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HOUSE BILL NO. 2195

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 15, 2023)

(Patron Prior to Substitute—Delegate Byron)

A *BILL to amend and reenact §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia; to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 4, consisting of sections numbered 2.2-2035 through 2.2-2058; and to repeal § 2.2-435.8, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 23.1-903.4, 60.2-110, 60.2-113, 60.2-113.1, 60.2-309, and 60.2-310, and Chapter 4 (§§ 60.2-400, 60.2-400.1, and 60.2-401) of Title 60.2 of the Code of Virginia, relating to consolidation of the Commonwealth's workforce development policies and programs; Department of Workforce Development and Advancement created; report.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 4, consisting of sections numbered 2.2-2035 through 2.2-2058 as follows:

§ 2.2-214.2. Position established; agencies for which responsible.

The position of Secretary of Labor (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: the Department of Labor and Industry, the Department of Professional and Occupational Regulation, *the Department of Workforce Development and Advancement*, and the Virginia Employment Commission. The Governor, by executive order, may assign any state executive agency to the Secretary.

§ 2.2-214.3. Responsibilities of the Secretary.

A. The Secretary shall assist the Governor in his capacity as the Chief Workforce Development Officer for the Commonwealth pursuant to § 2.2-435.6. The Secretary shall be responsible for the duties assigned to him pursuant to this article, Chapter 4.2 (§ 2.2-435.6 et seq.), Article 24 (§ 2.2-2470 et seq.) of Chapter 24, and other tasks as may be assigned to him by the Governor.

B. The Chief Workforce Development Officer's responsibilities as carried out by the Secretary of Labor 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 *mandatory performance measures for all workforce development programs across state government* that link the objectives of such programs and activities to the record of state agencies, local workforce development boards, and other relevant entities in attaining such objectives. *The Secretary shall have the authority to require compliance with such mandatory performance measures by all workforce development program administrators and providers across state government;*

2. Determining the appropriate allocation, to the extent permissible under applicable federal law, of funds and other resources that have been appropriated or are otherwise available for disbursement by the Commonwealth for workforce development programs and activities;

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~~ *Providing oversight and directing* efficient implementation of workforce development and training programs by Cabinet Secretaries and agencies responsible for such programs;

5. Developing, in ~~coordination~~ *consultation* with the Virginia Board of Workforce Development, (i) certification standards *and metrics* 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 its effectiveness;

7. Establishing measures to evaluate the effectiveness of the local workforce development boards and conducting annual evaluations of the effectiveness of each local workforce 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 *across state government* and their administrators and *service* 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, *consisting of individuals placed in jobs, jobs retained, and wages or earnings paid, as determined by the Secretary*; 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 Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor and included in the biennial reports pursuant to subdivision 10;

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

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

§ 2.2-435.10. Administration of the Workforce Innovation and Opportunity Act; executive summaries.

A. The Secretary of Labor and the Chancellor of the Virginia Community College System shall enter into a memorandum of understanding that sets forth (i) the roles and responsibilities of each of these entities in ~~administering~~ *administer* (i) a state workforce system and ~~facilitating~~ *facilitate* regional workforce systems that are business-driven, aligned with current and reliable labor market data, and targeted at providing participants with workforce credentials that have demonstrated value to employers and job seekers; and (ii) a funding mechanism that adequately supports operations under the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) (WIOA); and (iii) a ~~procedure for~~ the resolution of any disagreements that may arise concerning policy, funding, or administration of the WIOA.

B. The Secretary of Labor and the Virginia Community College System shall collaborate to produce an annual executive summary, no later than the first day of each regular session of the General Assembly, of the interim activity undertaken to implement the ~~memorandum of understanding~~ responsibilities described in subsection A and to administer the WIOA.

CHAPTER 20.2.

WORKFORCE DEVELOPMENT AND ADVANCEMENT.

Article 1.

General Provisions.

§ 2.2-2035. Department of Workforce Development and Advancement; creation; appointment of Director.

A. There is hereby created in the executive branch the Department of Workforce Development and Advancement (the Department). The Department shall be headed by the Director of Workforce Development and Advancement (the Director) who shall be appointed by the Governor, subject to confirmation by the General Assembly, to serve at the pleasure of the Governor.

B. The Director may establish divisions within the Department and assign to such divisions any duties described in this chapter or otherwise imposed upon the Department.

§ 2.2-2036. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Department" means the Department of Workforce Development and Advancement.

"Director" means the Director of Workforce Development and Advancement.

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

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

"Virginia Longitudinal Data System" means the multiagency partnership administered by the State Council of Higher Education for Virginia pursuant to subdivision 9 of § 23.1-203.

"Virginia Workforce Data Trust" means a workforce database maintained by the Department in an encrypted state in compliance with § 2.2-2009.

"Workforce development program" means a publicly funded education, training, and support services program designed and administered to prepare and enable participants to enter into and advance in careers. Such program may, but is not required to, lead to nondegree credentials and may fall under the administrative functions of the Department or reside in other agencies.

"Workforce education and training program" means a workforce development program offered by an education provider with the goal of providing an individual with a credential that leads to employment.

"Workforce services program" means a workforce development program that is primarily focused on providing, coordinating, and supporting services to assist individuals attain employment, including assistance with locating job opportunities, connecting to workforce education and training programs, and coordinating with other available supportive services.

§ 2.2-2037. Powers and duties of Department.

The Department shall have the power and duty to:

1. Promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter.

2. Establish a mission, goals, and objectives for the Department that align with the purpose of this chapter, to create a unified system of workforce development for the Commonwealth.

3. Develop a strategy to inform and engage businesses on the workforce development programs offered by the Department and ensure alignment of the Department's offerings to the needs of employers.

4. Regularly track metrics relating to workforce development programs and establish a mechanism to help assess the adequacy of Department services and programs.

5. Develop specific strategies or steps the Department will take to modify policies, procedures, or processes to ensure effective and efficient administration of workforce development programs.

6. Develop a strategy for clearly communicating to customers changes to key workforce development programs.

7. Develop a strategy for clearly communicating important workforce development program information to Department staff, the public, and the General Assembly.

8. Identify other tactical actions to be taken to ensure the continuity of workforce development programs and customer service.

§ 2.2-2038. State and federal cooperation.

In the administration of this chapter, the Department shall cooperate with the U.S. Department of Labor to the fullest extent consistent with the provisions of this chapter. The Department shall make such reports, in such form and containing such information, as the U.S. Department of Labor may require and shall comply with such provisions as the U.S. Department of Labor may find necessary to assure the correctness and verification of such reports. The Department shall take such action, through the adoption of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure to the Commonwealth and its citizens all advantages available under the provisions of the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.), the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), and any other federal legislation executed with respect to workforce development and training.

§ 2.2-2039. Reciprocal agreements.

Subject to the approval of the Governor, the Department is authorized to enter into arrangements with the appropriate agencies of other states or the federal government for the purpose of workforce development and training.

§ 2.2-2040. Records and reports.

A. Each workforce development program provider shall keep true and accurate training records containing such information as the Department may prescribe. Such records shall be open to inspection and be subject to being copied by the Department or its authorized representatives at any reasonable time and as often as may be necessary. The Department may require from any workforce development program provider any sworn or unsworn reports, with respect to persons employed by it, that the Department deems necessary for the effective administration of this chapter.

B. Notwithstanding the provisions of subsection A, the Department shall, upon written request, furnish the Virginia Economic Development Partnership Authority (the Authority) such information as it may require to facilitate the administration and enforcement by the Authority of performance agreements with businesses that have received incentive awards. Any information provided to the Authority under this subsection shall be confidential pursuant to 20 C.F.R. Part 603 and shall only be disclosed to members of the Authority who are public officials or employees of the Authority for the performance of their official duties. No public official or employee shall disclose any confidential information obtained pursuant to this subsection to nonlegislative citizen members of the Authority or to the public. Any information so provided shall be used by the Authority solely for the purpose of verifying employment and wage claims of those businesses that have received incentive awards.

§ 2.2-2041. Innovative Internship Fund and Program.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Innovative Internship Fund (the Fund). The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds

received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of the Innovative Internship Program established pursuant to subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.

B. There is hereby established the Innovative Internship Program (the Program). The purpose of the Program is to expand paid or credit-bearing student internship and other work-based learning opportunities in collaboration with Virginia employers. The Program comprises institutional grants and a statewide initiative to facilitate the readiness of students, employers, and institutions of higher education to participate in internship and other work-based learning opportunities.

1. In administering the statewide initiative, the Department shall (i) engage stakeholders from business and industry, secondary and higher education, economic development, and state agencies and entities that are successfully engaging employers or successfully operating internship programs; (ii) explore strategies in Virginia and elsewhere on successful institutional, regional, statewide, or sector-based internship programs; (iii) gather data on current institutional internship practices, scale, and outcomes; (iv) develop internship readiness educational resources, delivery methods, certification procedures, and outreach and awareness activities for employer partners, students, and institutional career development personnel; (v) pursue shared services or other efficiency initiatives, including technological solutions; and (vi) create a process to track key measures of performance.

2. The Department shall establish eligibility criteria, including requirements for matching funds, for institutional grants. Such grants shall be used to accomplish one or more of the following goals: (i) support state or regional workforce needs; (ii) support initiatives to attract and retain talent in the Commonwealth; (iii) support research and research commercialization in sectors and clusters targeted for development; (iv) support regional economic growth and diversification plans; (v) enhance the job readiness of students; (vi) enhance higher education affordability and timely completion for Virginia students; or (vii) further the objectives of increasing the tech talent pipeline.

3. The Department shall partner with the Office of Education and Labor Market Alignment to collect and utilize data that includes the gaps that are most significant in hindering the Commonwealth from achieving the goals listed in subdivision 2. The Department and the Office of Education and Labor Market Alignment shall identify, at minimum: (i) state or regional workforce needs for which the lack of work-based learning opportunities is negatively impacting the success of regional economic growth and diversification plans and (ii) degree programs, the graduates of which describe themselves as underemployed, that would benefit from incorporating work-based learning into the curriculum. The Department and the Office of Education and Labor Market Alignment shall use the needs and degree programs identified in this subdivision to collaboratively determine priorities for (a) using the portion of student financial aid authorized by the budget to be awarded as grants to students participating in work-based learning; (b) redesigning of curricula at public institutions of higher education; (c) garnering regional support and services to ensure the readiness of students and employers; (d) awarding grants to institutions of higher education to ensure their readiness to support students through detailed planning and implementation of best practices for scaling work-based learning; (e) providing or raising funds to provide matching funds so that students with limited resources, who have traditionally participated in the Program at lower rates, may intern at small Virginia-based employers; and (f) enhancing data collection and analysis.

Article 2.

Data Collection and Analytics.

§ 2.2-2042. Workforce program evaluations; sharing of certain data; prohibited uses; civil penalty.

A. To the extent permitted under federal law, the agencies specified in subsection D shall share data from within their respective databases to (i) develop meaningful analyses and evaluations of workforce programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of § 2.2-214.3; (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and efficiency across public workforce programs and partner organizations; (iv) enable the development of comprehensive consumer-facing software applications; (v) support requirements for performance-driven contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

B. Data shared pursuant to subsection A shall include only the identifying and attribute information required to match entities across programs, support the coordination of services, and evaluate outcomes, shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data, the Governor or his designee shall maintain the data in an encrypted state pursuant to § 2.2-2009 and restrict data sharing according to the Virginia Workforce Data Trust memorandum of understanding.

The agencies specified in subsection D shall enter into a memorandum of understanding supporting the Virginia Workforce Data Trust and the associated application ecosystem. Such memorandum of

understanding shall include provisions for authorizing bona fide research requests that are related to the data sharing referenced in subsection A. In accordance with the governance process defined in such memorandum of understanding, the data sharing referenced in subsection A shall be accomplished by integrating additional organizations, systems, data elements, and functionality into the Virginia Workforce Data Trust.

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

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

1. Virginia Employment Commission: Unemployment Insurance;
2. Virginia Community College System: Postsecondary Career and Technical Education;
3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior Community Services Employment Program;
4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;
5. Department of Education: Special Education and Career and Technical Education;
6. Department of Social Services: Supplemental Nutrition Assistance Program, Virginia Initiative for Education and Work;
7. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;
8. Department of Juvenile Justice: Youth Industries and Institutional Work Programs, Career and Technical Education Programs;
9. Department of Corrections: Career and Technical Education Programs;
10. The State Council of Higher Education for Virginia;
11. Department of Veterans Services: Virginia Values Veterans;
12. Department of Workforce Development and Advancement: Apprenticeship, Job Service, Reemployment Services and Eligibility Assessment program, Trade Adjustment Assistance Program Act, Veterans Employment Training Programs, Innovative Internship Program, Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) Titles I and III, and other workforce development programs of the Department as determined by the Director; and
13. Any other agencies as deemed necessary by the Secretary of Labor, Chief Data Officer, and Director of the Department of Workforce Development and Advancement.

E. Nothing in this section shall prohibit the inclusion of data from other sources deemed beneficial by the Secretary of Labor, Chief Data Officer, and Director of the Department of Workforce Development and Advancement.

F. Agencies participating in the Virginia Longitudinal Data System and the Virginia Workforce Data Trust shall meet annually for the purpose of coordinating responses to changes in data collection of the participating agencies and the needs of the Commonwealth with respect to workforce development and education policy development. Subject to the approval by each participating agency, the Virginia Longitudinal Data System and the Virginia Workforce Data Trust may develop processes to facilitate intersystem operability and communication between the two entities for research and analysis purposes.

G. All agencies providing information to the Virginia Workforce Data Trust shall be prohibited from disclosing any personal information or data, except as required under this section or other state law or federal law, or to accomplish a proper purpose of the agency.

H. Any person alleging a violation of this section may bring a civil action for appropriate injunctive relief. A court rendering judgment in favor of a complainant pursuant to this subsection shall award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.

§ 2.2-2043. Job placement and retention; reporting.

A. The Department shall develop a tool or process for the uniform tracking of successful job placement and job retention outcomes of workforce development program participants.

B. All workforce development program providers shall annually track successful job placement and job retention outcomes for workforce development program participants using the tool or process developed by the Department.

Article 3. Apprenticeships.

§ 2.2-2044. Definitions.

As used in this article, unless the context requires a different meaning:

"Apprentice" means a person at least 16 years of age who is covered by a written agreement with an employer and approved by the Director. The agreement shall provide for not less than 2,000 hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment, and for the amount of related instruction required in the

306 occupation.

307 "Apprenticeable occupation" means a skilled occupation having the following characteristics:

308 1. It is customarily learned in a practical way through a structured systematic program of on-the-job
309 supervised work experience;

310 2. It is clearly identifiable and recognized throughout an industry;

311 3. It involves manual, mechanical, or technical skills that require a minimum of 2,000 hours of
312 on-the-job work experience of new apprenticeable trades not otherwise established; and

313 4. It requires related instruction to supplement the on-the-job work experience.

314 "Employer" means any person or organization employing a registered apprentice, whether or not
315 such person or organization is a party to an apprenticeship agreement with a sponsor.

316 "Joint apprenticeship committee" means a group equally representative of management and labor
317 representatives that works under a bargaining agreement and is established to carry out the
318 administration of an apprenticeship training program.

319 "Sponsor" means either an individual employer, a group of employers, or an association or
320 organization operating an apprenticeship program and in whose name the program is registered.

321 **§ 2.2-2045. Apprenticeship Council; membership and terms of office; meetings and duties.**

322 A. The Governor shall appoint an Apprenticeship Council composed of four representatives each
323 from employer and employee organizations respectively and all of whom shall be familiar with
324 apprenticeable occupations. The Director, the Chancellor of the Virginia Community College System, or
325 their designated representatives, and a local superintendent from a school division that provides
326 apprenticeship-related instruction shall be ex officio members of the Apprenticeship Council. At the
327 beginning of each year, the Governor shall designate one member to serve as chairman. Each member
328 shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to
329 the expiration of the term of his predecessor shall be appointed for the remainder of such term. All
330 members, including ex officio members, shall have voting privileges.

331 B. The Apprenticeship Council shall meet at the call of the chairman of the Apprenticeship Council
332 and shall formulate policies for the effective administration of this article.

333 C. The Apprenticeship Council shall establish standards for apprentice agreements that shall not be
334 lower than those prescribed by this article and those established pursuant to Article 3 (§ 54.1-1128 et
335 seq.) of Chapter 11 of Title 54.1 and shall perform such other functions as may be necessary to carry
336 out the intent and purposes of this article. Not less than once a year, the Apprenticeship Council shall
337 make a report of its activities and findings to the General Assembly and to the public.

338 **§ 2.2-2046. Authority of Council.**

339 The Council may:

340 1. Determine standards for apprentice agreements, which standards shall not be lower than those
341 prescribed by this article;

342 2. Appoint the secretary of the Apprenticeship Council to act as secretary of each state joint
343 apprenticeship committee;

344 3. Review decisions of local joint apprenticeship committees relating to apprenticeship disputes
345 pursuant to subdivision C 3 of § 2.2-2048;

346 4. Perform such other duties as are necessary to carry out the intent of this article; and

347 5. Advise the Director on policies to coordinate apprenticeship-related instruction delivered by state
348 and local public education agencies.

349 **§ 2.2-2047. Director to administer article; requirements for certain programs.**

350 A. The Director, with the advice and guidance of the Council, shall be responsible for administering
351 the provisions of this article.

352 B. The Director shall:

353 1. Approve, if approval is in the best interests of the apprentice, any apprenticeship agreement that
354 meets the standards established under this article;

355 2. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such
356 agreement;

357 3. Keep a record of apprenticeship agreements and their disposition;

358 4. Issue certificates of completion upon the completion of the apprenticeship;

359 5. Initiate deregistration proceedings when an apprenticeship program is not conducted, operated,
360 and administered in accordance with the registered provisions, except that deregistration proceedings
361 for violation of equal opportunity requirements shall be processed in accordance with the provisions of
362 the Virginia State Plan for Equal Employment Opportunity in Apprenticeship;

363 6. Establish policies governing the provision of apprenticeship-related instruction delivered by state
364 and local public education agencies and provide for the administration and supervision of related and
365 supplemental instruction for apprentices; and

366 7. Perform such other duties as are necessary to carry out the intent of this article.

367 C. Any apprenticeship program designed to prepare individuals to engage in a career as a

tradesman shall be a program of registered apprenticeships that meet or exceed the U.S. Department of Labor standards for registered apprenticeships, and such program shall meet or exceed the standards that were in place with the Apprenticeship Division of the Virginia Department of Labor and Industry as of January 31, 2023. As used in this subsection, "tradesman" means an individual engaged in the electrical, plumbing and heating, ventilation and air conditioning, carpentry, pipe fitting, boiler making, iron working, steel working, painting, or welding profession.

D. No state agency or locality shall sponsor, recognize, or establish any apprenticeship program designed to prepare individuals to engage in a career as a tradesman unless such apprenticeship program meets the requirements establish in subsection C.

§ 2.2-2048. Local and state joint apprenticeship committees.

A. A local joint apprenticeship committee may be established in any trade or group of trades in a city or trade area whenever the apprentice training needs of such trade or group of trades justify such establishment.

B. When two or more local joint apprenticeship committees have been established in the Commonwealth for a trade or group of trades or at the request of any trade or group of trades, a state apprenticeship committee may be established for such trade or group of trades. Such local and state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective employer and employee organizations in such trade or group of trades. In a trade or group of trades in which there is no bona fide employer or employee organization, the committee shall be appointed from persons known to represent the interests of employers and of employees respectively.

C. The functions of a local joint apprenticeship committee shall be:

1. To cooperate with school authorities in regard to the education of apprentices;
2. In accordance with standards established by the Apprenticeship Council, to establish local standards of apprenticeship regarding schedule of operations, application of wage rates, working conditions for apprentices, and the number of apprentices that shall be employed locally in the trade; and

3. To adjust apprenticeship disputes.

D. The functions of a state trade apprenticeship committee shall be to assist in an advisory capacity in the development of statewide standards of apprenticeship and in the development of local standards and local committees.

§ 2.2-2049. Discrimination prohibitions for registered apprenticeship programs.

A. Notwithstanding the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.), for purposes of this article a sponsor of a registered apprenticeship program shall not discriminate against an apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, military status, sexual orientation, gender identity, age if the age of the individual is 40 years of age or older, genetic information, or disability.

B. Notwithstanding any provisions of Title 40.1, it shall not be an unlawful practice for an employer to fail or refuse to hire and employ any individual for any position in a registered apprenticeship program, or for any registered apprenticeship program to fail or refuse to accept or admit any individual to any registered apprenticeship program, if:

1. The occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive Order of the President; and

2. Such individual has not fulfilled or has ceased to fulfill any requirement set forth in subdivision 1.

C. The sole remedy for a violation of subsection A shall be as provided in subdivision B 5 of § 2.2-2047.

§ 2.2-2050. Requisites of apprentice agreement.

Every apprentice agreement entered into under this article shall contain:

1. The names, signatures, and addresses of the contracting parties;
2. The date of birth of the apprentice;
3. The contact information of the program sponsor and the Division of Registered Apprenticeship;
4. A statement of the occupation or business that the apprentice is to be taught and the time at which the apprenticeship will begin and end;
5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction;
6. A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be taught and the approximate time to be spent at each process;
7. A statement of the graduated scale of wages to be paid the apprentice and whether the required related instruction shall be compensated;

8. A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the Director at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the Director by mutual agreement of all parties thereto or cancelled by the Director for good and sufficient reason;

9. A reference incorporating as part of the apprentice agreement the standards of the apprenticeship program as they exist on the date of the apprentice agreement and as they may be amended during the period of the apprentice agreement;

10. A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination as provided in § 2.2-2049;

11. Contact information, including name, address, phone number, and email if appropriate, of the appropriate authority designated under the program to receive, process, and make disposition of controversies or differences arising out of the apprentice agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

12. A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the Director, transfer such contract to any other employer if (i) the apprentice consents, (ii) such other employer agrees to assume the obligations of the apprentice agreement, and (iii) the transfer is reported to the registration agency within 30 days of the transfer; and

13. Such additional terms and conditions as may be prescribed or approved by the Director not inconsistent with the provisions of this article.

§ 2.2-2051. Approval of apprentice agreement by Director; signing.

No apprentice agreement under this article shall be effective until approved by the Director. Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees as provided in § 2.2-2053, and by the apprentice, and, if the apprentice is a minor, by the minor's father or mother, provided, that if both father and mother are dead or legally incapable of giving consent or have abandoned their children, then by the guardian of the minor.

§ 2.2-2052. Apprentice agreement binding after apprentice's majority.

When a minor enters into an apprentice agreement under this article for a period of training extending into his majority, the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

§ 2.2-2053. Apprentice agreement signed by organization of employers or of employees.

For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this article may in the discretion of the Director be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case, the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers that will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in the agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the Director, to such employer or employers as shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or guardian, as specified in § 2.2-2051, contracting to employ the apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the agreement entered into between the apprentice and the employer association or employee organization.

§ 2.2-2054. Operation and application of article.

Nothing in this article or in any apprentice agreement approved under this article shall invalidate any apprenticeship provision in any collective agreement between employers and employees establishing higher apprenticeship standards regarding ratios of apprentices to journeymen, probationary periods, or length of the program. None of the terms or provisions of this article shall apply to any person, firm, corporation, or craft unless, until, and only so long as such person, firm, corporation, or craft voluntarily elects that the terms and provisions of this article shall apply.

Article 4.

Job Services.

§ 2.2-2055. Virginia State Job Service; cooperation with U.S. Employment Service agencies.

A. The Department shall have all rights, powers, and duties with respect to the establishment, maintenance, and operation of free employment offices in the Commonwealth and shall possess, exercise, and perform the same through a division known as the Virginia State Job Service. The Department through the division shall establish and maintain free public employment offices in such

number and in such places as may be necessary for the proper administration of this chapter.

B. The Department, through the Virginia State Job Service, is designated as the state agency and vested with all powers necessary to cooperate with the U.S. Employment Service in accordance with the terms and conditions expressed in 29 U.S.C. § 49 et seq.

C. The Department may cooperate with or enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment compensation law, with respect to the maintenance and use of free employment service facilities.

D. Chapter 13 of the Acts of Assembly of 1933 providing for cooperation between the Commonwealth and the U.S. Employment Service is, subject to the provisions of this article, continued in effect.

§ 2.2-2056. Veterans Skills Database.

A. For purposes of this section, "veteran" means an individual who has served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

B. The Department, in cooperation with the Secretary of Commerce and Trade and the Department of Veterans Services, shall establish the Veterans Skills Database (the Database), an Internet-accessible database of veterans and their workforce skills, for the purpose of marketing and promoting the workforce skills of veterans to potential employers.

C. The Department may contract with one or more third parties to develop, implement, and maintain the Database. The Database provider shall (i) maintain the Database and (ii) take all actions to ensure the protection of the confidentiality and security of the information contained in the Database in accordance with the requirements established by the Department.

D. Any veteran may register with the Department to create a free profile on the Database in order to supply information relating to his workforce skills and experience. Potential employers may register with the Department to create a free profile in order to gain access to the Database for the purpose of identifying potential employees with relevant workforce skills and experience.

§ 2.2-2057. Employment stabilization.

The Department shall have the following duties relating to employment stabilization:

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

2. Provide Virginia State Job Service services, as described in this article, according to the provisions of the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.), as amended by the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128);

3. Coordinate and direct all workforce development program services, policies, grant management, and data analytics across state government that lead to conducting activities that target job placement and respond to industry demand;

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

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

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

§ 2.2-2058. Human trafficking hotline; posted notice required.

Within each employment office, the Department shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.

§ 2.2-2237.3. Division of Incentives.

A. Within the Authority shall be created a Division of Incentives that shall be responsible for reviewing, vetting, tracking, and coordinating economic development incentives administered by or through the Authority and for aligning those incentives with economic development incentives offered by other entities in the Commonwealth.

B. No project that includes an offer of economic development incentives by the Commonwealth, including grants or loans from the Commonwealth's Development Opportunity Fund, shall be approved

552 by the Governor until (i) the Division of Incentives has undertaken appropriate due diligence regarding
553 the proposed project and the Secretary of Commerce and Trade has certified that the proposed incentives
554 to be offered are appropriate based on the investment and job creation anticipated to be generated by the
555 project and (ii) when required by § 30-310, the MEI Project Approval Commission has reviewed the
556 proposed incentives.

557 C. Any contract or memorandum of understanding for the award of economic development incentives
558 by the Commonwealth shall set forth the investment and job creation requirements for the payment of
559 the incentive and shall include a stipulation that the business beneficiary of the incentives shall be liable
560 for the repayment of all or a portion of the incentives to the Commonwealth if the business beneficiary
561 fails to make the required investments or create the required number of jobs. For purposes of this
562 section, an incentive awarded by the Commonwealth shall include an incentive awarded from a fund
563 operated by the Commonwealth, including the Commonwealth's Development Opportunity Fund. If it is
564 determined that a business beneficiary is liable for the repayment of all or a portion of an economic
565 development incentive awarded by the Commonwealth, the Board may refer the matter to the Office of
566 the Attorney General pursuant to § 2.2-518. Prior to the referral to the Office of the Attorney General,
567 the Board shall direct any political subdivision that is a party to the relevant contract or memorandum of
568 understanding to assign its rights to the Commonwealth arising under such contract or memorandum of
569 understanding in which the business beneficiary is liable to repay all or a portion of an economic
570 development incentive awarded by the Commonwealth. In any such matter referred to the Office of the
571 Attorney General, a business beneficiary liable to repay all or a portion of an economic development
572 incentive awarded by the Commonwealth shall also be liable to pay interest, administrative charges,
573 attorney fees, and other applicable fees.

574 D. Notwithstanding any other provision of law, approval of the Board shall be required to grant an
575 extension for an approved project to meet the investment and job creation requirements set forth in the
576 contract or memorandum of understanding. Notwithstanding any other provision of law, approval of both
577 the Board and the MEI Project Approval Commission shall be required to grant any additional
578 extensions.

579 E. The Division of Incentives shall provide semiannual updates to the Board of the status and
580 progress of investment and job creation requirements for all projects for which economic development
581 incentives have been awarded, until such time as the investment and job creation requirements are met
582 or the incentives are repaid to the Commonwealth. Updates shall be provided more frequently upon the
583 request of the Board, or if deemed necessary by the Division of Incentives.

584 F. The Board shall establish a subcommittee, consisting of ex officio members of the Board
585 authorized pursuant to §§ 2.2-2040 and 60.2-114 and federal law to receive and review employment
586 information received from the Virginia Employment Commission and the *Department of Workforce*
587 *Development and Advancement*, in order to assist the Division of Incentives with the verification of
588 employment and wage claims of those businesses that have received incentive awards. Such information
589 shall be confidential and shall not be (i) redisclosed to other members of the Board or to the public in
590 accordance with the provisions of *subsection B of § 2.2-2040 and subdivision C 2 of § 60.2-114* or (ii)
591 subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

592 G. For purposes of this section, the award of economic development incentives by the
593 Commonwealth shall include an award of funds from the Commonwealth's Development Opportunity
594 Fund, regardless of whether the contract or memorandum of understanding for the disbursement of funds
595 is with the Commonwealth or a political subdivision thereof and the business beneficiary.

596 **§ 2.2-2238. Economic development services.**

597 A. It shall be the duty of the Authority to encourage, stimulate, and support the development and
598 expansion of the economy of the Commonwealth. The Authority is charged with the following duties
599 and responsibilities to:

600 1. See that there are prepared and carried out effective economic development marketing and
601 promotional programs;

602 2. Make available, in conjunction and cooperation with localities, chambers of commerce, industrial
603 authorities, and other public and private groups, to prospective new businesses basic information and
604 pertinent factors of interest and concern to such businesses;

605 3. Formulate, promulgate, and advance programs throughout the Commonwealth for encouraging the
606 location of new businesses in the Commonwealth and the retention and growth of existing businesses;

607 4. Encourage and solicit private sector involvement, support, and funding for economic development
608 in the Commonwealth;

609 5. Encourage the coordination of the economic development efforts of public institutions, regions,
610 communities, and private industry and collect and maintain data on the development and utilization of
611 economic development capabilities;

612 6. Establish such offices within and without the Commonwealth that are necessary to the expansion
613 and development of industries and trade;

7. Encourage the export of products and services from the Commonwealth to international markets;
 8. Advise, upon request, the State Board for Community Colleges in designating technical training programs in Virginia's comprehensive community colleges for the Community College Incentive Scholarship Program pursuant to former § 23-220.4;

9. Offer a program for the issuance of export documentation for companies located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide export documentation in a form deemed necessary for international commerce; and

10. Establish an Office of Education and Labor Market Alignment (the Office) to coordinate data analysis on workforce and higher education alignment and translate data to partners. The Office shall provide a unified, consistent *and impartial* source of information or analysis for policy development and implementation related to ~~talent development~~ *education, the labor market, and workforce development*. The Office shall partner with the State Council of Higher Education for Virginia, institutions of higher education, the Virginia Department of Education, the Virginia Employment Commission, ~~GO Virginia~~ *the Virginia Growth and Opportunity Board, the Department of Workforce Development and Advancement*, and other relevant entities to offer resources and expertise related to education, workforce development, and labor market alignment. *The Office shall communicate relevant information in a clear and concise manner to enable policy and decision makers to navigate the complex connections between education, workforce development, and labor market alignment.*

B. The Authority may develop a site and building assessment program to identify and assess the Commonwealth's industrial sites of at least 100 acres. In developing such a program, the Authority shall establish assessment guidelines and procedures for identification of industrial sites, resource requirements, and development oversight. The Authority shall invite participation by regional and industry stakeholders to assess potential sites, identify product shortfalls, and make recommendations to the Governor and General Assembly for marketing such sites, in alignment with the goals outlined in the Governor's economic development plan.

C. The Authority may encourage the import of products and services from international markets to the Commonwealth.

§ 2.2-2472. 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~~ *Department of Workforce Development and Advancement*, 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~~ *Department of Workforce Development and Advancement*. ~~The Virginia Employment Commission~~ *Department of Workforce Development and Advancement* 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;

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

679 12. Review and recommend industry credentials that align with high demand occupations, which
680 credentials shall include a credential that determines career readiness;

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

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

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

688 16. *Conduct or cause to be conducted, on a biennial basis, an independent evaluation of the*
689 *operational and program objectives of the Department of Workforce Development and Advancement and*
690 *submit a report to the Governor and the General Assembly summarizing such evaluation; and*

691 17. Perform any act or function in accordance with the purposes of this article.

692 B. The Board may establish such committees as it deems necessary

693 C. The Board, the Secretary of Labor, and the Governor's other Cabinet Secretaries shall assist the
694 Governor in complying with the provisions of the WIOA and ensuring the coordination and
695 effectiveness of all federal and state funded career and technical and adult education and workforce
696 development programs and providers within Virginia's Workforce System.

697 D. The Board shall assist the Governor in the following areas with respect to workforce
698 development: development of any combined state plan developed pursuant to the WIOA; development
699 and continuous improvement of a statewide workforce development system that ensures career readiness
700 and coordinates and aligns career and technical education, adult education, and federal and state
701 workforce programs; development of linkages to ensure coordination and nonduplication among
702 programs and activities; designation of local areas; development of local discretionary allocation
703 formulas; development and continuous improvement of comprehensive state performance measures
704 including, without limitation, performance measures reflecting the degree to which one-stop centers
705 provide comprehensive services with all mandatory partners and the degree to which local workforce
706 development boards have obtained funding from sources other than the WIOA; preparation of the annual
707 report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and
708 development of a statewide system of one-stop centers that provide comprehensive workforce services to
709 employers, employees, and job seekers.

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

711 E. Each local workforce development board shall develop and submit to the Governor and the Board
712 an annual workforce demand plan for its workforce development board area based on a survey of local
713 and regional businesses that reflects the local employers' needs and requirements and the availability of
714 trained workers to meet those needs and requirements. Local boards shall also designate or certify
715 one-stop operators; identify eligible providers of youth activities; develop a budget; conduct local
716 oversight of one-stop operators and training providers in partnership with its local chief elected official;
717 negotiate local performance measures, including incentives for good performance and penalties for
718 inadequate performance; assist in developing statewide employment statistics; coordinate workforce
719 development activities with economic development strategies and the annual demand plan, and develop
720 linkages among them; develop and enter into memoranda of understanding with one-stop partners and
721 implement the terms of such memoranda; promote participation by the private sector; actively seek
722 sources of financing in addition to WIOA funds; report performance statistics to the Board; and certify
723 local training providers in accordance with criteria provided by the Board. Further, a local training
724 provider certified by any workforce development board has reciprocal certification for all workforce
725 development boards.

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

735 G. Local workforce development boards are encouraged to implement pay-for-performance contract
736 strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model

to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-to-serve job seekers. At the discretion of the local workforce development board, funds to the extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance partnerships.

H. Each chief local elected official shall consult with the Governor regarding designation of local 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 Education and Work (VIEW) 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 Secretary of Labor shall be responsible for the coordination of the Virginia Workforce System and the implementation of the WIOA.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect

798 the bargaining position or negotiating strategy of the public body.

799 4. The protection of the privacy of individuals in personal matters not related to public business.

800 5. Discussion concerning a prospective business or industry or the expansion of an existing business
801 or industry where no previous announcement has been made of the business' or industry's interest in
802 locating or expanding its facilities in the community.

803 6. Discussion or consideration of the investment of public funds where competition or bargaining is
804 involved, where, if made public initially, the financial interest of the governmental unit would be
805 adversely affected.

806 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual
807 or probable litigation, where such consultation or briefing in open meeting would adversely affect the
808 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable
809 litigation" means litigation that has been specifically threatened or on which the public body or its legal
810 counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in
811 this subdivision shall be construed to permit the closure of a meeting merely because an attorney
812 representing the public body is in attendance or is consulted on a matter.

813 8. Consultation with legal counsel employed or retained by a public body regarding specific legal
814 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be
815 construed to permit the closure of a meeting merely because an attorney representing the public body is
816 in attendance or is consulted on a matter.

817 9. Discussion or consideration by governing boards of public institutions of higher education of
818 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or
819 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,
820 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and
821 accepted by a public institution of higher education in the Commonwealth shall be subject to public
822 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
823 (i) "foreign government" means any government other than the United States government or the
824 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
825 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of
826 the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
827 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created
828 under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a
829 citizen or national of the United States or a trust territory or protectorate thereof.

830 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
831 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,
832 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from
833 private sources.

834 11. Discussion or consideration of honorary degrees or special awards.

835 12. Discussion or consideration of tests, examinations, or other information used, administered, or
836 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

837 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
838 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement
839 filed by the member, provided the member may request in writing that the committee meeting not be
840 conducted in a closed meeting.

841 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
842 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
843 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating
844 position of the governing body or the establishment of the terms, conditions and provisions of the siting
845 agreement, or both. All discussions with the applicant or its representatives may be conducted in a
846 closed meeting.

847 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
848 activity and estimating general and nongeneral fund revenues.

849 16. Discussion or consideration of medical and mental health records subject to the exclusion in
850 subdivision 1 of § 2.2-3705.5.

851 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
852 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
853 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
854 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3
855 and subdivision 11 of § 2.2-3705.7.

856 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or
857 discloses the identity of, or information tending to identify, any prisoner who (i) provides information
858 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or
859 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official

renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

921 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within
922 the Department of Health Professions to the extent such discussions identify any practitioner who may
923 be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

924 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
925 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees
926 by or on behalf of individuals who have requested information about, applied for, or entered into
927 prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.)
928 of Title 23.1 is discussed.

929 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
930 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
931 § 56-484.12, related to the provision of wireless E-911 service.

932 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
933 Professional and Occupational Regulation, Department of Health Professions, or the Board of
934 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach
935 a decision or meetings of health regulatory boards or conference committees of such boards to consider
936 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
937 requested by either of the parties.

938 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of
939 § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are
940 defined in § 33.2-1800, or any independent review panel appointed to review information and advise the
941 responsible public entity concerning such records.

942 29. Discussion of the award of a public contract involving the expenditure of public funds, including
943 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
944 discussion in an open session would adversely affect the bargaining position or negotiating strategy of
945 the public body.

946 30. Discussion or consideration of grant or loan application information subject to the exclusion in
947 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

948 31. Discussion or consideration by the Commitment Review Committee of information subject to the
949 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually
950 violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

951 32. Discussion or consideration of confidential proprietary information and trade secrets developed
952 and held by a local public body providing certain telecommunication services or cable television services
953 and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
954 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et
955 seq.).

956 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
957 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
958 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

959 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting
960 security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

961 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
962 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative
963 files.

964 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
965 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and
966 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and
967 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or
968 recover scholarship awards.

969 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion
970 in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia
971 Port Authority.

972 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
973 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
974 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
975 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment
976 Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in
977 subdivision 24 of § 2.2-3705.7.

978 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of
979 § 2.2-3705.6 related to economic development.

980 40. Discussion or consideration by the Board of Education of information relating to the denial,
981 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

982 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created

by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other

1044 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
1045 obtain notice of the legal defect in their election.

1046 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
1047 more public bodies, or their representatives, but these conferences shall be subject to the same
1048 procedures for holding closed meetings as are applicable to any other public body.

1049 E. This section shall not be construed to (i) require the disclosure of any contract between the
1050 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1
1051 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant
1052 to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body
1053 empowered to issue industrial revenue bonds by general or special law, to identify a business or industry
1054 to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of
1055 public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance
1056 of such bonds.

1057 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

1058 A. As used in this section:

1059 "Age" means being an individual who is at least 40 years of age.

1060 "Domestic worker" means an individual who is compensated directly or indirectly for the
1061 performance of services of a household nature performed in or about a private home, including services
1062 performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids,
1063 housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides,
1064 personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include
1065 (i) a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in
1066 the child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an
1067 employee of a child day program; or (iii) any employee employed on a casual basis in domestic service
1068 employment to provide companionship services for individuals who, because of age or infirmity, are
1069 unable to care for themselves.

1070 "Employee" means an individual employed by an employer.

1071 "Employer" means a person employing (i) 15 or more employees for each working day in each of 20
1072 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or (ii)
1073 one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B 1
1074 on the basis of race, color, religion, national origin, military status, sex, sexual orientation, gender
1075 identity, marital status, disability, pregnancy, or childbirth or related medical conditions including
1076 lactation, "employer" means any person employing more than five persons or one or more domestic
1077 workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age,
1078 "employer" means any employer employing more than five but fewer than 20 persons.

1079 "Employment agency" means any person, or an agent of such person, regularly undertaking with or
1080 without compensation to procure employees for an employer or to procure for employees opportunities
1081 to work for an employer.

1082 "Joint apprenticeship committee" means the same as that term is defined in § 40.1-120 2.2-2044.

1083 "Labor organization" means an organization engaged in an industry, or an agent of such organization,
1084 that exists for the purpose, in whole or in part, of dealing with employers on behalf of employees
1085 concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of
1086 employment. "Labor organization" includes employee representation committees, groups, or associations
1087 in which employees participate.

1088 "Lactation" means a condition that may result in the feeding of a child directly from the breast or the
1089 expressing of milk from the breast.

1090 B. It is an unlawful discriminatory practice for:

1091 1. An employer to:

1092 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to
1093 such individual's compensation, terms, conditions, or privileges of employment because of such
1094 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1095 childbirth or related medical conditions including lactation, age, military status, disability, or national
1096 origin; or

1097 b. Limit, segregate, or classify employees or applicants for employment in any way that would
1098 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an
1099 individual's status as an employee, because of such individual's race, color, religion, sex, sexual
1100 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including
1101 lactation, age, military status, disability, or national origin.

1102 2. An employment agency to:

1103 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because of
1104 such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1105 childbirth or related medical conditions, age, military status, disability, or national origin; or

b. Classify or refer for employment any individual on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin.

3. A labor organization to:

a. Exclude or expel from its membership, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin;

b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect an individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin; or

c. Cause or attempt to cause an employer to discriminate against an individual in violation of subdivisions a or b.

4. An employer, labor organization, or joint apprenticeship committee to discriminate against any individual in any program to provide apprenticeship or other training program on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin.

5. An employer, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin.

6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin as a motivating factor for any employment practice, even though other factors also motivate the practice.

7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an employment agency or a joint apprenticeship committee controlling an apprenticeship or other training program to discriminate against any individual, or (iii) a labor organization to discriminate against any member thereof or applicant for membership because such individual has opposed any practice made an unlawful discriminatory practice by this chapter or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

8. An employer, labor organization, employment agency, or joint apprenticeship committee controlling an apprenticeship or other training program to print or publish, or cause to be printed or published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership in or any classification or referral for employment by such a labor organization, (iii) any classification or referral for employment by such an employment agency, or (iv) admission to, or employment in, any program established to provide apprenticeship or other training by such a joint apprenticeship committee that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, or national origin when religion, sex, age, or national origin is a bona fide occupational qualification for employment.

C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice:

1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship committee to admit or employ any individual in any apprenticeship or other training program on the basis of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular employer, employment agency, labor organization, or joint apprenticeship committee;

2. For an elementary or secondary school or institution of higher education to hire and employ employees of a particular religion if such elementary or secondary school or institution of higher education is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society or if the curriculum of such elementary or secondary school or institution of higher education is directed toward the propagation of a particular religion;

3. For an employer to apply different standards of compensation, or different terms, conditions, or

1167 privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures
1168 earnings by quantity or quality of production, or to employees who work in different locations, provided
1169 that such differences are not the result of an intention to discriminate because of race, color, religion,
1170 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
1171 conditions, age, military status, disability, or national origin;

1172 4. For an employer to give and to act upon the results of any professionally developed ability test,
1173 provided that such test, its administration, or an action upon the results is not designed, intended, or
1174 used to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital
1175 status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national
1176 origin;

1177 5. For an employer to provide reasonable accommodations related to disability, pregnancy, childbirth
1178 or related medical conditions, and lactation, when such accommodations are requested by the employee;
1179 or

1180 6. For an employer to condition employment or premises access based upon citizenship where the
1181 employer is subject to any requirement imposed in the interest of the national security of the United
1182 States under any security program in effect pursuant to or administered under any statute or regulation
1183 of the federal government or any executive order of the President of the United States.

1184 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor
1185 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any
1186 group because of such individual's or group's race, color, religion, sex, sexual orientation, gender
1187 identity, marital status, pregnancy, childbirth or related medical conditions, age, military status,
1188 disability, or national origin on account of an imbalance that may exist with respect to the total number
1189 or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity, marital
1190 status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national
1191 origin employed by any employer, referred or classified for employment by any employment agency or
1192 labor organization, admitted to membership or classified by any labor organization, or admitted to or
1193 employed in any apprenticeship or other training program, in comparison with the total number or
1194 percentage of persons of such race, color, religion, sex, sexual orientation, gender identity, marital status,
1195 pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin in
1196 any community.

1197 E. The provisions of this section shall not apply to the employment of individuals of a particular
1198 religion by a religious corporation, association, educational institution, or society to perform work
1199 associated with its activities.

1200 **§ 40.1-100. Certain employment prohibited or limited.**

1201 A. No child under 18 years of age shall be employed, permitted, or suffered to work:

1202 1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or establishment
1203 manufacturing or storing explosives or articles containing explosive components; in any occupation
1204 involving exposure to radioactive substances or to ionizing radiations including X-ray equipment;

1205 2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any
1206 power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven
1207 paper products machine, any circular saw, band saw or guillotine shear, or any power-driven
1208 woodworking machine;

1209 3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

1210 4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are
1211 used;

1212 5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred
1213 products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for
1214 consumption on the premises except in places (i) licensed pursuant to subdivision 6 of § 4.1-206.1,
1215 provided that a child employed at the premises shall not serve or dispense in any manner alcoholic
1216 beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually
1217 conducted, or to deliver alcoholic goods;

1218 6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking operations;

1219 7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who are
1220 at least 17 years of age may drive automobiles or trucks on public roadways if:

1221 a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is
1222 equipped with seat belts for the driver and any passengers, and the employer requires the employee to
1223 use the seatbelts when driving the automobile or truck;

1224 b. Driving is restricted to daylight hours;

1225 c. The employee has a valid State license for the type of driving involved and has no record of any
1226 moving violations at the time of hire;

1227 d. The employee has successfully completed a State-approved driver education course;

1228 e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii)

the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v) the transporting at any time of more than three passengers, including the employees of the employer;

f. The driving performed by the employee does not involve more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the employee's employer to a customer;

g. The driving performed by the employee does not involve more than two trips away from the primary place of employment in any single day for the purpose of transporting passengers, other than employees of the employer;

h. The driving takes place within a 30-mile radius of the employee's place of employment; and

i. The driving is only occasional and incidental to the employee's employment and involves no more than one third of the employee's work time in any workday and no more than 20 percent work time in any work week;

8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any occupation involving slaughtering, meatpacking, processing or rendering;

9. In any occupation determined and declared hazardous by rules and regulations promulgated by the Commissioner of Labor and Industry, except as otherwise provided in subsection D.

Notwithstanding the provisions of this section, children 16 years of age or older who are serving a voluntary apprenticeship as provided in ~~Chapter 6 (§ 40.1-117 et seq.) of this title~~ *Article 3 (§ 2.2-2044 et seq.) of Chapter 20.2 of Title 2.2* may be employed in any occupation in accordance with rules and regulations promulgated by the Commissioner.

B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89, no child under 16 years of age shall be employed, permitted or suffered to work:

1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home, clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly, or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse; in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office work of a clerical nature in bona fide office rooms in the above types of establishments.

2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair, floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not in or about such machines, and in soda fountains, restaurants and hotel and motel food service departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming pools and may be employed by concessionaires operating on beaches where their duties and work pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach equipment.

D. Notwithstanding any other provision of this chapter:

1. Children age 16 years or older employed on farms, in gardens or in orchards may operate, assist in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as defined in § 46.2-1099, in their employment;

2. Children age 14 years or older employed on farms, in gardens or in orchards may perform work as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively on a farm, in a garden or in an orchard;

3. Children age 16 years or older may participate in all activities of a volunteer fire company; however, any such child shall not enter a burning structure or a structure which contains burning materials prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into a structure that contains burning materials is during training necessary to attain certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs.

§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.

A. The provisions of this chapter shall not apply to:

1. Any governmental agency performing work with its own forces;

2. Work bid upon or undertaken for the armed services of the United States under the Armed Services Procurement Act;

3. Work bid upon or undertaken for the United States government on land under the exclusive jurisdiction of the federal government either by statute or deed of cession;

4. Work bid upon or undertaken for the Department of Transportation on the construction, reconstruction, repair, or improvement of any highway or bridge;

5. Any other persons who may be specifically excluded by other laws but only to such an extent as such laws provide;

6. Any material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;

7. Any person who performs or supervises the construction, removal, repair, or improvement of no more than one primary residence owned by him and for his own use during any 24-month period;

8. Any person who performs or supervises the construction, removal, repair, or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law;

9. Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use;

10. Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.);

11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer and the third party;

12. Work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes;

13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or sanitizing services incidental to the construction, removal, repair, or improvement of real property;

14. Any person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice as defined in § 40.1-120 2.2-2044; and

15. Work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at \$25,000 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building, or (iii) home improvement building contractor classification. However, any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified in accordance with this chapter.

All other contractors performing work for any government or for any governmental agency are subject to the provisions of this chapter and are required to be licensed as provided herein.

B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7, 10, 11, or 12 shall obtain a certificate of occupancy for any building constructed, repaired or improved by him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the property without a certificate of occupancy.

C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9, 10, 11, 12, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month period shall constitute a Class 6 felony.

§ 60.2-105. Publication and distribution of law, regulations, etc.

The Commission shall cause to be ~~printed~~ *readily available* for distribution to the public the text of this title, the Commission's regulations and general rules, its annual reports to the Governor, and any other material the Commission deems relevant and suitable. The Commission shall furnish these materials to any person upon request.

§ 60.2-111. Duties and powers of Commission; reporting requirements.

A. It shall be the duty of the Commission to administer this title. *The Commission may establish separate divisions as necessary to carry out the duties and powers prescribed by this section.* It shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action, including the appointment of advisory groups, as it deems necessary or suitable to that end. Such rules and regulations shall be subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2,

except as to the subject matter of subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner prescribed by § 2.2-4103. The Commission shall determine its own organization and methods of procedure in accordance with provisions of this title, and shall have an official seal which shall be judicially noticed.

B. *The Commission shall take all necessary steps to maintain a solvent trust fund financed through equitable employer taxes that provides temporary partial income replacement to involuntarily unemployed covered workers.*

C. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then-current taxes. That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make recommendations with respect thereto.

D. In preparing the annual balance sheet required by subsection B C, the Commission shall regularly track metrics related to unemployment insurance benefits, establish a mechanism to help assess the adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit income replacement ratios. The annual balance sheet shall include the following calculations: (i) the average unemployment insurance benefit levels, (ii) the average income replacement of unemployment insurance benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the Commonwealth.

E. The Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency Plan that describes specific actions the Commission will take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program. The Resiliency Plan shall include proposed actions consistent with the following objectives to effectively prepare for periods of high unemployment:

1. Develop specific strategies or steps the Commission will take to modify staffing levels in response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant positions such as adjudication and appeals staff.

2. Develop specific strategies or steps the Commission will take to modify policies, procedures, or processes in response to high demands on its services.

3. Outline a strategy for clearly communicating key UI program changes to customers. This strategy shall indicate which staff will be responsible for different types of communications and include several communications goals, such as clearly conveying UI program and policy changes.

4. Outline a strategy for clearly communicating important UI information to Commission staff, the public, and the General Assembly.

5. Formalize a policy for prioritizing and assigning claims for adjudication during periods of high claims volume. This policy shall detail how prioritization may change in response to claims volume and state that the policy of the Commission is to generally prioritize resolving older claims before newer claims.

6. Identify other tactical actions to be taken to ensure the continuity of UI claims processing and customer service.

§ 60.2-631. Board of Review.

A. The Commissioner, in his discretion, is hereby authorized to appoint a Board of Review consisting of three members, one of whom shall be designated chairman for a term of six years. The terms of the members first taking office shall be two, four, and six years, respectively, as designated by the Commissioner at the time of the appointment. Vacancies shall be filled by appointment by the Commissioner for the unexpired term. During his term of membership on the Board no member shall serve as an officer or committee member of any political organization. The members of the Board shall be compensated in a manner determined by the Commission. The Commission shall furnish the Board such stenographic and clerical assistance as the Board may require. All compensation of the members of the Board and all necessary expenses for the operation thereof shall be paid out of the administrative fund provided for in §§ 60.2-306 through 60.2-309, 60.2-307, and 60.2-308 and §§ 60.2-311 through, 60.2-312, and 60.2-313. The Commissioner may at any time, after notice and hearing, remove any member for cause. The Commissioner may, after thirty days' notice to the members of the Board and

1413 upon a finding that the Board is no longer needed, abolish the same.

1414 B. 1. The Board shall meet upon the call of the chairman. It shall have the same powers and perform
1415 the same functions vested in the Commission in this title for review of decisions by an appeal tribunal,
1416 including the power to administer oaths and affirmations, take depositions, certify to official acts, and
1417 issue subpoenas to compel the attendance of witnesses and the production of books, papers,
1418 correspondence, memoranda and other records deemed necessary as evidence in connection with
1419 disputed claims.

1420 2. The Board may hold its hearings in the county or city where the claimant was last employed,
1421 except that hearings involving the provisions of subdivision A 2 of § 60.2-612 shall be held in the
1422 county or city where the claimant was last employed. When the same or substantially similar evidence is
1423 relevant and material to matters in issue in claims by more than one individual or in claims by a single
1424 individual with respect to two or more weeks of unemployment, the same time and place for considering
1425 each such claim may be fixed, hearings thereon jointly conducted, and a single record of the
1426 proceedings made.

1427 C. The Commission may issue such regulations as it deems necessary for the procedure of the Board
1428 in the conduct of its hearings. During the time the Board is organized under authority of the
1429 Commissioner, the Commission shall have no jurisdiction under § 60.2-622. Any decision of the Board
1430 shall become final ten days after the date of notification or mailing and judicial review shall be
1431 permitted the claimant, the Commission or any interested party claiming to be aggrieved. In any judicial
1432 action involving any such decision the Commission shall be represented by the Office of the Attorney
1433 General. Any decision of the Board from which no judicial review is sought within the time prescribed
1434 in § 60.2-625 shall be conclusive against any party to the hearing before the Board and the Commission
1435 in any subsequent judicial proceedings involving liability for taxes under this title.

1436 D. Within the time specified in § 60.2-625 the Commission, or any party to the proceedings before
1437 the Board, may obtain judicial review by filing in the circuit court of the county or city in which the
1438 individual who filed the claim was last employed, in the Commonwealth, a petition for review of such
1439 decision. In any such proceeding any other party to the proceeding shall be made a party respondent.
1440 The Commission shall be deemed to be a party to any such proceeding. The petition need not be
1441 verified. A copy of such petition shall be served upon the Commission and each party to the proceeding
1442 held before the Board at least thirty days prior to the placing of the petition upon the docket. The
1443 mailing of a copy of such petition to each party at his last known address shall be sufficient service.
1444 The Commission shall file along with its petition or answer a certified copy of the record of the case,
1445 including all documents and papers and a transcript of all testimony taken in the matter, together with
1446 the Board's findings, conclusions and decision therein.

1447 E. In any proceeding under this section the Board's findings of facts, if supported by the evidence
1448 and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to
1449 questions of law. The court may order additional evidence to be taken by the Board, which such
1450 additional evidence, findings of fact or conclusions, together with the additional transcript of the record,
1451 shall be certified by the chairman of the Board and filed by him with the court. Such petition for review
1452 shall be heard in a summary manner and shall have preference over all other cases on the docket, except
1453 cases in which the Commonwealth is a party.

1454 F. An appeal may be taken from the decision of such court to the Court of Appeals in conformity
1455 with Part Five A of the Rules of Supreme Court and other applicable laws. From any such decision
1456 involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an
1457 employer or (iii) whether services performed for or in connection with the business of an employing unit
1458 constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review
1459 such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in
1460 any proceeding before the Board, to enter exceptions to its ruling, and no bond shall be required upon
1461 any appeal to any court. Upon the final determination of such judicial proceeding, the Board shall enter
1462 an order in accordance with such determination.

1463 2. That § 2.2-435.8, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 23.1-903.4, 60.2-110,
1464 60.2-113, 60.2-113.1, 60.2-309, and 60.2-310, and Chapter 4 (§§ 60.2-400, 60.2-400.1, and 60.2-401)
1465 of Title 60.2 of the Code of Virginia are repealed.

1466 3. That the Governor may transfer appropriations or portions thereof within the Virginia
1467 Community College System, the Virginia Employment Commission, the State Council of Higher
1468 Education for Virginia, the Department of Education, and the Department of Labor and Industry,
1469 or from any such agency to another, to support the changes in organization or responsibility
1470 resulting from moving the following programs to the Department of Workforce Development and
1471 Advancement established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act: (i)
1472 the Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) Titles I and III; (ii) the
1473 Trade Adjustment Assistance Program; (iii) the Jobs for Veterans State Grant program; (iv) the
1474 Reemployment Services and Eligibility Assessment program; (v) registered apprenticeship

programs and other apprenticeship programs; (vi) the Virginia Career Works Referral Portal and Workforce Data Trust; (vii) the Virginia Workforce Connection; (viii) labor market information services; (ix) Virginia Voyager; (x) the Innovative Internship Fund and Program; (xi) Network2Work; and (xii) the Hampton Roads Skilled Trades Rapid On-Ramp Network for Growth.

4. That the Governor may transfer any employee within the Virginia Community College System, the Virginia Employment Commission, the State Council of Higher Education for Virginia, and the Department of Labor and Industry, or from any such agency to another, to support the changes in organization or responsibility resulting from moving the programs listed in the third enactment of this act to the Department of Workforce Development and Advancement established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act.

5. That during the interim period between July 1, 2023, and the formal establishment of the Department of Workforce Development and Advancement (the Department), established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, the Virginia Employment Commission shall be responsible for conducting all necessary business functions assigned to the Department pursuant to this act. Formal establishment shall include appointment of the Director of the Department pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, and achievement of staffing levels adequate to allow the Department to independently accomplish such business functions as determined by the Director and the Secretary of Labor.

6. That the regulations of, the Virginia Community College System, the Virginia Employment Commission, the State Council of Higher Education for Virginia, and the Department of Labor and Industry relating to any program, service, or function be transferred to the Department of Workforce Development and Advancement (the Department), established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, shall be administered by the Department and shall remain in full force and effect until the Department promulgates regulations pursuant to this act.

7. That the first report required pursuant to subdivision A 16 of § 2.2-2472 of the Code of Virginia, as amended by this act, shall be submitted to the Governor and the General Assembly no later than December 1, 2025.

8. That the Secretary of Labor shall conduct a comprehensive review of the Commonwealth's workforce development programs and provide recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs, including (i) the adequacy of collaboration among such programs; (ii) the organization, powers, and duties of the Department of Workforce Development and Advancement, established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act; (iii) the operations of the local workforce investment boards and the geographic areas served by such boards; and (iv) the proper role of the Virginia Community College System in supporting workforce development efforts. The Secretary of Labor shall submit a preliminary report to the Governor and the General Assembly by November 30, 2023. The final report shall be submitted to the Governor and the General Assembly by June 30, 2025.

9. That the Secretary of Labor shall work with the Office of Data Governance and Analytics to assess existing data systems to identify system redundancies and a solution for a proposed "hub" technology.

10. That the Secretary of Labor (the Secretary) shall convene a stakeholder work group consisting of two members of the House of Delegates appointed by the Speaker of the House of Delegates, two members of the Senate of Virginia appointed by the Senate Committee on Rules, representatives from the agencies affected by the transfer of programs pursuant to this act, local workforce boards, the business community, and labor organizations, and any other representatives deemed appropriate by the Secretary, for the purpose of advising the Secretary during the program transition period from July 1, 2023, through September 30, 2024. The Secretary shall provide a progress report on the outcomes of the workgroup, the progress of the transition, the current and expected costs of transition, and the expected ongoing operational costs of the Department quarterly to the Governor and the General Assembly.

11. That, to the extent practicable, the Director of the Department of Workforce Development and Advancement (the Department), established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, or the Governance Council of the Workforce Data Trust may enter into a research agreement with the Office of Education and Labor Market Alignment on or before December 1, 2023, for the purposes of assisting the Governor, the Department, the Virginia Board of Workforce Development, and the General Assembly with research on the outcomes and performance of Virginia's workforce programs and their alignment to Virginia's labor market.

12. That the Secretaries of Finance and Labor shall provide periodic updates on the implementation of the provisions of this act to the Chairs of the Senate Committee on Finance and

1536 Appropriations and the House Committee on Appropriations.