

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 ~~§ 540. WORKFORCE EDUCATION AND TRAINING LEADER~~

Commented [CW1]: The Department of Labor does not support the changes made to § 540 at this time and recommends the Committee go back to the language in draft 3.1, Sec. 4.

10 ~~The Commissioner of Labor and the Executive Director of the Office of~~
11 ~~Workforce Expansion and Development shall lead be the leader of workforce~~
12 ~~education and training in the State, and shall have the authority and~~
13 ~~responsibility for the coordination of workforce education and training within~~
14 ~~State government, including the following duties:~~

15 ~~(1) Perform the following duties in consultation with the State~~
16 ~~Workforce Development Board, State entities and other partners that are~~
17 ~~identified to be part of the workforce training system in the State:~~

Commented [CW2]: This is an example of why the proposed changes need more time for review and discussion. Removing this language creates significant problems as this is federally required under the WIOA.

18 ~~(A) advise the Governor on the establishment of an a comprehensive~~
19 ~~and integrated system of workforce education and training for Vermont which~~
20 ~~includes provisions of the Workforce Innovation and Opportunity Act (WIOA)~~

Commented [CW3]: Again, this needs more time and discussion. Who are the State entities and who identifies the partners?

1 ~~as well as other workforce and education activities of the State and identified~~
2 ~~partners;~~

3 ~~(B) create and maintain an inventory of all existing identified partner~~
4 ~~workforce education and training programs and activities across in the State;~~

Commented [KS4]: Who is identifying these people?
VDOL Comm. & ED?

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

9 ~~(D) develop a comprehensive workforce development and expansion~~
10 ~~strategy, which shall include the State WIOA plan, as required by federal law,~~
11 ~~to ensure that workforce education and training programs and activities in the~~
12 ~~State serve Vermont citizens and businesses to the maximum extent possible~~
13 ~~are well coordinated across the State;~~

14 ~~(E) ensure coordination and nonduplication of workforce education~~
15 ~~and training activities;~~

16 ~~(F) identify best practices and gaps in the delivery of workforce~~
17 ~~education and training programs;~~

18 ~~(G) in consultation with the Chief Performance Officer, design and~~
19 ~~implement criteria and performance measures for publicly funded workforce~~
20 ~~education and training activities that align with the State's comprehensive~~
21 ~~workforce development and expansion strategy and the State's WIOA plan;~~

1 ~~(H) in collaboration with the State Workforce Expansion and~~
2 ~~Development Board (Board) and identified partners, establish goals for the~~
3 ~~comprehensive and integrated workforce education and training system; and~~
4 ~~(I) with the assistance of the Secretaries of Commerce and~~
5 ~~Community Development, of Human Services, of Education, of Agriculture,~~
6 ~~Food and Markets, and of Transportation, and of the Commissioner of Public~~
7 ~~Safety, the Director of the State Refugee Office, and with identified partners,~~
8 ~~develop and implement a coordinated system to recruit, relocate, and train~~
9 ~~workers to ensure the labor force needs of Vermont’s businesses are met; and,~~
10 ~~(J) with input from the Executive Committee of the State Workforce~~
11 ~~Expansion and Development Board, suggest workforce investments for the~~
12 ~~annual budget process.~~
13 ~~(2) Require from each business, training provider, or program that~~
14 ~~receives State funding to conduct workforce education and training a report~~
15 ~~that evaluates the results of the training. Each recipient shall submit its report~~
16 ~~on a schedule determined by the Department of Labor Commissioner and shall~~
17 ~~include at least the following information:~~
18 ~~(A) name of the person who receives funding;~~
19 ~~(B) amount of funding;~~
20 ~~(C) activities and training provided;~~
21 ~~(D) number of trainees and their general description;~~

Commented [CW5]: Again, this needs significant review and discussion. The way this language is drafted is in consultation with X and in further collaboration with Y (see subsection (1) above). It is poor language that needs the time for adequate review and comment.

Commented [CW6]: This needs to remain as “receives funding” is too broad.

Commented [CW7]: Again, this is an area that needs significant review and discussion as the Department of Labor does not have the funding or capacity to intake all of these reports on behalf of the entire workforce system.

1 ~~(E) employment status of trainees; and~~

2 ~~(F) future needs for resources.~~

3 ~~(3) In collaboration with the Board, annually review and analyze the~~
4 ~~reports submitted by each recipient of workforce education and training~~
5 ~~funding to inform future strategies in delivering workforce education and~~
6 ~~training as needed.~~

7 ~~(4) Issue an annual report to the Governor, the House Committees on~~
8 ~~Appropriations and on Commerce and Economic Development, and the Senate~~
9 ~~Committees on Appropriations and on Economic Development, Housing and~~
10 ~~General Affairs on or before December 1 that includes a systematic evaluation~~
11 ~~of the accomplishments of the State workforce investment system and the~~
12 ~~performance of participating agencies and institutions. The provisions of 2~~
13 ~~V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to~~
14 ~~be made under this subdivision.~~

15 ~~(5) Coordinate public programs and, to the extent possible, private~~
16 ~~workforce programs with identified partners to ensure that information is~~
17 ~~easily accessible to students, employees, and employers. , and that all~~
18 ~~information and necessary counseling is available through one contact.~~

19 ~~(6) Facilitate effective communication between the business community~~
20 ~~and public and private educational institutions.~~

1 ~~(7) Notwithstanding any provision of State law to the contrary, and to~~
2 ~~the fullest extent allowed under federal law, ensure that in each State and~~
3 ~~State funded workforce education and training program, the program~~
4 ~~administrator collects and reports data and results at the individual level by~~
5 ~~Social Security number or an equivalent.~~

6 ~~(8) Coordinate intentional outreach and connections between students~~
7 ~~graduating from Vermont's colleges and universities and employment~~
8 ~~opportunities in Vermont.~~

9 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 (c) Meetings.

17 (1) Chair. The Chair of the State Workforce Board shall initially chair
18 the working group and shall call the first meeting of the working group to
19 occur on or before October 1, 2024. The Executive Director of Workforce
20 Expansion and Development shall, upon hire, solely chair the working group.

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

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

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

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

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

9 (e) Reporting.

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

15 (2) Final report. The working group shall submit a written report to the
16 House Committee on Commerce and Economic Development and the Senate
17 Committee on Economic Development, Housing and General Affairs with its
18 final recommendations based on the analysis conducted pursuant to this section
19 on or before November 1, 2025.

20 (f) Compensation and reimbursement.

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

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

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

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9 § 541. OFFICE EXECUTIVE DIRECTOR OF WORKFORCE EXPANSION
10 AND DEVELOPMENT

11 (a) There is created within the Executive Branch an ~~the Office of the~~
12 Executive Director of Workforce Expansion and Development.

13 (b) The ~~Office of the~~ Executive Director of Workforce Expansion and
14 Development shall have the administrative, legal, and technical support of the
15 Department of Labor.

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

1 employee, and who shall support the work of the Executive Director and who
2 shall report to and be under the general supervision of the Executive Director.

3 (d) The Executive Director of Workforce Expansion and Development
4 shall ~~shall manage and~~ coordinate the efforts of workforce development in the
5 State, and how to best leverage private and non-profit partners to achieve
6 specific workforce development and expansion outcomes, oversee the affairs
7 of the State Workforce ~~Expansion and~~ Development Board, manage the
8 collection of outcome information with relevant Agencies and partners, and
9 align workforce efforts with other State strategies, ~~lead the development of~~
10 ~~comprehensive and integrated of~~ help identify gaps in available workforce
11 education and training, and perform other workforce and development duties
12 as directed by the Governor.

Commented [KS8]: Won't be in an active program management position

13 ~~(e) The Executive Committee of the State Workforce Expansion and~~
14 ~~Development Board shall, in coordination with the Department of Human~~
15 ~~Resources, suggest a set of recommended qualifications for the position of~~
16 ~~Executive Director of Workforce Expansion and Development.~~

Commented [CW9]: The Administration is not supportive of the Executive Committee of the DHR suggesting qualifications for a position reporting to the Governor. The Senate gets advice and consent.

17 (f) The Governor shall appoint the Executive Director with the advice and
18 consent of the Senate, and the Executive Committee of the State Workforce
19 Expansion and Development Board may provide a list to the Governor of
20 recommended candidates for Executive Director.

21 § 541a. STATE WORKFORCE EXPANSION AND DEVELOPMENT

Commented [CW10]: We are not supportive of changing the name of the Board. The federal regulations call it a "State Workforce Development Board" and we should follow our federal regulations to avoid confusion.

1 BOARD; EXECUTIVE COMMITTEE

2 * * *

3 (c) Membership. The Board shall consist of the Governor and the
4 following members who are appointed by the Governor and serve at the
5 Governor’s pleasure unless otherwise indicated, in conformance with the
6 federal Workforce Innovation and Opportunity Act and who serve at his or her
7 pleasure, unless otherwise indicated: (WIOA).; To the extent possible,
8 the members shall represent the State’s geographic, gender,
9 racial, and ethnic diversity, and who shall be selected from diverse
10 backgrounds to represent the interests of ethnic and diverse communities and
11 represent diverse regions of the State, including urban, rural, and suburban
12 areas:

Commented [KS11]: Pulling from our pro-forma Board language (this is copied from the SBE)

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

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

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

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

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

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

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

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

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

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

5 ~~(11)(3) two~~ four members that are core program representatives of
6 individuals and organizations who have experience with respect to youth
7 activities, as defined in 29 U.S.C. § 3102(71);, as follows:

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

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

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

14 (D) the Secretary of Commerce and Community Development or
15 designee.

16 ~~(12)(4) two~~ six workforce representatives of ~~individuals and~~
17 ~~organizations who have experience in the delivery of workforce investment~~
18 ~~activities, as defined in 29 U.S.C. § 3102(68);, as follows:~~

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

1 (B) one representative from a State registered apprenticeship
2 program; and

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

6 (i) organizations that serve veterans;

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

9 (iii) organizations that support the training or education needs of
10 eligible youth as described in 20 CFR § 681.200, including representatives of
11 organizations that serve out-of-school youth as described in 20 CFR § 681.210;
12 and

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

15 ~~(13) the lead State agency officials with responsibility for the programs~~
16 ~~and activities carried out by one stop partners, as described in 29 U.S.C. §~~
17 ~~3151(b), or if no official has that responsibility, representatives in the State~~
18 ~~with responsibility relating to these programs and activities;~~

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

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

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

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

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

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

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

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

13 (B) represent businesses with employment opportunities that reflect
14 in-demand sectors and employment opportunities in the State; and

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

17 (d) Operation of Board.

18 (1) Executive Committee.

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

1 (B) Members. The members of the Executive Committee shall
2 comprise the following:

3 (i) the Chair of the Board;

4 (ii) the Commissioner of Labor or designee;

5 (iii) the Secretary of Education or designee;

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

7 (v) the Secretary Commerce and Community Development or
8 designee;

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

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

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

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

18 (i) recommend to the Board changes to the Board’s rules or
19 bylaws;

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

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

2 (2) Member representation and vacancies.

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

8 (B) Members of the State Board or their designees who represent
9 organizations, agencies, or other entities shall be individuals with optimum
10 policymaking authority or relevant subject matter expertise within the
11 organizations, agencies, or entities.

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

14 The Chair of the Board shall provide ~~not less than 30 days~~ notice of a
15 vacancy on the Board to the relevant appointing authority ~~within 30 days of~~
16 ~~receipt of a notice to vacate~~, which shall appoint a replacement not later than
17 ~~60~~90 days after receiving notice.

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

Commented [CW12]: We recommend moving this to 90 days.

1 reasonable period of time with a request for data and information made by the
2 Board, ~~or the Commissioner,~~ or the Executive Director in furtherance of their
3 duties under this chapter.

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

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

9 Sec. 5a. REGIONAL WORKFORCE EXPANSION SYSTEM

10 * * *

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

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

18 * * *

19 (e) Interim report. On or before ~~January 15, 2023~~ July 15, 2025, the
20 Department shall provide a narrative update on the progress made in hiring
21 staff, establishing interagency agreements, developing regional information

1 exchange systems, and supporting State-level work to expand the labor force to
2 the House and Senate committees of jurisdiction.

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

6 Sec. 3. TASK FORCE TO STUDY DATA MANAGEMENT MODELS

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

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

18 (2) a detailed review of the current availability of public and private
19 workforce development and training data, education data, and demographic
20 data, including the integration of data between the State's workforce

1 development and training programs and private programs funded through State
2 funding dollars;

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

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

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

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

11 Sec. 4. STATE WORKFORCE EXPANSION AND DEVELOPMENT

12 BOARD TRANSITION PERIOD

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

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

13 Sec. 5. EFFECTIVE DATE

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

18 (Committee vote: _____)

19 _____
20 Representative _____

21 FOR THE COMMITTEE