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SENATE BILL NO. 661

Offered January 19, 2022

A *BILL to amend and reenact § 2.2-2472 of the Code of Virginia, relating to Virginia Board of Workforce Development; powers and duties; collaboration to develop apprenticeship program.*

 Patron—Lucas

 Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-2472 of the Code of Virginia is amended and reenacted as follows:****§ 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, along with other workforce partners, shall provide data to populate the tools and dashboard;

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

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

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

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

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

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

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

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

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

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

63 D. The Board shall assist the Governor in the following areas with respect to workforce
64 development: development of any combined state plan developed pursuant to the WIOA; development
65 and continuous improvement of a statewide workforce development system that ensures career readiness
66 and coordinates and aligns career and technical education, adult education, and federal and state
67 workforce programs; development of linkages to ensure coordination and nonduplication among
68 programs and activities; designation of local areas; development of local discretionary allocation
69 formulas; development and continuous improvement of comprehensive state performance measures
70 including, without limitation, performance measures reflecting the degree to which one-stop centers
71 provide comprehensive services with all mandatory partners and the degree to which local workforce
72 development boards have obtained funding from sources other than the WIOA; preparation of the annual
73 report to the U.S. Secretary of Labor; development of a statewide employment statistics system; ~~and~~
74 development of a statewide system of one-stop centers that provide comprehensive workforce services to
75 employers, employees, and job seekers; *and collaboration with the Department of Education and the*
76 *Secretaries of Labor, Education, and Commerce and Trade to develop and administer an office that*
77 *shall serve as the primary office for apprenticeship programs. The Department of Education and the*
78 *Secretaries of Labor, Education, and Commerce and Trade shall rely on data from the Office of*
79 *Education and Labor Market Alignment in developing apprenticeship programs that are based on*
80 *high-demand industry needs.*

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

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

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

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

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

119 I. Each local workforce development board shall develop and enter into a memorandum of
120 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.