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SENATE BILL NO. 1177

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 4, 2013)

(Patron Prior to Substitute—Senator Ruff)

A BILL to amend and reenact §§ 2.2-2669 and 2.2-2670 of the Code of Virginia, relating to the Virginia Workforce Council; composition; powers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2669 and 2.2-2670 of the Code of Virginia are amended and reenacted as follows:

§ 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 *and advise* the Governor in meeting workforce training needs in the Commonwealth *through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all education and workforce programs with responsibilities and resources for occupational training.*

B. The Council shall consist of ~~29~~ *31* 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 *or their designees*; the Chancellor of the Virginia Community College System; *and* the Commissioner of the Virginia Employment Commission; *and the president of the Virginia AFL-CIO* shall serve as *ex officio* 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~~ *two representatives nominated by state labor federations; a state director of career and technical education;* and ~~45~~ *16* nonlegislative citizen members representing the business community, to include the presidents of the Virginia Chamber of Commerce and the Virginia ~~Manufacturer's~~ *Manufacturers* 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, who shall serve two-year terms, from among the 15 members representing the business community appointed in accordance with subdivision B 3. No member shall be eligible to serve more than two consecutive terms as chairman. 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 Office of the Chancellor of the Virginia Community College System shall provide strategic

60 guidance and staff support to the Council.

61 **§ 2.2-2670. Powers and duties of the Council; Virginia Workforce Network created.**

62 A. The Council shall undertake the following actions to implement and foster workforce training;
63 ~~exclusive of the career and technical education programs provided through and administered by the~~
64 ~~public school system and better align education and workforce programs to meet current and projected~~
65 ~~skills requirements of an increasingly technological, global workforce:~~

66 1. Provide policy advice to the Governor on workforce and workforce development issues;

67 2. Provide policy direction to local workforce investment boards;

68 3. ~~Provide recommendations on the policy, plans, and procedures for secondary and postsecondary~~
69 ~~career and technical education activities authorized under the federal Carl D. Perkins Vocational and~~
70 ~~Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure alignment with the state's plan~~
71 ~~for coordinating programs authorized under Title I of the Workforce Investment Act of 1998 (P.L.~~
72 ~~105-220, as amended) (WIA) and under the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.);~~

73 4. ~~Provide recommendations on the policy, plans, and procedures for other education and workforce~~
74 ~~development programs that provide resources and funding for training and employment services as~~
75 ~~identified by the Governor or Council;~~

76 5. Identify current and emerging statewide workforce needs of the business community;

77 ~~4. 6. Forecast and identify training requirements for the new workforce;~~

78 ~~5. Create 7. Recommend strategies that will match trained workers with available jobs to include~~
79 ~~strategies for increasing business engagement in education and workforce development;~~

80 8. ~~Develop WIA incentive grant applications and approve criteria for awarding incentive grants;~~

81 9. ~~Develop and approve criteria for the reallocation of unexpended WIA funds from local workforce~~
82 ~~investment boards;~~

83 10. ~~Conduct a review of budgets, which shall be submitted annually to the Council by each agency~~
84 ~~conducting federal and state funded career and technical and adult education and workforce~~
85 ~~development programs, that identify the agency's sources and expenditures of administrative, workforce~~
86 ~~training, and leadership funds for workforce development programs;~~

87 ~~6. 11. Administer the Virginia Career Readiness Certificate Program in Accordance with~~
88 ~~§ 2.2-2674.01 and review and recommend industry credentials that align with high demand occupations;~~

89 12. Provide an annual report to the Governor concerning its actions and determinations under
90 subdivisions 1 through 5 11;

91 ~~7. 13. Create procedures, guidelines, and directives applicable to local workforce investment boards~~
92 ~~and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and~~

93 8. 14. Perform any act or function in accordance with the purposes of this article.

94 B. The Council shall establish at least two committees as follows: one committee to accomplish the
95 aims of the WIA and one committee to focus on high-technology workforce training needs ~~through~~
96 ~~sector strategies, career readiness, and career pathways.~~

97 C. The Council and the Governor's cabinet secretaries shall assist the Governor in complying with
98 the provisions of the WIA and ensuring the coordination and effectiveness of ~~all federal and state~~
99 ~~funded career and technical and adult education and workforce development programs and providers~~
100 ~~comprising elements of the Virginia Virginia's Career Pathways System and Workforce Network.~~

101 D. The Council shall assist the Governor in the following areas with respect to workforce
102 development: development of the WIA-Wagner Peyser State Plan; development and continuous
103 improvement of a statewide workforce development ~~and career Pathways system that ensures career~~
104 ~~readiness and coordinates and aligns career and technical education, adult education, and federal and~~
105 ~~state workforce programs;~~ development of linkages to ensure coordination and nonduplication among
106 programs and activities; review of local plans; designation of local areas; development of local
107 discretionary allocation formulas; development and continuous improvement of comprehensive state
108 performance measures including, without limitation, performance measures reflecting the degree to which
109 one-stop centers provide comprehensive services with all mandatory partners and the degree to which
110 local workforce investment boards have obtained funding from sources other than the WIA; preparation
111 of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics
112 system; ~~development of incentive grant applications;~~ and development of a statewide system of one-stop
113 centers that provide comprehensive workforce services to employers, employees, and job seekers.

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

115 E. Each local workforce investment board shall develop and submit to the Governor and the Virginia
116 Workforce Council an annual workforce demand plan for its workforce investment board area based on
117 a survey of local and regional businesses that reflects the local employers' needs and requirements and
118 the availability of trained workers to meet those needs and requirements; designate or certify one-stop
119 operators; identify eligible providers of youth activities; identify eligible providers of intensive services
120 if unavailable at one-stop; develop a budget; conduct local oversight of one-stop operators and training
121 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. *Further, a local training provider certified by any workforce investment board has reciprocal certification for all workforce investment boards.*

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; 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. ~~5. Postsecondary vocational education career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);~~
 8. ~~6. Activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);~~
 9. ~~7. 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. ~~8. Programs authorized under Title 60.2, in accordance with applicable federal law;~~
 13. ~~9. 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. ~~10. The workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.); and~~
 11. *Other programs or activities as required by the WIA.*
- H. The Governor shall be responsible for the coordination of the Virginia Workforce Network and the implementation of the WIA.