

539--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

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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 WORK-
FORCE 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 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 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 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 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.

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

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

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

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

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

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

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

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

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

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

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

34 S 3. Notwithstanding any law, rule or regulation to the contrary, the
35 state university of New York or any state university of New York commu-
36 nity college or local sponsor of any state university of New York commu-
37 nity college shall not contract out to any for profit corporation, not-
38 for-profit corporation, university campus foundation, research
39 foundation, alumni foundation, limited liability corporation or any
40 other affiliated corporation of the state university of New York or any
41 entity organized by the chancellor or by any other administrative offi-
42 cial of the state university of New York or any other entity for
43 instruction or for any pedagogical functions or services in any center
44 of workforce achievement program. Provided further, any administrative
45 services and professional services currently being performed by public
46 employees in a state university of New York community college or such
47 services that are similar in scope and nature as those services provided
48 in any center of workforce achievement program shall continue to be
49 provided by public employees in a center of workforce achievement
50 program. All employees of any center of workforce achievement program
51 shall be public employees and all their rights and benefits shall be
52 afforded pursuant to article 14 of the civil service law. Provided
53 further, nothing in this act shall result in the displacement of any
54 currently employed worker of a state university of New York community
55 college or the loss of position, (including partial displacement such as
56 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.