

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4396

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY

BY REQUEST OF THE EXECUTIVE

[Introduced February 4, 2016; referred to the
committee on Industry and Labor then Government
Organization.]

1 A BILL to amend and reenact §5B-2B-1, §5B-2B-2, §5B-2B-3, §5B-2B-4, §5B-2B-4a, §5B-2B-5,
 2 §5B-2B-6 and §5B-2B-9 of the Code of West Virginia, 1931, as amended; and to amend
 3 said code by adding thereto a new section, designated §5B-2B-4b, all relating to the West
 4 Virginia Workforce Development Board; updating West Virginia Workforce Investment Act
 5 to West Virginia Innovation and Opportunity Act; defining terms; creating West Virginia
 6 Workforce Development Board; providing for composition of West Virginia Workforce
 7 Development Board; setting forth requirements for board members; setting forth duties of
 8 board; updating reporting requirements; requiring open proceedings of board and
 9 updating language.

Be it enacted by the Legislature of West Virginia:

1 That §5B-2B-1, §5B-2B-2, §5B-2B-3, §5B-2B-4, §5B-2B-4a, §5B-2B-5, §5B-2B-6 and
 2 §5B-2B-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that
 3 said code be amended by adding thereto a new section, designated §5B-2B-4b, all to read as
 4 follows:

**ARTICLE 2B. WEST VIRGINIA WORKFORCE ~~INVESTMENT~~ INNOVATION AND
OPPORTUNITY ACT.**

§5B-2B-1. Short title.

1 This article shall be known and may be cited as the “West Virginia Workforce ~~Investment~~
 2 Innovation and Opportunity Act”.

§5B-2B-2. Definitions.

1 As used in this article, the following terms have the following meanings, unless the context
 2 clearly indicates otherwise:

3 “Board” means the West Virginia Workforce Development Board.

4 (4) “Commission” or “Legislative Oversight Commission” means the Legislative Oversight
 5 Commission on workforce investment for economic development created pursuant to section

6 seven of this article.

7 ~~(2) "Council" means the West Virginia workforce investment council.~~

8 "Local area" means a local workforce investment area.

9 "Local board" means a local workforce development board.

10 ~~(3) "Team" means the workforce investment interagency collaborative team.~~

11 "WIOA" means the Workforce Innovation and Opportunity Act, 29 U.S.C. §3101, et seq.

§5B-2B-3. West Virginia Workforce Investment Council Development Board; membership of board; meetings; quorum requirements.

1 (a) The West Virginia Workforce ~~Investment Council~~ Development Board is hereby
2 created and shall serve as the state's Workforce ~~Investment~~ Development Board, as required by
3 the ~~Workforce Investment Act, 29 U.S.C. §2801, et seq~~ WIOA. The ~~Council~~ board shall make
4 general recommendations regarding workforce investment in the state to the Governor and the
5 Legislature.

6 ~~(b) The Council may consist of no more than thirty-nine members, including ex-officio~~
7 ~~members.~~

8 ~~(c) The Governor shall appoint, with the advice and consent of the Senate, members to~~
9 ~~the Council according to the following criteria:~~

10 ~~(1) Representatives of business in the state, including at least one representing the~~
11 ~~tourism industry, who are:~~

12 ~~(A) Owners of businesses, chief executive officers, chief operating officers of business~~
13 ~~and other business executives or employers with optimum policy-making or hiring authority,~~
14 ~~including members of regional workforce investment boards;~~

15 ~~(B) Representatives of businesses having employment opportunities that reflect the~~
16 ~~employment opportunities of the state; and~~

17 ~~(C) Individuals nominated by state business organizations and business trade~~
18 ~~associations;~~

19 ~~(2) No more than two members who are members of the Council for Community and~~
20 ~~Technical College Education;~~

21 ~~(3) Two members who are members of the West Virginia Council for Community and~~
22 ~~Economic Development;~~

23 ~~(4) Two members who are chief elected officials representing cities and counties;~~

24 ~~(5) Two members who represent individuals and organizations having experience and~~
25 ~~expertise in the delivery of workforce investment programs, including one chief executive officer~~
26 ~~of a community and technical college and one chief executive officer of a community-based~~
27 ~~organization operating in the state;~~

28 ~~(6) Two members who represent individuals and organizations having experience in youth~~
29 ~~activities, including at least one youth from a post-secondary education institution; and~~

30 ~~(7) Two members who represent labor organizations in the state who have been~~
31 ~~nominated by state labor federations.~~

32 ~~(d) The following shall serve on the Council as ex officio members:~~

33 ~~(1) The Governor, or his or her designee;~~

34 ~~(2) The Superintendent of the Department of Education, or his or her designee;~~

35 ~~(3) The Director of the Division of Rehabilitation Services, or his or her designee: *Provided,*~~
36 ~~That the designee has policy-making authority over a workforce investment program within the~~
37 ~~Division of Rehabilitation Services;~~

38 ~~(4) The Commissioner of the Bureau of Senior Services, or his or her designee: *Provided,*~~
39 ~~That the designee has policy-making authority over a workforce investment program within the~~
40 ~~Bureau of Senior Services;~~

41 ~~(5) The Commissioner of the Bureau of Employment Programs, or his or her designee:~~
42 ~~*Provided,* That the designee has policy-making authority over a workforce investment program~~
43 ~~within the Bureau of Employment Programs;~~

44 ~~(6) The Director of the Division of Veterans' Affairs, or his or her designee: *Provided,* That~~

45 ~~the designee has policy-making authority over a workforce investment program within the Division~~
46 ~~of Veterans' Affairs;~~

47 ~~(7) The Executive Director of the West Virginia Development Office;~~

48 ~~(8) The Secretary of the Department of Health and Human Resources, or his or her~~
49 ~~designee: *Provided*, That the designee has policy-making authority over a workforce investment~~
50 ~~program within the Department of Health and Human Resources;~~

51 ~~(9) The Chancellor of the West Virginia Council for Community and Technical College~~
52 ~~Education; and~~

53 ~~(10) The Chancellor for Higher Education.~~

54 ~~(e) The Speaker of the House of Delegates shall appoint two members of the House of~~
55 ~~Delegates to serve on the Council, as nonvoting members.~~

56 ~~(f) The President of the Senate shall appoint two members of the Senate to serve on the~~
57 ~~Council, as nonvoting members.~~

58 ~~(g) The Governor shall appoint a Chair and Vice Chair for the Council from among the~~
59 ~~members appointed pursuant to subdivision (1), subsection (c) of this section.~~

60 ~~(h) Initial terms for appointed members of the Council are for up to three years as~~
61 ~~determined by the Governor. All subsequent terms are for three years.~~

62 ~~(i) The Council shall meet at least quarterly and appointed members of the Council may~~
63 ~~be reimbursed for reasonable expenses incurred within the scope of their service on the Council.~~

64 ~~(j) A majority of the members of the Council constitute a quorum: *Provided*, That a majority~~
65 ~~of the members making the quorum are members appointed pursuant to subdivision (1),~~
66 ~~subsection (c) of this section.~~

67 ~~(k) The Council may create subcommittees to carry out any of its duties. Quorum~~
68 ~~requirements required by subsection (j) of this section also apply to subcommittees.~~

69 ~~(l) No member of the Council may:~~

70 ~~(1) Vote on a matter under consideration by the Council:~~

71 ~~(A) Regarding the provision of services by the member or by an entity that the member~~
72 ~~represents; or~~

73 ~~(B) That would provide direct financial benefit to the member or the immediate family of~~
74 ~~the member; or~~

75 ~~(2) Engage in any other activity determined by the Governor to constitute a conflict of~~
76 ~~interest as specified in the strategic five-year state Workforce Investment Plan.~~

77 (b) The membership of the board shall meet the requirements of WIOA §101(b) and
78 represent diverse geographic areas of the state, including urban, rural and suburban areas. The
79 board membership includes:

80 (1) The Governor, or his or her designated representative; and

81 (2) The President of the Senate, or his or her designee, and the Speaker of the House of
82 Delegates, or his or her designee, both of whom shall be nonvoting members of the board; and

83 (3) Members appointed by the Governor, which shall include:

84 (A) Representatives of businesses or organizations, who shall comprise a majority of the
85 board membership, who:

86 (i) Are the owner or chief executive officer for the business or organization, or is an
87 executive with the business or organization with optimum policy-making or hiring authority, and
88 may also be members of a local board as described in WIOA §107(b)(2)(A)(i);

89 (ii) Represent businesses, or organizations that represent businesses described in
90 paragraph (A), subdivision (3), subsection (b) of this section, that, at a minimum, provide
91 employment and training opportunities that include high-quality, work-relevant training and
92 development in in-demand industry sectors or occupations in the state;

93 (iii) Are appointed from a list of potential members proposed by state business
94 organization and business trade associations; and

95 (iv) At a minimum, one member representing small businesses as defined by the U.S.
96 Small Business Administration.

97 (B) Not less than twenty percent of the board shall be representatives of the workforce
98 within the state, which:

99 (i) Shall include two or more representatives of labor organizations appointed from a list
100 proposed by state labor federations;

101 (ii) Shall include one representative who shall be a member of a labor organization or
102 training director from a joint labor-management apprenticeship program, or, if no such joint
103 program exists in the state, a member of a labor organization or training director who is a
104 representative of an apprenticeship program;

105 (iii) May include one or more representatives of community-based organizations that have
106 demonstrated experience and expertise in addressing the employment, training or education
107 needs of individuals with barriers to employment, including organizations that serve veterans or
108 provide or support competitive, integrated employment for individuals with disabilities; and

109 (iv) May include one or more representative of organizations that have demonstrated
110 experience and expertise in addressing the employment, training, or education needs of eligible
111 youth, including representative of organizations that serve out-of-school youth.

112 (C) The balance of the members:

113 (i) Shall include representatives of government including:

114 (I) The lead state officials with primary responsibility for each of the core programs. Where
115 the lead official represents more than one core program, that official shall ensure adequate
116 representation of the needs of all core programs under his or her jurisdiction; and

117 (II) Two or more chief elected officials (collectively representing both cities and counties,
118 where appropriate).

119 (ii) May include other appropriate representatives and officials designated by the
120 Governor, such as, but not limited to, state agency officials responsible for one-stop partner
121 programs, economic development or juvenile justice programs in the state, individuals who
122 represent an Indian tribe or tribal organization as defined in WIOA §166(b), and state agency

123 officials responsible for education programs in the state, including chief executive officers of
124 community colleges and other institutions of higher education.

125 (c) The Governor shall select a chairperson for the board from the business
126 representatives on the board described in paragraph (b)(3)(A) of this section.

127 (d) Initial terms for appointed members of the board are for up to three years as determined
128 by the Governor. All subsequent terms shall be for three years.

129 (e) Members who represent organizations, agencies or other entities described in
130 paragraphs (B) and (C), subdivision (3), subsection (b) of this section shall be individuals who
131 have optimum policy-making authority in the organizations they represent.

132 (f)(1) A board member may not represent more than one of the categories described in:

133 (A) Paragraph (A), subdivision (3), subsection (b) of this section;

134 (B) Paragraph (B), subdivision (3), subsection (b) of this section; or

135 (C) Paragraph (C), subdivision (3), subsection (b) of this section.

136 (2) A board member may not serve as a representative of more than one subcategory
137 under paragraph (B), subdivision (3), subsection (b) of this section.

138 (3) A board member may not serve as a representative of more than one subcategory
139 under paragraph (C), subdivision (3), subsection (b) of this section: *Provided*, That where a single
140 government agency is responsible for multiple required programs, the head of the agency may
141 represent each of the required programs.

142 (g) All required board members, other than the *ex officio* members of the State Legislature,
143 shall have voting privileges. The Governor may also convey voting privileges to nonrequired
144 members.

§5B-2B-4. Duties of the Workforce Investment Council Development Board.

1 ~~(a) The council shall assist the Governor in the:~~

2 ~~(1) Development and revision of a strategic five-year state workforce investment plan,~~
3 ~~including the establishment of an overall workforce investment public agenda with goals and~~

4 ~~benchmarks of success for the state, state agencies and for local workforce investment boards;~~
5 ~~(2) Development and continuous improvement of a statewide system of workforce~~
6 ~~investment activities including:~~
7 ~~(A) Development of linkages in order to assure coordination and nonduplication of services~~
8 ~~and activities of workforce investment programs conducted by various entities in the state; and~~
9 ~~(B) The review of strategic plans created and submitted by local workforce investment~~
10 ~~boards;~~
11 ~~(3) Commenting at least annually on the measures taken by the state pursuant to the Carl~~
12 ~~D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C. §2323;~~
13 ~~(4) Designation and revision of local workforce investment areas;~~
14 ~~(5) Development and revision of allocation formulas for the distribution of funds for adult~~
15 ~~employment and training activities and youth activities to local areas;~~
16 ~~(6) Development and continuous improvement of comprehensive state performance~~
17 ~~measures, including state-adjusted levels of performance, to assess the effectiveness of the~~
18 ~~workforce investment activities in the state;~~
19 ~~(7) Preparation of the annual report to the Secretary of Labor as required by the Workforce~~
20 ~~Investment Act, 29 U.S.C. §2871;~~
21 ~~(8) Development and continued improvement of a statewide employment statistics~~
22 ~~system; and~~
23 ~~(9) Development and revision of an application for workforce investment incentive grants.~~
24 ~~(b) The council shall make a report to the Legislative Oversight Commission on Workforce~~
25 ~~Investment for Economic Development and the Legislative Oversight Commission on Education~~
26 ~~Accountability on or before November 1 of each year, detailing: (1) All the publicly funded~~
27 ~~workforce investment programs operating in the state, including the amount of federal and state~~
28 ~~funds expended by each program, how the funds are spent and the resulting improvement to the~~
29 ~~workforce; (2) the council's recommendations concerning future use of funds for workforce~~

30 ~~investment programs; (3) the council's analysis of operations of local workforce investment~~
31 ~~programs; (4) the council's recommendations for the establishment of an overall workforce~~
32 ~~investment public agenda with goals and benchmarks of success for the state, state agencies~~
33 ~~and for local workforce investment boards; (5) the status of one-stop system operations in the~~
34 ~~state, including all memoranda of understanding entered into by the one-stop partners and local~~
35 ~~workforce investment boards; (6) the status and outcome data regarding the council and local~~
36 ~~workforce investment boards' success in linking West Virginia PROMISE scholars to employment~~
37 ~~with a West Virginia employer; and (7) any other information the commission may require.~~

38 ~~(c) To aid in the report required in subsection (b) of this section, each local workforce~~
39 ~~investment board shall report annually to the council on or before September 1 of each year on~~
40 ~~the status of one-stop centers within the region each board represents, attaching all memoranda~~
41 ~~of understanding entered into with one-stop partners.~~

42 ~~(d) The council board shall provide information and guidance to local workforce investment~~
43 ~~boards and staff, to enable them to better educate both women and men about higher paying jobs~~
44 ~~and careers including jobs traditionally dominated by men or women. Such guidance shall~~
45 ~~promote services provided by the local ~~workforce investment~~ boards for job seekers that includes:~~

46 ~~(1) Current information about compensation for jobs and careers that offer high earning~~
47 ~~potential including jobs that are traditionally dominated by men or women;~~

48 ~~(2) Counseling, skills development and training opportunities that encourage both women~~
49 ~~and men to seek employment in such jobs;~~

50 ~~(3) Referral information to employers offering such jobs; or~~

51 ~~(4) Information regarding the long-term consequences, including lower social security~~
52 ~~benefits or pensions, of choosing jobs that offer lower earnings potential and are traditionally~~
53 ~~dominated by women or men.~~

54 (b) Under WIOA §101(d), the board shall assist the Governor in the:

55 (1) Development, implementation and modification of the four-year state plan;

56 (2) Review of statewide policies, programs, and recommendations on actions that should
57 be taken by the state to align workforce development programs to support a comprehensive and
58 streamlined workforce development system. Such review of policies, programs and
59 recommendations shall include a review and provision of comments on the state plans, if any, for
60 programs and activities of one-stop partners that are not core programs;

61 (3) Development and continuous improvement of the workforce development system,
62 including:

63 (A) Identification of barriers and means for removing barriers to better coordinate, align,
64 and avoid duplication among programs and activities;

65 (B) Development of strategies to support career pathways for the purpose of providing
66 individuals, including low-skilled adults, youth, and individuals with barriers to employment,
67 including individuals with disabilities, with workforce investment activities, education, and
68 supportive services to enter or retain employment;

69 (C) Development of strategies to provide effective outreach to and improved access for
70 individuals and employers who could benefit from workforce development system;

71 (D) Development and expansion of strategies to meet the needs of employers, workers,
72 and jobseekers particularly through industry or sector partnerships related to in-demand industry
73 sectors and occupations;

74 (E) Identification of regions, including planning regions for the purpose of WIOA §106(a),
75 and the designation of local areas under WIOA §106 after consultation with local boards and chief
76 elected officials;

77 (F) Development and continuous improvement of the one-stop delivery system in local
78 areas, including providing assistance to local boards, one-stop operators, one-stop partners, and
79 providers. Such assistance includes assistance with planning and delivering services, including
80 training and supportive services, to support effective delivery of services to workers, jobseekers,
81 and employers; and

82 (G) Development of strategies to support staff training and awareness across the
83 workforce development system and its programs.

84 (4) Development and updating of comprehensive state performance and accountability
85 measures to assess core program effectiveness under WIOA §116(b).

86 (5) Identification and dissemination of information on best practices, including best
87 practices for:

88 (A) The effective operation of one-stop centers, relating to the use of business outreach,
89 partnerships, and service delivery strategies, including strategies for serving individuals with
90 barriers to employment;

91 (B) The development of effective local boards, which may include information on factors
92 that contribute to enabling local boards to exceed negotiated local levels of performance, sustain
93 fiscal integrity, and achieve other measures of effectiveness; and

94 (C) Effective training programs that respond to real-time labor market analysis, that
95 effectively use direct assessment and prior learning assessment to measure an individual's prior
96 knowledge, skills, competencies, and experiences for adaptability, to support efficient placement
97 into employment or career pathways.

98 (6) Development and review of statewide policies affecting the coordinated provision of
99 services through the state's one-stop delivery system described in WIOA §121(e), including the
100 development of:

101 (A) Objective criteria and procedures for use by local boards in assessing the
102 effectiveness, physical and programmatic accessibility and continuous improvement of one-stop
103 centers. Where a local board serves as the one-stop operator, the board shall use such criteria
104 to assess and certify the one-stop center;

105 (B) Guidance for the allocation of one-stop center infrastructure funds under WIOA
106 §121(h); and

107 (C) Policies relating to the appropriate roles and contributions of entities carrying out one-

108 stop partner programs within the one-stop delivery system, including approaches to facilitating
109 equitable and efficient cost allocation in the system.

110 (7) Development of strategies for technological improvements to facilitate access to, and
111 improve the quality of services and activities provided through the one-stop delivery system,
112 including such improvements to:

113 (A) Enhance digital literacy skills (as defined in §202 of the Museum and Library Service
114 Act, 20 U.S.C. §9101);

115 (B) Accelerate acquisition of skills and recognized post-secondary credentials by
116 participants;

117 (C) Strengthen professional development of providers and workforce professionals; and

118 (D) Ensure technology is accessible to individuals with disabilities and individuals residing
119 in remote areas;

120 (8) Development of strategies for aligning technology and data systems across one-stop
121 partner programs to enhance service delivery and improve efficiencies in reporting on
122 performance accountability measures, including design implementation of common intake, data
123 collection, case management information, and performance accountability measurement and
124 reporting processes and the incorporation of local input into such design and implementation to
125 improve coordination of services across one-stop partner programs;

126 (9) Development of allocation formulas for the distribution of funds for employment and
127 training activities for adults and youth workforce investment activities, to local areas as permitted
128 under WIOA §128(b)(3) and §133(b)(3);

129 (10) Preparation of the annual reports described in paragraphs (1) and (2) of WIOA
130 §116(d);

131 (11) Development of the statewide workforce and labor market information system
132 described in §15(e) of the Wagner-Peyser Act, 29 U.S.C. §49, et seq.; and

133 (12) Development of other policies as may promote statewide objectives for and enhance

134 the performance of the workforce development system in the state.

§5B-2B-4a. Report to Legislature.

1 (a) The Legislature finds that:

2 (1) ~~The advent and advancement of new technologies in horizontal drilling and the~~
3 ~~production of horizontal wells defined in article six-a, chapter twenty-two of this code has created~~
4 ~~thousands and has the potential to create thousands of additional drilling, production,~~
5 ~~construction, manufacturing, and related jobs in West Virginia and in the Appalachian Basin;~~

6 ~~(2) This economic opportunity presents new and exciting opportunities for jobs for West~~
7 ~~Virginians;~~

8 ~~(3) The state needs to take all necessary steps to retain, educate and train West Virginians~~
9 ~~to have the skills necessary to compete for job opportunities resulting from horizontal drilling; and~~

10 ~~(4) (2) Specific attention shall be made by the State of West Virginia to train and educate~~
11 ~~West Virginia citizens that have not historically or traditionally been exposed to the oil and gas~~
12 ~~industry through training programs offered by community colleges, technical schools and~~
13 ~~institutions and small business owners. Small business owners shall be made aware by the State~~
14 ~~of West Virginia of any and all programs and grants available to assist them in training said~~
15 ~~individuals.~~

16 (b) To assist in maximizing the economic opportunities available with horizontal drilling,
17 the ~~council~~ board shall make a report to the Joint Committee on Government and Finance and
18 the Legislative Oversight Commission on Education Accountability on or before November 1 of
19 each year through 2016, detailing a comprehensive review of the direct and indirect economic
20 impact of employers engaged in the production of horizontal wells in the State of West Virginia,
21 as more specifically defined in article six-a, chapter twenty-two of this code, which shall include:

22 (1) A review of the total number of jobs created;

23 (2) A review of total payroll of all jobs created;

24 (3) The average salary per job type;

- 25 ~~(4)~~ A review of the number of employees domiciled in the State of West Virginia;
- 26 ~~(5)~~ A review of total economic impact;
- 27 ~~(6)~~ (5) The ~~council's~~ board's recommendations for the establishment of an overall
- 28 workforce investment public education agenda with goals and benchmarks toward maximizing
- 29 job creation opportunities in the State of West Virginia;
- 30 ~~(7)~~ (6) A review of number of jobs created for minorities based on race, ethnicity and
- 31 gender;
- 32 ~~(8)~~ (7) A review of number of jobs created for individuals reemployed from the State of
- 33 West Virginia's unemployment rosters;
- 34 ~~(9)~~ (8) A review of number of jobs created for returning veterans; and
- 35 ~~(10)~~ (9) A review of number of jobs created for legal West Virginia residents and nonWest
- 36 Virginia residents.
- 37 (c) To the extent permitted by federal law, and to the extent necessary for the ~~council~~
- 38 board to comply with this section, the ~~council~~ board, Workforce West Virginia, the Division of
- 39 Labor, and the Office of the Insurance Commissioner may enter into agreements providing for the
- 40 sharing of job data and related information.

§5B-2B-4b. Open meetings; public information.

- 1 (a) The board shall conduct business in an open manner as required by WIOA §101(g).
- 2 (b) The board shall make available to the public, on a regular basis through electronic
- 3 means and open meetings, information about the activities and functions of the board including:
- 4 (1) The state plan, or modification to the state plan, prior to submission of the plan or
- 5 modification of the plan;
- 6 (2) Information regarding membership; and
- 7 (3) Minutes of formal meetings of the board upon request.

§5B-2B-5. State agencies.

- 1 On or before November 1, any state agency that receives federal or state funding that has

2 been used for workforce investment activities for the past fiscal year shall provide to the ~~council~~
3 board a report, detailing the source and amount of federal, state or other funds received; the
4 purposes for which the funds were provided; the services provided in each regional workforce
5 investment area; the measures used to evaluate program performance, including current and
6 baseline performance data; and any other information requested by the ~~council~~ board. All reports
7 submitted pursuant to this section are to be in a form approved by the ~~council~~ board.

§5B-2B-6. Administration of ~~council~~ board.

1 (a) Workforce West Virginia shall provide administrative and other services to the ~~council~~
2 board as the ~~council~~ board requires.

3 (b) Workforce West Virginia shall facilitate the coordination of ~~council~~ board activities and
4 local workforce investment activities, including holding meetings with the executive directors of
5 each local ~~workforce investment~~ board at least monthly. Any executive director of a local
6 ~~workforce investment~~ board who participates in a meeting held pursuant to this subsection shall
7 report to his or her local board and the county commission of each county represented by the
8 local board regarding the meeting.

**§5B-2B-9. Coordination between agencies providing workforce investment programs,
local workforce investment boards and the Executive Director of Workforce West
Virginia.**

1 (a) To provide ongoing attention to addressing issues that will build and continually
2 improve the overall workforce investment system, the Workforce Investment Interagency
3 Collaborative Team is hereby created. The team shall be the single state interagency source for
4 addressing issues or concerns related to building and maintaining the most effective and efficient
5 implementation of the ~~federal Workforce Investment Act~~ WIOA and the overall workforce
6 development system in West Virginia. The team shall focus on how best to collaborate between
7 and among the state agencies directly involved in workforce investment activities and shall

8 develop a strategic plan to that end. The team shall serve as a forum for the ~~council~~ board to seek
9 information or recommendations in furtherance of its responsibilities under this article. Workforce
10 West Virginia is the entity which shall convene the team at least monthly and shall provide
11 administrative and other services to the team as the team requires.

12 (b) The team shall consist of members from each agency subject to the reporting
13 provisions of section five of this article. Each agency shall appoint two representatives to the team
14 consisting of the chief official of the department or division and the official within that department
15 or division who is directly responsible for overseeing the workforce investment program or
16 activities at the state level. A designee may be selected to represent a member appointed to the
17 team: *Provided*, That the designee has policy-making decision authority regarding workforce
18 investment activities including program and fiscal issues. The team members have authority to
19 make decisions on behalf of the agency at the level required for the team to address issues and
20 advance system improvements.

21 (c) The team shall coordinate the development of a self-sufficiency standard study for the
22 State of West Virginia. The self-sufficiency standard is to measure how much income is needed
23 for a household of a given composition in a given place to adequately meet its basic needs without
24 public or private assistance. Beginning on November 1, 2004, and every two years thereafter, this
25 study is to be reported to the Speaker of the House of Delegates, the President of the Senate,
26 the ~~Workforce Investment Council~~ board and the Legislative Oversight Commission on Workforce
27 Investment for Economic Development.

28 (d) Beginning January 1, 2003, in order to lawfully continue any workforce investment
29 activities, any agency subject to the reporting provisions of section five of this article shall enter
30 into a memorandum of understanding with the Executive Director of Workforce West Virginia and
31 any local ~~workforce investment~~ board representing an area of this state in which the agency is
32 engaged in workforce investment activities. To the extent permitted by federal law, the

33 agreements are to maximize coordination of workforce investment activities and eliminate
34 duplication of services on both state and local levels.

35 (e) No memorandum of understanding may be effective for more than one year without
36 annual reaffirmation by the parties.

37 (f) Any state agency entering a memorandum of understanding shall deliver a copy thereof
38 to both the ~~West Virginia Workforce Investment Council~~ board and the Legislative Oversight
39 Commission.

NOTE: The purpose of this bill is to update the West Virginia Workforce Investment Act to the West Virginia Workforce Innovation and Opportunity Act, to comply with changes in federal law as the result of the passage of the federal Workforce Innovation and Opportunity Act. Compliance with the federal law is necessary to ensure continued federal funding of workforce development efforts. As part of these updates, this bill defines new terms. It also updates the composition of the West Virginia Workforce Investment Council and changes its name to the West Virginia Workforce Development Board. The bill also establishes qualifications for certain board members. The bill updates the duties of the board from those previously applicable to the West Virginia Workforce Investment Act. The bill updates reporting requirements to the Legislature and cleans up language to indicate the change of the name of from the West Virginia Workforce Investment Council to the West Virginia Workforce Development Board. The bill requires that the board's proceedings and information be open and available to the public.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.