

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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1

HOUSE BILL 330

Short Title: N. C. Workforce Development/AB.

(Public)

Sponsors: Representatives Owens; and Wainwright.

Referred to: Ways and Means.

March 4, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CREATE THE NORTH CAROLINA COMMISSION ON WORKFORCE
2 DEVELOPMENT; TO CONFORM THE GENERAL STATUTES TO THE
3 FEDERAL WORKFORCE INVESTMENT ACT; AND TO MAKE OTHER
4 STATUTORY CHANGES TO ENHANCE WORKFORCE TRAINING AND
5 DEVELOPMENT.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Part 3A of Article 10 of Chapter 143B of the General Statutes is
9 repealed.

10 Section 2. Article 10 of Chapter 143B of the General Statutes is amended by
11 adding a new Part to read:

12 **"PART 3B. WORKFORCE DEVELOPMENT.**

13 **"§ 143B-438.10. Commission on Workforce Development.**

14 (a) Creation and Duties. – There is created within the Department of Commerce
15 the North Carolina Commission on Workforce Development. The Commission shall
16 have the following powers and duties:

17 (1) To develop strategies to produce a skilled, competitive workforce that
18 meets the needs of the State's changing economy.

- 1 (2) To advise the Governor, the General Assembly, State and local
2 agencies, and the business sector regarding policies and programs to
3 enhance the State's workforce.
- 4 (3) To coordinate and develop strategies for cooperation between the
5 academic, governmental, and business sectors.
- 6 (4) To establish, develop, and provide ongoing oversight of the 'One-Stop
7 Delivery System' for employment and training services in the State.
- 8 (5) To develop a unified State plan for workforce training and development.
- 9 (6) To review the plans and programs of agencies, boards, and
10 organizations operating federally funded or State-funded workforce
11 development programs for effectiveness, duplication, fiscal
12 accountability, and coordination.
- 13 (7) To develop and continuously improve performance measures to assess
14 the effectiveness of workforce training and employment in the State.
- 15 (8) To submit to the Governor and to the General Assembly by April 1,
16 2000, and biennially thereafter, a comprehensive Workforce
17 Development Plan that shall include at least the following:
- 18 a. Goals and objectives for the biennium.
- 19 b. An assessment of current workforce programs and policies.
- 20 c. An assessment of the delivery of employment and training
21 services to special populations, such as youth and dislocated
22 workers.
- 23 d. Recommendations for policy, program, or funding changes.
- 24 (9) To serve as the State's Workforce Investment Board for purposes of the
25 federal Workforce Investment Act of 1998.
- 26 (b) Membership; Terms. – The Commission on Workforce Development shall
27 consist of 40 members appointed as follows:
- 28 (1) By virtue of their offices, the following department and agency heads or
29 their respective designees shall serve on the Commission: the Secretary
30 of the Department of Health and Human Services, the Chair of the
31 Employment Security Commission, the Superintendent of Public
32 Instruction, the President of the Community College System, the
33 Commissioner of the Department of Labor, and the Secretary of the
34 Department of Commerce.
- 35 (2) The Governor shall appoint 32 members as follows:
- 36 a. Six members representing public, postsecondary, and vocational
37 education.
- 38 b. Two members representing community-based organizations.
- 39 c. Six members representing labor.
- 40 d. Eighteen members representing business and industry.
- 41 (3) The President Pro Tempore of the Senate shall appoint one Senator to
42 serve, and the Speaker of the House of Representatives shall appoint
43 one House member to serve.

1 (4) The terms of the members appointed by the Governor shall be for four
2 years, and the terms for legislative members shall be for two years,
3 concurrent with the General Assembly sessions.

4 (c) Appointment of Chair; Meetings. – The Governor shall appoint the Chair of
5 the Commission from among the business and industry members, and that person shall
6 serve at the pleasure of the Governor. The Commission shall meet at least quarterly upon
7 the call of the Chair.

8 (d) Staff; Funding. – The clerical and professional staff to the Commission shall be
9 provided by the Department of Commerce. Funding for the Commission shall derive
10 from State and federal resources as allowable and from the partner agencies to the
11 Commission. Members of the Commission shall receive necessary travel and subsistence
12 in accordance with State law.

13 **"§ 143B-438.11. Local Workforce Development Boards.**

14 (a) Duties. – Local Workforce Development Boards shall have the following
15 powers and duties:

16 (1) To develop policy and act as the governing body for local workforce
17 development.

18 (2) To provide planning, oversight, and evaluation of local workforce
19 development programs, including the local One-Stop Delivery System.

20 (3) To provide advice regarding workforce policy and programs to local
21 elected officials, employers, education and employment training
22 agencies, and citizens.

23 (4) To develop a local plan in coordination with the appropriate community
24 partners to address the workforce development needs of the service area.

25 (5) To develop linkages with economic development efforts and activities
26 in the service area and promote cooperation and coordination among
27 public organizations, education agencies, and private businesses.

28 (6) To review local agency plans and grant applications for workforce
29 development programs for coordination and achievement of local goals
30 and needs.

31 (7) To serve as the Workforce Investment Board for the designated substate
32 area for the purpose of the federal Workforce Investment Act of 1998.

33 (b) Members. – Members of local Workforce Development Boards shall be
34 appointed by local elected officials in accordance with criteria established by the
35 Governor and with provisions of the federal Workforce Investment Act. The local
36 Workforce Development Boards shall have a majority of business members and shall also
37 include representation of workforce and education providers, labor organizations,
38 community-based organizations, and economic development boards as determined by
39 local elected officials. The Chairs of the local Workforce Development Boards shall be
40 selected from among the business members.

41 **"§ 143B-438.12. Federal Program Administration.**

42 (a) Federal Workforce Investment Act. – In accordance with the federal
43 Workforce Investment Act, the Commission on Workforce Development shall develop a

1 Five-Year Strategic Plan to be submitted to the U.S. Secretary of Labor. The Strategic
2 Plan shall describe the workforce development activities to be undertaken in the State to
3 implement the federal Workforce Investment Act and how special populations shall be
4 served.

5 (b) Other Workforce Grant Applications. – The Commission on Workforce
6 Development may submit grant applications for workforce development initiatives and
7 may manage the initiatives and demonstration projects.

8 **"§ 143B-438.13. Employment and Training Grant Program.**

9 (a) Employment and Training Grant Program. – There is established in the
10 Department of Commerce, Division of Employment and Training, an Employment and
11 Training Grant Program. Grant funds shall be allocated to local Workforce Development
12 Boards for the purposes of enabling recipient agencies to implement local employment
13 and training programs in accordance with existing resources, local needs, local goals, and
14 selected training occupations. The State program of workforce performance standards
15 shall be used to measure grant program outcomes.

16 (b) Use of Grant Funds. – Local agencies may use funds received under this
17 section for the purpose of providing services, such as training, education, placement, and
18 supportive services. Local agencies may use grant funds to provide services only to
19 individuals who are (i) 18 years of age or older and meet the federal Workforce
20 Investment Act, title I adult eligibility definitions, or meet the federal Workforce
21 Investment Act, title I dislocated worker eligibility definitions, or (ii) incumbent workers
22 with annual family incomes at or below two hundred percent (200%) of poverty
23 guidelines established by the federal Department of Health and Human Services.

24 (c) Allocation of Grants. – The Department of Commerce may reserve and
25 allocate up to ten percent (10%) of the funds available to the Employment and Training
26 Grant Program for State and local administrative costs to implement the Program. The
27 Division of Employment and Training shall allocate employment and training grant funds
28 to local Workforce Development Boards serving federal Workforce Investment Act local
29 workforce investment areas based on the following formula:

30 (1) One-half of the funds shall be allocated on the basis of the relative share
31 of the local workforce investment area's share of federal Workforce
32 Investment Act, title I adult funds as compared to the total of all local
33 areas adult shares under the federal Workforce Investment Act, title I.

34 (2) One-half of the funds shall be allocated on the basis of the relative share
35 of the local workforce investment area's share of federal Workforce
36 Investment Act, title I dislocated worker funds as compared to the total
37 of all local areas dislocated worker shares under the federal Workforce
38 Investment Act, title I.

39 (3) Local workforce investment area adult and dislocated shares shall be
40 calculated using the current year's allocations to local areas under the
41 federal Workforce Investment Act, title I.

42 (d) Reports and Coordination. – The Department of Commerce shall report
43 quarterly to the Governor and to the Speaker of the House of Representatives and the

1 President Pro Tempore of the Senate on the North Carolina Employment and Training
2 Grant Program. The Department shall also provide a copy of these quarterly reports to
3 the North Carolina Commission on Workforce Development.

4 (e) Nonreverting Funds. – Funds appropriated to the Department of Commerce for
5 the Employment and Training Grant Program that are not expended at the end of the
6 fiscal year shall not revert to the General Fund, but shall remain available to the
7 Department for the purposes established in this section."

8 Section 3. The Commission on Workforce Preparedness appointed in
9 accordance with Executive Order #4 of March 10, 1993, shall continue to serve as the
10 State's Commission on Workforce Development until January 1, 2001, or until
11 appointments to the North Carolina Commission on Workforce Preparedness created by
12 this act are made consistent with the provisions of G.S. 143B-438.10, whichever comes
13 first.

14 Section 4. This act becomes effective July 1, 1999.