

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1013
Manufacturing and Labor Committee Substitute Adopted 6/14/93

Short Title: Workforce Preparedness Act.

(Public)

Sponsors:

Referred to: Appropriations.

May 3, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE WORKFORCE PREPAREDNESS ACT, AND TO MAKE
3 CONFORMING CHANGES TO THE GENERAL STATUTES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 143 of the General Statutes is amended by adding the
6 following new Article to read:

7 **"ARTICLE 64.**

8 **"WORKFORCE PREPAREDNESS ACT.**

9 **"§ 143-592. Title; purpose.**

10 (a) This Article may be known and shall be cited as the North Carolina
11 Workforce Preparedness Act.

12 (b) The purpose of this act is to develop a comprehensive State policy to guide
13 the use of vocational education, adult basic education, employment, job training, and
14 other resources toward the achievement of State workforce preparedness goals by:

15 (1) Articulating and clarifying State policy and goals with regard to
16 vocational education, adult basic education, employment, job training,
17 and other applicable federal programs; and

18 (2) Provide for legislative review and comment on certain reports, plans,
19 and recommendations.

20 **"§ 143-593. State policy on workforce preparedness.**

21 (a) It is the policy of this State that all federal, State, and local government
22 resources provided for vocational education, adult basic education, employment, and

1 job training programs be coordinated to effect an efficient workforce preparedness
2 system.

3 (b) The goals of the State workforce preparedness programs are:

4 (1) To assist North Carolinians in obtaining gainful employment;

5 (2) To reduce dependence upon public assistance and unemployment
6 insurance programs;

7 (3) To develop a well-trained, productive work force that meets the needs
8 of the State's changing economy; and

9 (4) To make maximum use of existing institutions and organizations with
10 demonstrated effectiveness in employment and training service
11 delivery.

12 (c) The State's goals shall be accomplished by:

13 (1) Preparing unskilled youth and adults, and economically disadvantaged
14 persons, for entry into the work force;

15 (2) Retraining people who are structurally unemployed, who are jobless
16 through no fault of their own, or who must upgrade or retrain for job
17 skills in other fields;

18 (3) Removing barriers to employment and designing programs that will be
19 responsive to the special needs of offenders, handicapped persons,
20 public assistance recipients, school dropouts, single parents, women
21 age 35 years or older, and other appropriate groups;

22 (4) Insuring that timely and accurate statewide labor market data are
23 available;

24 (5) Linking employment and training services with economic development
25 efforts, except as prohibited by the Job Training Partnership Act;

26 (6) Providing employment and training opportunities to meet the needs of
27 industries utilizing advanced technology; and

28 (7) Avoiding unnecessary duplication of employment and training services
29 by State agencies; and

30 (8) Requiring instruction on worker safety and health standards and
31 practices as a part of employment and job training programs
32 administered under this Part.

33 (d) The guidelines for developing a coordinated workforce preparedness system
34 are:

35 (1) The system should achieve a level of integration of workforce
36 preparedness programs to provide a continuum of services for eligible
37 recipients;

38 (2) The system should give high priority to training the kinds of skilled
39 workers that would both attract and grow high-skilled, high-wage
40 industries;

41 (3) Each program within the system should accurately measure desired
42 outcomes to insure that each public dollar yields the greatest return on
43 investment; and

- 1 (4) The system must provide maximum flexibility at the local level to
2 allow greater freedom for local leaders to shape local plans and
3 objectives according to their labor market needs.

4 **"§ 143-594. Definitions.**

5 As used in this Article, unless the context clearly requires otherwise:

- 6 (1) 'Commission' means the Commission on Workforce Preparedness
7 established under this Article;
8 (2) 'System' means the workforce preparedness system consisting of
9 workforce preparedness programs as specified in G.S. 143-596;
10 (3) 'Workforce preparedness program' means any of the State or federal
11 resource programs designated as such under G.S. 143-596 or
12 applicable federal law.

13 **"§ 143-595. Commission on Workforce Preparedness.**

14 There is established in the Office of the Governor the Commission on Workforce
15 Preparedness, as permitted by Title VII of the Job Training Reform Amendments of
16 1992.

17 **"§ 143-596. Workforce Preparedness Programs.**

18 (a) The federal resource programs created by the following federal legislation are
19 designated as North Carolina's Workforce Preparedness Programs:

- 20 (1) Adult Education Act (20 U.S.C. § 1201, et seq.);
21 (2) Carl D. Perkins Vocational and Applied Technology Education Act
22 (20 U.S.C. § 2301, et seq.);
23 (3) Wagner-Peyser Act (29 U.S.C. § 49, et seq.);
24 (4) National and Community Service Act of 1990 (42 U.S.C. § 12501, et
25 seq.);
26 (5) Part F of Title IV of the Social Security Act (42 U.S.C. § 681, et seq.);
27 (6) Job Training Partnership Act (29 U.S.C. § 1501, et seq.);
28 (7) Food Stamp Act of 1977 employment program (7 U.S.C. § 2015(d)(4);
29 and
30 (8) All other applicable federal human resource programs except for those
31 programs under the federal Rehabilitation Act of 1973 (29 U.S.C. §
32 701, et seq.).

33 (b) All State resource programs which involve vocational education, basic and
34 remedial education, or job training, are designated as workforce preparedness programs.

35 **"§ 143-597. Governor's Coordination and Special Services Plan.**

36 The Governor's Coordination and Special Services Plan shall comply with the
37 provisions of section 121 of the Job Training Partnership Act.

38 **"§ 143-598. Employment and Training Grant Program.**

39 (a) There is established in the Department of Commerce, Division of
40 Employment and Training, an Employment and Training Grant Program. The purpose
41 of the program is to make grants available to local agencies operating on behalf of the
42 Private Industry Council serving Job Training Partnership Act service delivery areas.
43 Grant funds shall be allocated for the purpose of enabling recipient agencies to
44 implement local employment and training programs in accordance with existing

1 resources, local needs, local goals, and selected training occupations. The Department
2 shall adopt rules in accordance with Chapter 150B of the General Statutes for
3 administering the Employment and Training Grant Program, which rules shall include
4 procedures for review and approval of grant applications by local agencies and for
5 monitoring use of grant funds by recipient agencies. A State-administered program of
6 performance standards shall be used to measure grant program outcomes.

7 (b) Use of Grant Funds. – Local agencies may use funds received under this
8 section only for the purpose of upgrading the foundation of basic skills of the adult
9 population and the existing work force in North Carolina. Services that may be provided
10 include participant programs currently available under the federal Job Training
11 Partnership Act that are appropriate for adults; on-the-job training; work experience;
12 adult basic education; skills training, upgrading, and retraining; counseling and
13 screening for job placement; service corps; and related support services. Local agencies
14 may use grant funds to provide services only to individuals who are 18 years of age or
15 older and who either (i) meet the current federal Job Training Partnership Act definition
16 of 'economically disadvantaged', or (ii) meet the current definition for eligibility under
17 Title III of the federal Job Training Partnership Act.

18 (c) Allocation of Grants. – The Department may reserve and allocate up to
19 twenty percent (20%) of funds available to the Employment and Training Grant
20 Program for State and local administrative costs to implement the program. The
21 Division of Employment and Training shall allocate employment and training grants to
22 local agencies operating on behalf of the Private Industry Council serving Job Training
23 Partnership Act service delivery areas based on the following formula:

24 (1) One-half of the funds shall be allocated on the basis of the relative
25 excess number of unemployed individuals residing in each county as
26 compared to the total excess number of unemployed individuals in all
27 counties in the State.

28 'Excess number of unemployed' is defined as the number of
29 unemployed individuals in excess of four and one-half percent (4.5%)
30 of the civilian labor force in each county or the number of unemployed
31 individuals in excess of four and one-half percent (4.5%) of the
32 civilian labor force in each census tract within the county. The
33 following methodology is used to determine the excess number of
34 unemployed:

35 a. For counties classified as having excess unemployment, the
36 excess number of unemployed is determined by subtracting four
37 and one-half percent (4.5%) of the civilian labor force from the
38 number of unemployed individuals within the county. The
39 difference equals the number of excess unemployed.

40 b. In situations where the entire county is not classified as having
41 excess unemployment, the excess number of unemployed is
42 determined by census tract unemployment within the county.
43 Census tract data is used to determine which subcounty areas
44 qualify as areas of excess unemployment. In those subcounty

1 areas classified as having excess unemployment (census tracts
2 with four and one-half percent (4.5%) or higher unemployment
3 rates), four and one-half percent (4.5%) of the census tract labor
4 force is subtracted from the number of unemployed individuals
5 within the area of excess unemployment. The subcounty figures
6 of excess number of unemployed within the county are then
7 added together to determine the total excess number of
8 unemployed within the county.

9 (2) One-half of the funds shall be allocated on the basis of the relative
10 number of economically disadvantaged individuals within each county
11 compared to the total number of economically disadvantaged
12 individuals in the State. To determine the number of economically
13 disadvantaged individuals within each county, data from the State Data
14 Center in the Office of State Budget and Management, or from the
15 federal decennial census, whichever is most recent, shall be used.

16 (d) Reports, Coordination. – The Department of Commerce shall report quarterly
17 to the Governor and to the Speaker of the House of Representatives and the President
18 Pro Tempore of the Senate on the North Carolina Employment and Training Grant
19 Program. The Department shall also provide a copy of these quarterly reports to the
20 Commission. The Commission shall advise the Department on the merger of the funds
21 provided to implement this section with other employment and training funds to develop
22 comprehensive workforce preparedness initiatives for the State.

23 (e) Funds appropriated to the Department of Commerce for the Employment and
24 Training Grant Program that are not expended at the end of the fiscal year shall not
25 revert but shall remain available to the Department for the purposes established in this
26 section."

27 Sec. 2. Part 3A of Article 10 of Chapter 143B of the General Statutes is
28 repealed.

29 Sec. 3. The phrase "Job Training Coordinating Council" is deleted and
30 replaced by the phrase "Commission on Workforce Preparedness" wherever it occurs in
31 the General Statutes.

32 Sec. 4. This act is effective upon ratification.