5 WORKFORCE THAT MEETS THE NEEDS OF THE LOCAL AND REGIONAL COMMUNITY.

6 1. SUCH CENTERS SHALL BE DESIGNATED TO OPERATE PURSUANT TO THIS ACT IN  
7 AREAS IDENTIFIED BY THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES  
8 AND THE DEPARTMENT AND AS HAVING SIGNIFICANT POTENTIAL FOR ECONOMIC  
9 GROWTH AND JOB CREATION IN NEW YORK.

10 2. (A) AS A CONDITION OF RECEIPT OF SUPPORT AUTHORIZED PURSUANT TO  
11 THIS SECTION, EACH STATE UNIVERSITY OF NEW YORK COMMUNITY COLLEGE  
12 PARTICIPATING IN THE CENTERS OF WORKFORCE ACHIEVEMENT PROGRAM SHALL  
13 ANNUALLY SUBMIT TO THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES  
14 AND THE DEPARTMENT A PLAN AND CURRICULUM PURSUANT TO SUBDIVISION FOUR OF  
15 THIS SECTION WHICH IDENTIFIES THE LOCAL AND REGIONAL BUSINESS NEEDS AS  
16 THEY PERTAIN TO WORKFORCE DEVELOPMENT AND TRAINING AND HOW THE COMMUNITY  
17 COLLEGE IS WORKING TO RECRUIT AND TRAIN STUDENTS TO FULFILL SUCH NEEDS.

18 (B) NO AWARD OR DISBURSEMENT OF FUNDS PURSUANT TO THE CENTER OF WORK-  
19 FORCE ACHIEVEMENT PROGRAM SHALL BE MADE UNTIL: (1) APPLICANT COLLEGES,  
20 IN CONSULTATION WITH STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES  
21 AND THE DEPARTMENT, HAVE PREPARED A CENTER OF WORKFORCE ACHIEVEMENT  
22 PROGRAM AND FINANCING PLAN FOR EACH CENTER OF WORKFORCE ACHIEVEMENT  
23 WHICH SHALL SPECIFY: (1) THE PURPOSES AND PLANS FOR ANY FACILITIES,  
24 EQUIPMENT, AND FEATURES TO BE INCLUDED IN SUCH PROGRAM; (2) A  
25 DESCRIPTION OF THE CONSORTIUM OF INSTITUTIONS/ORGANIZATIONS INVOLVED,  
26 THEIR RESPONSIBILITIES AND CONTRIBUTIONS, AND THE STRUCTURE AND GOVER-  
27 NANCE OF THE COLLABORATION, PROVIDED THAT SUCH CONSORTIUM'S GOVERNANCE  
28 STRUCTURE SHALL INCLUDE MEMBERS REPRESENTING THE INVOLVED ACADEMIC  
29 AND/OR RESEARCH INSTITUTIONS, BUSINESS PARTNERS, AND REPRESENTATIVES OF  
30 THE LOCAL BUSINESS COMMUNITY; (3) EVIDENCE OF THE LEVEL OF NON-STATE  
31 FINANCING COMMITTED TO THE PROGRAM BY SUCH COLLABORATING PARTIES; (4)  
32 EFFORTS TO OBTAIN AND ADMINISTER CORPORATE, FEDERAL AND/OR FOUNDATION  
33 SUPPORT; (5) EVIDENCE THAT STATE FUNDING PROVIDED PURSUANT TO THIS ACT  
34 REPRESENT NO MORE THAN TWENTY-FIVE PERCENT OF THE TOTAL PROJECT COSTS AS  
35 THEN ESTIMATED BY THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES.  
36 PROVIDED THAT, IN ESTIMATING SUCH PERCENTAGE, THE CORPORATION SHALL  
37 CONSIDER MATCHING FUNDS FROM THE PROJECT SPONSOR OR OTHER SOURCES IN THE  
38 FORM OF ALLOCATED FUNDS (CASH); IN-KIND PERSONNEL, EQUIPMENT OR MATERIAL  
39 DONATIONS; FEDERAL FUNDS REASONABLY ANTICIPATED TO BE RECEIVED BY THE  
40 PROJECT SPONSORS; SIGNIFICANT FINANCIAL CONTRIBUTIONS TO THE PROJECT  
41 SPONSOR; PRORATED OPERATIONAL COSTS; OR COMBINATIONS OF THESE FORMS. IN  
42 THE EVENT THAT A PROJECT SPONSOR REQUESTS FUNDING IN EXCESS OF SUCH  
43 TWENTY-FIVE PERCENT LIMIT, UPON THE RECOMMENDATION OF THE STATE UNIVER-  
44 SITY OF NEW YORK'S BOARD OF TRUSTEES THE DIRECTOR OF THE DIVISION OF THE  
45 BUDGET MAY AUTHORIZE THE PROVISION OF CENTER OF WORKFORCE ACHIEVEMENT  
46 FUNDING PURSUANT TO THE AUTHORITY ESTABLISHED IN THIS SECTION OR DIRECT-  
47 LY APPROPRIATED BY THE STATE IN EXCESS OF TWENTY-FIVE PERCENT OF TOTAL  
48 PROJECT COSTS; (6) A DETAILED FINANCIAL PLAN AND TIME LINE FOR THE  
49 PROPOSED PROJECT INCLUDING TOTAL PROJECT COST, SOURCES AND USES OF  
50 FUNDS, AND OPERATING BUDGETS; (7) AN APPROPRIATE PLAN FOR THE DEVELOP-  
51 MENT, STAFFING, OPERATION, AND CONTINUING USE AND DEVELOPMENT OF THE  
52 PROGRAM; (8) THE ANTICIPATED WORKFORCE DEVELOPMENT BENEFITS; AND (9)  
53 SUCH OTHER INFORMATION AS THE STATE UNIVERSITY OF NEW YORK'S BOARD OF  
54 TRUSTEES SHALL REQUIRE.

55 (C) ONCE THE CERTIFIED PROGRAM AND FINANCING PLAN HAS BEEN APPROVED BY  
56 THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK THE FINANCING

1 PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF THE DIVISION OF THE BUDGET  
2 AND COPIES OF SUCH PLAN SHALL BE FILED WITH THE CHAIRMAN OF THE SENATE  
3 FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS  
4 COMMITTEE. (1) ANY AMENDMENT TO A CENTER OF WORKFORCE ACHIEVEMENT  
5 PROGRAM AND FINANCING PLAN MUST BE REVIEWED, APPROVED AND CERTIFIED BY  
6 THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK AND SUBMITTED  
7 TO THE DIRECTOR OF THE DIVISION OF THE BUDGET PRIOR TO ADOPTION PURSUANT  
8 TO THE REQUIREMENTS OF THIS SECTION; AND, UPON ADOPTION, FILED WITH THE  
9 CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEM-  
10 BLY WAYS AND MEANS COMMITTEE.

11 (2) NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY,  
12 NO MORE THAN THREE AND ONE-HALF OF ONE PERCENT OF ANY GRANT ISSUED UNDER  
13 THE CENTERS OF WORKFORCE ACHIEVEMENT PROGRAM MAY BE ALLOCATED TO ANY  
14 PUBLIC, NOT-FOR-PROFIT OR ACADEMIC INSTITUTION OR TO ANY SUBSIDIARY OR  
15 ORGANIZATION ASSOCIATED THEREOF FOR PURPOSES TO INCLUDE, BUT NOT BE  
16 LIMITED TO, ANY DIRECT OR INDIRECT COSTS OF ADMINISTERING THE PROGRAM IN  
17 SUCH INSTITUTION, SUBSIDIARY OR ASSOCIATION NOT CONTAINED IN THE APPLI-  
18 CATION REQUESTING SUCH FUNDS, PROVIDED HOWEVER THAT NO MONIES GRANTED  
19 UNDER THE CENTERS OF ACHIEVEMENT PROGRAM MAY BE USED TO SUPPLANT ANY  
20 DIRECT OR INDIRECT COSTS OF SUCH INSTITUTION, SUBSIDIARY OR ASSOCIATED  
21 ORGANIZATION.

22 3. (A) FROM SUCH FUNDS AS MAY BE APPROPRIATED FOR THIS PURPOSE BY THE  
23 LEGISLATURE, THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES MAY  
24 PROVIDE FINANCIAL SUPPORT, THROUGH CONTRACTS OR OTHER MEANS, IN ORDER TO  
25 ENHANCE AND ACCELERATE CENTER OPERATIONS IN JOINT COLLEGE/INDUSTRY WORK-  
26 FORCE TRAINING. FUNDS RECEIVED PURSUANT TO THIS SECTION MAY BE USED FOR  
27 THE EMPLOYMENT OF FACULTY AND STAFF, PROVISION OF GRADUATE FELLOWSHIPS,  
28 OR OTHER OPERATING EXPENSES THAT ARE ALIGNED WITH THE CENTER'S STRATEGY  
29 AND APPROVED BY THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES.

30 (B) FUNDS SHALL BE MATCHED ON A ONE TO ONE BASIS BY THE INSTITUTION  
31 RECEIVING THE FUNDS AND COLLABORATIVE PARTNERS IN THE FORM OF CASH OR  
32 IN-KIND PERSONNEL, EQUIPMENT, MATERIAL DONATIONS, AND OTHER FACILITY AND  
33 OPERATIONS EXPENDITURES.

34 4. (A) EACH PARTICIPATING COMMUNITY COLLEGE SHALL DEVELOP A CURRICULUM  
35 TO SUIT THE NEEDS OF LOCAL AND REGIONAL BUSINESSES AS IDENTIFIED IN  
36 THEIR PLAN PURSUANT TO SUBDIVISION TWO OF THIS SECTION AND WORK TO  
37 RECRUIT STUDENTS TO EDUCATE THEM AND TURN THEM INTO A SKILLED WORKFORCE  
38 THAT MEETS THE NEEDS OF THE LOCAL BUSINESS SECTOR.

39 (B) PARTICIPATING COMMUNITY COLLEGES SHALL ENTER INTO PARTNERSHIPS  
40 WITH SELECTED PRIVATE BUSINESSES TO ENSURE THAT ONCE THE WORKERS ARE  
41 TRAINED, A JOB WILL BE AVAILABLE FOR THEM. SUCH PROCESS MAY BE FACILI-  
42 TATED THROUGH INTERNSHIP PROGRAMS WHICH ALLOW STUDENTS TO WORK IN  
43 SELECTED BUSINESS FOR CREDIT HOURS AT THE COMMUNITY COLLEGE OR OTHER  
44 MEANS AS THE COLLEGE SHALL DEEM APPROPRIATE. SUCH CURRICULUM SHALL BE  
45 SPECIALIZED WITH THE GOAL OF MEETING THE REGIONAL DEMANDS OF BUSINESS  
46 ENTITIES.

47 5. (A) THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES SHALL, ON  
48 OR BEFORE FEBRUARY FIRST, TWO THOUSAND SIXTEEN AND EVERY YEAR THEREAFT-  
49 ER, SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND  
50 THE SPEAKER OF THE ASSEMBLY A REPORT ON THE OPERATIONS AND ACCOMPLISH-  
51 MENTS OF THE CENTERS OF WORKFORCE ACHIEVEMENT.

52 (B) THE ANNUAL REPORT SHALL PROVIDE, BUT NOT BE LIMITED TO, THE  
53 FOLLOWING INFORMATION FOR EACH CALENDAR YEAR:

54 (I) THE PURPOSES FOR WHICH CENTER FACILITIES, EQUIPMENT, AND PERSONNEL  
55 WERE UTILIZED;

1 (II) A DETAILED OPERATING BUDGET, INCLUDING THE AMOUNT OF STATE FUNDS  
2 RECEIVED, AS WELL AS IDENTIFICATION OF EACH SOURCE OF FEDERAL, STATE,  
3 LOCAL OR PRIVATE FUNDS, INCLUDING IN-KIND CONTRIBUTIONS;

4 (III) AN ACCOUNTING OF CAPITAL EXPENDITURES, IDENTIFYING THE AMOUNT OF  
5 STATE FUNDS UTILIZED, AS WELL AS EACH SOURCE OF FEDERAL, STATE, LOCAL,  
6 OR PRIVATE FUNDS, INCLUDING IN-KIND CONTRIBUTIONS;

7 (IV) A DESCRIPTION OF THE GOVERNANCE STRUCTURE OF THE CENTER INCLUDING  
8 THE RESPECTIVE ROLES OF COLLABORATING PARTNERS;

9 (V) THE ECONOMIC IMPACT OF THE ACTIVITIES UNDERTAKEN WITH STATE FUNDS,  
10 INCLUDING SUCH FACTORS AS JOBS CREATED AND MAINTAINED; AND OTHER TANGI-  
11 BLE EVIDENCE OF RECOGNITION; AND THE METHODOLOGY UTILIZED TO DETERMINE  
12 SUCH IMPACT.

13 6. THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES SHALL, ON OR  
14 BEFORE FEBRUARY FIRST, TWO THOUSAND SIXTEEN AND EVERY YEAR THEREAFTER,  
15 SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE  
16 SPEAKER OF THE ASSEMBLY AN OVERALL STRATEGIC PLAN FOR THE CENTERS OF  
17 ACHIEVEMENT PROGRAM.

18 (A) THE PLAN SHALL INCLUDE THE BROAD FOCUS AND MISSION OF THE CENTER  
19 AND THE STRATEGIES USED TO DETERMINE THAT FOCUS INCLUDING BUT NOT LIMIT-  
20 ED TO COLLABORATION WITH LOCAL AND REGIONAL ECONOMIC DEVELOPMENT ENTI-  
21 TIES TO DETERMINE CURRENT WORKFORCE NEEDS.

22 (B) SUCH PLAN SHALL ALSO INCLUDE THE METRICS THAT WILL BE USED TO  
23 DETERMINE WHETHER AND TO WHAT DEGREE EACH CENTER IS MAINTAINING ITS  
24 FOCUS AND FULFILLING ITS MISSION.

25 (C) THE PLAN SHALL BE ASSESSED BY THE GOVERNING BOARD OF THE CENTER  
26 AND REVISED ANNUALLY AS APPROPRIATE. ANY REVISIONS SHALL BE SUBMITTED TO  
27 STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES FOR APPROVAL.

28 7. THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES SHALL REGULATE  
29 THIS PROGRAM, AND DESIGNATION WILL BE SUBJECT TO LEGISLATIVE APPROVAL.

30 S 3. This act shall take effect immediately.