

HOUSE BILL NO. 2195

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations

on February 16, 2023)

(Patron Prior to Substitute--Delegate Byron)

A BILL to amend and reenact §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia; to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 4, consisting of sections numbered 2.2-2035 through 2.2-2057; and to repeal § 2.2-435.8, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 60.2-110, 60.2-113, 60.2-113.1, 60.2-309, and 60.2-310, and Chapter 4 (§§ 60.2-400, 60.2-400.1, and 60.2-401) of Title 60.2 of the Code of Virginia, relating to consolidation of the Commonwealth's workforce development policies and programs; Department of Workforce Development and Advancement created; report.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 4, consisting of sections numbered 2.2-2035 through 2.2-2057 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 that shall inform and engage with the business and organized labor
- 133 communities to coordinate the workforce development programs offered by the Department, identify labor

134 market needs, and ensure alignment of the Department's offerings to the needs of employers and the needs
135 of the Commonwealth.

136 4. The Department and the State Council of Higher Education for Virginia shall jointly develop
137 and implement strategies, and collaborate with employers and higher education institutions, to grow and
138 expand the Innovative Internship Program established pursuant to § 23.1-903.4. The strategy shall include
139 key measures of success and they shall jointly develop an annual progress report that shall include
140 information on the number of students placed in internship programs, type of internship programs, and
141 the number and type of participating employers. The report shall be delivered to the General Assembly,
142 the Secretary of Education, and the Secretary of Labor annually by September 30.

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

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

147 7. Develop a strategy for clearly communicating to customers changes to key workforce
148 development programs.

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

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

153 **§ 2.2-2038. State and federal cooperation.**

154 In the administration of this chapter, the Department shall cooperate with the U.S. Department of
155 Labor to the fullest extent consistent with the provisions of this chapter. The Department shall make such
156 reports, in such form and containing such information, as the U.S. Department of Labor may require and
157 shall comply with such provisions as the U.S. Department of Labor may find necessary to assure the
158 correctness and verification of such reports. The Department shall take such action, through the adoption
159 of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure to
160 the Commonwealth and its citizens all advantages available under the provisions of the federal Wagner-

161 Peyser Act (29 U.S.C. § 49 et seq.), the federal Workforce Innovation and Opportunity Act of 2014 (P.L.
162 113-128), and any other federal legislation executed with respect to workforce development and training.

163 **§ 2.2-2039. Reciprocal agreements.**

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

167 **§ 2.2-2040. Records and reports.**

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

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

184 Article 2.

185 Data Collection and Analytics.

186 **§ 2.2-2041. Workforce program evaluations; sharing of certain data; prohibited uses; civil**
187 **penalty.**

188 A. To the extent permitted under federal law, the agencies specified in subsection D shall share
189 data from within their respective databases to (i) develop meaningful analyses and evaluations of
190 workforce programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of §
191 2.2-214.3; (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and
192 efficiency across public workforce programs and partner organizations; (iv) enable the development of
193 comprehensive consumer-facing software applications; (v) support requirements for performance-driven
194 contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

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

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

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

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

212 1. Virginia Employment Commission: Unemployment Insurance;

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

- 214 3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior
- 215 Community Services Employment Program;
- 216 4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;
- 217 5. Department of Education: Special Education and Career and Technical Education;
- 218 6. Department of Social Services: Supplemental Nutrition Assistance Program, Virginia Initiative
- 219 for Education and Work;
- 220 7. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;
- 221 8. Department of Juvenile Justice: Youth Industries and Institutional Work Programs, Career and
- 222 Technical Education Programs;
- 223 9. Department of Corrections: Career and Technical Education Programs;
- 224 10. The State Council of Higher Education for Virginia: certifications, certificates, and degrees;
- 225 11. Department of Veterans Services: Virginia Values Veterans;
- 226 12. Department of Workforce Development and Advancement: Apprenticeship, Job Service,
- 227 Reemployment Services and Eligibility Assessment program, Trade Adjustment Assistance Program Act,
- 228 Veterans Employment Training Programs, Innovative Internship Program, Workforce Innovation and
- 229 Opportunity Act of 2014 (P.L. 113-128) Titles I and III, and other workforce development programs of
- 230 the Department as determined by the Director; and
- 231 13. Any other agencies as deemed necessary by the Secretary of Labor, Chief Data Officer, and
- 232 Director of the Department of Workforce Development and Advancement.
- 233 E. Nothing in this section shall prohibit the inclusion of data from other sources deemed beneficial
- 234 by the Secretary of Labor, Chief Data Officer, and Director of the Department of Workforce Development
- 235 and Advancement.
- 236 F. Agencies participating in the Virginia Longitudinal Data System and the Virginia Workforce
- 237 Data Trust shall meet annually and work with the Office of Data Governance and Analytics for the purpose
- 238 of coordinating responses to changes in data collection of the participating agencies and the needs of the
- 239 Commonwealth with respect to workforce development and education policy development. Subject to the
- 240 approval by each participating agency, the Virginia Longitudinal Data System and the Virginia Workforce

241 Data Trust may develop processes to facilitate intersystem operability and communication between the
242 two entities for research and analysis purposes.

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

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

249 **§ 2.2-2042. Job placement and retention; reporting.**

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

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

255 Article 3.

256 Apprenticeships.

257 **§ 2.2-2043. Definitions.**

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

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

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

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

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

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

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

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

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

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

277 **§ 2.2-2044. Apprenticeship Council; membership and terms of office; meetings and duties.**

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

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

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

294 **§ 2.2-2045. Authority of Council.**

295 The Council may:

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

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

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

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

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

305 **§ 2.2-2046. Director to administer article; requirements for certain programs.**

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

308 B. The Director shall:

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

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

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

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

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

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

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

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

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

333 **§ 2.2-2047. Local and state joint apprenticeship committees.**

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

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

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

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

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

354 **§ 2.2-2048. Discrimination prohibitions for registered apprenticeship programs.**

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

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

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

368 2. Such individual has not fulfilled or has ceased to fulfill any requirement set forth in subdivision
 369 1.

370 C. The sole remedy for a violation of subsection A shall be as provided in subdivision B 5 of §
 371 2.2-2046.

372 **§ 2.2-2049. Requisites of apprentice agreement.**

373 Every apprentice agreement entered into under this article shall contain:
374 1. The names, signatures, and addresses of the contracting parties;
375 2. The date of birth of the apprentice;
376 3. The contact information of the program sponsor and the Division of Registered Apprenticeship;
377 4. A statement of the occupation or business that the apprentice is to be taught and the time at
378 which the apprenticeship will begin and end;
379 5. A statement showing the number of hours to be spent by the apprentice in work and the number
380 of hours to be spent in related or supplemental instruction;
381 6. A statement setting forth a schedule of the processes in the occupation or industry division in
382 which the apprentice is to be taught and the approximate time to be spent at each process;
383 7. A statement of the graduated scale of wages to be paid the apprentice and whether the required
384 related instruction shall be compensated;
385 8. A statement providing for a period of probation of not less than 500 hours of employment and
386 instruction extending over not less than four months, during which time the apprentice agreement shall be
387 terminated by the Director at the request in writing of either party, and providing that after such
388 probationary period the apprentice agreement may be terminated by the Director by mutual agreement of
389 all parties thereto or cancelled by the Director for good and sufficient reason;
390 9. A reference incorporating as part of the apprentice agreement the standards of the apprenticeship
391 program as they exist on the date of the apprentice agreement and as they may be amended during the
392 period of the apprentice agreement;
393 10. A statement that the apprentice will be accorded equal opportunity in all phases of
394 apprenticeship employment and training without discrimination as provided in § 2.2-2048;
395 11. Contact information, including name, address, phone number, and email if appropriate, of the
396 appropriate authority designated under the program to receive, process, and make disposition of
397 controversies or differences arising out of the apprentice agreement when the controversies or differences
398 cannot be adjusted locally or resolved in accordance with the established procedure or applicable
399 collective bargaining provisions;

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

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

406 **§ 2.2-2050. Approval of apprentice agreement by Director; signing.**

407 No apprentice agreement under this article shall be effective until approved by the Director. Every
408 apprentice agreement shall be signed by the employer, or by an association of employers or an
409 organization of employees as provided in § 2.2-2052, and by the apprentice, and, if the apprentice is a
410 minor, by the minor's father or mother, provided, that if both father and mother are dead or legally
411 incapable of giving consent or have abandoned their children, then by the guardian of the minor.

412 **§ 2.2-2051. Apprentice agreement binding after apprentice's majority.**

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

416 **§ 2.2-2052. Apprentice agreement signed by organization of employers or of employees.**

417 For the purpose of providing greater diversity of training or continuity of employment, any
418 apprentice agreement made under this article may in the discretion of the Director be signed by an
419 association of employers or an organization of employees instead of by an individual employer. In such a
420 case, the apprentice agreement shall expressly provide that the association of employers or organization
421 of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure
422 employment and training for such apprentice with one or more employers that will accept full
423 responsibility, as herein provided, for all the terms and conditions of employment and training set forth in
424 the agreement between the apprentice and employer association or employee organization during the
425 period of each such employment. The apprentice agreement in such a case shall also expressly provide for
426 the transfer of the apprentice, subject to the approval of the Director, to such employer or employers as

427 shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or
428 guardian, as specified in § 2.2-2050, contracting to employ the apprentice for the whole or a definite part
429 of the total period of apprenticeship under the terms and conditions of employment and training set forth
430 in the agreement entered into between the apprentice and the employer association or employee
431 organization.

432 **§ 2.2-2053. Operation and application of article.**

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

439 Article 4.

440 Job Services.

441 **§ 2.2-2054. Virginia State Job Service; cooperation with U.S. Employment Service agencies.**

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

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

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

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

456 **§ 2.2-2055. Veterans Skills Database.**

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

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

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

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

472 **§ 2.2-2056. Employment stabilization.**

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

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

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

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

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

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

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

494 **§ 2.2-2057. Human trafficking hotline; posted notice required.**

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

499 **§ 2.2-2237.3. Division of Incentives.**

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

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

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

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

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

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

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

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

549 **§ 2.2-2238. Economic development services.**

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

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

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

- 558 3. Formulate, promulgate, and advance programs throughout the Commonwealth for encouraging
559 the location of new businesses in the Commonwealth and the retention and growth of existing businesses;
- 560 4. Encourage and solicit private sector involvement, support, and funding for economic
561 development in the Commonwealth;
- 562 5. Encourage the coordination of the economic development efforts of public institutions, regions,
563 communities, and private industry and collect and maintain data on the development and utilization of
564 economic development capabilities;
- 565 6. Establish such offices within and without the Commonwealth that are necessary to the expansion
566 and development of industries and trade;
- 567 7. Encourage the export of products and services from the Commonwealth to international
568 markets;
- 569 8. Advise, upon request, the State Board for Community Colleges in designating technical training
570 programs in Virginia's comprehensive community colleges for the Community College Incentive
571 Scholarship Program pursuant to former § 23-220.4;
- 572 9. Offer a program for the issuance of export documentation for companies located in Virginia
573 exporting goods and services if no federal agency or other regulatory body or issuing entity will provide
574 export documentation in a form deemed necessary for international commerce; and
- 575 10. Establish an Office of Education and Labor Market Alignment (the Office) to coordinate data
576 analysis on workforce and higher education alignment and translate data to partners. The Office shall
577 provide a unified, consistent and impartial source of information or analysis for policy development and
578 implementation related to ~~talent development~~ education, the labor market, and workforce development.
579 The Office shall partner with the State Council of Higher Education for Virginia, institutions of higher
580 education, the Virginia Department of Education, the Virginia Employment Commission, ~~GO Virginia~~
581 the Virginia Growth and Opportunity Board, the Department of Workforce Development and
582 Advancement, and other relevant entities to offer resources and expertise related to education, workforce
583 development, and labor market alignment. The Office shall communicate relevant information in a clear

584 and concise manner to enable policy and decision makers to navigate the complex connections between
585 education, workforce development, and labor market alignment.

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

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

595 **§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

688 G. Local workforce development boards are encouraged to implement pay-for-performance
689 contract strategy incentives for rapid reemployment services consistent within the WIOA as an alternative
690 model to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of

691 eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-
692 to-serve job seekers. At the discretion of the local workforce development board, funds to the extent
693 permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance
694 partnerships.

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

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

- 704 1. Programs authorized under Title I of the WIOA;
- 705 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
- 706 3. Adult education and literacy activities authorized under Title II of the WIOA;
- 707 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
- 708 5. Postsecondary career and technical education activities authorized under the Carl D. Perkins
709 Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
- 710 6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et
711 seq.);
- 712 7. Activities pertaining to employment and training programs for veterans authorized under 38
713 U.S.C. § 4100 et seq.;
- 714 8. Programs authorized under Title 60.2, in accordance with applicable federal law;
- 715 9. Workforce development activities or work requirements of the Temporary Assistance to Needy
716 Families (TANF) program known in Virginia as the Virginia Initiative for Education and Work (VIEW)
717 established pursuant to § 63.2-608;

718 10. Workforce development activities or work programs authorized under the Food Stamp Act of
719 1977 (7 U.S.C. § 2011 et seq.);

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

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

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

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

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

729 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

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

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

741 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
742 involve the disclosure of information contained in a scholastic record concerning any student of any public
743 institution of higher education in the Commonwealth or any state school system. However, any such
744 student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be

745 permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if
746 such student, parents, or guardians so request in writing and such request is submitted to the presiding
747 officer of the appropriate board.

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

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

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

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

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

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

769 9. Discussion or consideration by governing boards of public institutions of higher education of
770 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or
771 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,

772 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and
773 accepted by a public institution of higher education in the Commonwealth shall be subject to public
774 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
775 (i) "foreign government" means any government other than the United States government or the
776 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
777 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the
778 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
779 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under
780 the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or
781 national of the United States or a trust territory or protectorate thereof.

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

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

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

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

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

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

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

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

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

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

820 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30,
821 or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of
822 trustees of a trust established by one or more local public bodies to invest funds for postemployment
823 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2,
824 or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board

825 of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or
826 disposition of a security or other ownership interest in an entity, where such security or ownership interest
827 is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i)
828 concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared
829 by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings
830 Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia
831 College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or
832 the future financial performance of the entity, and (ii) would have an adverse effect on the value of the
833 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of
834 trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing
835 in this subdivision shall be construed to prevent the disclosure of information relating to the identity of
836 any investment held, the amount invested or the present value of such investment.

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

850 22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern
851 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any

852 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern
853 Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary,
854 business-related information pertaining to the operations of the University of Virginia Medical Center or
855 Eastern Virginia Medical School, as the case may be, including business development or marketing
856 strategies and activities with existing or future joint venturers, partners, or other parties with whom the
857 University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed,
858 or forms, any arrangement for the delivery of health care, if disclosure of such information would
859 adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as
860 the case may be.

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

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

873 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
874 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by
875 or on behalf of individuals who have requested information about, applied for, or entered into prepaid
876 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title
877 23.1 is discussed.

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

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

887 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-
888 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in
889 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
890 public entity concerning such records.

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

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

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

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

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

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

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

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

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

921 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
922 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
923 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
924 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory
925 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of
926 § 2.2-3705.7.

927 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-
928 3705.6 related to economic development.

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

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

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

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

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

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

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

956 47. Discussion or consideration of grant, loan, or investment application records subject to the
957 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-
958 2351 et seq.) of Chapter 22.

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

962 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response
963 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses
964 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)
965 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to
966 §§ 15.2-1627.5 and 63.2-1605.

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

971 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic
972 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and
973 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of
974 § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B
975 of § 2.2-2040.

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

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

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

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

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

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

997 E. This section shall not be construed to (i) require the disclosure of any contract between the
 998 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§
 999 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to
 1000 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered
 1001 to issue industrial revenue bonds by general or special law, to identify a business or industry to which
 1002 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record
 1003 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

1004 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

1005 A. As used in this section:

1006 "Age" means being an individual who is at least 40 years of age.

1007 "Domestic worker" means an individual who is compensated directly or indirectly for the
 1008 performance of services of a household nature performed in or about a private home, including services
 1009 performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids,

1010 housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides,
1011 personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include (i)
1012 a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in the
1013 child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an employee
1014 of a child day program; or (iii) any employee employed on a casual basis in domestic service employment
1015 to provide companionship services for individuals who, because of age or infirmity, are unable to care for
1016 themselves.

1017 "Employee" means an individual employed by an employer.

1018 "Employer" means a person employing (i) 15 or more employees for each working day in each of
1019 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or
1020 (ii) one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B
1021 1 on the basis of race, color, religion, national origin, military status, sex, sexual orientation, gender
1022 identity, marital status, disability, pregnancy, or childbirth or related medical conditions including
1023 lactation, "employer" means any person employing more than five persons or one or more domestic
1024 workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer"
1025 means any employer employing more than five but fewer than 20 persons.

1026 "Employment agency" means any person, or an agent of such person, regularly undertaking with
1027 or without compensation to procure employees for an employer or to procure for employees opportunities
1028 to work for an employer.

1029 "Joint apprenticeship committee" means the same as that term is defined in ~~§ 40.1-120~~ 2.2-2043.

1030 "Labor organization" means an organization engaged in an industry, or an agent of such
1031 organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of
1032 employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions
1033 of employment. "Labor organization" includes employee representation committees, groups, or
1034 associations in which employees participate.

1035 "Lactation" means a condition that may result in the feeding of a child directly from the breast or
1036 the expressing of milk from the breast.

- 1037 B. It is an unlawful discriminatory practice for:
- 1038 1. An employer to:
- 1039 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to
- 1040 such individual's compensation, terms, conditions, or privileges of employment because of such
- 1041 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
- 1042 childbirth or related medical conditions including lactation, age, military status, disability, or national
- 1043 origin; or
- 1044 b. Limit, segregate, or classify employees or applicants for employment in any way that would
- 1045 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an
- 1046 individual's status as an employee, because of such individual's race, color, religion, sex, sexual
- 1047 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including
- 1048 lactation, age, military status, disability, or national origin.
- 1049 2. An employment agency to:
- 1050 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because
- 1051 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
- 1052 childbirth or related medical conditions, age, military status, disability, or national origin; or
- 1053 b. Classify or refer for employment any individual on the basis of such individual's race, color,
- 1054 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
- 1055 conditions, age, military status, disability, or national origin.
- 1056 3. A labor organization to:
- 1057 a. Exclude or expel from its membership, or otherwise discriminate against, any individual because
- 1058 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
- 1059 childbirth or related medical conditions, age, military status, disability, or national origin;
- 1060 b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to
- 1061 or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such
- 1062 individual of employment opportunities, or would limit such employment opportunities or otherwise
- 1063 adversely affect an individual's status as an employee or as an applicant for employment, because of such

1064 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1065 childbirth or related medical conditions, age, military status, disability, or national origin; or

1066 c. Cause or attempt to cause an employer to discriminate against an individual in violation of
1067 subdivisions a or b.

1068 4. An employer, labor organization, or joint apprenticeship committee to discriminate against any
1069 individual in any program to provide apprenticeship or other training program on the basis of such
1070 individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related
1071 medical conditions, age, military status, disability, or national origin.

1072 5. An employer, in connection with the selection or referral of applicants or candidates for
1073 employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the
1074 results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender
1075 identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability,
1076 or national origin.

1077 6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual
1078 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
1079 military status, disability, or national origin as a motivating factor for any employment practice, even
1080 though other factors also motivate the practice.

1081 7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an
1082 employment agency or a joint apprenticeship committee controlling an apprenticeship or other training
1083 program to discriminate against any individual, or (iii) a labor organization to discriminate against any
1084 member thereof or applicant for membership because such individual has opposed any practice made an
1085 unlawful discriminatory practice by this chapter or because such individual has made a charge, testified,
1086 assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

1087 8. An employer, labor organization, employment agency, or joint apprenticeship committee
1088 controlling an apprenticeship or other training program to print or publish, or cause to be printed or
1089 published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership
1090 in or any classification or referral for employment by such a labor organization, (iii) any classification or

1091 referral for employment by such an employment agency, or (iv) admission to, or employment in, any
1092 program established to provide apprenticeship or other training by such a joint apprenticeship committee
1093 that indicates any preference, limitation, specification, or discrimination based on race, color, religion,
1094 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions,
1095 age, military status, disability, or national origin, except that such a notice or advertisement may indicate
1096 a preference, limitation, specification, or discrimination based on religion, sex, age, or national origin
1097 when religion, sex, age, or national origin is a bona fide occupational qualification for employment.

1098 C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory
1099 practice:

1100 1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or
1101 refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or
1102 refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship
1103 committee to admit or employ any individual in any apprenticeship or other training program on the basis
1104 of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona
1105 fide occupational qualification reasonably necessary to the normal operation of that particular employer,
1106 employment agency, labor organization, or joint apprenticeship committee;

1107 2. For an elementary or secondary school or institution of higher education to hire and employ
1108 employees of a particular religion if such elementary or secondary school or institution of higher education
1109 is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by
1110 a particular religious corporation, association, or society or if the curriculum of such elementary or
1111 secondary school or institution of higher education is directed toward the propagation of a particular
1112 religion;

1113 3. For an employer to apply different standards of compensation, or different terms, conditions, or
1114 privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures
1115 earnings by quantity or quality of production, or to employees who work in different locations, provided
1116 that such differences are not the result of an intention to discriminate because of race, color, religion, sex,

1117 sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
1118 military status, disability, or national origin;

1119 4. For an employer to give and to act upon the results of any professionally developed ability test,
1120 provided that such test, its administration, or an action upon the results is not designed, intended, or used
1121 to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status,
1122 pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin;

1123 5. For an employer to provide reasonable accommodations related to disability, pregnancy,
1124 childbirth or related medical conditions, and lactation, when such accommodations are requested by the
1125 employee; or

1126 6. For an employer to condition employment or premises access based upon citizenship where the
1127 employer is subject to any requirement imposed in the interest of the national security of the United States
1128 under any security program in effect pursuant to or administered under any statute or regulation of the
1129 federal government or any executive order of the President of the United States.

1130 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor
1131 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any
1132 group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity,
1133 marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or
1134 national origin on account of an imbalance that may exist with respect to the total number or percentage
1135 of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1136 childbirth or related medical conditions, age, military status, disability, or national origin employed by
1137 any employer, referred or classified for employment by any employment agency or labor organization,
1138 admitted to membership or classified by any labor organization, or admitted to or employed in any
1139 apprenticeship or other training program, in comparison with the total number or percentage of persons of
1140 such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or
1141 related medical conditions, age, military status, disability, or national origin in any community.

1142 E. The provisions of this section shall not apply to the employment of individuals of a particular
1143 religion by a religious corporation, association, educational institution, or society to perform work
1144 associated with its activities.

1145 **§ 40.1-100. Certain employment prohibited or limited.**

1146 A. No child under 18 years of age shall be employed, permitted, or suffered to work:

1147 1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or
1148 establishment manufacturing or storing explosives or articles containing explosive components; in any
1149 occupation involving exposure to radioactive substances or to ionizing radiations including X-ray
1150 equipment;

1151 2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any
1152 power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven
1153 paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking
1154 machine;

1155 3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

1156 4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are
1157 used;

1158 5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred
1159 products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for
1160 consumption on the premises except in places (i) licensed pursuant to subdivision 6 of § 4.1-206.1,
1161 provided that a child employed at the premises shall not serve or dispense in any manner alcoholic
1162 beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually
1163 conducted, or to deliver alcoholic goods;

1164 6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking
1165 operations;

1166 7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who
1167 are at least 17 years of age may drive automobiles or trucks on public roadways if:

- 1168 a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is
1169 equipped with seat belts for the driver and any passengers, and the employer requires the employee to use
1170 the seatbelts when driving the automobile or truck;
- 1171 b. Driving is restricted to daylight hours;
- 1172 c. The employee has a valid State license for the type of driving involved and has no record of any
1173 moving violations at the time of hire;
- 1174 d. The employee has successfully completed a State-approved driver education course;
- 1175 e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii)
1176 the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v)
1177 the transporting at any time of more than three passengers, including the employees of the employer;
- 1178 f. The driving performed by the employee does not involve more than two trips away from the
1179 primary place of employment in any single day for the purpose of delivering goods of the employee's
1180 employer to a customer;
- 1181 g. The driving performed by the employee does not involve more than two trips away from the
1182 primary place of employment in any single day for the purpose of transporting passengers, other than
1183 employees of the employer;
- 1184 h. The driving takes place within a 30-mile radius of the employee's place of employment; and
- 1185 i. The driving is only occasional and incidental to the employee's employment and involves no
1186 more than one third of the employee's work time in any workday and no more than 20 percent work time
1187 in any work week;
- 1188 8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any
1189 occupation involving slaughtering, meatpacking, processing or rendering;
- 1190 9. In any occupation determined and declared hazardous by rules and regulations promulgated by
1191 the Commissioner of Labor and Industry, except as otherwise provided in subsection D.

1192 Notwithstanding the provisions of this section, children 16 years of age or older who are serving a
1193 voluntary apprenticeship as provided in ~~Chapter 6 (§ 40.1-117 et seq.) of this title~~ Article 3 (§ 2.2-2043 et

1194 seq.) of Chapter 20.2 of Title 2.2 may be employed in any occupation in accordance with rules and
1195 regulations promulgated by the Commissioner.

1196 B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89,
1197 no child under 16 years of age shall be employed, permitted or suffered to work:

1198 1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation
1199 of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home,
1200 clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly,
1201 or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse;
1202 in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or
1203 funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber
1204 yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office
1205 work of a clerical nature in bona fide office rooms in the above types of establishments.

1206 2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair,
1207 floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

1208 C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments
1209 in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics
1210 where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of
1211 age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not
1212 in or about such machines, and in soda fountains, restaurants and hotel and motel food service
1213 departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming
1214 pools and may be employed by concessionaires operating on beaches where their duties and work pertain
1215 to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach
1216 equipment.

1217 D. Notwithstanding any other provision of this chapter:

1218 1. Children age 16 years or older employed on farms, in gardens or in orchards may operate, assist
1219 in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as
1220 defined in § 46.2-1099, in their employment;

1221 2. Children age 14 years or older employed on farms, in gardens or in orchards may perform work
1222 as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively
1223 on a farm, in a garden or in an orchard;

1224 3. Children age 16 years or older may participate in all activities of a volunteer fire company;
1225 however, any such child shall not enter a burning structure or a structure which contains burning materials
1226 prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter
1227 standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into
1228 a structure that contains burning materials is during training necessary to attain certification under National
1229 Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of
1230 Fire Programs.

1231 **§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.**

1232 A. The provisions of this chapter shall not apply to:

1233 1. Any governmental agency performing work with its own forces;

1234 2. Work bid upon or undertaken for the armed services of the United States under the Armed
1235 Services Procurement Act;

1236 3. Work bid upon or undertaken for the United States government on land under the exclusive
1237 jurisdiction of the federal government either by statute or deed of cession;

1238 4. Work bid upon or undertaken for the Department of Transportation on the construction,
1239 reconstruction, repair, or improvement of any highway or bridge;

1240 5. Any other persons who may be specifically excluded by other laws but only to such an extent
1241 as such laws provide;

1242 6. Any material supplier who renders advice concerning use of products sold and who does not
1243 provide construction or installation services;

1244 7. Any person who performs or supervises the construction, removal, repair, or improvement of
1245 no more than one primary residence owned by him and for his own use during any 24-month period;

1246 8. Any person who performs or supervises the construction, removal, repair, or improvement of a
1247 house upon his own real property as a bona fide gift to a member of his immediate family provided such

1248 member lives in the house. For purposes of this section, "immediate family" includes one's mother, father,
1249 son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law;

1250 9. Any person who performs or supervises the repair or improvement of industrial or
1251 manufacturing facilities, or a commercial or retail building, for his own use;

1252 10. Any person who performs or supervises the repair or improvement of residential dwelling units
1253 owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.);

1254 11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary
1255 to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation
1256 to perform the contract extends to both the owner-developer and the third party;

1257 12. Work undertaken by students as part of a career and technical education project as defined in
1258 § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter
1259 13 of Title 22.1 for the construction of portable classrooms or single family homes;

1260 13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or
1261 sanitizing services incidental to the construction, removal, repair, or improvement of real property;

1262 14. Any person who is performing work directly under the supervision of a licensed contractor and
1263 is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a
1264 student enrolled in a career training or technical education program, or (iii) an apprentice as defined in §
1265 ~~40.1-120~~ 2.2-2043; and

1266 15. Work undertaken by a person providing construction, remodeling, repair, improvement,
1267 removal, or demolition valued at \$25,000 or less per project on behalf of a properly licensed contractor,
1268 provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building,
1269 or (iii) home improvement building contractor classification. However, any construction services that
1270 require an individual license or certification shall be rendered only by an individual licensed or certified
1271 in accordance with this chapter.

1272 All other contractors performing work for any government or for any governmental agency are
1273 subject to the provisions of this chapter and are required to be licensed as provided herein.

1274 B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7,
1275 10, 11, or 12 shall obtain a certificate of occupancy for any building constructed, repaired or improved by
1276 him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged
1277 in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the
1278 property without a certificate of occupancy.

1279 C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9,
1280 10, 11, 12, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building
1281 Code (§ 36-97 et seq.).

1282 D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1
1283 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month
1284 period shall constitute a Class 6 felony.

1285 **§ 60.2-105. Publication and distribution of law, regulations, etc.**

1286 The Commission shall cause to be ~~printed~~ readily available for distribution to the public the text
1287 of this title, the Commission's regulations and general rules, its annual reports to the Governor, and any
1288 other material the Commission deems relevant and suitable. The Commission shall furnish these materials
1289 to any person upon request.

1290 **§ 60.2-111. Duties and powers of Commission; reporting requirements.**

1291 A. It shall be the duty of the Commission to administer this title. The Commission may establish
1292 separate divisions as necessary to carry out the duties and powers prescribed by this section. It shall have
1293 power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make
1294 such expenditures, require such reports, make such investigations, and take such other action, including
1295 the appointment of advisory groups, as it deems necessary or suitable to that end. Such rules and
1296 regulations shall be subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, except as to
1297 the subject matter of subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner
1298 prescribed by § 2.2-4103. The Commission shall determine its own organization and methods of procedure
1299 in accordance with provisions of this title, and shall have an official seal which shall be judicially noticed.

1300 B. The Commission shall take all necessary steps to maintain a solvent trust fund financed through
1301 equitable employer taxes that provides temporary partial income replacement to involuntarily unemployed
1302 covered workers.

1303 C. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the
1304 Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if
1305 possible, a reserve against the liability in future years to pay benefits in excess of the then-current taxes.
1306 That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the
1307 basis of statistics of employment, business activity, and other relevant factors for the longest possible
1308 period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the
1309 solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make
1310 recommendations with respect thereto.

1311 ~~C.~~ D. In preparing the annual balance sheet required by subsection ~~B.~~ C., the Commission shall
1312 regularly track metrics related to unemployment insurance benefits, establish a mechanism to help assess
1313 the adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit
1314 income replacement ratios. The annual balance sheet shall include the following calculations: (i) the
1315 average unemployment insurance benefit levels, (ii) the average income replacement of unemployment
1316 insurance benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the
1317 Commonwealth.

1318 ~~D.~~ E. The Commission, as part of its biennial strategic plan submitted to the Department of
1319 Planning and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency
1320 Plan that describes specific actions the Commission will take, depending on the level of increase in
1321 unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of
1322 operations to ensure continued efficient and effective administration of the UI program. The Resiliency
1323 Plan shall include proposed actions consistent with the following objectives to effectively prepare for
1324 periods of high unemployment:

1325 1. Develop specific strategies or steps the Commission will take to modify staffing levels in
1326 response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing

1327 plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance
1328 services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high
1329 demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant
1330 positions such as adjudication and appeals staff.

1331 2. Develop specific strategies or steps the Commission will take to modify policies, procedures, or
1332 processes in response to high demands on its services.

1333 3. Outline a strategy for clearly communicating key UI program changes to customers. This
1334 strategy shall indicate which staff will be responsible for different types of communications and include
1335 several communications goals, such as clearly conveying UI program and policy changes.

1336 4. Outline a strategy for clearly communicating important UI information to Commission staff, the
1337 public, and the General Assembly.

1338 5. Formalize a policy for prioritizing and assigning claims for adjudication during periods of high
1339 claims volume. This policy shall detail how prioritization may change in response to claims volume and
1340 state that the policy of the Commission is to generally prioritize resolving older claims before newer
1341 claims.

1342 6. Identify other tactical actions to be taken to ensure the continuity of UI claims processing and
1343 customer service.

1344 **§ 60.2-631. Board of Review.**

1345 A. The Commissioner, in his discretion, is hereby authorized to appoint a Board of Review
1346 consisting of three members, one of whom shall be designated chairman for a term of six years. The terms
1347 of the members first taking office shall be two, four, and six years, respectively, as designated by the
1348 Commissioner at the time of the appointment. Vacancies shall be filled by appointment by the
1349 Commissioner for the unexpired term. During his term of membership on the Board no member shall
1350 serve as an officer or committee member of any political organization. The members of the Board shall
1351 be compensated in a manner determined by the Commission. The Commission shall furnish the Board
1352 such stenographic and clerical assistance as the Board may require. All compensation of the members of
1353 the Board and all necessary expenses for the operation thereof shall be paid out of the administrative fund

1354 provided for in §§ 60.2-306 through ~~60.2-309~~, 60.2-307, and 60.2-308 and §§ 60.2-311 through, 60.2-
1355 312, and 60.2-313. The Commissioner may at any time, after notice and hearing, remove any member for
1356 cause. The Commissioner may, after thirty days' notice to the members of the Board and upon a finding
1357 that the Board is no longer needed, abolish the same.

1358 B. 1. The Board shall meet upon the call of the chairman. It shall have the same powers and perform
1359 the same functions vested in the Commission in this title for review of decisions by an appeal tribunal,
1360 including the power to administer oaths and affirmations, take depositions, certify to official acts, and
1361 issue subpoenas to compel the attendance of witnesses and the production of books, papers,
1362 correspondence, memoranda and other records deemed necessary as evidence in connection with disputed
1363 claims.

1364 2. The Board may hold its hearings in the county or city where the claimant was last employed,
1365 except that hearings involving the provisions of subdivision A 2 of § 60.2-612 shall be held in the county
1366 or city where the claimant was last employed. When the same or substantially similar evidence is relevant
1367 and material to matters in issue in claims by more than one individual or in claims by a single individual
1368 with respect to two or more weeks of unemployment, the same time and place for considering each such
1369 claim may be fixed, hearings thereon jointly conducted, and a single record of the proceedings made.

1370 C. The Commission may issue such regulations as it deems necessary for the procedure of the
1371 Board in the conduct of its hearings. During the time the Board is organized under authority of the
1372 Commissioner, the Commission shall have no jurisdiction under § 60.2-622. Any decision of the Board
1373 shall become final ten days after the date of notification or mailing and judicial review shall be permitted
1374 the claimant, the Commission or any interested party claiming to be aggrieved. In any judicial action
1375 involving any such decision the Commission shall be represented by the Office of the Attorney General.
1376 Any decision of the Board from which no judicial review is sought within the time prescribed in § 60.2-
1377 625 shall be conclusive against any party to the hearing before the Board and the Commission in any
1378 subsequent judicial proceedings involving liability for taxes under this title.

1379 D. Within the time specified in § 60.2-625 the Commission, or any party to the proceedings before
1380 the Board, may obtain judicial review by filing in the circuit court of the county or city in which the

1381 individual who filed the claim was last employed, in the Commonwealth, a petition for review of such
1382 decision. In any such proceeding any other party to the proceeding shall be made a party respondent. The
1383 Commission shall be deemed to be a party to any such proceeding. The petition need not be verified. A
1384 copy of such petition shall be served upon the Commission and each party to the proceeding held before
1385 the Board at least thirty days prior to the placing of the petition upon the docket. The mailing of a copy of
1386 such petition to each party at his last known address shall be sufficient service. The Commission shall file
1387 along with its petition or answer a certified copy of the record of the case, including all documents and
1388 papers and a transcript of all testimony taken in the matter, together with the Board's findings, conclusions
1389 and decision therein.

1390 E. In any proceeding under this section the Board's findings of facts, if supported by the evidence
1391 and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to
1392 questions of law. The court may order additional evidence to be taken by the Board, which such additional
1393 evidence, findings of fact or conclusions, together with the additional transcript of the record, shall be
1394 certified by the chairman of the Board and filed by him with the court. Such petition for review shall be
1395 heard in a summary manner and shall have preference over all other cases on the docket, except cases in
1396 which the Commonwealth is a party.

1397 F. An appeal may be taken from the decision of such court to the Court of Appeals in conformity
1398 with Part Five A of the Rules of Supreme Court and other applicable laws. From any such decision
1399 involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an
1400 employer or (iii) whether services performed for or in connection with the business of an employing unit
1401 constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review
1402 such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in any
1403 proceeding before the Board, to enter exceptions to its ruling, and no bond shall be required upon any
1404 appeal to any court. Upon the final determination of such judicial proceeding, the Board shall enter an
1405 order in accordance with such determination.

1406 2. That § 2.2-435.8, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 60.2-110, 60.2-113,
1407 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
1408 60.2 of the Code of Virginia are repealed.

1409 3. That the Governor may transfer appropriations or portions thereof within the Virginia
1410 Community College System, the Virginia Employment Commission, the Department of Education,
1411 and the Department of Labor and Industry, or from any such agency to another, to support the
1412 changes in organization or responsibility resulting from moving the following programs to the
1413 Department of Workforce Development and Advancement established pursuant to § 2.2-2035 of the
1414 Code of Virginia, as created by this act: (i) the Workforce Innovation and Opportunity Act of 2014
1415 (P.L. 113-128) Titles I and III; (ii) the Trade Adjustment Assistance Program; (iii) the Jobs for
1416 Veterans State Grant program; (iv) the Reemployment Services and Eligibility Assessment
1417 program; (v) registered apprenticeship programs and other apprenticeship programs; (vi) the
1418 Virginia Career Works Referral Portal and Workforce Data Trust; (vii) the Virginia Workforce
1419 Connection; (viii) labor market information services; (ix) Virginia Voyager; (x) Network2Work;
1420 and (xi) the Hampton Roads Skilled Trades Rapid On-Ramp Network for Growth.

1421 4. That the Governor may transfer any employee within the Virginia Community College System,
1422 the Virginia Employment Commission, and the Department of Labor and Industry, or from any
1423 such agency to another, to support the changes in organization or responsibility resulting from
1424 moving the programs listed in the third enactment of this act to the Department of Workforce
1425 Development and Advancement established pursuant to § 2.2-2035 of the Code of Virginia, as
1426 created by this act.

1427 5. That during the interim period between July 1, 2023, and the formal establishment of the
1428 Department of Workforce Development and Advancement (the Department), established pursuant
1429 to § 2.2-2035 of the Code of Virginia, as created by this act, the Virginia Employment Commission
1430 shall be responsible for conducting all necessary business functions assigned to the Department
1431 pursuant to this act. Formal establishment shall include appointment of the Director of the
1432 Department pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, and achievement

1433 of staffing levels adequate to allow the Department to independently accomplish such business
1434 functions as determined by the Director and the Secretary of Labor.

1435 6. That the Secretaries of Finance and Labor from amounts appropriated to the Department of
1436 Workforce Development and Advancement (the Department), established pursuant to § 2.2-2035 of
1437 the Code of Virginia, as created by this act, shall approve disbursements prior to expenditure of
1438 funds. The Department shall only use such funds for the purpose of paying the costs related to the
1439 transition of workforce development programs, services, and functions to the Department in
1440 accordance with the provisions of this act.

1441 7. That the regulations of the Virginia Community College System, the Virginia Employment
1442 Commission, and the Department of Labor and Industry relating to any program, service, or
1443 function be transferred to the Department of Workforce Development and Advancement (the
1444 Department), established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, and
1445 shall be administered by the Department and shall remain in full force and effect until the
1446 Department promulgates regulations pursuant to this act.

1447 8. That the first report required pursuant to subdivision A 16 of § 2.2-2472 of the Code of Virginia,
1448 as amended by this act, shall be submitted to the Governor and the General Assembly no later than
1449 December 1, 2025.

1450 9. That the Secretary of Labor shall conduct a comprehensive review of the Commonwealth's
1451 workforce development programs and provide recommendations to address a wide range of
1452 subjects relating to improving the effectiveness and efficiency of such programs, including (i) the
1453 adequacy of collaboration among such programs; (ii) the organization, powers, and duties of the
1454 Department of Workforce Development and Advancement, established pursuant to § 2.2-2035 of
1455 the Code of Virginia, as created by this act; (iii) the operations of the local workforce investment
1456 boards and the geographic areas served by such boards; and (iv) the proper role of the Virginia
1457 Community College System in supporting workforce development efforts. The Secretary of Labor
1458 shall submit a preliminary report to the Governor and the General Assembly by November 30, 2023.
1459 The final report shall be submitted to the Governor and the General Assembly by June 30, 2025.

1460 10. That the Secretary of Labor shall work with the Office of Data Governance and Analytics to
1461 assess existing data systems to identify system redundancies and a solution for a proposed "hub"
1462 technology.

1463 11. That the Secretary of Labor (the Secretary) shall convene a stakeholder work group consisting
1464 of two members of the House of Delegates appointed by the Speaker of the House of Delegates, two
1465 members of the Senate of Virginia appointed by the Senate Committee on Rules, representatives
1466 from the agencies affected by the transfer of programs pursuant to this act, local workforce boards,
1467 the business community, and labor organizations, and any other representatives deemed
1468 appropriate by the Secretary, for the purpose of advising the Secretary during the program
1469 transition period from July 1, 2023, through September 30, 2024. The Secretary shall provide a
1470 progress report on the outcomes of the workgroup, the progress of the transition, the current and
1471 expected costs of transition, and the expected ongoing operational costs of the Department quarterly
1472 to the Governor and the General Assembly.

1473 12. That, to the extent practicable, the Director of the Department of Workforce Development and
1474 Advancement (the Department), established pursuant to § 2.2-2035 of the Code of Virginia, as
1475 created by this act, or the Governance Council of the Workforce Data Trust may enter into a
1476 research agreement with the Office of Education and Labor Market Alignment on or before
1477 December 1, 2023, for the purposes of assisting the Governor, the Department, the Virginia Board
1478 of Workforce Development, and the General Assembly with research on the outcomes and
1479 performance of Virginia's workforce programs and their alignment to Virginia's labor market.

1480 13. That the Secretaries of Finance and Labor shall provide periodic updates on the implementation
1481 of the provisions of this act to the Chairs of the Senate Committee on Finance and Appropriations
1482 and the House Committee on Appropriations.

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