



## TITLE 23 – DEPARTMENT OF COMMUNITY COLLEGES

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Community Colleges intends to repeal the rule cited as 23 NCAC 02E .0402.*

**Proposed Effective Date:** *September 1, 2009*

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): To demand a public hearing please send the written demand to Q. Shanté Martin, Rule-making Coordinator, NC Community College System, 200 West Jones Street, MSC 5001, Raleigh, NC, 27699-5001 or by emailing the demand to martins@nccommunitycolleges.edu. Demands must be received within 15 days of the publication of the proposed rule in the North Carolina Register.*

**Reason for Proposed Action:** *Repealing 23 NCAC 02E .0402 would promote system simplification. These training programs have limited applicability evidenced by the fact that only three community colleges participated in the program in the last fiscal year and very few companies utilize this program.*

**Procedure by which a person can object to the agency on a proposed rule:** *Written objections shall be addressed to President, NC Community College System Office, 5001 MSC, Raleigh, NC 27699-5001 within the comment period and must be postmarked by 11:59 p.m. on the last day of the comment period.*

**Comments may be submitted to:** *Q. Shanté Martin, Rule-making Coordinator, 200 W. Jones Street, 5001 MSC, Raleigh, NC 27699-5001, phone (919) 807-6961, martins@nccommunitycolleges.edu.*

**Comment period ends:** *May 15, 2009*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal Impact: A copy of the fiscal note can be obtained from the agency.**

- State**  
 **Local**  
 **Substantive** (≥\$3,000,000)  
 **None**

## CHAPTER 02 - COMMUNITY COLLEGES

## SUBCHAPTER 02E – EDUCATIONAL PROGRAMS

## SECTION .0400 - INDUSTRIAL SERVICES

## 23 NCAC 02E .0402 WORK STATION OCCUPATIONAL SKILLS TRAINING

~~(a) Training as defined by this Rule is designed to assist manufacturing, service, or governmental organizations with in service training of their employees. The goal is the development of skilled workers to support the continued economic growth of the North Carolina economy thereby enhancing the quality of life for the citizens of the state. Courses supported with public funds that provide occupational skills training at an individual's work station must meet the following conditions:~~

- ~~(1) Training courses shall be available to all local companies.~~
- ~~(2) Training shall occur in the facilities or at the sites in which the company normally operates.~~

- ~~(3) Trainees may be newly hired employees who need job skills training or existing employees who need job skills up grading.~~
  - ~~(4) Training shall be conducted at the employee's assigned work station during normal working hours.~~
  - ~~(5) Training shall be directly related to job skills.~~
  - ~~(6) Training shall prepare new or current employees to use technology, equipment, or production processes.~~
- ~~(b) Colleges may offer work station based courses in those situations where the development of job skills is dependent on technology, equipment or production processes in the work environment which cannot be duplicated in a traditional classroom or laboratory training setting. The purpose of work station based training is to teach the skills of a particular job. The instruction provided shall not duplicate or supplant company training.~~
- ~~(c) Colleges may offer work station based training, as defined in this Rule, in the following ways:~~
- ~~(1) Occupational Extension at the Work Station: A college may teach an occupational extension course at an individual's work station if the training is provided by a community college instructor, the trainee is in a full time training capacity, and the training is offered consistent with Rules 23 NCAC 02D .0324 and 23 NCAC 02D .0101(2)(a). The employee shall not be performing any work duties during the training. When these criteria are met, the college will earn regular budget FTE.~~
  - ~~(2) Structured On the Job Training: Structured On the Job Training shall earn FTE on a contact hour basis for the applied learning component. Structured On the Job Training shall meet the following criteria:
 
    - ~~(A) The applied learning component of the course shall be based on skill competencies determined by industry, employer standards, external agency licensing or certification requirements, or general accepted practices in the field of specialization;~~
    - ~~(B) The course content and designated instructional hours for a structured on the job training course shall comply with the program criteria of the Continuing Education Unit of the Southern Association of Colleges and Schools;~~
    - ~~(C) The System President shall approve a course when the course outline contains specific student learning objectives and a method of measuring student performance; and~~
    - ~~(D) All instructional components shall follow a structured training outline. The outline shall be kept on file at the college until released by audit.~~~~
  - ~~(3) Customized On the Job Training: Colleges may offer Customized On the Job Training as an occupational extension course when an outline of the proposed training course, including learning objectives and training assessments, has been approved in advance by the System President. Customized On the Job Training classes shall be limited to 15 trainees per instructor, consist of no more than 240 hours of training per trainee per course, and shall be taught by a community college instructor. If these criteria are met, the college will earn budget FTE on a contact hour basis after the training has been reported to and approved by the local college board of trustees.~~
  - ~~(4) Company Provided Training: When a college can document that the public purpose is justified, the college may use Occupational Extension funds to reimburse company instructors for providing training. The public purpose shall be justified when the skills taught in the course are transferable to work in other companies involved in the same or similar industry cluster, such that the benefit to the public is the development of a skilled workforce. Company instructors shall operate in a full time training capacity during the designated instructional periods, and shall follow a structured training outline that is jointly developed by the college and the company. The training outline including the public purpose documentation shall be kept on file at the college until released by audit. Company Provided Training shall earn the administrative component only of the budget FTE, after being reported to and approved by the college board of trustees. Company Provided Training shall be limited to no more than 15 trainees per instructor, no more than 240 hours of training per trainee, per course, and shall be taught by a company instructor.~~

~~(d) Content of all courses offered under this Rule shall be supported by an analysis of the job for which training is offered. The job analysis shall designate each separate task within a job and assign a number of hours required to teach each separate task.~~

~~(e) A work station based course shall not be offered on a repetitive or recurring basis to the same employees within the same organization. An employee may not take a given course more than twice.~~

~~(f) An instructor conducting training under this Rule, whether an employee of the organization in which instruction is offered or an employee of the sponsoring college, shall not, during hours of instruction, be involved in any activity other than instruction. An instructor shall not engage in any administrative, supervisory, or operational functions of the organization in which instruction is offered during those hours when the instructor is partially or totally paid by the college. An official of the organization in which instruction is offered shall agree in writing to these conditions.~~

*Authority G.S. 115D-5.*