

HOUSE BILL NO. 2195

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on _____)

(Patron Prior to Substitute--Delegate Byron)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

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 **§ 2.2-2041. Innovative Internship Fund and Program.**

176 A. There is hereby created in the state treasury a special nonreverting fund to be known as the
177 Innovative Internship Fund (the Fund). The Fund shall be established on the books of the Comptroller.
178 All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds
179 received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on
180 moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,
181 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain
182 in the Fund. Moneys in the Fund shall be used solely for the purposes of the Innovative Internship Program
183 established pursuant to subsection B. Expenditures and disbursements from the Fund shall be made by the
184 State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the
185 Department.

186 B. There is hereby established the Innovative Internship Program (the Program). The purpose of
187 the Program is to expand paid or credit-bearing student internship and other work-based learning

188 opportunities in collaboration with Virginia employers. The Program comprises institutional grants and a
189 statewide initiative to facilitate the readiness of students, employers, and institutions of higher education
190 to participate in internship and other work-based learning opportunities.

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

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

207 3. The Department shall partner with the Office of Education and Labor Market Alignment to
208 collect and utilize data that includes the gaps that are most significant in hindering the Commonwealth
209 from achieving the goals listed in subdivision 2. The Department and the Office of Education and Labor
210 Market Alignment shall identify, at minimum: (i) state or regional workforce needs for which the lack of
211 work-based learning opportunities is negatively impacting the success of regional economic growth and
212 diversification plans and (ii) degree programs, the graduates of which describe themselves as
213 underemployed, that would benefit from incorporating work-based learning into the curriculum. The
214 Department and the Office of Education and Labor Market Alignment shall use the needs and degree

215 programs identified in this subdivision to collaboratively determine priorities for (a) using the portion of
216 student financial aid authorized by the budget to be awarded as grants to students participating in work-
217 based learning; (b) redesigning of curricula at public institutions of higher education; (c) garnering
218 regional support and services to ensure the readiness of students and employers; (d) awarding grants to
219 institutions of higher education to ensure their readiness to support students through detailed planning and
220 implementation of best practices for scaling work-based learning; (e) providing or raising funds to provide
221 matching funds so that students with limited resources, who have traditionally participated in the Program
222 at lower rates, may intern at small Virginia-based employers; and (f) enhancing data collection and
223 analysis.

224

Article 2.

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Data Collection and Analytics.

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

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penalty.

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A. To the extent permitted under federal law, the agencies specified in subsection D shall share

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data from within their respective databases to (i) develop meaningful analyses and evaluations of

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workforce programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of §

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2.2-214.3; (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and

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efficiency across public workforce programs and partner organizations; (iv) enable the development of

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comprehensive consumer-facing software applications; (v) support requirements for performance-driven

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contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

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B. Data shared pursuant to subsection A shall include only the identifying and attribute information

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required to match entities across programs, support the coordination of services, and evaluate outcomes.

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shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data,

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the Governor or his designee shall maintain the data in an encrypted state pursuant to § 2.2-2009 and

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restrict data sharing according to the Virginia Workforce Data Trust memorandum of understanding.

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The agencies specified in subsection D shall enter into a memorandum of understanding supporting

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the Virginia Workforce Data Trust and the associated application ecosystem. Such memorandum of

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

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

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

252 1. Virginia Employment Commission: Unemployment Insurance;

253 2. Virginia Community College System: Postsecondary Career and Technical Education;

254 3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior
255 Community Services Employment Program;

256 4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;

257 5. Department of Education: Special Education and Career and Technical Education;

258 6. Department of Social Services: Supplemental Nutrition Assistance Program, Virginia Initiative
259 for Education and Work;

260 7. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;

261 8. Department of Juvenile Justice: Youth Industries and Institutional Work Programs, Career and
262 Technical Education Programs;

263 9. Department of Corrections: Career and Technical Education Programs;

264 10. The State Council of Higher Education for Virginia;

265 11. Department of Veterans Services: Virginia Values Veterans;

266 12. Department of Workforce Development and Advancement: Apprenticeship, Job Service,
267 Reemployment Services and Eligibility Assessment program, Trade Adjustment Assistance Program Act,
268 Veterans Employment Training Programs, Innovative Internship Program, Workforce Innovation and

269 Opportunity Act of 2014 (P.L. 113-128) Titles I and III, and other workforce development programs of
270 the Department as determined by the Director; and

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

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

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

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

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

288 **§ 2.2-2043. Job placement and retention; reporting.**

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

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

294 Article 3.

295 Apprenticeships.

296 **§ 2.2-2044. Definitions.**

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

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

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

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

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

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

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

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

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

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

316 **§ 2.2-2045. Apprenticeship Council; membership and terms of office; meetings and duties.**

317 A. The Governor shall appoint an Apprenticeship Council composed of four representatives each
318 from employer and employee organizations respectively and all of whom shall be familiar with
319 apprenticeable occupations. The Director, the Chancellor of the Virginia Community College System, or
320 their designated representatives, and a local superintendent from a school division that provides
321 apprenticeship-related instruction shall be ex officio members of the Apprenticeship Council. At the
322 beginning of each year, the Governor shall designate one member to serve as chairman. Each member

323 shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to
324 the expiration of the term of his predecessor shall be appointed for the remainder of such term. All
325 members, including ex officio members, shall have voting privileges.

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

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

333 **§ 2.2-2046. Authority of Council.**

334 The Council may:

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

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

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

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

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

344 **§ 2.2-2047. Director to administer article; requirements for certain programs.**

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

347 B. The Director shall:

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

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

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

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

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

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

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

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

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

372 **§ 2.2-2048. Local and state joint apprenticeship committees.**

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

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

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

385 1. To cooperate with school authorities in regard to the education of apprentices;

386 2. In accordance with standards established by the Apprenticeship Council, to establish local
387 standards of apprenticeship regarding schedule of operations, application of wage rates, working
388 conditions for apprentices, and the number of apprentices that shall be employed locally in the trade; and

389 3. To adjust apprenticeship disputes.

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

393 **§ 2.2-2049. Discrimination prohibitions for registered apprenticeship programs.**

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

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

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

407 2. Such individual has not fulfilled or has ceased to fulfill any requirement set forth in subdivision
408 1.

409 C. The sole remedy for a violation of subsection A shall be as provided in subdivision B 5 of §
410 2.2-2047.

411 **§ 2.2-2050. Requisites of apprentice agreement.**

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

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

414 2. The date of birth of the apprentice;

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

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

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

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

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

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

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

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

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

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

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

445 **§ 2.2-2051. Approval of apprentice agreement by Director; signing.**

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

451 **§ 2.2-2052. Apprentice agreement binding after apprentice's majority.**

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

455 **§ 2.2-2053. Apprentice agreement signed by organization of employers or of employees.**

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

471 **§ 2.2-2054. Operation and application of article.**

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

478 Article 4.

479 Job Services.

480 **§ 2.2-2055. Virginia State Job Service; cooperation with U.S. Employment Service agencies.**

481 A. The Department shall have all rights, powers, and duties with respect to the establishment,
482 maintenance, and operation of free employment offices in the Commonwealth and shall possess, exercise,

483 and perform the same through a division known as the Virginia State Job Service. The Department through
484 the division shall establish and maintain free public employment offices in such number and in such places
485 as may be necessary for the proper administration of this chapter.

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

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

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

495 **§ 2.2-2056. Veterans Skills Database.**

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

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

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

507 D. Any veteran may register with the Department to create a free profile on the Database in order
508 to supply information relating to his workforce skills and experience. Potential employers may register

509 with the Department to create a free profile in order to gain to access the Database for the purpose of
510 identifying potential employees with relevant workforce skills and experience.

511 **§ 2.2-2057. Employment stabilization.**

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

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

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

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

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

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

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

533 **§ 2.2-2058. Human trafficking hotline; posted notice required.**

534 Within each employment office, the Department shall post notice of the existence of a human
535 trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means

536 to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily
537 visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.

538 **§ 2.2-2237.3. Division of Incentives.**

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

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

550 C. Any contract or memorandum of understanding for the award of economic development
551 incentives by the Commonwealth shall set forth the investment and job creation requirements for the
552 payment of the incentive and shall include a stipulation that the business beneficiary of the incentives shall
553 be liable for the repayment of all or a portion of the incentives to the Commonwealth if the business
554 beneficiary fails to make the required investments or create the required number of jobs. For purposes of
555 this section, an incentive awarded by the Commonwealth shall include an incentive awarded from a fund
556 operated by the Commonwealth, including the Commonwealth's Development Opportunity Fund. If it is
557 determined that a business beneficiary is liable for the repayment of all or a portion of an economic
558 development incentive awarded by the Commonwealth, the Board may refer the matter to the Office of
559 the Attorney General pursuant to § 2.2-518. Prior to the referral to the Office of the Attorney General, the
560 Board shall direct any political subdivision that is a party to the relevant contract or memorandum of
561 understanding to assign its rights to the Commonwealth arising under such contract or memorandum of
562 understanding in which the business beneficiary is liable to repay all or a portion of an economic

563 development incentive awarded by the Commonwealth. In any such matter referred to the Office of the
564 Attorney General, a business beneficiary liable to repay all or a portion of an economic development
565 incentive awarded by the Commonwealth shall also be liable to pay interest, administrative charges,
566 attorney fees, and other applicable fees.

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

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

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

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

588 **§ 2.2-2238. Economic development services.**

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

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

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

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

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

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

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

606 7. Encourage the export of products and services from the Commonwealth to international
607 markets;

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

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

614 10. Establish an Office of Education and Labor Market Alignment (the Office) to coordinate data
615 analysis on workforce and higher education alignment and translate data to partners. The Office shall

616 provide a unified, consistent and impartial source of information or analysis for policy development and
617 implementation related to ~~talent development~~ education, the labor market, and workforce development.
618 The Office shall partner with the State Council of Higher Education for Virginia, institutions of higher
619 education, the Virginia Department of Education, the Virginia Employment Commission, ~~GO Virginia~~
620 the Virginia Growth and Opportunity Board, the Department of Workforce Development and
621 Advancement, and other relevant entities to offer resources and expertise related to education, workforce
622 development, and labor market alignment. The Office shall communicate relevant information in a clear
623 and concise manner to enable policy and decision makers to navigate the complex connections between
624 education, workforce development, and labor market alignment.

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

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

634 **§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.**

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

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

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

- 643 3. Assist the Governor in the development, implementation, and modification of any combined
644 state plan developed pursuant to the WIOA;
- 645 4. Identify current and emerging statewide workforce needs of the business community;
- 646 5. Forecast and identify training requirements for the new workforce;
- 647 6. Recommend strategies to match trained workers with available jobs to include strategies for
648 increasing business engagement in education and workforce development;
- 649 7. Evaluate the extent to which the state's workforce development programs emphasize education
650 and training opportunities that align with employers' workforce needs and labor market statistics and
651 report the findings of this analysis to the Governor every two years;
- 652 8. Advise and oversee the development of a strategic workforce dashboard and tools that will
653 inform the Governor, policy makers, system stakeholders, and the public on issues such as state and
654 regional labor market conditions, the relationship between the supply and demand for workers, workforce
655 program outcomes, and projected employment growth or decline. ~~The Virginia Employment Commission~~
656 Department of Workforce Development and Advancement, along with other workforce partners, shall
657 provide data to populate the tools and dashboard;
- 658 9. Determine and publish a list of jobs, trades, and professions for which high demand for qualified
659 workers exists or is projected by ~~the Virginia Employment Commission~~ Department of Workforce
660 Development and Advancement. ~~The Virginia Employment Commission~~ Department of Workforce
661 Development and Advancement shall support the Virginia Board of Workforce Development in making
662 such determination. Such information shall be published biennially and disseminated to employers;
663 education and training entities, including associate-degree-granting and baccalaureate public institutions
664 of higher education; government agencies, including the Department of Education and public libraries;
665 and other users in the public and private sectors;
- 666 10. Develop pay-for-performance contract strategy incentives for rapid reemployment services
667 consistent with the WIOA as an alternative model to traditional programs;
- 668 11. Conduct a review of budgets, which shall be submitted annually to the Board by each agency
669 conducting federal and state funded career and technical and adult education and workforce development

670 programs, that identify the agency's sources and expenditures of administrative, workforce education and
671 training, and support services for workforce development programs;

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

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

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

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

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

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

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

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

690 D. The Board shall assist the Governor in the following areas with respect to workforce
691 development: development of any combined state plan developed pursuant to the WIOA; development
692 and continuous improvement of a statewide workforce development system that ensures career readiness
693 and coordinates and aligns career and technical education, adult education, and federal and state workforce
694 programs; development of linkages to ensure coordination and nonduplication among programs and
695 activities; designation of local areas; development of local discretionary allocation formulas; development
696 and continuous improvement of comprehensive state performance measures including, without limitation,

697 performance measures reflecting the degree to which one-stop centers provide comprehensive services
698 with all mandatory partners and the degree to which local workforce development boards have obtained
699 funding from sources other than the WIOA; preparation of the annual report to the U.S. Secretary of
700 Labor; development of a statewide employment statistics system; and development of a statewide system
701 of one-stop centers that provide comprehensive workforce services to employers, employees, and job
702 seekers.

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

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

718 F. Each workforce development board shall develop and execute a strategic plan designed to
719 combine public and private resources to support sector strategies, career pathways, and career readiness
720 skills development. Such initiatives shall include or address (i) a regional vision for workforce
721 development; (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs
722 of incumbent and underemployed workers in the region; (iv) the development of partners and guidelines
723 for various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards

724 and metrics for operational delivery; (vi) alignment of monetary and other resources, including private
725 funds and in-kind contributions, to support the workforce development system; and (vii) the generation of
726 new sources of funding to support workforce development in the region.

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

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

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

- 743 1. Programs authorized under Title I of the WIOA;
- 744 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
- 745 3. Adult education and literacy activities authorized under Title II of the WIOA;
- 746 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
- 747 5. Postsecondary career and technical education activities authorized under the Carl D. Perkins
748 Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
- 749 6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et
750 seq.);

751 7. Activities pertaining to employment and training programs for veterans authorized under 38
752 U.S.C. § 4100 et seq.;

753 8. Programs authorized under Title 60.2, in accordance with applicable federal law;

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

757 10. Workforce development activities or work programs authorized under the Food Stamp Act of
758 1977 (7 U.S.C. § 2011 et seq.);

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

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

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

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

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

768 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

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

770 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
771 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
772 officers, appointees, or employees of any public body; and evaluation of performance of departments or
773 schools of public institutions of higher education where such evaluation will necessarily involve
774 discussion of the performance of specific individuals. Any teacher shall be permitted to be present during
775 a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the
776 teacher and some student and the student involved in the matter is present, provided the teacher makes a
777 written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision,

778 however, shall be construed to authorize a closed meeting by a local governing body or an elected school
779 board to discuss compensation matters that affect the membership of such body or board collectively.

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

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

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

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

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

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

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

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

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

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

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

828 13. Discussion, consideration, or review by the appropriate House or Senate committees of
829 possible disciplinary action against a member arising out of the possible inadequacy of the disclosure

830 statement filed by the member, provided the member may request in writing that the committee meeting
831 not be conducted in a closed meeting.

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

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

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

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

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

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

857 or plans related to the security of any governmental facility, building or structure, or the safety of persons
858 using such facility, building or structure.

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

876 21. Those portions of meetings in which individual child death cases are discussed by the State
877 Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which
878 individual child death cases are discussed by a regional or local child fatality review team established
879 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by
880 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in
881 which individual adult death cases are discussed by the state Adult Fatality Review Team established
882 pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed
883 by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of

884 meetings in which individual death cases are discussed by overdose fatality review teams established
885 pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are
886 discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of
887 meetings in which individual death cases of persons with developmental disabilities are discussed by the
888 Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

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

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

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

912 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
913 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by
914 or on behalf of individuals who have requested information about, applied for, or entered into prepaid
915 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title
916 23.1 is discussed.

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

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

926 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-
927 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in
928 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
929 public entity concerning such records.

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

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

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

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

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

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

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

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

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

960 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
961 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
962 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College

963 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory
964 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of
965 § 2.2-3705.7.

966 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-
967 3705.6 related to economic development.

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

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

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

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

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

986 45. Discussion or consideration of personal and proprietary information related to the resource
987 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii)
988 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records
989 that contain information that has been certified for release by the person who is the subject of the

990 information or transformed into a statistical or aggregate form that does not allow identification of the
991 person who supplied, or is the subject of, the information.

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

995 47. Discussion or consideration of grant, loan, or investment application records subject to the
996 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-
997 2351 et seq.) of Chapter 22.

998 48. Discussion or development of grant proposals by a regional council established pursuant to
999 Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and
1000 Opportunity Board.

1001 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response
1002 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses
1003 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)
1004 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to
1005 §§ 15.2-1627.5 and 63.2-1605.

1006 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
1007 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the
1008 portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to
1009 subdivision 33 of § 2.2-3705.7.

1010 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic
1011 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and
1012 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of
1013 § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B
1014 of § 2.2-2040.

1015 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership
1016 Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the
1017 Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

1018 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the
1019 denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or
1020 revocation of any license or permit related to casino gaming, and discussion, consideration, or review of
1021 matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

1022 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007
1023 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to
1024 sports betting and any discussion, consideration, or review of matters related to investigations excluded
1025 from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

1026 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
1027 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open
1028 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or
1029 motion that shall have its substance reasonably identified in the open meeting.

1030 C. Public officers improperly selected due to the failure of the public body to comply with the
1031 other provisions of this section shall be de facto officers and, as such, their official actions are valid until
1032 they obtain notice of the legal defect in their election.

1033 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
1034 more public bodies, or their representatives, but these conferences shall be subject to the same procedures
1035 for holding closed meetings as are applicable to any other public body.

1036 E. This section shall not be construed to (i) require the disclosure of any contract between the
1037 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§
1038 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to
1039 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered
1040 to issue industrial revenue bonds by general or special law, to identify a business or industry to which

1041 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record
1042 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

1043 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

1044 A. As used in this section:

1045 "Age" means being an individual who is at least 40 years of age.

1046 "Domestic worker" means an individual who is compensated directly or indirectly for the
1047 performance of services of a household nature performed in or about a private home, including services
1048 performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids,
1049 housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides,
1050 personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include (i)
1051 a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in the
1052 child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an employee
1053 of a child day program; or (iii) any employee employed on a casual basis in domestic service employment
1054 to provide companionship services for individuals who, because of age or infirmity, are unable to care for
1055 themselves.

1056 "Employee" means an individual employed by an employer.

1057 "Employer" means a person employing (i) 15 or more employees for each working day in each of
1058 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or
1059 (ii) one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B
1060 1 on the basis of race, color, religion, national origin, military status, sex, sexual orientation, gender
1061 identity, marital status, disability, pregnancy, or childbirth or related medical conditions including
1062 lactation, "employer" means any person employing more than five persons or one or more domestic
1063 workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer"
1064 means any employer employing more than five but fewer than 20 persons.

1065 "Employment agency" means any person, or an agent of such person, regularly undertaking with
1066 or without compensation to procure employees for an employer or to procure for employees opportunities
1067 to work for an employer.

1068 "Joint apprenticeship committee" means the same as that term is defined in § ~~40.1-120~~ 2.2-2044.

1069 "Labor organization" means an organization engaged in an industry, or an agent of such
1070 organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of
1071 employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions
1072 of employment. "Labor organization" includes employee representation committees, groups, or
1073 associations in which employees participate.

1074 "Lactation" means a condition that may result in the feeding of a child directly from the breast or
1075 the expressing of milk from the breast.

1076 B. It is an unlawful discriminatory practice for:

1077 1. An employer to:

1078 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to
1079 such individual's compensation, terms, conditions, or privileges of employment because of such
1080 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1081 childbirth or related medical conditions including lactation, age, military status, disability, or national
1082 origin; or

1083 b. Limit, segregate, or classify employees or applicants for employment in any way that would
1084 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an
1085 individual's status as an employee, because of such individual's race, color, religion, sex, sexual
1086 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including
1087 lactation, age, military status, disability, or national origin.

1088 2. An employment agency to:

1089 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because
1090 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1091 childbirth or related medical conditions, age, military status, disability, or national origin; or

1092 b. Classify or refer for employment any individual on the basis of such individual's race, color,
1093 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
1094 conditions, age, military status, disability, or national origin.

- 1095 3. A labor organization to:
- 1096 a. Exclude or expel from its membership, or otherwise discriminate against, any individual because
- 1097 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
- 1098 childbirth or related medical conditions, age, military status, disability, or national origin;
- 1099 b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to
- 1100 or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such
- 1101 individual of employment opportunities, or would limit such employment opportunities or otherwise
- 1102 adversely affect an individual's status as an employee or as an applicant for employment, because of such
- 1103 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
- 1104 childbirth or related medical conditions, age, military status, disability, or national origin; or
- 1105 c. Cause or attempt to cause an employer to discriminate against an individual in violation of
- 1106 subdivisions a or b.
- 1107 4. An employer, labor organization, or joint apprenticeship committee to discriminate against any
- 1108 individual in any program to provide apprenticeship or other training program on the basis of such
- 1109 individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related
- 1110 medical conditions, age, military status, disability, or national origin.
- 1111 5. An employer, in connection with the selection or referral of applicants or candidates for
- 1112 employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the
- 1113 results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender
- 1114 identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability,
- 1115 or national origin.
- 1116 6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual
- 1117 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
- 1118 military status, disability, or national origin as a motivating factor for any employment practice, even
- 1119 though other factors also motivate the practice.
- 1120 7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an
- 1121 employment agency or a joint apprenticeship committee controlling an apprenticeship or other training

1122 program to discriminate against any individual, or (iii) a labor organization to discriminate against any
1123 member thereof or applicant for membership because such individual has opposed any practice made an
1124 unlawful discriminatory practice by this chapter or because such individual has made a charge, testified,
1125 assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

1126 8. An employer, labor organization, employment agency, or joint apprenticeship committee
1127 controlling an apprenticeship or other training program to print or publish, or cause to be printed or
1128 published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership
1129 in or any classification or referral for employment by such a labor organization, (iii) any classification or
1130 referral for employment by such an employment agency, or (iv) admission to, or employment in, any
1131 program established to provide apprenticeship or other training by such a joint apprenticeship committee
1132 that indicates any preference, limitation, specification, or discrimination based on race, color, religion,
1133 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions,
1134 age, military status, disability, or national origin, except that such a notice or advertisement may indicate
1135 a preference, limitation, specification, or discrimination based on religion, sex, age, or national origin
1136 when religion, sex, age, or national origin is a bona fide occupational qualification for employment.

1137 C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory
1138 practice:

1139 1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or
1140 refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or
1141 refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship
1142 committee to admit or employ any individual in any apprenticeship or other training program on the basis
1143 of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona
1144 fide occupational qualification reasonably necessary to the normal operation of that particular employer,
1145 employment agency, labor organization, or joint apprenticeship committee;

1146 2. For an elementary or secondary school or institution of higher education to hire and employ
1147 employees of a particular religion if such elementary or secondary school or institution of higher education
1148 is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by

1149 a particular religious corporation, association, or society or if the curriculum of such elementary or
1150 secondary school or institution of higher education is directed toward the propagation of a particular
1151 religion;

1152 3. For an employer to apply different standards of compensation, or different terms, conditions, or
1153 privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures
1154 earnings by quantity or quality of production, or to employees who work in different locations, provided
1155 that such differences are not the result of an intention to discriminate because of race, color, religion, sex,
1156 sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
1157 military status, disability, or national origin;

1158 4. For an employer to give and to act upon the results of any professionally developed ability test,
1159 provided that such test, its administration, or an action upon the results is not designed, intended, or used
1160 to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status,
1161 pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin;

1162 5. For an employer to provide reasonable accommodations related to disability, pregnancy,
1163 childbirth or related medical conditions, and lactation, when such accommodations are requested by the
1164 employee; or

1165 6. For an employer to condition employment or premises access based upon citizenship where the
1166 employer is subject to any requirement imposed in the interest of the national security of the United States
1167 under any security program in effect pursuant to or administered under any statute or regulation of the
1168 federal government or any executive order of the President of the United States.

1169 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor
1170 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any
1171 group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity,
1172 marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or
1173 national origin on account of an imbalance that may exist with respect to the total number or percentage
1174 of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1175 childbirth or related medical conditions, age, military status, disability, or national origin employed by

1176 any employer, referred or classified for employment by any employment agency or labor organization,
1177 admitted to membership or classified by any labor organization, or admitted to or employed in any
1178 apprenticeship or other training program, in comparison with the total number or percentage of persons of
1179 such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or
1180 related medical conditions, age, military status, disability, or national origin in any community.

1181 E. The provisions of this section shall not apply to the employment of individuals of a particular
1182 religion by a religious corporation, association, educational institution, or society to perform work
1183 associated with its activities.

1184 **§ 40.1-100. Certain employment prohibited or limited.**

1185 A. No child under 18 years of age shall be employed, permitted, or suffered to work:

1186 1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or
1187 establishment manufacturing or storing explosives or articles containing explosive components; in any
1188 occupation involving exposure to radioactive substances or to ionizing radiations including X-ray
1189 equipment;

1190 2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any
1191 power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven
1192 paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking
1193 machine;

1194 3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

1195 4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are
1196 used;

1197 5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred
1198 products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for
1199 consumption on the premises except in places (i) licensed pursuant to subdivision 6 of § 4.1-206.1,
1200 provided that a child employed at the premises shall not serve or dispense in any manner alcoholic
1201 beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually
1202 conducted, or to deliver alcoholic goods;

1203 6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking
1204 operations;

1205 7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who
1206 are at least 17 years of age may drive automobiles or trucks on public roadways if:

1207 a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is
1208 equipped with seat belts for the driver and any passengers, and the employer requires the employee to use
1209 the seatbelts when driving the automobile or truck;

1210 b. Driving is restricted to daylight hours;

1211 c. The employee has a valid State license for the type of driving involved and has no record of any
1212 moving violations at the time of hire;

1213 d. The employee has successfully completed a State-approved driver education course;

1214 e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii)
1215 the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v)
1216 the transporting at any time of more than three passengers, including the employees of the employer;

1217 f. The driving performed by the employee does not involve more than two trips away from the
1218 primary place of employment in any single day for the purpose of delivering goods of the employee's
1219 employer to a customer;

1220 g. The driving performed by the employee does not involve more than two trips away from the
1221 primary place of employment in any single day for the purpose of transporting passengers, other than
1222 employees of the employer;

1223 h. The driving takes place within a 30-mile radius of the employee's place of employment; and

1224 i. The driving is only occasional and incidental to the employee's employment and involves no
1225 more than one third of the employee's work time in any workday and no more than 20 percent work time
1226 in any work week;

1227 8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any
1228 occupation involving slaughtering, meatpacking, processing or rendering;

1229 9. In any occupation determined and declared hazardous by rules and regulations promulgated by
1230 the Commissioner of Labor and Industry, except as otherwise provided in subsection D.

1231 Notwithstanding the provisions of this section, children 16 years of age or older who are serving a
1232 voluntary apprenticeship as provided in ~~Chapter 6 (§ 40.1-117 et seq.) of this title~~ Article 3 (§ 2.2-2044 et
1233 seq.) of Chapter 20.2 of Title 2.2 may be employed in any occupation in accordance with rules and
1234 regulations promulgated by the Commissioner.

1235 B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89,
1236 no child under 16 years of age shall be employed, permitted or suffered to work:

1237 1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation
1238 of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home,
1239 clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly,
1240 or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse;
1241 in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or
1242 funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber
1243 yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office
1244 work of a clerical nature in bona fide office rooms in the above types of establishments.

1245 2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair,
1246 floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

1247 C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments
1248 in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics
1249 where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of
1250 age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not
1251 in or about such machines, and in soda fountains, restaurants and hotel and motel food service
1252 departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming
1253 pools and may be employed by concessionaires operating on beaches where their duties and work pertain
1254 to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach
1255 equipment.

1256 D. Notwithstanding any other provision of this chapter:

1257 1. Children age 16 years or older employed on farms, in gardens or in orchards may operate, assist
1258 in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as
1259 defined in § 46.2-1099, in their employment;

1260 2. Children age 14 years or older employed on farms, in gardens or in orchards may perform work
1261 as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively
1262 on a farm, in a garden or in an orchard;

1263 3. Children age 16 years or older may participate in all activities of a volunteer fire company;
1264 however, any such child shall not enter a burning structure or a structure which contains burning materials
1265 prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter
1266 standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into
1267 a structure that contains burning materials is during training necessary to attain certification under National
1268 Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of
1269 Fire Programs.

1270 **§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.**

1271 A. The provisions of this chapter shall not apply to:

1272 1. Any governmental agency performing work with its own forces;

1273 2. Work bid upon or undertaken for the armed services of the United States under the Armed
1274 Services Procurement Act;

1275 3. Work bid upon or undertaken for the United States government on land under the exclusive
1276 jurisdiction of the federal government either by statute or deed of cession;

1277 4. Work bid upon or undertaken for the Department of Transportation on the construction,
1278 reconstruction, repair, or improvement of any highway or bridge;

1279 5. Any other persons who may be specifically excluded by other laws but only to such an extent
1280 as such laws provide;

1281 6. Any material supplier who renders advice concerning use of products sold and who does not
1282 provide construction or installation services;

1283 7. Any person who performs or supervises the construction, removal, repair, or improvement of
1284 no more than one primary residence owned by him and for his own use during any 24-month period;

1285 8. Any person who performs or supervises the construction, removal, repair, or improvement of a
1286 house upon his own real property as a bona fide gift to a member of his immediate family provided such
1287 member lives in the house. For purposes of this section, "immediate family" includes one's mother, father,
1288 son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law;

1289 9. Any person who performs or supervises the repair or improvement of industrial or
1290 manufacturing facilities, or a commercial or retail building, for his own use;

1291 10. Any person who performs or supervises the repair or improvement of residential dwelling units
1292 owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.);

1293 11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary
1294 to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation
1295 to perform the contract extends to both the owner-developer and the third party;

1296 12. Work undertaken by students as part of a career and technical education project as defined in
1297 § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter
1298 13 of Title 22.1 for the construction of portable classrooms or single family homes;

1299 13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or
1300 sanitizing services incidental to the construction, removal, repair, or improvement of real property;

1301 14. Any person who is performing work directly under the supervision of a licensed contractor and
1302 is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a
1303 student enrolled in a career training or technical education program, or (iii) an apprentice as defined in §
1304 ~~40.1-120~~ 2.2-2044; and

1305 15. Work undertaken by a person providing construction, remodeling, repair, improvement,
1306 removal, or demolition valued at \$25,000 or less per project on behalf of a properly licensed contractor,
1307 provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building,
1308 or (iii) home improvement building contractor classification. However, any construction services that

1309 require an individual license or certification shall be rendered only by an individual licensed or certified
1310 in accordance with this chapter.

1311 All other contractors performing work for any government or for any governmental agency are
1312 subject to the provisions of this chapter and are required to be licensed as provided herein.

1313 B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7,
1314 10, 11, or 12 shall obtain a certificate of occupancy for any building constructed, repaired or improved by
1315 him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged
1316 in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the
1317 property without a certificate of occupancy.

1318 C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9,
1319 10, 11, 12, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building
1320 Code (§ 36-97 et seq.).

1321 D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1
1322 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month
1323 period shall constitute a Class 6 felony.

1324 **§ 60.2-105. Publication and distribution of law, regulations, etc.**

1325 The Commission shall cause to be ~~printed~~ readily available for distribution to the public the text
1326 of this title, the Commission's regulations and general rules, its annual reports to the Governor, and any
1327 other material the Commission deems relevant and suitable. The Commission shall furnish these materials
1328 to any person upon request.

1329 **§ 60.2-111. Duties and powers of Commission; reporting requirements.**

1330 A. It shall be the duty of the Commission to administer this title. The Commission may establish
1331 separate divisions as necessary to carry out the duties and powers prescribed by this section. It shall have
1332 power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make
1333 such expenditures, require such reports, make such investigations, and take such other action, including
1334 the appointment of advisory groups, as it deems necessary or suitable to that end. Such rules and
1335 regulations shall be subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, except as to

1336 the subject matter of subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner
1337 prescribed by § 2.2-4103. The Commission shall determine its own organization and methods of procedure
1338 in accordance with provisions of this title, and shall have an official seal which shall be judicially noticed.

1339 B. The Commission shall take all necessary steps to maintain a solvent trust fund financed through
1340 equitable employer taxes that provides temporary partial income replacement to involuntarily unemployed
1341 covered workers.

1342 C. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the
1343 Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if
1344 possible, a reserve against the liability in future years to pay benefits in excess of the then-current taxes.
1345 That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the
1346 basis of statistics of employment, business activity, and other relevant factors for the longest possible
1347 period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the
1348 solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make
1349 recommendations with respect thereto.

1350 ~~C.~~ D. In preparing the annual balance sheet required by subsection ~~B.~~ C., the Commission shall
1351 regularly track metrics related to unemployment insurance benefits, establish a mechanism to help assess
1352 the adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit
1353 income replacement ratios. The annual balance sheet shall include the following calculations: (i) the
1354 average unemployment insurance benefit levels, (ii) the average income replacement of unemployment
1355 insurance benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the
1356 Commonwealth.

1357 ~~D.~~ E. The Commission, as part of its biennial strategic plan submitted to the Department of
1358 Planning and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency
1359 Plan that describes specific actions the Commission will take, depending on the level of increase in
1360 unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of
1361 operations to ensure continued efficient and effective administration of the UI program. The Resiliency

1362 Plan shall include proposed actions consistent with the following objectives to effectively prepare for
1363 periods of high unemployment:

1364 1. Develop specific strategies or steps the Commission will take to modify staffing levels in
1365 response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing
1366 plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance
1367 services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high
1368 demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant
1369 positions such as adjudication and appeals staff.

1370 2. Develop specific strategies or steps the Commission will take to modify policies, procedures, or
1371 processes in response to high demands on its services.

1372 3. Outline a strategy for clearly communicating key UI program changes to customers. This
1373 strategy shall indicate which staff will be responsible for different types of communications and include
1374 several communications goals, such as clearly conveying UI program and policy changes.

1375 4. Outline a strategy for clearly communicating important UI information to Commission staff, the
1376 public, and the General Assembly.

1377 5. Formalize a policy for prioritizing and assigning claims for adjudication during periods of high
1378 claims volume. This policy shall detail how prioritization may change in response to claims volume and
1379 state that the policy of the Commission is to generally prioritize resolving older claims before newer
1380 claims.

1381 6. Identify other tactical actions to be taken to ensure the continuity of UI claims processing and
1382 customer service.

1383 **§ 60.2-631. Board of Review.**

1384 A. The Commissioner, in his discretion, is hereby authorized to appoint a Board of Review
1385 consisting of three members, one of whom shall be designated chairman for a term of six years. The terms
1386 of the members first taking office shall be two, four, and six years, respectively, as designated by the
1387 Commissioner at the time of the appointment. Vacancies shall be filled by appointment by the
1388 Commissioner for the unexpired term. During his term of membership on the Board no member shall

1389 serve as an officer or committee member of any political organization. The members of the Board shall
1390 be compensated in a manner determined by the Commission. The Commission shall furnish the Board
1391 such stenographic and clerical assistance as the Board may require. All compensation of the members of
1392 the Board and all necessary expenses for the operation thereof shall be paid out of the administrative fund
1393 provided for in §§ 60.2-306 ~~through 60.2-309~~, 60.2-307, and 60.2-308 and §§ 60.2-311 ~~through, 60.2-~~
1394 312, and 60.2-313. The Commissioner may at any time, after notice and hearing, remove any member for
1395 cause. The Commissioner may, after thirty days' notice to the members of the Board and upon a finding
1396 that the Board is no longer needed, abolish the same.

1397 B. 1. The Board shall meet upon the call of the chairman. It shall have the same powers and perform
1398 the same functions vested in the Commission in this title for review of decisions by an appeal tribunal,
1399 including the power to administer oaths and affirmations, take depositions, certify to official acts, and
1400 issue subpoenas to compel the attendance of witnesses and the production of books, papers,
1401 correspondence, memoranda and other records deemed necessary as evidence in connection with disputed
1402 claims.

1403 2. The Board may hold its hearings in the county or city where the claimant was last employed,
1404 except that hearings involving the provisions of subdivision A 2 of § 60.2-612 shall be held in the county
1405 or city where the claimant was last employed. When the same or substantially similar evidence is relevant
1406 and material to matters in issue in claims by more than one individual or in claims by a single individual
1407 with respect to two or more weeks of unemployment, the same time and place for considering each such
1408 claim may be fixed, hearings thereon jointly conducted, and a single record of the proceedings made.

1409 C. The Commission may issue such regulations as it deems necessary for the procedure of the
1410 Board in the conduct of its hearings. During the time the Board is organized under authority of the
1411 Commissioner, the Commission shall have no jurisdiction under § 60.2-622. Any decision of the Board
1412 shall become final ten days after the date of notification or mailing and judicial review shall be permitted
1413 the claimant, the Commission or any interested party claiming to be aggrieved. In any judicial action
1414 involving any such decision the Commission shall be represented by the Office of the Attorney General.
1415 Any decision of the Board from which no judicial review is sought within the time prescribed in § 60.2-

1416 625 shall be conclusive against any party to the hearing before the Board and the Commission in any
1417 subsequent judicial proceedings involving liability for taxes under this title.

1418 D. Within the time specified in § 60.2-625 the Commission, or any party to the proceedings before
1419 the Board, may obtain judicial review by filing in the circuit court of the county or city in which the
1420 individual who filed the claim was last employed, in the Commonwealth, a petition for review of such
1421 decision. In any such proceeding any other party to the proceeding shall be made a party respondent. The
1422 Commission shall be deemed to be a party to any such proceeding. The petition need not be verified. A
1423 copy of such petition shall be served upon the Commission and each party to the proceeding held before
1424 the Board at least thirty days prior to the placing of the petition upon the docket. The mailing of a copy of
1425 such petition to each party at his last known address shall be sufficient service. The Commission shall file
1426 along with its petition or answer a certified copy of the record of the case, including all documents and
1427 papers and a transcript of all testimony taken in the matter, together with the Board's findings, conclusions
1428 and decision therein.

1429 E. In any proceeding under this section the Board's findings of facts, if supported by the evidence
1430 and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to
1431 questions of law. The court may order additional evidence to be taken by the Board, which such additional
1432 evidence, findings of fact or conclusions, together with the additional transcript of the record, shall be
1433 certified by the chairman of the Board and filed by him with the court. Such petition for review shall be
1434 heard in a summary manner and shall have preference over all other cases on the docket, except cases in
1435 which the Commonwealth is a party.

1436 F. An appeal may be taken from the decision of such court to the Court of Appeals in conformity
1437 with Part Five A of the Rules of Supreme Court and other applicable laws. From any such decision
1438 involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an
1439 employer or (iii) whether services performed for or in connection with the business of an employing unit
1440 constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review
1441 such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in any
1442 proceeding before the Board, to enter exceptions to its ruling, and no bond shall be required upon any

1443 appeal to any court. Upon the final determination of such judicial proceeding, the Board shall enter an
1444 order in accordance with such determination.

1445 **2. That § 2.2-435.8, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 23.1-903.4, 60.2-110,**
1446 **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)**
1447 **of Title 60.2 of the Code of Virginia are repealed.**

1448 **3. That the Governor may transfer appropriations or portions thereof within the Virginia**
1449 **Community College System, the Virginia Employment Commission, the State Council of Higher**
1450 **Education for Virginia, the Department of Education, and the Department of Labor and Industry,**
1451 **or from any such agency to another, to support the changes in organization or responsibility**
1452 **resulting from moving the following programs to the Department of Workforce Development and**
1453 **Advancement established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act: (i)**
1454 **the Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) Titles I and III; (ii) the Trade**
1455 **Adjustment Assistance Program; (iii) the Jobs for Veterans State Grant program; (iv) the**
1456 **Reemployment Services and Eligibility Assessment program; (v) registered apprenticeship**
1457 **programs and other apprenticeship programs; (vi) the Virginia Career Works Referral Portal and**
1458 **Workforce Data Trust; (vii) the Virginia Workforce Connection; (viii) labor market information**
1459 **services; (ix) Virginia Voyager; (x) the Innovative Internship Fund and Program; (xi)**
1460 **Network2Work; and (xii) the Hampton Roads Skilled Trades Rapid On-Ramp Network for**
1461 **Growth.**

1462 **4. That the Governor may transfer any employee within the Virginia Community College System,**
1463 **the Virginia Employment Commission, the State Council of Higher Education for Virginia, and the**
1464 **Department of Labor and Industry, or from any such agency to another, to support the changes in**
1465 **organization or responsibility resulting from moving the programs listed in the third enactment of**
1466 **this act to the Department of Workforce Development and Advancement established pursuant to §**
1467 **2.2-2035 of the Code of Virginia, as created by this act.**

1468 **5. That during the interim period between July 1, 2023, and the formal establishment of the**
1469 **Department of Workforce Development and Advancement (the Department), established pursuant**

1470 to § 2.2-2035 of the Code of Virginia, as created by this act, the Virginia Employment Commission
1471 shall be responsible for conducting all necessary business functions assigned to the Department
1472 pursuant to this act. Formal establishment shall include appointment of the Director of the
1473 Department pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, and achievement
1474 of staffing levels adequate to allow the Department to independently accomplish such business
1475 functions as determined by the Director and the Secretary of Labor.

1476 6. That the regulations of, the Virginia Community College System, the Virginia Employment
1477 Commission, the State Council of Higher Education for Virginia, and the Department of Labor and
1478 Industry relating to any program, service, or function be transferred to the Department of
1479 Workforce Development and Advancement (the Department), established pursuant to § 2.2-2035 of
1480 the Code of Virginia, as created by this act, shall be administered by the Department and shall
1481 remain in full force and effect until the Department promulgates regulations pursuant to this act.

1482 7. That the first report required pursuant to subdivision A 16 of § 2.2-2472 of the Code of Virginia,
1483 as amended by this act, shall be submitted to the Governor and the General Assembly no later than
1484 December 1, 2025.

1485 8. That the Secretary of Labor shall conduct a comprehensive review of the Commonwealth's
1486 workforce development programs and provide recommendations to address a wide range of
1487 subjects relating to improving the effectiveness and efficiency of such programs, including (i) the
1488 adequacy of collaboration among such programs; (ii) the organization, powers, and duties of the
1489 Department of Workforce Development and Advancement, established pursuant to § 2.2-2035 of
1490 the Code of Virginia, as created by this act; (iii) the operations of the local workforce investment
1491 boards and the geographic areas served by such boards; and (iv) the proper role of the Virginia
1492 Community College System in supporting workforce development efforts. The Secretary of Labor
1493 shall submit a preliminary report to the Governor and the General Assembly by November 30, 2023.
1494 The final report shall be submitted to the Governor and the General Assembly by June 30, 2025.

1495 9. That the Secretary of Labor shall work with the Office of Data Governance and Analytics to
1496 assess existing data systems to identify system redundancies and a solution for a proposed "hub"
1497 technology.

1498 10. That the Secretary of Labor (the Secretary) shall convene a stakeholder work group consisting
1499 of two members of the House of Delegates appointed by the Speaker of the House of Delegates, two
1500 members of the Senate of Virginia appointed by the Senate Committee on Rules, representatives
1501 from the agencies affected by the transfer of programs pursuant to this act, local workforce boards,
1502 the business community, and labor organizations, and any other representatives deemed
1503 appropriate by the Secretary, for the purpose of advising the Secretary during the program
1504 transition period from July 1, 2023, through September 30, 2024. The Secretary shall provide a
1505 progress report on the outcomes of the workgroup, the progress of the transition, the current and
1506 expected costs of transition, and the expected ongoing operational costs of the Department quarterly
1507 to the Governor and the General Assembly.

1508 11. That, to the extent practicable, the Director of the Department of Workforce Development and
1509 Advancement (the Department), established pursuant to § 2.2-2035 of the Code of Virginia, as
1510 created by this act, or the Governance Council of the Workforce Data Trust may enter into a
1511 research agreement with the Office of Education and Labor Market Alignment on or before
1512 December 1, 2023, for the purposes of assisting the Governor, the Department, the Virginia Board
1513 of Workforce Development, and the General Assembly with research on the outcomes and
1514 performance of Virginia's workforce programs and their alignment to Virginia's labor market.

1515 12. That the Secretaries of Finance and Labor shall provide periodic updates on the implementation
1516 of the provisions of this act to the Chairs of the Senate Committee on Finance and Appropriations
1517 and the House Committee on Appropriations.

1518 #