

042796844

## SENATE BILL NO. 460

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws  
on February 4, 2004)

(Patron Prior to Substitute—Senator Whipple)

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, 2.2-435.2, and 2.2-435.3, relating to workforce training programs; special advisor.

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, 2.2-435.2, and 2.2-435.3, as follows:

## CHAPTER 4.1.

## SPECIAL ADVISOR FOR WORKFORCE DEVELOPMENT.

§ 2.2-435.1. 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.

§ 2.2-435.2. 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.

§ 2.2-435.3. 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).

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

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

60 administered by the public school system:

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

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

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

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

80 D. The Council *and the Special Advisor for Workforce Development* shall assist the Governor in the  
81 following areas with respect to workforce development: development of the WIA State Plan;  
82 development and continuous improvement of a statewide workforce development system; development  
83 of linkages to ensure coordination and nonduplication among programs and activities; review of local  
84 plans; designation of local areas; development of local discretionary allocation formulas; development  
85 and continuous improvement of comprehensive state performance measures including, without limitation,  
86 performance measures reflecting the degree to which one-stop centers provide comprehensive services  
87 with all mandatory partners and the degree to which local workforce investment boards have obtained  
88 funding from sources other than the WIA; preparation of the annual report to the U.S. Secretary of  
89 Labor; development of a statewide employment statistics system; development of incentive grant  
90 applications; and development of a statewide system of one-stop centers that provide comprehensive  
91 workforce services to employers, employees, and job seekers.

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

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

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

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

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

- 119 1. Programs authorized under Title I of the WIA;
- 120 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
- 121 3. Adult education and literacy activities authorized under Title II of the WIA;

- 122 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);  
123 5. Welfare-to-work programs authorized under § 403(a) (5) of the Social Security Act (42 U.S.C.  
124 § 603(a) (5));  
125 6. Activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. § 3056 et seq.);  
126 7. Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and  
127 Applied Technology Education Act (20 U.S.C. § 2301 et seq.);  
128 8. Activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et  
129 seq.);  
130 9. Activities pertaining to employment and training programs for veterans authorized under chapter  
131 41 of title 38, United States Code;  
132 10. Employment and training activities carried out under the Community Services Block Grant Act  
133 (42 U.S.C. § 9901 et seq.);  
134 11. Employment and training activities carried out by the United States Department of Housing and  
135 Urban Development;  
136 12. Programs authorized under Title 60.2, in accordance with applicable federal law;  
137 13. Workforce development activities or work requirements of the Temporary Assistance to Needy  
138 Families (TANF) program known in Virginia as the Virginia Initiative for Employment, not Welfare  
139 (VIEW) program established pursuant to § 63.2-608; and  
140 14. The workforce development activities or work programs authorized under the Food Stamp Act of  
141 1977 (7 U.S.C. § 2011 et seq.).  
142 H. The Virginia Secretary of Commerce and Trade, and at his direction, the Virginia Employment  
143 Commission, shall be responsible for the coordination of the Virginia Workforce Network and the  
144 implementation of the WIA.