

SENATE BILL NO. 1470

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Commerce and Energy

on \_\_\_\_\_)

(Patron Prior to Substitute--Senator Ruff)

A BILL to amend and reenact §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia; to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 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.

225 Data Collection and Analytics.

226 **§ 2.2-2042. Workforce program evaluations; sharing of certain data; prohibited uses; civil**  
227 **penalty.**

228 A. To the extent permitted under federal law, the agencies specified in subsection D shall share  
229 data from within their respective databases to (i) develop meaningful analyses and evaluations of  
230 workforce programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of §  
231 2.2-214.3; (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and  
232 efficiency across public workforce programs and partner organizations; (iv) enable the development of  
233 comprehensive consumer-facing software applications; (v) support requirements for performance-driven  
234 contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

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

240 The agencies specified in subsection D shall enter into a memorandum of understanding supporting  
241 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 #