

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 3318

By Delegates McGeehan and Ward

[Introduced February 07, 2023; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended, relating
2 to the Workforce Development Board developing policies that ensures a resident receives
3 services from their local area.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.

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

1 (a) The board shall provide information and guidance to local boards and staff, to enable
2 them to better educate both women and men about higher paying jobs and careers including jobs
3 traditionally dominated by men or women. Such guidance shall promote services provided by the
4 local boards for job seekers that includes:

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

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

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

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

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

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

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

20 (3) Development and continuous improvement of the workforce development system,
21 including:

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

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

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

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

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

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

41 (G) Development of strategies to support staff training and awareness across the
42 workforce development system and its programs;

43 (4) Development and updating of comprehensive state performance and accountability
44 measures to assess core program effectiveness under WIOA §116(b);

45 (5) Identification and dissemination of information on best practices, including best
46 practices for:

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

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

53 (C) Effective training programs that response to real-time labor market analysis, that
54 effectively use direct assessment and prior learning assessment to measure an individual's prior
55 knowledge, skills, competencies and experiences for adaptability, to support efficient placement
56 into employment or career pathways;

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

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

64 (B) Guidance for the allocation of one-stop center infrastructure funds under WIOA
65 §121(h); and

66 (C) Policies relating to the appropriate roles and contributions of entities carrying out one-
67 stop partner programs within the one-stop delivery system, including approaches to facilitating
68 equitable and efficient cost allocation in the system;

69 (D) Notwithstanding the entirety of this section, the board will develop policies that ensure
70 the one-stop delivery system prioritizes delivery of services, to include case management

71 services, unemployment services, job services, and all other services encompassed and
72 incorporated by the WIOA, to be from the local area of the service seeking resident and not from
73 outside the resident's local area. This shall include prioritizing voice and electronic
74 communications terminating at the local area physical location, where diversion to a
75 representative outside the resident's local area is only an option at the request of resident due to
76 such circumstances as lengthy hold times or where emergency situations result in local
77 representatives not being available.

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

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

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

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

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

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

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

97 (10) Preparation of the annual reports described in paragraphs (1) and (2) of WIOA
98 §116(d);

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

101 (12) Development of other policies as may promote statewide objectives for and enhance
102 the performance of the workforce development system in the state.

NOTE: The purpose of this bill is to ensure residents receive support from their local area when seeking work opportunities.

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