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H.707

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

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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

CHAPTER 22A. WORKFORCE EDUCATION AND TRAINING

\* \* \*

§ 541. OFFICE OF WORKFORCE STRATEGY AND DEVELOPMENT

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

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

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

1       (d) The Executive Director of the Office of Workforce Strategy and

2       Development shall:

3           (1) coordinate the efforts of workforce development in the State;

4           (2) oversee the affairs of the State Workforce Development Board;

5           (3) work with State agencies and private partners to:

6               (A) develop strategies for comprehensive and integrated workforce

7       education and training;

8               (B) manage the collection of outcome information; and

9               (C) align workforce efforts with other State strategies; and

10          (4) perform other workforce development duties as directed by the

11       Governor.

12       (e) The Governor shall appoint the Executive Director with the advice and

13       consent of the Senate, and the Executive Committee of the State Workforce

14       Development Board may provide a list to the Governor of recommended

15       candidates for Executive Director.

16       § 541a. STATE WORKFORCE DEVELOPMENT BOARD; EXECUTIVE

17               COMMITTEE

18       (a) Board established; duties. Pursuant to the requirements of 29 U.S.C.

19       § 3111, the Governor shall establish the State Workforce Development Board

20       to 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 as specified in section 540 of this title.

3 \* \* \*

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

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

13 ~~(2) two members~~ one member of the Vermont House of Representatives,  
14 who shall serve for the duration of the biennium, appointed by the Speaker of  
15 the House;

16 ~~(3)~~(2) ~~two members~~ one member of the Vermont Senate, who shall  
17 serve for the duration of the biennium, appointed by the Senate Committee on  
18 Committees;

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

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

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

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

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

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

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

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

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

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

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

15               ~~(D) the Secretary of Commerce and Community Development or~~  
16       ~~designee;~~

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

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

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

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

6           (i) organizations that serve veterans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           (d) Operation of Board.

18           (1) Executive Committee.

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

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

3           (i) the Chair of the Board;

4           (ii) the Commissioner of Labor or designee;

5           (iii) the Secretary of Education or designee;

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

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

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

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

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

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

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

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

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

2            (2) Member representation and vacancies.

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

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

12            ~~(C) The members of the Board shall represent diverse regions of the~~  
13 ~~State, including urban, rural, and suburban areas~~ The Chair of the Board shall  
14 provide notice within 30 days after a vacancy on the Board to the relevant  
15 appointing authority, which shall appoint a replacement within 90 days after  
16 receiving notice.

17            ~~(2)~~(3) Chair. The Governor shall select a chair for the Board from  
18 among the business representatives appointed pursuant to subdivision  
19 ~~(c)~~~~(18)~~(6) of this section.

20            ~~(3)~~(4) Meetings. The Board shall meet at least three times annually and  
21 shall hold additional meetings upon call of the Chair.





1 Board, ~~or~~ the Commissioner, or the Executive Director in furtherance of their  
2 duties under this chapter.

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

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

8 Sec. 5a. REGIONAL WORKFORCE EXPANSION SYSTEM

9 \* \* \*

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

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

17 \* \* \*

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

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

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

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

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

15 Sec. 5. The report shall include:

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

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

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

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

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

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

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

11 Sec. 4. WORKFORCE EDUCATION AND TRAINING LEADERSHIP

12 REVIEW; SOCWED REAUTHORIZATION

13 (a) Committee reauthorization. The Special Oversight Committee on  
14 Workforce Expansion and Development (SOCWED) created pursuant to 2022  
15 Acts and Resolves No. 183, Sec. 5 shall review and propose changes to the  
16 leadership and duties set forth in 10 V.S.A. § 540 and shall suggest a set of  
17 recommended qualifications to the Governor for consideration for the position  
18 of Executive Director of the Office of Workforce Strategy and Development.

19 (b) Membership. The members appointed to the SOCWED pursuant to  
20 2022 Acts and Resolves No. 183, Sec. 5 shall continue as members of the  
21 Committee, except that the Commissioner of Labor or designee shall replace

1 the State Director of Workforce Development on the Committee. Vacancies  
2 shall be filled by the relevant appointing authority pursuant to 2022 Acts and  
3 Resolves No. 183, Sec. 5.

4 (c) Meetings.

5 (1) The Commissioner of Labor or designee shall call the first meeting  
6 of the Committee to occur on or before June 1, 2024.

7 (2) The Committee shall select a chair from among its legislative  
8 members at the first meeting.

9 (3) A majority of the membership shall constitute a quorum.

10 (4) The Committee shall meet not more than eight times.

11 (d) Powers and duties.

12 (1) The Committee, in consultation with the Office of Legislative  
13 Counsel, shall review 10 V.S.A. § 540 and engage with workforce  
14 development stakeholders to:

15 (A) evaluate the effectiveness of the current language in statute; and

16 (B) determine, due to changes in the State Workforce Development  
17 Board as set forth in this act, how the authorities and responsibilities for the  
18 coordination of workforce education and training set forth in 10 V.S.A. § 540  
19 should be modified to ensure there is effective and comprehensive leadership  
20 in workforce development, education, and training between the Commissioner

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

3 (2) The Committee, in consultation with the Executive Committee of the  
4 State Workforce Development Board and the Department of Human  
5 Resources, shall develop qualifications to recommend to the Governor for  
6 consideration for the position of Executive Director of the Office of Workforce  
7 Strategy and Development.

8 (e) Assistance. For purposes of:

9 (1) administrative and technical support, the Committee shall have the  
10 assistance of the Office of Legislative Operations;

11 (2) drafting recommended legislation, the Committee shall have the  
12 assistance the Office of Legislative Counsel; and

13 (3) drafting recommended job qualifications, the Committee shall have  
14 the assistance the Department of Human Resources.

15 (f) Requirements.

16 (1) The Committee shall submit recommended job qualifications  
17 pursuant to subdivision (d)(2) of this section to the House Committee on  
18 Commerce and Economic Development and the Senate Committee on  
19 Economic Development, Housing and General on or before October 15, 2024.

20 (2) The Committee shall submit recommended legislative language  
21 pursuant to subdivision (d)(1)(B) of this section to the House Committee on

1 Commerce and Economic Development and the Senate Committee on  
2 Economic Development, Housing and General on or before November 30,  
3 2024.

4 (g) Compensation and reimbursement.

5 (1) For attendance at meetings during adjournment of the General  
6 Assembly, a legislative member of the Committee serving in the member's  
7 capacity as a legislator shall be entitled to per diem compensation and  
8 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight  
9 meetings. Payments to members of the Committee authorized under this  
10 subdivision (g)(1) shall be made from monies appropriated to the General  
11 Assembly.

12 (2) A nonlegislative member of the Committee shall be entitled to per  
13 diem compensation and reimbursement of expenses as permitted under  
14 32 V.S.A. § 1010 for not more than eight meetings. Payments to members of  
15 the Committee authorized under this subdivision (g)(2) shall be made from  
16 monies appropriated to the Department of Labor.

17 (h) Expiration. The Committee shall cease to exist on January 15, 2025.

18 Sec. 5. STATE WORKFORCE DEVELOPMENT BOARD TRANSITION

19 PERIOD

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

4       (b) A member of the State Workforce Development Board on June 30,  
5       2024, except for the Governor, and unless appointed or placed on the Board  
6       after the passage of this act pursuant to 10 V.S.A. § 541a(c), shall cease being  
7       a member of the Board on July 1, 2024.

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

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

14       (e) The Governor shall appoint a chair of the Board pursuant to 10 V.S.A.  
15       § 541a(d)(3) on or before August 1, 2024.

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

18       Sec. 6. EFFECTIVE DATE

19       This act shall take effect on July 1, 2024, except that Sec. 4 shall take effect  
20       on passage.