

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 73  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S73-PCS75370-LR-31

Short Title: Local Workforce Dev./Dislocated Workers.

(Public)

Sponsors:

Referred to:

February 11, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THAT LOCAL WORKFORCE DEVELOPMENT BOARDS USE A  
3 COMPETITIVE SELECTION PROCESS TO AWARD ADULT AND DISLOCATED  
4 WORKER SERVICES PROVIDER CONTRACTS AUTHORIZED IN THE  
5 WORKFORCE INVESTMENT ACT OF 1998 AND TO TRANSFER THE  
6 APPRENTICESHIP PROGRAM TO THE DEPARTMENT OF COMMERCE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 143B-438.11 reads as rewritten:

9 **"§ 143B-438.11. Local Workforce Development Boards.**

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

- 12 (1) To develop policy and act as the governing body for local workforce  
13 development.
- 14 (2) To provide planning, oversight, and evaluation of local workforce  
15 development programs, including the local One-Stop Delivery System.
- 16 (3) To provide advice regarding workforce policy and programs to local elected  
17 officials, employers, education and employment training agencies, and  
18 citizens.
- 19 (4) To develop a local plan in coordination with the appropriate community  
20 partners to address the workforce development needs of the service area.
- 21 (5) To develop linkages with economic development efforts and activities in the  
22 service area and promote cooperation and coordination among public  
23 organizations, education agencies, and private businesses.
- 24 (6) To review local agency plans and grant applications for workforce  
25 development programs for coordination and achievement of local goals and  
26 needs.
- 27 (7) To serve as the Workforce Investment Board for the designated substate area  
28 for the purpose of the federal Workforce Investment Act of 1998.
- 29 (7a) To designate through a competitive selection process, by no later than July 1,  
30 2014, the providers of adult and dislocated worker services authorized in the  
31 Workforce Investment Act of 1998.
- 32 (8) To provide the appropriate guidance and information to Workforce  
33 Investment Act consumers to ensure that they are prepared and positioned to  
34 make informed choices in selecting a training provider. Each local  
35 Workforce Development Board shall ensure that consumer choice is



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1 properly maintained in the one-stop centers and that consumers are provided  
2 the full array of public and private training provider information.

- 3 (9) To provide coordinated regional workforce development planning and labor  
4 market data sharing."

5 **SECTION 2.(a)** All functions, powers, duties, obligations, resources, and  
6 appropriations vested in the Apprenticeship Program and the Apprenticeship Council are  
7 transferred to, vested in, and consolidated into the Department of Commerce as a Type I  
8 transfer, as defined in G.S. 143A-6. The Secretary of Commerce and the Office of State Budget  
9 and Management are authorized to take all other steps necessary to consolidate the  
10 Apprenticeship Program and Apprenticeship Council into the Department of Commerce.

11 **SECTION 2.(b)** G.S. 143A-71 is repealed.

12 **SECTION 2.(c)** Chapter 94 of the General Statutes reads as rewritten:

13 **"Chapter 94.**

14 **"Apprenticeship.**

15 **"§ 94-1. Purpose.**

16 The purposes of this Chapter are: to open to young people the opportunity to obtain training  
17 that will equip them for profitable employment and citizenship; to set up, as a means to this  
18 end, a program of voluntary apprenticeship under approved apprentice agreements providing  
19 facilities for their training and guidance in the arts and crafts of industry and trade, with parallel  
20 instruction in related and supplementary education; to promote employment opportunities for  
21 young people under conditions providing adequate training and reasonable earnings; to relate  
22 the supply of skilled workers to employment demands; to establish standards for apprentice  
23 training; to establish an Apprenticeship Council and apprenticeship committees and sponsors to  
24 assist in effectuating the purposes of this Chapter; to provide for a Director of Apprenticeship  
25 within the Department of ~~Labor; Commerce;~~ to provide for reports to the legislature and to the  
26 public regarding the status of apprentice training in the State; to establish a procedure for the  
27 determination of apprentice agreement controversies; and to accomplish related ends.

28 **"§ 94-2. Apprenticeship Council.**

29 The ~~Commissioner of Labor~~ Secretary of Commerce shall appoint an Apprenticeship  
30 Council composed of four representatives each from employer and employee organizations  
31 respectively and three representatives from the public at large. One State official designated by  
32 the Department of Public Instruction and one State official designated by the Department of  
33 Community Colleges shall be a member ex officio of said council, without vote. The terms of  
34 office of the members of the Apprenticeship Council first appointed by the ~~Commissioner of~~  
35 ~~Labor~~ Secretary of Commerce shall expire as designated by the ~~Commissioner~~ Secretary at the  
36 time of making the appointment: two representatives each of employers and employees, being  
37 appointed for one year and one representative of the public at large being appointed for two  
38 years; and one representative each of employers, employees, and the public at large being  
39 appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to  
40 the expiration of the term of his predecessor shall be appointed for the remainder of said term.  
41 Each member of the Council not otherwise compensated by public moneys, shall be reimbursed  
42 for transportation and shall receive such per diem compensation as is provided generally for  
43 boards and commissions under the biennial maintenance appropriation acts for each day spent  
44 in attendance at meetings of the Apprenticeship Council. The ~~Commissioner of Labor~~ Secretary  
45 of Commerce shall annually appoint one member of the Council to act as its chairman.

46 The Apprenticeship Council shall meet at the call of the ~~Commissioner of Labor~~ Secretary  
47 of Commerce and shall aid him in formulating policies for the effective administration of this  
48 Chapter. Subject to the approval of the ~~Commissioner~~ Secretary, the Apprenticeship Council  
49 shall establish standards for apprentice agreement which in no case shall be lower than those  
50 prescribed by this Chapter, shall issue such rules and regulations as may be necessary to carry  
51 out the intent and purposes of said Chapter, and shall perform such other functions as the

1 ~~Commissioner~~ Secretary may direct. Not less than once a year the Apprenticeship Council  
2 shall make a report through the ~~Commissioner of Labor~~ Secretary of its activities and findings  
3 to the legislature and to the public.

4 **"§ 94-3. Director of Apprenticeship.**

5 The ~~Commissioner of Labor~~ Secretary of Commerce is hereby directed to appoint a  
6 Director of Apprenticeship which appointment shall be subject to the confirmation of the State  
7 Apprenticeship Council by a majority vote. The ~~Commissioner of Labor~~ Secretary of  
8 Commerce is further authorized to appoint and employ such clerical, technical, and  
9 professional help as shall be necessary to effectuate the purposes of this Chapter.

10 **"§ 94-4. Powers and duties of Director of Apprenticeship.**

11 The Director, under the supervision of the ~~Commissioner of Labor~~ Secretary of Commerce  
12 and with the advice and guidance of the Apprenticeship Council is authorized to administer the  
13 provisions of this Chapter; in cooperation with the Apprenticeship Council and apprenticeship  
14 committees and sponsors, to set up conditions and training standards for apprentice agreements,  
15 which conditions or standards shall in no case be lower than those prescribed by this Chapter;  
16 to act as secretary of the Apprenticeship Council; to approve for the Council if in his opinion  
17 approval is for the best interest of the apprenticeship any apprentice agreement which meets the  
18 standards established under this Chapter; to terminate or cancel any apprentice agreement in  
19 accordance with the provisions of such agreement; to keep a record of apprentice agreements  
20 and their disposition; to issue certificates of completion of apprenticeship; and to perform such  
21 other duties as are necessary to carry out the intent of this Chapter, including other on-job  
22 training necessary for emergency and critical civilian production: Provided, that the  
23 administration and supervision of related and supplemental instruction for apprentices,  
24 coordination of instruction with job experiences, and the selection and training of teachers and  
25 coordinators for such instruction shall be the responsibility of State and local boards  
26 responsible for vocational education.

27 ...

28 **§ 94-6. Definition of an apprentice.**

29 The term "apprentice," as used herein, shall mean a person at least 16 years of age who is  
30 covered by a written apprenticeship agreement approved by the Apprenticeship Council, which  
31 apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous  
32 employment for such person for his participation in an approved schedule of work experience  
33 and for organized, related supplemental instruction in technical subjects related to the trade. A  
34 minimum of 144 hours of related supplemental instruction for each year of apprenticeship is  
35 recommended. The required hours for apprenticeship agreements and the recommended hours  
36 for related supplemental instruction may be decreased or increased in accordance with  
37 standards adopted by the apprenticeship committee or sponsor, subject to approval of the  
38 ~~Commissioner of Labor~~ Secretary of Commerce.

39 ...

40 **§ 94-12. Fees.**

41 The following fees are imposed on each apprentice who is covered by a written  
42 apprenticeship agreement entered into under this Chapter: (i) a new registration fee of fifty  
43 dollars (\$50.00); and (ii) an annual fee of fifty dollars (\$50.00). The fees are departmental  
44 receipts and must be applied to the costs of administering the apprenticeship program. The  
45 ~~Commissioner~~ Secretary of Commerce may adopt rules pursuant to Chapter 150B of the  
46 General Statutes to implement this section."

47 **SECTION 3.** Section 2 of this act becomes effective January 1, 2014. The  
48 remainder of this act is effective when it becomes law.