

---

HOUSE BILL 2214

---

State of Washington

55th Legislature

1997 Regular Session

By Representatives Huff, Clements, Carlson, Alexander, Mastin, McMorris, Buck, Mitchell, O'Brien, Backlund, D. Sommers, L. Thomas, Cooke and Dyer

Read first time 02/26/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to employment and training; amending RCW 50.16.090,  
2 50.16.094, 50.16.096, and 50.12.261; creating new sections; repealing  
3 RCW 43.131.377; providing an effective date; and declaring an  
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 50.16.090 and 1993 c 226 s 4 are each amended to read  
7 as follows:

8 There is hereby established the employment and training trust fund.  
9 All moneys in this fund are irrevocably vested for the administration  
10 of this title. The employment and training trust fund shall consist of  
11 all moneys from employment and training trust fund contributions as  
12 established in RCW 50.24.018. The treasurer of the employment security  
13 department shall deposit, administer, and disburse all moneys in the  
14 fund under rules adopted by the commissioner and RCW 43.01.050 and  
15 43.84.092 are not applicable to this fund. The treasurer of the  
16 employment security department shall be the treasurer of the employment  
17 and training trust fund as described in RCW 50.16.020 and shall give a  
18 bond conditioned upon the faithful performance of his or her duties in  
19 connection with the fund. All sums recovered on the official bond for

1 losses sustained by the employment and training trust fund must be  
2 deposited in the fund. Notwithstanding any provision of this section,  
3 all moneys received and deposited in the fund (~~(under chapter 226, Laws~~  
4 ~~of 1993,)~~) shall remain part of the employment and training trust fund  
5 and may be used solely for (~~(the following purposes:~~

6 ~~(1)) providing training (and related support services, including~~  
7 ~~financial aid,)~~) to individuals who have been terminated or have  
8 received a notice of termination from employment, and who are eligible  
9 for or have exhausted their entitlement to unemployment compensation  
10 benefits within the previous twenty-four months(~~(;~~

11 ~~(2) Assisting workers in finding employment through job referral,~~  
12 ~~job development, counseling, and referral to training resources;~~

13 ~~(3) Obtaining labor market information necessary for the~~  
14 ~~administration of the unemployment insurance program and to assist~~  
15 ~~unemployed workers in finding employment. In obtaining the information~~  
16 ~~the employment security department shall ensure the inclusion of~~  
17 ~~information gathered from small businesses as defined in RCW 43.31.025,~~  
18 ~~with particular emphasis on businesses with fifteen or fewer employees;~~

19 ~~(4) Performing research by an independent state auditing agency or~~  
20 ~~an independent contractor to determine effectiveness of unemployment~~  
21 ~~insurance programs and to determine whether program changes would~~  
22 ~~benefit workers and employers;~~

23 ~~(5) Collecting contributions for and administration of the~~  
24 ~~employment and training trust fund;~~

25 ~~(6) Improving service through improved use of information~~  
26 ~~technology; and~~

27 ~~(7) Establishing collocation employment security and job service~~  
28 ~~outstations at community and technical college campuses across the~~  
29 ~~state. These outstations shall provide a one stop point of access for~~  
30 ~~unemployed and dislocated workers seeking job placement services,~~  
31 ~~training program information, and labor market information. In~~  
32 ~~communities without co-located outstations the local job service center~~  
33 ~~and community or technical college shall collaborate to provide these~~  
34 ~~services)).~~

35 **Sec. 2.** RCW 50.16.094 and 1995 c 57 s 1 are each amended to read  
36 as follows:

37 At the discretion of the commissioner, an individual identified  
38 under RCW 50.16.096(1)(b) may be eligible for applicable ((employment

1 security)) benefits under this title while participating in work force  
2 training(~~(. Eligibility is at the discretion of the commissioner of~~  
3 ~~employment security after submitting a commissioner approved training~~  
4 ~~waiver and developing))~~ approved by the commissioner under a detailed  
5 individualized training plan and funded under RCW 50.16.096. The total  
6 amount of benefits available to an individual eligible under this  
7 section shall be one hundred four times the individual's weekly benefit  
8 amount.

9 The commissioner shall adopt rules as necessary to implement this  
10 section.

11 **Sec. 3.** RCW 50.16.096 and 1993 c 226 s 8 are each amended to read  
12 as follows:

13 (1) The employment security department shall disburse the amounts  
14 appropriated by the legislature from the employment and training trust  
15 fund for (~~(the purposes of chapter 226, Laws of 1993))~~ retraining to  
16 the state board for community and technical colleges. These funds  
17 shall be allotted for, and only for, training programs (~~(and related~~  
18 ~~support services, including financial aid,))~~) in the community and  
19 technical college system that:

20 (a) Are consistent with work force training priorities and based  
21 upon the comprehensive plan for work force training developed by the  
22 work force training and education coordinating board. The state board  
23 for community and technical colleges shall develop a plan for use and  
24 evaluation of these funds which is to be approved by the work force  
25 training and education coordinating board for consistency with their  
26 work force priorities. (~~(In developing and approving the plan,~~  
27 ~~information shall be gathered from small businesses as defined in RCW~~  
28 ~~43.31.025, with particular emphasis on businesses with fifteen or fewer~~  
29 ~~employees.))~~ Further, the state board for community and technical  
30 colleges shall report to the work force training and education  
31 coordinating board and the legislature annually on the progress and  
32 results of the training (~~(and support services))~~) provided to eligible  
33 participants; and

34 (b) Provide increased enrollments for individuals who have been  
35 terminated or have received a notice of termination from employment,  
36 and who are eligible for or have exhausted their entitlement to  
37 unemployment compensation benefits within the previous twenty-four  
38 months, with first priority given to individuals who are unlikely to

1 return to employment in the individuals' principal occupation or  
2 previous industry because of a diminishing demand for their skills in  
3 that occupation or industry((; and

4 ~~(c) Provide increased enrollments and support services, including~~  
5 ~~financial aid, that do not replace or supplant any existing~~  
6 ~~enrollments, programs, support services, or funding sources. For~~  
7 ~~fiscal year 1994, the state board for community and technical colleges~~  
8 ~~may borrow from the general fund to initiate the programs authorized~~  
9 ~~under chapter 226, Laws of 1993. However, the board shall repay the~~  
10 ~~borrowed amount by the end of the fiscal biennium from funds~~  
11 ~~appropriated to it from the employment and training trust fund)).~~

12 (2) ~~((For purposes of chapter 226, Laws of 1993,))~~ Training  
13 provided by the community and technical colleges shall only consist of  
14 ~~((basic skills and literacy,))~~ occupational skills, vocational  
15 education, and related or supplemental instruction for apprentices who  
16 are enrolled in a registered, state-approved apprenticeship program.  
17 Community and technical colleges may contract with skill centers to  
18 provide training authorized in this section. ~~((Upon the request of an~~  
19 ~~eligible recipient,))~~ A community and technical college may contract  
20 with a federally approved apprenticeship program or a private technical  
21 school licensed under RCW 28C.10.060 for specialized vocational  
22 training. ~~((Available tuition for the training is limited to the~~  
23 ~~amount that would otherwise be obtained per enrolled quarter to a~~  
24 ~~public institution. Furthermore, the funding is only available to~~  
25 ~~students who seek training in a course of study not available at a~~  
26 ~~public institution within an eligible recipient's congressional~~  
27 ~~district.))~~

28 (3) Community and technical colleges, federally approved  
29 apprenticeship programs, and private technical schools licensed under  
30 RCW 28C.10.060 may submit to the state board for community and  
31 technical colleges a request for proposal that meets the criteria  
32 established by the state work force training advisory council. The  
33 request for proposal shall contain the college's, federally approved  
34 apprenticeship program's, or private technical school's plan for  
35 retraining eligible individuals as authorized in subsection (1)(b) of  
36 this section. Each community and technical college shall confer and  
37 consult with its respective labor-management advisory board in the  
38 development of the college's request for proposal. Federally approved  
39 apprenticeship programs or private technical schools shall provide

1 their requests for proposals to the local community and technical  
2 college labor-management advisory board for review and approval for  
3 submission with the community college's request for proposal. Except  
4 as provided in subsection (4) of this section, the state board for  
5 community and technical colleges shall allocate enrollments and funding  
6 based on the requests for proposals submitted to the state board for  
7 community and technical college education and approved by state work  
8 force training advisory council.

9 (4) The state board for community and technical colleges may  
10 withhold a portion of the work force training enrollments and funding  
11 in an emergency pool to be used by colleges in the event of an  
12 emergency. If the request for proposal has been submitted by a college  
13 to the state board for community and technical colleges and  
14 occupational demand for enrollment exceeds a community or technical  
15 college's original request for proposal, then with the recommendation  
16 of the state work force training advisory council, the state board for  
17 community and technical colleges may fund some or all of the additional  
18 enrollment without requiring the community or technical college to  
19 adhere to the full requirements of the request for proposal process.

20 **Sec. 4.** RCW 50.12.261 and 1993 c 226 s 17 are each amended to read  
21 as follows:

22 (1) ~~The employment security department shall report to the~~  
23 ~~appropriate committees of the legislature by December 1, 1994, and~~  
24 ~~every even-numbered year thereafter, on the ((status of the programs~~  
25 ~~provided in chapter 226, Laws of 1993 and the resulting outcomes. The~~  
26 ~~department shall include in its report quantitative and demographic~~  
27 ~~information on the increase in job orders, placement referrals,~~  
28 ~~individualized training plans, skill assessments, and other~~  
29 ~~interventions achieved. The department also shall include in its~~  
30 ~~report the number of repeat clients as a percentage of all clients~~  
31 ~~served by programs provided in chapter 226, Laws of 1993)) number of~~  
32 ~~individuals receiving unemployment benefits under RCW 50.16.094 while~~  
33 ~~receiving training.~~

34 (2) ~~The state board for community and technical colleges shall~~  
35 ~~report to the appropriate standing committees of the legislature by~~  
36 ~~December 1, 1994, and every even-numbered year thereafter, the number~~  
37 ~~of certified student full-time equivalents receiving training as~~  
38 ~~provided in ((chapter 226, Laws of 1993)) this act. In addition, the~~

1 report must include information on the outcomes of the provided  
2 training. The report also must include indices of placement rates,  
3 student demographics, training plan completion rates, and comparisons  
4 of preprogram and postprogram wage levels.

5 (3) Each community and technical college shall confer and consult  
6 with its respective labor-management advisory board concerning the  
7 college's efforts to provide the training and services rendered in  
8 (~~chapter 226, Laws of 1993~~) this act and meet the completion and  
9 placement goals of the work force training and education coordinating  
10 board. Each community and technical college shall ensure the  
11 participation on its labor-management advisory board of small  
12 businesses as defined in RCW 43.31.025, with particular emphasis on  
13 businesses with fifteen or fewer employees.

14 (~~((4) The work force training and education coordinating board  
15 shall conduct a study in consultation with the higher education  
16 coordinating board on the feasibility of: (a) Redirecting all state  
17 and federal job training and retraining funds distributed in the state  
18 into a separate job training trust fund; and (b) distributing the funds  
19 according to uniform criteria. The work force training and education  
20 coordinating board shall report to the appropriate committees of the  
21 legislature on the results of the study by January 1, 1995.))~~)

22 NEW SECTION. **Sec. 5.** The work force training and education  
23 coordinating board shall analyze all state expenditures for work force  
24 training to determine program effectiveness and to recommend whether  
25 current programs funded from state sources should be continued. The  
26 work force training and education coordinating board shall report to  
27 the legislature by December 1, 1999.

28 NEW SECTION. **Sec. 6.** RCW 43.131.377 and 1993 c 226 s 18 are each  
29 repealed.

30 NEW SECTION. **Sec. 7.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 8.** If any part of this act is found to be in  
35 conflict with federal requirements that are a prescribed condition to

1 the allocation of federal funds to the state or the eligibility of  
2 employers in this state for federal unemployment tax credits, the  
3 conflicting part of this act is inoperative solely to the extent of the  
4 conflict, and the finding or determination does not affect the  
5 operation of the remainder of this act. Rules adopted under this act  
6 must meet federal requirements that are a necessary condition to the  
7 receipt of federal funds by the state or the granting of federal  
8 unemployment tax credits to employers in this state.

9       NEW SECTION.   **Sec. 9.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 July 1, 1997.

--- END ---