

539--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. KENNEDY, DILAN, GIPSON, GRISANTI, HASSELL-THOMPSON, MONTGOMERY, PERKINS, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

LBD03048-02-3

ARTICLE 19-A  
CENTERS OF WORKFORCE  
ACHIEVEMENT PROGRAM

SECTION 415. CENTERS OF WORKFORCE ACHIEVEMENT PROGRAM.

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

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

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

(B) NO AWARD OR DISBURSEMENT OF FUNDS PURSUANT TO THE CENTER OF WORKFORCE ACHIEVEMENT PROGRAM SHALL BE MADE UNTIL: (1) APPLICANT COLLEGES, IN CONSULTATION WITH STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES AND THE DEPARTMENT, HAVE PREPARED A CENTER OF WORKFORCE ACHIEVEMENT PROGRAM AND FINANCING PLAN FOR EACH CENTER OF WORKFORCE ACHIEVEMENT WHICH SHALL SPECIFY: (1) THE PURPOSES AND PLANS FOR ANY FACILITIES, EQUIPMENT, AND FEATURES TO BE INCLUDED IN SUCH PROGRAM; (2) A DESCRIPTION OF THE CONSORTIUM OF INSTITUTIONS/ORGANIZATIONS INVOLVED, THEIR RESPONSIBILITIES AND CONTRIBUTIONS, AND THE STRUCTURE AND GOVERNANCE OF THE COLLABORATION, PROVIDED THAT SUCH CONSORTIUM'S GOVERNANCE STRUCTURE SHALL INCLUDE FACULTY MEMBERS AND MANAGEMENT REPRESENTING THE INVOLVED ACADEMIC INSTITUTIONS, BUSINESS PARTNERS, AND REPRESENTATIVES OF THE LOCAL BUSINESS COMMUNITY; (3) EVIDENCE OF THE LEVEL OF NON-STATE FINANCING COMMITTED TO THE PROGRAM BY SUCH COLLABORATING PARTIES; (4) EFFORTS TO OBTAIN AND ADMINISTER CORPORATE, FEDERAL AND/OR FOUNDATION SUPPORT; (5) EVIDENCE THAT STATE FUNDING PROVIDED PURSUANT TO THIS ACT REPRESENT NO MORE THAN TWENTY-FIVE PERCENT OF THE TOTAL PROJECT COSTS AS THEN ESTIMATED BY THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES. PROVIDED THAT, IN ESTIMATING SUCH PERCENTAGE, THE CORPORATION SHALL CONSIDER MATCHING FUNDS FROM THE PROJECT SPONSOR OR OTHER SOURCES IN THE FORM OF ALLOCATED FUNDS (CASH); IN-KIND PERSONNEL, EQUIPMENT OR MATERIAL DONATIONS; FEDERAL FUNDS REASONABLY ANTICIPATED TO BE RECEIVED BY THE PROJECT SPONSORS; SIGNIFICANT FINANCIAL CONTRIBUTIONS TO THE PROJECT SPONSOR; PRORATED OPERATIONAL COSTS; OR COMBINATIONS OF THESE FORMS. IN THE EVENT THAT A PROJECT SPONSOR REQUESTS FUNDING IN EXCESS OF SUCH TWENTY-FIVE PERCENT LIMIT, UPON THE RECOMMENDATION OF THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES THE DIRECTOR OF THE DIVISION OF THE BUDGET MAY AUTHORIZE THE PROVISION OF CENTER OF WORKFORCE ACHIEVEMENT FUNDING PURSUANT TO THE AUTHORITY ESTABLISHED IN THIS SECTION OR DIRECTLY APPROPRIATED BY THE STATE IN EXCESS OF TWENTY-FIVE PERCENT OF TOTAL PROJECT COSTS; (6) A DETAILED FINANCIAL PLAN AND TIME LINE FOR THE PROPOSED PROJECT INCLUDING TOTAL PROJECT COST, SOURCES AND USES OF FUNDS, AND OPERATING BUDGETS; (7) AN APPROPRIATE PLAN FOR THE DEVELOPMENT, STAFFING, OPERATION, AND CONTINUING USE AND DEVELOPMENT OF THE PROGRAM WHICH SHALL BE PURSUANT TO SECTION THREE OF THE CHAPTER OF THE

1 LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS SECTION; (8) THE ANTIC-  
2 IPATED WORKFORCE DEVELOPMENT BENEFITS; AND (9) SUCH OTHER INFORMATION AS  
3 THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES SHALL REQUIRE.

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

16 (2) NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY,  
17 NO MORE THAN THREE AND ONE-HALF OF ONE PERCENT OF ANY GRANT ISSUED UNDER  
18 THE CENTERS OF WORKFORCE ACHIEVEMENT PROGRAM MAY BE ALLOCATED TO ANY  
19 PUBLIC OR ACADEMIC INSTITUTION FOR PURPOSES TO INCLUDE, BUT NOT BE  
20 LIMITED TO, ANY DIRECT OR INDIRECT COSTS OF ADMINISTERING THE PROGRAM IN  
21 SUCH INSTITUTION NOT CONTAINED IN THE APPLICATION REQUESTING SUCH FUNDS,  
22 PROVIDED HOWEVER THAT NO MONIES GRANTED UNDER THE CENTERS OF ACHIEVEMENT  
23 PROGRAM MAY BE USED TO SUPPLANT ANY DIRECT OR INDIRECT COSTS OF SUCH  
24 INSTITUTION.

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

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

39 4. (A) EACH PARTICIPATING COMMUNITY COLLEGE SHALL HAVE FACULTY DEVELOP  
40 A CURRICULUM TO SUIT THE NEEDS OF LOCAL AND REGIONAL BUSINESSES AS IDEN-  
41 TIFIED IN THEIR PLAN PURSUANT TO SUBDIVISION TWO OF THIS SECTION AND  
42 WORK TO RECRUIT STUDENTS TO EDUCATE THEM AND TURN THEM INTO A SKILLED  
43 WORKFORCE THAT MEETS THE NEEDS OF THE LOCAL BUSINESS SECTOR.

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

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

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

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

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

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

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

(V) THE ECONOMIC IMPACT OF THE ACTIVITIES UNDERTAKEN WITH STATE FUNDS, INCLUDING SUCH FACTORS AS JOBS CREATED AND MAINTAINED; AND OTHER TANGIBLE EVIDENCE OF RECOGNITION; AND THE METHODOLOGY UTILIZED TO DETERMINE SUCH IMPACT.

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

(A) THE PLAN SHALL INCLUDE THE BROAD FOCUS AND MISSION OF THE CENTER AND THE STRATEGIES USED TO DETERMINE THAT FOCUS INCLUDING BUT NOT LIMITED TO COLLABORATION WITH LOCAL AND REGIONAL ECONOMIC DEVELOPMENT ENTITIES TO DETERMINE CURRENT WORKFORCE NEEDS.

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

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

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

S 3. Notwithstanding any law, rule or regulation to the contrary, the state university of New York or any state university of New York community college or local sponsor of any state university of New York community college shall not contract out to any for profit corporation, not-for-profit corporation, university campus foundation, research foundation, alumni foundation, limited liability corporation or any other affiliated corporation of the state university of New York or any entity organized by the chancellor or by any other administrative official of the state university of New York or any other entity for instruction or for any pedagogical functions or services in any center of workforce achievement program. Provided further, any administrative services and professional services currently being performed by public employees in a state university of New York community college or such services that are similar in scope and nature as those services provided in any center of workforce achievement program shall continue to be provided by public employees in a center of workforce achievement program. All employees of any center of workforce achievement program shall be public employees and all their rights and benefits shall be afforded pursuant to article 14 of the civil service law. Provided further, nothing in this act shall result in the displacement of any currently employed worker of a state university of New York community college or the loss of position, (including partial displacement such as reduction in the hours of non-overtime, wages or employment benefits) or

1 result in the impairment of existing contracts for services or collec-  
2 tive bargaining rights pursuant to existing agreements. No services or  
3 work currently performed by public employees shall be privatized by the  
4 state university of New York or state university of New York community  
5 college or local sponsor of any state university of New York community  
6 college or by any other entity and provided further, no services or work  
7 of any future positions or titles established or created directly or  
8 indirectly as a result of this act shall be provided by any other  
9 employees or any other entity affiliated or associated with the state  
10 university of New York pursuant to this act.  
11 S 4. This act shall take effect immediately.