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HOUSE BILL NO. 1009

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on February 4, 2014)

(Patron Prior to Substitute—Delegate Byron)

A BILL to amend and reenact §§ 2.2-435.6, 2.2-435.7, 2.2-2101, as it is currently effective and as it shall become effective, 23-38.53:12, 23-38.53:13, and 60.2-113 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 24, consisting of sections numbered 2.2-2470 through 2.2-2477; and to repeal Article 25 (§§ 2.2-2669 through 2.2-2674.1) of Chapter 26 of Title 2.2 of the Code of Virginia, relating to workforce development.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-435.6, 2.2-435.7, 2.2-2101, as it is currently effective and as it shall become effective, 23-38.53:12, 23-38.53:13, and 60.2-113 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 24, consisting of sections numbered 2.2-2470 through 2.2-2477, as follows:

§ 2.2-435.6. Chief Workforce Development Officer.

A. The Governor shall serve as Chief Workforce Development Officer for the Commonwealth.

B. The Governor may designate a senior staff member from the immediate staff of the Governor's Office to appoint a Chief Workforce Development Advisor who shall be responsible for the responsibilities duties assigned to the Governor him pursuant to this chapter and Article 25 24 (§ 2.2-2669 2.2-2470 et seq.) of Chapter 26 of this title 24 or other tasks as may be assigned to such person him by the Governor.

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

A. The Governor's responsibilities as of the Chief Workforce Development Officer Advisor 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. Developing, in coordination with the Virginia Board of Workforce Council Development, (i) certification standards for programs and providers and (ii) uniform policies and procedures, including standardized forms and applications, for one-stop centers;

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

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;

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. These evaluations shall be submitted to the chairs of the House and Senate Commerce and Labor Committees and included in the biennial reports pursuant to subdivision A 10;

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

62 10. Submitting biennial reports, which shall be included in the Governor's executive budget
63 submissions to the General Assembly, on improvements in the coordination of workforce development
64 efforts statewide. The reports shall identify (i) program success rates in relation to performance measures
65 established by the Virginia *Board of Workforce Council Development*, (ii) obstacles to program and
66 resource coordination, and (iii) strategies for facilitating statewide program and resource coordination.

67 B. The *Chief Workforce Development Advisor* shall report to the Governor ~~may delegate any of his~~
68 ~~responsibilities enumerated in subsection A to a senior staff member within his immediate office.~~

69 **§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards,**
70 **commissions, and councils within the executive branch; exceptions.**

71 Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils
72 within the executive branch of state government who are responsible for administering programs
73 established by the General Assembly. Such prohibition shall not extend to boards, commissions, and
74 councils engaged solely in policy studies or commemorative activities. If any law directs the
75 appointment of any member of the General Assembly to a board, commission, or council in the
76 executive branch of state government that is responsible for administering programs established by the
77 General Assembly, such portion of such law shall be void, and the Governor shall appoint another
78 person from the Commonwealth at large to fill such a position.

79 The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall
80 be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest
81 Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of
82 the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as
83 provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who
84 shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating
85 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
86 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
87 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
88 Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in
89 § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as
90 provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf
91 and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance
92 Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the
93 Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the
94 Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the
95 State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be
96 appointed as provided in § 2.2-2648; to members of the Virginia *Board of Workforce Council*
97 *Development*, who shall be appointed as provided for in ~~§ 2.2-2669~~ 2.2-2471; to members of the
98 Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed
99 as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed
100 as provided for in § 2.2-233; to members of the Forensic Science Board, who shall be appointed as
101 provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who
102 shall be appointed as provided in § 2.2-2735.

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110 executive branch of state government that is responsible for administering programs established by the
111 General Assembly, such portion of such law shall be void, and the Governor shall appoint another
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120 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
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Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia *Board of Workforce Council Development*, who shall be appointed as provided for in § ~~2.2-2669~~ 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-233; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

Article 24.

Virginia Board of Workforce Development.

§ 2.2-2470. Definitions.

As used in this article:

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

"One stop" means a conceptual approach to service delivery intended to provide a single point of access for receiving a wide range of workforce development and employment services, either on-site or electronically, through a single system.

"One-stop center" means a physical site where core services are provided, either on-site or electronically, and access to intensive services, training services, and other partner program services are available for employers, employees, and job seekers.

"One-stop operator" means a single entity or consortium of entities that operate a one-stop center or centers. Operators may be public or private entities competitively selected or designated through an agreement with a local workforce board.

"Virginia Workforce Network" includes the programs and activities enumerated in subsection G of § 2.2-2472.

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

§ 2.2-2471. Virginia Board of Workforce Development; purpose; membership; terms; compensation and expenses; staff.

A. The Virginia Board of Workforce Development (the Board) is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board shall be to assist and advise the Governor and the Chief Workforce Development Advisor 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 Board shall consist of a maximum of 33 members as follows:

1. The Board 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, Veterans Affairs and Homeland Security, and Health and Human Resources or their designees; the Chancellor of the Virginia Community College System; and the Commissioner of the Virginia Employment Commission 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; two representatives nominated by state labor federations; a state director of career and technical education; and 17 nonlegislative citizen members representing the business community, to include the presidents of the Virginia Chamber of Commerce and the Virginia 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

183 *pleasure of the Governor, and may be reappointed.*

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

187 *D. The Governor shall select a chairman and vice-chairman, who shall serve two-year terms, from*
188 *among the 18 nonlegislative citizen members representing the business community appointed in*
189 *accordance with subdivision B 3. No member shall be eligible to serve more than one two-year term as*
190 *chairman. The Board shall meet upon the call of the chair or the Governor. The chairman and the*
191 *vice-chairman shall select at least five members of the Board to serve as an executive committee of the*
192 *Board, which shall have the limited purpose of establishing meeting agendas, approving reports to the*
193 *Governor, and responding to urgent federal, state, and local issues between scheduled Board meetings.*

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

195 *1. Legislative members appointed in accordance with subdivision B 1 shall receive such*
196 *compensation and reimbursement of expenses incurred in the performance of their duties as provided in*
197 *§§ 2.2-2813, 2.2-2825, and 30-19.12.*

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

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

204 *Funding for the costs of compensation and expenses of the members shall be provided from federal*
205 *funds received under the WIA.*

206 *F. The Chief Workforce Development Advisor shall serve as lead staff to the Board. The Office of*
207 *the Chancellor of the Virginia Community College System shall (i) provide staff support to accomplish*
208 *the federally mandated requirements of the WIA and (ii) shall enter into a memorandum of agreement*
209 *with the Office of the Secretary of Commerce and Trade for the purpose of having personnel from that*
210 *Office provide staff support to accomplish the other duties and functions of the Board. The*
211 *memorandum of agreement shall address the scope of duties of the Office's personnel in providing such*
212 *staff assistance to the Board and the reimbursement by the Board of the reasonable costs of such*
213 *staffing services.*

214 **§ 2.2-2472. Powers and duties of the Board; Virginia Workforce Network created.**

215 *A. The Board shall undertake the following actions to implement and foster workforce training and*
216 *better align education and workforce programs to meet current and projected skills requirements of an*
217 *increasingly technological, global workforce:*

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

219 *2. Provide policy direction to local workforce investment boards;*

220 *3. Provide recommendations on the policy, plans, and procedures for secondary and postsecondary*
221 *career and technical education activities authorized under the federal Carl D. Perkins Vocational and*
222 *Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure alignment with the state's plan*
223 *for coordinating programs authorized under Title I of the WIA and under the federal Wagner-Peyser Act*
224 *(29 U.S.C. § 49 et seq.);*

225 *4. Provide recommendations on the policy, plans, and procedures for other education and workforce*
226 *development programs that provide resources and funding for training and employment services as*
227 *identified by the Governor or Board;*

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

229 *6. Forecast and identify training requirements for the new workforce;*

230 *7. Recommend strategies that will match trained workers with available jobs to include strategies for*
231 *increasing business engagement in education and workforce development;*

232 *8. Develop WIA incentive grant applications and approve criteria for awarding incentive grants;*

233 *9. Develop and approve criteria for the reallocation of unexpended WIA funds from local workforce*
234 *investment boards;*

235 *10. Conduct a review of budgets, which shall be submitted annually to the Board by each agency*
236 *conducting federal and state funded career and technical and adult education and workforce*
237 *development programs, that identify the agency's sources and expenditures of administrative, workforce*
238 *training, and leadership funds for workforce development programs;*

239 *11. Administer the Virginia Career Readiness Certificate Program in accordance with § 2.2-2477 and*
240 *review and recommend industry credentials that align with high demand occupations;*

241 *12. Define the Board's role in certifying WIA training providers, including those not subject to the*
242 *authority expressed in Chapter 21.1 (§ 23-276.1 et seq.) of Title 23;*

243 *13. Provide an annual report to the Governor concerning its actions and determinations under*
244 *subdivisions 1 through 13;*

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

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

B. The Board shall establish at least four committees as follows:

1. A committee to accomplish the federally mandated requirements of the WIA;

2. An advanced technology committee to focus on high-technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;

3. A performance and accountability committee to coordinate with the Virginia Employment Commission, State Council of Higher Education for Virginia, and the Council on Virginia's Future to develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce Network to measure comprehensive accountability and performance; and

4. A military transition assistance committee to focus on military transition assistance, including reforms to (i) improve the integration of the federal Local Veterans Employment Representative Program and the Disabled Veterans Outreach Program into all Virginia Workforce Centers and (ii) reduce process and qualification barriers to training and employment services.

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

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

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

E. Each local workforce investment board shall develop and submit to the Governor and the Virginia Board of Workforce Development 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 Board of Workforce Development; and certify local training providers in accordance with criteria provided by the Virginia Board of Workforce Development. 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. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
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;
10. 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 Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce Network and the implementation of the WIA.

§ 2.2-2473. Regional workforce training centers.

A. Regional workforce training centers shall be established at institutions within the Virginia Community College System in the Peninsula, Southside, Central Virginia, and Western Tidewater regions to assist the Board in (i) coordinating specific high-skill training, (ii) developing industry standards and related curricula, and (iii) providing skills assessments.

B. The Virginia Community College System shall evaluate other regional workforce center locations and recommend to the Board their establishment as such needs are identified. The Virginia Community College System shall support regional workforce training centers created by the Regional Competitiveness Act (§ 15.2-1306 et seq.) in which community colleges participate.

C. Approved noncredit workforce training programs offered by community colleges may receive general fund support as provided in the appropriation act.

§ 2.2-2474. Authorization of facilities use and equipment rental; fees.

Workforce training students at local community college boards and public institutions of higher education may be required to pay facility use and equipment rental fees beyond regular tuition charges for workforce training programs requiring specialized facilities or equipment. Such fees shall either be paid by such students directly to the provider of the facility or equipment or to the college for reimbursement to such provider. The fees shall be no more than the normal fees charged to the general public for the same or similar facilities or equipment. The nature of each fee authorized by this section shall be described in course schedules. All fees authorized by this section shall be reported annually to the Virginia Community College System and public institutions' boards.

§ 2.2-2475. Trade secrets.

Trade secrets that a nonpublic body submits as an offeror in connection with a proposed workforce training program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, such offeror shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary.

§ 2.2-2476. Workforce Training Access Program and Fund.

A. To facilitate the employment of residents of the Commonwealth, to provide a qualified and competent workforce for Virginia's employers, and to promote the industrial and economic development of the Commonwealth, which purposes are declared and determined to be public purposes, there is created the Workforce Training Access Program, to be administered by the Secretary of Finance as provided in this section.

B. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is created in the state treasury a special nonreverting fund to be known as the Workforce Training Access Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The assets of the Fund shall be reserved, invested, and expended solely pursuant to and for the purposes of this section and shall not be expended or otherwise transferred or used by the Commonwealth for any other purpose. Expenditures and disbursements from the Fund shall be made by

the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Finance only as a guaranty of payment of workforce training loans made by a national student loan marketing association pursuant to the provisions of this section.

C. The Secretary of Finance is authorized to enter into an agreement with a national student loan marketing association that shall originate, fund, and service workforce training loans in accordance with the provisions of this section to persons enrolled in workforce training courses and programs that the Virginia Board of Workforce Development has certified to be responding to the technology needs of business and industry in the Commonwealth pursuant to § 2.2-2472.

The terms and conditions of such workforce training loans shall be consistent with market conditions and shall provide a repayment sufficient to amortize the cost of the training over its expected useful life, not to exceed 60 months. No person may receive a workforce training loan or loans that would result in that person owing an outstanding amount in excess of the tuition and required fees for the certified workforce training course or program in which such person participates.

Only persons (i) who have established domicile in Virginia, as provided in § 23-7.4 or (ii) who are employed in Virginia and whose employers make loan repayments directly by payroll deduction or tuition assistance, before providing for the training needs of other students in such certified courses, shall be eligible to receive workforce training loans. Nothing herein shall be construed to impose an obligation upon an employer to make loan payments or to continue tuition assistance after termination of the student's employment.

Consistent with Article VIII, Sections 10 and 11 of the Constitution of Virginia, the assets of the Fund shall be pledged as a guaranty of payment of workforce training loans made by such national student loan marketing association and may be expended in satisfaction of the guaranty obligations incurred thereby. Neither the Commonwealth nor any of its agencies, political subdivisions, or employees shall have any other or further liability in connection with such workforce training loans.

The agreement shall provide for annual evaluation by such national student loan marketing association and the Secretary of Finance, or his designee, of the aggregate unpaid amount of workforce training loans that such national student loan marketing association shall make available hereunder. Such association shall agree to make available workforce training loans in an aggregate unpaid amount of not less than five times the amount of all cash, cash equivalents, investments, and other assets that would then be available in the Fund.

D. If such association ceases to make workforce training loans available as provided under the agreement, the Fund shall revert to the general fund of the Commonwealth, free of the restrictions imposed by this section, after payment of or provision for any outstanding obligations that the Fund guarantees.

§ 2.2-2477. Virginia Career Readiness Certificate Program.

A. There is created the Virginia Career Readiness Certificate Program (the Program) to certify the workplace and college readiness skills of Virginians, in order to better prepare them for continued education and workforce training, successful employment, and career advancement.

B. The Program may be offered through public high schools, community colleges, one-stop centers, technical centers, vocation rehabilitation centers, the Department of Corrections, the Department of Juvenile Justice, institutions of higher education, and any other appropriate institutions as determined by the Virginia Board of Workforce Development.

C. The Program shall include, but not be limited to, the following:

1. A multilevel Career Readiness Certificate and related pre-instructional assessment tool to quantify an individual's level of proficiency in the following measurable work-ready skills: (i) reading, (ii) applied math, (iii) locating information, and (iv) any additional skills necessary to meet business and industry skill demand;

2. Targeted instruction and remediation skills training to address those work-ready skills in which the individual is not proficient as measured by the pre-instructional assessment tool designed to meet identified specific skill needs of local employers;

3. A Career Readiness Certificate awarded to individuals upon successful attainment of work-ready skills as documented by the assessment tool; and

4. A statewide online data system to serve as the repository for Career Readiness Certificate attainment data. The system shall (i) serve as the administrative tool to administer and help promote the Program; (ii) incorporate online services that enable employers to search individual Career Readiness Certificate data to determine skill levels and locate certified individuals in the state or a region; and (iii) incorporate online services that offer individuals tools for career exploration, continued education opportunities, job-readiness practice, and job search capabilities. The Virginia Board of Workforce Development shall seek to ensure the confidentiality of individual Career Readiness Certificate recipients. This shall include provisions for individuals, except for employer-sponsored individuals, to opt in and opt out of the statewide online data system at any test occurrence. Additionally, the

provisions of §§ 2.2-3800 through 2.2-3803 shall be considered in individual confidentiality protections adopted by the Virginia Board of Workforce Development.

D. The Board, in consultation with the Secretary of Education, shall develop policies and guidelines necessary to implement and administer the Program.

E. The Board shall report Program outcomes to the Governor and the Senate Commerce and Labor Committee, Senate Education and Health Committee, House Commerce and Labor Committee, and House Education Committee of the General Assembly by December 1 of each year. The report shall make recommendations for improving the program, including funding recommendations.

§ 23-38.53:12. Definitions.

As used in this chapter:

"~~Council~~" "~~Board~~" shall mean the Virginia Board of Workforce ~~Council~~ Development, created in § 2.2-2669 2.2-2471.

"Degree" shall have the same meaning as defined in § 23-276.1.

"Degree-granting institution" shall mean an institution authorized to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of this title and regulations promulgated under the authority of that chapter.

"Degree program" shall have the same meaning as defined in § 23-276.1.

"Eligible degree programs" shall mean degree programs that the ~~Council~~Board shall designate as eligible for the Advantage Virginia Incentive Program pursuant to § 23-38.53:16.

"Eligible institutions" shall mean two or four-year Virginia (i) public institutions of higher education and (ii) private, nonprofit and for-profit, nonsectarian, degree-granting institutions of higher education that are institutionally accredited by an accrediting commission recognized by the United States Department of Education, and whose primary purpose is to provide collegiate, graduate, technical or professional education and not to provide religious training or theological education.

"Foundation" shall mean Advantage Virginia Incentive Program Foundation as created by this chapter.

"Planning district" means a contiguous area within the boundaries established by the Department of Housing and Community Development.

"Qualified job" means a job that is so designated by the ~~Council~~ Board, pursuant to § 23-38.53:16, as being in high demand in the Commonwealth.

§ 23-38.53:13. Establishment and administration of Advantage Virginia Incentive Program Foundation; appointment, terms, chairman, quorum, etc., of board of trustees.

The Advantage Virginia Incentive Program Foundation (Foundation) is established for the express purpose of preparing persons, through education, to fill jobs that are in high demand in the Commonwealth by carrying out the duties as imposed to the Foundation by this chapter. The Foundation is a body politic of the Commonwealth and shall be governed and administered by a board of trustees composed of the chairman of the Virginia Board of Workforce ~~Council~~ Development and six trustees from the Commonwealth at large, to be appointed by the Governor for four-year terms. Vacancies shall be filled for unexpired terms.

The Governor shall appoint a chairman of the board from among the six trustees-at-large. A majority of the members of the board serving at any one time shall constitute a quorum for the transaction of business.

§ 60.2-113. Employment stabilization.

The Commission shall take all necessary steps through its appropriate divisions and with the advice of such advisory boards and committees as it may have to:

1. Establish a viable labor exchange system to promote maximum employment for the Commonwealth of Virginia with priority given to those workers drawing unemployment benefits;

2. Provide Virginia State Job Service services, as described in this title, according to the provisions of the Wagner-Peyser Act (29 U.S.C. 49f), as amended by the Workforce Investment Act;

3. Maintain a solvent trust fund financed through equitable employer taxes that provide temporary partial income replacement to involuntarily unemployed covered workers;

4. Coordinate and conduct labor market information research studies, programs and operations, including the development, storage, retrieval and dissemination of information on the social and economic aspects of the Commonwealth and publish data needed by employers, economic development, education and training entities, government and other users in the public and private sectors;

5. Determine and publish a list of jobs, trades, and professions for which a high demand of qualified workers exists or is projected by the Commission. The Commission shall consult with the Virginia Board of Workforce ~~Council~~ Development in making such determination. Such information shall be published biennially and disseminated to employers; education and training entities, including public two-year and four-year institutions of higher education; government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;

6. Prepare official short and long-range population projections for the Commonwealth for use by the

491 General Assembly and state agencies with programs which involve or necessitate population projections;
492 7. Encourage and assist in the adoption of practical methods of vocational guidance, training and
493 retraining; and
494 8. Establish the Interagency Migrant Worker Policy Committee, comprised of representatives from
495 appropriate state agencies, including the Virginia Workers' Compensation Commission, whose services
496 and jurisdictions involve migrant and seasonal farmworkers and their employees. All agencies of the
497 Commonwealth shall be required to cooperate with the Committee upon request.
498 **2. That Article 25 (§§ 2.2-2669 through 2.2-2674.1) of Chapter 26 of Title 2.2 of the Code of**
499 **Virginia is repealed.**