

VIRGINIA ACTS OF ASSEMBLY -- 1998 RECONVENED SESSION

CHAPTER 808

An Act to amend and reenact §§ 2.1-707 and 2.1-708 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.1-710.1, 2.1-710.2 and 2.1-710.3, relating to creation of the Economic and Employment Improvement Program for Disadvantaged Persons.

[S 699]

Approved April 22, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-707 and 2.1-708 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.1-710.1, 2.1-710.2 and 2.1-710.3 as follows:

§ 2.1-707. Duties of Department.

The Department shall perform the following duties under the direction and control of its Executive Director:

1. Provide such technical assistance as may at the discretion of the Executive Director be requisite for the proper implementation and maintenance of programs afforded under the Act.

2. Monitor performance of those entities which by the terms of the agreement specified in Section 103 (b) (1) of the Act were or may hereafter be selected to administer the job training plans developed and approved by the Governor in accordance with the Act and monitor or require monitoring of contractors including those of the said entities. As used herein, the term "entities" means any private industry council or other entity or entities performing the functions of administrative entity and grant recipient, either or both, as these terms are used in the Act.

3. Audit or cause audits to be made of the entities specified in subdivision 2 of this section and require auditing of their contractors in accordance with the requirements of the Act and applicable regulations and as sound administration may require at the discretion of the Department.

4. Develop and implement such systems or procedures as may be required or permitted by the Act or such as otherwise may be desirable or convenient for the efficient, fiscally sound and successful administration of the Act in the Commonwealth, including, without limitation, performance standards and reporting.

5. *Develop and implement, in coordination with the State Board for Community Colleges, the state-funded Economic and Employment Improvement Program for Disadvantaged Persons.*

~~5.~~ 6. Perform such other or further duties as the Governor may prescribe to assist him in carrying out his duties as prescribed by the Act.

§ 2.1-708. Powers of Department.

The Department shall have the following powers to be exercised under the direction and control of the Executive Director:

1. Accept funds from the United States government allocated to the Commonwealth pursuant to the Act. The Department is empowered to comply with such conditions and execute such agreements as may be necessary or appropriate in connection with the acceptance of such funds.

2. Allocate funds received from the United States government to carry out the various programs authorized by the Act in accordance with the requirements of the Act, applicable regulations of the United States Department of Labor and the policy of the Department.

3. Adopt and enforce by appropriate action such policies and regulations having the force of law consistent with the Act as may be necessary or appropriate to carry out the purposes of this chapter and the duties imposed upon the Governor by the Act to the end that job training programs afforded by the Act be carried out efficiently in conformity with the requirements of the Act and that program abuse and misexpenditure of funds received from the United States be prevented.

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties under this chapter, including, but not limited to, contracts with the United States, agencies and governmental subdivisions of the Commonwealth and agencies of adjoining states and the District of Columbia which perform duties similar to the Department.

5. Employ such personnel as may be necessary to carry out the purposes of this chapter.

6. Provide such review at state level of grievances, audit related issues, and such other matters delegated to the Department by the Governor as may be required by the Act and applicable regulations of the United States Department of Labor. Such review shall be conducted solely in accordance with the requirements of the Act, the applicable regulations and such internal procedures as may be adopted by the Department. Decisions of the Department pursuant hereto shall be reviewable solely in accordance with the terms of the Act and the regulations. The provisions of Article 4 (§ 9-6.14:15 et seq.) of the Administrative Process Act shall have no application to such decisions.

7. Promulgate regulations for the implementation of the state-funded Economic and Employment Improvement Program for Disadvantaged Persons, and the awarding of state grants for funding approved projects.

8. Receive such gifts, donations, grants, bequests, and other funds on behalf of and for use by the Economic and Employment Improvement Program for Disadvantaged Persons.

9. Do all acts necessary or appropriate to carry out the purposes of this chapter.

§ 2.1-710.1. Economic and Employment Improvement Program for Disadvantaged Persons created; program developed by Department in coordination with the State Board for Community Colleges.

A. With such funds as may be appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created the Economic and Employment Improvement Program for Disadvantaged Persons to improve the employability of and provide assistance to disadvantaged persons through education and skills training.

B. The Program shall be developed by the Department in coordination with the State Board for Community Colleges. The Program shall comply with state laws and regulations governing adult education and vocational and technical education programs, and be consistent with existing state apprenticeships and workforce training programs.

§ 2.1-710.2. Economic and Employment Improvement Program for Disadvantaged Persons awards administered by Department; promulgation of regulations.

The Department shall promulgate regulations for the implementation of the program and, in accordance with the recommendations of the Grant Awards Committee, designate projects to receive grants awarded pursuant to § 2.1-710.3.

§ 2.1-710.3. Economic and Employment Improvement Program for Disadvantaged Persons Grant Awards Committee established; eligible projects; criteria for award of grants.

A. There is hereby established the Economic and Employment Improvement Program for Disadvantaged Persons Grant Awards Committee, which shall be composed of fifteen members designated by the relevant state agency heads as follows: three persons of the Governor's Employment and Training Department ("GETD"); two staff persons of the State Board for Community Colleges, of whom one shall have expertise in grant writing, review, and awards, and one shall have expertise in the administration and delivery of vocational and technical education programs and services in the Commonwealth; two representatives of the Private Industry Councils ("PICs"), of whom one shall represent small businesses; two staff persons of the Virginia Employment Commission ("VEC"), of whom one shall have expertise in economic trends and analysis, and one shall have expertise in employment statistics, needs, and projections; two staff persons of the Department of Education, who shall have expertise in adult education, and vocational and technical education programs administered by and offered through the public schools; two staff persons of the Department of Labor and Industry, who shall have expertise in apprenticeship programs and labor force needs and training; and two representatives of four-year institutions of higher education, of whom one shall have expertise in successfully delivering education and training programs and services to persons who are disproportionately represented in minimum wage jobs and occupations requiring minimum education, training, and skills, and who have been traditionally underrepresented in higher education.

Upon the appropriation of funds for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received by the Department on behalf of the Program, the Committee shall issue a request for proposals for grant projects designed to improve the employability of and provide assistance to disadvantaged persons through education and skills training. The Committee shall review each grant application, make grant awards in accordance with the eligibility criteria established in this section, and evaluate the effectiveness of the educational and skills training services delivered by funded projects. The Committee shall report the results of its evaluation, annually beginning July 1, 2000, to the governing boards of agencies represented on the Committee, the Governor and the General Assembly.

B. On and after July 1, 1998, the Program shall consist of no more than ten grant projects located in regions throughout the Commonwealth to provide equal geographical distribution of such projects. Priority for awarding such grants shall be given to projects designed to serve persons (i) historically underrepresented in Virginia institutions of higher education, and in management and administrative levels in the business community; (ii) located in counties, cities and towns with high local stress indicators and in economically depressed regions of the Commonwealth; (iii) disproportionately represented in the workforce in minimum wage jobs and occupations requiring minimum education, training, and skills; or (iv) displaced by technological advances in industry; or (v) any combination thereof. Grants for all projects shall be awarded on a competitive basis to applicants responding to requests for proposals. The first grants shall be awarded by May 1, 1999.

C. Eligible projects shall (i) satisfy the criteria for receiving awards pursuant to subsection B of this section; (ii) through education and skills training, provide assistance to and improve the employability of populations experiencing high rates of unemployment or underemployment; (iii) provide training and education reflective of current and projected workforce needs in the Commonwealth; (iv) coordinate and provide delivery of services, such as community-business outreach programs through the schools or

departments of business, or community outreach programs at two-year and four-year public and private institutions of higher education; (v) include a component to evaluate the effectiveness of the delivery of educational and skills training services; and (vi) encourage mentoring partnerships between corporations and financially stressed businesses. Grant recipients may work collaboratively, upon request, to provide approved service delivery.