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HOUSE BILL NO. 1307

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend and reenact §§ 2.2-100, 2.2-2669, 2.2-2670, and 2.2-2674.1 of the Code of Virginia, to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 4.2, consisting of sections numbered 2.2-435.6 through 2.2-435.10, and to repeal Chapter 4.1 (§§ 2.2-435.1 through 2.2-435.5) of Title 2.2 of the Code of Virginia, relating to workforce development and training programs; creation of a deputy chief of staff for workforce development.*

Patrons—Byron, Hogan, Hurt, Marshall, D.W., Nutter, Scott, J.M. and Wright; Senators: Reynolds and Ruff

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-100, 2.2-2669, 2.2-2670, and 2.2-2674.1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 4.2, consisting of sections numbered 2.2-435.6 through 2.2-435.10, as follows:

§ 2.2-100. Salaries of Governor and other officers; administrative assistants.

A. The Governor and all officers of the Commonwealth shall receive annually for their services such salaries as are fixed by law.

B. The Governor may employ the necessary administrative assistants, including a chief of staff *and deputy chief of staff for workforce development*, and fix their salaries within the limitation of funds appropriated for executive control of the Commonwealth. Any chief of staff *or deputy chief of staff for workforce development* appointed by the Governor shall be ~~confirmed~~ *subject to confirmation* by a majority of the members in each house of the General Assembly *as provided in § 2.2-105*.

C. The Governor may employ the staff required to perform necessary services in the operation of the Executive Mansion.

CHAPTER 4.2.**DEPUTY CHIEF OF STAFF FOR WORKFORCE DEVELOPMENT.**

§ 2.2-435.6. *Definitions.*

As used in this chapter:

"Deputy Chief" means the Deputy Chief of Staff to the Governor for Workforce Development.

"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.

"Virginia Workforce Network" includes the programs and activities enumerated in subsection G of § 2.2-2670.

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

§ 2.2-435.7. *Position created.*

There is created in the Office of the Governor the position of Deputy Chief of Staff to the Governor for Workforce Development. The Deputy Chief shall be appointed by the Governor. The Deputy Chief shall be responsible for the tasks assigned to him pursuant to this chapter and Article 25 (§ 2.2-2669 et seq.) of Chapter 26 of this title or by the Governor.

§ 2.2-435.8. *Duties of the Deputy Chief.*

The Deputy Chief's duties shall include, but shall not be limited to:

1. Staffing the Virginia Workforce Council as provided in Article 25 (§ 2.2-2669 et seq.) of Chapter 26 of this title;

2. Serving as the fiscal agent for, and, to the extent permissible under applicable federal law, determining the appropriate allocation of funds and other resources that have been appropriated or are otherwise available for disbursement by the Commonwealth for workforce development programs and activities;

3. Ensuring that the Commonwealth's workforce development efforts are implemented in a coordinated and efficient manner by, among other activities, recommending to the Governor and the Virginia Workforce Council actions to streamline and eliminate duplication in such efforts;

4. Serving as the liaison among state government agencies and secretariats, local governments, the Virginia Workforce Council, local workforce investment boards, and the business community, and in

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58 *such capacity mediating the resolution of disagreements regarding jurisdictional boundaries and*
59 *responsibilities in order to facilitate the efficient implementation of workforce development programs;*

60 5. *Meeting regularly with the Secretaries of Education, Commerce and Trade, and Health and*
61 *Human Resources, or their designees, to discuss (i) policy development and coordinated planning and*
62 *program evaluation for workforce development and training programs and (ii) coordination of local*
63 *service delivery and resources provided through the Virginia Workforce Network as set forth in a*
64 *state-level memorandum of understanding for the Network's programs and activities;*

65 6. *In coordination with the Virginia Workforce Council, (i) developing uniform policies and*
66 *procedures for one-stop centers, including standardized forms and applications, (ii) monitoring the*
67 *effectiveness of each one-stop center and recommending any necessary improvements, and (iii)*
68 *establishing measures to evaluate the performance of the local workforce investment boards;*

69 7. *Monitoring data regarding expenditures by local workforce investment boards, including details of*
70 *expenditures on training vouchers and supportive services, and reporting such data to the Virginia*
71 *Workforce Council;*

72 8. *Measuring and evaluating the performance of the local workforce investment boards and*
73 *recommending to such boards specific best management practices;*

74 9. *Establishing minimum standards for the recertification of training providers;*

75 10. *Clarifying and monitoring policies for participants exiting from WIA programs;*

76 11. *Recommending revisions of program regulations to further the effective coordination of workforce*
77 *and career development resources;*

78 12. *Monitoring federal legislation and policy, in coordination with the Virginia Liaison Office, in*
79 *order to maximize the Commonwealth's effective use of and access to program funds;*

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

84 14. *Advising the Governor regarding workforce development and training issues, and advocating for*
85 *resources and program revisions that will increase the coordination and effectiveness of the elements of*
86 *the Commonwealth's workforce development and training system; and*

87 15. *Performing any other duties in furtherance of the goal of statewide coordination of workforce*
88 *development activities.*

89 § 2.2-435.9. *Additional responsibilities; strategic plan and performance measures; redirection of*
90 *resources.*

91 A. *The Deputy Chief shall, in coordination with the Virginia Workforce Council, develop and*
92 *maintain a strategic plan for the statewide delivery of workforce development and training programs*
93 *and activities. The strategic plan shall include performance measures that link the objectives of such*
94 *programs and activities to the record of state agencies, local workforce investment boards, and other*
95 *relevant entities in attaining such objectives.*

96 B. *The Deputy Chief shall conduct annual evaluations of the performance of workforce development*
97 *and training programs and activities and their administrators and providers, using the performance*
98 *measures developed through the strategic planning process. The evaluations shall include a comparison*
99 *of the per person costs for each program or activity, a comparative rating of each program based on*
100 *success in meeting program objectives, and an explanation of the extent to which an individual agency's*
101 *appropriation requests incorporate the data reflected in the summary cost comparison and the*
102 *comparative rating.*

103 C. *The Deputy Chief shall redirect or, if prohibited from doing so by applicable federal or state law*
104 *or regulation, shall recommend the redirecting of funds and other resources for workforce development*
105 *and training programs and activities based on the evaluations and comparative ratings conducted*
106 *pursuant to subsection B. Prior to making such a redirection or recommendation, the Deputy Chief shall*
107 *provide the Virginia Workforce Council and the Governor with a written explanation describing how the*
108 *program evaluation and comparative rating relates to the redirection or recommendation.*

109 § 2.2-435.10. *Additional responsibilities; strategic plan for reforming workforce training and*
110 *development system.*

111 *On or before December 1, 2006, the Deputy Chief and the Virginia Workforce Council shall create a*
112 *statewide strategic plan to address the need for reforms in workforce policy, including the*
113 *implementation of workforce development and training initiatives and policies. The statewide strategic*
114 *plan shall examine, among such other issues as it deems relevant, (i) the potential advantages and*
115 *disadvantages of instituting a single statewide local workforce investment board, (ii) the need for*
116 *reforms at the local workforce investment board level, (iii) concerns of rural communities, (iv)*
117 *maintaining the active participation of local business interests in local workforce investment boards, and*
118 *(v) means of reducing the amount of time expended by members of local workforce investment boards*
119 *on administrative matters.*

120 § 2.2-2669. Virginia Workforce Council; purpose; membership; terms; compensation and expenses;
121 staff.

122 A. The Virginia Workforce Council (the Council) is established as a policy council, within the
123 meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be
124 to assist the Governor in meeting workforce training needs in the Commonwealth.

125 B. The Council shall consist of 29 members as follows:

126 1. The Council shall include two members of the House of Delegates to be appointed by the Speaker
127 of the House of Delegates; and two members of the Senate to be appointed by the Senate Committee on
128 Rules. Legislative members shall serve terms coincident with their terms of office and may be
129 reappointed for successive terms.

130 2. The Governor; the Secretaries of Commerce and Trade, Education, and Health and Human
131 Resources; the Chancellor of the Virginia Community College System; the Commissioner of the Virginia
132 Employment Commission; and the president of the Virginia AFL-CIO shall serve as members.

133 3. The Governor shall appoint members as follows: one mayor and one chairperson of a county
134 board of supervisors; one representative of labor in addition to the president of the Virginia AFL-CIO;
135 and 15 nonlegislative citizen members representing the business community, to include the presidents of
136 the Virginia Chamber of Commerce and the Virginia Manufacturer's Association, one representative of
137 proprietary employment training schools, one representative of health care employers, and the remaining
138 members who are business owners, chief executive officers, chief operating officers, chief financial
139 officers, senior managers or other business executives or employers with optimum policy-making or
140 hiring authority and who shall represent diverse regions of the state, to include urban, suburban, and
141 rural areas, at least two of whom shall be members of local workforce investment boards. Nonlegislative
142 citizen members may be nonresidents of the Commonwealth.

143 Members appointed in accordance with this subdivision shall serve four-year terms, subject to the
144 pleasure of the Governor, and may be reappointed.

145 C. If one person appointed to fill one of the enumerated positions in subsection B also qualifies to
146 fill any other of the enumerated positions, such person may, at the discretion of the Governor, be
147 deemed to fill any or all of the enumerated positions for which such person qualifies.

148 D. The Governor shall select a chairman and vice-chairman from among the 15 members
149 representing the business community appointed in accordance with subdivision 3 of subsection B. The
150 Council shall meet upon the call of the chair or the Governor.

151 E. Compensation and reimbursement of expenses of the members shall be as follows:

152 1. Legislative members appointed in accordance with subdivision B 1 shall receive such
153 compensation and reimbursement of expenses incurred in the performance of their duties as provided in
154 §§ 30-19.12, 2.2-2813 and 2.2-2825.

155 2. Members of the Council appointed in accordance with subdivision B 2 shall not receive
156 compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the
157 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

158 3. Members of the Council appointed in accordance with subdivision B 3 shall not receive
159 compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the
160 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

161 Funding for the costs of compensation and expenses of the members shall be provided from federal
162 funds received under the Workforce Investment Act of 1998 (P.L. 105-220, as amended) and
163 administered by the Virginia Employment Commission.

164 F. ~~The Virginia Employment Commission, the Virginia Community College System, and the~~
165 ~~Department of Business Assistance Deputy Chief~~ shall serve as *lead* staff to the Council as *directed* by
166 ~~the Secretary of Commerce and Trade, and shall supervise the subordinate staff to the Council. The~~
167 ~~Council shall have an independent staff, and any employee of any other state agency that is assigned to~~
168 ~~provide staffing to the Council shall be supervised by the Deputy Chief.~~

169 G. ~~The Virginia Employment Commission Deputy Chief~~ shall act as fiscal agent for the Council and,
170 ~~the WIA, and all federally- or state-funded workforce training and development programs and activities~~
171 ~~in Virginia that are part of the Virginia Workforce Network.~~

172 § 2.2-2670. Powers and duties of the Council; Virginia Workforce Network created.

173 A. The Council shall ~~work with the Special Advisor for Workforce Development pursuant to Chapter~~
174 ~~4.1 (§ 2.2-435.1 et seq.) of this title to~~ undertake the following actions to implement and foster
175 workforce training, exclusive of the career and technical education programs provided through and
176 administered by the public school system:

- 177 1. Provide policy advice to the Governor on workforce and workforce development issues;
- 178 2. Provide policy direction to local workforce investment boards;
- 179 3. Identify current and emerging statewide workforce needs of the business community;
- 180 4. Forecast and identify training requirements for the new workforce;

181 5. Create strategies that will match trained workers with available jobs;
 182 6. Provide an annual report to the Governor concerning its actions and determinations under
 183 subdivisions 1 through 5;

184 7. Create procedures, guidelines, and directives applicable to local workforce investment boards and
 185 the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and

186 8. Perform any act or function in accordance with the purposes of this article.

187 The ~~Special Advisor for Workforce Development Deputy Chief~~, in addition to the duties enumerated
 188 in § 2.2-435.8, shall assist the Council in carrying out the powers and duties ~~enumerated by this~~
 189 ~~subsection of the Council~~.

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

192 C. The ~~Secretary of Commerce and Trade~~, the Council and the ~~Special Advisor for Workforce~~
 193 ~~Development Deputy Chief~~, with such assistance as shall be requested of other agencies of the
 194 Commonwealth, shall assist the Governor in complying with the provisions of the WIA; ~~including the~~
 195 ~~creation of a Virginia workforce development system to be known as and ensuring the coordination and~~
 196 ~~effectiveness of programs and providers comprising elements of the Virginia Workforce Network~~.

197 D. The Council and the ~~Special Advisor for Workforce Development~~, with the assistance of the
 198 ~~Deputy Chief~~, shall assist the Governor in the following areas with respect to workforce development:
 199 development of the WIA State Plan; development and continuous improvement of a statewide workforce
 200 development system; development of linkages to ensure coordination and nonduplication among
 201 programs and activities; review of local plans; designation of local areas; development of local
 202 discretionary allocation formulas; development and continuous improvement of comprehensive state
 203 performance measures including, without limitation, performance measures reflecting the degree to which
 204 one-stop centers provide comprehensive services with all mandatory partners and the degree to which
 205 local workforce investment boards have obtained funding from sources other than the WIA; preparation
 206 of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics
 207 system; development of incentive grant applications; and development of a statewide system of one-stop
 208 centers that provide comprehensive workforce services to employers, employees, and job seekers.

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

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

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

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

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

236 1. Programs authorized under Title I of the WIA;

237 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);

238 3. Adult education and literacy activities authorized under Title II of the WIA;

239 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);

240 5. Welfare-to-work programs authorized under § 403 (a) (5) of the Social Security Act (42 U.S.C.
 241 § 603 (a) (5));

242 6. Activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. § 3056 et seq.);

243 7. Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and
244 Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
245 8. Activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et
246 seq.);
247 9. Activities pertaining to employment and training programs for veterans authorized under chapter
248 41 of title 38, United States Code;
249 10. Employment and training activities carried out under the Community Services Block Grant Act
250 (42 U.S.C. § 9901 et seq.);
251 11. Employment and training activities carried out by the United States Department of Housing and
252 Urban Development;
253 12. Programs authorized under Title 60.2, in accordance with applicable federal law;
254 13. Workforce development activities or work requirements of the Temporary Assistance to Needy
255 Families (TANF) program known in Virginia as the Virginia Initiative for Employment, not Welfare
256 (VIEW) program established pursuant to § 63.2-608; and
257 14. The workforce development activities or work programs authorized under the Food Stamp Act of
258 1977 (7 U.S.C. § 2011 et seq.).
259 H. ~~The Virginia Secretary of Commerce and Trade, and at his direction, the Virginia Employment~~
260 ~~Commission, Depurt Chief~~ shall be responsible for the coordination of the Virginia Workforce Network
261 and the implementation of the WIA.
262 § 2.2-2674.1. Definitions.
263 As used in this article:
264 *"Deputy Chief" means the Deputy Chief of Staff for Workforce Development established pursuant to*
265 *Chapter 4.2 (§ 2.2-435.6 et seq.) of Title 2.2.*
266 *"Local workforce investment board" means a local workforce investment board established under*
267 *§ 117 of the WIA.*
268 *"One-stop center," "one-stop operator," or "one-stop" means one or more centers that provide*
269 *comprehensive workforce services to employers, employees, and job seekers, and includes entities*
270 *designated or certified under § 121 (d) of the WIA.*
271 *"Virginia Workforce Network" includes the programs and activities enumerated in subsection G of*
272 *§ 2.2-2670.*
273 *"WIA" means the federal Workforce Investment Act of 1998 (P.L. 105-220).*
274 **2. That Chapter 4.1 (§§ 2.2-435.1 through 2.2-435.5) of Title 2.2 of the Code of Virginia is**
275 **repealed.**