

**WASHINGTON STATE  
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD  
MEETING NO. 181  
September 25, 2014**

**WORKFORCE INNOVATION AND OPPORTUNITY ACT**

**Background**

On July 22, 2014 the Workforce Innovation and Opportunity Act (WIOA) was signed into law by President Barack Obama. This bicameral, bipartisan legislation marked the end to a process begun in 2003, when the Workforce Investment Act was due to be reauthorized. Congress passed the Act by a wide bipartisan majority, making it the first legislative reform of the workforce system in 15 years. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act Amendments of 1998. In general, the majority of the WIOA provisions become effective on July 1, 2015. The Act is authorized through June 30, 2020.

The Workforce Innovation and Opportunity Act will help job seekers and workers connect to good jobs and acquire the skills and credentials they need to obtain those jobs. The Act emphasizes a job-driven platform, responding to the needs of employers and preparing workers for today's jobs and into the future.

WIOA focuses on streamlining programs, reporting and administration. While the bill eliminated 15 existing federal training programs, only three are currently funded. WIOA maintains the same basic structure of WIA and names the programs under the four titles as "core WIOA programs."

- Title I – Youth, Adult, and Dislocated Worker Employment and Training
- Title II – Adult Education and Literacy
- Title III – Amendments to the Wagner-Peyser Act
- Title IV – Amendments to the Rehabilitation Act of 1973

The Act creates common accountability measures across the four core programs for both adults and youth, and mandates states to submit a single, unified plan for all core programs, with a combined plan option, which allows states to include additional programs and activities within the plan.

The Board materials provide information about major components of the new Act, and highlight key decision points for the Board to consider. Stakeholders affected by the WIOA legislation will share with the Board their perspectives on the Act and its potential impacts, opportunities, and challenges.

**Board Action:** For discussion only

**Workforce Innovation and Opportunity Act  
An Overview**

The Workforce Innovation and Opportunity Act (WIOA) supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act of 1998, the Wagner-Peyser Act of 1933, and the Rehabilitation Act of 1973. WIOA preserves the nation’s current program infrastructure allowing continuity in the delivery of federally funded employment services, workforce development, basic education for adults, and vocational rehabilitation activities for individuals with disabilities. The goal of WIOA is to improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet skills requirements of employers, and enhance the productivity and competitiveness of the nation.

In general, the majority of WIOA provisions become effective on July 1, 2015 with additional requirements set for July 1, 2016.

**Four Core WIOA Programs**

WIOA brings together, in strategic coordination, the following “core programs”:

WIOA Title I-B	Youth Employment & Training	The Act directs local Workforce Development Councils (WDCs) to select youth service organization(s) that offer support to targeted youth in the attainment of a high school diploma or its recognized equivalent, entry into postsecondary education, and individualized delivery of 14 types of career readiness opportunities. One major change is the requirement that WDCs expend at least 75 percent of grant funds on out-of-school youth, 16 through 24 years of age. (See pages 14-15 for in-school and out-of school youth participant eligibility definitions and a summary of other youth program changes under WIOA.)
	Adult Employment & Training	The Act directs the local WDCs to coordinate the delivery of adult program services including “career services” (formally called core and intensive services under WIA), training services and job placement assistance. Priority is given to recipients of public assistance, other low-income individuals, veterans, and individuals who are basic skills-deficient. WDCs may expend 20 percent of grant funds on incumbent worker training. (See pages 16-17 for a summary of other program changes under WIOA Title I-B.)

	Dislocated Worker Employment & Training	The Act directs local Workforce Development Councils to coordinate the delivery of services to dislocated workers who lost jobs due to plant closures, company downsizing, or some other significant change in market conditions. In most cases, eligible workers are unlikely to return to their occupations, and they must be eligible (or have exhausted) unemployment compensation. WDCs may expend 20 percent of grant funds on incumbent worker training. (See pages 16-17 for a summary of other program changes under WIOA Title I-B.)
WIOA Title II	Basic Education for Adults	The Act directs the state's grant recipient agency (SBCTC) to select eligible providers (colleges, community-based organizations (CBOs)/other eligible providers) to offer services that include adult education; literacy, workplace, family literacy, and English language acquisition activities; and integrated English literacy and civics education, workplace preparation activities, and integrated education and training. (See Title II summary on pages 18-20.)
WIOA Title III	Wagner-Peyser Employment Services	The Act directs the state's grant recipient agency (Employment Security Department) to provide access to employment services to all job seekers including job search preparation and placement assistance services. Employers may receive general or specialized recruitment services through self-service or staff-assisted job orders. Services are available through a network of more than 30 WorkSource offices in communities across the state, and online through <a href="http://www.go2worksource.com">www.go2worksource.com</a> (See Title III summary on page 20.)
WIOA Title IV	Vocational Rehabilitation Services	The Act directs state grant recipient agencies (DHS/DVR and the Department of Services for the Blind) to offer vocational rehabilitation and training services to help eligible individuals with disabilities become employed. The priority is competitive, full-time employment. Depending on the individual's disability and functional limitations, however, other outcomes such as part-time employment, self-employment, or supported employment are also appropriate. Services focus both on helping high school students plan as they prepare for transition to work, as well as delivery of a range of individualized adult services. (See Title IV summary on pages 21-23.)

## **State WIOA Plan**

WIOA requires the state Workforce Development Board to assist the Governor in the development and implementation of a four-year state plan (Sec.101(d)(1)). Governors must submit their state's plan by March 2, 2016. The U.S. Secretaries of Labor and Education must approve the plan for a state to be eligible to receive funding allotments for the four core WIOA programs beginning July 1, 2016. The plan may also be approved for funding by other federal agency Secretaries when the plan's application includes other federal programs (See Combined Plan option below).

Up to 2 percent of WIA Title I-B Fiscal Year 2014 funds allocated to a state may be used for WIOA planning and implementation. The funds set aside for this purpose are to be split 50-50 between state and the local Workforce Development Councils (Sec. 503(g)(2)).

The new 2016-2020 plan would include the state's goals, objectives, and strategies for preparing an educated and skilled workforce. The Act calls for the state plan to have goals, objectives, and strategies informed by:

- 1) An analysis of the current workforce.
- 2) Descriptions of the state's delivery system.
- 3) Perspectives on the economic conditions in the state (including an update on existing and emerging in-demand industry sectors and occupations).
- 4) Analysis of employer needs, including the knowledge, skills, and abilities required in key industries and occupations.

The plan would describe how the delivery of each of the four WIOA core programs (and other named programs) will be aligned and be consistent with the plan's overall vision, goals, and strategies and how guidance and policies issued by the state's workforce development operating agencies will be designed to support the implementation of the plan's system-wide strategies.

The plan would be responsive to program-specific requirements.

States can choose the scope and influence of their plan. WIOA invites states to either:

- Develop and implement a four-year strategy in the form of a single **Unified Strategic Plan** for the four **Core WIOA Programs**;
- or
- Develop and implement a four-year strategy in the form of a single Combined Strategic Plan covering the four core WIOA programs and one or more additional federal programs.

## **Option A: Unified Strategic Plan Option**

Contents in a Unified Plan would include a strategic vision and goals as well as service delivery plans centered on the four core WIOA programs:

1. Youth, Adult and Dislocated Worker Programs under Title I-B.
2. Basic education for adults under Title II.
3. Wagner-Peyser Employment Services under Title III.
4. Vocational Rehabilitation Services under Title IV.

## **Option B: Combined Strategic Plan Option**

The Act permits a state to reimagine its workforce development system to include a much broader range of programs and funding mechanisms. Under WIOA Sec. 103, a state may develop and submit a *Combined Plan* (in lieu of submitting multiple plans) for WIOA's four "core programs" and one or more of the following programs:

- Carl D. Perkins Career and Technical Education Act
- Temporary Assistance for Needy Families (TANF)
  - Note: Governors must make a determination to exclude TANF as a required One-Stop partner (See Page 10 for a list of required One-Stop partners).
- Trade Act (Trade Adjustment Assistance)
- Veterans Employment and Training Services
- Unemployment Insurance Services
- Basic Food Employment and Training (BFET) Program (Department of Agriculture)
- Work Programs under Sec.6(o) of the Food and Nutrition Act
- Senior Community Services Employment Program (Title V of the Older Americans Act)
- E&T carried out under the Community Development Block Grant (Department of Housing and Urban Development)
- E&T carried out under the Community Services Block Grant (HHS Office of the Administration for Children and Families)
- Sec. 212 of the Second Chance Act of 2007 (Community Safety Through Recidivism Prevention)

Note: A state that chooses to develop and submit a *Combined Plan* is not required to submit any other plan or application in order to receive federal funds to carry out programs included in the plan.

As with a *Unified Plan*, a *Combined Plan* must include a description of the methods used for joint planning and coordination and how the state and local partner agencies, and stakeholder groups, engaged in plan development, using an inclusive review and comment process.

The *Combined Plan* option, with its feature to "opt-in" multiple programs, presents an extraordinary opportunity for integrated service delivery.

The due date for a state to submit either a *Unified Plan* or a *Combined Plan* is March 2, 2016. The WIOA authors were influenced by the method Washington uses to develop a state strategic plan for its workforce development system. The WIOA plan development guidelines are, to some degree, modeled after Washington’s RCW 28C.18.080 guidelines directing the state Workforce Board to update, every four years, Washington’s Strategic Plan for the Workforce Development. The next *High Skills, High Wages* plan is due about the same time as the state’s WIOA plan—first quarter 2016. This will make it possible for the Workforce Board, in partnership with the operating agencies, and in consultation with Workforce Development Councils and local and state stakeholders, to develop a single state plan meeting both state and federal expectations.

## **The Role of the Governor and the State Workforce Development Board**

### **Designation of the state Workforce Development Board**

**New Action:** Under WIOA, a governor is required to either establish a new state Workforce Development Board (WDB) or designate a board established prior to August 7, 1998, to serve as the state Workforce Development Board.

### **State Performance Accountability System**

**New:** The Act directs the state Workforce Development Board to assist the Governor in the development and updating of comprehensive state performance accountability measures, including state-adjusted levels of performance, to assess the effectiveness of the four WIOA core programs (Sec.101(d)(4)). Under WIOA, state performance accountability measures have been redesigned to streamline 100 varying and incompatible performance measures to a series of core measures focused on workforce outcomes, including short-term and long-term employment rates, earnings, credential completion, skill gains and effectiveness in serving employers. There are also similar indicators involving employment, further education, earnings, and credential completion for the WIOA Title I-B Youth Program. The new performance accountability system becomes effective July 1, 2016. (See Appendix A for more details.)

WIOA drafters based the new performance accountability measures on the Integrated Performance Information (IPI) system, pioneered by the state Workforce Board in 1996, to establish an “apples to apples” tracking system for key programs in Washington’s training system. The National Governors Association (NGA) sponsored this early IPI work and promoted IPI performance indicator measures during the period of bill development. NGA and the National Association of State Workforce Agencies (NASWA) both worked with bill drafters to get the measures into the bill.

### **Expansion of the state’s Eligible Training Provider List**

WIOA Sec.122, makes a number of rule changes on how a state designs and maintains its performance-based system for identifying programs of training that are eligible to be listed on the state’s Eligible Training Provider (ETP) list. Washington has operated a robust consumer

protection ETP list for the last 13 years. The list is accessed through <http://www.careerbridge.wa.gov/>. ETP processes required to be established by the governor are defined in extensive detail in the Act, and a separate process for initial eligibility is also required. Governors also have the option to establish ETP-like criteria and processes for Title I-B Youth Providers and for on-the-job training (OJT) and other work-based programs.

More extensive reporting requirements are added at the state, local, and provider level, including some information not currently collected. (See Appendix A for details on WIOA rule revisions for managing an ETP system.)

### **Designation of local Workforce Development Areas**

**New Action:** The Act directs governors to designate local Workforce Development Areas (local Service Delivery Areas) through consultation with the State Workforce Board, after consultation with chief local elected officials (CLEOs) and local Workforce Development Councils, and after consideration of public comments (Sec.106). The Governor shall designate local areas based on considerations consisting of the extent to which the areas:

1. Are consistent with labor market areas of the state.
2. Are consistent with regional economic development areas in the state.
3. Have the available federal and non-federal resources necessary to effectively administer WIOA Title I-B and other provisions of the Act, including whether the areas have appropriate education and training providers, such as institutions of higher education and career and technical education schools (Sec. 106(b)(1)(B)).

Toward the conclusion of the process, the state must also identify sub-state planning regions. A state can designate three types of regions:

Category 1. A region can be made up of one local workforce development area that is aligned with the named region;

Category 2. A region can be made up of two or more local areas that are, collectively, aligned with the named region; and

Category 3. A region can be made up of two or more local areas forming an interstate regional planning zone encompassing areas located in two or more states.

Designation of the local workforce development areas and planning regions must be completed by June 30, 2015 to qualify for PY 2015 (July 1, 2015 to June 30, 2016) WIOA Title I-B funding.

There are extra responsibilities for Category 2 and 3 regions. In these regions, the local councils and CLEOs must engage in a regional planning process that results in a regional plan describing:

- Region-wide strategies, including use of cooperative service delivery agreements.

- Development and implementation of sector initiatives for in-demand industry sectors or occupations for the region.
- Collection and analysis of regional labor market data in conjunction with the state.
- Establishment of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate, for the region.
- Coordination of transportation and other supportive services, as appropriate, for the region.
- Coordination of services with regional economic development services and providers.
- Establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with the governor (or governors in Category 3) on local levels of performance for and report on, the WIOA Sec.116 performance measures, for local areas or the planning region.

In Category 2 and 3 regions, the partners prepare and submit to the governor a single regional plan that incorporates the local plans for each of the local workforce development areas in the planning region.

### **Development of Local Workforce Development Council Membership Criteria**

As with WIA, Chief Local Elected officials (CLEOs) are responsible for appointing members to their local Workforce Development Council.

**New Action:** Chief Local Elected Officials (CLEOs) must inform the State of their decision to either:

- 1) Form a new area Workforce Development Council in accordance with Sec. 107 guidelines; or
- 2) Designate a council that was in existence prior to July 22, 2014\* to serve as the area's Workforce Development Council under WIOA. (\*We have been informed that a technical connection will be made to August 7, 1998, to align with Sec. 101(e) on use of an alternative entity for a state Workforce Development Board)

If the CLEOs choose to grandfather an existing council that was previously established to serve the local area, such an entity must: a) include representatives of business in the local area; and b) representatives of labor organizations nominated by local labor federations or other representatives of employees in the local area.

The Act directs governors, in partnership with the state Workforce Development Board, to establish criteria for use by CLEOs in appointing members to a new local council. The governor's criteria shall require, at a minimum, that membership include:

- A majority of representatives of business in the local area and a business chairperson.

- 20 percent of the council be representatives of the workforce who shall include representatives of labor organizations and apprenticeship programs and may include representatives of community-based organizations.
- Other appointed members representing postsecondary institutions, the core WIOA programs in the local area, and economic development.

While the intent of the Act is decrease the size and streamline council membership, the governor's criteria for new Sec.107 councils, could include representation beyond the minimum representation required under the Act. (*See Appendix B for a more detailed description of WIOA Sec.107 guidelines for establishing new local councils*).

Every two years, the governor must certify local Workforce Development Councils. A due date for local council certification under WIOA has not yet been established by the U.S Department of Labor.

### **Governor Approval of Local 2016-2020 Workforce Development Council Plans**

**New Action:** The Act requires local Workforce Development Councils to develop a four-year workforce development plan. The local plan must include a description of the local council's vision and goals for preparing an educated and skilled workforce. The plan must also include local goals, objectives and strategies that are aligned and consistent with the state's strategic plan.

The local plans will describe how the local council, working with workforce development system partners and stakeholders will:

- Expand access to employment, training, education and support services.
- Facilitate the development of career pathways and co-enrollment among the core programs.
- Facilitate engagement of employers, including small employers and employers in in-demand industry sectors and occupations.
- Coordinate workforce and economic development.
- Strengthen linkages between the One-Stop delivery system and unemployment insurance programs.
- Implement initiatives such as incumbent worker training, on-the-job training, customized training, industry and sector strategies, and transitional employment designed to meet the needs of employers.
- Address other content elements outlined in WIOA Sec.108.

Consistent with RCW28C.18.150, local Workforce Development Councils shall submit their strategic plans to the state Workforce Development Board for review and to the governor for approval. The governor must take action to approve the local Workforce Development Council plans by June 30, 2016.

## **Development of One-Stop Certification Criteria**

**New:** For the first time, the Act directs the state Workforce Development Board, in consultation with CLEOs, local Workforce Development Councils and required One-Stop Program partner agencies, to establish One-Stop certification criteria. The local councils must use the criteria, and review procedures, to assess, at least once every three years, the effectiveness, physical and programmatic accessibility, and continuous improvement of the local area's One-Stop Centers and the One-Stop delivery system (Sec.121(g)).

## **Required WIOA One-Stop Partners**

**New:** The Act names the following entities as “required WIOA One-Stop partners:”

- Title I-B Youth, Adult and Dislocated Worker Programs
- Title I-C Job Corps and Title I-D Native American and Migrant Seasonal Farmworkers Programs
- Title II Basic Education for Adults Programs
- Title III Wagner-Peyser Employment Services
- Title IV Rehabilitation Services for Individuals with Disabilities
- Senior Community Services Employment Program (Title V of the Older Americans Act)
- Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Act of 2006
- Trade Act
- Veterans Employment and Training (E&T) Services
- Unemployment Insurance Services
- Senior Community Services Employment Program (Title V of the Older Americans Act)
- E&T carried out under the Community Development Block Grant (Department of Housing and urban Development)
- E&T carried out under the Community Services Block Grant (HHS Office of the Administration for Children and Families)
- Sec. 212 of the Second Chance Act of 2007 (Community Safety Through Recidivism Prevention)
- Temporary Assistance for Needy Families (TANF) \* See note below.

\*Special note: Under WIOA, the governor must make a determination to exclude the Temporary Assistance for Needy Families (TANF) Program as a required One-Stop Partner. All other programs have no such “opt out” provision.

Each required program entity must:

- Provide access through the one-stop delivery system to program activities.
- Use a portion of the funds available for the program (cash and in-kind) to maintain the One-Stop Centers.

- Enter into a cost-sharing Memorandum of Understanding (MOU) with the local Workforce Development Council and participate in the operation of the one-stop system consistent with the MOU (Sec.121(b)(1)(A)) and Sec. 121(h).

The local Workforce Development Council and CLEOs may choose to include other state and federal employment and training programs as one-stop partners (Sec. 121(b)(2)).

### **Options for One-Stop Infrastructure Funding**

WIOA directs local Workforce Development Council, CLEOs, and required One-Stop partners in the local area to fund the costs of infrastructure of one-stop centers in the local area through a memorandum of understanding (MOU) agreed to by the local council, CLEOs, and required one-stop partners. The governor, after consultation with CLEOs, local councils and the state Workforce Development Board, must issue guidelines for the state-administered one-stop programs for determining such programs' contributions to a one-stop delivery system, based on such programs' proportionate use of the one-stop system. The guidance is meant to assist the local councils, CLEOs, and one-stop partners in the local areas in determining equitable and stable methods of funding the costs of infrastructure of one-stops. The first annual One-Stop MOUs must be in place by spring 2016 for use in PY 2016 (July 1, 2016 to June 30, 2017).

**New:** If the local council, CLEOs, and required one-stop partners fail to reach consensus agreement on methods of sufficiently funding one-stop center infrastructure costs for a program year through an MOU, an infrastructure funding mechanism determined by the state would be used to establish program contributions. The costs would be derived from the program's administrative funds for that program year, and for each subsequent year, when local entities fail to reach a consensus agreement on an MOU.

The state's infrastructure funding mechanism would be established by the governor after consultation with the state Workforce Development Board, CLEOs, and local councils. WIOA directs the state Workforce Development Board to develop the state allocation formula for the state mechanism. The instructions for the state mechanism and state allocation are complex and are based, among other things, on the proportionate use by program customers of one-stop center services and are subject to specified program caps and exceptions (Sec. 121(h)).

### **Industry Sector Partnerships**

WIOA places special emphasis on the development of strategies for meeting the needs of employers, workers, and job seekers through sector partnerships related to in-demand industry sectors and occupations. There are about 50 separate references to this in the Act. WIOA stresses support for industry sector partnerships and the advancement of employment and career opportunities for workforce development system participants in in-demand industry sectors or occupations. This is an expected function for the state board and local councils. Planning for sector strategies must be included in both the state plan and local plans. The intent of Congress is backed up with some funds. Governors may use Title I-B 15 Percent Funds to provide assistance

to local areas to support the effective development, convening, and implementation of industry or sector partnerships.

**New:** For the first time under WIOA, local Workforce Development Councils are required to use a locally determined portion of Adult and Dislocated Worker formula funds to develop, convene, or implement industry or sector partnerships (Sec. 134(c)(1)(A)(v)).

Local councils must, in the process of approving funds for occupational skills training for programs that lead to recognized credentials, give priority to programs that are aligned with in-demand industry sectors or occupations in the local area. Under WIOA, local councils may also develop and deliver innovative workforce investment strategies for area employers, which may include career pathways, skill upgrading, skill standard development and certification for recognized postsecondary credentials or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers (Sec.134(d)(1)(A)(ix)(II)(b)).

In Washington, WIOA mandates can be supported by RCW 28C.18.080(5) directing the state Workforce Board to develop a comprehensive plan identifying:

“ . . . the strategic industry clusters targeted by the workforce development system. In identifying the strategic clusters, the board shall consult with the department of commerce to identify clusters that meet the criteria identified by the working group convened by the department of commerce and the workforce training and education coordinating board under RCW 43.330.280.”

### **WIOA Program Collaboration with Apprenticeship Programs**

WIOA reinforces partnerships between WIOA-funded programs and apprenticeship programs. A labor representative from a joint labor management apprenticeship program. will have a seat on newly restructured Sec.107 local Workforce Development Councils. Apprenticeship programs are included in the state’s WIOA Eligible Training Provider (ETP) list. Pre-apprenticeship training is an authorized Title I-B Youth Program activity to help participants to meet entrance requirements for apprenticeship programs. Registered Apprenticeship is recognized in the Act as a career pathway to good jobs for Job Corps and YouthBuild students.

### **Summary of 12 Key State Workforce Development Board Functions**

WIOA Sec. 101(d): The State Workforce Development Board shall assist the Governor in the:

- Development and implementation of the State Plan, development of WIOA performance accountability measures, and the identification of local workforce development areas as described in the first portion of this paper.
- Development and continuous improvement of the state’s workforce development system including barrier identification (and means for removing barriers and avoiding duplication), and development of strategies to support the use of career pathways.

- Development and expansion of strategies (including outreach and access strategies) for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations.
- Providing planning and delivery assistance to support system partners in the effective delivery of services to worker, jobseekers, and employers.
- Development of strategies to support staff training and awareness across programs supported under the workforce development system.
- Identification and dissemination of best practices for WIOA service delivery.
- Development of strategies for technological improvements for the One-Stop delivery system including: 1) enhancing digital literacy skills, 2) accelerating the acquisition of skills and recognized postsecondary credentials by participants, 3) strengthening the professional development of providers and workforce professionals, and 4) ensuring such technology is accessible to individuals with disabilities and individuals living in remote areas.
- Development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting performance accountability including design and 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.
- Development of allocation formulas for the distribution of WIOA Title I-B employment and training grant funds.
- Preparation of the WIOA title I-B Annual Report to the U.S. Department of Labor.
- Development of the statewide workforce and labor market information system described in Sec. 15(e) of the Wagner-Peyser Act.
- Development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the state.

### **Functions of the local Workforce Development Councils**

Functions include but are not limited to:

- Convening local workforce development system stakeholders to assist in the development of content elements for the local plan as described earlier in this paper.
- Developing a budget for the activities of the local council subject to approval of the chief local elected officials.
- Engaging employers and leading efforts, with representatives of secondary and postsecondary education programs, in the local area to develop and implement career pathways within the local areas by aligning the employment, training, education and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

- Developing strategies for using technology to maximize the accessibility and effectiveness of the workforce development system for employers and workers and jobseekers including strategies to augment traditional service delivery such as improving digital literacy skills.
- Coordinating activities with education and training providers including providers of adult education and family literacy, career and technical education and vocational rehabilitation.
- Developing cooperative agreements with DVR and the state Department of Services for the Blind and their local offices with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, and cooperative efforts with employers.

**WIOA Title I**

Brief Summary of Programmatic Changes and Opportunities

**WIOA Title I-B Youth Employment and Training Program**

Who is served under the WIOA Youth Program?

<p><b>Out-Of-School Youth</b> who are not younger than 16 or older than age 24, and one of the following:  A school dropout;  A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;  A low-income individual with a school diploma who is basic skills-deficient or an English language learner;  A youth offender, homeless, pregnant or parenting;  A youth who has a disability;  A low income individual requiring additional assistance to enter or complete an educational program or to secure or hold employment.</p>	<p><b>In-School Youth</b> not younger than 14 or older than age 21:  Attending school (as defined by state law);  A low-income individual who is basic skills-deficient, an English language learner or is an offender;  A homeless individual;  A pregnant or parenting individual;  A youth who has a disability;  An individual who requires additional assistance to complete an educational program or to secure and hold employment. Special Rule: “low-income” also includes a youth living in a high-poverty area.</p>
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What are the program elements for the WIOA Title I-B Youth Program?

<b>Program Elements for both In-School and Out-of-School Youth</b>	
Tutoring, study skills training, instruction, dropout prevention and recovery strategies.	Alternative secondary school services or dropout recovery services.
Paid and unpaid work experiences that have as a component academic and occupational education and may include summer and year-round employment opportunities.	Pre-apprenticeship programs, internships, job shadowing, and on-the-job training opportunities.
Occupational skills training, which may include priority consideration for training programs that lead to recognized postsecondary credentials aligned with in-demand industry sectors or occupations in the local area.	Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.
Leadership opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate.	Supportive Service, adult mentoring, and follow-up services for not less than five months after participation is complete, as appropriate.
Comprehensive guidance and counseling.	Financial literacy education and entrepreneurial skills training.
Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local areas, such as career awareness, career counseling, and career exploration services.	Activities that help youth prepare for and transition to postsecondary education and training.

**Other WIOA Title I-B Youth Program Features and Changes**

**New:** The Act requires local Workforce Development Councils to spend at least 75 percent of youth grant funds on out-of-school youth, compared to 30 percent under WIA. WIOA places a new priority on work-based learning by requiring that at least 20 percent of local youth grant funds (for both in-school and out-of-school services) be used for paid and unpaid work experiences that have as a component academic and occupational education. These program investments may include summer and year-round employment opportunities, pre-apprenticeship programs, internships, job shadowing, and on-the-job training.

WIOA Sec.3(36) make changes to the definition of “low-income.” Individuals who receive or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) will be determined to be low income under WIOA. This is good news for youth advocates who have been requesting this method for documenting income eligibility for years.

## **WIOA Title I-B Adult and Dislocated Worker Programs**

The Act directs the local Workforce Development Council to use Adult and Dislocated Worker Grant funds to:

- Enhance the area's one-stop delivery system.
- Provide a range of career services (called core and Intensive Services under WIA) to eligible adults and dislocated workers.
- Provide training services that include occupational skills training, customized training, on-the-job training, and, new under WIOA, incumbent worker training and transitional employment opportunities.
- Establish and develop relationships and networks with large and small employers and their intermediaries.
- Develop, convene or implement industry or sector partnerships.

### **Incumbent Worker Training Programs**

**New:** New under WIOA is the opportunity for a local council to reserve up to 20 percent of its local WIOA Adult Program and Dislocated Workers Program formula funds as leverage funds to be matched with employer funds and other non-federal funds to pay for incumbent worker training. The purpose of the training authorized by a local council (in conjunction with an employer or groups of employers) would be to assist workers in obtaining the skills necessary to retain employment or avert layoffs. Local councils are to establish program criteria based on Sec. 134(d)(4)(A)(B) and (C).

The Act permits the Governor and/or the state Workforce Development Board to make recommendations to the local council for providing incumbent worker training that has statewide impact.

### **Transitional Jobs**

**New:** The local Workforce Development Council may use up to 10 percent of Adult and Dislocated Worker Grant funds to provide transitional jobs that are time-limited work experiences that are subsidized and in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history. Transitional jobs are to be combined with comprehensive employment and supportive services and are to be designed to help individuals establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention of unsubsidized employment.

### **On-the-Job Training**

Similar to WIA, OJT means training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge and skills essential to the full and adequate performance of the job and is made available through an OJT program that provides

reimbursement to the employer of up to 50 percent of the wage rate of the participant for a negotiated duration and for the extraordinary costs of providing training and additional supervision related to the training.

**New:** Under WIOA, the governor or local council involved may increase the amount of OJT reimbursement to an amount up to 75 percent of the wage rate of the participant if the governor approves the increase related to the 10 percent Statewide Activities funds or the local council approves the increase related to the use of local Title I-B formula funds. Factors for such action shall be based on the characteristics of the participants, the size of employer, the quality of the employer-provided training and advancement opportunities and other factors determined by the governor and the local council (Sec.134(c)(3)(H)).

**Transfer of Grant Funds:** Under WIA, local councils could not transfer more than 20 percent of the funds between the Adult and Dislocated worker programs.

**New:** WIOA provides the local Workforce Development Councils the authority to transfer up to 100 percent of funds between the two programs. At the federal level, the Act stabilizes annual between-state funding allocations (Sec.131(b)(2)(B)(iii)).

**Governor Statewide Activities Funds:** Effective July 1, 2015, WIOA restores a 15 Percent Title I-B Statewide Activities account. The Act directs that 5 percent of the annual funds allocated to the state under the Youth, Adult and Dislocated Worker Grants be pooled into one account for state-level administration. 10 percent of the state's annual allocation for each of the three grants are pooled into one account to support required and allowable statewide activities described in Sec. 129(b) and Sec.134(a). The 10 Percent Funds provide critical system infrastructure support, funding for consumer protection and performance accountability management, and for investments in employment and training initiatives important to the state. Similar to WIA, the new Act also retains state set-aside funds for statewide rapid response assistance to local areas that experience disasters, mass layoffs, or plant closures, or other events that precipitate substantial increases in the number of unemployed individuals. See Tab 2(b) for a chart comparing current WIA required and allowable 10% Statewide Activities with WIOA required and allowable 10% Statewide Activities.

## WIOA Title II

### OVERVIEW of WIOA TITLE II COMPILED BY THE U.S. DEPARTMENT OF EDUCATION ADULT EDUCATION AND FAMILY LITERACY July 22, 2014

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#### HIGHLIGHTS OF WIOA REFORMS FOR ADULT EDUCATION

***Increases coordination of core programs through submission of a Unified State Plan or Combined State Plan:*** *The WIOA requires States to prepare a single plan for the core programs that includes the strategic vision and goals of the State and the operational elements that support the four-year strategy.*

- The plan includes Adult Education and Family Literacy Act (AEFLA)-specific elements, including how the State intends to: align content standards for adult education with state-adopted academic standards; fund local activities using the considerations for grants and contracts, programs for corrections education, English literacy and civics education, and integrated education and training; use funds to carry out State leadership activities; and assess the quality of adult education providers.
- States may also submit a Combined State Plan that would include other Federal programs, such as the Perkins Career and Technical Education programs.
- States will be required to submit unified plans under the new law by March 2016.

***Establishes Common Performance Measures across Core Programs:*** *The WIOA includes six primary indicators of performance that will be negotiated with each State by the Secretaries of Education and Labor as part of the State plan.*

- Performance measures include percentage of program participants in unsubsidized employment during the second and fourth quarter after exit; median earnings; percentage of participants who obtain a postsecondary credential or diploma during participation or within one year after exit; participants achieving measurable skill gains; and effectiveness in serving employers.
- States will negotiate new performance indicators as part of the Unified State Plan in March 2016.

***Strengthens alignment between adult education, postsecondary education, and employers:*** *WIOA recognizes that the core purpose of adult education is to prepare individuals with the skills and knowledge needed to succeed in postsecondary education and the workforce.*

- The Act expands the purpose of adult education to emphasize that activities should increase an individual's ability to transition to postsecondary education and obtain employment.
- Promotes the integration of adult education with occupational education and training, as well as development of career pathways systems; authorizes the use of funds for "integrated education and training" and "workforce preparation activities"; and clarifies that integrated English literacy and civics education programs may provide workforce training.

- Encourages activities provided in collaboration with employers.

***Supports educational and career advancement for incarcerated individuals:*** WIOA encourages a range of education and job training activities to promote successful reentry and reduce recidivism.

- The WIOA increases the percentage of funding for States to use for correctional education to not more than 20 percent under the new Act.
- Funds may be used for integrated education and training, career pathways, concurrent enrollment, peer tutoring, and transition to re-entry initiatives and other services with the goal of reducing recidivism.

***Encourages establishment of a high-quality local adult education delivery system:*** The WIOA amends the considerations States are to use in awarding grants and contracts to local program providers.

- There are 13 considerations States are required to use in providing funding to local programs; these include an increased emphasis on alignment of activities with regional needs identified in local plans under Title I; serving individuals with disabilities; instructional activities based on rigorous research; effective use of technology; activities that promote integrated education and training; and coordination with education, training, employers, and social service providers to promote career pathways.

***Supports professional development opportunities and innovative models to enhance adult education programs:*** The WIOA adds new required leadership activities to be supported with State leadership funds.

- WIOA encourages activities to support alignment among core programs to implement the State plan strategy, including the development of career pathways; establishment of high quality professional development programs to improve instruction; technical assistance based on rigorous research; and evaluation and dissemination of information about promising practices within the state.
- States may also use funds for several allowable activities related to instructional technology, models for integrated education and training and career pathways, and support to eligible providers in achieving performance goals, among other activities.

***Promotes activities to improve the quality of adult education programs:*** The WIOA is committed to ensuring that resources support activities that better prepare adult students for postsecondary and career success.

- The WIOA reserves 2 percent of AEFLA funds (not to exceed \$15 million) to carry out national leadership activities.
- The Act requires the Secretary to support four mandatory technical assistance activities, including support for implementing the new common performance measures; conducting rigorous research and evaluations; and carrying out an independent evaluation of adult education and literacy activities every four years.

*Codifies the integrated English Literacy and Civics education (IEL/CE) program: The WIOA reinforces support for IEL/CE programs through codification and enhanced services for individuals to effectively participate in education, work, and civic opportunities.*

- The WIOA codifies the authority to carry out the Integrated English Literacy and Civics Education (IEL/CE) program, in which 12 percent of AEFLA funds (after reserving funds for national leadership activities) will be reserved to carry out the IEL/CE program. The allocation formula remains the same.
- Programs should be designed to: (1) to prepare adults who are English language learners for, and place them in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and (2) to integrate with the local workforce development system and its functions to carry out the program.

## **EFFECTIVE DATES FOR IMPLEMENTATION**

The Act takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted. ED, in coordination with DOL, will issue further guidance on the timeframes for implementation.

**Note:** The U.S. Department of Education posted an overview of WIOA Title II on YouTube at: <https://www.youtube.com/watch?v=wgeQBG0OJ1A>

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## **WIOA Title III Wagner-Peyser Employment Services**

WIOA continues the authorization of the nation's labor exchange system for public employment services and employment statistics systems. The Act generally maintains current Wagner-Peyser law. The Act directs Title III services to be part of the state's WIOA unified/combined plan and share the performance accountability indicators used among all core WIOA programs as described in Sec.116. WIOA amends Wagner-Peyser Employment Services to include as allowable activities eligibility assessments of UI claimants and the provision of referrals to and application assistance for an array of training and education programs and resources. Through WIOA, the Title III program increases access to and improves the quality of workforce information and promotes the use of best practices across the system; provides for staff professional development and career advancement opportunities for staff in order to strengthen the provision of career guidance services; and the identification of job openings with employers.

WIOA requires co-location of employment service offices with one-stop centers. Allows the U.S. Secretary of Labor, in consultation with the states, to assist states in the development of national electronic tools that may be used to improve access to workforce information for individuals in the one-stop career system.

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## **WIOA Title IV**

### **THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OVERVIEW OF TITLE IV COMPILED BY THE U.S. DEPARTMENT OF EDUCATION AMENDMENTS TO THE REHABILITATION ACT OF 1973**

WIOA is aimed at increasing opportunities, particularly for those individuals with disabilities who face barriers to employment, and invests in the important connection between education and career preparation.

The following summary highlights significant changes made to the Rehabilitation Act by title IV of WIOA. This is not intended to be a comprehensive listing of changes. The Rehabilitation Services Administration, in the Office of Special Education and Rehabilitative Services, U.S. Department of Education, will provide detailed technical assistance on the statutory changes in the near future.

#### **HIGHLIGHTS OF CHANGES TO REHABILITATION ACT PROGRAMS**

***Increases Services to Youth with Disabilities:*** Throughout WIOA, especially in the amendments to the Rehabilitation Act, there is a significant emphasis on the provision of services to youth with disabilities. To that end, WIOA:

- Emphasizes the need for youth with disabilities to have more opportunities to practice and improve their workplace skills, to consider their career interests, and to get real world work experience.
- Requires State vocational rehabilitation (VR) agencies to make “pre-employment transition services” available to all students with disabilities.
- Requires State VR agencies to set aside at least 15 percent of their Federal VR program funds to provide pre-employment transition services to assist students with disabilities make the transition from secondary school to postsecondary education programs and competitive integrated employment.
- Allows State VR agencies to prioritize serving students with disabilities.
- Allows State VR agencies to support advanced training in STEM and other technical professions.
- Dedicates half of the Federal Supported Employment program funds to provide youth with the most significant disabilities with the supports they need, including extended services, to enable them to obtain competitive integrated employment.

***Supports Employer Engagement:*** WIOA contributes to economic growth and business expansion by ensuring that the workforce is job-driven, matching employers with skilled individuals.

- WIOA places strong emphasis on employer engagement across all programs.
- There are increased opportunities under the VR program to assist employers in providing work-based learning experiences for individuals with disabilities, including participation in apprenticeships and internships.

- VR State agencies will describe in their State plans how they will work with employers to identify competitive integrated employment opportunities for individuals with disabilities.

***Emphasizes Competitive Integrated Employment:*** WIOA places significant emphasis on obtaining competitive integrated employment, especially in the amendments to the Rehabilitation Act.

- WIOA promotes competitive integrated employment in all of its programs, especially the VR and Supported Employment programs authorized under the Rehabilitation Act.
- VR program services are designed to maximize the ability of individuals with disabilities, including individuals with the most significant disabilities, to achieve competitive integrated employment through customized employment, supported employment, and other individualized services.
- The VR State plan must ensure that priority is given to individuals who are otherwise eligible for VR program services and who are at imminent risk of losing their jobs unless they receive additional necessary post-employment services.
- An Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities is established to develop strategies for improving opportunities for competitive integrated employment for individuals with disabilities, especially those with the most significant disabilities.

***Enhances Accountability:*** WIOA puts a premium on ensuring the accountability of Federal programs.

- WIOA increases accountability and places stronger emphasis on results through the establishment of common employment outcome measures across core WIOA programs, including the VR program.
- In order to promote increased transparency about the outcomes of Federal workforce programs, WIOA includes six primary indicators of performance for adults served under programs authorized under the Rehabilitation Act, and six primary indicators for youth served under the Rehabilitation Act.
- The common outcome measures across core WIOA programs will allow policymakers, program users, and consumers to better understand the value and effectiveness of the services.

***Promotes Collaboration and Efficiency:*** WIOA establishes several new requirements to ensure greater efficiency within the programs and to ensure collaboration among all relevant stakeholders at both the Federal and State levels to ensure that the vision of WIOA is implemented.

- WIOA seeks to improve coordination between the primary Federal programs that support employment services, workforce development, adult education, and VR activities.
- WIOA encourages alignment between the four core programs: (1) the Adult, Dislocated Worker, and Youth formula programs administered by the Department of Labor (DOL) under title I; (2) the Adult Education and Literacy program administered by the Department of Education (ED) under title II; (3) the Wagner-Peyser Act employment

services program administered by DOL; and (4) the VR program administered by ED.

- The core programs of the Workforce Innovation System, including the State VR program, must submit a Unified State Plan that includes common goals and strategies for fulfilling Federal requirements.
- The evaluation standards for all programs are aligned throughout WIOA.

***Promotes training and technical assistance for grantees:***

- WIOA adds a 1.8 to 2 percent set-aside in the American Indian Vocational Rehabilitation Services program for training and technical assistance to grantees.
- WIOA adds a 1.8 to 2 percent set-aside in the Independent Living Services for Older Individuals Who Are Blind program for training and technical assistance to grantees.

## **Appendices**

Appendix A: WIOA Performance Accountability System (Sec. 116 and Sec. 122)

Appendix B: Sec. 107 Membership Criteria for New Local Workforce Development Councils

Appendix C: U.S. Department of Labor's Title I-B Key Implementation Dates

Appendix D: U.S. Department of Education's Title II Key implementation Dates

Appendix E: NGA's Side-by-Side Bill Analysis

## WIOA Performance Accountability System

### Overview

While WIOA shifts several parts of the performance accountability system in the direction of current Washington State practices, it will require significant changes and at least minor modifications in almost every aspect of those processes.

- Many details depend on final regulation and guidance
- Use of new performance measures for target-setting not required until 2016-2017. Most Eligible Training Provider (ETP) provisions take effect July 2015, including use of new performance measures data.
- Like WIA, parts of WIOA are written as if local WDBs and local training providers directly report performance outcomes to the state, in contrast to current Washington use of centralized data matching and processing.
- WIOA is more specific than WIA in many areas, including formal appeal processes required for ETP and for local area sanctions.

### Performance Measures

- Modifies current WIA measures to be more like Washington State Core measures
  - o Employment rate in 2<sup>nd</sup> and 4<sup>th</sup> quarters after exit (WA measures once, in 3<sup>rd</sup> quarter)
  - o Median Earnings in 2<sup>nd</sup> quarter after exit (WA uses 3<sup>rd</sup> quarter)
  - o Percentage of participants who, during participation in or within 1 year after exit, either
    - Obtained postsecondary credential, or
    - Obtained secondary school diploma, and in that year were either
      - Employed, or
      - Enrolled in a postsecondary credential program
  - o Percentage of participants (not only exiters) who,
    - are in a program leading to either:
      - a postsecondary credential, or
      - employment
    - and achieve measurable skill gains toward credential or employment;
  - o Effectiveness indicator(s) for employer services to be developed by DoL/DOE by 2016.
- Requires these measures and formal target negotiation for:
  - o Adult, Dislocated Worker, Vocational Rehabilitation, and ABE
  - o Youth, except that employment outcome measures also count further education and training participation
  - o Wagner-Peyser, except not subject to credential nor skill gain measures
  - o The measures - but not the target-setting process - apply to other WIOA programs: Migrant And Seasonal Farmworker, Job Corps, Native American Programs, YouthBuild

There is no suggestion that these measures would mandatorily apply to non-core programs if they are included in a Combined Plan.

The State has the option to include additional measures, such as Washington's State Core Measures, in the plan. However, the shift of the federal measures to close similarities to the State Core Measures provides the opportunity to reduce the number of State Core Measures in use.

There are more extensive performance reporting requirements, involving new data elements that we are not currently collecting. This is likely to have significant lead time and cost effects.

### Target-setting

States will negotiate two years of state targets with DOL and DOE in each even-numbered year, starting in 2016, for the purposes of promoting "continuous improvement in performance accountability" and to ensure optimal return on investment of Federal funds. States will negotiate local targets with local WIBs based on state targets. WIOA elaborates and codifies use of federal statistical regression models in target setting. Federal agencies will now routinely do annual retrospective adjustment of performance for unanticipated changes in economy and in participant characteristics.

The use of national regression models in the target process is now a requirement. Washington is ahead of most states here, because WTB has extensive experience with statistical modeling of targets for WIA, and familiarity with the federal models for WIA. However, for Wagner-Peyser, Vocational Rehabilitation and Adult Basic Education, neither Washington state nor the federal agencies have been using this technique.

Local targets are to be set, based on State targets as negotiated with DOL and DOE, utilizing the federal statistical models both prospectively as part of setting targets, and retrospectively to adjust for actual economics and participant characteristics.

### Performance Sanctions

At the State level, failure to meet targets in a program for one year will result in technical assistance. For continued failure, the consequence will be a reduction of Governor's discretionary and administrative funds from 15% to 10%.

At the Local Level, the consequence of failure to meet standards in a program for up to two consecutive years will be technical assistance. For continuing failure, Governors are required to carry out appropriate interventions, which can include reorganization of local boards, restriction of providers or partners, etc.

### Eligible Training Provider programs (ETP)

WIOA establishes more defined versions of current processes for training program eligibility for WIOA Title I-B Adult and Dislocated Worker Program funds, and for interim eligibility for new programs of such training. Apprenticeships are automatically eligible. Governors may grandfather currently eligible programs through December 2015.

Separate (and possibly optional) ETP-type processes are authorized for:

- programs of OJT, customized training, and other work-based training, and

- for training services for youth that lead to post-secondary credentials.

There are substantial new program-level reporting requirements, with an obligation to make this program-level data publicly accessible.

#### Performance Reports – State & Local

As with eligible training programs, the data collection and reporting requirements of WIOA are more extensive than WIA requirements. They involve new and possibly problematic data elements. Additional problematic data items may emerge when currently undefined terms are codified in regulation. In addition, WIOA requires retrospective 3-year reporting of many data items covering the last year or two of WIA.

#### Further Contingencies

There are several additional tasks that are likely to involve significant decisions, resources and/or deadlines. However, they do not require action in the near term, and their magnitude depends substantially on federal policies and regulations that are unlikely to be finalized for a year or more.

- When the performance indicator for effectiveness in serving employers is developed, implementation is likely to involve deadlines and require decisions and resources to develop and implement data collection.
- Section 116 (d)(5) requires States to implement Data Validation procedures to be established by the Secretaries. Some of these will involve yet-undefined data elements.
- When regulations and national evaluation policies are finalized, our Washington State program of workforce system evaluations will need to be re-evaluated in light of a stronger and more detailed mandate for state program evaluations in WIOA (Sec 116(e)), and the mandate to coordinate with the content of the national evaluation agenda under WIOA (sec 169).
- Section 116(i) mandates that states create a “Fiscal and Management Accountability Information System” to track funds and **to support reporting requirements in Section 116(d)**, “based on guidelines established by the Secretary of Labor and the Secretary of Education”

## Appendix B

The Governor, in partnership with the state Workforce Development Board, shall establish criteria for use by Chief Local Elected Officials (CLEOs) for appointment of members to a new local area Workforce Development Council. The following chart includes WIOA Sec. 107(b)(2) guidelines:

Employers	<p>A majority of the members of each council shall be representatives of businesses in the local area who:</p> <ul style="list-style-type: none"> <li>(i) Are owners of businesses, chief executives or operating officers of business, other business executives or employers with optimum policymaking or hiring authority;</li> <li>(ii) Represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and</li> <li>(iii) Are appointed by CLEOs from among individuals from among individuals nominated by local business organizations and business trade associations.</li> </ul> <p>The chair of the council must be a member representing business.</p>	
Representatives of the Workforce	Not less than 20 percent of the members of a new Sec. 107 local council shall be representatives of the workforce in the local area.	
	Required Representation	Governor's criteria <u>may</u> also include
	<ul style="list-style-type: none"> <li>(i) Shall include representatives of labor organizations who have been nominated by local labor federations;</li> <li>(ii) Shall include a representative, who is a member of a labor organization or a training director, from a joint labor management apprenticeship program.</li> </ul>	<ul style="list-style-type: none"> <li>(i) May include representatives of CBOs that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans, or that provide or support competitive integrated employment for individuals with disabilities; and</li> <li>(ii) May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.</li> </ul>

Other Area Representatives	Required Representative	Governor's Criteria <u>May</u> Also Include
	<p>Representatives of entities administering education and training activities in the local area, who:</p> <ul style="list-style-type: none"> <li>(i) shall include a representative of eligible providers administering adult education and literacy activities under Title II;</li> <li>(ii) shall include a representative of institutions of higher education providing workforce investment activities (including community and technical colleges);</li> </ul> <p>Shall include representatives of governmental and economic and community entities serving the local area, who –</p> <ul style="list-style-type: none"> <li>(i) shall include a representative of economic and community development entities;</li> <li>(ii) shall include an appropriate representative from the state employment service office under the Wagner-Peyser Act serving the local area;</li> <li>(iii) shall include an appropriate representative of federal Rehabilitation Act programs serving the local area.</li> </ul>	<ul style="list-style-type: none"> <li>(iv) May include representative of local educational agencies, and of CBOs with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;</li> <li>(v) May include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance;</li> <li>(vi) May include representatives of philanthropic organizations serving the local area; and</li> <li>(vii) Each council may include such other individuals or representatives of entities as the CLEOs in the local area determine to be appropriate.</li> </ul>

**Workforce Innovation and Opportunity Act (WIOA)  
Key Statutorily Required Implementation Dates  
For Programs Administered by the Department of Labor**

Dates	Required Action
July 22, 2014	Secretary of Labor begins to take appropriate actions to provide for an orderly transition ( <i>Enactment</i> )
September 20, 2014	Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities must be established (within 60 days of enactment)
December 1, 2014	Criteria for Job Corps Closures must be submitted to Congress (December 1, 2014)
January 18, 2015	Department of Labor (DOL), Department of Education (ED) and Department of Health and Human Services (HHS) must publish Notices of Proposed Rulemaking to implement WIOA (No later than 180 days after enactment)
January 21, 2015	1st Job Corps financial report must be submitted (every 6 months from enactment )
July 1, 2015	Provisions take effect, unless otherwise noted in the Act (1st full program year (PY) after enactment)
July 1, 2015	WIA State and local plan provisions continue to apply for the 1st full PY.
July 1, 2015	Current performance accountability system remains in effect for 1st full PY.
July 22, 2015	Eligible Training Providers provisions are implemented by Governors and boards (not later than 12 months after enactment)
July 22, 2015	Template for performance reports by state, local, and Eligible Training Providers must be developed by Secretary of Labor and Secretary of Education within 12 months after the date of enactment
July 22, 2015	2nd Job Corps financial report must be submitted (every 6 months from enactment)
January 22, 2016	DOL, ED and HHS must publish Final Rules to implement WIOA (18 months after enactment)
January 22, 2016	3rd Job Corps financial report must be submitted (every 6 months from enactment)
March 3, 2016	Deadline for state Unified Plan submission (120 days before 2nd full PY)
March 3, 2016	Levels for new performance indicators are negotiated as part of approval of State Unified Plans.
June 30, 2016	DOL and ED must develop performance indicator relating to effectiveness in serving employers (prior to 2nd full PY)
July 1, 2016	One-Stop Infrastructure cost requirements take effect (July 1, 2016)

Dates	Required Action
July 1, 2016	Use of common One-Stop delivery identifier must be implemented (not later than start of 2nd full PY)
July 21, 2016	4th Job Corps financial report must be submitted (every 6 months from enactment)
July 22, 2016	1st plan describing research studies and multistate project priorities for a 5-year period is due (every 2 years from enactment)
July 22, 2016	Provisions relating to subminimum wages for individuals with disabilities take effect (2 years after enactment)
July 1, 2017	Start of 3rd full PY
January 20, 2017	6th Job Corps financial report must be submitted (every 6 months from enactment)
July 22, 2018	6th Job Corps financial report must be submitted (every 6 months from enactment)
July 22, 2018	2nd plan describing research studies and multistate project priorities for a 5-year period is due (every 2 years from enactment)
July 22, 2018	Independent evaluation of the programs and activities authorized in WIOA is completed (at least once every 4 years)
January 20, 2018	9th Job Corps financial report must be submitted (annually from enactment for 2 years)
September 30, 2019	1 multistate control group evaluation must be completed (end of Fiscal Year 2019)

**Workforce Innovation and Opportunity Act (WIOA) Key Statutorily Required  
Implementation Dates  
For Title II Adult Education and Family Literacy Act (AEFLA) Implementation**

Dates	Required Action
July 22, 2014	Secretary of Labor begins to take appropriate actions to provide for an orderly transition ( <i>Enactment</i> )
January 18, 2015	Department of Labor (DOL), Department of Education (ED) and Department of Health and Human Services (HHS) must publish Notices of Proposed Rulemaking to implement WIOA (No later than 180 days after enactment)
July 1, 2015	Provisions take effect, unless otherwise noted in the Act (1st full program year (PY) after enactment) and within Secretaries transition authority. <sup>1</sup>
July 1, 2015	Current performance accountability system remains in effect for 1st full PY.
July 22, 2015	Template for performance reports by state, local, and Eligible Training Providers must be developed by Secretary of Labor and Secretary of Education within 12 months after the date of enactment
January 22, 2016	DOL, ED and HHS must publish Final Rules to implement WIOA (18 months after enactment)
March 3, 2016	Deadline for state Unified Plan submission (120 days before 2nd full PY)
March 3, 2016	Levels for new performance indicators are negotiated as part of approval of State Unified Plans.
June 30, 2016	DOL and ED must develop performance indicator relating to effectiveness in serving employers (prior to 2nd full PY)
July 1, 2016	One-Stop Infrastructure cost requirements take effect (July 1, 2016)
July 1, 2017	Start of 3rd full PY
January 20, 2017	6th Job Corps financial report must be submitted (every 6 months from enactment)
July 22, 2019	Independent evaluation of the programs and activities authorized in AEFLA is completed (at least once every 4 years).

<sup>1</sup> Secretaries have authority to determine the appropriate actions to provide for orderly transition of provisions under their respective titles. Further guidance on specific actions and dates for implementation will be provided in the future.

	<p align="center"><b>U.S. Senate and House</b> <i>Workforce Innovation and Opportunity Act</i> <i>H.R. 803</i></p>	<p align="center"><b>NGA Principles and Statements</b></p>	<p align="center"><b>Current Law</b> <i>Workforce Investment Act of 1998</i></p>
	<b>TITLE I</b>		
<b>State Workforce Boards</b>	<p><b>State Workforce Development Board Membership:</b> The State board requires:</p> <ul style="list-style-type: none"> <li>- The Governor</li> <li>- <u>One</u> member of each chamber of the state legislature</li> <li>- Business representatives <ul style="list-style-type: none"> <li>o Requires that a simple majority of board members be representatives of the business community</li> </ul> </li> <li>- Twenty percent of the board must be representatives of the workforce, including labor organizations.</li> <li>- May include such other representatives and officials as the Governor may designate.</li> <li>- Requires the balance of the board to include state government officials responsible for core WIA programs and chief elected officials.</li> <li>- The Governor maintains the authority to appoint a business representative as chair of the board.</li> </ul> <p><b>State Board Functions:</b> The state board must assist the Governor in development of a state plan, review of statewide policies and programs, development and continuous improvement of state performance measures, dissemination of best practices, preparation of annual report, among other functions.</p> <p><b>Alternative Entity:</b> Governors have broad authority to grandfather state boards that were in existence prior to WIA. The bill also permits the state WIB to hire staff, using a portion of state formula grant funds or other non-federal sources. State WIB responsible for establishing objective set of qualifications for the WIB director.</p> <p><b>Source:</b> Pages 37-50</p>	<p><b>NGA Policy:</b> <i>The Workforce Investment Act should provide governors with expanded authority to appoint State Workforce Investment Board members and direct the work of the State Board.</i></p> <p align="center">----</p> <p><b>February 2014 NGA Letter:</b> <i>Any reauthorization must preserve current flexibility for governors to continue operating grandfathered state workforce boards and create a state workforce board with a simple majority of business members and the authority to appoint a state board chair in order to align the board's efforts with the state's comprehensive economic agenda.</i></p>	<p><b>State Workforce Investment Board Membership:</b> The State board requires:</p> <ul style="list-style-type: none"> <li>- The Governor</li> <li>- <u>Two</u> members of each chamber of the state legislature</li> <li>- Business representatives <ul style="list-style-type: none"> <li>o Requires that a simple majority of board members be representatives of the business community</li> </ul> </li> <li>- Chief elected officials (i.e. mayors, managers)</li> <li>- Labor representatives</li> <li>- Lead state agency officials responsible for one-stop partner programs</li> <li>- Representatives of organizations with experience in delivery of youth and workforce services</li> <li>- Others as the Governor may designate</li> </ul> <p>The Governor appoints a business representative as chair of the board.</p> <p><b>State Board Responsibilities:</b> The state board must assist the Governor in development of a state plan, designation of local areas, development and continuous improvement of state performance measures, preparation of annual report, among other functions.</p> <p><b>Alternative Entity:</b> Governors have broad authority to grandfather state boards that were in existence prior to WIA.</p>

# Performance Measures

**Common Measures:** Establishes performance accountability indicators at the state level that are common to each of the core programs for adults and performance accountability indicators for the youth formula program.

**The proposed measures reflect the National Governors Association (NGA)/National Association of State Workforce Agencies (NASWA) performance measures proposal while adding an indicator of performance on the effectiveness of WIA programs serving employers.**

**Indicators for Adult and Dislocated Worker and WIA programs in Title I, Title II, Title III, and Title IV:**

- The percentage of participants in unsubsidized employment during second quarter after exit
- Percentage of program participants in unsubsidized employment during the fourth quarter after exit
- Median earnings of participants in unsubsidized employment during second quarter after exit
- Percentage of participants who obtain a recognized postsecondary credential, secondary school diploma or equivalent during participation or within 1 year after program exit
- Percentage of participants who during a program year are in education that leads to a recognized postsecondary credential or employment and who are achieving measurable gains towards those goals
- Indicators of effectiveness in serving employers

**Source:** Pages 124-127

**NGA Policy:**

*Enact state created common performance measures across federally funded workforce programs and streamline state data collection and reporting requirements.*

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**July 2006 NGA Letter:**  
*NGA proposes developing common measures to increase accountability, focus on customer outcomes and reduce administrative costs.*

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**NGA-NASWA Common Measure Proposal (Summer 2009):**  
*A critical element of Workforce Investment Act (WIA) reauthorization is the development and use of common measures to increase system-wide accountability, while significantly decreasing administrative costs and inefficiencies.*

**Core Indicators:** States are subject to four core indicators (entered employment, retention, earnings and attainment of a credential).

Core indicators are applied to older youth and all adult and dislocated worker services.

Accountability measures are not applied to self-service and information activities.

**The U.S. Department of Labor is currently utilizing the following measures for WIA programs in Title I, Title II, Title III, and Title IV:**

- Number of adult participants who are employed in the 1st quarter after the exit quarter.
- Number of adult participants who are employed in both the 2nd and 3rd quarters after the exit quarter.
- Total earnings in the 2nd quarter plus the total earnings in the 3rd quarter after the exit quarter.

Based on these measures, the Department of Labor requires states to report on over 100 varying indicators.

Three additional indicators apply to youth (attainment of basic skills, attainment of diploma or equivalent and placement and retention).

<b>Youth Indicators</b>	<p><b>Primary Indicators for Youth:</b></p> <ul style="list-style-type: none"> <li>- Percentage of program participants who are in education or training activities, or in unsubsidized employment during second quarter after exit</li> <li>- Percentage of participants who are in education or training activities or in unsubsidized employment during fourth quarter after exit</li> <li>- Median earnings of participants in unsubsidized employment during second quarter after exit</li> <li>- Percentage of participants who obtain a recognized postsecondary credential, secondary school diploma or equivalent during participation or within 1 year after program exit</li> <li>- Percentage of participants who during a program year are in education that leads to a recognized postsecondary credential or employment and who are achieving measurable gains towards those goals</li> </ul> <p><b>Source:</b> Pages 127-128</p>	<p><b>February 2014 NGA Letter:</b>  <i>Governors also encourage inclusion of performance accountability metrics that incorporate the governors' performance measures proposal developed in coordination with state workforce agency administrators.</i></p>	<p>The Department of Labor also administers three additional indicators that apply to youth (attainment of basic skills, attainment of diploma or equivalent and placement and retention):</p> <ul style="list-style-type: none"> <li>- Number of youth participants who are employed or in the military or enrolled in postsecondary education and/or advanced training/occupational skills training in the 1st quarter after the exit quarter.</li> <li>- Number of youth participants who attain a diploma, GED, or certificate by the end of the 3rd quarter after the exit quarter.</li> <li>- Of those out-of-school youth who are basic skills deficient, the number who increase one or more educational functioning levels.</li> </ul>
<b>Other Indicators</b>	<p><b>Employer Services Indicator:</b> The U.S. Secretaries of Education and Labor are directed to work with states, business, educators and labor to create an additional measure to determine the effectiveness of state and local WIA funds to provide services to employers. States are permitted to identify additional measures determining effectiveness in serving employers.</p> <p><b>Indicator on Credential Attainment:</b> Participants who have earned a credential shall only be included in the percentage counted as meeting the criteria if they have obtained or retained employment or are in an education or training program leading to a recognized credential within one year of exit.</p> <p><b>State-Determined Indicators:</b> Governors may identify other measures or indicators to measure the effectiveness of local workforce systems in their states. <b>Source:</b> Pages 128-129</p>	<p><b>July 2007 NGA House Testimony:</b>  <i>WIA needs to provide states with the tools to respond to changing needs of workers and businesses.</i></p> <p>----</p> <p><b>NGA Policy:</b>  <i>Support state-led efforts to raise credential attainment rates, increase college completion, improve productivity and ensure college access and affordability.</i></p>	<p>Customer satisfaction indicators for individuals and employers are administered by the Department of Labor</p>

# State Plan

**Basic Requirements and Term.** For a state to be eligible to receive allotments for the core programs, the Governor must submit to the Secretary of Labor and the Secretary of Education for consideration by the Secretaries, a unified state plan. The unified state plan shall outline a 4-year strategy for the core programs of the State and meet the requirements set forth in the bill. State and local plans must include a description of how the one-stop system in the state will comply with the applicable requirements of section 188 and the Americans with Disabilities Act regarding the accessibility of programs and facilities for people with disabilities.

**New Strategic Planning Elements.** The unified state plan must now incorporate strategic planning elements that include an analysis of the economic conditions in the state, an analysis of the knowledge and skills needed to meet the employment needs of the employers in the programs that will address the needs of the region, an analysis of the workforce in the state, an analysis of the workforce development activities (including education and training) in the state and a description of the state's strategic vision and goals for preparing an educated and skilled workforce.

**Greater Workforce Coordination.** Establishes a process for the state to submit combined state plans for core WIA programs WITH other workforce-related federal programs such as the Carl D. Perkins Career and Technical Education Act, Trade Adjustment Assistance and Temporary Assistance for Needy Families.

**Operations.** The unified state plan also must describe how the lead state agency with responsibility for the administration of a core program will implement the strategic plan and how state systems and policies will support the implementation of the strategy.

**Source:** Pages 50-73

## State Impact:

*This new process replaces the previous process under which states submitted individual state plans for each WIA program. This new requirements will reduce administrative costs for many states.*

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## NGA Chair's Initiative – America Works:

*Articulate and implement a strong vision connecting education and the workforce to have more Americans achieve the "new minimum;"*

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## Governors' Principles on Perkins Career and Technical Education:

*Governors support alignment of federal education and workforce training programs and believe that a reauthorized Perkins should facilitate collaboration across programs in other key federal legislation, such as the Workforce Investment Act.*

**Plan Term.** States and local areas must submit a plan that outlines a 5-year strategy. The plan describes workforce investment activities, how key requirements will be met and how special populations (dislocated workers, low-income individuals and others) will be served.

**Basic Components.** As part of the plan, states must describe the basic structure of their state workforce system, including the make-up of the state workforce investment board, state-imposed workforce requirements on locals, a description of the state performance accountability system, state measures to ensure coordination among WIA programs, description of adult, youth and dislocated worker training activities to be provided and methods states will use to distribute funds to locals.

# Dislocated Worker

For dislocated workers, the bill utilizes existing formulas with one change—the **inclusion of a minimum and maximum allotment percentage (hold harmless/stop-gain) for the dislocated worker formula beginning in fiscal year 2016** (this is aimed at reducing funding volatility for States year to year). The bill also continues the small state minimum.

**National Reserve/Emergency Grants:** The bill retains the Secretary’s ability to reserve 20 percent of the appropriated amount for dislocated workers and uses it for national emergency grants, dislocated worker projects and other projects.

**The bill preserves the governor’s 15 percent set aside for statewide activities.** For within state allocations for dislocated workers, the bill retains the Governors’ ability to reserve 25 percent for statewide rapid response activities.

**Provides local boards with the authority to transfer 100 percent of funds between adult and dislocated worker programs at the local level, with approval from the governor.**

**States may allow local boards to reserve up to 20 percent of funds for incumbent worker training programs.** The Governor or State Workforce Board may make recommendations to local boards providing incumbent worker training that has state impact.

**Source:** Pages 242-252

**March 2005 NGA Letter:**  
*Congress should provide governors with the option and authority to coordinate WIA funding and include a hold harmless provision to ensure that the federal investment in workforce and related programs is not diminished.*

**2014 NGA-NASWA WIA Set-Aside Report:**  
*Many of the most innovative, nimble and effective workforce system strategies in effect today were created and implemented with WIA set-aside funding for statewide activities.*

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**Memo to Vice President Biden on Comprehensive Review of Federal Workforce Programs:**  
*Recommendation #3 - Allow states to use [more] WIA Dislocated Worker funds for incumbent worker training.*

A fraction of the WIA dislocated worker allotment to states is reserved for outlying areas. The remainder is distributed to states using the following formula factors:

- One-third based on the relative number of unemployed individuals
- One-third based on the relative excess number (above 4.5 percent) of unemployed individuals
- One-third based on the relative number of people unemployed for 15 weeks or longer

**National Reserve/Emergency Grants:** The Secretary retains 20 percent of the appropriated amount for dislocated workers and uses it for national emergency grants, dislocated worker projects and other projects.

The Governor reserves up to 15 percent of the WIA adult for statewide activities (appropriations language had reduced this to 5 percent; it is currently 8.75 percent). In addition, the Governor may reserve up to 25 percent of the dislocated worker funding stream for statewide rapid response activities.

Local boards can transfer up to 20 percent of funds between adult and dislocated workers programs with approval from the governor.

**Incumbent Worker Allowance:** Allows local boards to reserve up to 15 percent of adult and dislocated worker funds for incumbent worker training.

<p><b>Adult</b></p>	<p>The bill utilizes the existing formula for WIA Adult, including the hold harmless and stop-gain provisions provided under current law.</p> <p><b>Allows Governors to reserve 15 percent of state allotments for state workforce investment activities.</b></p> <p>Permits incumbent worker and customized training, industry sector strategies, career pathway programs, layoff aversion activities, innovative services to individuals with barriers to employment, and coordination with other workforce-related programs from other agencies. Removes the current “sequence of services” between core, intensive and training services by streamlining core and intensive into “career services.” Maintains customer choice requirements and allows for the combined use of individual training accounts, cohort training, and pay-for-performance contracts. At the local level, the bill permits boards to utilize incumbent worker training; on-the-job training; customized training; and transitional jobs activities; and provide supportive services.</p> <p><b>Provides local boards with the authority to transfer <u>100 percent of funds between adult and dislocated worker programs at the local level, with approval from the governor.</u></b></p> <p><b>Source:</b> Pages 234-242, 253-257</p>	<p><b>NGA Policy:</b> <i>Champion state-led innovations and avoid unfunded mandates by maintaining the 15 percent set-aside for statewide activities.</i></p> <p>----</p> <p><b>Memo to Vice President Biden on Comprehensive Review of Federal Workforce Programs:</b> <i>Recommendation #1- Provide all states with the 100 percent transferability authority between adult and dislocated worker programs.</i></p>	<p>A fraction of the WIA adult allotment to states is reserved for outlying areas and the remainder is distributed to states using the following formula factors:</p> <ul style="list-style-type: none"> <li>- One-third based on the relative number of unemployed individuals in areas of substantial unemployment (above 6.5 percent unemployment rate)</li> <li>- One-third is based on relative excess number of unemployed individuals</li> <li>- One-third is based on relative number of disadvantaged adults</li> </ul> <p>Allows Governors to reserve 15 percent of state allotments for state workforce investment activities (appropriations language had reduced this to 5 percent and in FY 2014 it was increased to 8.75 percent).</p> <p>Local Boards can transfer up to 20 percent of funds between adult and dislocated workers programs with approval from the governor.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Youth</b></p>	<p>For youth, the bill utilizes the existing formula to allot funds to States for youth services. <b>For within state allotments, allows governors to reserve 15 percent of State allotments for State workforce investment activities.</b> Maintains within-state formula and minimum allocation percentage. Includes a 10 percent limitation on local administrative costs. Describes reallocation procedures.</p> <p>As under current law, both in-school and out-of school youth are eligible (age 14-21), and the eligibility definitions are very similar to current law with a focus on low-income and youth with barriers). The main difference with current law is that <b>the bill places a priority on out-of-school youth--75 percent of funding at the State and local level (with some exceptions).</b></p> <p>The bill focuses on career pathways for youth, drop-out recovery efforts, and education and training that lead to the attainment of a high school diploma and a recognized postsecondary credential. A priority is also included for work-based learning activities.</p> <p><b>Source:</b> Pages 215-233</p>	<p><b>May 2013 Letter:</b> <i>Governors need the flexibility of the 15 percent WIA set-aside to create jobs, spur economic growth, grow family incomes and get people back to work.</i></p> <p style="text-align: center;">----</p> <p><b>July 2007 NGA House Committee Testimony:</b> <i>The focus of "youth funding" should be to serve high-risk, basic skill deficient youth to prepare them for future employment or education.</i></p>	<p>States receive 100 percent of the first \$1 billion in appropriations for youth.</p> <p>The formula for allocation to states incorporates the following factors:</p> <ul style="list-style-type: none"> <li>- One-third based on the relative number of unemployed individuals in areas of substantial unemployment</li> <li>- One-third based on relative excess number of unemployed individuals</li> <li>- One-third based on relative number of 16-21 year old disadvantaged youth</li> </ul> <p>No state shall receive an allotment that is less than 90 percent or greater than 130 percent of prior year's share of the total allotment to states. Small state minimum is applied.</p> <p>Both in-school and out-of-school youth are eligible. Thirty (30) percent of funds must be used to serve out-of-school youth unless the Secretary approves a request reducing the required percentage.</p> <p>Eligible youth must be 14-21 years old, low-income and have one or more barriers (such as basic skills deficiency or school dropout). There are no separate eligibility criteria for out-of-school and in-school youth.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>One-Stops</b></p>	<p><b>Maintains Current Law.</b> Identifies one-stop partners and their roles and responsibilities. Describes the MOUs that will be entered into between the local workforce development boards and the one stop partner organizations to operate the one-stop delivery system. Outlines the process for designating or certifying one-stop operators.</p> <p><b>Required One-Stop Partners:</b> The bill eliminates the Senior Community Service Employment program and TANF as mandatory partner programs.</p>	<p><b>July 2006 NGA Letter:</b> <i>Protect and enhance services for special populations, including people with disabilities by expanding their access to WIA one-stops.</i></p>	<p><b>One-Stop System:</b> Local one-stop systems bring together a range of required (mandatory) partners who must make their services available to customers and participate in the operation of the local system. Required partners include WIA, Employment Service and vocational rehabilitation. Additional (voluntary) partners may opt to participate in the one-stop system.</p> <p><b>Required One-Stop Partners:</b></p>

	<p><b>Infrastructure Development Funding:</b> Local workforce boards, with one-stop partners, must come to an agreement on infrastructure funding contribution levels, other shared costs and how the partners would deliver services under the system. If the local partners fail to reach an agreement, the Governor must determine the funding level for each local one-stop partner's individual contribution based on several factors. These contributions would be sent to the Governor to fund one-stop infrastructure enhancement in a local area.</p> <p><b>Source:</b> Pages 153-172</p>	<p><b>April 2005 NGA Senate Testimony:</b>  <i>Governors recommend that federal partner agencies develop a joint initiative to align federal regulations and encourage support for and participation in one-stop centers.</i></p>	<ul style="list-style-type: none"> <li>- WIA Title I programs</li> <li>- Wagner-Peyser programs</li> <li>- Adult Education and Literacy programs</li> <li>- Rehabilitation Act programs</li> <li>- Welfare-to-Work</li> <li>- Older Americans Act programs</li> <li>- Perkins postsecondary vocational education activities</li> <li>- Trade Adjustment Assistance and NAFTA-TAA programs</li> <li>- Veterans Employment and Training</li> <li>- Community Service Block Grant</li> <li>- HUD employment and training</li> <li>- Unemployment compensation programs</li> </ul>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Local Provisions</b></p>	<p><b>Local Area Designation:</b> Very similar to current law, governors are required to consult with the State board, local boards, chief elected officials and the public in order to identify local areas and planning regions that are in alignment with labor markets and regional economic development areas and available resources, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools. The bill allows for initial and subsequent designations based on performance, fiscal integrity and participation in regional coordination activities, including regional planning, information sharing, pooling of administrative costs, and coordination of service delivery. For the first two years, Governors must approve a request for initial designation if it performed successfully and sustained fiscal integrity. Jurisdictions may appeal to the state board and to the Secretary of Labor.</p> <p>The Governor of any State that was a single state local areas in effect as of July 1, 2013 may be designated as single state local area under the new legislation.</p>	<p><b>NGA Policy:</b>  <i>Support statewide and regional based workforce systems to increase efficiencies, reduce administrative costs, and ultimately make available more training to more workers.</i></p>	<p><b>Local Area Designation:</b> Governors designate local areas after taking into account a number of considerations, such as consistency with labor market areas and available resources. Governors must approve a request for designation from any single jurisdiction with a population of 500,000 or more, a rural concentrated employment program and local areas in Rhode Island. A jurisdiction with a population of 200,000 or more that was a service delivery area under JTPA could win 2-year designation and continued designation if it performed successfully and sustained fiscal integrity. Jurisdictions may appeal to the state board and to the Secretary of Labor.</p> <p>States that were single state areas under JTPA as of July 1, 1998 may be designated as single state local areas under WIA.</p> <p>States may require local boards in a region to participate in a regional planning process that results in regional performance measures.</p>

<p>Requires local boards and chief local elected officials in a region to participate in a regional planning process and submit to the state a single regional plan.</p> <p><b>Source:</b> Pages 74-82</p> <p><b>Local Workforce Boards:</b> Governor, in consultation with State Board, establishes criteria for use by local elected officials for appointment to local boards. Criteria shall require, at a minimum that membership include:</p> <ul style="list-style-type: none"> <li>- a majority of representatives of businesses in the local area and a business chairperson;</li> <li>- 20 percent of the board be representatives of the workforce, including labor organizations;</li> <li>- other representatives include education and training providers in the local area (such as community colleges), the core programs (WIA, Wagner-Peyser and Voc. Rehab) in the local area and economic and community development.</li> <li>- With the exception of core programs, required one-stop programs are not required to be represented on the board.</li> </ul> <p>Describes permissible standing committees, including one-stop operations, youth services and services to individuals with disabilities. Local board may designate the existing youth council.</p> <p>Other provisions include the appointment, certification, and decertification requirements for local board. Continues to allow the State board of a single State to function as the local board for the State. Identifies the functions of the local board, permits the local board to hire staff and directs the local board to establish and apply objective qualifications for the director's position. Provides certain limitations for the local board concerning the delivery of career and training services.</p>	<p><b>NGA Policy:</b>  <i>Provide governors with increased flexibility to transfer federal funding between programs and eliminate eligibility requirements that restrict alignment and integration of programs.</i></p> <p>----</p> <p><b>April 2005 NGA Senate Testimony:</b>  <i>[WIA] programs must recognize the differences among states and communities, and thus provide governors, working with local government, business, and labor to design flexible ways to meet distinct needs.</i></p>	<p><b>Local Workforce Boards:</b> Local boards must include representatives of business, labor, local education entities and community-based organizations. There must be a business majority and a business chair. Representatives of each of the one-stop partners also required to have seats on the local board.</p> <p>Local boards must establish a youth council to coordinate youth activities and develop youth portions of local plan among other tasks.</p>
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	<p><b>Source:</b> Pages 82-112</p> <p><b>Local Plan:</b> Requires each local board to develop and submit a local plan to the governor every four years, including a description of how services offered through the core programs at the local level will be coordinated and aligned to regional needs. Requires the strategy described in the local plan to align with the State strategy for workforce development. Local boards participating in a regional planning process are required to contribute to and submit a regional plan. Describes the process for plan submission, approval, and modifications.</p> <p><b>Source:</b> Pages 112-123</p>		<p><b>Local Plan:</b> Local areas must submit a plan that outlines a five-year strategy. The plan describes workforce investment activities, how key requirements will be met and how special populations (dislocated workers, low-income individuals and others) will be served.</p>
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## TITLE III

<b>Wagner-Peyser Act</b>	<p>Authorizes the public employment services and the employment statistics system. Generally maintains current law but also reflect the need to align the statute with the other changes in the bill such as including the State employment services in the unified State plan; aligning performance accountability indicators with those indicators used for core programs - as described in section 116 of title I.</p> <p>Increases access to and improves the quality of workforce information. Promotes the use of best practices across the system and provides for staff professional development and career advancement opportunities for staff in order to strengthen the provision of career guidance services, identification of job openings and working with employers and technical assistance and training activities.</p> <p>Requires co-location of employment service offices with one-stop centers. Allows the Secretary, in consultation with the states, to assist States in the development of national electronic tools that may be used to improve access to workforce information for individuals in the one-stop career system.</p>	<p>States currently receive annual allotments to carry out labor exchange activities. 90 percent of the funds are for job search and placement services, appropriate recruitment services for employers and for other activities, such as labor market information and administering the work test for unemployment insurance. Ten percent of funds are reserved by the Governor for performance incentives, services for groups with special needs and exemplary service delivery models. In most states, state personnel deliver these services through a combination of employment services offices and one-stop centers.</p> <p>Established the employment statistics system and the Workforce Information Council to work with the Department of Labor and Bureau of Labor Statistics. The WIC includes state representatives from each of the Department of Labor regions.</p>
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<p>Renames "employment statistics" to the "workforce and labor market information system" and updates the Workforce Information Council, renaming it the Workforce Information Advisory Council. The Secretary is responsible for appointing members of the Council.</p> <p>Requires the Secretary of Labor to submit a two-year plan for the workforce and labor market information system to the House Committee on Education and the Workforce and the Senate Health, Education, Labor and Pensions Committee, the entities that take into consideration the state plans.</p> <p><b>Source:</b> Pages 537-554</p>	
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**15% WIOA Statewide Activities**

**Governor Statewide Activities Funds:** Effective July 1, 2015, WIOA fully restores the 15 Percent Title I-B Statewide Activities account.

The Act directs that **5 percent** of the annual funds allocated to the state under the Title I-B Youth, Adult and Dislocated Worker Grants be pooled into one account for state-level administration.

In addition, **10 percent** of the state’s annual allocation for each of the three grants are pooled into one account to support required and allowable statewide activities described in Sec.129(b) and Sec.134(a). The 10% Statewide Activities funds provide critical system infrastructure support, funding for consumer protection and performance accountability management, and for investments in employment and training initiatives important to the state. Similar to WIA, the new Act also retains state set-aside funds for statewide rapid response assistance to local areas that experience disasters, mass layoffs, or plant closures, or other events that precipitate substantial increases in the number of unemployed individuals.

REQUIRED	10% Required Statewide Activities – Youth Grant	Current WIA	WIOA
	Conducting program evaluations in coordination with evaluations carried out by DOL.	✓	✓
	Disseminating a list of contracted WIOA Youth Grant service provider organizations.	✓	✓
	Providing regional planning assistance to local Workforce Development Areas.	∅	✓
	Operating a Title I-B fiscal and management accountability information system.	✓	✓
	Carrying out program monitoring and oversight of WIOA Youth Grant activities.	∅	✓
	Providing additional assistance to local areas that have high concentrations of eligible youth.	✓	✓
	Providing incentive grants to local areas for exemplary performance by local areas on the local performance measures.	✓	∅

REQUIRED	10% Required Statewide Activities – Adult and Dislocated Workers Grants	Current WIA	WIOA
	Providing assistance to:	∅	✓
	a) state agencies, local areas, and one-stop partners in carrying out the activities described in the state plan, including the coordination and alignment of data systems used to carry out the requirements of the Act;	∅	✓
	b) local areas carrying out regional planning and service delivery efforts;	∅	✓
	c) local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships; and	∅	✓
	d) local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff to provide opportunities for individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations, the development of exemplary program activities; and	✓	✓
	e) local areas that fail to meet local performance accountability measures.	✓	✓
	Providing assistance to a local area if area re-designation occurs.	∅	✓
	Operating a Title I-B fiscal and management accountability information system.	✓	✓
	Carrying out program monitoring and oversight activities.	✓	✓
Disseminating:	✓	✓	
a) the list of programs of training included on the state’s Eligible Training Provider (ETP) list;	✓	✓	
b) information identifying eligible providers of on-the-job training, customized training, incumbent worker training, internships, paid and unpaid work experience opportunities, and transitional jobs;	✓	✓	
c) information on effective outreach to, partnerships with, and services for business;	∅	✓	
d) information on effective service strategies to serve workers and job seekers;	∅	✓	
e) performance information and information on the cost of attendance (including tuition and fees) for participants; and	✓	✓	
f) information on physical and programmatic accessibility for individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.	∅	✓	
Conducting program evaluations in coordination with evaluations carried out by DOL.	✓	✓	

		Current WIA	WIOA
ALLOWABLE	10% Allowable Statewide Activities – Youth Grant		
	Conducting research related to meeting the education and employment needs of eligible youth and demonstration projects related to meeting the education and employment needs of eligible youth.	✓	✓
	Supporting the development of alternative, evidence-based programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter and complete secondary education, enroll in postsecondary education and advanced training, progress through a career pathway, and enter into unsubsidized employment that leads to economic self-sufficiency.	∅	✓
	Supporting the provision of career services through the one-stop delivery systems in the state.	✓	✓
	Supporting financial literacy.	∅	✓
	Providing technical assistance to, as appropriate, Workforce Development Councils, chief local elected officials (CLEOs), one-stop operators, one-stop partners and eligible providers in local areas including the development and training of staff, the development of exemplary program activities, assistance to areas that fail to meet local performance accountability measures, and the provision of technology to facilitate remote access to services provided through the state’s one-stop delivery system.	∅	✓
ALLOWABLE	10% Allowable Statewide Activities – Adult and Dislocated Workers Grants	Current WIA	WIOA
	Implementing innovative programs and strategies designed to meet the needs of all employers (including small employers) in the state. Programs and strategies may include incumbent worker training programs, customized training, sectoral and industry cluster strategies and implementation of industry or sector partnerships, career pathway programs, microenterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, layoff aversion strategies, activities to improve linkages between the one-stop delivery system in the state and all employers (including small employers) and other business services and strategies that better engage employers in workforce investment activities.	∅ WIA did allow 10% to be spent on Incumbent Worker Training programs	✓
	Developing strategies for effectively serving individuals with barriers to employment and for coordinating programs and services among one-stop partners.	∅	✓

ALLOWABLE	10% Allowable Statewide Activities – Adult and Dislocated Workers Grants	Current WIA	WIOA
	Development or identification of education and training programs that respond to real-time labor market analysis, that utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences, that evaluate such skills and competencies for adaptability, that ensure credits are portable and stackable for more skilled employment, and that accelerate course or credential completion.	∅	✓
	Implementing programs to increase the number of individuals training for and placed into nontraditional employment.	✓	✓
	Carrying out activities to facilitate remote access to services including facilitating access through the use of technology.	∅	✓
	Supporting the provision of career services in the one-stop delivery systems in the state.	∅	✓
	Coordinating activities with the child welfare system to facilitate provision of services for children and youth who are eligible for Foster Care Independence Program assistance under the Social Security Act.	∅	✓
	Activities to improve coordination of workforce investment and economic development activities and improve coordination of employment and training activities with --	∅	✓
	a) child support services and related child support enforcement program;	∅	✓
	b) Department of Agriculture cooperative extension programs;	∅	✓
	c) programs carried out in local areas for individuals with disabilities, including DVR programs, Statewide Independent Living Council services and others described in WIOA Sec. 134(a)(3)(A)(viii)(II)(cc);	∅	✓
d) adult education and literacy services, including those provided by public libraries;	∅	✓	
e) activities in the corrections system that assist ex-offenders in reentering the workforce;	∅	✓	
f) financial literacy activities; and	∅	✓	
g) development and dissemination of workforce and labor market information.	∅	✓	

10% Allowable Statewide Activities – Adult and Dislocated Workers Grants		Current WIA	WIOA
ALLOWABLE	Conducting research and demonstration projects related to meeting the employment and education needs of adult and dislocated workers.	✓	✓
	Implementing promising services for workers and businesses, which may include promoting support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.	∅	✓
	Providing incentive grants to local areas on local performance accountability measures.	Required	Allowable
	Adopting, calculating, or commissioning for approval an economic self-sufficiency standard for the state that specifies the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations.	∅	✓
	Developing and disseminating common intake procedures and related items, including registration processes, materials, or software.	∅	✓
	Providing technical assistance to local areas that are implementing pay-for performance contract strategies. This may include providing assistance with data collection, meeting data entry requirements, identifying levels of performance, and conducting evaluations of such strategies.	∅	✓
Implementation of innovative programs for displaced homemakers.	✓	∅	
Establishment and implementation of programs targeted to empowerment zones and enterprise communities.	✓	∅	