

1 H.852

2 Introduced by Representatives Kupersmith of South Burlington, Toleno of  
3 Brattleboro, Botzow of Pownal, Bouchard of Colchester, Carr  
4 of Brandon, Cross of Winooski, Dickinson of St. Albans Town,  
5 Kitzmiller of Montpelier, Marcotte of Coventry, Ralston of  
6 Middlebury, Scheuermann of Stowe, and Young of Glover

7 Referred to Committee on

8 Date:

9 Subject: Commerce and trade; labor; workforce education and training;

10 Statement of purpose of bill as introduced: This bill proposes to focus the  
11 leadership role of the Commissioner of Labor in workforce education and  
12 training; to consolidate the statutory provisions governing workforce education  
13 and training; and to align the goals, programs, benchmarks, and outcomes of  
14 the programs within the workforce education and training system.

15 An act relating to improving workforce education and training

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

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

2 CHAPTER 22. ~~EMPLOYMENT~~ THE VERMONT

3 TRAINING PROGRAM

4 § 531. ~~EMPLOYMENT~~ THE VERMONT TRAINING PROGRAM

5 (a) The Secretary of Commerce and Community Development ~~may~~ shall  
6 have the authority to design and implement a Vermont Training Program, the  
7 purpose of which shall be to issue one or more performance-based grants to  
8 any employer, consortium of employers, or providers of training, either  
9 individuals or organizations, as necessary, to conduct training under the  
10 following circumstances: to employers and to education and training providers  
11 to increase new employment in Vermont consistent with this chapter.

12 (1) ~~when issuing grants to an employer or consortium of employers, the~~  
13 ~~employer promises as a condition of the grant to where eligible facility is~~  
14 ~~defined as in subdivision 212(6) of this title relating to the Vermont Economic~~  
15 ~~Development Authority, or the employer or consortium of employers promises~~  
16 ~~to open an eligible facility within the State which will employ persons,~~  
17 ~~provided that for the purposes of this section, eligible facility may be broadly~~  
18 ~~interpreted to include employers in sectors other than manufacturing; and~~

19 (2) ~~training is required for potential employees, new employees, or long-~~  
20 ~~standing employees in the methods, either singularly or in combination relating~~  
21 ~~to pre-employment training, on-the-job training, upgrade training, and~~

1 ~~crossover training, or specialized instruction, either in plant or through a~~  
2 ~~training provider.~~

3 (b) Eligibility for grant. The Secretary of Commerce and Community  
4 Development may award a grant to an employer if:

5 (1) ~~the employer's new or expanded initiative will enhance employment~~  
6 ~~opportunities for Vermont residents;~~

7 (A) the training is for a new employee; or

8 (B) the training is for an existing employee and, upon completion of  
9 training, the existing employee assumes a new position with the employer and  
10 a new employee is hired to fill the position of the employee who received  
11 training;

12 (2) the employer provides its employees with at least three of the  
13 following:

14 (A) health care benefits with 50 percent or more of the premium paid  
15 by the employer;

16 (B) dental assistance;

17 (C) paid vacation and holidays;

18 (D) child care;

19 (E) other extraordinary employee benefits;

20 (F) retirement benefits; ~~and~~

1 ~~(3) the training is directly related to the employment responsibilities of~~  
2 ~~the trainee; and~~

3 ~~(4) the employer compensates each new employee:~~

4 ~~(A) at a wage rate that is at least twice the prevailing State or federal~~  
5 ~~minimum wage, whichever is greater, reduced by the value of any health~~  
6 ~~benefit package up to a limit of 30 percent of the gross program wage; or~~

7 ~~(B) in an area in which the rate of unemployment is 50 percent~~  
8 ~~greater than the average for the State, at a wage rate set by the Secretary that is~~  
9 ~~no less than one and one-half times the federal or State minimum wage,~~  
10 ~~whichever is greater.~~

11 ~~(c) The employer promises as a condition of the grant to:~~

12 ~~(1) employ new persons at a wage which, at the completion of the~~  
13 ~~training program, is two times the prevailing state or federal minimum wage,~~  
14 ~~whichever is greater, reduced by the value of any existing health benefit~~  
15 ~~package up to a limit of 30 percent of the gross program wage, or for existing~~  
16 ~~employees, to increase the wage to two times the prevailing state and federal~~  
17 ~~minimum wage, whichever is greater, reduced by the value of any existing~~  
18 ~~health benefit package up to a limit of 20 percent of the gross program wage,~~  
19 ~~upon completion of training; provided, however, that in areas defined by the~~  
20 ~~Secretary of Commerce and Community Development in which the Secretary~~  
21 ~~finds that the rate of unemployment is 50 percent greater than the average for~~

1 ~~the State, the wage rate under this subsection may be set by the Secretary at a~~  
2 ~~rate no less than one and one-half times the federal or state minimum wage,~~  
3 ~~whichever is greater;~~

4 ~~(2) employ persons who have completed the training provided for them~~  
5 ~~and nominated as qualified for a reasonable period at the wages and~~  
6 ~~occupations described in the contract, unless the employer reasonably finds the~~  
7 ~~nominee is not qualified;~~

8 ~~(3) provide its employees with at least three of the following:~~

9 ~~(A) health care benefits with 50 percent or more of the premium paid~~  
10 ~~by the employer;~~

11 ~~(B) dental assistance;~~

12 ~~(C) paid vacation and holidays;~~

13 ~~(D) child care;~~

14 ~~(E) other extraordinary employee benefits; and~~

15 ~~(F) retirement benefits.~~

16 ~~(4) submit a customer satisfaction report to the Secretary of Commerce~~  
17 ~~and Community Development, on a form prepared by the Secretary for that~~  
18 ~~purpose, no more than 30 days from the last day of the training program.~~

19 [Repealed.]

1 ~~(d) In order to avoid duplication of programs or services and to provide the~~

2 ~~greatest return on investment from training provided under this section, the~~

3 ~~Secretary of Commerce and Community Development shall:~~

4 ~~(1) first consult with the Commissioner of Labor regarding whether the~~  
5 ~~grantee has accessed, or is eligible to access, other workforce development and~~  
6 ~~training resources offered by public or private workforce development~~  
7 ~~partners; and whether a grant is an effective use of workforce development~~  
8 ~~resources.~~

9 ~~(2) disburse grant funds only for training hours that have been~~  
10 ~~successfully completed by employees; provided that a grant for on-the-job~~  
11 ~~training shall either provide not more than 50 percent of wages for each~~  
12 ~~employee in training, or not more than 50 percent of trainer expense, but not~~  
13 ~~both, and further provided that training shall be performed in accordance with~~  
14 ~~a training plan that defines the subject of the training, the number of training~~  
15 ~~hours, and how the effectiveness of the training will be evaluated; and~~

16 ~~(3) use funds under this section only to supplement training efforts of~~  
17 ~~employers and not to replace or supplant training efforts of employers.~~

18 ~~(e) The Secretary of Commerce and Community Development shall~~  
19 ~~administer all training programs under this section, may select and use~~  
20 ~~providers of training as appropriate, and shall adopt rules and may accept~~  
21 ~~services, money, or property donated for the purposes of this section. The~~

1 ~~Secretary may promote awareness of, and may give priority to, training that~~  
2 ~~enhances critical skills, productivity, innovation, quality, or competitiveness,~~  
3 ~~such as training in Innovation Engineering, "Lean" systems, and ISO~~  
4 ~~certification for expansion into new markets. [Repealed.]~~

5 (f) Upon completion of the training program for any individual, the  
6 secretary of Commerce and Community Development shall review the records  
7 and shall award to the trainee, if appropriate, a certificate of completion for the  
8 training.

9 (g) ~~None of the criteria in subdivision (a)(1) of this section shall apply to a~~  
10 ~~designated job development zone under chapter 29, subchapter 2 of this title.~~  
11 [Repealed.]

12 (h) ~~The Secretary may designate the Commissioner of Economic~~  
13 ~~Development to carry out his or her powers and duties under this chapter.~~  
14 [Repealed.]

15 (i) ~~Program Outcomes.~~

16 (1) ~~On or before September 1, 2011, the Agency of Commerce and~~  
17 ~~Community Development, in coordination with the department of labor, and in~~  
18 ~~consultation with the Workforce Development Council and the Legislative Joint~~  
19 ~~Fiscal Office, shall develop, to the extent appropriate, a common set of~~  
20 ~~benchmarks and performance measures for the training program established in~~  
21 ~~this section and the Workforce Education and Training Fund established in~~

1 ~~section 543 of this title, and shall collect employee specific data on training~~  
2 ~~outcomes regarding the performance measures; provided, however, that the~~  
3 ~~Secretary shall redact personal identifying information from such data.~~

4 ~~(2) On or before January 15, 2013, the Joint Fiscal Office shall prepare a~~  
5 ~~performance report using the benchmarks and performance measures created~~  
6 ~~pursuant to subdivision (1) of this subsection. The Joint Fiscal Office shall~~  
7 ~~submit its report to the Senate Committee on Economic Development, Housing~~  
8 ~~and General Affairs and the House Committee on Commerce and Economic~~  
9 ~~Development.~~

10 ~~(3) The Secretary shall use information gathered pursuant to this~~  
11 ~~subsection and customer satisfaction reports submitted pursuant to subdivision~~  
12 ~~(e)(4) of this section to evaluate the program and make necessary changes that~~  
13 ~~fall within the Secretary's authority or, if beyond the scope of the Secretary's~~  
14 ~~authority, to recommend necessary changes to the appropriate committees of~~  
15 ~~the General Assembly. [Repealed.]~~

16 (j) Consistent with the training program's goal of providing specialized  
17 training and increased employment opportunities for Vermonters, and  
18 notwithstanding provisions of this section to the contrary, the Secretary shall  
19 canvas apprenticeship sponsors to determine demand for various levels of  
20 training and classes and shall transfer up to \$250,000.00 annually to the  
21 regional technical centers to fund or provide supplemental funding for

1 ~~apprenticeship training programs leading up to certification or licensing as~~  
2 journeyman or master electricians or plumbers. The Secretary shall seek to  
3 provide these funds equitably throughout Vermont; however, the Secretary  
4 shall give priority to regions not currently served by apprenticeship programs  
5 offered through the Vermont Department of Labor pursuant to 21 V.S.A.  
6 chapter 13.

7 (k) Annually on or before January 15, the Secretary shall submit a report to  
8 the House Committee on Commerce and Economic Development and the  
9 Senate Committee on Economic Development, Housing and General Affairs  
10 summarizing all active and completed contracts and grants, the types of  
11 training activities provided, the number of employees served, and the average  
12 wage by employer, and addressing any waivers granted.

13 Sec. 2. 10 V.S.A. chapter 22A is amended to read:

14 CHAPTER 22A. WORKFORCE EDUCATION AND TRAINING

15 § 541. ~~WORKFORCE DEVELOPMENT COUNCIL; STATE WORKFORCE~~  
16 ~~INVESTMENT BOARD; MEMBERS, TERMS~~

17 (a) ~~The Workforce Development Council is created as the successor to and~~  
18 ~~the continuation of the Governor's Human Resources Investment Council and~~  
19 ~~shall be the State Workforce Investment Board under Public Law 105-220, the~~  
20 ~~Workforce Investment Act of 1998, and any reauthorization of that act. The~~  
21 ~~Council shall consist of the members required under the federal act and the~~

1 ~~following: the President of the University of Vermont or designee; the~~  
2 ~~Chancellor of the Vermont State Colleges or designee; the President of the~~  
3 ~~Vermont Student Assistance corporation or designee; the President of the~~  
4 ~~Association of Vermont Independent Colleges or designee; a representative of~~  
5 ~~the Abenaki Self Help Organization; at least two representatives of labor~~  
6 ~~appointed by the Governor in addition to the two required under the federal~~  
7 ~~act, who shall be chosen from a list of names submitted by Vermont AFL-CIO,~~  
8 ~~Vermont NEA, and the Vermont State Employees Association; one~~  
9 ~~representative of the low income community appointed by the Governor; two~~  
10 ~~members of the Senate appointed by the Senate Committee on Committees;~~  
11 ~~and two members of the house appointed by the speaker. In addition, the~~  
12 ~~Governor shall appoint enough other members who are representatives of~~  
13 ~~business or employers so that one-half plus one of the members of the council~~  
14 ~~are representatives of business or employers. At least one-third of those~~  
15 ~~appointed by the Governor as representatives of business or employers shall be~~  
16 ~~chosen from a list of names submitted by the regional technical centers. As~~  
17 ~~used in this section, "representative of business" means a business owner, a~~  
18 ~~chief executive operating officer, or other business executive, and "employer"~~  
19 ~~means an individual with policy-making or hiring authority, including a public~~  
20 ~~school superintendent or school board member and representatives from the~~  
21 ~~nonprofit, social services, and health sectors of the economy. If there is a~~

1 ~~dispute as to who is to represent an interest as required under the federal law,~~  
2 ~~the Governor shall decide who shall be the member of the Council.~~

3 ~~(b) Appointed members, except legislative appointees, shall be appointed~~  
4 ~~for three-year terms and serve at the pleasure of the Governor.~~

5 ~~(c) A vacancy shall be filled for the unexpired term in the same manner as~~  
6 ~~the initial appointment.~~

7 ~~(d) The Governor shall appoint one of the business or employer members~~  
8 ~~to chair the council for a term of two years. A member shall not serve more~~  
9 ~~than three consecutive terms as chair.~~

10 ~~(e) Legislative members shall be entitled to compensation and expenses as~~  
11 ~~provided in 2 V.S.A. § 406, and other members shall be entitled to~~  
12 ~~compensation and expenses as provided in 32 V.S.A. § 1010.~~

13 ~~(f) The Department of Labor shall provide the Council with administrative~~  
14 ~~support.~~

15 ~~(g) The Workforce Development Council shall be subject to 1 V.S.A.~~  
16 ~~chapter 5, subchapters 2 and 3, relating to public meetings and access to public~~  
17 ~~records.~~

18 ~~(h) [Repealed.]~~

19 ~~(i) The Workforce Development Council shall:~~

20 ~~(1) Advise the Governor on the establishment of an integrated network~~  
21 ~~of workforce education and training for Vermont.~~

1 ~~(2) Coordinate planning and services for an integrated network of~~  
2 ~~workforce education and training and oversee its implementation at State and~~  
3 ~~regional levels.~~

4 ~~(3) Establish goals for and coordinate the State's workforce education~~  
5 ~~and training policies.~~

6 ~~(4) Speak for the workforce needs of employers.~~

7 ~~(5) Negotiate memoranda of understanding between the Council and~~  
8 ~~agencies and institutions involved in Vermont's integrated network of~~  
9 ~~workforce education and training in order to ensure that each is working to~~  
10 ~~achieve annual objectives developed by the Council.~~

11 ~~(6) Carry out the duties assigned to the State Workforce Investment~~  
12 ~~Board, as required for a single service delivery state, under P.L. 105-220, the~~  
13 ~~Workforce Investment Act of 1998, and any amendments that may be made to~~  
14 ~~it. [Repealed.]~~

15 § 541a. STATE WORKFORCE INVESTMENT BOARD

16 (a) Board established. Pursuant to the requirements of 29 U.S.C. § 2821  
17 the Governor shall establish a State Workforce Investment Board (Board) to  
18 assist the Governor as required by the Workforce Investment Act of 1998.

19 (b) Membership. The Board shall consist of the Governor and the  
20 following members who are appointed by the Governor and serve at his or her  
21 pleasure, unless otherwise indicated:

- 1 ~~(1) two Members of the Vermont House of Representatives appointed~~  
2 ~~by the Speaker of the House;~~
- 3 ~~(2) two Members of the Vermont Senate appointed by the Senate~~  
4 ~~Committee on Committees;~~
- 5 ~~(3) if the Governor designates a local workforce investment area~~  
6 ~~pursuant to his or her authority under 29 U.S.C. § 2831, a chief elected official~~  
7 ~~from each area designated;~~
- 8 ~~(4) two representatives of labor organizations who have been nominated~~  
9 ~~by State labor federations;~~
- 10 ~~(5) two representatives of individuals and organizations who have~~  
11 ~~experience with respect to youth activities, as defined in 29 U.S.C. § 2801(52);~~
- 12 ~~(6) two representatives of individuals and organizations who have~~  
13 ~~experience in the delivery of workforce investment activities, as defined in~~  
14 ~~29 U.S.C. § 2801(51);~~
- 15 ~~(7) 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 ~~§ 2841(b), or if no official has that responsibility, a representative in the State~~  
18 ~~with expertise relating to these programs and activities;~~
- 19 ~~(8) one member designated by the Governor who is a State official~~  
20 ~~responsible for economic development in the State;~~

- 1 ~~(9) one member designated by the Governor who is a private sector~~  
2 ~~person responsible for economic development in the State;~~
- 3 ~~(10) two individuals who have experience in, and can speak for, the~~  
4 ~~education and training needs of underemployed and unemployed~~  
5 ~~Vermonters; and~~
- 6 ~~(11) a number of appointees sufficient to constitute a majority of the~~  
7 ~~Board of who:~~
- 8 ~~(A) are owners, chief executives, or operating officers of businesses,~~  
9 ~~and other business executives or employers with optimum policymaking or~~  
10 ~~hiring authority;~~
- 11 ~~(B) represent businesses with employment opportunities that reflect~~  
12 ~~the employment opportunities of the State; and~~
- 13 ~~(C) are appointed from among individuals nominated by State~~  
14 ~~business organizations and business trade associations.~~
- 15 ~~(c) Operation of Board.~~
- 16 ~~(1) Member representation.~~
- 17 ~~(A) Members of the State Board who represent organizations,~~  
18 ~~agencies, or other entities shall be individuals with optimum policymaking~~  
19 ~~authority within the organizations, agencies, or entities.~~
- 20 ~~(B) The members of the Board shall represent diverse regions of the~~  
21 ~~State, including urban, rural, and suburban areas.~~

1 ~~(2) Chair. The Governor shall select a chair for the Board from among~~  
2 ~~the business representatives appointed pursuant to subdivision (b)(11) of this~~  
3 ~~section.~~

4 ~~(3) Meetings. The Board shall meet at least twice annually to assist the~~  
5 ~~Governor in the performance of his or her duties, as provided in the federal~~  
6 ~~Workforce Investment Act of 1998, and shall hold additional meetings upon~~  
7 ~~call of the Governor.~~

8 ~~(4) Committees. The Governor shall have the authority to appoint one~~  
9 ~~or more committees and to adopt procedural rules as he or she determines is~~  
10 ~~necessary for the Board to perform its work.~~

11 ~~(5) Quorum; meetings; voting.~~

12 ~~(A) A majority of the sitting members of the Board shall constitute a~~  
13 ~~quorum, and to be valid any action taken by the Board shall be authorized by a~~  
14 ~~majority of the members present and voting at any regular or special meeting at~~  
15 ~~which a quorum is present.~~

16 ~~(B) The Board may permit any or all directors to participate in a~~  
17 ~~regular or special meeting by, or conduct the meeting through the use of, any~~  
18 ~~means of communication, including an electronic, telecommunications, and~~  
19 ~~video- or audio-conferencing conference telephone call, by which all members~~  
20 ~~participating may simultaneously or sequentially communicate with each other~~

1 ~~during the meeting. A member participating in a meeting by this means is~~  
2 deemed to be present in person at the meeting.

3 (C) The Board shall deliver electronically the minutes for each of its  
4 meetings to each member of the Board and to the House Committees on  
5 Education and on Commerce and Economic Development, and to the Senate  
6 Committees on Education and on Economic Development, Housing and  
7 General Affairs.

8 (6) Conflict of interest. A member of the Board shall not:

9 (A) vote on a matter under consideration by the Board:

10 (i) regarding the provision of services by the member, or by an  
11 entity that the member represents; or

12 (ii) that would provide direct financial benefit to the member or  
13 the immediate family of the member; or

14 (B) engage in any activity that the Governor determines constitutes a  
15 conflict of interest as specified in the State Plan required under 29 U.S.C.  
16 § 2822.

17 (7) Sunshine provision. The Board shall make available to the public,  
18 on a regular basis through open meetings, information regarding the activities  
19 of the Board, including information regarding the State Plan adopted  
20 pursuant to 29 U.S.C. § 2822 and prior to submission of the State Plan to the

1 ~~U.S. Secretary of Labor, information regarding membership, and, on request,~~  
2 minutes of formal meetings of the Board.

3 § 541b. WORKFORCE INVESTMENT STATE PLAN

4 (a) Adoption. The Governor shall prepare and submit to the U.S. Secretary  
5 of Labor a Workforce Investment State Plan (State Plan) that outlines a  
6 five-year strategy for the statewide workforce system of the State and the  
7 meets the requirements of 29 U.S.C. §§ 2821–2822.

8 (b) Contents. The State Plan shall include:

9 (1) A description of the State Workforce Investment Board, including a  
10 description of the manner in which the Board collaborates in the development  
11 of the State Plan and a description of how the Board collaborates in carrying its  
12 duty to assist the Governor under 29 U.S.C. § 2821(d).

13 (2) A description of State-imposed requirements for the statewide  
14 workforce investment system.

15 (3) A description of the State performance accountability system  
16 developed for the workforce investment activities to be carried out through the  
17 statewide workforce investment system, that includes information identifying  
18 State performance measures required under the performance accountability  
19 system described in 29 U.S.C. § 2871.

20 (4) Information describing:

1 ~~(A) the needs of the State with regard to current and projected~~  
2 ~~employment opportunities, by occupation;~~

3 ~~(B) the job skills necessary to obtain these employment~~  
4 ~~opportunities;~~

5 ~~(C) the skills and economic development needs of the State; and~~

6 ~~(D) the type and availability of workforce investment activities in the~~  
7 ~~State.~~

8 ~~(5) An identification of local areas designated by the State, including a~~  
9 ~~description of the process used for the designation of these areas.~~

10 ~~(6) An identification of criteria to be used by chief elected officials for~~  
11 ~~the appointment of members of local boards based on the requirements of~~  
12 ~~29 U.S.C. § 2832.~~

13 ~~(7) The detailed plans required under the Wagner-Peyser Act, 29 U.S.C.~~  
14 ~~§ 49g, providing for the promotion and development of employment~~  
15 ~~opportunities, job counseling, and job placement for handicapped persons.~~

16 ~~(8)(A) A description of the procedures that will be taken by the State to~~  
17 ~~assure coordination of and duplication among:~~

18 ~~(i) workforce investment activities authorized under 29 U.S.C.~~  
19 ~~chapter 30 (workforce investment systems);~~

20 ~~(ii) other activities authorized under 29 U.S.C. chapter 30;~~

1 ~~(iii) programs authorized under the Wagner Peysor Act (29 U.S.C.~~  
2 ~~§ 49 et seq.), Title II of the Workforce Investment Act of 1998 (20 U.S.C.~~  
3 ~~§ 9201 et seq.), Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720~~  
4 ~~et seq.), part A of Title IV of the Social Security Act (42 U.S.C. § 601 et seq.),~~  
5 ~~and § 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2015(d)(4),~~  
6 ~~activities authorized under Title V of the Older Americans Act of 1965~~  
7 ~~(42 U.S.C. § 3056 et seq.), and career and technical education activities at the~~  
8 ~~postsecondary level authorized under the Carl D. Perkins Career and Technical~~  
9 ~~Education Act of 2006 (20 U.S.C. § 2301);~~  
10 ~~(iv) work programs authorized under section 6(o) of the Food and~~  
11 ~~Nutrition Act of 2008 (7 U.S.C. § 2015(o);~~  
12 ~~(v) activities authorized under chapter 2 of Title II of the Trade~~  
13 ~~Act of 1974 (19 U.S.C. § 2271 et seq);~~  
14 ~~(vi) activities authorized under 38 U.S.C. chapter 41 (job~~  
15 ~~counseling, training, and placement services for veterans);~~  
16 ~~(vii) employment and training activities carried out under the~~  
17 ~~Community Services Block Grant Act (42 U.S.C. § 9901 et seq.);~~  
18 ~~(viii) activities authorized under the National and Community~~  
19 ~~Service Act of 1990 (42 U.S.C. § 12501 et seq.);~~  
20 ~~(ix) employment and training activities carried out by the~~  
21 ~~Department of Housing and Urban Development; and~~

1 ~~(x) programs authorized under State unemployment compensation~~  
2 laws (in accordance with applicable federal law); and

3 (B) a description of the common data collection and reporting  
4 processes used for the programs and activities described in subdivision (A) of  
5 this subdivision (8).

6 (9) A description of the process used by the State, consistent with  
7 29 U.S.C. § 2821(g) (sunshine provisions), to provide an opportunity for  
8 public comment, including comment by representatives of businesses and  
9 representatives of labor organizations, and input into development of the Plan,  
10 prior to submission of the Plan.

11 (10) Information identifying how the State will use funds the State  
12 receives under 29 U.S.C. chapter 30, subchapter II (statewide and local  
13 workforce investment systems; WIA Act of 1998) to leverage other federal,  
14 State, local, and private resources, in order to maximize the effectiveness of  
15 such resources, and to expand the participation of business, employees, and  
16 individuals in the statewide workforce investment system.

17 (11) Assurances that the State will provide, in accordance with  
18 29 U.S.C. § 2934 (fiscal controls; sanctions), for fiscal control and fund  
19 accounting procedures that may be necessary to ensure the proper  
20 disbursement of, and accounting for, funds paid to the State through the  
21 allotments made under 29 U.S.C. §§ 2852 (state allotments for youth activities)

1 ~~and 2862 (state allotments for adult and dislocated worker employment and~~  
2 ~~training activities).~~

3 (12)(A) A description of the methods and factors the State will use in  
4 distributing funds to local areas for youth activities and adult employment and  
5 training activities under 29 U.S.C. §§ 2853 and 2863, including:

6 (i) a description of how the individuals and entities represented on  
7 the State Board were involved in determining those methods and factors of  
8 distribution; and

9 (ii) a description of how the State consulted with chief elected  
10 officials in local areas throughout the State in determining the distribution.

11 (B) Assurances that the funds will be distributed equitably  
12 throughout the State, and that no local areas will suffer significant shifts in  
13 funding from year to year.

14 (C) A description of the formula prescribed by the Governor pursuant  
15 to 29 U.S.C. § 2863 for the allocation of funds to local areas for dislocated  
16 worker employment and training activities.

17 (13) Information specifying the actions that constitute a conflict of  
18 interest prohibited in the State for purposes of 29 U.S.C. §§ 2821(f) (State  
19 Board member conflict of interest) and 2832(g) (local investment board  
20 member conflict of interest).

1 ~~(14) With respect to the one stop delivery systems described in~~  
2 ~~29 U.S.C. § 2864(c), a description of the strategy of the State for assisting local~~  
3 ~~areas in development and implementation of fully operational one-stop~~  
4 ~~delivery systems in the State.~~

5 (15) A description of the appeals process referred to in 29 U.S.C.  
6 § 2831(a)(5) (appeal where request for designation as local area is denied by  
7 Governor).

8 (16) A description of the competitive process to be used by the State to  
9 award grants and contracts in the State for activities carried out under  
10 29 U.S.C. chapter 30, subchapter II (statewide and local workforce investment  
11 systems; WIA Act of 1998).

12 (17) With respect to the employment and training activities authorized  
13 in 29 U.S.C. § 2864 (use of funds for adult and dislocated worker employment  
14 and training activities):

15 (A) a description of:

16 (i) the employment and training activities that will be carried out  
17 with the funds received by the State through the allotment made under  
18 29 U.S.C. § 2862 (State allotments for adult and dislocated worker  
19 employment and training activities);

20 (ii) how the State will provide rapid response activities to  
21 dislocated workers from funds reserved under 29 U.S.C. § 2863(a)(2) (rapid

1 ~~response activities for adult and dislocated worker employment and training~~

2 activities), including the designation of an identifiable State rapid response

3 dislocated worker unit to carry out statewide rapid response activities;

4 (iii) the procedures the local boards in the State will use to identify

5 eligible providers of training services described in 29 U.S.C. § 2864(d)(4)

6 (local area training services), other than on-the-job training or customized

7 training, as required under 29 U.S.C. § 2842 (identification of eligible

8 providers of training services); and

9 (B) an assurance that veterans will be afforded the employment and

10 training activities by the State, to the extent practicable.

11 (18) With respect to youth activities authorized in 29 U.S.C. § 2854 (use  
12 of funds for youth activities), information:

13 (A) describing the State strategy for providing comprehensive

14 services to eligible youth, particularly those eligible youth who are recognized

15 as having significant barriers to employment;

16 (B) identifying the criteria to be used by local boards in awarding

17 grants for youth activities, including criteria that the Governor and local boards

18 will use to identify effective and ineffective youth activities and providers of

19 such activities;

20 (C) describing how the State will coordinate the youth activities

21 carried out in the State under 29 U.S.C. § 2854 (use of funds for youth

1 ~~activities) with the services provided by Job Corps centers in the State, where~~  
2 these centers exist; and

3 (D) describing how the State will coordinate youth activities in  
4 subdivision (C) of this subdivision (18) with activities carried out through the  
5 youth opportunity grants under 29 U.S.C. § 2914 (youth opportunity grants).

6 § 542. REGIONAL WORKFORCE DEVELOPMENT

7 (a) The Commissioner of Labor, in coordination with the Secretary of  
8 Commerce and Community Development, and in consultation with the  
9 Workforce Development Council, is authorized to issue performance grants to  
10 one or more persons to perform workforce development activities in a region.

11 (b) Each grant shall specify the scope of the workforce development  
12 activities to be performed and the geographic region to be served, and shall  
13 include outcomes and measures to evaluate the grantee's performance.

14 (c) The Commissioner of Labor and the Secretary of Commerce and  
15 Community Development shall jointly develop a grant process and eligibility  
16 criteria, as well as an outreach process for notifying potential participants of  
17 the grant program. The Commissioner of Labor shall have final authority to  
18 approve each grant.

1 ~~§ 543. WORKFORCE EDUCATION AND TRAINING FUND; GRANT~~

2 PROGRAMS

3 (a) Creation. There is created a Workforce Education and Training Fund in  
4 the ~~department of labor~~ Department of Labor to be managed in accordance  
5 with 32 V.S.A. chapter 7, subchapter 5.

6 (b) Purposes. The Fund shall be used exclusively for the following two  
7 purposes:

8 (1) training to ~~improve the skills of~~ for Vermont workers, ~~including~~  
9 ~~those who are unemployed, underemployed, or in transition~~ from one job or  
10 career to another; and

11 (2) internships to provide work-based learning opportunities with  
12 Vermont employers for students from Vermont colleges, public and private  
13 high schools, regional technical centers, and the Community High School of  
14 Vermont, and for students who are Vermont residents attending college, high  
15 school, technical, or vocational schools out of state.

16 (c) Administrative Support. Administrative support for the grant award  
17 process shall be provided by the Departments of Labor and of Economic  
18 Development. ~~Technical, administrative, financial, and other support shall be~~  
19 ~~provided whenever appropriate and reasonable by the Workforce Development~~  
20 ~~Council and all other public entities involved in Economic Development,~~  
21 ~~workforce development and training, and education.~~

1 ~~(d) Eligible Activities. Awards from the Fund shall be made to employers~~  
2 ~~and entities that offer programs that require collaboration between employees~~  
3 ~~and businesses, including private, public, and nonprofit entities, institutions of~~  
4 ~~higher education, technical centers, and workforce development programs.~~  
5 ~~Funding shall be for training programs and student internship programs that~~  
6 ~~offer education, training, apprenticeship, mentoring, or work-based learning~~  
7 ~~activities, or any combination; that employ innovative intensive~~  
8 ~~student-oriented competency-based or collaborative approaches to workforce~~  
9 ~~development; and that link workforce education and economic development~~  
10 ~~strategies. Training programs or projects that demonstrate actual increased~~  
11 ~~income and economic opportunity for employees and employers may be~~  
12 ~~funded for more than one year. Student internships and training programs that~~  
13 ~~involve the same employer may be funded multiple times, provided that new~~  
14 ~~students participate.~~

15 (e) Award Criteria and Process. ~~The Workforce Development Council, in~~  
16 ~~consultation with the Commissioners of Labor and of Economic Development~~  
17 ~~and the Secretary of Education, shall develop criteria consistent with~~  
18 ~~subsection (d) of this section for making awards under this section. The~~  
19 ~~Commissioners of Labor and, in consultation with the Commissioner of~~  
20 ~~Economic Development and the Secretary of Education, shall develop criteria~~  
21 ~~and a process for making awards under this section.~~

1 ~~(f) Awards. Based on guidelines set by the council, the The Commissioner~~  
2 ~~of labor, and the Secretary of Education Labor shall jointly make awards to the~~  
3 ~~following:~~

4 (1) Training Programs. Public, private, and nonprofit entities for  
5 existing or new innovative training programs. Awards may be made to  
6 programs that ~~retain~~ significantly enhance the skills of incumbent workers  
7 with a preference for cross-training and other skill improvements that make the  
8 employee more adaptable for future employment. Awards under this  
9 subdivision shall be made to programs or projects that do all the following:

10 (A) offer innovative programs of intensive, student-centric,  
11 competency-based education, training, apprenticeship, mentoring, or any  
12 combination of these;

13 (B) address the needs of workers who are unemployed,  
14 underemployed, or are at risk of becoming unemployed due to changing  
15 workplace demands by increasing productivity and developing new skills for  
16 incumbent workers;

17 (C) train workers for trades or occupations that are expected to lead  
18 to jobs paying at least 200 percent of the current minimum wage or at least 150  
19 percent if benefits are included; this requirement may be waived when  
20 warranted based on regional or occupational wages or economic reality.

1 ~~(D) do not duplicate, supplant, or replace other available programs~~  
2 funded with public money;

3 (E) articulate clear goals and demonstrate readily accountable,  
4 reportable, and measurable results; and

5 (F) demonstrate an integrated connection between training and  
6 specific employment opportunities, ~~including an effort and consideration by~~  
7 ~~participating employers to hire those who successfully complete a training~~  
8 ~~program; and with priority for programs that lead directly to employment.~~

9 (2) Vermont Career Internship Program. Funding for eligible internship  
10 programs and activities under the Vermont Career Internship Program  
11 established in section 544 of this title.

12 (3) Apprenticeship Program. The Vermont Apprenticeship Program  
13 established under 21 V.S.A. chapter 13. Awards under this subdivision may be  
14 used to fund the cost of apprenticeship-related instruction provided by the  
15 Department of Labor.

16 (g) [Repealed.]

17 § 544. VERMONT CAREER INTERNSHIP PROGRAM

18 (a)(1) The Department of Labor, in consultation with the Agency of  
19 Education, shall develop and implement a statewide Vermont Career  
20 Internship Program for Vermonters who are in high school or in college and  
21 for those who are recent graduates of ~~24~~ 12 months or less.

1 ~~(2) The Department of Labor shall coordinate and provide funding to~~  
2 public and private entities for internship programs that match Vermont  
3 employers with students from public and private secondary schools, regional  
4 technical centers, the Community High School of Vermont, colleges, and  
5 recent graduates of ~~24~~ 12 months or less.

6 (3) Funding awarded through the Vermont Career Internship Program  
7 may be used to administer an internship program and to provide participants  
8 with a stipend during the internship, based on need. Funds may be made only  
9 to programs or projects that do all the following:

10 (A) do not replace or supplant existing positions;

11 (B) create real workplace expectations and consequences;

12 (C) provide a process that measures progress toward mastery of  
13 skills, attitude, behavior, and sense of responsibility required for success in that  
14 workplace;

15 (D) are designed to motivate and educate secondary and  
16 postsecondary students and recent graduates through work-based learning  
17 opportunities with Vermont employers that are likely to lead to real  
18 employment;

19 (E) include mechanisms that promote employer involvement with  
20 secondary and postsecondary students and curriculum and the delivery of  
21 education at the participating schools; and

1 ~~(F) offer participants a continuum of learning, experience, and~~  
2 relationships with employers that will make it financially possible and  
3 attractive for graduates to continue to work and live in Vermont.

4 (4) ~~For the purposes of~~ As used in this section, “internship” means a  
5 learning experience working with an employer where the intern may, but does  
6 not necessarily, receive academic credit, financial remuneration, a stipend, or  
7 any combination of these.

8 (b) The Department of Labor, in collaboration with the Agencies of  
9 Agriculture, Food and Markets and of Education, ~~state-funded~~ State-funded  
10 postsecondary educational institutions, the Workforce Development Council,  
11 and other ~~state~~ State agencies and departments that have workforce  
12 development and training monies, shall:

13 (1) identify new and existing funding sources that may be allocated to  
14 the Vermont Career Internship Program;

15 (2) collect data and establish program goals and quantifiable  
16 performance measures for internship programs funded through the Vermont  
17 Career Internship Program;

18 (3) develop or enhance a website that will connect students and  
19 graduates with internship opportunities with Vermont employers;

1 ~~(4) engage appropriate agencies and departments of the State in the~~  
2 Internship Program to expand internship opportunities with State government  
3 and with entities awarded State contracts; and

4 (5) work with other public and private entities to develop and enhance  
5 internship programs, opportunities, and activities throughout the State.

6 § 545. WORKFORCE DEVELOPMENT LEADER

7 The Commissioner of Labor shall be the leader of workforce development,  
8 education, training, and investment systems in the State, and shall have the  
9 primary authority and responsibility for workforce development within State  
10 government, which shall include the following duties:

11 (1) Advise the Governor on the establishment of an integrated network  
12 of workforce education and training for Vermont.

13 (2) Coordinate planning and services for an integrated network of  
14 workforce education and training and oversee its implementation at State and  
15 regional levels.

16 (3) Establish goals for and coordinate the State's workforce education  
17 and training policies.

18 (4) Develop a limited number of overarching goals and challenging  
19 measurable criteria for the workforce development system that supports the  
20 creation of good jobs to build and retain a strong, appropriate, and sustainable  
21 economic environment in Vermont.

- 1 ~~(5) Review reports submitted by each person who receives workforce~~  
2 ~~development funding. The reports shall be submitted on a schedule~~  
3 ~~determined by the Commissioner and shall include all the following~~  
4 ~~information:~~
- 5 ~~(A) a description of the mission and programs relating to preparing~~  
6 ~~individuals for employment and meeting the needs of employers for skilled~~  
7 ~~workers;~~
  - 8 ~~(B) the measurable accomplishments that have contributed to~~  
9 ~~achieving the overarching goals;~~
  - 10 ~~(C) identification of any innovations made to improve delivery of~~  
11 ~~services;~~
  - 12 ~~(D) future plans that will contribute to the achievement of the goals;~~
  - 13 ~~(E) the successes of programs to establish working partnerships and~~  
14 ~~collaborations with other organizations that reduce duplication or enhance the~~  
15 ~~delivery of services, or both; and~~
  - 16 ~~(F) any other information that the Committee may deem necessary~~  
17 ~~and relevant.~~
- 18 ~~(6) Review information pursuant to subdivision (5) of this section that is~~  
19 ~~voluntarily provided by education and training organizations that are not~~  
20 ~~required to report this information but want recognition for their contributions;~~

1 ~~(7) Issue an annual report to the Governor and the General Assembly on~~

2 ~~or before December 1, that shall include a systematic evaluation of the~~

3 ~~accomplishments of the State workforce investment system and the~~

4 ~~participating agencies and institutions and all the following:~~

5 ~~(A) a compilation of the systemwide accomplishments made toward~~

6 ~~achieving the overarching goals, specific notable accomplishments,~~

7 ~~innovations, collaborations, grants received, or new funding sources developed~~

8 ~~by participating agencies, institutions, and other education and training~~

9 ~~organizations;~~

10 ~~(B) an evaluation of each provider's contributions toward achieving~~

11 ~~the overarching goals;~~

12 ~~(C) identification of areas needing improvement, including time~~

13 ~~frames, expected annual participation, and contributions, and the overarching~~

14 ~~goals; and~~

15 ~~(D) recommendations for the allocating of next generation funds and~~

16 ~~other public resources.~~

17 ~~(8) Develop an integrated workforce strategy that incorporates economic~~

18 ~~development, workforce development, and education to provide all~~

19 ~~Vermonters with the best education and training available in order to create a~~

20 ~~strong, appropriate, and sustainable economic environment that supports a~~

21 ~~healthy State economy; and~~

1 ~~(9) Develop strategies for both the following:~~  
2 ~~(A) coordination of public and private workforce programs to assure~~  
3 ~~that information is easily accessible to students, employees, and employers,~~  
4 ~~and that all information and necessary counseling is available through one~~  
5 ~~contact; and~~  
6 ~~(B) more effective communications between the business community~~  
7 ~~and educational institutions, both public and private.~~  
8 Sec. 3. REPEAL  
9 ~~2007 Acts and Resolves No. 46, Sec. 6(a) as amended by 2009 Acts and~~  
10 ~~Resolves No. 54, Sec. 8 (workforce development leader), is repealed.~~  
11 Sec. 4. EFFECTIVE DATE  
12 ~~This act shall take effect on July 1, 2014.~~

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

*CHAPTER 22A. WORKFORCE EDUCATION AND TRAINING*

*§ 540. WORKFORCE EDUCATION AND TRAINING LEADER*

*The Commissioner of Labor shall be the leader of workforce education and training in the State, and shall have the authority and responsibility for the coordination of workforce education and training within State government, including the following duties:*

*(1) Perform the following duties in consultation with the State Workforce Investment Board:*

(A) Advise the Governor on the establishment of an integrated system of workforce education and training for Vermont.

(B) Create and maintain an inventory of all existing workforce education and training programs and activities in the State.

(C) Use data to ensure that State workforce education and training activities are aligned with the needs of the available workforce, the current and future job opportunities in the State, and the specific credentials needed to achieve employment in those jobs.

(D) Develop a State plan, as required by federal law, to ensure that workforce education and training programs and activities in the State serve Vermont citizens and businesses to the maximum extent possible.

(E) Ensure coordination and non-duplication of workforce education and training activities.

(F) Identify best practices and gaps in the delivery of workforce education and training programs.

(G) Design and implement criteria and performance measures for workforce education and training activities.

(H) Establish goals for the integrated workforce education and training system.

(2) Require from each business, training provider, or program that receives State 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 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;

(E) employment status of trainees

(F) future needs for resources.

(3) Review reports submitted by each recipient of workforce education and training funding.

(4) Issue an annual report to the Governor and the General Assembly on or before December 1 that includes a systematic evaluation of the accomplishments of the State workforce investment system and the performance of participating agencies and institutions.

(5) Coordinate public and private workforce programs to assure that information is easily accessible to students, employees, and employers, and that all information and necessary counseling is available through one contact.

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

~~§ 541. WORKFORCE DEVELOPMENT COUNCIL; STATE WORKFORCE  
INVESTMENT BOARD; MEMBERS, TERMS~~

~~(a) The Workforce education and training Council is created as the successor to and the continuation of the Governor's Human Resources Investment Council and shall be the State Workforce Investment Board under Public Law 105 220, the Workforce Investment Act of 1998, and any reauthorization of that act. The Council shall consist of the members required under the federal act and the following: the President of the University of Vermont or designee; the Chancellor of the Vermont State Colleges or designee; the President of the Vermont Student Assistance corporation or designee; the President of the Association of Vermont Independent Colleges or designee; a representative of the Abenaki Self Help Organization; at least two representatives of labor appointed by the Governor in addition to the two required under the federal act, who shall be chosen from a list of names submitted by Vermont AFL CIO, Vermont NEA, and the Vermont State Employees Association; one representative of the low income community appointed by the Governor; two members of the Senate appointed by the Senate Committee on Committees; and two members of the house appointed by the speaker. In addition, the Governor shall appoint enough other members who are representatives of business or employers so that one half plus one of the members of the council are representatives of business or employers. At~~

~~least one-third of those appointed by the Governor as representatives of business or employers shall be chosen from a list of names submitted by the regional technical centers. As used in this section, "representative of business" means a business owner, a chief executive operating officer, or other business executive, and "employer" means an individual with policy-making or hiring authority, including a public school superintendent or school board member and representatives from the nonprofit, social services, and health sectors of the economy. If there is a dispute as to who is to represent an interest as required under the federal law, the Governor shall decide who shall be the member of the Council.~~

~~(b) Appointed members, except legislative appointees, shall be appointed for three year terms and serve at the pleasure of the Governor.~~

~~(c) A vacancy shall be filled for the unexpired term in the same manner as the initial appointment.~~

~~(d) The Governor shall appoint one of the business or employer members to chair the council for a term of two years. A member shall not serve more than three consecutive terms as chair.~~

~~(e) Legislative members shall be entitled to compensation and expenses as provided in 2 V.S.A. § 406, and other members shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010.~~

~~(f) The Department of Labor shall provide the Council with administrative support.~~

~~(g) The Workforce education and training Council shall be subject to 1 V.S.A. chapter 5, subchapters 2 and 3, relating to public meetings and access to public records.~~

~~(h) [Repealed.]~~

~~(i) The Workforce education and training Council shall:~~

~~(1) Advise the Governor on the establishment of an integrated network of workforce education and training for Vermont.~~

~~(2) Coordinate planning and services for an integrated network of workforce education and training and oversee its implementation at State and regional levels.~~

~~(3) Establish goals for and coordinate the State's workforce education and training policies.~~

~~(4) Speak for the workforce needs of employers.~~

~~(5) Negotiate memoranda of understanding between the Council and agencies and institutions involved in Vermont's integrated network of workforce education and training in order to ensure that each is working to achieve annual objectives developed by the Council.~~

~~(6) Carry out the duties assigned to the State Workforce Investment Board, as required for a single-service delivery state, under P.L. 105-220, the~~

~~Workforce Investment Act of 1998, and any amendments that may be made to it. [Repealed.]~~

§ 541a. STATE WORKFORCE INVESTMENT BOARD

(a) Board established; duties. Pursuant to the requirements of 29 U.S.C. § 2821, the Governor shall establish a State Workforce Investment Board to assist the Governor in the execution of his or her duties under the Workforce Investment Act of 1998 and to assist the Commissioner of Labor as specified in section 540 of this title.

(b) Additional duties; planning; process. In order to inform its decision-making and to provide effective assistance under subsection (a) of this section, the Board shall:

(1) Conduct an ongoing public engagement process throughout the State at which Vermonters have the opportunity to provide feedback and information concerning their workforce education and training needs.

(2) Maintain familiarity with the federal Comprehensive Economic Development Strategy (CEDS) and other economic development planning processes, and coordinate workforce and education activities in the State, including the development and implementation of the state plan required under the Workforce Investment Act of 1998, with economic development planning processes occurring in the State, as appropriate.

(c) Membership. The Board shall consist of the Governor and the following members who are appointed by the Governor and serve at his or her pleasure, unless otherwise indicated:

(1) two Members of the Vermont House of Representatives appointed by the Speaker of the House;

(2) two Members of the Vermont Senate appointed by the Senate Committee on Committees;

(3) the President of the University of Vermont or his or her designee;

(4) the Chancellor of the Vermont State Colleges or his or her designee;

(5) the President of the Vermont Student Assistance Corporation or his or her designee;

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

(7) the Secretary of Education or his or her designee;

(8) a director of a regional technical center;

(9) a principal of a Vermont high school;

(10) two representatives of labor organizations who have been nominated by State labor federations;

(11) two representatives of individuals and organizations who have experience with respect to youth activities, as defined in 29 U.S.C. § 2801(52);

(12) two representatives of individuals and organizations who have experience in the delivery of workforce investment activities, as defined in 29 U.S.C. § 2801(51);

(13) the lead State agency officials with responsibility for the programs and activities carried out by one-stop partners, as described in 29 U.S.C. § 2841(b), or if no official has that responsibility, a representative in the State with expertise relating to these programs and activities;

(14) the Commissioner of Economic Development;

(15) the Commissioner of Labor;

(16) the Secretary of Human Services or his or her designee;

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

(18) a number of appointees sufficient to constitute a majority of the Board who:

(A) are owners, chief executives, or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;

(B) represent businesses with employment opportunities that reflect the employment opportunities of the State; and

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

(d) Operation of Board.

(1) Member representation.

(A) Members of the State Board who represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.

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

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

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

(4) Work groups; task forces. The Chair, in consultation with the Commissioner of Labor, may:

(A) assign one or more members to work groups to carry out the work of the Board; and

(B) appoint one or more members of the Board, or non-members of the Board, or both, to one or more task forces for a discrete purpose and duration.

(5) Quorum; meetings; voting.

(A) A majority of the sitting members of the Board shall constitute a quorum, and to be valid any action taken by the Board shall be authorized by a majority of the members present and voting at any regular or special meeting at which a quorum is present.

(B) The Board may permit one or more members to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication, including an electronic, telecommunications, and video- or audio-conferencing conference telephone call, by which all members participating may simultaneously or sequentially communicate with each other during the meeting. A member participating in a meeting by this means is deemed to be present in person at the meeting.

(C) The Board shall deliver electronically the minutes for each of its meetings to each member of the Board and to the Chairs of the House Committees on Education and on Commerce and Economic Development, and to the Senate Committees on Education and on Economic Development, Housing and General Affairs.

~~(6) Reimbursement. Unless otherwise compensated by his or her employer for performance of his or her duties on the Board, a member of the Board shall be eligible for per diem compensation of \$50.00 per day for attendance at a meeting of the Board, and for reimbursement of his or her necessary expenses, which shall be paid by the Department of Labor solely~~

~~from funds available for that purpose under the Workforce Investment Act of 1998.~~

(6) Reimbursement.

(A) Legislative members of the Board shall be entitled to compensation and expenses as provided in 2 V.S.A. § 406.

(B) Unless otherwise compensated by his or her employer for performance of his or her duties on the Board, a nonlegislative member of the Board shall be eligible for per diem compensation of \$50.00 per day for attendance at a meeting of the Board, and for reimbursement of his or her necessary expenses, which shall be paid by the Department of Labor solely from funds available for that purpose under the Workforce Investment Act of 1998.

(7) Conflict of interest. A member of the Board shall not:

(A) vote on a matter under consideration by the Board:

(i) regarding the provision of services by the member, or by an entity that the member represents; or

(ii) that would provide direct financial benefit to the member or the immediate family of the member; or

(B) engage in any activity that the Governor determines constitutes a conflict of interest as specified in the State Plan required under 29 U.S.C. § 2822.

(8) Sunshine provision. The Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the Board, including information regarding the State Plan adopted pursuant to 29 U.S.C. § 2822 and prior to submission of the State Plan to the U.S. Secretary of Labor, information regarding membership, and, on request, minutes of formal meetings of the Board.

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

(a) To ensure the Workforce Investment Board and the Commissioner of Labor are able to fully perform their duties under this chapter, each agency and department within State government, and each person who receives funding from the State, shall comply within a reasonable period of time with a request for data and information made by the Board or the Commissioner in furtherance of their duties under this chapter.

(b) The Agency of Commerce and Community Development shall coordinate its work in adopting a statewide economic development plan with the activities of the Board and the Commissioner of Labor, including the development and implementation of the state plan for workforce education and training required under the Workforce Investment Act of 1998.

§ 542. *REGIONAL WORKFORCE ~~DEVELOPMENT~~ EDUCATION AND TRAINING*

(a) *The Commissioner of Labor, in coordination with the Secretary of Commerce and Community Development, and in consultation with the Workforce ~~education and training~~ Council Investment Board, is authorized to issue performance grants to one or more persons to perform workforce education and training activities in a region.*

(b) *Each grant shall specify the scope of the workforce education and training activities to be performed and the geographic region to be served, and shall include outcomes and measures to evaluate the grantee's performance.*

(c) *The Commissioner of Labor and the Secretary of Commerce and Community Development shall jointly develop a grant process and eligibility criteria, as well as an outreach process for notifying potential participants of the grant program. The Commissioner of Labor shall have final authority to approve each grant.*

§ 543. *WORKFORCE EDUCATION AND TRAINING FUND; GRANT PROGRAMS*

(a) *Creation. There is created a Workforce Education and Training Fund in the ~~department of labor~~ Department of Labor to be managed in accordance with 32 V.S.A. chapter 7, subchapter 5.*

*(b) Purposes. The Fund shall be used exclusively for the following ~~two~~ purposes:*

*(1) training ~~to improve the skills of~~ for Vermont workers, including those who are unemployed, underemployed, or in transition from one job or career to another; and*

*(2) internships to provide students with work-based learning opportunities with Vermont employers; and*

*(3) apprenticeship-related instruction.*

*(c) Administrative Support. Administrative support for the grant award process shall be provided by the ~~Departments~~ Department of Labor ~~and of Economic Development~~. ~~Technical, administrative, financial, and other~~ support shall be provided whenever appropriate and reasonable by the Workforce ~~Development Council~~ Investment Board and all other public entities involved in ~~Economic Development, workforce development and training, and education~~ economic development and workforce education and training.*

*(d) Eligible Activities. Awards from the Fund shall be made to employers and entities that offer programs that require collaboration between employees and businesses, including private, public, and nonprofit entities, institutions of higher education, high schools, technical centers, and workforce education and training programs. Funding shall be for training programs and student internship programs that offer education, training, apprenticeship, mentoring,*

*or work-based learning activities, or any combination; that employ innovative intensive student-oriented competency-based or collaborative approaches to workforce education and training; and that link workforce education and economic development strategies. Training programs or projects that demonstrate actual increased income and economic opportunity for employees and employers may be funded for more than one year. Student internships and training programs that involve the same employer may be funded multiple times, provided that new students participate.*

*~~(e) Award Criteria and Process. The Workforce education and training Council, in consultation with the Commissioners of Labor and of Economic Development and the Secretary of Education, shall develop criteria consistent with subsection (d) of this section for making awards under this section. The Commissioners of Labor and of Economic Development and the Secretary of Education, shall develop a process for making awards. [Repealed].~~*

*(f) Awards. ~~Based on guidelines set by the council, the~~ The Commissioner of labor, and the Secretary of Education Labor, in consultation with the Workforce Investment Board, shall ~~jointly~~ develop award criteria and may make awards to the following:*

*(1) Training Programs.*

(A) Public, private, and nonprofit entities for existing or new innovative training programs. Awards may be made to programs that retrain that enhance the skills of Vermont incumbent workers and:

(i) train workers for trades or occupations that are expected to lead to jobs paying at least 200 percent of the current minimum wage or at least 150 percent if benefits are included; this requirement may be waived when warranted based on regional or occupational wages or economic reality;

(ii) do not duplicate, supplant, or replace other available programs funded with public money;

(iii) articulate clear goals and demonstrate readily accountable, reportable, and measurable results; and

(iv) demonstrate an integrated connection between training and specific new or continuing employment opportunities.

(B) Awards under this subdivision shall be made to programs or projects that do all the following:

(A)(i) offer innovative programs of intensive, student-centric, competency-based education, training, apprenticeship, mentoring, or any combination of these;

(B)(ii) address the needs of workers who are unemployed, underemployed, or are at risk of becoming unemployed due to changing

*workplace demands by increasing productivity and developing new skills for incumbent workers; or*

*(iii) in the discretion of the Commissioner, otherwise serve the purposes of this chapter.*

*~~(C) train workers for trades or occupations that are expected to lead to jobs paying at least 200 percent of the current minimum wage or at least 150 percent if benefits are included; this requirement may be waived when warranted based on regional or occupational wages or economic reality;~~*

*~~(D) do not duplicate, supplant, or replace other available programs funded with public money;~~*

*~~(E) articulate clear goals and demonstrate readily accountable, reportable, and measurable results;~~*

*~~(F) demonstrate an integrated connection between training and specific employment opportunities, including an effort and consideration by participating employers to hire those who successfully complete a training program; and~~*

*(2) Vermont Career Internship Program. Funding for eligible internship programs and activities under the Vermont Career Internship Program established in section 544 of this title.*

*(3) Apprenticeship Program. The Vermont Apprenticeship Program established under 21 V.S.A. chapter 13. Awards under this subdivision may be*

*used to fund the cost of apprenticeship-related instruction provided by the Department of Labor.*

*(g) [Repealed.]*

**§ 544. VERMONT CAREER INTERNSHIP PROGRAM**

*(a)(1) The Department of Labor, in consultation with the Agency of Education, shall develop and implement a statewide Vermont Career Internship Program for Vermonters who are in high school or in college and for those who are recent graduates of 24 months or less.*

*(2) The Department of Labor shall coordinate and provide funding to public and private entities for internship programs that match Vermont employers with students from public and private secondary schools, regional technical centers, the Community High School of Vermont, colleges, and recent graduates of 24 months or less.*

*(3) Funding awarded through the Vermont Career Internship Program may be used to administer an internship program and to provide participants with a stipend during the internship, based on need. Funds may be made only to programs or projects that do all the following:*

*(A) do not replace or supplant existing positions;*

*(B) create real workplace expectations and consequences;*

*(C) provide a process that measures progress toward mastery of skills, attitude, behavior, and sense of responsibility required for success in that workplace;*

*(D) are designed to motivate and educate secondary and postsecondary students and recent graduates through work-based learning opportunities with Vermont employers that are likely to lead to real employment;*

*(E) include mechanisms that promote employer involvement with secondary and postsecondary students and curriculum and the delivery of education at the participating schools; and*

*(F) offer participants a continuum of learning, experience, and relationships with employers that will make it financially possible and attractive for graduates to continue to work and live in Vermont.*

*(4) ~~For the purposes of~~ As used in this section, “internship” means a learning experience working with an employer where the intern may, but does not necessarily, receive academic credit, financial remuneration, a stipend, or any combination of these.*

*(b) The Department of Labor, in collaboration with the Agencies of Agriculture, Food and Markets and of Education, ~~state-funded~~ State-funded postsecondary educational institutions, the Workforce ~~Development Council~~*

*Investment Board, and other ~~state~~ State agencies and departments that have workforce education and training and training monies, shall:*

*(1) identify new and existing funding sources that may be allocated to the Vermont Career Internship Program;*

*(2) collect data and establish program goals and quantifiable performance measures for internship programs funded through the Vermont Career Internship Program;*

*(3) develop or enhance a website that will connect students and graduates with internship opportunities with Vermont employers;*

*(4) engage appropriate agencies and departments of the State in the Internship Program to expand internship opportunities with State government and with entities awarded State contracts; and*

*(5) work with other public and private entities to develop and enhance internship programs, opportunities, and activities throughout the State.*

*Sec. 2. 10 V.S.A. chapter 22 is amended to read:*

***CHAPTER 22. ~~EMPLOYMENT~~ THE VERMONT***

***TRAINING PROGRAM***

***§ 531. ~~EMPLOYMENT~~ THE VERMONT TRAINING PROGRAM***

*(a)(1) The Secretary of Commerce and Community Development ~~may,~~ in consultation with the Workforce Investment Board, shall have the authority to design and implement a Vermont Training Program, the purpose of which*

~~shall be to issue performance-based grants to any employer, consortium of employers, or providers of training, either individuals or organizations, as necessary, to conduct training under the following circumstances: to employers and to education and training providers to increase employment opportunities in Vermont consistent with this chapter.~~

~~(2) The Secretary shall structure the Vermont Training Program to serve as a flexible, nimble, and strategic resource for Vermont businesses and workers across all sectors of the economy.~~

~~(1) when issuing grants to an employer or consortium of employers, the employer promises as a condition of the grant to where eligible facility is defined as in subdivision 212(6) of this title relating to the Vermont Economic Development Authority, or the employer or consortium of employers promises to open an eligible facility within the State which will employ persons, provided that for the purposes of this section, eligible facility may be broadly interpreted to include employers in sectors other than manufacturing; and~~

~~(2) training is required for potential employees, new employees, or long-standing employees in the methods, either singularly or in combination relating to pre-employment training, on the job training, upgrade training, and crossover training, or specialized instruction, either in-plant or through a training provider.~~

(b) *Eligibility for grant. The Secretary of Commerce and Community Development may award a grant to an employer if:*

*(1) ~~the employer's new or expanded initiative will enhance employment opportunities for Vermont residents; the training is for pre-employment, new employees, or incumbent employees in the methods, either singularly or in combination, relating to pre-employment training, on-the-job training, upgrade training, and crossover training, or specialized instruction, either on-site or through a training provider;~~*

*(2) the employer provides its employees with at least three of the following:*

*(A) health care benefits with 50 percent or more of the premium paid by the employer;*

*(B) dental assistance;*

*(C) paid vacation ~~and~~ ;*

*(D) paid holidays;*

*~~(D)~~(E) child care;*

*~~(E)~~(F) other extraordinary employee benefits;*

*~~(F)~~(G) retirement benefits; and*

*(H) other paid time off, including paid sick days;*

*(3) the training is directly related to the employment responsibilities of the trainee; and*

(4) unless modified by the Secretary if warranted based on regional or occupational wages or economic reality, the training is expected to lead to a position for which the employee is compensated at least twice the State minimum wage, reduced by the value of any benefit package up to a limit of 30 percent of the employee's gross wage; provided that for each grant in which the Secretary modifies the compensation provisions of this subdivision, he or she shall identify in the records for that grant the basis and nature of the modification.

~~(c) The employer promises as a condition of the grant to:~~

~~(1) employ new persons at a wage which, at the completion of the training program, is two times the prevailing state or federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 30 percent of the gross program wage, or for existing employees, to increase the wage to two times the prevailing state and federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 20 percent of the gross program wage, upon completion of training; provided, however, that in areas defined by the Secretary of Commerce and Community Development in which the Secretary finds that the rate of unemployment is 50 percent greater than the average for the State, the wage rate under this subsection may be set by the Secretary at a~~

~~rate no less than one and one-half times the federal or state minimum wage,  
whichever is greater;~~

~~(2) employ persons who have completed the training provided for them  
and nominated as qualified for a reasonable period at the wages and  
occupations described in the contract, unless the employer reasonably finds  
the nominee is not qualified;~~

~~(3) provide its employees with at least three of the following:~~

~~(A) health care benefits with 50 percent or more of the premium paid  
by the employer;~~

~~(B) dental assistance;~~

~~(C) paid vacation and holidays;~~

~~(D) child care;~~

~~(E) other extraordinary employee benefits; and~~

~~(F) retirement benefits.~~

~~(4) submit a customer satisfaction report to the Secretary of Commerce  
and Community Development, on a form prepared by the Secretary for that  
purpose, no more than 30 days from the last day of the training program.~~

In the case of a grant to a training provider, the Secretary shall require as a  
condition of the grant that the provider shall disclose to the Secretary the  
name of the employer and the number of employees trained prior to final  
payment for the training.

*(d) In order to avoid duplication of programs or services and to provide the greatest return on investment from training provided under this section, the Secretary of Commerce and Community Development shall:*

*~~(1) first consult with the Commissioner of Labor regarding whether the grantee has accessed, or is eligible to access, other workforce education and training resources offered by public or private workforce education and training partners;~~*

*(2) disburse grant funds only for training hours that have been successfully completed by employees; provided that a grant for on-the-job training shall either provide not more than 50 percent of wages for each employee in training, or not more than 50 percent of trainer expense, but not both, and further provided that training shall be performed in accordance with a training plan that defines the subject of the training, the number of training hours, and how the effectiveness of the training will be evaluated; and*

*(3) use funds under this section only to supplement training efforts of employers and not to replace or supplant training efforts of employers.*

*~~(e) The Secretary of Commerce and Community Development shall administer all training programs under this section, may select and use providers of training as appropriate, and shall adopt rules and may accept services, money, or property donated for the purposes of this section. The Secretary may promote awareness of, and may give priority to, training that~~*

~~enhances critical skills, productivity, innovation, quality, or competitiveness, such as training in Innovation Engineering, "Lean" systems, and ISO certification for expansion into new markets. [Repealed.]~~

~~(f) Upon completion of the training program for any individual, the secretary of Commerce and Community Development shall review the records and shall award to the trainee, if appropriate, a certificate of completion for the training.~~

~~(g) None of the criteria in subdivision (a)(1) of this section shall apply to a designated job development zone under chapter 29, subchapter 2 of this title. [Repealed.]~~

~~(h) The Secretary may designate the Commissioner of Economic Development to carry out his or her powers and duties under this chapter. [Repealed.]~~

~~(i) Program Outcomes:~~

~~(1) On or before September 1, 2011, the Agency of Commerce and Community Development, in coordination with the department of labor, and in consultation with the Workforce education and training Council and the legislative Joint Fiscal Office, shall develop, to the extent appropriate, a common set of benchmarks and performance measures for the training program established in this section and the Workforce Education and Training Fund established in section 543 of this title, and shall collect employee specific~~

~~data on training outcomes regarding the performance measures; provided, however, that the Secretary shall redact personal identifying information from such data.~~

~~(2) On or before January 15, 2013, the Joint Fiscal Office shall prepare a performance report using the benchmarks and performance measures created pursuant to subdivision (1) of this subsection. The Joint Fiscal Office shall submit its report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development.~~

~~(3) The Secretary shall use information gathered pursuant to this subsection and customer satisfaction reports submitted pursuant to subdivision (c)(4) of this section to evaluate the program and make necessary changes that fall within the Secretary's authority or, if beyond the scope of the Secretary's authority, to recommend necessary changes to the appropriate committees of the General Assembly. [Repealed.]~~

~~(j) Consistent with the training program's goal of providing specialized training and increased employment opportunities for Vermonters, and notwithstanding provisions of this section to the contrary, the Secretary shall canvas apprenticeship sponsors to determine demand for various levels of training and classes and shall transfer up to \$250,000.00 annually to the regional technical centers to fund or provide supplemental funding for~~

~~apprenticeship training programs leading up to certification or licensing as journeyman or master electricians or plumbers. The Secretary shall seek to provide these funds equitably throughout Vermont; however, the Secretary shall give priority to regions not currently served by apprenticeship programs offered through the Vermont Department of Labor pursuant to 21 V.S.A. chapter 13. [Repealed].~~

~~(k) Annually on or before January 15, the Secretary shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs summarizing. In addition to the reporting requirements under section 540 of this title, the report shall identify:~~

~~(1) all active and completed contracts and grants;~~

~~(2) the types of training activities provided, from among the following, the category the training addressed:~~

~~(A) pre-employment training or other training for a new employee to begin a newly created position with the employer;~~

~~(B) pre-employment training or other training for a new employee to begin in an existing position with the employer;~~

~~(C) training for an incumbent employee who, upon completion of training, assumes a newly created position with the employer;~~

(D) training for an incumbent employee who upon completion of training assumes a different position with the employer;

(E) training for an incumbent employee to upgrade skills;

(3) for the training identified in subdivision whether the training is onsite or classroom-based;

(4) the number of employees served, ~~and~~ ;

(5) the average wage by employer, ~~and addressing~~ ;

(6) any waivers granted;

(7) the identity of the employer, or, if unknown at the time of the report, the category of employer;

(8) the identity of each training provider; and

(9) whether training results in a wage increase for a trainee, and the amount of increase.

*Sec. 3. REPEAL*

2007 Acts and Resolves No. 46, Sec. 6(a), as amended by 2009 Acts and Resolves No. 54, Sec. 8 (workforce education and training leader) and 2013 Acts and Resolves No. 81, Sec. 2, is repealed.

*Sec. 4. DEPARTMENT OF LABOR; AGENCY OF COMMERCE AND  
COMMUNITY DEVELOPMENT; STATUTORY PROPOSALS*

On or before November 1, 2014:

(1) The Commissioner of Labor shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs a proposal to amend the language of 10 V.S.A. § 543 to reflect best practices and improve clarity in the administration of, and for applicants to, the grant program from the Workforce Education and Training Fund under that section.

(2) The Secretary of Commerce and Community Development shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs a proposal to amend the language of 10 V.S.A. § 531 to reflect best practices and improve clarity in the administration of, and for applicants to, the Vermont Training Program under that section.

*Sec. 5. EFFECTIVE DATE*

This act shall take effect on July 1, 2014.