

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2001 JUL 10 A 11: 33

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Development office TITLE NUMBER: 145

CITE AUTHORITY: 18B-3D-5

AMENDMENT TO AN EXISTING RULE: YES NO

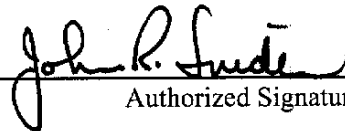
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 9

TITLE OF RULE BEING AMENDED: Workforce Development Initiative Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 9, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* WV Development Office, State Capitol Complex, Bldg. 6,
Room 525, Charleston, WV 25305-0311 Att: Timothy
McNeely (304)558-2234

LEGISLATIVE RULE TITLE: Workforce Development Initiative Program

1. Authorizing statute(s) citation 18B-3D-5

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
May 31, 2001 (Public Comment Period)

b. What other notice, including advertising, did you give of the hearing?
N/A

c. Date of Public Hearing(s) *or* Public Comment Period ended:
June 30, 2001, 4:30 P.M.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received x

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 11, 2001

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Timothy A. McNeely, Legal Counsel

State Capitol Complex, Bldg. 6, Rm 525, Charleston, WV 25305-0311

Phone: 304-558-2234 Fax: 304-558-1189

- g. **IF DIFFERENT FROM ITEM 'F'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached No comments received.

TITLE 145

LEGISLATIVE RULE

WEST VIRGINIA DEVELOPMENT OFFICE

SERIES 9

Workforce Development Initiative Program

SUMMARY

The rule governs the procedure for making grants available to community and technical colleges and to assist with the procurement of equipment for the purpose of implementing the Workforce Development Initiative Program. The rule establishes eligibility, minimum application criteria, grant procedures and the roles of the Council for Community and Economic Development and an advisory committee.

Statement of Circumstance

With the passage of new legislation (HB2898-Relating to the modernization and procurement of equipment for workforce development initiative grant programs), amending H. B. 3009 (Equipment Grant Program), revised rules were submitted to reflect the intent of H. B. 2898. This revision specifically addresses equipment donation by private sector companies. Equipment (at fair market value) donated toward the project by private sector companies will be considered an eligible match on a dollar for dollar basis.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Workforce Development Initiative Program

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Development Office

Address: State Capitol Complex, Building 6, Room 525
Charleston, West Virginia 25305-0311

Att: Timothy McNeely (558-2234)

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$37,500		\$0	\$50,000	\$50,000
PERSONAL SERVICES	\$27,000		\$0	\$40,000	\$40,000
CURRENT EXPENSE	\$10,000		\$0	\$10,000	\$10,000
REPAIRS & ALTERATIONS	\$0		\$0	\$0	\$0
EQUIPMENT	\$2500		\$0	\$0	\$0
OTHER	\$0		\$0	\$0	\$0

2. Explanation of above estimates:

Effectively manage the Workforce Development Program. The statute provides for program administration in an amount not to exceed 5 percent or a maximum of \$50,000 of the funds available annually for grants. This includes general program administration, evaluation of the performance of workforce development initiative grants awarded and annual program reports.

3. Objectives of these rules:

To increase the capacity of the state's education institutions to respond rapidly to employer needs for workforce education and training on an ongoing basis.

Rule Title: Work Force Development Initiative Program

Rule Title: Work Force Development Initiative Program

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Improved economic opportunities through enhanced training opportunities for existing and new businesses.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

Improved employer awareness and access to the services through the state's education institutions.

C. Economic Impact on Citizens/Public at Large.

Implementation of printed programs for citizens and public at large that enhance economic growth and opportunities.

Date: July 10, 2001

Signature of Agency Head or Authorized Representative:

John R. Suida

TITLE 145
LEGISLATIVE RULE
WEST VIRGINIA DEVELOPMENT OFFICE

SERIES 9
WORKFORCE DEVELOPMENT INITIATIVE PROGRAM

FILED

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§145-9-1. General.

- 1.1. Scope. -- Implementation of the Workforce Development Initiative Program.
- 1.2. Authority. -- W. Va. Code §18B-3D-1 et seq.
- 1.3. Filing Date. -- ~~April 5, 2000.~~
- 1.4. Effective Date. -- ~~June 19, 2000.~~

§145-9-2. Purpose.

2.1. This rule establishes guidelines and procedures for administration and oversight of the Workforce Development Initiative Program by the Council for Community and Economic Development ("Council"), with assistance from an advisory committee, to achieve the following statements of legislative intent:

2.1.1. Competitively awarding funds to promote the mission of community and technical colleges as set forth in W. Va. Code §18B-3-3a.

2.1.2. Providing limited seed money to address specific areas where improvement is needed, including:

2.1.2.1. Improving employer awareness and access to services available through the state's education institutions;

2.1.2.2. Providing designated professionals and resources to support workforce education through the state's educational institutions;

2.1.2.3. Increasing the capacity of the state's education institutions to respond rapidly to employer needs for workforce education and training on an on-going basis through the development of a client-focused, visible point of contact for program development, delivery, service referral and needs assessment, such as a workforce development center; and

2.1.2.4. Maximizing the use of available resources for workforce education and training through partnerships with public vocational, technical and adult education centers and private training providers.

2.1.3. Providing partnering and grant award opportunities to small businesses on an equal basis with larger businesses.

2.1.4. Awarding seed money to assist providers in becoming self-sustaining through partnerships with business and industry, including cost-sharing initiatives and fee for service arrangements.

2.1.5. Awarding funds competitively among applicants who meet all criteria established in the

statute, these rules, and as may be specified from time to time by the Council.

§145-9-3. Role of Council for Community and Economic Development.

3.1. The Council for Community and Economic Development will administer and oversee the Workforce Development Initiative by:

3.1.1. Administering the Community College Workforce Development Fund;

3.1.2. Establishing criteria for grant applications;

3.1.3. Receiving, reviewing and selecting applications for funding;

3.1.4. Approving the expenditure of all grant funds; and

3.1.5. Evaluating the performance of workforce development initiatives and annually reviewing initiatives for grant renewal.

3.2. To aid in decision-making, the Council shall appoint an advisory committee consisting of a maximum of nine members that include, at a minimum, the Vice Chancellor for Community and Technical Colleges, the Secretary of Education and the Arts or a designee, the Assistant State Superintendent for Technical and Adult Education, the Chair of the Joint Commission for Vocational-Technical-Occupational Education, the Chair of the Human Resource Investment Council. A majority of the members appointed to the advisory council must be present in person or through electronic means for the transaction of business.

3.3. The Chair of the Council shall report to the legislative oversight commission on education accountability on the status of the workforce development initiative program by December 1, 1999, and annually thereafter by the first day of December.

§145-9-4. Role of Advisory Committee.

4.1. The advisory committee shall review all applications for workforce development initiative grants and make a report, including recommendations for distributing grant funds, to the Council.

4.2. The advisory committee shall recommend methods to share any curricula developed as a result of a workforce development initiative grant with other community and technical colleges and other educational institutions that may benefit from the curricula.

4.3. The advisory committee shall provide advice and assistance to the Council on such other matters related to the Workforce Development Initiative Program as the Council may request.

§145-9-5. Grant Process.

5.1. The Council will from time to time solicit proposals for competitive grant funding to achieve the purposes and intent of the Workforce Development Initiative Program. Subject to the availability of funds, more than one competition may be held during the same fiscal year.

5.2. Subject to annual review and justification and at the sole discretion of the Council, grant awards may be renewed by the Council for a period not to exceed five years.

5.3. When determining which grant proposals will be funded, the Council will give special consideration to proposals that involve businesses with fewer than fifty employees.

5.4. The Council will weigh proposals to avoid awarding grants which will have the ultimate effect of providing an unfair advantage to new employers to the state who will be in direct competition with established local businesses.

§145-9-6. Funds Generally.

6.1. Moneys appropriated or otherwise made available for the Workforce Development Initiative Program will be used to provide incentives for partnerships between employers and eligible community and technical colleges to develop comprehensive workforce development services.

6.2. Funds will be granted on the basis of request for proposals developed by the Council and in accordance with these rules.

6.3. The Council may allocate a reasonable amount, not to exceed five percent or a maximum of \$50,000 of the funds available for grants annually, for general program administration.

§145-9-7. Eligibility for Program Participation.

7.1. To participate in the Workforce Development Initiative Program, a community and technical college must meet the following eligibility requirements:

7.1.1. A district consortia committee as required by W. Va. Code §18B-3a-3, must be established and functioning.

7.1.2. The establishment of a plan developed in partnership with employers, local vocational schools and other workforce education providers to achieve measurable improvements over a five-year period in the quality of the workforce within the community and technical college service area.

7.1.3. The establishment of a special revolving fund under the jurisdiction of the district consortia committee dedicated solely to workforce development initiatives for the purposes provided in these rules. Any fees or revenues generated from workforce development initiatives funded by a competitive grant shall be deposited into this fund.

7.1.4. The adoption of the following within the mission of the community and technical college:

7.1.4.1. That they are a client-focused institution that develops programs meeting documented employer needs;

7.1.4.2. That they are an institution that involves and collaborates with employers in the development of programs;

7.1.4.3. That they are an institution that develops customized training programs based upon the changing needs of employers and that are offered at flexible times and locations to accommodate employer scheduling;

7.1.4.4. That they are an institution that develops partnerships with other providers, public and private, including small business development centers, vocational, technical and adult education centers, and business and labor, to fulfill the workforce development needs of its service area;

7.1.4.5. That they are an institution that assists in the on-going assessment of the workforce development needs of its service area; and

7.1.4.6. That they are an institution that serves as a visible point of contact for service

delivery and referral for services to meet the workforce development needs of its service area.

§145-9-8. Minimum Application Criteria.

8.1. To be eligible for a workforce development initiative grant, a community and technical college must submit an application that includes, at a minimum, the following:

8.1.1. That the district consortia committee or a subcommittee thereof has participated in the development of the application and approved the application.

8.1.2. That the district consortia committee or a subcommittee thereof has approved the workforce development initiative budget.

8.1.3. The identification of specific business or business sector training needs that will be met if a workforce development initiative grant is awarded.

8.1.4. A commitment from the private sector to provide a match of one dollar for each dollar of state grant money awarded unless the community and technical college can demonstrate in their application that it would be a hardship for the business or businesses being served to provide such a match. In those cases only, the match required may be reduced to one private dollar for every three dollars of state grant money awarded. In the case of awards for the modernization of procurement of equipment, the council may establish a separate match requirement of up to one dollar, cash and in-kind, for each dollar of state grant money received;

8.1.5. An agreement to share with other community and technical colleges or other educational institutions any curricula developed using funds from a workforce development initiative grant.

8.1.6. A specific plan showing how the community and technical college will collaborate with local post-secondary vocational institutions to maximize the use of existing facilities.

8.1.7. An acknowledgment that acceptance of a Workforce Development Initiative grant commits the community and technical college and its consortia committee to such terms, conditions and deliverables as is specified by the Council in the request for applications, including, but not limited to, the measures by which the performance of the grant award will be evaluated.