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H.707

An act relating to revising the delivery and governance of the Vermont workforce system

It is hereby enacted by the General Assembly of the State of Vermont:

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

CHAPTER 22A. WORKFORCE EDUCATION AND TRAINING

* * *

§ 541. OFFICE OF WORKFORCE EXPANSION AND DEVELOPMENT

(a) There is created within the Executive Branch the Office of Workforce Expansion and Development.

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

(c) There shall be at least two full-time staff to accomplish the duties of the Office. One of these staff positions shall be the Executive Director of the Office of Workforce Expansion and Development, who shall be an exempt employee and who shall report to and be under the general supervision of the Governor. Another position shall be a staff member, who shall be a classified employee, who shall support the work of the Executive Director, and who shall report to and be under the general supervision of the Executive Director.

(d) The Executive Director of the Office of Workforce Expansion and Development shall:

- 1 (1) coordinate the efforts of workforce development in the State;
2 (2) oversee the affairs of the State Workforce Development Board;
3 (3) work with State agencies and private partners to:
4 (A) develop strategies for comprehensive and integrated workforce
5 education and training;
6 (B) manage the collection of outcome information; and
7 (C) align workforce efforts with other State strategies; and
8 (4) perform other workforce development duties as directed by the
9 Governor.
- 10 (e) The Executive Committee of the State Workforce Development Board
11 shall, in consultation with the Department of Human Resources, suggest a set
12 of recommended qualifications to the Governor for consideration for the
13 position of Executive Director of the Office of Workforce Expansion and
14 Development.
- 15 (f) The Governor shall appoint the Executive Director with the advice and
16 consent of the Senate, and the Executive Committee of the State Workforce
17 Development Board may provide a list to the Governor of recommended
18 candidates for Executive Director.

1 § 541a. STATE WORKFORCE DEVELOPMENT BOARD; EXECUTIVE
2 COMMITTEE

3 (a) Board established; duties. Pursuant to the requirements of 29 U.S.C.
4 § 3111, the Governor shall establish the State Workforce Development Board
5 to assist the Governor in the execution of his or her duties under the Workforce
6 Innovation and Opportunity Act of 2014 and to assist the Commissioner of
7 Labor as specified in section 540 of this title.

8 * * *

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

17 (1) ~~the Commissioner of Labor;~~
18 ~~(2) two members~~ one member of the Vermont House of Representatives,
19 who shall serve for the duration of the biennium, appointed by the Speaker of
20 the House;

1 ~~(3)~~(2) ~~two members~~ one member of the Vermont Senate, who shall
2 serve for the duration of the biennium, appointed by the Senate Committee on
3 Committees;

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

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

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

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

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

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

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

12 ~~(11)~~(3) ~~two~~ four members who are core program representatives of
13 ~~individuals and organizations who have experience with respect to youth~~
14 ~~activities, as defined in 29 U.S.C. § 3102(71), as follows:~~

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

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

19 (C) the Secretary of Human Services, or designee, for the Vocational
20 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~~ The Chair of the Board shall
20 provide notice within 30 days after a vacancy on the Board to the relevant

1 appointing authority, which shall appoint a replacement within 90 days after
2 receiving notice.

3 ~~(2)~~(3) Chair. The Governor shall select a chair for the Board from
4 among the business representatives appointed pursuant to subdivision
5 (c)~~(18)~~(6) of this section.

6 ~~(3)~~(4) Meetings. The Board shall meet at least three times annually and
7 shall hold additional meetings upon call of the Chair.

8 ~~(4)~~(5) Committees; work groups; ad hoc committees. The Chair, in
9 consultation with the Commissioner of Labor, may:

10 (A) assign one or more members or their designees to standing
11 committees, ad hoc committees, or work groups to carry out the work of the
12 Board; and

13 (B) appoint one or more nonmembers of the Board to a standing
14 committee, ad hoc committee, or work group and determine whether the
15 individual serves as an advisory or voting member, provided that the number
16 of voting nonmembers on a standing committee shall not exceed the number of
17 Board members or their designees.

18 * * *

1 § 541b. WORKFORCE EDUCATION AND TRAINING; DUTIES OF
2 OTHER STATE AGENCIES, DEPARTMENTS, AND PRIVATE
3 PARTNERS

4 (a) To ensure the State Workforce Development Board, ~~and~~ the
5 Commissioner of Labor, and the Executive Director of the Office of
6 Workforce Expansion and Development are able to fully perform their duties
7 under this chapter, each agency and department within State government, and
8 each person who receives funding from the State, shall comply within a
9 reasonable period of time with a request for data and information made by the
10 Board, ~~or~~ the Commissioner, or the Executive Director in furtherance of their
11 duties under this chapter.

12 (b) The Agency of Commerce and Community Development shall
13 coordinate its work in adopting a statewide economic development plan with
14 the activities of the Board, ~~and~~ the Commissioner of Labor, and the Executive
15 Director.

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

17 Sec. 5a. REGIONAL WORKFORCE EXPANSION SYSTEM

18 * * *

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

1 Expansion and Development pursuant to 2022 Acts and Resolves No. 183,

2 Sec. 5. The report shall include:

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

5 (2) a detailed review of the current availability of public and private
6 workforce development and training data, education data, and demographic
7 data, including the integration of data between the State's workforce
8 development and training programs and private programs funded through State
9 funding dollars;

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

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

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

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

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

19 **WORKING GROUP**

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

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

2 (1) the Executive Committee of the State Workforce Development

3 Board; and

4 (2) the Executive Director of the Office Workforce Expansion and

5 Development.

6 (c) Meetings.

7 (1) Chair. The Chair of the State Workforce Development Board shall

8 initially chair the working group and shall call the first meeting of the working

9 group to occur on or before October 1, 2024. The Executive Director of the

10 Office of Workforce Expansion and Development shall, upon hire, solely chair

11 the working group.

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

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

14 (d) Powers and duties. The working group shall review 10 V.S.A. § 540

15 and engage with workforce development stakeholders to:

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

17 (2) determine, due to changes in the State Workforce Board as set forth

18 in this act, how the authorities and responsibilities for the coordination of

19 workforce education and training set forth in 10 V.S.A. § 540 should be

20 modified to ensure there is effective and comprehensive leadership in

21 workforce development, education, and training between the Commissioner of

1 Labor, the Executive Director of the Office of Workforce Expansion and
2 Development, and any other relevant authorities.

3 (e) Reporting.

4 (1) Progress report. The working group shall submit a written progress
5 report to the House Committee on Commerce and Economic Development and
6 the Senate Committee on Economic Development, Housing and General
7 Affairs updating the committees on its progress on the work set forth in this
8 section on or before April 1, 2025.

9 (2) Final report. The working group shall submit a written report to the
10 House Committee on Commerce and Economic Development and the Senate
11 Committee on Economic Development, Housing and General Affairs with its
12 final recommendations based on the analysis conducted pursuant to this section
13 on or before November 1, 2025. The final report shall also include alternatives
14 that were seriously considered but not listed in the final recommendations,
15 along with the names and affiliations of the stakeholders consulted during the
16 working group's meetings

17 (f) Compensation and reimbursement.

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

1 (2) Payments to members of the working group authorized under this
2 subsection shall be made from monies appropriated to the Department of
3 Labor.

4 (g) Expiration. The working group shall cease to exist on December 31,
5 2025.

6 Sec. 5. STATE WORKFORCE DEVELOPMENT BOARD TRANSITION
7 PERIOD

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

11 (b) A member of the State Workforce Development Board on June 30,
12 2024, except for the Governor, and unless appointed or placed on the Board
13 after the passage of this act pursuant to 10 V.S.A. § 541a(c), shall cease being
14 a member of the Board on July 1, 2024.

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

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

1 (e) The Governor shall appoint a chair of the Board pursuant to 10 V.S.A.
2 § 541a(d)(3) on or before August 1, 2024.

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

5 Sec. 6. EFFECTIVE DATE

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