

Department of Planning and Budget 2023 Fiscal Impact Statement

1. **Bill Number:** HB2195

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Byron

3. **Committee:** General Laws and Technology

4. **Title:** Department of Workforce Development and Advancement created; consolidation of the Commonwealth's workforce development policies and programs; report.

5. **Summary:** Creates the Department of Workforce Development and Advancement (the Department) to administer workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) moves the Innovative Internship Fund and Program from the State Council of Higher Education for Virginia to the Department, and (iii) directs the Secretary of Labor (the Secretary) to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. The Secretary is also required to convene a stakeholder work group to advise the Secretary during the transition period. This bill is a recommendation of the Small Business Commission.

6. **Budget Amendment Necessary:** No amendment is needed to implement the provisions of this legislation as the Governor is given the authority to administratively move appropriation to establish the new agency.

7. **Fiscal Impact Estimates:** Indeterminate. See item 8, below.

8. **Fiscal Implications:** This fiscal impact statement is preliminary and will be updated as information from the impacted agencies becomes available.

The bill creates the Department of Workforce Development and Advancement (DWDA), which is to consolidate workforce programs from several existing agencies. It is anticipated that the restructuring will result in a fiscal impact, including but not limited to: costs tied to

the management/administration of the new DWDA agency; the transition of a number of classified and non-classified employees into the DWDA, and potential Workforce Transition Act costs resulting from it; impacts related to the loss of capacity in agencies whose staff is reduced; as well as costs resulting from a small number of new duties assigned to a few agencies. A study conducted by Deloitte indicates that operational and programmatic efficiencies from the consolidation of these workforce programs will result in reduced annual costs beginning in the 2024-2026 biennium.

The bill requires that DWDA administer and become the fiscal agent for a number of programs currently housed in several agencies, including the Virginia Employment Commission, Virginia Community College System (VCCS), the Department of Labor and Industry (DOLI), the State Council of Higher Education for Virginia (SCHEV), and the Secretary of Labor (SOL).

Programs to be transferred include the implementation of Titles I and III of the Workforce Innovation and Opportunity Act (WIOA); Trade Adjustment Assistance Program; Jobs for Veterans State Grant program; Reemployment Services and Eligibility Assessment program; registered apprenticeship programs and other apprenticeship programs; Virginia Career Works Referral Portal and Workforce Data Trust; Virginia Workforce Connection; labor market information services; Virginia Voyager; Innovative Internship Fund and Program (also known as the Virginia Talent and Opportunity Partnership); Network2Work; and the Hampton Roads Skilled Trades Rapid On-Ramp Network for Growth.

The bill allows the Governor to transfer appropriations within the VCCS, VEC, SCHEV, DOE, DOLI, and from any other agency to another to effectuate this bill's reorganizations; the Governor is also authorized to transfer employees within the VCCS, VEC, SCHEV, DOLI, or from any other agency to another to support the changes in organization or responsibility resulting from moving the programs,

The apprenticeship program is to be transferred from DOLI to the new agency; at this time fiscal impact estimates are not available from DOLI.

Preliminarily, VCCS has identified 38 positions supported by \$53.9 million of nongeneral, federal WIOA Title I appropriation that would be transferred under this proposal. These 38 positions represent the total number authorized by Chapter 2, Special Session I, 2022 Acts of Assembly (the 2022 Appropriation Act) and may not directly indicate the number of positions that will be needed in DWDA. VCCS indicates that the costs associated with the few positions split-funded with WIOA funds can be absorbed. Additionally, VCCS has identified staff currently located at Piedmont Virginia Community College (PVCC) supported by a portion of the \$2.0 million general fund appropriation authorized by Item 487.50.B.3, the 2022 Appropriation Act for "Network2Work" that would be transferred via this legislation. It is anticipated that these personnel would remain at PVCC; however, it is unclear if VCCS will continue to receive support for the positions from the "Network2Work" appropriation. Costs associated with remaining systems and other technology resources used to support these and other transferred programs is indeterminate at this time.

According to VCCS, the Hampton Roads Skilled Trades Rapid On-ramp Network Growth (Hampton Roads STRONG) was envisioned as a partnership between community colleges serving the Hampton Roads region, the Virginia Ship Repair Association, and the Hampton Roads Workforce Council. \$2.5 million from the general fund supports expenditures in this program annually. From this funding, approximately \$1.0 million, or 40 percent, is spent directly by VCCS on personal and non-personal services associated with instructors, investment in equipment and infrastructure improvements specifically tailored for the intended programs and internal administrative costs. The remaining amounts are pass-through.

Current budget language under VCCS provides that 15 percent of the revenues received for WIOA Title I administration is reserved by the Governor in a fund to support administration of the Title I programs and statewide strategic workforce initiatives. DWDA may be able to use some of these funds to cover transition and initial implementation expenses, if approved by the Governor.

According to SCHEV, Item 144, of the 2022 Appropriation Act contains the funding and language associated with the Innovative Internship Fund and Program. The total appropriation is \$2.0 million from the general fund in each year of the biennium. In addition, Item 487.50 provides an additional \$3.0 million in FY 2023 and \$10.0 million in FY 2024 from the general fund. HB1400/SB800, as introduced, adds \$5.0 million from the general fund in FY 2024, for a total program appropriation in FY 2024 of \$17 million.

The proposed legislation also requires the Secretary of Labor to complete a review of all workforce service programs and training and to convene a stakeholder group. The introduced budget includes funding for two additional positions in order to expand capacities in the Secretariat. The SOL anticipates that any fiscal impact that may result from the review of all workforce service programs and training can be absorbed within the resources included for the Secretariat in the introduced budget bill.

The VEC anticipates that this bill will impact approximately 322 nongeneral fund positions and \$34.2 million from nongeneral fund, primarily federal sources. Approximately 163 of the 322 positions would be located in the central office for the new department and the remainder would be supporting programs in satellite locations. The specific financial resources or fund details tied to these positions are not available at this time.

According to the Department of Veterans Services (DVS), the fiscal impact of this proposal is indeterminate as there is not enough information to estimate the costs associated with establishing the Veterans Skills Database.

At this time, administrative and support cost estimates for the new department are not available. In the near term, it is anticipated that VEC could provide administrative support for the new agency until those costs for DWDA are identified and addressed with the resources

available from the programs being moved into DWDA. Any costs incurred by the VEC for providing administrative support could also be covered from these resources.

It is anticipated that the Office of Education and Labor Market Alignment within the Virginia Economic Development Partnership and the Department of Professional and Occupational Regulation (DPOR) can absorb any impact that may result from this bill.

The Department of Social Services (DSS) states that the Virginia Initiative for Education and Work (VIEW) and the Supplemental Nutrition Assistance Employment and Training (SNAP E&T) programs already provide data sets for the databases mentioned in the bill.

The bill includes a misdemeanor penalty for violations of the terms for data sharing. There is not enough information available to reliably estimate the possible increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

Both the House and Senate amendments to HB1400/SB800 include \$5 million general fund to provide for the implementation of the provisions of this legislation.

9. Specific Agency or Political Subdivisions Affected: Department of Workforce Development and Advancement (established); Virginia Employment Commission; Virginia Community College System; Department of Labor and Industry; Virginia Economic Development Partnership; State Council of Higher Education for Virginia; Secretary of Labor; Department for Aging and Rehabilitative Services; Department for the Blind and Vision Impaired; Department of Social Services;; Department of Juvenile Justice; Department of Corrections; Department of Veterans Services; Secretaries of Labor, Commerce and Trade, and Finance; State Board for Community Colleges; courts; local and regional jails; localities.

10. Technical Amendment Necessary: Multiple references to the federal Workforce Innovation and Opportunity Act include a link to the Code of Virginia. This is federal law.

Line 370: "wielding" should be amended to "welding"

Line 373: "establish" should be "established"

11. Other Comments: According to DPOR, § 54.1-1131, Code of Virginia, has a reference to "apprenticeships approved by the Commissioner of DOLI", which requires updating in order to include the new role of the DWDA. Students enrolled in apprenticeship programs are currently exempt from certain license exams when applying to DPOR's boards for licensure. DPOR estimates that approximately 180 applicants each year who are currently exempt

would be required to take exams as a result of this bill unless this Code section is updated to reflect DWDA's new role in administering apprenticeship programs.