

20106216D

HOUSE BILL NO. 1198

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 21, 2020)

(Patron Prior to Substitute—Delegate Tran)

*A BILL to amend and reenact §§ 2.2-2471, 2.2-2471.1, and 2.2-2472 of the Code of Virginia, relating to the Virginia Board of Workforce Development; updates as a response to federal law.***Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-2471, 2.2-2471.1, and 2.2-2472 of the Code of Virginia are amended and reenacted as follows:****§ 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, the General Assembly, and the Chief Workforce Development Advisor in meeting workforce development 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 employment, occupational training, and support connected to workforce credential and job attainment.

B. The Board shall consist of the following:

1. 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~~ and his designee who shall be selected from among the Chief Workforce Development Advisor or another cabinet-level ~~officials~~ official appointed to the Board;

3. The Secretaries of Commerce and Trade, Education, Health and Human Resources, *Public Safety and Homeland Security*, and Veterans and Defense Affairs and ~~Homeland Security~~, or their designees, each of whom shall serve ex officio;

4. The Chancellor of the Virginia Community College System or his designee, who shall serve ex officio; and

5. Additional members appointed by the Governor as are required to ensure that the composition of the Board satisfies the requirements of the WIOA. The additional members shall include:

a. Two local elected officials;

b. Eight members who shall be representatives of the workforce, to include (i) three representatives nominated by state labor federations, of which one shall be a representative of a joint-labor apprenticeship program; and (ii) at least one representative of a private career college; and

c. ~~Twenty-one nonlegislative~~ Nonlegislative citizen members representing the business community, to businesses in the Commonwealth, the total number of whom shall constitute a majority of the members of the Board and who shall include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturers Association or their designees and the remaining members who are as well as 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 who represent life sciences and health care, information technology and cyber security, manufacturing, and other industry sectors that represent the Commonwealth's economic development priorities. Business members shall represent diverse regions of the state, to include urban, suburban, and rural areas, and at least two members shall also be members of local workforce development 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. The Governor shall select a chairman and vice-chairman, who shall serve two-year terms, from among nonlegislative citizen members representing the business community appointed in accordance with subdivision B 5 c. The Board shall meet at least every three months or upon the call of the chair or the Governor as stipulated by the Board's bylaws. The chairman and the vice-chairman shall select at least five members of the Board to serve as an executive committee of the Board, which shall have the limited purpose of establishing meeting agendas, reviewing bylaws and other documents pertaining to Board governance and operations, approving reports to the Governor, and responding to urgent federal, state, and local issues between scheduled Board meetings.

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

60 1. Legislative members appointed in accordance with subdivision B 1 shall receive such
61 compensation and reimbursement of expenses incurred in the performance of their duties as provided in
62 §§ 2.2-2813, 2.2-2825, and 30-19.12.

63 2. ~~Members~~ *Ex officio members* of the Board appointed in accordance with subdivision B 2, B 3, or
64 B 4 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses
65 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

66 3. Members of the Board appointed in accordance with subdivision B 5 shall not receive
67 compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the
68 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

69 Funding for the costs of compensation and expenses of the members shall be provided from federal
70 funds received under the WIOA.

71 **§ 2.2-2471.1. Chief Workforce Development Advisor; staff support.**

72 A. ~~Board staffing~~ *Staffing for the Board and Board functions* shall be led by a full-time Executive
73 Director to be supervised by the Chief Workforce Development Advisor. Additional staff support,
74 including staffing of standing committees, may include other directors or coordinators of relevant
75 education and workforce programs as requested by the Chief Workforce Development Advisor and as
76 in-kind support to the Board from agencies administering workforce programs.

77 B. The Chief Workforce Development Advisor shall enter into a written agreement with agencies
78 administering workforce programs regarding supplemental staff support to Board committees and other
79 logistical support for the Board. Such written agreements shall be provided to members of the Board
80 upon request. ~~Funding for a full-time Executive Director position shall be provided by Title I of the~~
81 ~~WIOA, and such position shall be dedicated to the support of the Board's operations and outcomes and~~
82 ~~the Board's operational budget as agreed upon and referenced in a written agreement between the Chief~~
83 ~~Workforce Development Advisor and the agencies administering workforce programs.~~

84 **§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.**

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

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

92 2. Provide policy direction to local workforce development boards;

93 3. Assist the Governor in the development, implementation, and modification of any combined state
94 plan developed pursuant to the WIOA;

95 4. Identify current and emerging statewide workforce needs of the business community;

96 5. Forecast and identify training requirements for the new workforce;

97 6. Recommend strategies to match trained workers with available jobs to include strategies for
98 increasing business engagement in education and workforce development;

99 7. Evaluate the extent to which the state's workforce development programs emphasize education and
100 training opportunities that align with employers' workforce needs and labor market statistics and report
101 the findings of this analysis to the Governor every two years;

102 8. Advise and oversee the development of a strategic workforce dashboard and tools that will inform
103 the Governor, policy makers, system stakeholders, and the public on issues such as state and regional
104 labor market conditions, the relationship between the supply and demand for workers, workforce
105 program outcomes, and projected employment growth or decline. The Virginia Employment
106 Commission, along with other workforce partners, shall provide data to populate the tools and
107 dashboard;

108 9. Determine and publish a list of jobs, trades, and professions for which high demand for qualified
109 workers exists or is projected by the Virginia Employment Commission. The Virginia Employment
110 Commission shall support the Virginia Board of Workforce Development in making such determination.
111 Such information shall be published biennially and disseminated to employers; education and training
112 entities, including associate-degree-granting and baccalaureate public institutions of higher education;
113 government agencies, including the Department of Education and public libraries; and other users in the
114 public and private sectors;

115 10. Develop pay-for-performance contract strategy incentives for rapid reemployment services
116 consistent with the WIOA as an alternative model to traditional programs;

117 11. Conduct a review of budgets, which shall be submitted annually to the Board by each agency
118 conducting federal and state funded career and technical and adult education and workforce development
119 programs, that identify the agency's sources and expenditures of administrative, workforce education and
120 training, and support services for workforce development programs;

121 12. Review and recommend industry credentials that align with high demand occupations, which

122 credentials shall include a credential that determines career readiness;

123 13. Define the Board's role in certifying WIOA training providers, including those not subject to the
124 authority expressed in Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1;

125 14. Provide an annual report to the Governor concerning its actions and determinations under
126 subdivisions 1 through 13;

127 15. Create quality standards, guidelines, and directives applicable to local workforce development
128 boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this
129 article; and

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

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

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

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

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

140 4. A military transition assistance committee to focus on workforce development and employment of
141 veterans and on reducing process and qualification barriers to training and employment services.

142 C. The Board, the *Chief Workforce Development Advisor*, and the Governor's cabinet secretaries shall
143 assist the Governor in complying with the provisions of the WIOA and ensuring the coordination and
144 effectiveness of all federal and state funded career and technical and adult education and workforce
145 development programs and providers within Virginia's Workforce System.

146 D. The Board shall assist the Governor in the following areas with respect to workforce
147 development: development of any combined state plan developed pursuant to the WIOA; development
148 and continuous improvement of a statewide workforce development system that ensures career readiness
149 and coordinates and aligns career and technical education, adult education, and federal and state
150 workforce programs; development of linkages to ensure coordination and nonduplication among
151 programs and activities; designation of local areas; development of local discretionary allocation
152 formulas; development and continuous improvement of comprehensive state performance measures
153 including, without limitation, performance measures reflecting the degree to which one-stop centers
154 provide comprehensive services with all mandatory partners and the degree to which local workforce
155 development boards have obtained funding from sources other than the WIOA; preparation of the annual
156 report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and
157 development of a statewide system of one-stop centers that provide comprehensive workforce services to
158 employers, employees, and job seekers.

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

160 E. Each local workforce development board shall develop and submit to the Governor and the Board
161 an annual workforce demand plan for its workforce development board area based on a survey of local
162 and regional businesses that reflects the local employers' needs and requirements and the availability of
163 trained workers to meet those needs and requirements. Local boards shall also designate or certify
164 one-stop operators; identify eligible providers of youth activities; develop a budget; conduct local
165 oversight of one-stop operators and training providers in partnership with its local chief elected official;
166 negotiate local performance measures, including incentives for good performance and penalties for
167 inadequate performance; assist in developing statewide employment statistics; coordinate workforce
168 development activities with economic development strategies and the annual demand plan, and develop
169 linkages among them; develop and enter into memoranda of understanding with one-stop partners and
170 implement the terms of such memoranda; promote participation by the private sector; actively seek
171 sources of financing in addition to WIOA funds; report performance statistics to the Board; and certify
172 local training providers in accordance with criteria provided by the Board. Further, a local training
173 provider certified by any workforce development board has reciprocal certification for all workforce
174 development boards.

175 F. Each workforce development board shall develop and execute a strategic plan designed to combine
176 public and private resources to support sector strategies, career pathways, and career readiness skills
177 development. Such initiatives shall include or address (i) a regional vision for workforce development;
178 (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs of
179 incumbent and underemployed workers in the region; (iv) the development of partners and guidelines for
180 various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards and
181 metrics for operational delivery; (vi) alignment of monetary and other resources, including private funds
182 and in-kind contributions, to support the workforce development system; and (vii) the generation of new

183 sources of funding to support workforce development in the region.

184 G. Local workforce development boards are encouraged to implement pay-for-performance contract
185 strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model
186 to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of eligible
187 job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for
188 hard-to-serve job seekers. At the discretion of the local workforce development board, funds to the
189 extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance
190 partnerships.

191 H. Each chief local elected official shall consult with the Governor regarding designation of local
192 workforce development areas; appoint members to the local board in accordance with state criteria; serve
193 as the local grant recipient unless another entity is designated in the local plan; negotiate local
194 performance measures with the Governor; ensure that all mandated partners are active participants in the
195 local workforce development board and one-stop center; and collaborate with the local workforce
196 development board on local plans and program oversight.

197 I. Each local workforce development board shall develop and enter into a memorandum of
198 understanding concerning the operation of the one-stop delivery system in the local area with each entity
199 that carries out any of the following programs or activities:

- 200 1. Programs authorized under Title I of the WIOA;
- 201 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
- 202 3. Adult education and literacy activities authorized under Title II of the WIOA;
- 203 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
- 204 5. Postsecondary career and technical education activities authorized under the Carl D. Perkins
205 Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
- 206 6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et
207 seq.);
- 208 7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C.
209 § 4100 et seq.;
- 210 8. Programs authorized under Title 60.2, in accordance with applicable federal law;
- 211 9. Workforce development activities or work requirements of the Temporary Assistance to Needy
212 Families (TANF) program known in Virginia as the Virginia Initiative for Education and Work (VIEW)
213 established pursuant to § 63.2-608;
- 214 10. Workforce development activities or work programs authorized under the Food Stamp Act of
215 1977 (7 U.S.C. § 2011 et seq.);
- 216 11. Other programs or activities as required by the WIOA; and
- 217 12. Programs authorized under Title I of the WIOA.

218 J. The quorum for a meeting of a local workforce development board shall consist of a majority of
219 both the private sector and public sector members. Each local workforce development board shall share
220 information regarding its meetings and activities with the public.

221 K. For the purposes of implementing the WIOA, income from service in the Virginia National Guard
222 shall not disqualify unemployed service members from WIOA-related services.

223 L. The Chief Workforce Development Advisor shall be responsible for the coordination of the
224 Virginia Workforce System and the implementation of the WIOA.