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HOUSE BILL NO. 1006

AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Commerce and Labor
 on January 30, 2018)

(Patron Prior to Substitute—Delegate Byron)

A BILL to amend and reenact §§ 2.2-2472, as it is currently effective and as it may become effective, and 60.2-113 of the Code of Virginia, relating to the transfer of labor market information research studies, programs, and operations from the Virginia Employment Commission to the Virginia Board of Workforce Development.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2472, as it is currently effective and as it may become effective, and 60.2-113 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2472. (Contingent expiration date) Powers and duties of the Board; Virginia Workforce System created.

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

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

2. Provide policy direction to local workforce development boards;

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

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

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

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

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

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

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

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

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

10. 12. Review and recommend industry credentials that align with high demand occupations, which credentials shall include the Career Readiness Certificate;

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

12. 14. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 11;

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

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

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

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

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

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

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

71 C. The Board and the Governor's cabinet secretaries shall assist the Governor in complying with the
72 provisions of the WIOA and ensuring the coordination and effectiveness of all federal and state funded
73 career and technical and adult education and workforce development programs and providers within
74 Virginia's Workforce System.

75 D. The Board shall assist the Governor in the following areas with respect to workforce
76 development: development of any combined state plan developed pursuant to the WIOA; development
77 and continuous improvement of a statewide workforce development system that ensures career readiness
78 and coordinates and aligns career and technical education, adult education, and federal and state
79 workforce programs; development of linkages to ensure coordination and nonduplication among
80 programs and activities; designation of local areas; development of local discretionary allocation
81 formulas; development and continuous improvement of comprehensive state performance measures
82 including, without limitation, performance measures reflecting the degree to which one-stop centers
83 provide comprehensive services with all mandatory partners and the degree to which local workforce
84 development boards have obtained funding from sources other than the WIOA; preparation of the annual
85 report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and
86 development of a statewide system of one-stop centers that provide comprehensive workforce services to
87 employers, employees, and job seekers.

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

89 E. Each local workforce development board shall develop and submit to the Governor and the Board
90 an annual workforce demand plan for its workforce development board area based on a survey of local
91 and regional businesses that reflects the local employers' needs and requirements and the availability of
92 trained workers to meet those needs and requirements. Local boards shall also designate or certify
93 one-stop operators; identify eligible providers of youth activities; develop a budget; conduct local
94 oversight of one-stop operators and training providers in partnership with its local chief elected official;
95 negotiate local performance measures, including incentives for good performance and penalties for
96 inadequate performance; assist in developing statewide employment statistics; coordinate workforce
97 development activities with economic development strategies and the annual demand plan, and develop
98 linkages among them; develop and enter into memoranda of understanding with one-stop partners and
99 implement the terms of such memoranda; promote participation by the private sector; actively seek
100 sources of financing in addition to WIOA funds; report performance statistics to the Board; and certify
101 local training providers in accordance with criteria provided by the Board. Further, a local training
102 provider certified by any workforce development board has reciprocal certification for all workforce
103 development boards.

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

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

120 H. Each chief local elected official shall consult with the Governor regarding designation of local
121 workforce development 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 development board and one-stop center; and collaborate with the local workforce development board on local plans and program oversight.

I. Each local workforce development 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 WIOA;
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 WIOA;
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.);
11. Other programs or activities as required by the WIOA; and
12. Programs authorized under Title I of the WIOA.

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

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

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

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190 training, and support services for workforce development programs;

191 ~~10- 12.~~ Review and recommend industry credentials that align with high demand occupations, which
192 credentials shall include a credential that determines career readiness;

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194 the authority expressed in Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1;

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197 ~~13- 15.~~ Create quality standards, guidelines, and directives applicable to local workforce development
198 boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this
199 article; and

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

§ 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 Innovation and Opportunity 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,

306 including the development, storage, retrieval and dissemination of information on the social and
307 economic aspects of the Commonwealth and publish data needed by employers, economic development,
308 education and training entities, government and other users in the public and private sectors;

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

315 6. Encourage and assist in the adoption of practical methods of vocational guidance, training and
316 retraining; and

317 7. 6. Establish the Interagency Migrant Worker Policy Committee, comprised of representatives from
318 appropriate state agencies, including the Virginia Workers' Compensation Commission, whose services
319 and jurisdictions involve migrant and seasonal farmworkers and their employees. All agencies of the
320 Commonwealth shall be required to cooperate with the Committee upon request.

321 2. That the Virginia Employment Commission shall submit a plan to the Virginia Board of
322 Workforce Development and the Governor's Chief Workforce Advisor describing a process and
323 timeline for developing and implementing a statewide workforce dashboard fed by an automated
324 data pipeline by August 1, 2018. Full implementation of the plan shall begin no later than
325 November 1, 2018.