

Separation of Duties

Commissioner of Labor - Executive Director of the Office of Workforce Strategy and Development

[Act 146 \(2024\)](#)

Existing Statute ([10 V.S.A. §540](#))

§ 540. Workforce education and training leader

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

- (1) Perform the following duties in consultation with the State Workforce Development Board:
 - (A) advise the Governor on the establishment of an integrated system of workforce education and training for Vermont;
 - (B) create and maintain an inventory of all existing workforce education and training programs and activities in the State;
 - (C) use data to ensure that State workforce education and training activities are aligned with the needs of the available workforce, the current and future job opportunities in the State, and the specific credentials needed to achieve employment in those jobs;
 - (D) develop a State plan, as required by federal law, to ensure that workforce education and training programs and activities in the State serve Vermont citizens and businesses to the maximum extent possible;
 - (E) ensure coordination and nonduplication of workforce education and training activities;
 - (F) identify best practices and gaps in the delivery of workforce education and training programs;
 - (G) design and implement criteria and performance measures for workforce education and training activities;
 - (H) establish goals for the integrated workforce education and training system; and
 - (I) with the assistance of the Secretaries of Commerce and Community Development, of Human Services, of Education, of Agriculture, Food and Markets, and of Transportation and of the Commissioner of Public Safety, develop and implement a coordinated system to recruit, relocate, and train workers to ensure the labor force needs of Vermont's businesses are met.
- (2) Require from each business, training provider, or program that receives State funding to conduct workforce education and training a report that evaluates the results of the training. Each recipient shall submit its report on a schedule determined by the Commissioner and shall include at least the following information:
 - (A) name of the person who receives funding;
 - (B) amount of funding;
 - (C) activities and training provided;
 - (D) number of trainees and their general description;
 - (E) employment status of trainees; and
 - (F) future needs for resources.
- (3) Review reports submitted by each recipient of workforce education and training funding.
- (4) Issue an annual report to the Governor, the House Committees on Appropriations and on Commerce and Economic Development, and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before December 1 that includes a systematic evaluation of the accomplishments of the State workforce investment system and the performance of participating agencies and institutions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.
- (5) Coordinate public and private workforce programs to ensure that information is easily accessible to students, employees, and employers, and that all information and necessary counseling is available through one contact.
- (6) Facilitate effective communication between the business community and public and private educational institutions.
- (7) Notwithstanding any provision of State law to the contrary, and to the fullest extent allowed under federal law, ensure that in each State and State-funded workforce education and training program, the program administrator collects and reports data and results at the individual level by Social Security number or an equivalent.
- (8) Coordinate intentional outreach and connections between students graduating from Vermont's colleges and universities and employment opportunities in Vermont. (Added 2013, No. 199 (Adj. Sess.), § 41; amended 2015, No. 11, § 9; 2015, No. 157 (Adj. Sess.), § K.1; 2017, No. 154 (Adj. Sess.), § 19, eff. May 21, 2018; 2017, No. 189 (Adj. Sess.), § 15.)

Separated Duties

Commissioner of Labor

1. The powers and duties enumerated in this section shall be in addition to any other powers and duties conferred to the Labor Commissioner in any other statutory provision.
2. For the purposes of the federal Workforce Innovation and Opportunity Act and other programs administered by the U.S. Department of Labor, the Vermont Department of Labor is the State's Designated Workforce Agency and the Commissioner serves as the State Workforce Administrator.
3. The Commissioner of Labor, as the leader of the public system of employment and training in the State, shall have the authority and responsibility for the coordination of related programs and services operated by the Department.
4. The Commissioner is authorized to develop initiatives and enter into agreements with other state Department and Agencies that improve the employment and economic situation of individuals that are receiving public support through programs administered by those Departments and Agencies.
5. The Commissioner shall develop and oversee plans to implement Federal investments in the state's workforce system.
6. The Commissioner is authorized to develop pro-active, business-focused, and flexible strategies designed to avert layoff and plant closings, and to ensure a prompt, coordinated response in the event of a closing to ensure affected workers are connected to resources.
7. The Commissioner shall hire a director of employment and training, assistants, and other employees of the employment and training division.
8. The Commissioner is responsible for the promotion, maintenance, and administration of a system virtual and physical access points for the public to access employment and training resources.
9. The Commissioner is authorized and directed to establish such offices in such parts of the State as he or she deems necessary and to prescribe rules and regulations related to the operations of those offices, and ensure that offices are appropriately staffed and resourced.
10. The Commissioner shall maintain a "no-cost-to-consumer," secure, electronic job board and clearinghouse of registered apprenticeship, education, and training and credentialing opportunities that supports job seekers and career advancers.
11. The Commissioner shall use data to ensure that Department's education and training activities are aligned with the needs of the available workforce, the current and future job opportunities in the State, and the specific credentials needed to achieve employment in those jobs;
12. The Commissioner may enter into agreements to provide customized or special services that are beyond basic services required by federal statute, provided that such services do not interfere with the Department's statutory purposes and programs.
13. Notwithstanding any provision of State law to the contrary, and to the fullest extent allowed under federal law, the Commissioner is authorized to establish data collection policies and establish requirements for recipients of State funded grants to report data and results, at a minimum, at the individual level by Social Security number or an equivalent.
14. The Commissioner shall issue an annual report to the Governor, the House Committees on Appropriations and on Commerce and Economic Development, and the Senate Committees on Appropriations and on Economic Development, Housing and General

Affairs on or before December 1, for the most recent calendar year. This report shall include, at a minimum, a narrative of the significant activities of the system, major accomplishments and opportunities for improvement; summaries of activities in support of key/vulnerable populations, and data and statistics related to individuals served by the employment and training system, and the various programs administered by the department, compared to the same data from the prior year.

Executive Director

- (1) The Executive Director has the broad responsibility, in coordination with the Commissioner and the Board for cross-agency/department planning, strategy coordination, gap analysis, and resource advocacy.
- (2) Coordinate across the public and private sectors to ensure that workforce development program information is easily accessible to students, employees, and employers
- (3) Under the Direction of the State Workforce Development Board
 - a. Develop and implement a State Plan every 4-years, and develop and implement modifications to that plan every 2 years;
 - b. Review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system. Such review of policies, programs, and recommendations must include a review and provision of comments on the State Plans, if any, for programs and activities of one-stop partners that are not core programs;
 - c. Support and oversee continuous improvement of the workforce development system, including—
 - i. Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities;
 - ii. Development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to enter or retain employment;
 - iii. Development of strategies to provide effective outreach to and improved access for individuals and employers who could benefit from workforce development system;
 - iv. Development and expansion of strategies to meet the needs of employers, workers, and job seekers particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
 - v. Development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to one-stop operators, one-stop partners, and providers. Such assistance includes assistance with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, job seekers, and employers; and
 - vi. Development of strategies to support workforce development system staff training and awareness across the workforce development system and its programs;
 - d. Develop and update comprehensive State performance and accountability measures to assess core program effectiveness under WIOA sec. 116(b);

- e. Identification and dissemination of information on best practices, including best practices for—
 - i. The effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;
 - ii. Effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways;
- f. Develop and review statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in WIOA sec. 121(e), including the development of—
 - i. Objective criteria and procedures to assess the effectiveness, physical and programmatic accessibility and continuous improvement of the one-stop system;
 - ii. Guidance for the allocation of one-stop center infrastructure funds under WIOA sec. 121(h); and
 - iii. Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;
- g. Develop strategies for technological improvements to facilitate access to, and improve the quality of services and activities provided through the one-stop delivery system, including such improvements to—
 - i. Enhance digital literacy skills;
 - ii. Accelerate acquisition of skills and recognized postsecondary credentials by participants;
 - iii. Strengthen professional development of providers and workforce professionals; and
 - iv. Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas;
- h. Develop strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including design implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs;
- i. Preparation of the annual reports described in paragraphs (1) and (2) of WIOA sec. 116(d) and as required by the General Assembly;
- j. Develop the statewide workforce and labor market information system described in sec. 15(e) of the Wagner-Peyser Act; and
- k. Development of other policies as may promote statewide objectives for and enhance the performance of the workforce development system in the State.