

SENATE BILL NO. 1470

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on February 2, 2023)

(Patron Prior to Substitute--Senator Ruff)

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 5, 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, §§ 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 5, 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.

27 § 2.2-214.3. Responsibilities of the Secretary.

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

32 B. The Chief Workforce Development Officer's responsibilities as carried out by the Secretary of
33 Labor shall include:

34 1. Developing a strategic plan for the statewide delivery of workforce development and training
35 programs and activities. The strategic plan shall be developed in coordination with the development of the
36 comprehensive economic development policy required by § 2.2-205. The strategic plan shall include
37 mandatory performance measures for all workforce development programs across state government that
38 link the objectives of such programs and activities to the record of state agencies, local workforce
39 development boards, and other relevant entities in attaining such objectives. The Secretary shall have the
40 authority to require compliance with such mandatory performance measures by all workforce
41 development program administrators and providers across state government;

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

45 3. Ensuring that the Commonwealth's workforce development efforts are implemented in a
46 coordinated and efficient manner by, among other activities, taking appropriate executive action to this
47 end and recommending to the General Assembly necessary legislative actions to streamline and eliminate
48 duplication in such efforts;

49 ~~4. Facilitating~~ Providing oversight and directing efficient implementation of workforce
50 development and training programs by Cabinet Secretaries and agencies responsible for such programs;

51 5. Developing, in ~~coordination~~ consultation with the Virginia Board of Workforce Development,
52 (i) certification standards and metrics for programs and providers and (ii) uniform policies and procedures,
53 including standardized forms and applications, for one-stop centers;

54 6. Monitoring, in coordination with the Virginia Board of Workforce Development, the
55 effectiveness of each one-stop center and recommending actions needed to improve its effectiveness;

56 7. Establishing measures to evaluate the effectiveness of the local workforce development boards
57 and conducting annual evaluations of the effectiveness of each local workforce development board. As
58 part of the evaluation process, the Governor shall recommend to such boards specific best management
59 practices;

60 8. Conducting annual evaluations of the performance of workforce development and training
61 programs and activities across state government and their administrators and service providers using the
62 performance measures developed through the strategic planning process described in subdivision 1. The
63 evaluations shall include, to the extent feasible, (i) a comparison of the per-person costs for each program
64 or activity; (ii) a comparative rating of each program or activity based on its success in meeting program
65 objectives, consisting of individuals placed in jobs, jobs retained, and wages or earnings paid, as
66 determined by the Secretary; and (iii) an explanation of the extent to which each agency's appropriation
67 requests incorporate the data reflected in the cost comparison described in clause (i) and the comparative
68 rating described in clause (ii). These evaluations, including the comparative rankings, shall be considered
69 in allocating resources for workforce development and training programs. These evaluations shall be
70 submitted to the Chairmen of the House Committee on Labor and Commerce and the Senate Committee
71 on Commerce and Labor and included in the biennial reports pursuant to subdivision 10;

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

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

80 § 2.2-435.10. Administration of the Workforce Innovation and Opportunity Act; executive
81 summaries.

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

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

94 CHAPTER 20.2.

95 WORKFORCE DEVELOPMENT AND ADVANCEMENT.

96 Article 1.

97 General Provisions.

98 § 2.2-2035. Department of Workforce Development and Advancement; creation;
99 appointment of Director.

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

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

106 § 2.2-2036. Definitions.

- 107 As used in this chapter, unless the context requires a different meaning:
- 108 "Department" means the Department of Workforce Development and Advancement.
- 109 "Director" means the Director of Workforce Development and Advancement.
- 110 "Encrypted" means the same as that term is defined in § 18.2-186.6.
- 111 "Identifying information" means the same as that term is defined in § 18.2-186.3.
- 112 "Virginia Longitudinal Data System" means the multiagency partnership administered by the State
- 113 Council of Higher Education for Virginia pursuant to subdivision 9 of § 23.1-203.
- 114 "Virginia Workforce Data Trust" means a workforce database maintained by the Department in an
- 115 encrypted state in compliance with § 2.2-2009.
- 116 "Workforce development program" means a publicly funded education, training, and support
- 117 services program designed and administered to prepare and enable participants to enter into and advance
- 118 in careers. Such program may, but is not required to, lead to nondegree credentials and may fall under the
- 119 administrative functions of the Department or reside in other agencies.
- 120 "Workforce education and training program" means a workforce development program offered by
- 121 an education provider with the goal of providing an individual with a credential that leads to employment.
- 122 "Workforce services program" means a workforce development program that is primarily focused
- 123 on providing, coordinating, and supporting services to assist individuals attain employment, including
- 124 assistance with locating job opportunities, connecting to workforce education and training programs, and
- 125 coordinating with other available supportive services.
- 126 **§ 2.2-2037. Powers and duties of Department.**
- 127 The Department shall have the power and duty to:
- 128 1. Promulgate regulations necessary or incidental to the performance of duties or execution of
- 129 powers conferred under this chapter.
- 130 2. Establish a mission, goals, and objectives for the Department that align with the purpose of this
- 131 chapter, to create a unified system of workforce development for the Commonwealth.
- 132 3. Develop a strategy to inform and engage businesses on the workforce development programs
- 133 offered by the Department and ensure alignment of the Department's offerings to the needs of employers.

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

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

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

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

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

144 **§ 2.2-2038. State and federal cooperation.**

145 In the administration of this chapter, the Department shall cooperate with the U.S. Department of
146 Labor to the fullest extent consistent with the provisions of this chapter. The Department shall make such
147 reports, in such form and containing such information, as the U.S. Department of Labor may require and
148 shall comply with such provisions as the U.S. Department of Labor may find necessary to assure the
149 correctness and verification of such reports. The Department shall take such action, through the adoption
150 of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure to
151 the Commonwealth and its citizens all advantages available under the provisions of the federal Wagner-
152 Peyser Act (29 U.S.C. § 49 et seq.), the federal Workforce Innovation and Opportunity Act of 2014 (P.L.
153 113-128), and any other federal legislation executed with respect to workforce development and training.

154 **§ 2.2-2039. Reciprocal agreements.**

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

158 **§ 2.2-2040. Records and reports.**

159 A. Each workforce development program provider shall keep true and accurate training records
160 containing such information as the Department may prescribe. Such records shall be open to inspection

161 and be subject to being copied by the Department or its authorized representatives at any reasonable time
162 and as often as may be necessary. The Department may require from any workforce development program
163 provider any sworn or unsworn reports, with respect to persons employed by it, that the Department deems
164 necessary for the effective administration of this chapter.

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

175 Article 2.

176 Data Collection and Analytics.

177 **§ 2.2-2041. Workforce program evaluations; sharing of certain data; prohibited uses;**
178 **penalty.**

179 A. To the extent permitted under federal law, the agencies specified in subsection D shall share
180 data from within their respective databases to (i) develop meaningful analyses and evaluations of
181 workforce programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of §
182 2.2-214.3; (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and
183 efficiency across public workforce programs and partner organizations; (iv) enable the development of
184 comprehensive consumer-facing software applications; (v) support requirements for performance-driven
185 contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

186 B. Data shared pursuant to subsection A shall include only the identifying and attribute information
187 required to match entities across programs, support the coordination of services, and evaluate outcomes.

188 shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data,
189 the Governor or his designee shall maintain the data in an encrypted state pursuant to § 2.2-2009 and
190 restrict data sharing according to the Virginia Workforce Data Trust memorandum of understanding.

191 The agencies specified in subsection D shall enter into a memorandum of understanding supporting
192 the Virginia Workforce Data Trust and the associated application ecosystem. Such memorandum of
193 understanding shall include provisions for authorizing bona fide research requests that are related to the
194 data sharing referenced in subsection A. In accordance with the governance process defined in such
195 memorandum of understanding, the data sharing referenced in subsection A shall be accomplished by
196 integrating additional organizations, systems, data elements, and functionality into the Virginia Workforce
197 Data Trust.

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

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

- 203 1. Virginia Employment Commission: Unemployment Insurance;
- 204 2. Virginia Community College System: Adult Education and Family Literacy, Postsecondary
205 Career and Technical Education;
- 206 3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior
207 Community Services Employment Program;
- 208 4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;
- 209 5. Department of Education: Special Education and Career and Technical Education;
- 210 6. Department of Social Services: Supplemental Nutrition Assistance Program, Virginia Initiative
211 for Education and Work;
- 212 7. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;
- 213 8. Department of Juvenile Justice: Youth Industries and Institutional Work Programs, Career and
214 Technical Education Programs;

215 9. Department of Corrections: Career and Technical Education Programs;
216 10. The State Council of Higher Education for Virginia: certifications, certificates, and degrees;
217 11. Department of Veterans Services: Virginia Values Veterans;
218 12. Department of Workforce Development and Advancement: Apprenticeship, Job Service,
219 Reemployment Services and Eligibility Assessment program, Trade Adjustment Assistance Program Act,
220 Veterans Employment Training Programs, and Workforce Innovation and Opportunity Act of 2014 (P.L.
221 113-128) Titles I and III and other workforce development programs of the Department as determined by
222 the Director; and

223 13. Any other agencies as deemed necessary by the Secretary of Labor, Chief Data Officer, and
224 Director of the Department of Workforce Development and Advancement.

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

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

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

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

241 **§ 2.2-2042. Job placement and retention; reporting.**

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

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

247 Article 3.

248 Apprenticeships.

249 **§ 2.2-2043. Definitions.**

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

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

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

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

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

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

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

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

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

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

269 **§ 2.2-2044. Apprenticeship Council; membership and terms of office; meetings and duties.**

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

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

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

286 **§ 2.2-2045. Authority of Council.**

287 The Council may:

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

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

292 3. Review decisions of local joint apprenticeship committees relating to apprenticeship disputes
293 pursuant to subdivision C 3 of § 2.2-2047;

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

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

297 **§ 2.2-2046. Director to administer article; requirements for certain programs.**

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

300 B. The Director shall:

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

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

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

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

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

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

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

315 C. Any apprenticeship program designed to prepare individuals to engage in a career as a
316 tradesman shall be a program of registered apprenticeships that meet or exceed the U.S. Department of
317 Labor standards for registered apprenticeships and such program shall meet or exceed the standards that
318 were in place with the Apprenticeship Division of the Virginia Department of Labor and Industry as of
319 January 31, 2023. As used in this subsection, "tradesman" means an individual engaged in the electrical,
320 plumbing and heating, ventilation and air conditioning, carpentry, pipe fitting, boiler making, iron
321 working, steel working, or welding professions.

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

325 **§ 2.2-2047. Local and state joint apprenticeship committees.**

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

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

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

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

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

346 **§ 2.2-2048. Discrimination prohibitions for registered apprenticeship programs.**

347 A. Notwithstanding the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.), for
348 purposes of this article a sponsor of a registered apprenticeship program shall not discriminate against an

349 apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, sexual
350 orientation, gender identity, age if the age of the individual is 40 years of age or older, genetic information,
351 or disability.

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

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

360 2. Such individual has not fulfilled or has ceased to fulfill any requirement set forth in subdivision
361 1.

362 C. The sole remedy for a violation of subsection A shall be as provided in subdivision B 5 of §
363 2.2-2046.

364 **§ 2.2-2049. Requisites of apprentice agreement.**

365 Every apprentice agreement entered into under this article shall contain:

366 1. The names, signatures, and addresses of the contracting parties;

367 2. The date of birth of the apprentice;

368 3. The contact information of the program sponsor and the Division of Registered Apprenticeship;

369 4. A statement of the occupation or business that the apprentice is to be taught and the time at
370 which the apprenticeship will begin and end;

371 5. A statement showing the number of hours to be spent by the apprentice in work and the number
372 of hours to be spent in related or supplemental instruction;

373 6. A statement setting forth a schedule of the processes in the occupation or industry division in
374 which the apprentice is to be taught and the approximate time to be spent at each process;

375 7. A statement of the graduated scale of wages to be paid the apprentice and whether the required
376 related instruction shall be compensated;

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

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

385 10. A statement that the apprentice will be accorded equal opportunity in all phases of
386 apprenticeship employment and training without discrimination as provided in § 2.2-2048;

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

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

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

398 **§ 2.2-2050. Approval of apprentice agreement by Director; signing.**

399 No apprentice agreement under this article shall be effective until approved by the Director. Every
400 apprentice agreement shall be signed by the employer, or by an association of employers or an
401 organization of employees as provided in § 2.2-2052, and by the apprentice, and, if the apprentice is a

402 minor, by the minor's father or mother, provided, that if both father and mother are dead or legally
403 incapable of giving consent or have abandoned their children, then by the guardian of the minor.

404 **§ 2.2-2051. Apprentice agreement binding after apprentice's majority.**

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

408 **§ 2.2-2052. Apprentice agreement signed by organization of employers or of employees.**

409 For the purpose of providing greater diversity of training or continuity of employment, any
410 apprentice agreement made under this article may in the discretion of the Director be signed by an
411 association of employers or an organization of employees instead of by an individual employer. In such a
412 case, the apprentice agreement shall expressly provide that the association of employers or organization
413 of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure
414 employment and training for such apprentice with one or more employers that will accept full
415 responsibility, as herein provided, for all the terms and conditions of employment and training set forth in
416 the agreement between the apprentice and employer association or employee organization during the
417 period of each such employment. The apprentice agreement in such a case shall also expressly provide for
418 the transfer of the apprentice, subject to the approval of the Director, to such employer or employers as
419 shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or
420 guardian, as specified in § 2.2-2050, contracting to employ the apprentice for the whole or a definite part
421 of the total period of apprenticeship under the terms and conditions of employment and training set forth
422 in the agreement entered into between the apprentice and the employer association or employee
423 organization.

424 **§ 2.2-2053. Operation and application of article.**

425 Nothing in this article or in any apprentice agreement approved under this article shall invalidate
426 any apprenticeship provision in any collective agreement between employers and employees establishing
427 higher apprenticeship standards regarding ratios of apprentices to journeymen, probationary periods, or
428 length of the program. None of the terms or provisions of this article shall apply to any person, firm,

429 corporation, or craft unless, until, and only so long as such person, firm, corporation, or craft voluntarily
430 elects that the terms and provisions of this article shall apply.

431 Article 4.

432 Job Services.

433 **§ 2.2-2054. Virginia State Job Service; cooperation with U.S. Employment Service agencies.**

434 A. The Department shall have all rights, powers, and duties with respect to the establishment,
435 maintenance, and operation of free employment offices in the Commonwealth and shall possess, exercise,
436 and perform the same through a division known as the Virginia State Job Service. The Department through
437 the division shall establish and maintain free public employment offices in such number and in such places
438 as may be necessary for the proper administration of this chapter.

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

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

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

448 **§ 2.2-2055. Veterans Skills Database.**

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

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

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

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

464 **§ 2.2-2056. Employment stabilization.**

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

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

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

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

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

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

481 6. Establish the Interagency Migrant Worker Policy Committee (the Committee), comprised of
482 representatives from appropriate state agencies, including the Virginia Workers' Compensation

483 Commission, whose services and jurisdictions involve migrant and seasonal farmworkers and their
484 employees. All agencies of the Commonwealth shall be required to cooperate with the Committee upon
485 request.

486 **§ 2.2-2057. Human trafficking hotline; posted notice required.**

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

491 Article 5.

492 Office of Business Engagement and Outreach.

493 **§ 2.2-2058. Office of Business Engagement and Outreach.**

494 A. There is hereby established the Office of Business Engagement and Outreach (the Office) in
495 the Department to coordinate workforce programs and the business community to identify and align
496 workforce needs.

497 B. The Office shall regularly meet with the business community to identify labor market needs
498 and strategies to further strengthen the activities and supports provided by workforce development
499 programs.

500 C. The Office shall develop strategies with workforce programs to further align services and
501 delivery to ensure that all participants are aware of jobs available, wages and benefits in high demand
502 fields to help fill job shortages.

503 D. The Office shall provide professional development services to workforce programs on current
504 topics related to business and industry needs as they relate to employment opportunities.

505 **§ 2.2-2237.3. Division of Incentives.**

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

510 B. No project that includes an offer of economic development incentives by the Commonwealth,
511 including grants or loans from the Commonwealth's Development Opportunity Fund, shall be approved
512 by the Governor until (i) the Division of Incentives has undertaken appropriate due diligence regarding
513 the proposed project and the Secretary of Commerce and Trade has certified that the proposed incentives
514 to be offered are appropriate based on the investment and job creation anticipated to be generated by the
515 project and (ii) when required by § 30-310, the MEI Project Approval Commission has reviewed the
516 proposed incentives.

517 C. Any contract or memorandum of understanding for the award of economic development
518 incentives by the Commonwealth shall set forth the investment and job creation requirements for the
519 payment of the incentive and shall include a stipulation that the business beneficiary of the incentives shall
520 be liable for the repayment of all or a portion of the incentives to the Commonwealth if the business
521 beneficiary fails to make the required investments or create the required number of jobs. For purposes of
522 this section, an incentive awarded by the Commonwealth shall include an incentive awarded from a fund
523 operated by the Commonwealth, including the Commonwealth's Development Opportunity Fund. If it is
524 determined that a business beneficiary is liable for the repayment of all or a portion of an economic
525 development incentive awarded by the Commonwealth, the Board may refer the matter to the Office of
526 the Attorney General pursuant to § 2.2-518. Prior to the referral to the Office of the Attorney General, the
527 Board shall direct any political subdivision that is a party to the relevant contract or memorandum of
528 understanding to assign its rights to the Commonwealth arising under such contract or memorandum of
529 understanding in which the business beneficiary is liable to repay all or a portion of an economic
530 development incentive awarded by the Commonwealth. In any such matter referred to the Office of the
531 Attorney General, a business beneficiary liable to repay all or a portion of an economic development
532 incentive awarded by the Commonwealth shall also be liable to pay interest, administrative charges,
533 attorney fees, and other applicable fees.

534 D. Notwithstanding any other provision of law, approval of the Board shall be required to grant an
535 extension for an approved project to meet the investment and job creation requirements set forth in the

536 contract or memorandum of understanding. Notwithstanding any other provision of law, approval of both
537 the Board and the MEI Project Approval Commission shall be required to grant any additional extensions.

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

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

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

555 **§ 2.2-2238. Economic development services.**

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

- 559 1. See that there are prepared and carried out effective economic development marketing and
560 promotional programs;

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

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

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

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

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

573 7. Encourage the export of products and services from the Commonwealth to international
574 markets;

575 8. Advise, upon request, the State Board for Community Colleges in designating technical training
576 programs in Virginia's comprehensive community colleges for the Community College Incentive
577 Scholarship Program pursuant to former § 23-220.4;

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

581 10. Establish an Office of Education and Labor Market Alignment (the Office) to coordinate data
582 analysis on workforce and higher education alignment and translate data to partners. The Office shall
583 provide a unified, consistent and impartial source of information or analysis for policy development and
584 implementation related to ~~talent development~~ education, the labor market, and workforce development.
585 The Office shall partner with the State Council of Higher Education for Virginia, institutions of higher
586 education, the Virginia Department of Education, the Virginia Employment Commission, ~~GO Virginia~~
587 the Virginia Growth and Opportunity Board, the Department of Workforce Development and

588 Advancement, and other relevant entities to offer resources and expertise related to education, workforce
589 development, and labor market alignment. The Office shall communicate relevant information in a clear
590 and concise manner to enable policy and decision makers to navigate the complex connections between
591 education, workforce development, and labor market alignment.

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

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

601 **§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.**

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

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

609 2. Provide policy direction to local workforce development boards;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

657 D. The Board shall assist the Governor in the following areas with respect to workforce
658 development: development of any combined state plan developed pursuant to the WIOA; development
659 and continuous improvement of a statewide workforce development system that ensures career readiness
660 and coordinates and aligns career and technical education, adult education, and federal and state workforce
661 programs; development of linkages to ensure coordination and nonduplication among programs and
662 activities; designation of local areas; development of local discretionary allocation formulas; development
663 and continuous improvement of comprehensive state performance measures including, without limitation,
664 performance measures reflecting the degree to which one-stop centers provide comprehensive services
665 with all mandatory partners and the degree to which local workforce development boards have obtained
666 funding from sources other than the WIOA; preparation of the annual report to the U.S. Secretary of
667 Labor; development of a statewide employment statistics system; and development of a statewide system

668 of one-stop centers that provide comprehensive workforce services to employers, employees, and job
669 seekers.

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

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

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

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

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

707 I. Each local workforce development board shall develop and enter into a memorandum of
708 understanding concerning the operation of the one-stop delivery system in the local area with each entity
709 that carries out any of the following programs or activities:

- 710 1. Programs authorized under Title I of the WIOA;
- 711 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
- 712 3. Adult education and literacy activities authorized under Title II of the WIOA;
- 713 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
- 714 5. Postsecondary career and technical education activities authorized under the Carl D. Perkins
715 Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
- 716 6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et
717 seq.);
- 718 7. Activities pertaining to employment and training programs for veterans authorized under 38
719 U.S.C. § 4100 et seq.;
- 720 8. Programs authorized under Title 60.2, in accordance with applicable federal law;

721 9. Workforce development activities or work requirements of the Temporary Assistance to Needy
722 Families (TANF) program known in Virginia as the Virginia Initiative for Education and Work (VIEW)
723 established pursuant to § 63.2-608;

724 10. Workforce development activities or work programs authorized under the Food Stamp Act of
725 1977 (7 U.S.C. § 2011 et seq.);

726 11. Other programs or activities as required by the WIOA; and

727 12. Programs authorized under Title I of the WIOA.

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

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

733 L. The Secretary of Labor shall be responsible for the coordination of the Virginia Workforce
734 System and the implementation of the WIOA.

735 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

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

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

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

754 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
755 disposition of publicly held real property, where discussion in an open meeting would adversely affect the
756 bargaining position or negotiating strategy of the public body.

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

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

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

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

771 8. Consultation with legal counsel employed or retained by a public body regarding specific legal
772 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be

773 construed to permit the closure of a meeting merely because an attorney representing the public body is
774 in attendance or is consulted on a matter.

775 9. Discussion or consideration by governing boards of public institutions of higher education of
776 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or
777 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,
778 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and
779 accepted by a public institution of higher education in the Commonwealth shall be subject to public
780 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
781 (i) "foreign government" means any government other than the United States government or the
782 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
783 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the
784 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
785 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under
786 the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or
787 national of the United States or a trust territory or protectorate thereof.

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

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

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

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

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

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

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

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

813 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or
814 discloses the identity of, or information tending to identify, any prisoner who (i) provides information
815 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or
816 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
817 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

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

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

843 21. Those portions of meetings in which individual child death cases are discussed by the State
844 Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which
845 individual child death cases are discussed by a regional or local child fatality review team established
846 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by
847 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in
848 which individual adult death cases are discussed by the state Adult Fatality Review Team established
849 pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed
850 by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of
851 meetings in which individual death cases are discussed by overdose fatality review teams established
852 pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are

853 discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of
854 meetings in which individual death cases of persons with developmental disabilities are discussed by the
855 Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

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

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

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

879 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
880 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by
881 or on behalf of individuals who have requested information about, applied for, or entered into prepaid
882 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title
883 23.1 is discussed.

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

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

893 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-
894 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in
895 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
896 public entity concerning such records.

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

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

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

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

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

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

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

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

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

927 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
928 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
929 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
930 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory
931 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of
932 § 2.2-3705.7.

933 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-
934 3705.6 related to economic development.

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

937 41. Those portions of meetings of the Virginia Military Advisory Council or any commission
938 created by executive order for the purpose of studying and making recommendations regarding preventing
939 closure or realignment of federal military and national security installations and facilities located in
940 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization
941 appointed by a local governing body, during which there is discussion of information subject to the
942 exclusion in subdivision 8 of § 2.2-3705.2.

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

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

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

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

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

962 47. Discussion or consideration of grant, loan, or investment application records subject to the
963 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-
964 2351 et seq.) of Chapter 22.

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

968 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response
969 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses
970 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)
971 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to
972 §§ 15.2-1627.5 and 63.2-1605.

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

977 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic
978 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and
979 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of
980 § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B
981 of § 2.2-2040.

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

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

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

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

997 C. Public officers improperly selected due to the failure of the public body to comply with the
 998 other provisions of this section shall be de facto officers and, as such, their official actions are valid until
 999 they obtain notice of the legal defect in their election.

1000 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
 1001 more public bodies, or their representatives, but these conferences shall be subject to the same procedures
 1002 for holding closed meetings as are applicable to any other public body.

1003 E. This section shall not be construed to (i) require the disclosure of any contract between the
 1004 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§
 1005 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to
 1006 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered
 1007 to issue industrial revenue bonds by general or special law, to identify a business or industry to which
 1008 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record
 1009 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

1010 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

1011 A. As used in this section:

1012 "Age" means being an individual who is at least 40 years of age.

1013 "Domestic worker" means an individual who is compensated directly or indirectly for the
1014 performance of services of a household nature performed in or about a private home, including services
1015 performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids,
1016 housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides,
1017 personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include (i)
1018 a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in the
1019 child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an employee
1020 of a child day program; or (iii) any employee employed on a casual basis in domestic service employment
1021 to provide companionship services for individuals who, because of age or infirmity, are unable to care for
1022 themselves.

1023 "Employee" means an individual employed by an employer.

1024 "Employer" means a person employing (i) 15 or more employees for each working day in each of
1025 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or
1026 (ii) one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B
1027 1 on the basis of race, color, religion, national origin, military status, sex, sexual orientation, gender
1028 identity, marital status, disability, pregnancy, or childbirth or related medical conditions including
1029 lactation, "employer" means any person employing more than five persons or one or more domestic
1030 workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer"
1031 means any employer employing more than five but fewer than 20 persons.

1032 "Employment agency" means any person, or an agent of such person, regularly undertaking with
1033 or without compensation to procure employees for an employer or to procure for employees opportunities
1034 to work for an employer.

1035 "Joint apprenticeship committee" means the same as that term is defined in ~~§ 40.1-120~~ 2.2-2043.

1036 "Labor organization" means an organization engaged in an industry, or an agent of such
1037 organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of
1038 employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions

1039 of employment. "Labor organization" includes employee representation committees, groups, or
1040 associations in which employees participate.

1041 "Lactation" means a condition that may result in the feeding of a child directly from the breast or
1042 the expressing of milk from the breast.

1043 B. It is an unlawful discriminatory practice for:

1044 1. An employer to:

1045 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to
1046 such individual's compensation, terms, conditions, or privileges of employment because of such
1047 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1048 childbirth or related medical conditions including lactation, age, military status, disability, or national
1049 origin; or

1050 b. Limit, segregate, or classify employees or applicants for employment in any way that would
1051 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an
1052 individual's status as an employee, because of such individual's race, color, religion, sex, sexual
1053 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including
1054 lactation, age, military status, disability, or national origin.

1055 2. An employment agency to:

1056 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because
1057 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1058 childbirth or related medical conditions, age, military status, disability, or national origin; or

1059 b. Classify or refer for employment any individual on the basis of such individual's race, color,
1060 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
1061 conditions, age, military status, disability, or national origin.

1062 3. A labor organization to:

1063 a. Exclude or expel from its membership, or otherwise discriminate against, any individual because
1064 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1065 childbirth or related medical conditions, age, military status, disability, or national origin;

1066 b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to
1067 or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such
1068 individual of employment opportunities, or would limit such employment opportunities or otherwise
1069 adversely affect an individual's status as an employee or as an applicant for employment, because of such
1070 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1071 childbirth or related medical conditions, age, military status, disability, or national origin; or

1072 c. Cause or attempt to cause an employer to discriminate against an individual in violation of
1073 subdivisions a or b.

1074 4. An employer, labor organization, or joint apprenticeship committee to discriminate against any
1075 individual in any program to provide apprenticeship or other training program on the basis of such
1076 individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related
1077 medical conditions, age, military status, disability, or national origin.

1078 5. An employer, in connection with the selection or referral of applicants or candidates for
1079 employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the
1080 results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender
1081 identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability,
1082 or national origin.

1083 6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual
1084 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
1085 military status, disability, or national origin as a motivating factor for any employment practice, even
1086 though other factors also motivate the practice.

1087 7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an
1088 employment agency or a joint apprenticeship committee controlling an apprenticeship or other training
1089 program to discriminate against any individual, or (iii) a labor organization to discriminate against any
1090 member thereof or applicant for membership because such individual has opposed any practice made an
1091 unlawful discriminatory practice by this chapter or because such individual has made a charge, testified,
1092 assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

1093 8. An employer, labor organization, employment agency, or joint apprenticeship committee
1094 controlling an apprenticeship or other training program to print or publish, or cause to be printed or
1095 published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership
1096 in or any classification or referral for employment by such a labor organization, (iii) any classification or
1097 referral for employment by such an employment agency, or (iv) admission to, or employment in, any
1098 program established to provide apprenticeship or other training by such a joint apprenticeship committee
1099 that indicates any preference, limitation, specification, or discrimination based on race, color, religion,
1100 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions,
1101 age, military status, disability, or national origin, except that such a notice or advertisement may indicate
1102 a preference, limitation, specification, or discrimination based on religion, sex, age, or national origin
1103 when religion, sex, age, or national origin is a bona fide occupational qualification for employment.

1104 C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory
1105 practice:

1106 1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or
1107 refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or
1108 refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship
1109 committee to admit or employ any individual in any apprenticeship or other training program on the basis
1110 of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona
1111 fide occupational qualification reasonably necessary to the normal operation of that particular employer,
1112 employment agency, labor organization, or joint apprenticeship committee;

1113 2. For an elementary or secondary school or institution of higher education to hire and employ
1114 employees of a particular religion if such elementary or secondary school or institution of higher education
1115 is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by
1116 a particular religious corporation, association, or society or if the curriculum of such elementary or
1117 secondary school or institution of higher education is directed toward the propagation of a particular
1118 religion;

1119 3. For an employer to apply different standards of compensation, or different terms, conditions, or
1120 privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures
1121 earnings by quantity or quality of production, or to employees who work in different locations, provided
1122 that such differences are not the result of an intention to discriminate because of race, color, religion, sex,
1123 sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
1124 military status, disability, or national origin;

1125 4. For an employer to give and to act upon the results of any professionally developed ability test,
1126 provided that such test, its administration, or an action upon the results is not designed, intended, or used
1127 to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status,
1128 pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin;

1129 5. For an employer to provide reasonable accommodations related to disability, pregnancy,
1130 childbirth or related medical conditions, and lactation, when such accommodations are requested by the
1131 employee; or

1132 6. For an employer to condition employment or premises access based upon citizenship where the
1133 employer is subject to any requirement imposed in the interest of the national security of the United States
1134 under any security program in effect pursuant to or administered under any statute or regulation of the
1135 federal government or any executive order of the President of the United States.

1136 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor
1137 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any
1138 group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity,
1139 marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or
1140 national origin on account of an imbalance that may exist with respect to the total number or percentage
1141 of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1142 childbirth or related medical conditions, age, military status, disability, or national origin employed by
1143 any employer, referred or classified for employment by any employment agency or labor organization,
1144 admitted to membership or classified by any labor organization, or admitted to or employed in any
1145 apprenticeship or other training program, in comparison with the total number or percentage of persons of

1146 such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or
1147 related medical conditions, age, military status, disability, or national origin in any community.

1148 E. The provisions of this section shall not apply to the employment of individuals of a particular
1149 religion by a religious corporation, association, educational institution, or society to perform work
1150 associated with its activities.

1151 **§ 40.1-100. Certain employment prohibited or limited.**

1152 A. No child under 18 years of age shall be employed, permitted, or suffered to work:

1153 1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or
1154 establishment manufacturing or storing explosives or articles containing explosive components; in any
1155 occupation involving exposure to radioactive substances or to ionizing radiations including X-ray
1156 equipment;

1157 2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any
1158 power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven
1159 paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking
1160 machine;

1161 3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

1162 4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are
1163 used;

1164 5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred
1165 products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for
1166 consumption on the premises except in places (i) licensed pursuant to subdivision 6 of § 4.1-206.1,
1167 provided that a child employed at the premises shall not serve or dispense in any manner alcoholic
1168 beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually
1169 conducted, or to deliver alcoholic goods;

1170 6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking
1171 operations;

- 1172 7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who
1173 are at least 17 years of age may drive automobiles or trucks on public roadways if:
- 1174 a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is
1175 equipped with seat belts for the driver and any passengers, and the employer requires the employee to use
1176 the seatbelts when driving the automobile or truck;
 - 1177 b. Driving is restricted to daylight hours;
 - 1178 c. The employee has a valid State license for the type of driving involved and has no record of any
1179 moving violations at the time of hire;
 - 1180 d. The employee has successfully completed a State-approved driver education course;
 - 1181 e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii)
1182 the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v)
1183 the transporting at any time of more than three passengers, including the employees of the employer;
 - 1184 f. The driving performed by the employee does not involve more than two trips away from the
1185 primary place of employment in any single day for the purpose of delivering goods of the employee's
1186 employer to a customer;
 - 1187 g. The driving performed by the employee does not involve more than two trips away from the
1188 primary place of employment in any single day for the purpose of transporting passengers, other than
1189 employees of the employer;
 - 1190 h. The driving takes place within a 30-mile radius of the employee's place of employment; and
 - 1191 i. The driving is only occasional and incidental to the employee's employment and involves no
1192 more than one third of the employee's work time in any workday and no more than 20 percent work time
1193 in any work week;
- 1194 8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any
1195 occupation involving slaughtering, meatpacking, processing or rendering;
- 1196 9. In any occupation determined and declared hazardous by rules and regulations promulgated by
1197 the Commissioner of Labor and Industry, except as otherwise provided in subsection D.

1198 Notwithstanding the provisions of this section, children 16 years of age or older who are serving a
1199 voluntary apprenticeship as provided in ~~Chapter 6 (§ 40.1-117 et seq.) of this title~~ Article 3 (§ 2.2-2043 et
1200 seq.) of Chapter 20.2 of Title 2.2 may be employed in any occupation in accordance with rules and
1201 regulations promulgated by the Commissioner.

1202 B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89,
1203 no child under 16 years of age shall be employed, permitted or suffered to work:

1204 1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation
1205 of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home,
1206 clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly,
1207 or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse;
1208 in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or
1209 funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber
1210 yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office
1211 work of a clerical nature in bona fide office rooms in the above types of establishments.

1212 2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair,
1213 floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

1214 C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments
1215 in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics
1216 where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of
1217 age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not
1218 in or about such machines, and in soda fountains, restaurants and hotel and motel food service
1219 departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming
1220 pools and may be employed by concessionaires operating on beaches where their duties and work pertain
1221 to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach
1222 equipment.

1223 D. Notwithstanding any other provision of this chapter:

1224 1. Children age 16 years or older employed on farms, in gardens or in orchards may operate, assist
1225 in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as
1226 defined in § 46.2-1099, in their employment;

1227 2. Children age 14 years or older employed on farms, in gardens or in orchards may perform work
1228 as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively
1229 on a farm, in a garden or in an orchard;

1230 3. Children age 16 years or older may participate in all activities of a volunteer fire company;
1231 however, any such child shall not enter a burning structure or a structure which contains burning materials
1232 prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter
1233 standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into
1234 a structure that contains burning materials is during training necessary to attain certification under National
1235 Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of
1236 Fire Programs.

1237 **§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.**

1238 A. The provisions of this chapter shall not apply to:

1239 1. Any governmental agency performing work with its own forces;

1240 2. Work bid upon or undertaken for the armed services of the United States under the Armed
1241 Services Procurement Act;

1242 3. Work bid upon or undertaken for the United States government on land under the exclusive
1243 jurisdiction of the federal government either by statute or deed of cession;

1244 4. Work bid upon or undertaken for the Department of Transportation on the construction,
1245 reconstruction, repair, or improvement of any highway or bridge;

1246 5. Any other persons who may be specifically excluded by other laws but only to such an extent
1247 as such laws provide;

1248 6. Any material supplier who renders advice concerning use of products sold and who does not
1249 provide construction or installation services;

1250 7. Any person who performs or supervises the construction, removal, repair, or improvement of
1251 no more than one primary residence owned by him and for his own use during any 24-month period;

1252 8. Any person who performs or supervises the construction, removal, repair, or improvement of a
1253 house upon his own real property as a bona fide gift to a member of his immediate family provided such
1254 member lives in the house. For purposes of this section, "immediate family" includes one's mother, father,
1255 son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law;

1256 9. Any person who performs or supervises the repair or improvement of industrial or
1257 manufacturing facilities, or a commercial or retail building, for his own use;

1258 10. Any person who performs or supervises the repair or improvement of residential dwelling units
1259 owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.);

1260 11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary
1261 to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation
1262 to perform the contract extends to both the owner-developer and the third party;

1263 12. Work undertaken by students as part of a career and technical education project as defined in
1264 § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter
1265 13 of Title 22.1 for the construction of portable classrooms or single family homes;

1266 13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or
1267 sanitizing services incidental to the construction, removal, repair, or improvement of real property;

1268 14. Any person who is performing work directly under the supervision of a licensed contractor and
1269 is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a
1270 student enrolled in a career training or technical education program, or (iii) an apprentice as defined in §
1271 ~~40.1-120~~ 2.2-2043; and

1272 15. Work undertaken by a person providing construction, remodeling, repair, improvement,
1273 removal, or demolition valued at \$25,000 or less per project on behalf of a properly licensed contractor,
1274 provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building,
1275 or (iii) home improvement building contractor classification. However, any construction services that

1276 require an individual license or certification shall be rendered only by an individual licensed or certified
1277 in accordance with this chapter.

1278 All other contractors performing work for any government or for any governmental agency are
1279 subject to the provisions of this chapter and are required to be licensed as provided herein.

1280 B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7,
1281 10, 11, or 12 shall obtain a certificate of occupancy for any building constructed, repaired or improved by
1282 him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged
1283 in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the
1284 property without a certificate of occupancy.

1285 C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9,
1286 10, 11, 12, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building
1287 Code (§ 36-97 et seq.).

1288 D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1
1289 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month
1290 period shall constitute a Class 6 felony.

1291 **§ 60.2-105. Publication and distribution of law, regulations, etc.**

1292 The Commission shall cause to be ~~printed~~ readily available for distribution to the public the text
1293 of this title, the Commission's regulations and general rules, its annual reports to the Governor, and any
1294 other material the Commission deems relevant and suitable. The Commission shall furnish these materials
1295 to any person upon request.

1296 **§ 60.2-111. Duties and powers of Commission; reporting requirements.**

1297 A. It shall be the duty of the Commission to administer this title. The Commission may establish
1298 separate divisions as necessary to carry out the duties and powers prescribed by this section. It shall have
1299 power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make
1300 such expenditures, require such reports, make such investigations, and take such other action, including
1301 the appointment of advisory groups, as it deems necessary or suitable to that end. Such rules and
1302 regulations shall be subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, except as to

1303 the subject matter of subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner
1304 prescribed by § 2.2-4103. The Commission shall determine its own organization and methods of procedure
1305 in accordance with provisions of this title, and shall have an official seal which shall be judicially noticed.

1306 B. The Commission shall take all necessary steps to maintain a solvent trust fund financed through
1307 equitable employer taxes that provides temporary partial income replacement to involuntarily unemployed
1308 covered workers.

1309 C. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the
1310 Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if
1311 possible, a reserve against the liability in future years to pay benefits in excess of the then-current taxes.
1312 That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the
1313 basis of statistics of employment, business activity, and other relevant factors for the longest possible
1314 period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the
1315 solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make
1316 recommendations with respect thereto.

1317 ~~C.~~ D. In preparing the annual balance sheet required by subsection ~~B.~~ C., the Commission shall
1318 regularly track metrics related to unemployment insurance benefits, establish a mechanism to help assess
1319 the adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit
1320 income replacement ratios. The annual balance sheet shall include the following calculations: (i) the
1321 average unemployment insurance benefit levels, (ii) the average income replacement of unemployment
1322 insurance benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the
1323 Commonwealth.

1324 ~~D.~~ E. The Commission, as part of its biennial strategic plan submitted to the Department of
1325 Planning and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency
1326 Plan that describes specific actions the Commission will take, depending on the level of increase in
1327 unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of
1328 operations to ensure continued efficient and effective administration of the UI program. The Resiliency

1329 Plan shall include proposed actions consistent with the following objectives to effectively prepare for
1330 periods of high unemployment:

1331 1. Develop specific strategies or steps the Commission will take to modify staffing levels in
1332 response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing
1333 plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance
1334 services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high
1335 demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant
1336 positions such as adjudication and appeals staff.

1337 2. Develop specific strategies or steps the Commission will take to modify policies, procedures, or
1338 processes in response to high demands on its services.

1339 3. Outline a strategy for clearly communicating key UI program changes to customers. This
1340 strategy shall indicate which staff will be responsible for different types of communications and include
1341 several communications goals, such as clearly conveying UI program and policy changes.

1342 4. Outline a strategy for clearly communicating important UI information to Commission staff, the
1343 public, and the General Assembly.

1344 5. Formalize a policy for prioritizing and assigning claims for adjudication during periods of high
1345 claims volume. This policy shall detail how prioritization may change in response to claims volume and
1346 state that the policy of the Commission is to generally prioritize resolving older claims before newer
1347 claims.

1348 6. Identify other tactical actions to be taken to ensure the continuity of UI claims processing and
1349 customer service.

1350 **§ 60.2-631. Board of Review.**

1351 A. The Commissioner, in his discretion, is hereby authorized to appoint a Board of Review
1352 consisting of three members, one of whom shall be designated chairman for a term of six years. The terms
1353 of the members first taking office shall be two, four, and six years, respectively, as designated by the
1354 Commissioner at the time of the appointment. Vacancies shall be filled by appointment by the
1355 Commissioner for the unexpired term. During his term of membership on the Board no member shall

1356 serve as an officer or committee member of any political organization. The members of the Board shall
1357 be compensated in a manner determined by the Commission. The Commission shall furnish the Board
1358 such stenographic and clerical assistance as the Board may require. All compensation of the members of
1359 the Board and all necessary expenses for the operation thereof shall be paid out of the administrative fund
1360 provided for in §§ 60.2-306 ~~through 60.2-309~~, 60.2-307, and 60.2-308 and §§ 60.2-311 ~~through, 60.2-~~
1361 312, and 60.2-313. The Commissioner may at any time, after notice and hearing, remove any member for
1362 cause. The Commissioner may, after thirty days' notice to the members of the Board and upon a finding
1363 that the Board is no longer needed, abolish the same.

1364 B. 1. The Board shall meet upon the call of the chairman. It shall have the same powers and perform
1365 the same functions vested in the Commission in this title for review of decisions by an appeal tribunal,
1366 including the power to administer oaths and affirmations, take depositions, certify to official acts, and
1367 issue subpoenas to compel the attendance of witnesses and the production of books, papers,
1368 correspondence, memoranda and other records deemed necessary as evidence in connection with disputed
1369 claims.

1370 2. The Board may hold its hearings in the county or city where the claimant was last employed,
1371 except that hearings involving the provisions of subdivision A 2 of § 60.2-612 shall be held in the county
1372 or city where the claimant was last employed. When the same or substantially similar evidence is relevant
1373 and material to matters in issue in claims by more than one individual or in claims by a single individual
1374 with respect to two or more weeks of unemployment, the same time and place for considering each such
1375 claim may be fixed, hearings thereon jointly conducted, and a single record of the proceedings made.

1376 C. The Commission may issue such regulations as it deems necessary for the procedure of the
1377 Board in the conduct of its hearings. During the time the Board is organized under authority of the
1378 Commissioner, the Commission shall have no jurisdiction under § 60.2-622. Any decision of the Board
1379 shall become final ten days after the date of notification or mailing and judicial review shall be permitted
1380 the claimant, the Commission or any interested party claiming to be aggrieved. In any judicial action
1381 involving any such decision the Commission shall be represented by the Office of the Attorney General.
1382 Any decision of the Board from which no judicial review is sought within the time prescribed in § 60.2-

1383 625 shall be conclusive against any party to the hearing before the Board and the Commission in any
1384 subsequent judicial proceedings involving liability for taxes under this title.

1385 D. Within the time specified in § 60.2-625 the Commission, or any party to the proceedings before
1386 the Board, may obtain judicial review by filing in the circuit court of the county or city in which the
1387 individual who filed the claim was last employed, in the Commonwealth, a petition for review of such
1388 decision. In any such proceeding any other party to the proceeding shall be made a party respondent. The
1389 Commission shall be deemed to be a party to any such proceeding. The petition need not be verified. A
1390 copy of such petition shall be served upon the Commission and each party to the proceeding held before
1391 the Board at least thirty days prior to the placing of the petition upon the docket. The mailing of a copy of
1392 such petition to each party at his last known address shall be sufficient service. The Commission shall file
1393 along with its petition or answer a certified copy of the record of the case, including all documents and
1394 papers and a transcript of all testimony taken in the matter, together with the Board's findings, conclusions
1395 and decision therein.

1396 E. In any proceeding under this section the Board's findings of facts, if supported by the evidence
1397 and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to
1398 questions of law. The court may order additional evidence to be taken by the Board, which such additional
1399 evidence, findings of fact or conclusions, together with the additional transcript of the record, shall be
1400 certified by the chairman of the Board and filed by him with the court. Such petition for review shall be
1401 heard in a summary manner and shall have preference over all other cases on the docket, except cases in
1402 which the Commonwealth is a party.

1403 F. An appeal may be taken from the decision of such court to the Court of Appeals in conformity
1404 with Part Five A of the Rules of Supreme Court and other applicable laws. From any such decision
1405 involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an
1406 employer or (iii) whether services performed for or in connection with the business of an employing unit
1407 constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review
1408 such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in any
1409 proceeding before the Board, to enter exceptions to its ruling, and no bond shall be required upon any

1410 appeal to any court. Upon the final determination of such judicial proceeding, the Board shall enter an
1411 order in accordance with such determination.

1412 **2. That § 2.2-435.8, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, 60.2-110, 60.2-113, 60.2-**
1413 **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**
1414 **the Code of Virginia are repealed.**

1415 **3. That the Governor may transfer appropriations or portions thereof within the Virginia**
1416 **Community College System, the Virginia Employment Commission, the Department of Education,**
1417 **and the Department of Labor and Industry, or from any such agency to another, to support the**
1418 **changes in organization or responsibility resulting from moving the following programs to the**
1419 **Department of Workforce Development and Advancement established pursuant to § 2.2-2035 of the**
1420 **Code of Virginia, as created by this act: (i) the Workforce Innovation and Opportunity Act of 2014**
1421 **(P.L. 113-128) Titles I and III; (ii) the Trade Adjustment Assistance Program; (iii) the Jobs for**
1422 **Veterans State Grant program; (iv) the Reemployment Services and Eligibility Assessment**
1423 **program; (v) registered apprenticeship programs and other apprenticeship programs; (vi) the**
1424 **Virginia Career Works Referral Portal and Workforce Data Trust; (vii) the Virginia Workforce**
1425 **Connection; (viii) labor market information services; (ix) Virginia Voyager; (x) Network2Work;**
1426 **and (xi) the Hampton Roads Skilled Trades Rapid On-Ramp Network for Growth.**

1427 **4. That the Governor may transfer any employee within the Virginia Community College System,**
1428 **the Virginia Employment Commission, the State Council of Higher Education for Virginia, and the**
1429 **Department of Labor and Industry, or from any such agency to another, to support the changes in**
1430 **organization or responsibility resulting from moving the programs listed in the third enactment of**
1431 **this act to the Department of Workforce Development and Advancement established pursuant to §**
1432 **2.2-2035 of the Code of Virginia, as created by this act.**

1433 **5. That during the interim period between July 1, 2023, and the formal establishment of the**
1434 **Department of Workforce Development and Advancement (the Department), established pursuant**
1435 **to § 2.2-2035 of the Code of Virginia, as created by this act, the Virginia Employment Commission**
1436 **shall be responsible for conducting all necessary business functions assigned to the Department**

1437 pursuant to this act. Formal establishment shall include appointment of the Director of the
1438 Department pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, and achievement
1439 of staffing levels adequate to allow the Department to independently accomplish such business
1440 functions as determined by the Director and the Secretary of Labor.

1441 6. That the Secretaries of Finance and Labor from amounts appropriated to the Department of
1442 Workforce Development and Advancement (the Department), established pursuant to § 2.2-2035 of
1443 the Code of Virginia, as created by this act, shall approve disbursements prior to expenditure of
1444 funds. The Department shall only use such funds for the purpose of paying the costs related to the
1445 transition of workforce development programs, services, and functions to the Department in
1446 accordance with the provisions of this act.

1447 7. That the regulations of, the Virginia Community College System, the Virginia Employment
1448 Commission, and the Department of Labor and Industry relating to any program, service, or
1449 function be transferred to the Department of Workforce Development and Advancement (the
1450 Department), established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, shall
1451 be administered by the Department and shall remain in full force and effect until the Department
1452 promulgates regulations pursuant to this act.

1453 8. That the first report required pursuant to subdivision A 16 of § 2.2-2472 of the Code of Virginia,
1454 as amended by this act, shall be submitted to the Governor and the General Assembly no later than
1455 December 1, 2025.

1456 9. That the Secretary of Labor shall conduct a comprehensive review of the Commonwealth's
1457 workforce development programs and provide recommendations to address a wide range of
1458 subjects relating to improving the effectiveness and efficiency of such programs, including (i) the
1459 adequacy of collaboration among such programs; (ii) the organization, powers, and duties of the
1460 Department of Workforce Development and Advancement, established pursuant to § 2.2-2035 of
1461 the Code of Virginia, as created by this act; (iii) the operations of the local workforce investment
1462 boards and the geographic areas served by such boards; and (iv) the proper role of the Virginia
1463 Community College System in supporting workforce development efforts. The Secretary of Labor

1464 shall submit a preliminary report to the Governor and the General Assembly by November 30, 2023.

1465 The final report shall be submitted to the Governor and the General Assembly by June 30, 2025.

1466 10. That the Secretary of Labor shall work with the Office of Data Governance and Analytics to
1467 assess existing data systems to identify system redundancies and a solution for a proposed "hub"
1468 technology.

1469 11. That the Secretary of Labor (the Secretary) shall convene a stakeholder work group consisting
1470 of two members of the House of Delegates appointed by the Speaker of the House of Delegates, two
1471 members of the Senate of Virginia appointed by the Senate Committee on Rules, representatives
1472 from the agencies affected by the transfer of programs pursuant to this act, local workforce boards,
1473 the business community, labor organizations, and any other representatives deemed appropriate by
1474 the Secretary, for the purpose of advising the Secretary during the program transition period
1475 between July 1, 2023, through September 30, 2024. The Secretary of Labor shall provide a progress
1476 report on the outcomes of the workgroup, the progress of the transition, the current and expected
1477 costs of transition, the expected ongoing operational costs of the Department quarterly to the
1478 Governor and the General Assembly.

1479 12. That, to the extent practicable, the Director of the Department of Workforce Development and
1480 Advancement (the Department), established pursuant to § 2.2-2035 of the Code of Virginia, as
1481 created by this act, or the Governance Council of the Workforce Data Trust may enter into a
1482 research agreement with the Office of Education and Labor Market Alignment on or before
1483 December 1, 2023, for the purposes of assisting the Governor, the Department, the Virginia Board
1484 of Workforce Development, and the General Assembly with research on the outcomes and
1485 performance of Virginia's workforce programs and their alignment to Virginia's labor market.

1486 13. That the Secretaries of Finance and Labor shall provide periodic updates on the implementation
1487 of the provisions of this act to the Chairs of the Senate Committee on Finance and Appropriations
1488 and the House Committee on Appropriations.

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