WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

House Bill No. 4411

(By Delegates Mezzatesta, Cann, Frederick, Stalnaker and Walters)

Passed March 13, 2004

In Effect Ninety Days from Passage
ENROLLED

H. B. 4411

(BY DELEGATES MEZZATESTA, CANN, FREDERICK,
STALNAKER AND WALTERS)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §5B-2B-2, §5B-2B-4, §5B-2B-5 and
§5B-2B-9 of the code of West Virginia, 1931, as amended, all
relating to the West Virginia workforce investment act; updating
terms; outlining duties; and creating the workforce investment
interagency collaborative team.

Be it enacted by the Legislature of West Virginia:

That §5B-2B-2, §5B-2B-4, §5B-2B-5 and §5B-2B-9 of the code
of West Virginia, 1931, as amended, be amended and reenacted, all
to read as follows:

ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.

§5B-2B-2. Definitions.

1 As used in this article, the following terms have the
2 following meanings, unless the context clearly indicates
3 otherwise:
(1) “Commission” or “legislative oversight commission” means the legislative oversight commission on workforce investment for economic development created pursuant to section seven of this article.

(2) “Council” means the West Virginia workforce investment council.

(3) “Team” means the workforce investment interagency collaborative team.

§5B-2B-4. Duties of the workforce investment council.

(a) The council shall assist the governor in the:

(1) Development and revision of a strategic five-year state workforce investment plan, including the establishment of an overall workforce investment public agenda with goals and benchmarks of success for the state, state agencies and for local workforce investment boards;

(2) Development and continuous improvement of a statewide system of workforce investment activities including:

(A) Development of linkages in order to assure coordination and nonduplication of services and activities of workforce investment programs conducted by various entities in the state; and

(B) The review of strategic plans created and submitted by local workforce investment boards;

(3) Commenting at least annually on the measures taken by the state pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C. §2323;

(4) Designation and revision of local workforce investment areas;
(5) Development and revision of allocation formulas for the
distribution of funds for adult employment and training
activities and youth activities to local areas;

(6) Development and continuous improvement of compre-
hensive state performance measures, including state adjusted
levels of performance, to assess the effectiveness of the
workforce investment activities in the state;

(7) Preparation of the annual report to the secretary of labor
as required by the Workforce Investment Act, 29 U.S.C. §2871;

(8) Development and continued improvement of a statewide
employment statistics system; and

(9) Development and revision of an application for
workforce investment incentive grants.

(b) The council shall make a report to the legislative
oversight commission on or before the fifteenth day of January
of each year detailing: (1) All the publicly funded workforce
investment programs operating in the state, including the
amount of federal and state funds expended by each program,
how the funds are spent and the resulting improvement to the
workforce; (2) the council’s recommendations concerning
future use of funds for workforce investment programs; (3) the
council’s analysis of operations of local workforce investment
programs; (4) the council’s recommendations for the establish-
ment of an overall workforce investment public agenda with
goals and benchmarks of success for the state, state agencies
and for local workforce investment boards; and (5) any other
information the commission may require.

§5B-2B-5. State agencies.

On or before the first day of November any state agency
that receives federal or state funding that has been used for
workforce investment activities for the past fiscal year shall provide to the council a report, detailing the source and amount of federal, state or other funds received; the purposes for which the funds were provided; the services provided in each regional workforce investment area; the measures used to evaluate program performance, including current and baseline performance data; and any other information requested by the council. All reports submitted pursuant to this section are to be in a form approved by the council.

§5B-2B-9. Coordination between agencies providing workforce investment programs, local workforce investment boards and the executive director of the West Virginia development office.

(a) To provide on-going attention to addressing issues that will build and continually improve the overall workforce investment system, the workforce investment interagency collaborative team is hereby created. The team shall be the single state interagency source for addressing issues or concerns related to building and maintaining the most effective and efficient implementation of the federal workforce investment act and the overall workforce development system in West Virginia. The team shall focus on how best to collaborate between and among the state agencies directly involved in workforce investment activities and shall develop a strategic plan to that end. The team shall serve as a forum for the council to seek information or recommendations in furtherance of its responsibilities under this article. The West Virginia development office is the entity which shall convene the team at least monthly and shall provide administrative and other services to the team as the team requires.

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

(c) The team shall coordinate the development of a self-
sufficiency standard study for the State of West Virginia. The
self-sufficiency standard is to measure how much income is
needed for a household of a given composition in a given place
to adequately meet its basic needs without public or private
assistance. Beginning on the first day of November, two
thousand four, and every two years thereafter, this study is to be
reported to the speaker of the House of Delegates, the president
of the Senate, the workforce investment council and the
legislative oversight commission on workforce investment for
economic development.

(d) Beginning the first day of January, two thousand three,
in order to lawfully continue any workforce investment
activities, any agency subject to the reporting provisions of
section five of this article shall enter into a memorandum of
understanding with the executive director of the West Virginia
development office and any local workforce investment board
representing an area of this state in which the agency is engaged
in workforce investment activities. To the extent permitted by
federal law, the agreements are to maximize coordination of
workforce investment activities and eliminate duplication of
services on both state and local levels.
(e) No memorandum of understanding may be effective for more than one year without annual reaffirmation by the parties.

(f) Any state agency entering a memorandum of understanding shall deliver a copy thereof to both the West Virginia workforce investment council and the legislative oversight commission.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
Speaker of the House of Delegates

The within is approved this the 5th day of April, 2004.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR
DATE 3/31/64
TIME 10:15 A.M.