

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 establish-  
ing centers of workforce achievement

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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.

24     S 415. CENTERS OF WORKFORCE ACHIEVEMENT PROGRAM. THE CENTERS OF WORK-  
25 FORCE 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

1 FOSTERING COLLABORATION BETWEEN THE STATE UNIVERSITY OF NEW YORK'S  
2 COMMUNITY COLLEGES AND THE PRIVATE BUSINESS SECTOR TO DEVELOP A SKILLED  
3 WORKFORCE THAT MEETS THE NEEDS OF THE LOCAL AND REGIONAL COMMUNITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 S 3. This act shall take effect immediately.