

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred Senate Bill No. 137 entitled “An act relating to promoting
4 workforce development” respectfully reports that it has considered the same
5 and recommends that Senate amend the bill by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. PURPOSE

8 (a) The purpose of this act is to promote a more collaborative effort to
9 provide Vermonters with the education and skills they need to be competitive
10 in a changing labor market and to ensure that employers have access to the
11 skilled workforce necessary for business growth and prosperity.

12 (b) It is the intent of the General Assembly that the Workforce
13 Development Division within the Department of Labor, and the programs and
14 positions within the Division, be transferred to the Department of Economic
15 and Workforce Development.

16 Sec. 2. 3 V.S.A. § 2471 is amended to read:

17 § 2471. DEPARTMENT OF ECONOMIC AND WORKFORCE

18 DEVELOPMENT

19 The Department of Economic and Workforce Development is created
20 within the Agency ~~of Commerce and Community Development as the~~

1 ~~successor to and the continuation of the Department of Development~~ and shall
2 include the following:

3 (1) Business support programs and services, including:

4 (A) Captive insurance, 8 V.S.A. § 6017.

5 (B) Film and new media, including the Vermont Film and New
6 Media Advisory Board, 3 V.S.A. 2471d.

7 (C) International trade.

8 (D) Procurement Technical Assistance Center.

9 (E) Vermont Business Registry, 3 V.S.A. § 2471a.

10 (F) Government Marketing Assistance Center, 3 V.S.A. § 2471b.

11 (G) Market Vermont Program, 3 V.S.A. chapter 47, subchapter 5.

12 (2) Vermont EB-5 Regional Center, 10 V.S.A. § 20.

13 (3) Vermont Training Program, 10 V.S.A. chapter 22.

14 (4) Regional Workforce Education and Training, 10 V.S.A. § 542.

15 (5) Workforce Education and Training Fund, 10 V.S.A. § 543.

16 (6) Vermont Strong Internship Program, 10 V.S.A. § 544.

17 (7) State Workforce Development Board, including implementation of
18 the federal Workforce Innovation and Opportunity Act of 2014, 10 V.S.A.
19 chapter 22A.

20 (8) Vermont Strong Scholars Initiative, 16 V.S.A. § 2888.

1 (9) The Apprenticeship Division, and the State Apprenticeship Council,
2 and apprenticeship programs, 21 V.S.A. chapter 13.

3 (10) Youth in Agriculture, Natural Resources, and Food Production
4 Consortium, 21 V.S.A. chapter 14.

5 (11) The Vermont Employment Service Division, 21 V.S.A. chapter 15.

6 (12) Displaced Homemaker Programs, 21 V.S.A. chapter 16.

7 (13) Veterans Services, including the federal Disabled Veterans’
8 Outreach Program and Local Veterans’ Employment Representatives.

9 (14) Foreign labor certification, including the Vermont State Program
10 Monitor and Advocate for the federal H2A Program, H2B Temporary Visa
11 Program, and the Migrant Seasonal Farm Workers Program.

12 (15) Vermont Supplemental Nutrition Assistance Program, Employment
13 and Training Pilot Program.

14 (16) Work Opportunity Tax Credit Program, 26 U.S.C. § 51.

15 (17) Reemployment Services and Eligibility Assessment Program.

16 (18) Education and outreach services under the Notice of Potential
17 Layoffs Act, 21 V.S.A. § 412.

18 (19) Performance grants for regional economic development services,
19 24 V.S.A. chapter 76.

1 (20) Vermont Economic Progress Council, including the Vermont
2 Employment Growth Incentive Program, 32 V.S.A. chapter 105, and Tax
3 Increment Financing, 24 V.S.A. chapter 53, subchapter 5.

4 Sec. 3. STATUTORY REVISION

5 The Legislative Council shall revise the terms “Commissioner of Economic
6 Development” and “Department of Economic Development” in the Vermont
7 Statutes Annotated to read “Commissioner of Economic and Workforce
8 Development” and “Department of Economic and Workforce Development”
9 consistent with the provisions of this act.

10 * * * Employment Strategies * * *

11 Sec. 4. EMPLOYMENT STRATEGIES FOR TARGET POPULATIONS

12 The Commissioner of Economic and Workforce Development shall identify
13 specific cohorts of Vermonters who, as a population, should be paired with
14 specific employment strategies, including:

15 (1) at-risk high school juniors and seniors;

16 (2) 16- to 30-year-old Vermonters who are not in the labor force;

17 (3) unemployment beneficiaries with less than a college degree who are
18 in need of relevant vocational training;

19 (4) unemployment beneficiaries with at least a college degree who are in
20 need of relevant vocational training;

1 (5) potential new entrants to the workforce at all skill and educational
2 levels;
3 (6) new Americans; and
4 (7) older Vermonters.

5 * * * Workforce Development Across State Government * * *

6 Sec. 5. WORKFORCE DEVELOPMENT; MEMORANDUM OF
7 UNDERSTANDING

8 On or before October 1, 2017, the Department of Economic and Workforce
9 Development shall negotiate and execute a Memorandum of Understanding to
10 coordinate workforce development across State government with the Agencies
11 of Commerce and Community Development, of Human Services, of
12 Agriculture, Food and Markets, and of Education that:

13 (1) creates an information-sharing and communications protocol
14 designed to ensure the timely and efficient exchange of data and information
15 between the agencies, including data and information concerning employer
16 needs for Vermont’s workforce, and workforce needs for education, training,
17 and job opportunities;

18 (2) specifies how the agencies will work collaboratively to meet
19 employer and workforce needs and coordinate their workforce education and
20 training programs and activities; and

1 (3) includes any other subject matter the agencies consider necessary
2 and appropriate.

3 * * * Apprenticeship and Youth Mentoring Program * * *

4 Sec. 6. APPRENTICESHIP AND YOUTH MENTORING PROGRAM

5 (a) On or before October 1, 2017, the Department of Economic and
6 Workforce Development shall design and begin implementation of the
7 Apprenticeship and Youth Mentoring Program, the purpose of which shall be
8 to provide paid work experiences for Vermont youths, working with mentoring
9 professionals, that have academic and occupational education as a component,
10 including:

11 (1) a summer youth employment program for high school juniors and
12 seniors; and

13 (2) nonseasonal employment, preapprenticeship programs, and on-the-
14 job training, for an at-risk youth employment program targeted for 18–24-year-
15 old, at-risk men and women.

16 (b) The Department shall implement the Program using funds from the
17 State’s Workforce Innovation and Opportunity Act grant from the U.S.
18 Department of Labor.

19 (c) The Department shall design the Program to serve no fewer than 150
20 individual Vermonters.

21 * * * Workforce Development Strategies * * *

1 Sec. 7. 10 V.S.A. § 541 is added to read:

2 § 541. WORKFORCE DEVELOPMENT STRATEGIES

3 The Secretary of Commerce and Community Development, as the
4 designated leader of workforce education and training pursuant to section 540
5 of this title, shall exercise his or her authority and collaborate with all
6 necessary partners within and outside State government to execute the
7 following workforce development strategies within and through the
8 Department of Economic and Workforce Development:

9 (1) create a clearinghouse of all workforce education and training
10 opportunities across the State;

11 (2) implement cross training of staff at all levels to ensure all staff are
12 familiar with one another's programs and activities;

13 (3) develop a common intake and joint referral process;

14 (4) create a partnership with the Department for Children and Families
15 to provide workforce services for Temporary Assistance to Needy Families
16 beneficiaries, noncustodial parents who owe child support, and Able Bodied
17 Adults Without Dependents;

18 (5) ensure career pathways have entrance points for adults with lower
19 skills that connect to adult education programs with outreach specific to the
20 population;

1 (6) explore opportunities to address disincentives to work that are built
2 into State and federal benefits programs, including Social Security Disability
3 Insurance or Temporary Assistance to Needy Families;

4 (7) seek federal waivers to test alternative benefit structures and work
5 incentives to make work pay;

6 (8) support employer efforts to improve gender balance in priority
7 sectors; and

8 (9) establish protocols for the Department and the Division of
9 Vocational Rehabilitation to coordinate outreach and candidate referral to
10 employers.

11 * * * Reports * * *

12 Sec. 8. REPORTS

13 On or before December 15, 2017, the Secretary of Commerce and
14 Community Development shall submit to the General Assembly a report on the
15 implementation of this act and any recommendations for further legislative and
16 executive action.

17 Sec. 9. 21 V.S.A. chapter 13 is amended to read:

18 Chapter 13: Apprenticeship

19 § 1101. APPRENTICESHIP DIVISION AND COUNCIL

1 (a)(1) The Apprenticeship Division and the State Apprenticeship Council
2 (Council) shall be located within the Department of ~~Labor~~ Economic and
3 Workforce Development.

4 (2) The Commissioner of ~~Labor~~ Economic and Workforce Development
5 shall supervise the work of the Division, and shall be the Chair of the Council.

6 (b)(1) The Council shall consist of 12 members, four ex officio members
7 and eight members who shall be appointed by the Governor.

8 (2) Of the ex officio members, one shall be the Commissioner of ~~Labor~~
9 Economic and Workforce Development or designee, one shall be the
10 Commissioner of Public Safety or designee, one shall be the Secretary of
11 Education or designee, and one shall be the Director of the Apprenticeship
12 Division who shall act as secretary of the Council without vote.

13 (c)(1) The Council shall be composed of persons familiar with
14 apprenticeable occupations.

15 (2) Of the appointed members, three shall be individuals who represent
16 employers, three shall be individuals who represent employee organizations,
17 and two shall be members of the public.

18 (d) Appointment of the employer and the employee members shall be made
19 for the term of three years except the employer and employee members first
20 appointed shall be appointed for the term of one, two, and three years

1 respectively. ~~The Governor shall annually designate one member of the~~
2 ~~Council as chair.~~

3 (f) Each member of the Council who is not a salaried official or employee
4 of the State shall be entitled to compensation and expenses as provided in 32
5 V.S.A. § 1010.

6 § 1102. MEETINGS, REGULATIONS

7 (a)(1) The Council shall meet semiannually and as often as may be
8 necessary in the opinion of the majority of the members.

9 (2) The Chair shall designate the time and place of all meetings.

10 (b)(1) The Council shall establish minimum standards for apprenticeship
11 and all on-the-job training.

12 (2) The Council shall also make provision for the registration and
13 approval of apprenticeship and all on-the-job training programs and individual
14 apprentice and all on the job training agreements.

15 (c) The Council may:

16 (1) adopt rules relating to its policy as are necessary to carry out the
17 intent and purposes of this chapter; ~~may~~

18 (2) issue State certificates of completion of apprenticeship to apprentices
19 who have completed their trade training under apprenticeship programs
20 registered and approved by the Council; ~~may~~

1 (3) issue certificates to on-the-job trainees upon completion of training,
2 ~~may ; and~~

3 (4) utilize the services of any State or federal agency or department
4 which may be of assistance in carrying out its duties and the purposes of this
5 chapter.

6 § 1103. SUPPLEMENTARY INSTRUCTION

7 (a)(1) The Department of ~~Labor~~ Economic and Workforce Development
8 shall provide for related and supplementary instruction for apprentices
9 employed under apprenticeship programs registered and approved by the
10 Council, and for all on-the-job trainees.

11 (2) To make certain there is statewide access to training opportunities,
12 the Department shall ensure that instruction in the electrical and plumbing
13 trades is offered at each regional ~~career technical~~ CTE center, as defined by 16
14 V.S.A. § 1522(4).

15 (3) If the Department enters into a single-source contract with an entity
16 to provide apprenticeship training, the contract shall specify that access to
17 programs must be available to all Vermont residents, at least through online
18 courses.

19 (b)(1) The Department of ~~Labor~~ Economic and Workforce Development
20 may charge fees to the employers of apprentices registered in Vermont and to

1 nonregistered individuals to help offset the cost of apprenticeship related
2 instruction provided by the Department.

3 (2) An employer shall not charge any apprentice for any of the fees
4 charged to the employer under this section, nor shall an employer reduce an
5 employee's compensation in any manner in order to recover these fees from
6 any apprentice.

7 (3) The fees shall be used, in conjunction with other approved funds, to
8 provide classroom instruction primarily for Vermont registered apprentices.

9 (4) The ~~Vermont~~ Department of ~~Labor~~ may adopt rules to carry out ~~this~~
10 ~~provision~~ the provisions of this subsection.

11 § 1104. ASSISTANTS

12 (a) The Commissioner of ~~Labor~~ Economic and Workforce Development,
13 with the approval of the Governor, shall have power to employ and fix the
14 compensation of such personnel of the Apprenticeship Division as the
15 Commissioner may deem necessary to carry out the provisions of this chapter.

16 (b) The Commissioner shall also have authority to purchase such office
17 equipment, supplies, printing, and field supplies as are deemed necessary to
18 carry out the purposes of this chapter.

19 (c) The members of the Council shall serve without pay, but shall receive
20 their necessary expenses incurred in attendance at meetings, to be paid on

1 warrants issued by the Commissioner of Finance and Management on approval
2 of the Commissioner of ~~Labor~~ Economic and Workforce Development.

3 § 1105. APPLICATION OF STANDARDS

4 The standards established by the Council under section 1102 of this title
5 shall apply only to a person, ~~firm, corporation, employer, or organization of~~
6 ~~employers or of employees which~~ who voluntarily elects to comply with them.

7 Sec. 10. 21 V.S.A. chapter 14 is amended to read:

8 Chapter 14: Youth in Agriculture, Natural Resources, and Food Production

9 * * *

10 § 1152. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND
11 FOOD PRODUCTION CONSORTIUM; CREATION

12 (a)(1) There is created a Youth in Agriculture, Natural Resources, and Food
13 Production Consortium of program providers in order that programs to build
14 pathways to careers in agriculture, natural resources, and food production may
15 be connected, developed, and supported in a coordinated manner.

16 (2) The Consortium shall comprise:

17 (A) employees of the Department of ~~Labor~~ Economic and Workforce
18 Development assigned by the Commissioner of ~~Labor~~ Economic and
19 Workforce Development;

20 (B) employees of the Agency of Education assigned by the Secretary
21 of Education;

1 (C) employees of the Agency of Agriculture, Food and Markets
2 appointed by the Secretary of Agriculture, Food and Markets;

3 (D) employees of the Agency of Natural Resources appointed by the
4 Secretary of Natural Resources;

5 (E) representatives of the Extension Service of the University of
6 Vermont selected by the Service; and

7 (F) representatives from agriculture, food, and natural resources
8 businesses appointed by the Secretary of Agriculture, Food and Markets.

9 (b)(1) The ~~consortium~~ Consortium shall be attached to the Department of
10 ~~Labor~~ Economic and Workforce Development for administrative support.

11 (2) ~~It~~ The Consortium shall elect its own chair and meet as required to
12 fulfill its obligations under this chapter.

13 § 1153. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND
14 FOOD PRODUCTION CONSORTIUM; POWERS AND DUTIES

15 (a)(1) The Youth in Agriculture, Natural Resources, and Food Production
16 Consortium shall be charged with the oversight of the development and
17 coordination of programs in agriculture, natural resources, and food
18 production, and education to connect youths' experiences in agriculture, natural
19 resources, and food production to their in-school learning and develop
20 pathways for pursuing further education related to agriculture or natural
21 resources.

1 (2) ~~¶~~ The Consortium shall seek to coordinate and connect programs
2 around common standards, coordinate resources, provide a clearinghouse for
3 information and technical assistance, establish a strong business and education
4 partnership, identify missing components of the system, and oversee funds
5 made available for the express purpose of implementing these pathways.

6 (3) ~~¶~~ The Consortium shall endeavor to sustain and expand
7 programming in agriculture, natural resources, and food production on a
8 statewide basis in order to affect middle and secondary school students in
9 Vermont.

10 (4) The Consortium shall seek to ensure the effectiveness of all the
11 programs in reaching large numbers of students, and in so far as possible, seek
12 to provide programs in all regions of the State through a statewide system with
13 uniform availability, eligibility, and funding requirements to make such
14 opportunities available to all students.

15 (b)(1) Among the programs to be reviewed and coordinated by the
16 Consortium are:

17 (A) projects that involve agriculture and the environment;

18 (B) programs within the elementary and middle school system which
19 provide hands-on learning, such as "Ag in the Classroom" sponsored by the
20 Agency of Agriculture, Food and Markets, and "Forest, Fields, and Futures"
21 sponsored by UVM Extension Service; ~~and~~

1 (C) secondary school programs in agriculture and natural resources-
2 related areas in education; and

3 (D) "Smokeyhouse" and other career technical education, agriculture,
4 and natural resources programs offered by high schools and career technical
5 centers.

6 (2) ~~In addition, it shall~~ The Consortium shall also review and coordinate
7 programs such as the Youth Conservation Corps and the Farm Youth Corps of
8 the Department of Labor which has offered summer employment for students
9 on farms, and other summer employment programs and alternative programs
10 for in-school youth operated outside the public school funding system.

11 (c) The Consortium shall report by January 15, 2005 to the Commissioner
12 of ~~Labor~~ Economic and Workforce Development, the Secretary of Agriculture,
13 Food and Markets, the Secretary of Natural Resources, the Secretary of
14 Education, and the House and Senate Committees on Agriculture and on
15 Education on its progress, outcomes, and recommendations for expansion,
16 development, and coordination of programs and pathways to careers in
17 agriculture, natural resources, and food production in the State.

18 Sec. 11. 21 V.S.A. chapter 15 is amended to read:

19 Chapter 15: Vermont Employment Service

20 § 1201. ACCEPTANCE BY STATE

1 The State of Vermont hereby accepts the provisions of the Act of Congress,
2 approved June 6, 1933, entitled "An act to provide for the establishment of a
3 national employment system and for cooperation with the states in the
4 promotion of such system, and for other purposes."

5 § 1202. COMMISSIONER OF LABOR AS AGENT

6 The Commissioner of ~~Labor~~ Economic and Workforce Development is
7 hereby designated and constituted the agent of the State of Vermont for the
8 purposes of the Act, with full power to cooperate with all authorities of the
9 United States having powers or duties under the Act and to do and perform all
10 things necessary to secure to the State of Vermont the benefits of the Act in the
11 promotion and maintenance of a system of public employment offices.

12 § 1203. RULES AND REGULATIONS

13 (a) There is hereby created, under the direction of the Commissioner of
14 ~~Labor~~ Economic and Workforce Development, a division to be known as the
15 Vermont Employment Service Division, responsible for administering a
16 system of public employment offices for the purpose of assisting employers to
17 secure employees and workers to secure employment.

18 (b) The Commissioner is authorized and directed to establish such offices
19 in such parts of the State as he or she deems necessary and to prescribe rules
20 and regulations not inconsistent with any of the provisions of this chapter.

1 (c) The Commissioner shall appoint the director, assistants, and other
2 employees of the Vermont Employment Service Division in accordance with
3 the regulations prescribed by the Secretary of the U.S. Department of Labor.

4 § 1204. RECEIPT OF FUNDS

5 The State Treasurer is hereby authorized to receive, on behalf of this State,
6 all funds granted to it under authority of the Act.

7 § 1205. CONTRACTUAL SPECIAL SERVICES

8 (a) The Commissioner of ~~Labor~~ Economic and Workforce Development
9 may enter into agreements to provide customized or special services that are
10 beyond basic services required by federal statute, provided that such services
11 do not interfere with the Department's statutory purposes and programs.

12 (b) The Department may charge for services provided under this section.
13 Charges collected under this section shall be credited to separate special funds
14 for each type of service agreement, and shall be available to the Department to
15 offset the costs of each type of service.

16 § 1206. TERMINATION

17 This chapter may be terminated by the Governor at any time, upon notice to
18 the U.S. Department of Labor, when in his or her judgment the need for the
19 same no longer exists. However, such notice of termination shall not be
20 effective until the close of the U.S. fiscal year in which the notice is given.

21 Sec. 12. 21 V.S.A. chapter 16 is amended to read:

1 Chapter 16: Displaced Homemakers

2 § 1231. DEFINITION

3 "Displaced homemaker" means a person who:

4 (1) has worked in the home for a substantial number of years providing
5 unpaid household services for family members; and

6 (2) has or is expected to have difficulty becoming gainfully employed
7 outside the home, or is not gainfully employed or is under-employed; and

8 (3) has been dependent on the income of another family member and is
9 no longer receiving that income; or has been dependent on government
10 assistance and is no longer eligible for that assistance; or is receiving payments
11 from a spouse or public agency for the care of minor children and the minor
12 children are within two years of reaching majority.

13 § 1232. DISPLACED HOMEMAKER PROGRAMS AND SERVICES

14 (a) Programs to serve the needs of displaced homemakers may be developed
15 in coordination with the Displaced Homemakers Policy Council and
16 implemented by the Commissioner of Economic and Workforce Development.

17 The programs may provide the following services:

18 (1) statewide outreach and advertising to inform displaced homemakers
19 of services and programs available;

20 (2) job counseling and job placement;

21 (3) crisis intervention;

1 (4) peer counseling;

2 (5) life skills counseling;

3 (6) resource information and referrals to other State, federal, or private
4 nonprofit programs which provide pre-vocational and vocational training,
5 educational financial support, and other appropriate services; and

6 (7) any other service which helps displaced homemakers.

7 (b)(1) The Commissioner of Economic and Workforce Development,
8 subject to the approval of the Joint Fiscal Committee, may accept federal
9 grants or funds to assist the Department in providing displaced homemaker
10 services and programs.

11 (2) Upon receipt of such funds, the Commissioner shall make those
12 funds available to carry out the goals of the Federal Displaced Homemakers
13 Self Sufficiency Assistance Act, Public Law 101-554, which may include
14 providing funds to existing or new services and programs for displaced
15 homemakers including those mentioned in subsection (c) of this section.

16 (c) The Commissioner of Economic and Workforce Development shall
17 coordinate with existing services and other related State and federal
18 organizations to ensure communication and cooperation among programs and
19 to share efforts and resources for new services and programs for displaced
20 homemakers, including the Secretary of Education, the Department for
21 Children and Families, VISTA, the Vermont State Colleges, the University of

1 Vermont, the Vermont Extension Service, and the Governor’s Commission on
2 Women.

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

4 Chapter 22A: Workforce Education and Training

5 § 540. WORKFORCE EDUCATION AND TRAINING LEADER

6 The ~~Commissioner of Labor~~ Secretary of Commerce and Community

7 Development shall be the leader of workforce education and training in the
8 State, and shall have the authority and responsibility for the coordination of
9 workforce education and training within State government, including the
10 following duties:

11 (1) Perform the following duties in consultation with the State
12 Workforce Development Board:

13 (A) advise the Governor on the establishment of an integrated system
14 of workforce education and training for Vermont;

15 (B) create and maintain an inventory of all existing workforce
16 education and training programs and activities in the State;

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

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

4 (E) ensure coordination and non-duplication of workforce education
5 and training activities;

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

8 (G) design and implement criteria and performance measures for
9 workforce education and training activities; and

10 (H) establish goals for the integrated workforce education and training
11 system.

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

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

18 (B) amount of funding;

19 (C) activities and training provided;

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

21 (E) employment status of trainees; and

1 (F) future needs for resources.

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

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

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

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

13 (7) Notwithstanding any provision of State law to the contrary, and to the
14 fullest extent allowed under federal law, ensure that in each State and State-
15 funded workforce education and training program, the program administrator
16 collects and reports data and results at the individual level by Social Security
17 Number or an equivalent.

18 § 541A. STATE WORKFORCE DEVELOPMENT BOARD

19 (a) Board established; duties. Pursuant to the requirements of 29 U.S.C. §
20 3111, the Governor shall establish a State Workforce Development Board to
21 assist the Governor in the execution of his or her duties under the Workforce

1 Innovation and Opportunity Act of 2014 and to assist the ~~Commissioner of~~
2 ~~Labor~~ Secretary of Commerce and Community Development as specified in
3 section 540 of this title.

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

7 (1) conduct an ongoing public engagement process throughout the State
8 that brings together employers and potential employees, including students, the
9 unemployed, and incumbent employees seeking further training, to provide
10 feedback and information concerning their workforce education and training
11 needs; and

12 (2) maintain familiarity with the federal Comprehensive Economic
13 Development Strategy (CEDS) and other economic development planning
14 processes, and coordinate workforce and education activities in the State,
15 including the development and implementation of the State plan required under
16 the Workforce Innovation and Opportunity Act of 2014, with economic
17 development planning processes occurring in the State, as appropriate.

18 (c) Membership. The Board shall consist of the Governor and the following
19 members who are appointed by the Governor in conformance with the federal
20 Workforce Innovation and Opportunity Act and who serve at his or her
21 pleasure, unless otherwise indicated:

- 1 (1) the Commissioner of Labor;
- 2 (2) two members of the Vermont House of Representatives appointed by
3 the Speaker of the House;
- 4 (3) two members of the Vermont Senate appointed by the Senate
5 Committee on Committees;
- 6 (4) the President of the University of Vermont;
- 7 (5) the Chancellor of the Vermont State Colleges;
- 8 (6) the President of the Vermont Student Assistance Corporation;
- 9 (7) a representative of an independent Vermont college or university;
- 10 (8) a director of a regional technical center;
- 11 (9) a principal of a Vermont high school;
- 12 (10) two representatives of labor organizations who have been
13 nominated by a State labor federation;
- 14 (11) two representatives of individuals and organizations who have
15 experience with respect to youth activities, as defined in 29 U.S.C. § 3102(71);
- 16 (12) two representatives of individuals and organizations who have
17 experience in the delivery of workforce investment activities, as defined in 29
18 U.S.C. § 3102(68);
- 19 (13) the lead State agency officials with responsibility for the programs
20 and activities carried out by one-stop partners, as described in 29 U.S.C. §

1 3151(b), or if no official has that responsibility, representatives in the State
2 with responsibility relating to these programs and activities;

3 (14) the Commissioner of Economic and Workforce Development;

4 (15) the Secretary of Commerce and Community Development;

5 (16) the Secretary of Human Services;

6 (17) the Secretary of Education;

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

9 (19) a number of appointees sufficient to constitute a majority of the
10 Board who:

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

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

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

18 (d) Operation of Board.

19 (1) Member representation.

20 (A) A member of the State Board may send a designee that meets the
21 requirements of subdivision (B) of this subdivision (1) to any State Board

1 meeting who shall count toward a quorum and shall be allowed to vote on
2 behalf of the Board member for whom he or she serves as a designee.

3 (B) Members of the State Board or their designees who represent
4 organizations, agencies, or other entities shall be individuals with optimum
5 policymaking authority within the organizations, agencies, or entities.

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

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

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

13 (4) Work groups; task forces. The Chair, in consultation with the
14 ~~Commissioner of Labor~~ Secretary of Commerce and Community
15 Development, may:

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

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

20 (5) Quorum meetings; voting.

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

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

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

17 (6) Reimbursement.

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

20 (B) Unless otherwise compensated by his or her employer for
21 performance of his or her duties on the Board, a nonlegislative member of the

1 Board shall be eligible for per diem compensation of \$50.00 per day for
2 attendance at a meeting of the Board, and for reimbursement of his or her
3 necessary expenses, which shall be paid through funds available for that
4 purpose under the Workforce Innovation and Opportunity Act of 2014.

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

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

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

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

11 (B) engage in any activity that the Governor determines constitutes a
12 conflict of interest as specified in the State Plan required under 29 U.S.C. §
13 3112 or 3113.

14 (8) Sunshine provision. The Board shall make available to the public, on
15 a regular basis through open meetings, information regarding the activities of
16 the Board, including information regarding the State Plan adopted pursuant to
17 29 U.S.C. § 3112 or 3113 and prior to submission of the State Plan to the U.S.
18 Secretary of Labor, information regarding membership, and, on request,
19 minutes of formal meetings of the Board.

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

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

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

14 § 542. REGIONAL WORKFORCE EDUCATION AND TRAINING

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

20 (b) Each grant shall specify the scope of the workforce education and
21 training activities to be performed and the geographic region to be served, and

1 shall include performance measures and results to evaluate the grantee's
2 performance.

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

8 § 543. WORKFORCE EDUCATION AND TRAINING FUND; GRANT
9 PROGRAMS

10 (a) Creation. There is created a Workforce Education and Training Fund in
11 the ~~Department of Labor~~ Agency of Commerce and Community Development
12 to be managed in accordance with 32 V.S.A. chapter 7, subchapter 5.

13 (b) Purposes. The Department shall use the Fund for the following
14 purposes:

15 (1) training for Vermont workers, including those who are unemployed,
16 underemployed, or in transition from one job or career to another;

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

19 (3) apprenticeship, preapprenticeship, and industry-recognized credential
20 training; and

1 (4) other workforce development initiatives related to current and future
2 job opportunities in Vermont as determined by the ~~Commissioner of Labor~~
3 Secretary of Commerce and Community Development.

4 (c) Administrative and other support. The ~~Department of Labor~~ Agency of
5 Commerce and Community Development shall provide administrative support
6 for the grant award process. When appropriate and reasonable the State
7 Workforce Investment Board and all other public entities involved in economic
8 development and workforce education and training shall provide other support
9 in the process.

10 (d) Eligible activities.

11 (1) The ~~Department~~ Agency shall grant awards from the Fund to
12 employers and entities, including private, public, and nonprofit entities,
13 institutions of higher education, high schools, technical centers, and workforce
14 education and training programs that:

15 (A) create jobs, offer education, training, apprenticeship,
16 preapprenticeship and industry-recognized credentials, mentoring, or work-
17 based learning activities, or any combination;

18 (B) employ student-oriented approaches to workforce education and
19 training; and

20 (C) link workforce education and economic development strategies.

1 (2) The ~~Department~~ Agency may fund programs or projects that
2 demonstrate actual increased income and economic opportunity for employees
3 and employers for more than one year.

4 (3) The ~~Department~~ Agency may fund student internships and training
5 programs that involve the same employer in multiple years with approval of
6 the Commissioner.

7 (e) Repealed].

8 (f) Awards. The ~~Commissioner of Labor~~ Secretary of Commerce and
9 Community Development, in consultation with the Chair of the State
10 Workforce Development Board, shall develop award criteria and may grant
11 awards to the following:

12 (1) Training Programs.

13 (A) Public, private, and nonprofit entities, including employers and
14 education and training providers, for existing or new training programs that
15 enhance the skills of Vermont workers and:

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

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

1 (iii) provide a project timeline, including performance goals, and
2 identify how the effectiveness and outcomes of the program will be measured,
3 including for the individual participants, the employers, and the program as a
4 whole; and

5 (iv) articulate the need for the training and the direct connection
6 between the training and the job.

7 (B) The ~~Department~~ Agency shall grant awards under this subdivision
8 (1) to programs or projects that:

9 (i) offer innovative programs of intensive, student-centric,
10 competency-based education, training, apprenticeship, preapprenticeship and
11 industry-recognized credentials, mentoring, or any combination of these;

12 (ii) address the needs of workers who are unemployed,
13 underemployed, or are at risk of becoming unemployed, and workers who are
14 in transition from one job or career to another;

15 (iii) address the needs of employers to hire new employees, or
16 retrain incumbent workers, when the employer has demonstrated a need not
17 within the normal course of business, with priority to training that results in
18 new or existing job openings for which the employer intends to hire; or

19 (iv) in the discretion of the ~~Commissioner~~ Secretary, otherwise
20 serve the purposes of this chapter.

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

4 (3) Apprenticeship Program. The Vermont Apprenticeship Program
5 established under 21 V.S.A. chapter 13. Awards under this subdivision may be
6 used to fund the cost of apprenticeship-related instruction provided by the
7 ~~Department of Labor~~ Agency of Commerce and Community Development.

8 § 544. VERMONT STRONG INTERNSHIP PROGRAM

9 (a)(1) The ~~Department of Labor~~ Agency of Commerce and Community
10 Development, in consultation with the Agency of Education, shall develop; and
11 ~~the Department shall implement~~; a statewide Vermont Strong Internship
12 Program for students who are in high school or in college and for those who
13 are recent graduates of 24 months or less.

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

19 (3) Funding awarded through the Vermont Strong Internship Program
20 may be used to build and administer an internship program and to provide

1 participants with a stipend during the internship, based on need. Funds may be
2 made only to programs or projects that:

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

4 (B) expose students to the workplace or create real workplace
5 expectations and consequences;

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

9 (D) are designed to motivate and educate participants through work-
10 based learning opportunities with Vermont employers;

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

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

17 (4) As used in this section, "internship" means a learning experience
18 working with an employer where the intern may, but does not necessarily,
19 receive academic credit, financial remuneration, a stipend, or any combination
20 of these.

1 (b) The ~~Department of Labor~~ Agency of Commerce and Community
2 Development, in collaboration with the Agencies of Agriculture, Food and
3 Markets and of Education, State-funded postsecondary educational institutions,
4 the State Workforce Development Board, and other State agencies and
5 departments that have workforce education and training and training monies,
6 shall:

7 (1) identify new and existing funding sources that may be allocated to
8 the Vermont Strong Internship Program;

9 (2) collect data and establish program goals and performance measures
10 that demonstrate program results for internship programs funded through the
11 Vermont Strong Internship Program;

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

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

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

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3 (Committee vote: _____)

4

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Senator _____

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FOR THE COMMITTEE