

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was  
3 referred House Bill No. 852 entitled “An act relating to improving workforce  
4 education and training” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking all after the enacting clause  
6 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

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

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

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

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

20 (C) Use data to ensure that State workforce education and training  
21 activities are aligned with the needs of the available workforce, the current and

1 future job opportunities in the State, and the specific credentials needed to  
2 achieve employment in those jobs.

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

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

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

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

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

14 (2) Require from each business, training provider, or program that  
15 receives State funding to conduct workforce education and training a report  
16 that evaluates the results of the training. Each recipient shall submit its report  
17 on a schedule determined by the Commissioner and shall include at least the  
18 following information:

19 (A) name of the person who receives funding;

20 (B) amount of funding;

21 (C) activities and training provided;

1           (D) number of trainees and their general description;

2           (E) employment status of trainees

3           (F) future needs for resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           § 541a. STATE WORKFORCE INVESTMENT BOARD

18           (a) Board established; duties. Pursuant to the requirements of 29 U.S.C.  
19           § 2821 the Governor shall establish a State Workforce Investment Board to  
20           assist the Governor in the execution of his or her duties under the Workforce

1 Investment Act of 1998 and to assist the Commissioner of Labor as specified  
2 in section 540 of this title.

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

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

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

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

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

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

- 1           (3) the President of the University of Vermont or his or her designee;
- 2           (4) the Chancellor of the Vermont State Colleges or his or her designee;
- 3           (5) the President of the Vermont Student Assistance Corporation or his  
4 or her designee;
- 5           (6) a representative of an independent Vermont college or university;
- 6           (7) the Secretary of Education or his or her designee;
- 7           (8) a director of a regional technical center;
- 8           (9) a principal of a Vermont high school;
- 9           (10) two representatives of labor organizations who have been  
10 nominated by State labor federations;
- 11           (11) two representatives of individuals and organizations who have  
12 experience with respect to youth activities, as defined in 29 U.S.C. § 2801(52);
- 13           (12) two representatives of individuals and organizations who have  
14 experience in the delivery of workforce investment activities, as defined in  
15 29 U.S.C. § 2801(51);
- 16           (13) the lead State agency officials with responsibility for the programs  
17 and activities carried out by one-stop partners, as described in 29 U.S.C.  
18 § 2841(b), or if no official has that responsibility, a representative in the State  
19 with expertise relating to these programs and activities;
- 20           (14) the Commissioner of Economic Development;
- 21           (15) the Commissioner of Labor; [flag: no AHS representation]

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

3           (17) a number of appointees sufficient to constitute a majority of the  
4           Board who:

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

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

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

12           (d) Operation of Board.

13                   (1) Member representation.

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

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

19                   (2) Chair. The Governor shall select a chair for the Board from among  
20                   the business representatives appointed pursuant to subdivision (b)(17) of this  
21                   section.

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

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

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

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

10           (5) Quorum; meetings; voting.

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

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

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

6           (6) Reimbursement. Unless otherwise compensated by his or her  
7           employer for performance of his or her duties on the Board, a member of the  
8           Board shall be eligible for per diem compensation of \$50.00 per day for  
9           attendance at a meeting of the Board, and for reimbursement of his or her  
10           necessary expenses, which shall be paid by the Department of Labor solely  
11           from funds available for that purpose under the Workforce Investment Act of  
12           1998.

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

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

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

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

19           (B) engage in any activity that the Governor determines constitutes a  
20           conflict of interest as specified in the State Plan required under 29 U.S.C.  
21           § 2822.

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

7           § 541b. WORKFORCE EDUCATION AND TRAINING; DUTIES OF  
8           OTHER STATE AGENCIES, DEPARTMENTS, AND PRIVATE  
9           PARTNERS

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

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

1 § 542. REGIONAL WORKFORCE ~~DEVELOPMENT~~ EDUCATION AND  
2 TRAINING

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

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

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

16 § 543. WORKFORCE EDUCATION AND TRAINING FUND; GRANT  
17 PROGRAMS

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

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

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

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

8 (3) apprenticeship-related instruction.

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

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

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

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

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

20 (1) Training Programs.

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

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

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

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

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

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

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

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

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

3 (iii) in the discretion of the Commissioner otherwise serves the  
4 purposes of this chapter.

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

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

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

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

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

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

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

3 (g) [Repealed.]

4 § 544. VERMONT CAREER INTERNSHIP PROGRAM

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

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

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

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

19 (B) create real workplace expectations and consequences;

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

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

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

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

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

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

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

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

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

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

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

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

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

16 CHAPTER 22. ~~EMPLOYMENT~~ THE VERMONT  
17 TRAINING PROGRAM

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

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

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

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

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

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

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

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

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

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

13 (B) dental assistance;

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

15 ~~(D)~~ paid holidays;

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

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

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

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

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

1           (4) unless modified by the Secretary if warranted based on regional or  
2           occupational wages or economic reality, the training is expected to lead to a  
3           position for which the employee is compensated at least twice the State  
4           minimum wage, reduced by the value of any benefit package up to a limit of  
5           30 percent of the gross program wage; provided that for each grant in which  
6           the Secretary modifies the compensation requirements of this subdivision, he  
7           or she shall identify in his or her records the basis and nature of the  
8           modification.

9           [add piece re: Secretary to articulate basis of modification and how  
10          modified, etc.]

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 (c) In the case of a grant to a training provider, the Secretary shall require  
20 as a condition of the grant that the provider shall disclose to the Secretary the

1 name of the employer and the number of employees trained prior to final  
2 payment for the training.

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

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

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

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

19 ~~(e) The Secretary of Commerce and Community Development shall~~  
20 ~~administer all training programs under this section, may select and use~~  
21 ~~providers of training as appropriate, and shall adopt rules and may accept~~

1 ~~services, money, or property donated for the purposes of this section. The~~  
2 ~~Secretary may promote awareness of, and may give priority to, training that~~  
3 ~~enhances critical skills, productivity, innovation, quality, or competitiveness,~~  
4 ~~such as training in Innovation Engineering, “Lean” systems, and ISO~~  
5 ~~certification for expansion into new markets. [Repealed.]~~

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

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

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

16 (i) ~~Program Outcomes:~~

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

1 ~~program established in this section and the Workforce Education and Training~~  
2 ~~Fund established in section 543 of this title, and shall collect employee-specific~~  
3 ~~data on training outcomes regarding the performance measures; provided,~~  
4 ~~however, that the Secretary shall redact personal identifying information from~~  
5 ~~such data.~~

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

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

18 ~~(j) Consistent with the training program's goal of providing specialized~~  
19 ~~training and increased employment opportunities for Vermonters, and~~  
20 ~~notwithstanding provisions of this section to the contrary, the Secretary shall~~  
21 ~~canvas apprenticeship sponsors to determine demand for various levels of~~

1 ~~training and classes and shall transfer up to \$250,000.00 annually to the~~  
2 ~~regional technical centers to fund or provide supplemental funding for~~  
3 ~~apprenticeship training programs leading up to certification or licensing as~~  
4 ~~journeyman or master electricians or plumbers. The Secretary shall seek to~~  
5 ~~provide these funds equitably throughout Vermont; however, the Secretary~~  
6 ~~shall give priority to regions not currently served by apprenticeship programs~~  
7 ~~offered through the Vermont Department of Labor pursuant to 21 V.S.A.~~  
8 ~~chapter 13. [Repealed].~~

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

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

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

17 (A) training for a new employee to begin a newly created position  
18 with the employer;

19 (B) training for a new employee to begin in an existing position with  
20 the employer;

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

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

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

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

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

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

10          (6) any waivers granted;

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

13          (8) the identity of each training provider; and

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

16          (l) To enable the State of Vermont to better understand the employment  
17 practices and needs of businesses that seek training funds under this section, in  
18 each grant application the Secretary shall collect information on past hiring,  
19 reductions in workforce, and employment practices related to hiring and  
20 retention.

21

1       Sec. 3. REPEAL

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

5       Sec. 4. DEPARTMENT OF LABOR; STATUTORY PROPOSALS

6               On or before November 1, 2014, the Commissioner of Labor shall submit to  
7       the House Committee on Commerce and Economic Development and the  
8       Senate Committee on Economic Development, Housing and General Affairs a  
9       proposal to amend the language of 10 V.S.A. § 543 to reflect best practices and  
10       improve clarity in the administration of, and for applicants to, the grant  
11       program from the Workforce Education and Training Fund under that section.

12       Sec. 5. EFFECTIVE DATE

13               This act shall take effect on July 1, 2014.

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20               (Committee vote: \_\_\_\_\_)

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Representative [surname]

FOR THE COMMITTEE