

15103700D

SENATE BILL NO. 1372

Offered January 20, 2015

A BILL to amend and reenact §§ 2.2-435.7, 2.2-435.8, 2.2-2238.1, 2.2-2470, 2.2-2471, 2.2-2472, and 60.2-113 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 4.2 of Title 2.2 a section numbered 2.2-435.9, by adding in Title 2.2 a chapter numbered 4.3, consisting of sections numbered 2.2-435.10, 2.2-435.11, and 2.2-435.12, and by adding sections numbered 2.2-2471.1, 2.2-2472.1, and 2.2-2472.2, relating to workforce development; coordination of statewide delivery of workforce development and training programs and activities.

Patrons—Ruff and Hanger

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-435.7, 2.2-435.8, 2.2-2238.1, 2.2-2470, 2.2-2471, 2.2-2472, 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 4.2 of Title 2.2 a section numbered 2.2-435.9, by adding in Title 2.2 a chapter numbered 4.3, consisting of sections numbered 2.2-435.10, 2.2-435.11, and 2.2-435.12, and by adding sections numbered 2.2-2471.1, 2.2-2472.1, and 2.2-2472.2 as follows:

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

A. The Governor's responsibilities of as carried out by the Chief Workforce Development 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 development boards, and other relevant entities in attaining such objectives;

2. To the extent permissible under applicable federal law, determining Coordinating with the Workforce Development Consortium created pursuant to § 2.2-435.10 to determine 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 to the extent permissible under applicable federal law;

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 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 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 development boards and conducting annual evaluations of the effectiveness of each local workforce investment development 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 10;

INTRODUCED

SB1372

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

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

66 B. The Chief Workforce Development Advisor shall report to the Governor.

67 **§ 2.2-435.8. Workforce program evaluations; sharing of certain data.**

68 A. Notwithstanding any provision of law to the contrary, the agencies specified in subsection D may
69 share data from within their respective databases solely to (i) provide the workforce program evaluation
70 and policy analysis required by subdivision A 8 of § 2.2-435.7 and clause (i) of subdivision A 10 of
71 § 2.2-435.7 and (ii) conduct education program evaluations that require employment outcomes data to
72 meet state and federal reporting requirements.

73 B. Data shared pursuant to subsection A shall not include any personal identifying information, shall
74 be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data, the
75 Governor or his designee shall re-encrypt the data to prevent any participating agency from connecting
76 shared data sets with existing agency files. For the purposes of this section:

77 1. "Identifying information" means the same as that term is defined in § 18.2-186.3; and

78 2. "Encrypted" means the same as that term is defined in § 18.2-186.6.

79 C. The Governor or his designee and all agencies authorized under this section shall destroy or erase
80 all shared data upon completion of all required evaluations and analyses. The Governor or his designee
81 may retain a third-party entity to assist with the evaluation and analysis.

82 D. The databases from the following agencies relating to the specific programs identified in this
83 subsection may be shared solely to achieve the purposes specified in subsection A:

84 1. Virginia Employment Commission: Unemployment Insurance, Job Service, Trade Act, and
85 Veterans Employment Training Programs;

86 2. Virginia Community College System: Postsecondary Career and Technical Education, Workforce
87 Investment Innovation and Opportunity Act Adult, Youth and Dislocated Worker Programs;

88 3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior
89 Community Services Employment Program;

90 4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;

91 5. Department of Education: Adult Education and Family Literacy, Special Education, and Career
92 and Technical Education;

93 6. Department of Labor and Industry: Apprenticeship;

94 7. Department of Social Services: Supplemental Nutrition Assistance Program and Virginia Initiative
95 for Employment Not Welfare;

96 8. Virginia Economic Development Partnership: Virginia Jobs Investment Program;

97 9. Department of Juvenile Justice: Youth Industries and Institutional Work Programs and Career and
98 Technical Education Programs;

99 10. Department of Corrections: Career and Technical Education Programs; and

100 11. The State Council of Higher Education for Virginia.

101 **§ 2.2-435.9. Annual report by publicly funded career and technical education and workforce**
102 **development programs; performance on state level metrics.**

103 *Beginning November 1, 2016, and annually thereafter, each publicly funded career and technical*
104 *education and workforce development program shall submit to the Governor and the Virginia Board of*
105 *Workforce Development a report detailing the program's performance against state level metrics*
106 *established by the Virginia Board of Workforce Development and the Chief Workforce Development*
107 *Advisor.*

108 **CHAPTER 4.3.**

109 **WORKFORCE DEVELOPMENT CONSORTIUM.**

110 **§ 2.2-435.10. Workforce Development Consortium; purpose; memorandum of understanding.**

111 *The Workforce Development Consortium (Consortium) is hereby created to administer the*
112 *coordinated implementation of the statewide delivery of workforce development and training programs*
113 *and activities. The Consortium shall consist of the Governor's Chief Workforce Development Advisor,*
114 *the Commissioner of the Virginia Employment Commission (VEC) or his designee, and the Chancellor of*
115 *the Virginia Community College System (VCCS) or his designee. Members of the Consortium shall enter*
116 *into a memorandum of understanding setting forth (i) roles and responsibilities of the individual*
117 *members, (ii) a funding mechanism to adequately support Consortium operations, and (iii) a procedure*
118 *for the resolution of any disagreements that may arise concerning policy, funding, or administration of*
119 *the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) (WIOA) by the*
120 *Consortium.*

121 § 2.2-435.11. Powers and duties of the Consortium.

122 The Consortium shall have the following powers and duties:

123 1. To the extent permissible under applicable federal law, determine the appropriate allocation of
124 funds and other resources that have been appropriated or are otherwise available for disbursement by
125 the Commonwealth for workforce development programs and activities;

126 2. Supervise, in coordination with the Virginia Board of Workforce Development, the administration
127 of grant funds provided to the Commonwealth under the WIOA to produce workforce programs that are
128 (i) business driven, (ii) aligned with current and reliable labor market data, and (iii) targeted to provide
129 participants with workforce credentials with demonstrated value to employers and job seekers;

130 3. Facilitate the establishment of regional workforce systems consisting of local workforce
131 development boards and regional components of VEC and VCCS as well as other identified public and
132 private entities that are in WIOA or represented on the Virginia Board of Workforce Development to
133 coordinate strategic planning and goal setting in order to (i) meet current and emerging labor market
134 needs, (ii) match job-ready applicants to available jobs, and (iii) prepare and train job seekers who are
135 not immediately ready for job placement; and

136 4. Submit an annual report to the Governor and the General Assembly for publication as a report
137 document as provided in the procedures of the Division of Legislative Automated Systems for the
138 processing of legislative documents and reports. The Executive Director shall submit to the Governor
139 and the General Assembly an annual executive summary of the interim activity and work of the
140 Consortium no later than the first day of each regular session of the General Assembly. The executive
141 summary shall be submitted as a report document as provided in the procedures of the Division of
142 Legislative Automated Systems for the processing of legislative documents and reports and shall be
143 posted on the General Assembly's website.

144 § 2.2-435.12. Executive Director.

145 The Governor shall appoint an Executive Director to serve as the principal administrative officer of
146 the Consortium. The Executive Director shall be under the supervision of the Governor's Chief
147 Workforce Development Advisor.

148 § 2.2-2238.1. Special economic development services in rural communities; strategic plan.

149 A. In order to assist the rural communities of the Commonwealth, the Authority shall develop a
150 program for reviewing existing economic development programs of rural communities, upon request.
151 The program shall include (i) a review and evaluation of existing industrial sites and infrastructure,
152 including existing streets, water and sewer systems, electricity, natural gas and communications facilities
153 that will provide high-speed or broadband Internet access to rural and underserved areas of the
154 Commonwealth; (ii) an assessment of the existing workforce and the provision of information on state
155 and federal programs such as tax incentives that may be available to local or prospective employers to
156 assist in hiring and training in areas of high unemployment; (iii) assistance in identifying community
157 resources and the type of industries that may benefit from locating in a community with such resources;
158 and (iv) marketing assistance to help rural communities improve their visibility to expanding industries
159 looking for new facilities.

160 B. The Authority, the Center for Rural Virginia, the Virginia Department of Housing and Community
161 Development, the Virginia Resources Authority, the Department of Small Business and Supplier
162 Diversity, the Virginia Tobacco Indemnification and Community Revitalization Commission, the Virginia
163 Employment Commission, the Virginia Tourism Corporation, the Virginia Community College System,
164 institutions of higher education within rural regions of the Commonwealth, and the Department of
165 Agriculture and Consumer Services shall jointly develop and implement a rural economic development
166 strategic plan that at a minimum addresses: (i) education, including pre-kindergarten, primary, secondary
167 and post-graduate resources, and comprehensive workforce development programs, as they may pertain
168 to the Workforce Investment Innovation and Opportunity Act; (ii) infrastructure, including capital for
169 water and sewer upgrading, waste management, law enforcement, housing, primary and secondary roads,
170 and telecommunications; (iii) traditional industrial development and industry retention programs,
171 including assistance in financing and in workforce training; (iv) recreational and cultural enhancement
172 and related quality of life measures, including parks, civic centers, and theaters; (v) agribusiness
173 incentives to promote the use of new technologies, and the exploration of new market opportunities; and
174 (vi) a revolving loan fund or loan guarantee program to help start or expand entrepreneurial activities,
175 especially small business activities in rural communities.

176 § 2.2-2470. Definitions.

177 As used in this article:

178 "Consortium" means the Workforce Development Consortium established pursuant to § 2.2-435.10.

179 "Local workforce investment development board" means a local workforce investment development
180 board established under § 117 of the WIA 107 of the WIOA.

181 "One stop" means a conceptual approach to service delivery intended to provide a single point of

182 access for receiving a wide range of workforce development and employment services, either on-site or
 183 electronically, through a single system.

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

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

190 "Virginia Workforce Network" includes the programs and activities enumerated in subsection G of §-
 191 ~~2.2-2472~~.

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

193 "WIOA" means the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128).

194 **§ 2.2-2471. Virginia Board of Workforce Development; purpose; membership; terms;**
 195 **compensation and expenses; staff.**

196 A. The Virginia Board of Workforce Development (the Board) is established as a policy board,
 197 within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the
 198 Board shall be to assist and advise the Governor, the General Assembly, and the Chief Workforce
 199 Development Advisor, *and the Workforce Development Consortium* in meeting workforce ~~training~~
 200 *development* needs in the Commonwealth through recommendation of policies and strategies to increase
 201 coordination and thus efficiencies of operation between all education and workforce programs with
 202 responsibilities and resources for *employment, occupational training, and support services connected to*
 203 *workforce credential and job attainment*.

204 B. The Board shall consist of a maximum of ~~26~~ 29 members as follows:

205 1. The Board shall include ~~two members~~ *one member* of the House of Delegates to be appointed by
 206 the Speaker of the House of Delegates and ~~two members~~ *one member* of the Senate to be appointed by
 207 the Senate Committee on Rules. Legislative members shall serve terms coincident with their terms of
 208 office and may be reappointed for successive terms.

209 2. The Governor or his designee who shall be selected from among the cabinet-level officials
 210 appointed to the Board; the Secretaries of Commerce and Trade, Education, Health and Human
 211 Resources, and Veterans Affairs and Homeland Security, or their designees *Governor's Chief Workforce*
 212 *Development Advisor*; and the Chancellor of the Virginia Community College System or his designee,
 213 *the Superintendent of Public Instruction, the Chief Executive Officer of the Virginia Economic*
 214 *Development Partnership Authority, the Commissioners of the Virginia Employment Commission, the*
 215 *Department of Social Services, and the Department of Veterans Services, or their designees; a*
 216 *commissioner of a state agency administering the state vocational rehabilitation program, to be*
 217 *appointed by the Governor; and a representative of a public or private four-year institution of higher*
 218 *education or a regional higher education center, to be appointed by the Governor, shall all serve as ex*
 219 *officio members.*

220 3. The Governor shall appoint *additional* members as follows: one local elected official; two
 221 representatives nominated by state labor federations; and ~~14~~ 15 nonlegislative citizen members
 222 representing the business community, to include the presidents of the Virginia Chamber of Commerce
 223 and the Virginia Manufacturers Association, one representative of proprietary employment training
 224 schools, ~~one representative of health care employers~~, and the remaining members who are business
 225 owners, chief executive officers, chief operating officers, chief financial officers, senior managers, or
 226 other business executives or employers with optimum policy-making or hiring authority and who
 227 *represent life sciences and health care, information technology and cyber security, or other industry*
 228 *sectors aligning with the Governor's Economic Development Plan. Business members shall represent*
 229 *diverse regions of the state, to include urban, suburban, and rural areas, and at least two of whom*
 230 *members shall also be members of local workforce investment development boards. Nonlegislative*
 231 *citizen members may be nonresidents of the Commonwealth.*

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

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

237 ~~D.~~ The Governor shall select a chairman and vice-chairman, who shall serve two-year terms, from
 238 among the ~~14~~ 15 nonlegislative citizen members representing the business community appointed in
 239 accordance with subdivision B 3. ~~No member shall be eligible to serve more than one two-year term as~~
 240 ~~chairman.~~ The Board shall meet at *least every three months* or upon the call of the chair or the
 241 Governor *as stipulated by the Board's bylaws*. The chairman and the vice-chairman shall select at least
 242 five members of the Board to serve as an executive committee of the Board, which shall have the
 243 limited purpose of establishing meeting agendas, *reviewing bylaws and other documents pertaining to*

244 Board governance and operations, approving reports to the Governor, and responding to urgent federal,
245 state, and local issues between scheduled Board meetings.

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

247 1. Legislative members appointed in accordance with subdivision B 1 shall receive such
248 compensation and reimbursement of expenses incurred in the performance of their duties as provided in
249 §§ 2.2-2813, 2.2-2825, and 30-19.12.

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

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

256 Funding for the costs of compensation and expenses of the members shall be provided from federal
257 funds received under the WIA WIOA.

258 F. The Chief Workforce Development Advisor shall serve as lead staff to the Board. The Office of
259 the Chancellor of the Virginia Community College System (i) shall provide staff support to accomplish
260 the federally mandated requirements of the WIA and (ii) shall enter into a memorandum of agreement
261 with the Offices of the Secretaries of Commerce and Trade and Education for the purpose of having
262 personnel from the Office provide staff support to accomplish the other duties and functions of the
263 Board. The memorandum of agreement shall address the scope of duties of the Offices' personnel in
264 providing such staff assistance to the Board. All other agencies in the executive branch of the
265 Commonwealth shall provide assistance to the Board upon request.

266 **§ 2.2-2471.1. Executive Director; staff support.**

267 Board staffing shall be led by a full-time Executive Director to be supervised by the Chief Workforce
268 Development Advisor or his designee. Additional staff support, including staffing of standing committees,
269 may include the state's Career Pathways Work Group or other directors or coordinators of relevant
270 education and workforce programs as requested by the Chief Workforce Development Advisor and as
271 in-kind support from agencies for the Board.

272 The Chief Workforce Development Advisor shall enter into a written agreement with agencies
273 administering workforce programs regarding supplemental staff support to Board committees and other
274 logistical support for the Board. Funding for a full-time Executive Director position dedicated to the
275 support of the Board's operations and outcomes and the Board's operational budget as agreed upon and
276 referenced in a written agreement between the Chief Workforce Development Advisor and the Virginia
277 Community College System shall be provided by the WIOA.

278 **§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.**

279 A. The Board shall implement a Virginia Workforce System that shall undertake the following actions
280 to implement and foster workforce development and training and better align education and workforce
281 programs to meet current and projected skills requirements of an increasingly technological, global
282 workforce:

283 1. Provide policy advice to the Governor on workforce and workforce development issues to create a
284 business-driven system that yields increasing rates of attainment of workforce credentials in demand by
285 business and increasing rates of jobs creation and attainment;

286 2. Provide policy direction to local workforce investment development boards;

287 3. Provide recommendations on the policy, plans, and procedures for secondary and postsecondary
288 career and technical education activities authorized under the federal Carl D. Perkins Vocational and
289 Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure alignment with the state's plan
290 for coordinating programs authorized under Title I of the WIA and under Assist the Governor in the
291 development, implementation, and modification of the combined state plan for federal workforce funds,
292 including the WIOA, the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.), adult education, vocational
293 rehabilitation, secondary and postsecondary programs under the Carl D. Perkins Vocational and
294 Applied Technology Education Act (20 U.S.C. § 2301 et seq.), the Supplemental Nutrition Assistance
295 Program (SNAP), the Temporary Assistance to Needy Families (TANF) program, the Trade Act
296 Adjustment, job services for veterans, and unemployment insurance;

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

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

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

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

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

305 9. Develop and approve criteria for the reallocation of unexpended WIA funds from local workforce
 306 investment boards;

307 ~~10.~~ 5. Conduct a review of budgets, which shall be submitted annually to the Board by each agency
 308 conducting federal and state funded career and technical and adult education and workforce development
 309 programs, that identify the agency's sources and expenditures of administrative, workforce *education and*
 310 training, and ~~leadership funds support services~~ for workforce development programs;

311 ~~11. Administer the Virginia Career Readiness Certificate Program in accordance with § 2.2-2477 and~~
 312 ~~review~~ 6. Review and recommend industry credentials that align with high demand occupations;

313 ~~12.~~ 7. Define the Board's role in certifying WIA WIOA training providers, including those not subject
 314 to the authority expressed in Chapter 21.1 (§ 23-276.1 et seq.) of Title 23;

315 ~~13.~~ 8. Provide an annual report to the Governor concerning its actions and determinations under
 316 subdivisions 1 through ~~13~~ 7;

317 ~~14.~~ 9. Create ~~procedures, quality standards,~~ guidelines, and directives applicable to local workforce
 318 ~~investment development~~ boards and the operation of one-stops, as necessary and appropriate to carry out
 319 the purposes of this article; and

320 ~~15.~~ 10. Perform any act or function in accordance with the purposes of this article.

321 B. The Board may establish such committees as it deems necessary including the following:

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

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

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

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

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

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

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

355 E. Each local workforce ~~investment development~~ board shall develop and submit to the Governor and
 356 the Virginia Board of Workforce Development an annual workforce demand plan for its workforce
 357 ~~investment development~~ board area based on a survey of local and regional businesses that reflects the
 358 local employers' needs and requirements and the availability of trained workers to meet those needs and
 359 requirements; *Local boards shall also* designate or certify one-stop operators; identify eligible providers
 360 of youth activities; ~~identify eligible providers of intensive services if unavailable at one-stop;~~ develop a
 361 budget; conduct local oversight of one-stop operators and training providers in partnership with its local
 362 chief elected official; negotiate local performance measures, including incentives for good performance
 363 and penalties for inadequate performance; assist in developing statewide employment statistics;
 364 coordinate workforce ~~investment development~~ activities with economic development strategies and the
 365 annual demand plan, and develop linkages among them; develop and enter into memoranda of
 366 understanding with one-stop partners and implement the terms of such memoranda; promote participation

367 by the private sector; actively seek sources of financing in addition to ~~WIA~~ WIOA funds; report
 368 performance statistics to the Virginia Board of Workforce Development; and certify local training
 369 providers in accordance with criteria provided by the Virginia Board of Workforce Development.
 370 Further, a local training provider certified by any workforce investment development board has
 371 reciprocal certification for all workforce investment development boards.

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

374 F. *The Board, at the state level, and each workforce development board at the regional level shall*
 375 *develop initiatives designed to combine public and private resources to support career pathways and*
 376 *career readiness skills development for job seekers who are not immediately ready for job placement.*
 377 *Such initiatives shall include or address (i) a regional vision for workforce development; (ii) protocols*
 378 *for planning workforce strategies that anticipate industry needs; (iii) the needs of incumbent and*
 379 *underemployed workers in the region; (iv) the development of partners and guidelines for various forms*
 380 *of on-the-job training, such as registered apprenticeships; (v) the setting of standards and metrics for*
 381 *operational delivery; (vi) alignment of monetary and other resources, including private funds and*
 382 *in-kind contributions, to support the workforce development system; and (vii) the generation of new*
 383 *sources of funding to support workforce development in the region.*

384 G. Each chief local elected official shall consult with the Governor regarding designation of local
 385 workforce investment development areas; appoint members to the local board in accordance with state
 386 criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate
 387 local performance measures with the Governor; ensure that all mandated partners are active participants
 388 in the local workforce investment development board and one-stop center; and collaborate with the local
 389 workforce investment development board on local plans and program oversight.

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

- 393 1. Programs authorized under Title I of the ~~WIA~~ WIOA;
- 394 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
- 395 3. Adult education and literacy activities authorized under Title II of the ~~WIA~~ WIOA;
- 396 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
- 397 5. Postsecondary career and technical education activities authorized under the Carl D. Perkins
 398 Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
- 399 6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et
 400 seq.);
- 401 7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C.
 402 § 4100 et seq.;
- 403 8. Programs authorized under Title 60.2, in accordance with applicable federal law;
- 404 9. Workforce development activities or work requirements of the Temporary Assistance to Needy
 405 Families (TANF) program known in Virginia as the Virginia Initiative for Employment, Not Welfare
 406 (VIEW) program established pursuant to § 63.2-608;
- 407 10. Workforce development activities or work programs authorized under the Food Stamp Act of
 408 1977 (7 U.S.C. § 2011 et seq.); ~~and~~
- 409 11. Other programs or activities as required by the ~~WIA~~ WIOA; *and*
- 410 12. *Programs authorized under Title I of the WIOA.*

411 I. *The quorum for a meeting of a local workforce development board shall consist of a majority of*
 412 *both the private sector and public sector members. Each local workforce development board shall share*
 413 *information regarding its meetings and activities with the public.*

414 ~~H.~~ J. The Chief Workforce Development Advisor shall be responsible for the coordination of the
 415 Virginia Workforce Network System and the implementation of the ~~WIA~~ WIOA.

416 **§ 2.2-2472.1. Regional convener designation required; development of regional workforce pipelines**
 417 **and training solutions.**

418 A. *As used in this section, "regional convener" means the local workforce development board having*
 419 *responsibility for coordinating business, economic development, labor, regional planning commissions,*
 420 *education at all levels, and human services organizations to focus on community workforce issues and*
 421 *the development of solutions to current and prospective business needs for a skilled labor force at the*
 422 *regional level.*

423 B. *As a condition of receiving WIOA funds, each local workforce development board shall either be*
 424 *designated as the regional convener for the WIOA region or enter into a memorandum of agreement*
 425 *supporting the public or private entity identified as serving as the regional convener.*

426 **§ 2.2-2472.2. Minimum levels of fiscal support from WIOA Adult and Dislocated Worker funds by**
 427 **local workforce development boards; incentives.**

428 A. Each local workforce development board shall allocate a minimum of 40 percent of WIOA Adult
 429 and Dislocated Worker funds to training services as defined under § 134(c)(3)(D) of the WIOA that
 430 lead to recognized postsecondary education and workforce credentials aligned with in-demand industry
 431 sectors or occupations in the local area or region. Beginning October 1, 2016, and biannually
 432 thereafter, the Consortium shall submit a report to the Board evaluating the rate of the expenditure of
 433 WIOA Adult and Dislocated Worker funds under this provision.

434 B. Failure by a local workforce development board to meet the required training expenditure
 435 percentage requirement shall result in sanctions, to increase in severity for each year of noncompliance.
 436 These sanctions may include corrective action plans; ineligibility to receive state-issued awards,
 437 additional WIOA incentives, or sub-awards; the recapturing and reallocation of a percentage of the
 438 local area board's Adult and Dislocated Worker funds; or for boards with recurring noncompliance,
 439 development of a reorganization plan through which the Governor would appoint and certify a new
 440 local board.

441 C. The Virginia Community College System, in consultation with the Governor, shall develop a
 442 formula providing for 30 percent of WIOA Adult and Dislocated Worker funds reserved by the Governor
 443 for statewide activities to be used solely for providing incentives to postsecondary workforce training
 444 institutions through local workforce investment boards to accelerate the increase of workforce credential
 445 attainment by participants. Fiscal incentive awards provided under this section must be expended on
 446 training activities that lead participants to a postsecondary education or workforce credential that is
 447 aligned with in-demand industry sectors or occupations within each local workforce area.
 448 Apprenticeship-related instruction shall be included as a qualifying training under this subsection if such
 449 instruction is provided through a postsecondary education institution.

450 **§ 60.2-113. Employment stabilization.**

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

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

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

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

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

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

470 6. Prepare official short and long-range population projections for the Commonwealth for use by the
 471 General Assembly and state agencies with programs which involve or necessitate population projections;

472 7. Encourage and assist in the adoption of practical methods of vocational guidance, training and
 473 retraining; and

474 8. Establish the Interagency Migrant Worker Policy Committee, comprised of representatives from
 475 appropriate state agencies, including the Virginia Workers' Compensation Commission, whose services
 476 and jurisdictions involve migrant and seasonal farmworkers and their employees. All agencies of the
 477 Commonwealth shall be required to cooperate with the Committee upon request.

478 **2. That on October 1, 2017, the Workforce Development Consortium shall report to the Virginia**
 479 **Board of Workforce Development evaluating the rate of the expenditures for incentives established**
 480 **under subsection C of § 2.2-2472.2, as created by this act, from July 1, 2015, through July 1, 2017.**