

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 707 entitled “An act relating to revising the delivery
4 and governance of the Vermont workforce system” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. chapter 22A is amended to read:

8 CHAPTER 22A. WORKFORCE EDUCATION AND TRAINING

9 * * *

10 § 541a. STATE WORKFORCE DEVELOPMENT BOARD

11 * * *

12 (c) Membership. The Board shall consist of the Governor and the
13 following members who are appointed by the Governor and serve at the
14 Governor’s pleasure unless otherwise indicated, in conformance with the
15 federal Workforce Innovation and Opportunity Act ~~and who serve at his or her~~
16 ~~pleasure, unless otherwise indicated:~~ (WIOA), and who shall be selected from
17 diverse backgrounds to represent the interests of ethnic and diverse
18 communities and represent diverse regions of the State, including urban, rural,
19 and suburban areas:

20 (1) ~~the Commissioner of Labor;~~

1 ~~(2) two members~~ one member of the Vermont House of Representatives,
2 appointed by the Speaker of the House;

3 ~~(3)(2) two members~~ one member of the Vermont Senate, appointed by
4 the Senate Committee on Committees;

5 ~~(4) the President of the University of Vermont;~~

6 ~~(5) the Chancellor of the Vermont State Colleges;~~

7 ~~(6) the President of the Vermont Student Assistance Corporation;~~

8 ~~(7) a representative of an independent Vermont college or university;~~

9 ~~(8) a director of a regional technical center;~~

10 ~~(9) a principal of a Vermont high school;~~

11 ~~(10) two representatives of labor organizations who have been~~
12 ~~nominated by a State labor federation;~~

13 ~~(11)(3) two~~ four members that are core program representatives of
14 ~~individuals and organizations who have experience with respect to youth~~
15 ~~activities, as defined in 29 U.S.C. § 3102(71);, as follows:~~

16 (A) the Commissioner of Labor, or designee, for the Adult,
17 Dislocated Worker, and Youth program and Wagner-Peyser;

18 (B) the Secretary of Education, or designee, for the Adult Education
19 and Family Literacy Act program;

20 (C) the Secretary of Human Services, or designee, for the Vocational
21 Rehabilitation program; and

1 (D) the Secretary of Commerce and Community Development or
2 designee.

3 ~~(12)(4) two~~ six workforce representatives of individuals and
4 ~~organizations who have experience in the delivery of workforce investment~~
5 ~~activities, as defined in 29 U.S.C. § 3102(68);, as follows:~~

6 (A) two representatives from labor organizations operating in this
7 State who are nominated by a State labor federation;

8 (B) one representative from a State registered apprenticeship
9 program; and

10 (C) three representatives of organizations that have demonstrated
11 experience and expertise in addressing the employment, training, or education
12 needs of individuals with barriers to employment, which may include:

13 (i) organizations that serve veterans;

14 (ii) organizations that provide or support competitive, integrated
15 employment for individuals with disabilities;

16 (iii) organizations that support the training or education needs of
17 eligible youth as described in 20 CFR § 681.200, including representatives of
18 organizations that serve out-of-school youth as described in 20 CFR § 681.210;
19 and

20 (iv) organizations that connect volunteers in national or State
21 service programs to the workforce.

1 ~~(13) the lead State agency officials with responsibility for the programs~~
2 ~~and activities carried out by one-stop partners, as described in 29 U.S.C. §~~
3 ~~3151(b), or if no official has that responsibility, representatives in the State~~
4 ~~with responsibility relating to these programs and activities;~~

5 ~~(14) the Commissioner of Economic Development;~~

6 ~~(15) the Secretary of Commerce and Community Development;~~

7 ~~(16) the Secretary of Human Services;~~

8 ~~(17) the Secretary of Education;~~

9 ~~(18) two individuals who have experience in, and can speak for, the~~
10 ~~training needs of underemployed and unemployed Vermonters; and~~

11 (5) two elected local government officials who represent a city or town
12 within different regions of the State; and

13 ~~(19)(6) a number of appointees sufficient to constitute a majority of the~~
14 ~~Board~~ 13 business representatives who:

15 (A) are owners, chief executives, or operating officers of businesses,
16 ~~and including nonprofits, or other business executives or employers with~~
17 ~~optimum policymaking or hiring authority, with at least one member~~
18 ~~representing a small business as defined by the U.S. Small Business~~
19 ~~Administration;~~

20 (B) represent businesses with employment opportunities that reflect
21 ~~in-demand sectors and employment opportunities in the State; and~~

1 (C) are appointed from among individuals nominated by State
2 business organizations and business trade associations.

3 (d) Operation of Board.

4 (1) Executive Committee.

5 (A) Creation. There is created an Executive Committee that shall
6 manage the affairs of the Board.

7 (B) Members. The members of the Executive Committee shall
8 comprise the following:

9 (i) the Chair of the Board;

10 (ii) the Commissioner of Labor or designee;

11 (iii) the Secretary of Education or designee;

12 (iv) the Secretary of Human Services or designee;

13 (v) the Secretary Commerce and Community Development or
14 designee;

15 (vi) two business representatives, appointed by the Chair of the
16 Board, who serve on the Board; and

17 (vii) two workforce representatives, appointed by the Chair of the
18 Board, who serve on the Board.

19 (C) Meetings. The Chair of the Board shall chair the Executive
20 Committee. The Executive Committee shall meet at least once monthly and
21 shall hold additional meetings upon call of the Chair.

1 (D) Duties. The Executive Committee shall have the following
2 duties and responsibilities:

3 (i) recommend to the Board changes to the Board’s rules or
4 bylaws;

5 (ii) establish one or more subcommittees as it determines
6 necessary and appropriate to perform its work; and

7 (iii) other duties as provided in the Board’s bylaws.

8 (2) Member representation **and vacancies.**

9 (A) A member of the State Board may send a designee ~~that~~ who
10 meets the requirements of subdivision (B) of this subdivision ~~(1)~~(2) to any
11 State Board meeting, who shall count toward a quorum and who shall be
12 allowed to vote on behalf of the Board member for whom ~~he or she~~ the
13 individual serves as a designee.

14 (B) Members of the State Board or their designees who represent
15 organizations, agencies, or other entities shall be individuals with optimum
16 policymaking authority or relevant subject matter expertise within the
17 organizations, agencies, or entities.

18 ~~(C) The members of the Board shall represent diverse regions of the~~
19 ~~State, including urban, rural, and suburban areas.~~

1 § 541c. OFFICE OF EXECUTIVE DIRECTOR OF WORKFORCE

2 EXPANSION AND DEVELOPMENT

3 (a) There is created within the Executive Branch the Office of the
4 Executive Director of Workforce Expansion and Development to manage and
5 coordinate the efforts of workforce development in the State and to perform
6 other duties as directed by the Governor.

7 (b) The Office of the Executive Director of Workforce Expansion and
8 Development shall have the administrative, legal, and technical support of the
9 Department of Labor.

10 (c) There shall be two full-time exempt staff to accomplish the duties of the
11 Office. One of these staff positions shall be the Executive Director of
12 Workforce Expansion and Development who shall report to and be under the
13 general supervision of the Governor. The other position shall be a staff
14 member supporting the work of the Executive Director and who shall report to
15 and be under the general supervision of the Executive Director.

16 (d) The State Workforce Board shall, in coordination with the Department
17 of Human Resources, set the minimum qualifications for the position of
18 Executive Director of Workforce Expansion and Development.

19 (e) The Governor shall appoint the Executive Director with the advice and
20 consent of the Senate, and the Executive Committee of the State Workforce

1 Board may provide a list to the Governor of recommended candidates for
2 Executive Director.

3 * * *

4 Sec. 2. 2022 Acts and Resolves No. 183, Sec. 5a is amended to read:

5 Sec. 5a. REGIONAL WORKFORCE EXPANSION SYSTEM

6 * * *

7 (c) System infrastructure. The Department shall make investments that
8 improve and expand regional capacity to strengthen networks who assist
9 jobseekers, workers, and employers in connecting.

10 (1) The Department is authorized to create up to four classified, ~~two-~~
11 ~~year~~ limited-service positions, with funding allocated to perform the work
12 described in this section, who shall report to the Workforce Development
13 Division and of whom:

14 * * *

15 (e) Interim report. On or before ~~January 15, 2023~~ July 15, 2025, the
16 Department shall provide a narrative update on the progress made in hiring
17 staff, establishing interagency agreements, developing regional information
18 exchange systems, and supporting State-level work to expand the labor force to
19 the House and Senate committees of jurisdiction.

1 (f) Implementation. The Department of Labor shall begin implementing
2 the Regional Workforce Expansion System on or before ~~July 1, 2022~~
3 September 1, 2024.

4 **Sec. 3. TASK FORCE TO STUDY DATA MANAGEMENT MODELS**

5 On or before January 15, 2025, the Executive Director of Workforce
6 Development, in consultation with the Executive Committee of the State
7 Workforce Development Board and the Agency of Digital Services, shall issue
8 a written report to the House Committee on Commerce and Economic
9 Development and the Senate Committee on Economic Development, Housing,
10 and General Affairs regarding the development of a data trust as outlined in
11 model three of the final report of the State Oversight Committee on Workforce
12 Expansion and Development pursuant to 2022 Acts and Resolves No. 183,

13 **Sec. 5. The report shall include:**

14 (1) a recommendation on audience, partners, use cases, outcomes, and
15 data required for future workforce, education, and training programs;

16 (2) a detailed review of the current availability of public and private
17 workforce development and training data, education data, and demographic
18 data, including the integration of data between the State's workforce
19 development and training programs and private programs funded through State
20 funding dollars;

1 (3) a summary of the progress made in the development of data-sharing
2 relationships with the stewards of identified data sets;

3 (4) draft legislative language for the creation of a data tool;

4 (5) the amount of funding necessary to establish and maintain the use of
5 a data tool; and

6 (6) a summary of other efforts across State government and through the
7 Agency of Digital Services regarding the development of data trusts, along
8 with best practices identified through those efforts.

9 **Sec. 4. WORKFORCE EDUCATION AND TRAINING LEADERSHIP**

10 ~~WORKING GROUP~~

11 ~~(a) Creation. There is created a working group to review and propose changes~~
12 ~~to the leadership and duties set forth in 10 V.S.A. § 540.~~

13 ~~(b) Membership. The working group shall be composed of the following:~~

14 ~~(1) the Executive Committee of the State Workforce Board;~~

15 ~~(2) the Executive Director of Workforce Expansion and Development;~~

16 ~~(3) the Commissioner of Disabilities, Aging, and Independent Living or~~
17 ~~designee.~~

18 ~~(c) Meetings:~~

19 ~~(1) Chair. The Chair of the State Workforce Board shall initially chair the~~
20 ~~working group and shall call the first meeting of the working group to occur on~~

1 ~~or before October 1, 2024. The Executive Director of Workforce Expansion~~
2 ~~and Development shall, upon hire, solely chair the working group.~~

3 ~~(2) A majority of the membership shall constitute a quorum.~~

4 ~~(3) The working group shall meet not more than eight times.~~

5 ~~(d) Powers and duties. The working group shall review 10 V.S.A. § 540 and~~
6 ~~engage with workforce development stakeholders to:~~

7 ~~(1) evaluate the effectiveness of the current language in statute; and~~

8 ~~(2) determine, due to changes in the State Workforce Board as set forth in this~~
9 ~~act, what changes should be made to the duties and responsibilities in the~~
10 ~~statute to ensure there is effective and comprehensive leadership in workforce~~
11 ~~development, education, and training.~~

12 ~~(e) Reporting.~~

13 ~~(1) Progress report. The working group shall submit a written progress report~~
14 ~~to the House Committee on Commerce and Economic Development and the~~
15 ~~Senate Committee on Economic Development, Housing and General Affairs~~
16 ~~updating the committees on its progress on the work set forth in this section on~~
17 ~~or before April 1, 2025.~~

18 ~~(2) Final report. The working group shall submit a written report to the House~~
19 ~~Committee on Commerce and Economic Development and the Senate~~
20 ~~Committee on Economic Development, Housing and General Affairs with its~~

1 ~~final recommendations based on the analysis conducted pursuant to this section~~
2 ~~on or before November 1, 2025.~~

3 ~~(f) Compensation and reimbursement.~~

4 ~~(1) Unless otherwise compensated by the member's employer for performance~~
5 ~~of the member's duties on the working group, a nonlegislative member of the~~
6 ~~working group shall be entitled to per diem compensation and reimbursement~~
7 ~~of expenses as permitted under 32 V.S.A. § 1010.~~

8 ~~(2) Payments to members of the working group authorized under this~~
9 ~~subsection shall be made from monies appropriated to the Department of~~
10 ~~Labor.~~

11 ~~(g) Expiration. The working group shall cease to exist on December 31, 2025.~~

12 Sec. 5. STATE WORKFORCE BOARD TRANSITION PERIOD

13 (a) An appointing authority for the State Workforce Board pursuant to 10
14 V.S.A. § 541(c) shall make all appointments as required to the Board on or
15 before September 1, 2024.

16 (b) A member of the State Workforce Board on June 30, 2024, except for
17 the Governor, and unless appointed or placed on the Board after the passage of
18 this act pursuant to 10 V.S.A. § 541(c), shall cease being a member of the
19 Board on July 1, 2024.

1 (c) Notwithstanding subsection (b) of this section, an appointing authority
2 pursuant to 10 V.S.A. § 541(c) may reappoint the same individual as a member
3 to the Board after passage of this act.

4 (d) Members of the Board appointed by the Governor shall serve initial
5 staggered terms with eight members serving three-year terms, eight members
6 serving two year terms, and seven members serving one-year terms.

7 (e) The Governor shall appoint a chair of the Board pursuant to 10 V.S.A.
8 § 541(d)(3) on or before August 1, 2024.

9 (f) The Board shall amend the Board’s WIOA Governance Document to
10 align it pursuant to the terms of this act on or before February 1, 2025.

11 Sec. 6. EFFECTIVE DATE

12 This act shall take effect on July 1, 2024.

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16 (Committee vote: _____)

17

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Representative _____

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FOR THE COMMITTEE

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1 SUGGESTED REPLACEMENT TEXT FOR SEC. 4

2 Sec. 4. WORKFORCE EDUCATION AND TRAINING LEADERSHIP

3 • § 540. Workforce education and training leader

4 The ~~State Workforce Development Board~~ ~~Commissioner of~~
5 ~~Labor~~ Office of Workforce Development and Expansion,
6 represented by its Executive Director, shall be the leader of
7 workforce education and training in the State, and shall have
8 the authority and responsibility, in collaboration with the
9 Office of the Governor, for the coordination of workforce
10 education and training within State government, including
11 the following duties:

12 (1) Perform the following duties in consultation with the
13 various State Departments and non-state partners that are
14 determined to be a part of the workforce investment training
15 system in the State ~~Workforce Development Board~~:

16 (A) advise the Governor on the establishment of an
17 integrated system of workforce education and training for
18 Vermont, that includes the work of state and non-state

1 partners, and that is greater than what is federally required
2 under the Workforce Innovation and Opportunity Act, as
3 periodically amended;

4 (B) create and maintain an inventory of all existing
5 state and non-state workforce education and training
6 programs and activities in the State;

7 (C) use data to ensure that State workforce education
8 and training activities are aligned with the needs of the
9 available workforce, the current and future job opportunities
10 in the State, and the specific credentials needed to achieve
11 employment in those jobs;

12 (D) develop a comprehensive workforce development
13 and expansion strategy that is inclusive of the State WIOA
14 plan, as required by federal law, to ensure that workforce
15 education, and training programs and activities are well
16 coordinated in the Sstatewide. This work shall align with the
17 state's economic goals, under which other agencies and

1 external partners can further coordinate their efforts in
2 delivering on agreed upon measurable outcomes. ~~serve~~
3 Vermont citizens and businesses to the maximum extent
4 possible;

5 (E) ensure coordination and nonduplication of
6 workforce education and training activities;

7 (F) identify best practices and gaps in the delivery of
8 workforce education and training programs;

9 (G) in collaboration with the Chief Performance
10 Officer, design and implement criteria and performance
11 measures, recognizing that some Federal funding carries
12 prescriptive performance measures, for workforce education
13 and training activities;

14 (H) establish goals for the integrated and
15 comprehensive workforce education and training system, in
16 collaboration with the Commissioner of Labor, State

1 Workforce Development & Expansion Board and non-state
2 partners; and

3 (I) with the assistance of the Secretaries
4 of Commissioner of Labor, the Secretaries of Commerce and
5 Community Development, of Human Services, of Education,
6 of Agriculture, Food and Markets, and of Transportation and
7 of the Commissioner of Public Safety, and of the State
8 Refugee Office, along with non-state partners, develop and
9 implement a coordinated system to recruit, relocate, and train
10 workers to ensure the labor force needs of Vermont’s
11 businesses are met; and.

12 (J) with input from the Executive Committee of the
13 Office of Workforce Development and Expansion, create an
14 annual budget for the use of the Governor’s designated
15 WIOA set aside funds. If additional funding is needed to
16 implement the comprehensive workforce development and
17 expansion strategy, additional state General Fund support
18 may be sought;

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(2) As the state representative to the Federal Department of Labor, the Vermont Commissioner of Labor retains authority and responsibility for many aspects of the implementation of the WIOA State Plan, including monitoring and evaluating compliance and performance of all grants and contracts to state and non-state partners. Require from each business, training provider, or program that receives State WIOA funding to conduct workforce education and training a report that evaluates the results of the training. Each recipient shall submit its report on a schedule determined by the Department of Labor State Workforce Development Board Commissioner and shall include at least the following information:

(A) name of the person who receives funding;

(B) amount of funding;

(C) activities and training provided;

(D) number of trainees and their general description;

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(E) employment status of trainees; and

(F) future needs for resources.

(3) The Commissioner of Labor, in consultation with the Executive Director of the Office of Workforce Development and Expansion and the WDEB shall review the reported outcomes—~~Review reports~~ submitted by each recipient of workforce education and training funding annually and adjust approaches to delivering workforce education and training as appropriate to meet stated outcomes.

(4) Issue an annual report to the Governor, the House Committees on Appropriations and on Commerce and Economic Development, and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before December 1 that includes a systematic evaluation of the accomplishments of the State workforce investment system and the performance of

1 participating agencies and institutions. The provisions of 2
2 V.S.A. § 20(d) (expiration of required reports) shall not
3 apply to the report to be made under this subdivision.

4 (5) Coordinate public programs and, to the extent
5 possible private/non-state partner workforce programs, to
6 ensure that information is easily accessible to students,
7 employees, and employers, and that all information and
8 necessary programmatic and reporting technical assistance
9 counseling is available through one contact resource (digital
10 and state office?)

11 (6) Facilitate effective communication between the
12 business community and public and private educational
13 institutions.

14 (7) Notwithstanding any provision of State law to the
15 contrary, and to the fullest extent allowed under federal law,
16 ensure that in each State and State-funded workforce
17 education and training program, the program administrator

1 (i.e., Department of Labor) collects and reports data and
2 results at the individual level by Social Security number or
3 an equivalent.

4 (8) Coordinate intentional outreach and connections
5 between students graduating from Vermont’s colleges and
6 universities and employment opportunities in Vermont.

7 (Added 2013, No. 199 (Adj. Sess.), § 41; amended 2015, No.
8 11, § 9; 2015, No. 157 (Adj. Sess.), § K.1; 2017, No. 154
9 (Adj. Sess.), § 19, eff. May 21, 2018; 2017, No. 189 (Adj.
10 Sess.), § 15.)

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