

Regular Session, 2014

SENATE BILL NO. 207

BY SENATOR JOHN SMITH

WORKFORCE COMMISSION. Provides relative to the Incumbent Worker Training Program. (8/1/14)

AN ACT

To amend and reenact R.S. 23:1514(D)(1), relative to the Incumbent Worker Training Program; to provide for certain third-party training providers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1514(D)(1) is hereby amended and reenacted to read as follows:

§1514. Worker training fund; purpose; training programs; eligibility criteria; program administration

\* \* \*

D.(1)(a) Training shall be done by a third-party training provider selected by the applicants. The training provider selected by an applicant must have a demonstrated history of successful training through its replacement, retention, and satisfaction rates; show collaboration with regard to industry in the development of customized training; and use current industry standards as the basis for programs utilized to train individuals in a targeted industry. Training may be provided by the applicant's employees under limited circumstances as permitted by duly promulgated rules and regulations. Third-party training providers must have a demonstrated

1 history of successful training. No third-party training provider may be an entity  
2 whose principal owner is an immediate family member, as defined by the Code of  
3 Governmental Ethics, of an individual in a management position with the applicant  
4 who has the authority to make decisions regarding a training grant or a business  
5 related to the applicant, such as a parent, subsidiary, or partner of the applicant.

6 (b) Nothing herein shall be construed to prohibit a Louisiana college or  
7 university from acting as a third-party training provider.

8 (c) Subject to the provisions of Subparagraph (d) of this Paragraph, a  
9 Louisiana college or university may subcontract with an out-of-state college or  
10 university to provide the actual training pursuant to this Section so long as the  
11 training takes place on the campus of a Louisiana college or university or on a  
12 Louisiana job site.

13 (d)(i) Prior to entering into an agreement with an out-of-state college or  
14 university as provided for in Subparagraph (c) of this Paragraph, the Louisiana  
15 college or university shall make an inquiry, in writing, to the commissioner of  
16 higher education to determine if such third-party training already exists on  
17 another Louisiana college or university.

18 (ii) If the commissioner of higher education advises the inquiring  
19 Louisiana college or university within fifteen days that another Louisiana  
20 college or university already provides such third-party training, the inquiring  
21 college or university may contract with the college or university that already  
22 provides such third-party training.

23 (iii) If the commissioner of higher education fails to advise the inquiring  
24 Louisiana college or university within fifteen days that another Louisiana  
25 college or university already provides such third-party training, the inquiring  
26 college or university may contract with an out-of-state college or university to  
27 provide the actual training as provided for in Subparagraph (c) of this  
28 Paragraph.

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The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

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#### DIGEST

John Smith (SB 207)

Present law provides for a special fund within the Employment Security Administration Fund (i.e., the fund in which employers deposit their unemployment insurance taxes).

Present law provides that monies from the special fund are to be used only for the purpose of upgrading employee job skills through training.

Present law provides that training is to be done by a third-party training provider selected by the applicant and approved pursuant to rules and regulations promulgated by the Louisiana Workforce Commission.

Proposed law provides that third-party training may be provided by a La. college or university.

Proposed law provides that a La. college or university may subcontract with an out-of-state college or university to provide third-party training so long as the training takes place on the campus of a La. college or university or job site.

Proposed law provides that prior to entering into an agreement with an out-of-state college or university, such La. college or university shall make an inquiry, in writing, to the commissioner of higher education to determine if such third-party training already exists at another La. college or university.

Proposed law provides that if the commissioner of higher education advises the inquiring La. college or university within 15 days that another La. college or university already provides such third-party training, the inquiring college or university may contract with the college or university that already provides such third-party training.

Proposed law provides that if the commissioner of higher education fails to advise the inquiring La. college or university within 15 days that another La. college or university already provides such third-party training, the inquiring college or university may contract with an out-of-state college or university to provide the actual training.

Effective August 1, 2014.

(Amends R.S. 23:1514(D)(1))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the engrossed bill

1. Adds a job site to the list of places where the training can take place.

##### Senate Floor Amendments to engrossed bill

1. Provides a process for determining whether third-party training exists on another Louisiana college or university.