

# VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

## CHAPTER 388

*An Act to amend and reenact §§ 2.2-435.7 and 2.2-2669 of the Code of Virginia, relating to the Virginia Workforce Council; workforce development.*

[H 1312]

Approved March 5, 2008

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-435.7 and 2.2-2669 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-435.7. Responsibilities of the Chief Workforce Development Officer.

A. The Governor's responsibilities as Chief Workforce Development Officer shall include:

1. Developing a strategic plan for the statewide delivery of workforce development and training programs and activities. *The strategic plan shall be developed in coordination with the development of the comprehensive economic development policy required by § 2.2-205.* The strategic plan shall include performance measures that link the objectives of such programs and activities to the record of state agencies, local workforce investment boards, and other relevant entities in attaining such objectives;

2. 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, taking appropriate executive action to this end and recommending to the General Assembly necessary legislative actions to streamline and eliminate duplication in such efforts;

4. Facilitating efficient implementation of workforce development and training programs by cabinet secretaries and agencies responsible for such programs;

~~5. Providing independent staffing for the Workforce Council;~~

~~6.~~ Developing, in coordination with the Virginia Workforce Council, (i) certification standards for programs and providers and (ii) uniform policies and procedures, including standardized forms and applications, for one-stop centers;

~~7.~~ 6. Monitoring, in coordination with the Virginia Workforce Council, the effectiveness of each one-stop center and recommending actions needed to improve their effectiveness;

~~8.~~ 7. Establishing measures to evaluate the effectiveness of the local workforce investment boards and conducting annual evaluations of the effectiveness of each local workforce investment board. As part of the evaluation process, the Governor shall recommend to such boards specific best management practices;

~~9.~~ 8. Conducting annual evaluations of the performance of workforce development and training programs and activities and their administrators and providers, using the performance measures developed through the strategic planning process described in subdivision 1. The evaluations shall include, to the extent feasible, (i) a comparison of the per-person costs for each program or activity, (ii) a comparative rating of each program or activity based on its success in meeting program objectives, and (iii) an explanation of the extent to which each agency's appropriation requests incorporate the data reflected in the cost comparison described in clause (i) and the comparative rating described in clause (ii). These evaluations, including the comparative rankings, shall be considered in allocating resources for workforce development and training programs;

~~10.~~ 9. Monitoring federal legislation and policy, in order to maximize the Commonwealth's effective use of and access to federal funding available for workforce development programs; ~~and~~

~~11.~~ 10. Submitting biennial reports, which shall be included in the Governor's executive budget submissions to the General Assembly, on improvements in the coordination of workforce development efforts statewide. The reports shall identify (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. *In addition, the reports shall provide information on the implementation of the Memorandum of Understanding among the Governor's Office, the Secretaries of Education and Commerce and Trade, the Virginia Community College System, and the Virginia Employment Commission, which Memorandum of Understanding establishes transition plans for moving certain Workforce Investment Act responsibilities from the Virginia Employment Commission to the Virginia Community College System. Upon completion of the transfer of Workforce Investment Act responsibilities from the Virginia Employment Commission to the Virginia Community College System, the reports shall analyze the effectiveness of the Virginia Community College System in carrying out its Workforce Investment Act responsibilities; and*

11. Submitting to the chairs of the House and Senate Commerce and Labor Committees copies of (i)

*all evaluations by the Chief Workforce Development Officer of the accountability and performance of the Commonwealth's workforce programs and (ii) all reports by the Office of the Chancellor of the Virginia Community College System on accomplishments and recommendations relating to regional cooperation on workforce, education, and economic development issues.*

B. The Governor may delegate any of his responsibilities enumerated in subsection A to a senior staff member within his immediate office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. ~~The Governor, or a senior staff member within his immediate office to whom the Governor has delegated such function, shall serve as lead staff to the Council. The Council's lead staff shall supervise the subordinate staff of the Council. The subordinate staff of the Council shall be independent of any other state agency that provides workforce services~~ *Office of the Chancellor of the Virginia Community College System shall provide strategic guidance and staff support to the Council.*