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SENATE BILL NO. 304

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on March 2, 2004)

(Patron Prior to Substitute—Senator O'Brien)

A BILL to amend and reenact § 2.2-2670 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 4.1, consisting of sections numbered 2.2-435.1 through 2.2-435.5, by adding a section numbered 37.1-207.1, relating to the special advisor for workforce development; review of job training and drug and alcohol treatment programs; performance-based budgeting.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2670 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 4.1, consisting of sections numbered 2.2-435.1 through 2.2-435.5, and by adding a section numbered 37.1-207.1, as follows:

CHAPTER 4.1.

SPECIAL ADVISOR FOR WORKFORCE DEVELOPMENT.

§ 2.2-435.1. Definitions.

As used in this chapter:

"Local workforce investment board" means a local workforce investment board established under § 117 of the WIA.

"One-stop center," "one-stop operator," or "one-stop" means one or more centers that provide comprehensive workforce services to employers, employees, and job seekers, and includes entities designated or certified under § 121 (d) of the WIA.

"Special Advisor" means the Special Advisor to the Governor for Workforce Development.

"WIA" means the federal Workforce Investment Act of 1998 (P.L. 105-220).

§ 2.2-435.2. Position created.

There is created in the Office of the Governor the position of Special Advisor to the Governor for Workforce Development. The Special Advisor shall be appointed by the Governor. The Special Advisor shall be responsible for the tasks assigned to him by law or by the Governor.

§ 2.2-435.3. Responsibilities of the Special Advisor.

The Special Advisor's responsibilities shall not be limited to, but shall include, to:

1. Serve as the liaison among state and local government, the Virginia Workforce Council, local workforce investment boards, and the business community to assist in the implementation of workforce development programs efficiently;

2. Review the allocation of all funds for workforce and career development programs and recommend actions to better coordinate and implement the state's workforce development efforts and eliminate duplication and overlaps in those efforts;

3. Lead the Virginia Workforce Council in implementing its policies and procedures for the Virginia Workforce System;

4. Create a system to monitor the effectiveness of each one-stop center and recommend to the Virginia Workforce Council specific, best management practices;

5. Create a system to measure and evaluate the performance of the local workforce investment boards and recommend best management practices;

6. Oversee the monitoring of the expenditure data of local workforce investment boards, including details of expenditures on training vouchers and supportive services, and report such data to the Governor and the Virginia Workforce Council;

7. Develop and assist in the implementation of program policies and recommend revision of program regulations to further the effective coordination of workforce and career development resources;

8. Monitor federal legislation and policy, in coordination with the Virginia Liaison Office, in order to maximize the Commonwealth's effective use of and access to program funds;

9. Report annually to the Governor and to the Virginia Workforce Council on the progress in coordinating workforce resources statewide, including (i) program success rates in relation to performance measures established by the Virginia Workforce Council, (ii) obstacles to program and resource coordination, and (iii) strategies for facilitating statewide program and resource coordination; and

10. Perform any other duties as directed by the Governor in furtherance of the goal of statewide coordination of workforce development activities.

§ 2.2-435.4. Additional responsibilities; review of state agency job training programs.

A. On or before December 1, 2005, the Special Advisor shall conduct a comprehensive review

60 identifying for each agency in the executive branch of state government (i) the job training program the
61 agency administers; (ii) the program's objectives including the high-quality outcome measures for each
62 program objective; (iii) program actions to achieve the objectives; and (iv) the estimated costs necessary
63 to implement the program objectives.

64 B. Beginning in 2006, the Special Advisor shall report annually by December 1 of each year to the
65 Secretary of Finance, and the Chairs of the House Committee on Appropriations and the Senate
66 Committee on Finance the following information for each agency-administered job training program: (i)
67 the amount of funding expended under such program for the prior fiscal year; (ii) the number of
68 individuals served by the program using that funding; (iii) the extent to which program objectives have
69 been accomplished as reflected by an evaluation of the high-quality outcome measures; and (iv) how
70 effectiveness could be improved.

71 § 2.2-435.5. Additional responsibilities; recommendations on agency-administered job training
72 programs; performance-based budgeting provisions.

73 A. The Special Advisor shall develop a standard format providing a summary comparison of the per
74 person costs for each program, a comparative rating of each program based on success in meeting
75 program objectives, and an explanation of the extent to which an individual agency's appropriation
76 requests incorporate the data reflected in the summary cost comparison and the comparative rating.
77 Such explanation shall specify whether the agency proposes proportionately more or less funding for a
78 given job training program, and describe how the comparative rating and summary cost comparison
79 affected that proposal.

80 B. Beginning in 2006, the Special Advisor shall compile the summary comparisons described in
81 subsection A and report annually by December 1 to the Governor and the General Assembly identifying
82 the most effective job training programs, based on a combination of per person costs and success in
83 meeting program objectives, and recommending the redirection of program funding on that basis.

84 § 2.2-2670. Powers and duties of the Council; Virginia Workforce Network created.

85 A. The Council shall work with the Special Advisor for Workforce Development pursuant to Chapter
86 4.1 (§ 2.2-435.1 et seq.) of this title to undertake the following actions to implement and foster
87 workforce training, exclusive of the career and technical education programs provided through and
88 administered by the public school system:

- 89 1. Provide policy advice to the Governor on workforce and workforce development issues;
- 90 2. Provide policy direction to local workforce investment boards;
- 91 3. Identify current and emerging statewide workforce needs of the business community;
- 92 4. Forecast and identify training requirements for the new workforce;
- 93 5. Create strategies that will match trained workers with available jobs;
- 94 6. Establish the procedures, criteria and performance measures for the Workforce Development
95 Training Fund as established pursuant to Article 4 (§ 60.2-318 et seq.) of Chapter 3 of Title 60.2;
- 96 7. Provide an annual report to the Governor concerning its actions and determinations under
97 subdivisions 1 through 5;
- 98 8. Create procedures, guidelines, and directives applicable to local workforce investment boards and
99 the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and
- 100 9. Perform any act or function in accordance with the purposes of this article.

101 The Special Advisor for Workforce Development shall assist the Council in carrying out the powers
102 and duties enumerated by this subsection.

103 B. The Council shall establish at least two committees as follows: one committee to accomplish the
104 aims of the WIA and one committee to focus on high-technology workforce training needs.

105 C. The Secretary of Commerce and Trade and, the Council and the Special Advisor for Workforce
106 Development shall assist the Governor in complying with the provisions of the WIA, including the
107 creation of a Virginia workforce development system to be known as the Virginia Workforce Network.

108 D. The Council and the Special Advisor for Workforce Development shall assist the Governor in the
109 following areas with respect to workforce development: development of the WIA State Plan;
110 development and continuous improvement of a statewide workforce development system; development
111 of linkages to ensure coordination and nonduplication among programs and activities; review of local
112 plans; designation of local areas; development of local discretionary allocation formulas; development
113 and continuous improvement of comprehensive state performance measures including, without limitation,
114 performance measures reflecting the degree to which one-stop centers provide comprehensive services
115 with all mandatory partners and the degree to which local workforce investment boards have obtained
116 funding from sources other than the WIA; preparation of the annual report to the U.S. Secretary of
117 Labor; development of a statewide employment statistics system; development of incentive grant
118 applications; and development of a statewide system of one-stop centers that provide comprehensive
119 workforce services to employers, employees, and job seekers.

120 The Council shall share information regarding its meetings and activities with the public.

121 E. Each local workforce investment board shall develop and submit to the Special Advisor for

Workforce Development and the Virginia Workforce Council an annual workforce demand plan for its workforce investment board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements; designate or certify one-stop operators; identify eligible providers of youth activities; identify eligible providers of intensive services if unavailable at one-stop; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in developing statewide employment statistics; coordinate workforce investment activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to WIA funds; report performance statistics to the Virginia Workforce Council; and certify local training providers in accordance with criteria provided by the Virginia Workforce Council.

Each local workforce investment board shall share information regarding its meetings and activities with the public.

F. Each chief local elected official shall consult with the Governor regarding designation of local workforce investment areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ~~assure~~ *ensure* that all mandated partners are active participants in the local workforce investment board and one-stop center and collaborate with the local workforce investment board on local plans and program oversight.

G. Each local workforce investment board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the WIA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the WIA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Welfare-to-work programs authorized under § 403(a) (5) of the Social Security Act (42 U.S.C. § 603(a) (5));
6. Activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. § 3056 et seq.);
7. Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
8. Activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
9. Activities pertaining to employment and training programs for veterans authorized under chapter 41 of title 38, United States Code;
10. Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. § 9901 et seq.);
11. Employment and training activities carried out by the United States Department of Housing and Urban Development;
12. Programs authorized under Title 60.2, in accordance with applicable federal law;
13. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Employment, not Welfare (VIEW) program established pursuant to § 63.2-608; and
14. The workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.).

H. The Virginia Secretary of Commerce and Trade, and at his direction, the Virginia Employment Commission, shall be responsible for the coordination of the Virginia Workforce Network and the implementation of the WIA.

§ 37.1-207.1. Review of state agency alcohol and drug treatment programs.

A. *On or before December 1, 2005, the Council shall forward to the Governor and the General Assembly a Comprehensive Interagency State Plan identifying for each agency in state government (i) the alcohol or drug treatment program the agency administers; (ii) the program's objectives, including outcome measures for each program objective; (iii) program actions to achieve the objectives; (iv) the costs necessary to implement the program actions; and (v) an estimate of the extent these programs have met demand for alcohol and drug treatment services in the Commonwealth. The Council shall develop specific criteria for outcome data collection for all affected agencies, including a comparison of the extent to which the existing outcome measures address applicable federally mandated outcome measures and an identification of common outcome measures across agencies and programs. The plan*

183 shall also include an assessment of each agency's capacity to collect, analyze, and report the
184 information required by subsection B.

185 B. Beginning in 2006, the Comprehensive Interagency State Plan shall include the following analysis
186 for each agency-administered alcohol or drug treatment program: (i) the amount of funding expended
187 under such program for the prior fiscal year; (ii) the number of individuals served by the program using
188 that funding; (iii) the extent to which program objectives have been accomplished as reflected by an
189 evaluation of outcome measures; (iv) identifying the most effective alcohol or drug treatment, based on
190 a combination of per person costs and success in meeting program objectives; (v) how effectiveness
191 could be improved; (vi) an estimate of the cost effectiveness of these programs; and (vii)
192 recommendations on the funding of programs based on these analyses.

193 C. All agencies identified in the Comprehensive Interagency State Plan as administering an alcohol
194 or drug treatment program shall provide such information and staff support as is necessary for the
195 Council to complete the Plan. In addition, any agency that captures outcome related information
196 concerning alcohol or drug programs identified in subsection B shall make this information available
197 for analysis upon request.