S T A T E O F N E W Y O R K

3334

2013-2014 Regular Sessions

I N A S S E M B L Y

January 24, 2013

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Higher Education

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:

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

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

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

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

LBD03048-01-3

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 WORK-FORCE ACHIEVEMENT PROGRAM SHALL BE MADE UNTIL: (I) 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 GOVER-NANCE OF THE COLLABORATION, PROVIDED THAT SUCH CONSORTIUM'S GOVERNANCE STRUCTURE SHALL INCLUDE MEMBERS REPRESENTING THE INVOLVED ACADEMIC AND/OR RESEARCH 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 UNIVER-SITY 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 DIRECT-LY 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 DEVELOP-MENT, STAFFING, OPERATION, AND CONTINUING USE AND DEVELOPMENT OF THE PROGRAM; (8) THE ANTICIPATED WORKFORCE DEVELOPMENT BENEFITS; AND (9) SUCH OTHER INFORMATION AS THE STATE UNIVERSITY OF NEW YORK'S BOARD OF TRUSTEES SHALL REQUIRE.

(C) ONCE THE CERTIFIED PROGRAM AND FINANCING PLAN HAS BEEN APPROVED BY THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK THE FINANCING PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF THE DIVISION OF THE BUDGET AND COPIES OF SUCH PLAN SHALL BE FILED WITH THE CHAIRMAN OF THE SENATE

FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE. (1) ANY AMENDMENT TO A CENTER OF WORKFORCE ACHIEVEMENT PROGRAM AND FINANCING PLAN MUST BE REVIEWED, APPROVED AND CERTIFIED BY THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK AND SUBMITTED TO THE DIRECTOR OF THE DIVISION OF THE BUDGET PRIOR TO ADOPTION PURSUANT TO THE REQUIREMENTS OF THIS SECTION; AND, UPON ADOPTION, FILED WITH THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

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

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

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

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

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

5. (A) 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 A REPORT ON THE OPERATIONS AND ACCOMPLISHMENTS 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. This act shall take effect immediately.