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WIOA Overview

WIOA Federal Update

- Resources can be found at - <http://www.doleta.gov/wioa/>
- NPRMs have been issued, deadline for comments were 6/15/15
- TEGs have been issued
 - Early Operating Guidance for Implementation of WIOA
 - Youth Program Transition
 - Flexible use of RR Funds
 - Immediate Implementation of Governance Provisions

WIOA Federal Update

www.workforce3one.org – has an expanded site for WIOA resources including podcasts, webinars, videos on a variety of topics.

The WIOA Quick Start Action Planner (**QSAP**) - Interactive, self-paced assessment tool designed to help leaders at all levels plan for transformation and prepare for implementation of WIOA.

National Skills Coalition – www.nationalskillscoalition.org

Aligned by Design is a series of webinars that explore how states can proactively use the WIOA planning process to align key human capital investments to produce better outcomes for individuals and local economies

WIOA Federal Update

Department of Education: Office of Career, Technical and Adult Education (OCTAE) has their own WIOA Resource Page

<http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-reauthorization.html>

Department of Education: Office of Special Education and Rehabilitation Services (RSA) has their own WIOA Resource Page

<http://www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html>

Sec 102 Unified State Plans

(c) – Submission and Approval

Initial unified plans due March 3rd, 2016

Secretary of Labor and Education along with Commissioner of Rehabilitation to approve

Modifications – after 2 years the state board shall review and modify

WIOA California Updates

WIOA Implementation Workgroup

- Will ensure that California's implementation of the new law reflects state strategies and aligns resources accordingly. The group's work includes developing WIOA performance measures and multi-agency metrics, developing policy, catalyzing systems alignment and regional collaboration, and determining any needed governance changes.

Increasing Skills and Credential Attainment Workgroup

Will focus on identifying skills credentials that are industry-valued, supporting regional calibration of labor market supply and demand, articulating diverse career pathways in key industries, and supporting regional Slingshot coalitions

WIOA California Updates

Subgroups

Mapping the Field - facilitate information exchange about the programs we operate so we can begin to identify areas of potential partnership.

Data Sharing, Performance Metrics and Common Measures –

- Conduct needs and capacity assessments for implementing WIOA common performance metrics for core programs
- Facilitate and implement possible data-sharing and matching requirements for cross-system measurement of education and workforce outcomes

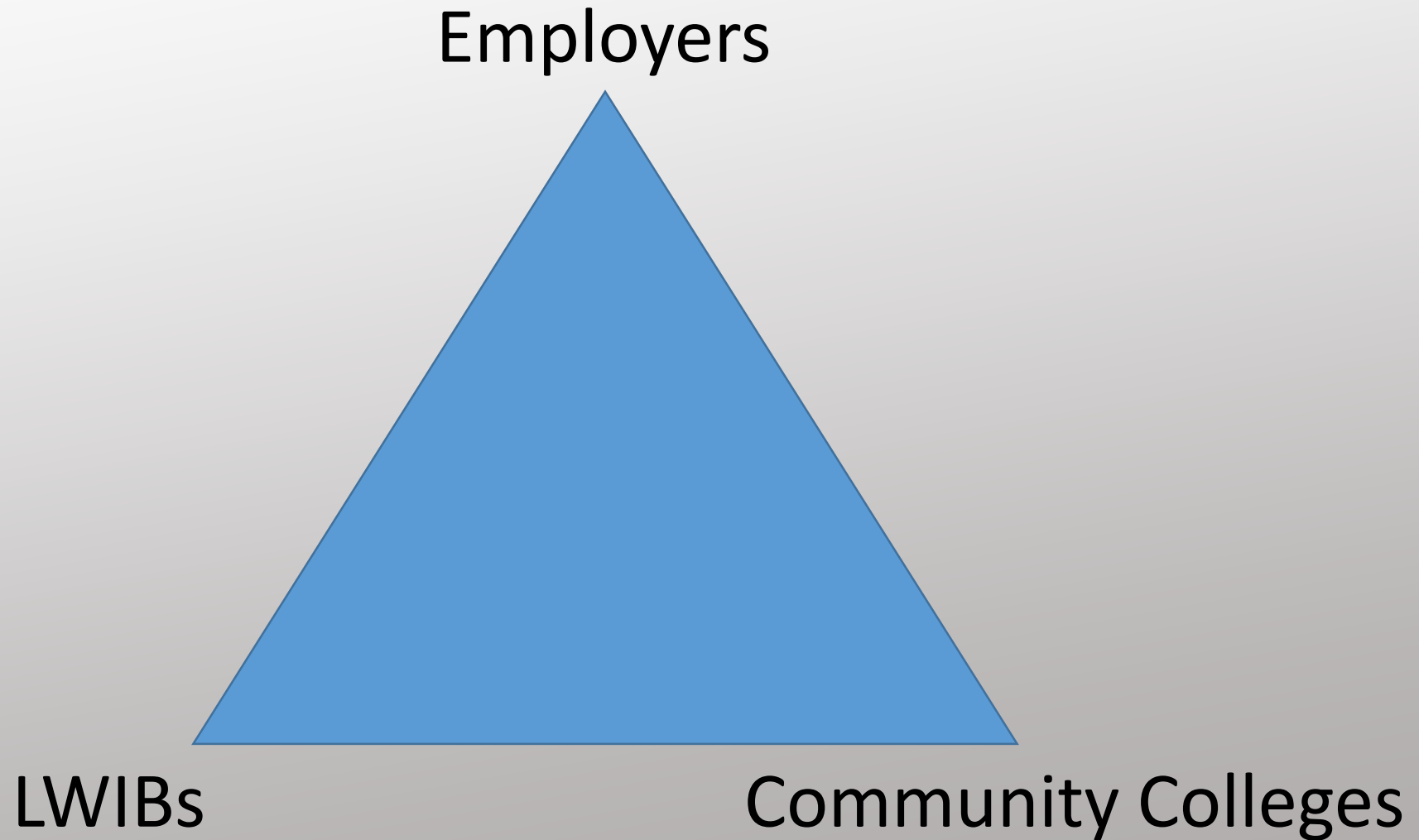
State, Regional and Local Service Coordination - develop a roadmap using shared language, common knowledge, and shared goals to build the strategy and rationale for the state plan and WIOA implementation.

WIOA California Updates

ETPL Redesign Workgroup – Looking to provide flexibility in implementing the tenants of WIOA for providers and local workforce systems.

One-Stop Design Workgroup – Examining how California can move the one-stop system into WIOA. Will look at “bricks” “clicks” and “skills” and “communication”

WIOA California Updates



Sec 106 – Workforce Development Areas

(b) Local Areas

(2) Initial Designation – during the first 2 program years, the Gov shall approve requests from any area that was designated under WIA for the preceding 2 years who performed successfully and sustained fiscal integrity

(3) Subsequent Designation – Gov shall approve a request in such area that

(A) Performed successfully

(B) Sustained fiscal integrity

(C) Successfully involved in regional planning – subsection (c)(1)

Chapter 2 – Local Provisions

(a) Regions

- 1) Before the 2nd full program year – State shall I.D. regions after consultation with CLEOs

(b) Local Areas

- (1) (A) Process – through consultation with State Board and after consultation with CLEOs and after consideration of public comments the Governor shall designate
- (1) (B) Considerations – areas need to be consistent with labor markets and regional economic areas. Must have available Federal and non-federal resources to administer provisions of the Act.

Regional Planning

Sec 106 (c) Regional Coordination

- (1) Regional Planning – Local Boards and CLEO engage in planning that results in
- A. Regional Plan
 - B. Regional Service Strategies using coop. service agreements
 - C. Development and implementation of sector initiatives
 - D. Collection of regional labor market data
 - E. Establishment of administrative cost arrangements – pooling of funds
 - F. Coordination of support services
 - G. Coordination of services with economic development and providers
 - H. Collectively negotiate and reach agreement on local levels of performance

NOTE: State Timeline, Regional AND Local Plans due at same time, 3/17.

Sec 107 - Local Workforce Development Boards

(b) Membership – appointed by the CLEOs

(2) Composition:

(A) Majority shall represent business who:

- (i) owners, CEOs – optimum policy making/hiring authority
- (ii) represent business that provide employment in in-demand sectors or occupations

(B) Not less than 20% shall be representatives from the local area that:

- i) Shall be representatives of labor organizations nominated by local labor federations
- ii) Shall include a representative of joint labor-management apprenticeship program
- iii) May include representatives of CBOs
- iv) May include reps with experience in serving youth

(C) Shall include representatives of entities administering education and training who –

(i) Shall include Adult Ed and Literacy

(ii) Shall include institutions of higher ed – including community colleges

(iii) May include local education agencies and CBOs with experience in training individuals with barriers to employment

- (D) Shall include representatives of governmental and economic and community development who –
- (i) Shall include economic and community development
 - (ii) Shall include representatives from EDD – Wagner Peyser
 - (iii) Shall include representatives of DOR
 - (iv) May include representatives of agencies serving the area relating to transportation, housing, and public assistance
 - (v) My include representatives of philanthropic organizations

Standing Committees

- (4) May designate and direct the activities of standing committees to assist the local board in carrying out their function. The committees:
- Shall be chaired by the member of a local board
 - May include other members of the local board
 - Shall include other individuals appointed by local board who are NOT members of the board and who have appropriate experience and expertise.

- (4) At a minimum, the local board may designate each of the following:
- (i) A standing committee to assist with operational and other issues relating to one-stop delivery
 - (ii) A standing committee to assist with planning, operational and other issues relating to services to youth. This committee shall include CBOs with a demonstrated success in serving youth
 - (iii) A standing committee to assist with operational and other issues relating to services to individuals with disabilities
- (6) Special Rule – if there are multiple providers of Adult and Higher Ed – these members shall be nominated by local providers representing these entities

NPRM Comments - Committees

- Regulations need to provide additionally clarity around standing committees and the requirement of seating non-local board members. Particularly for executive or management committees of workforce development boards.
- Clarify that WIOA Youth Committees offer greater flexibility than WIA Youth Councils, that local WIBs have the option of keeping their Youth Councils as youth committees, integrating youth policy development into other standing committees, or can develop regional youth committees that develop policy for all local WIBs in a region.

Certification of Local Boards

Sec 107 (c) (2) – Certification

- (A) Governor shall certify local boards every 2 years
- (B) Certification shall be based on criteria in subsection (b), and for subsequent designation include: meeting performance and fiscal integrity
- (C) Failure to achieve certification shall result in appointment of a new local board by the Governor

Functions of Local Board

Sec 107 (d) – Functions

(1) Local Plan – the board in partnership with CLEO shall develop and submit a local plan. If the local board is part of a planning region, the board shall collaborate with other local areas in the preparation and submission of a regional plan described in Sec 106(c)(2)

Sec 107 (d) – Functions

(2) Workforce Research and Regional Labor Market Analysis

- (A) Analysis of the economic conditions, including regional knowledge and skills, analysis of workforce activities
- (B) Assist the Governor in developing statewide workforce and labor market system
- (C) Conduct other research, data collection, and analysis related to the workforce needs of the region

Sec 107 (d) – Functions

(3) Convening, Brokering, Leveraging – including:

- Convening local stakeholders to assist in development of local plan
- Leverage support for workforce development activities from non-Federal expertise and resources.

Sec 107 (d) – Functions

- (4) Local board shall lead and engage with a diverse range of employers
 - (A) To promote business representation on the local board
 - (B) To develop linkages (including the use of intermediaries) with employers to support utilization of the local system
 - (C) To ensure workforce investment systems meet the needs of employers and economic growth
 - (D) To develop and implement proven strategies to providing the skilled workers to employers, particularly in in-demand industry sectors

Sec 107 (d) – Functions

- (5) Career Pathways Development – the local board with reps from secondary and postsecondary education programs will develop career pathways that align employment, training, education and support services
- (6) Proven and Promising Practices – local board shall lead efforts to
 - (A) Identify and promote strategies that meet the need of employers and job seekers. Including access to one-stop system (physical and programmatic)
 - (B) Disseminate information in other local areas

Sec 107 (d) – Functions

(7) Technology – develop strategies to maximize the accessibility and effectiveness of local system by

- (A) Facilitating connections among intake and case management systems of one-stop programs
- (B) Facilitating access to services provided through one-stops, including remote access
- (C) Identifying strategies for better meeting the need of individuals with barriers to employment, including increasing access to one-stop services and improving digital literacy
- (D) Leveraging resources and capacity within local workforce system

Sec 107 (d) – Functions

(8) Program Oversight – the local board shall

(A)(i) conduct oversight for local youth services, employment and training services, and the one-stop system; and (ii) ensure appropriate use of management of the funds.

(B) For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance

(9) Negotiation of Local Performance Measures – with CLEO, negotiate and reach agreement on local performance

Sec 107 (d) – Functions

(10) Selection of One-Stop Operators

(A) Consistent with section 121(d), the local board with agreement of the CLEO

- (i) Shall designate or certify one-stop operators
- (ii) May terminate for cause the eligibility of such operators

(B) Selection of Youth Providers – consistent with Sec 123

- (i) By awarding grants or contracts on a competitive basis (exception Sec 123 (b))
- (ii) May terminate for cause the eligibility of such providers

Sec 107 (d) – Functions

(10) Selection of One-Stop Operators

(C) Identification of Eligible Providers of Training – consistent with Sec 122

(D) Identification of Eligible Providers of Career Services – If the one-stop operator does not provide career services described in Sec 134(c)(2), the board shall identify providers of those services

(E) Local board shall work with state to ensure sufficient providers of career and training services (including services to individuals with disabilities and adult ed) that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities

Sec 107 (d) – Functions

(11) Coordination with Education Providers

- (A) The local board shall coordinate with education and training providers including providers of adult education and literacy, career and technical education, and programs under the Rehabilitation Act.
- (B) The coordination described in paragraph A shall include
 - Reviewing applications from Adult Ed organizations to ensure alignment with local plan.
 - Replicating cooperative agreements with DOR that enhance services, cross training, technical assistance, use and sharing of information, cooperative efforts with employers.

Sec 107 (d) – Functions

(12) Budget and Administration

(A) The local board shall develop a budget for the activities of board

(B) Administration

- Grant Recipient – the CLEO shall serve as the local grant recipient, and shall be liable for any misuse
- Designation – the CLEO may designate an entity to serve as local grant sub-recipient. This does not relieve the CLEO of liability
- Disbursal – the local grant recipient or sub-recipient shall disburse grant funds for workforce activities at direction of local board.
- Grants and Donations – the local board may solicit and accept grants and donations
- Tax Exempt Status – local boards may incorporate and may be a 501 (c)3

Sec 107 (d) – Functions

(13) Accessibility for Individuals with Disabilities – shall annually assess the physical and programmatic accessibility in accordance with section 188 of the American's with Disability Act, of all one-stops in the local area

Sec 107 (g) Limitations

(2) Career Services; Designation or Certification as One-Stop Operator – local board may provide career services as described in Sec 134(c)(2) through a one-stop system or be designated or certified as a one-stop operator only with the agreement of the CLEO and the Governor

Local Plan

Sec 108 Local Plan – 4 year plan to support strategy in the state plan.
Review and modifications are done every 2 years

(b) Contents – the local plan should include:

(b)(1) A description of the planning elements to include:

- (A) regional economic analysis – demand sectors/occupations and employment needs
- (B) Knowledge and skills analysis to meet employment needs
- (C) Analysis of region's workforce data
- (D) Analysis of workforce activities including education and training
- (E) Local board's strategic vision and goals for preparing workforce
- (F) Strategies to work with core programs – aligning services to accomplish above

Sec 108 Local Plan

(b)(2) – A description of the system in the local that identifies the programs and how the board will work to align the programs. Including the programs under Carl Perkins

(b)(3) – How the board in partnership with other programs will ensure services are expanded to individuals with barriers to employment, including career pathways, co-enrollment, and improved access to an industry recognized post-secondary credential

Sec 108 Local Plan

(b)(4)(A) strategies that:

- (i) Facilitate employer engagement
- (ii) Support a system that meets the needs of business
- (iii) Coordinates with economic development
- (iv) Strengthen linkages between one-stop system and UI

(b)(4)(B) May include initiatives such as; incumbent worker training, on-the-job training, customized training, sector strategies, career pathways, business intermediaries

Sec 108 Local Plan

(b)(5) – How the local board will coordinate with economic development to promote entrepreneurial skills training

(b)(6) – Description of one-stop delivery system including:

- (A) Ensuring continuous improvement of eligible providers of services
- (B) Facilitating access to services of the one-stop to remote areas
- (C) Complying with Sec 188 of ADA, including physical and programmatic access
- (D) Describing roles and contributions of one-stop partners

Sec 108 Local Plan

- (b)(7) Description of type and availability of adult and DW activities
- (b)(8) How board will work with statewide Rapid Response services
- (b)(9) Description of type and availability of youth activities
- (b)(10) Coordination with secondary and postsecondary education
- (b)(11) Coordination of support services including transportation
- (b)(12) Coordination of Wagner-Peyser resources with one-stop system
- (b)(13) Coordination with adult education and literacy
- (b)(14) Description of how the local boards are coordinating with DOR

Sec 108 Local Plan

(b)(15) Description of the entity responsible for disbursement of funds

(b)(16) Description of the competitive process used to award sub-grants and contract

(b)(17) Description of the levels of performance – including fiscal agent and service providers

(b)(18) Actions the local board will take in becoming and remaining a high-performing board consistent with Sec 101 (d)(6) [one-stop]

(b)(19) How training services will be provided, including use of ITAs

Sec 108 Local Plan

(b)(20) Providing public comment, including business and labor

(b)(21) How one-stops are implementing/transitioning to an integrated, technology-enabled intake and case management info system

Sec 108 (d) Process

- Public input
- 30 day comment period – business, labor, education
- Include comments in submittal

State Update - Regional and Local Plans

4 year action plan to develop, align and integrate service delivery to support State's vision and goals.

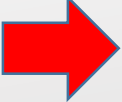

- Direct investments
- Apply job driven strategies to one-stops
- Enable workforce partners to build a skill workforce through innovation
- Incorporate local plan into regional

A regional plan is required to meet the purposes described above and to coordinate resources among multiple boards

Proposed WIOA State Performance Assessment – 13 Measurements!

Indicator/Program	Title II Adult Education	Title IV Rehabilitative Services	Title I Adults	Title I Dislocated Workers	Title I Youth	Title III Wagner -Peyser	Average Indicator Score
Employment 2 nd Quarter After Exit							1
Employment 4 th Quarter After Exit							2
Median Earnings 2 nd Quarter After							3
Credential Attainment Rate						N/A	4
Measurable Skills Gain	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	N/A	5
Effectiveness in Serving Employers	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	6
Average Program Score	7	8	9	10	11	12	-

Proposed WIOA Performance Assessment

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	Effectiveness in Serving Employers	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	6
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Proposed WIOA Performance Assessment



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Measurable Skills Gain	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	N/A	5
Effectiveness in Serving Employers	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	6
Average Program Score	7	8	9	10	11	12	-

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Effectiveness in Serving Employers	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	Phased-in	6
Average Program Score	7	8	9	10	11	12	-

NPRM Comments - Performance Indicator

- CWA recommends that a common pre and post assessment should be given to those entering training programs, and the assessment should be applied across all core programs
- CWA recommends that a two-pronged approach be used.
 1. effectiveness of employer services rendered should be measured, which is best done through measuring repeat and retained business
 2. effectiveness of local systems in bringing employers to the table initially
- CWA's supports the addition of a supplemental customer service measure that would assess the quality of services provided to American Job Center customers but not serve as a primary indicator of performance
- CWA strongly recommends that exits be defined by an individual program-exit approach and not a common-exit across all core programs approach.

NPRM Comments - State Performance

- CWA believes that weighted average must be used that calls out to each partners' place in the workforce system as a whole. The focus of each program should affect the weight of each indicator to determine the overall indicator score.
- DOL mentions 90 percent of negotiated goals as being the threshold for performance failure. CWA recommends that 80% of a goal be the threshold for success.
- CWA believes that the first full program year following the finding and reporting of the state's performance failure should be utilized for corrective action, and if the action plan is not followed sanctions should be applied the following year.

Sec 116 (b)(3) Levels of Performance

(iii) States shall identify levels of performance for first 2 program years

- States shall reach agreement with Secretaries new levels of performance for years 3 and 4 in the State plan. These are state adjusted levels

(v) Factors in reaching agreed levels

- Comparison with other states
- Ensure levels are adjusted using regression models
- Take into account that levels promote continuous improvement

(vii) Revisions can be made

Sec 116 (c) Local Performance

(C)(1) General – Local performance shall include

- All primary indicators (previous slides)
- Additional performance indicators, if any, established by State
- The local level of performance adjusted

(C)(2) Local board, CLEO, and Governor shall negotiate and reach agreement based on State adjusted levels

(C)(3) Must use a statistical regression model, can be revised during program year

Sec 116 (d) Performance Reports

(2) Contents of Local Performance Reports – Core Programs

- (A) Levels of negotiated performance of primary indicators;
- (B) Levels of performance achieved – disaggregated by subpopulations;
- (C) Total number of participants served by each program;
- (D) Number of participants receiving career and training services during the most recent program year, and the 3 preceding years, and amount of funds spent on each service;
- (E) Number of participants who exited from career and training services during the most recent year and 3 preceding years;

Sec 116 (d) Performance Reports

- (F) The average cost per participant for career and training services, during the most recent year and 3 preceding years;
- (G) % of participants in program who received training and obtained employment....training related;
- (H) Number of individuals with barriers to employment served by each of the programs – by subpopulation
- (I) Number of participants who are enrolled in more than 1 program – core programs
- (J) % of the State's annual allotment that the State spent on admin

Sec 116 (d) Performance Reports

(K) States where local areas are implementing pay-for-performance contract strategies

- The performance of service providers in the contracts
- Evaluation of design, performance strategies, level of satisfaction of employers and participants

(L) Other info that facilitates comparisons of programs across States

Sec 116 (d) Performance Reports

(4) Contents of Eligible Training Providers Reports – with respect to each program of study of such provider

- (A) Specify the levels of performance achieved with respect to the primary indicators of performance with respect to ALL individuals engaging in the program of study;
- (B) Total numbers of individuals exiting program;
- (C) Total participants who received training through each of the adult and DW programs, disaggregated by type of entity providing the training, during most recent program year and 3 preceding years;

Sec 116 (d) Performance Reports

(D) Total participants exited from training services, disaggregated by type of entity that provided training, during most recent year and 3 preceding years;

(E) Average cost per participant for the participants who received training services, disaggregated by the type of entity that provided training, during the most recent year and 3 preceding years

(F) Number of individuals with barriers to employment served by each of the adult and DW, disaggregated by type of entity that provided training, during most recent year and 3 preceding years;

Sec 116 (g) Sanctions for Local Areas

- (1) Technical Assistance – failure to meet performance for youth, adult, or DW programs for any program year, the Governor, shall provide technical assistance, may include the development of a performance improvement plan or a modified local (regional) plan.
- (2) If failure continues for a 3rd consecutive year, the Governor shall take corrective actions, which shall include a reorganization plan
 - Require the apt and certification of new local board
 - Prohibit the use of eligible provider and one-stop partners responsible



Workforce Investment Activities and Providers

Subtitle B

Sec 121 (b) One-Stop Partners

(1) Required Partners

(A) Roles and Responsibilities – each required partner shall

- (i) Provide access through the one-stop system to program services, including applicable career services available at the one-stop centers;
- (ii) Use a portion of available funds for programs to maintain one-stop system, including payment of infrastructure costs
- (iii) Enter into MOU, relating to one-stop operation
- (iv) Participate in the operation of the one-stop system
- (v) Provide representation to State board to extent outlined in WIOA

Sec 121 (b) One-Stop Partners

(b) One-Stop Partners

(B) Programs and Activities – the programs referred to in (A) above are –

- (i) Programs authorized in Title 1 of WIOA
- (ii) Programs authorized under Wagner-Peyser
- (iii) Adult Ed and Literacy – Title II
- (iv) Programs of Title I of Rehabilitation Act
- (v) Title V of the Older Americans Act

Sec 121 (b) One-Stop Partners

- (vi) CTE programs at postsecondary level – Carl Perkins Act
- (vii) Activities of Chapter 2 of Title II of the Trade Act - TAA
- (viii) Veteran Services - chapter 41, Title 38 of the United States Code
- (ix) E&T activities under CSBG
- (x) E&T activities under HUD
- (xi) Programs authorized under State unemployment compensation
- (xii) Programs authorized under section 212 Second Chance Act of 2007 – exoffenders
- (xiii) Programs authorized under TANF

Sec 121 (c) Memorandum of Understanding

(2)(A) Provisions Describing –

- (i) Services to be provided and how they are provided
- (ii) How the costs of services and operating costs will be funded
 - (I) Funding through cash and in-kind contributions
 - (II) Funding of the infrastructure of system
- (iii) Methods of referrals between partners
- (iv) Methods to ensure individuals with barriers (disabilities) are served – including access
- (v) The duration of MOU, procedures for amending, reviewed every 3 years

Sec 121 (d) One-Stop Operators

- (1) Local Designation and Certification – the local board, with agreement of CLEO, is authorized to designate or certify one-stop operators, and to terminate on cause
- (2) Eligibility to Operate – Entities shall:
 - (A) Be designated or certified through a competitive process; and
 - (B) Be (public, private, or nonprofit)(or consortium of 3 or more one-stop partners) an entity that had demonstrated effectiveness in local area
 - (i) Institution of higher ed
 - (ii) An employment service State agency
 - (iii) CBO
 - (iv) Private for-profit
 - (v) A government entity
 - (vi) Others such as chamber of commerce

Sec 121 (2) One-Stop Delivery System

(A) 1 physical center in each local area

(B) May make programs available –

(i) Through a network of affiliated sites providing 1 or more of the programs

(ii) Through a network of eligible one-stop partners

(1) where each partner provides 1 more of the programs and is accessible at an affiliates site – physical location or electronically

(2) that assures information on the availability of career services will be available regardless of access point

(C) Specialized centers to address special targets – Youth, Sectors, Etc.

(D) Use of technology to improve efficiency, coordination, and quality

Sec 121 One-Stop Delivery System

(3) Colocation of Wagner-Peyser Services – the employment services offices in each State shall be co-located with one-stop centers

(4) Use of Common One-Stop Identifier – In addition to using any State or locally developed identifier, each one-stop system shall include a common identifier developed by the Secretary in consultation with stakeholders, not later than the 2nd full program year.

Sec 121 (g) Certification and Continuous Improvement

- (1) In order to receive infrastructure funding, the State board in consultation with CLEO and local boards shall establish criteria and procedures to be used in assessing effectiveness, physical and program accessibility relating to ADA and continuous improvement of the One-Stop system.
- (2) Criteria – shall include standards relating to service coordination and shall include how the one-stop center
 - Supports the achievement of local performance standards
 - Integrates available services
 - Meets demand of local employers/business

Sec 121 (g) Certification and Continuous Improvement

- (3) Local boards can add additional criteria
- (4) Effect of Certification - One-stop centers certified shall be eligible to receive infrastructure funding
- (5) This process shall be reviewed biennially as part of the local plan modification

Sec 121 (h) One-Stop Infrastructure

(A)(i) Local Options – WIB, CLEO and one-stop partners can fund costs through

- (I) Methods agreed to by parties above and described in MOU
- (II) If no consensus – then the State funding mechanism

(ii) Beginning July 1, 2016 – if the locals cannot reach consensus on methods for funding infrastructure, the State funding mechanism will apply to each local area for every program year there is no local decision

Sec 121 (h) One-Stop Infrastructure

(D) Limitations

- (i) Provisions from Administrative Funds – funds shall come from funds available from organizations allowable administrative costs
- (ii) Cap on Required Contributions
 - (I) WIA Formula Funds – funds from programs authorized in chapters 2 or 3, or Wagner-Peyser shall not exceed 3%
 - (II) Other One-Stop Partners – shall not exceed 1.5% of available funds
 - (III) Vocational Rehabilitation – not to exceed .75% for the 2nd year, 1% year 3, 1.25% year 4, 1.5% year 5 and after

Sec 121 (h) One-Stop Infrastructure

- (iii) Federal Direct Spending Programs – shall not provide an amount in excess of the determined amount by the Governor based on the cost of their proportionate share
- (iv) Native American Programs (sec 166) – must be developed through local MOUs

Sec 121 (h) One-Stop Infrastructure

(4) Costs of Infrastructure – means nonpersonnel costs that are necessary for general operation including:

- Rental costs of the facilities
- Utilities and maintenance
- Equipment (including assessment related products and assistive technology)
- Technology to facilitate access to center
- Center's planning and outreach activities

NPRM Comments - One-Stop Infrastructure

- Regulations state that “Partners pay proportionate share of relative benefits.” CWA recommends that all partners should pay an equitable share of the entire costs of the infrastructure. Since common areas (like resource room) can potentially benefit all partners – it is more strategic to “sell” the benefit to all partners then divide costs equally.

Sec 122 Identification of Eligible Training Providers

(a) Eligibility

(2) To be eligible to receive funds, providers shall be –

- (A) Institution of higher ed that provides programs that lead to a recognized postsecondary credential
- (B) Entity that carries out programs under National Apprenticeship Act
- (C) Public or private provider of training, which may include joint labor-management organizations, providers of adult ed and literacy if such activities are combined with occupational skills training

Sec 122 Identification of Eligible Training Providers

(3) Inclusion in ETPL – providers listed in subsections A and C above shall comply with criteria, information requirements, and procedures established under this section. Providers listed under B above, shall be included on the list as long as they remain registered

Sec 122 Identification of Eligible Training Providers

(4) Criteria for Initial Eligibility

(B) Initial Eligibility – providers may seek initial eligibility for only 1 fiscal year for a particular program. A provider who has not previously been eligible under this section or (Sec 122 of WIA) must provide

(D) Shall include at least

- (i) a factor related to performance indicators in Sec 116
- (ii) a factor concerning whether provider is in partnership with business
- (iii) factors indicating high-quality training services
- (iv) factor concerning alignment with in-demand industries or occupations

Sec 122 Identification of Eligible Training Providers

Other important items of note:

(c) Procedures (2) Renewal Procedures – biennial review and renewal of eligibility

(d)(2)(A) – Information on ETPL shall be disaggregated by local areas served

(g) States may enter into agreements with other states, on a reciprocal basis, to accept ITAs

Sec 122 Identification of Eligible Training Providers

(i) Transition Period for Implementation – States and local boards shall implement these requirements no later than 12 months after enactment – June, 2016. Current providers of training under WIA can continue

Sec 123 Eligible Providers of Youth Workforce Investment Activities

- (a) General – local board shall award grants or contracts on a competitive basis to providers of youth activities based on State plan and the ability of providers to meet performance and shall conduct oversight of those providers
- (b) Exceptions – local board may award contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers in local area.



Adult and Dislocated Worker Employment and Training Activities

Chapter 3

Sec 133 Within State Allocations

(a) Reservations for Statewide Activity

- (1) General – Governor shall not reserve more than 15% of State allotted funds for statewide activities
- (2) Statewide Rapid Response Activities – The Governor shall not reserve more than 25% of dislocated worker dollars for rapid response activities

Sec 133 Within State Allocations

(b)(2)(A)(ii) Minimum Percentages – local area shall not receive a percentage that is less than 90% of the average share of allocation of the local area for the preceding 2 fiscal years

Sec 133 Within State Allocations

(b)(4) Transfer Authority – local board may transfer, if approved by Governor, up to 100% of funds between adult and dislocated worker funds.

(c) Reallocation – Reallocation Among Local Areas

- (1) Governor after consultation with State board can reallocate funds to eligible local boards.
- (2) The amount available for reallocation is any amount that exceeds 20% of the unobligated funds

Sec 134 Use of Funds for Employment and Training Activities

(c) Required Local Employment and Training Activities - funds allocated for adult and DW shall be used -

- (i) Establish a one-stop delivery system
- (ii) Provide career services
- (iii) Provide training services
- (iv) To establish relationships with employers and intermediaries
- (v) To develop, convene, or implement industry or sector partnerships

Sec 134 Use of Funds for Employment and Training Activities

(c)(2) Career Services

(A) Career Services shall be provided to adult and DW through the one-stop delivery system and at a minimum, include –

- (i) Eligibility services
- (ii) Outreach, intake and orientation to services available
- (iii) Initial assessment of skills level and support service needs
- (iv) Labor exchange services including
 - (I) Job search and placement assistance – provision of info on in-demand sectors and occupations as well as non-trad employment
 - (II) Appropriate recruitment and business services

Sec 134 Use of Funds for Employment and Training Activities

- v. Provision of referrals to and coordination of activities with other programs
- vi. LMI
- vii. Provision of performance information and program cost info on eligible training providers
- viii. Information on how the local area is performing
- ix. Provision of information relating to support services
- x. Provision of information and assistance regarding filing of UI claims
- xi. Assistance in establishing eligibility for financial aid assistance

Sec 134 Use of Funds for Employment and Training Activities

(xii) Services for an individual to obtain or retain employment that consist of –

- (I) Comprehensive skills assessment
- (II) Development of an IEP
- (III) Group counseling
- (IV) Individual counseling
- (V) Career planning
- (VI) Short-term prevocational services – communication skills, interviewing, job prep
- (VII) Internships and work experience
- (VIII) workforce preparation
- (IX) Financial literacy services
- (X) Out-of area job search
- (XI) English language acquisition and integrated training programs

Sec 134 Use of Funds for Employment and Training Activities

(xiii) Follow up services, including counseling regarding workplace for not less than 12 months after exit

(B) Use of Previous Assessments – a recent interview, evaluation or assessment by another education or training program can be used in place of developing a new one.

(C) Delivery of Services – career services can be provided directly by one-stop operator or through contracts

Sec 134 Use of Funds for Employment and Training Activities

(3) Training Services – (A)(i) funds shall be used to provide training services to adults and DW respectively –

(I) Who, after an interview, evaluation, or assessment and career planning, have been determined, to –

(aa) Be unlikely or unable to obtain employment from career services

(bb) Be in need of training services to obtain employment

(cc) Have the skills and qualifications to successfully participate in training

(II) Who select programs of training that are directly linked to employment opportunities in the local area or planning region

Sec 134 Use of Funds for Employment and Training Activities

(3)(A)(ii) Rule of Construction – an individual does not have to receive career services prior to receiving training services

(B) Qualification

(i) Requirement – provision of training shall be limited to individuals who

(I) Are unable to obtain other grant assistance – Pell

(II) Require assistance beyond other grants – Pell

Sec 134 Use of Funds for Employment and Training Activities

(D) Training services may include –

- (i) Occupational skills training
- (ii) On-the-job training
- (iii) Incumbent worker training
- (iv) Programs that combine workplace training with related instruction
- (v) Training programs operated by private sector
- (vi) Skill upgrade training and retraining
- (vii) Entrepreneurial training

NPRM Comments - Work Experience

- Clarify the definition of work-based learning activities (utilize language from Career Pathways Trust or Linked Learning Alliance).
- Allow local WIBs to utilize leveraged funding to meet the 20% work-based learning requirement. Both TANF and Career Pathways Trust funds work-based learning activities should be able to be used to meet the 20% expenditure requirement.
- Clarify that staff engaged in developing and implementing work-based learning activities is counted in the 20% expenditure requirement.
- Clarify that support services are included in the 20% expenditure requirement when used for students enrolled in work based learning activities and clarify the method of disbursement of supportive services ensuring that youth contractors providing case-management services are authorized to disburse supportive services.
- Clarify that work-based learning activities should be combined with educational activities to support career pathways.

Sec 134 Use of Funds for Employment and Training Activities

- viii. Transitional jobs
- ix. Job readiness training in combination with other training (i-viii)
- x. Adult ed and literacy activities including English acquisition, in combination with other training (i-viii)
- xi. Customized training conducted with a commitment by an employer(s)

Sec 134 Use of Funds for Employment and Training Activities

(E) Priority – with respect to local adult employment and training activities, priority should be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career and training services. The local board and Governor shall direct the one-stop operators with regard to making this determination

Sec 134 Use of Funds for Employment and Training Activities

(F) Consumer Choice Requirements

- (i) Training services shall be offered in a way that maximizes customer choice
- (ii) Eligible providers – ETPL shall be available
- (iii) Individual Training Accounts – ITA will be used for payment
- (v) Additional Information – priority shall be given to programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors

Sec 134 Use of Funds for Employment and Training Activities

(G) Use of Individual Training Accounts – ITAs shall be used to pay for training with the exception below

(ii) Training Contracts – training services may be provided through a contract for services in lieu of an ITA if –

(I) There is consumer choice

(II) Such services are OJT, customized training, IWT, or transitional employment

(III) There are insufficient number of training providers in the local area

(IV) Local board determines there is a training services program of demonstrated effectiveness by a CBO or other private organizations serving individuals with barriers

Sec 134 Use of Funds for Employment and Training Activities

(V) The local board determines that –

(aa) It would be appropriate to award a contract to an institution of higher education to facilitate training multiple individuals (cohort)

(bb) This does not limit customer choice

(VI) Contract is pay-for-performance

Sec 134 Use of Funds for Employment and Training Activities

(iv) Rule of Construction – individuals can receive training services from both an ITA and a contract

(H) Reimbursement for OJT – wages can be reimbursed up to 75%, if

- i. The Governor approves the increase taking into account the following factors
- ii. The local board approves the increase taking into account the following factors
 - (I) The characteristics of participants
 - (II) Size of the employers
 - (III) Quality of the employer-providing training
 - (IV) Other factors such as – the number of participating employees, etc.

Sec 134 Use of Funds for Employment and Training Activities

(d) Permissible Local Employment and Training Activities

- (i) Customized screening and referral of job candidates
- (ii) Customized employment-related services to employers – fee for service
- (iii) Implementation of pay-for-performance contracts (not more than 10% of funds)
- (iv) Customer support to aid in navigating programs
- (v) Technical assistance for one-stop operators, partners, training providers

Sec 134 Use of Funds for Employment and Training Activities

(vi) Employment and training activities provided in coordination with

- (I) Child support enforcement activities
- (II) Child support services
- (III) Cooperative extension programs with Dept of Agriculture

(I) Activities to facilitate remote access through technology

(vii) Activities

- (I) To improve linkages with economic development
- (II) Improve services and linkages with employers
- (III) Strengthen linkages between one-stop and UI

Sec 134 Use of Funds for Employment and Training Activities

(viii) Training programs for displaced homemakers and non-trad

(ix) Activities to provide business services

(I) May be providing through intermediaries, fee-for-service, or through leveraging economic development, etc.

(II) May include

(aa) Developing and implementing sector strategies

(bb) Developing and implementing innovative strategies like – career pathways, skills upgrade, apprenticeship, etc.

(cc) Layoff aversion

(dd) Marketing of business services

Sec 134 Use of Funds for Employment and Training Activities

- x. Activities to adopt self-sufficiency standards including studies to support
- xi. Improved coordination of program providers serving individuals with disabilities
- xii. Implementation of promising services to workers and business

Sec 134 Use of Funds for Employment and Training Activities

(4) Incumbent Worker Training Programs – the local board may reserve up to 20% of the funds allocated to pay for incumbent worker training.

(ii) To determine the eligibility of an employer to receive IWT funds, the local board shall take into account factors consisting of –

- (I) The characteristics of the participants
- (II) The relationship of the training to the competitiveness of the participant
- (III) Such other factors the local board deems appropriate – the wage and benefit levels of employees, other training and advancement opportunities offered by employer

Sec 134 Use of Funds for Employment and Training Activities

(B) Training Activities – IWT carried out shall be carried out by the local board in conjunction with employers or groups of employers for the purposes of assisting workers in obtaining skills necessary to retain employment or avert layoffs

(C) Employers – Shall pay the non-federal share of the cost of the IWT

(ii) Limits –

- (I) 10% of the cost for < 50 employees
- (II) 25% of the cost for > 50 employees but < than 100
- (III) 50% of the cost for > than 100

(iii) Calculation of Share – costs paid by employer may include the amount of wages paid to workers while in training

Sec 134 Use of Funds for Employment and Training Activities

(5) Transitional Jobs – local boards may not use more than 10% of their allocated funds for transitional jobs that -

- (A) Are time limited work experiences that are subsidized and are in the public, private or nonprofit sectors for individuals with barriers to employment
- (B) Are combined with comprehensive employment and support services
- (C) Are designed to assist individuals establish work history, demonstrate skills in the workplace, and lead to unsubsidized employment



Youth Workforce Investment Activities

Chapter 2

Sec 128 Within State Allocations

(a) Reservations for Statewide Activity

- (1) General – Governor shall not reserve more than 15% of State allotted funds for statewide activities

Sec 129 Use of Funds for Youth Activities

(a) Youth Participant Eligibility

(1)(B) Out-of-School Youth – an individual who is

(i) Not attending any school (as defined by State law);

(ii) Not younger than age 16 or older than age 24; and

(iii) One or more of the following:

I. School Dropout

II. Not attended school for a least a quarter

III. High school grad or GED who is low income and is

(aa) Basic skills deficient

(bb) An English language learner

Sec 129 Use of Funds for Youth Activities

- (IV) An individual in the juvenile or adult justice system
- (V) Homeless individual, homeless youth, a runaway, in foster care or aged out, a child eligible for child welfare
- (VI) Pregnant or parenting
- (VII) Youth with disability
- (VIII) Low income individual who need additional assistance to enter or complete an educational program or to secure or hold employment

NPRM Comments - Youth Eligibility

- The NPRM requires state's to provide the definition of "attending school". Comments should be developed that define students attending alternative schools, court and community schools, or independent studies as "out of school".
- Focusing on out of school youth was supposed to open up opportunity for youth engaged in foster care or the juvenile justice system. If they are required to drop out or stop attending school to be eligible for WIOA, it puts them at higher risk.
- Incarcerated Youth who leave juvenile justice schools should be defined as out of school youth and eligible for WIOA
- Youth who don't pass the high school exit exam should be defined as out of school youth.
- Recommend that % required for high poverty census tracts be lowered from 30% to 25%.

Sec 129 Use of Funds for Youth Activities

(C) In-School Youth – means an individual who is –

- (i) Attending school
- (ii) Between 14-21
- (iii) Low-income individual; and
- (iv) One or more of the following
 - (I) Basic skills deficient
 - (II) English language learner
 - (III) An offender

Sec 129 Use of Funds for Youth Activities

- IV. Homeless individual, homeless youth, a runaway, in foster care or aged out, a child eligible for child welfare
- V. Pregnant or parenting
- VI. Youth with disability
- VII. Low income individual who need additional assistance to enter or complete an educational program or to secure or hold employment

Sec 129 Use of Funds for Youth Activities

(a)(4) Out-of-School Priority –

(A) General – 75% of funds for statewide and local activities must be spent on out-of-school youth

(B) Exception – A State may decrease the percentage to not less than 50% for a local area if –

- (i) If after analysis, the State determines the local area will be unable to use at least 75% of funds on OSY due to a low number
- (ii) The State submits to the Secretary, for the local area, a request included a proposed percentage decreased to not less than 50% and a summary of the analysis – must be approved by Secretary

Sec 129 Use of Funds for Youth Activities

(c) Local Elements and Requirements

(1) Program Design – funds to local areas shall be used to carry out programs that –

(A) Provide an objective assessment of academic skill levels and service needs of each participant. Assessment shall include

- Review of basic skills
- Occupational skills
- Prior work experience
- Employability interest
- Aptitudes
- Support service needs

NOTE: recent assessments can be used.

Sec 129 Use of Funds for Youth Activities

(c)(1)(B) develop service strategies for each participant that

- directly links to 1 or more indicators of performance
- identifies career pathways that include education and employment goals,
- lists appropriate achievement objectives,
- identifies appropriate planned services.

Sec 129 Use of Funds for Youth Activities

(c)(1)(C) provide –

- (i) Activities leading to attainment of secondary school diploma or equivalent
- (ii) Preparation for postsecondary education and training
- (iii) Strong linkages between academic instruction and occupational education that leads to recognized postsecondary credential
- (iv) Preparation for unsubsidized employment
- (v) Effective connections to employers in in-demand industries and occupations of the local and regional markets

Sec 129 Use of Funds for Youth Activities

(2) Program Elements – the programs described above shall provide elements consisting of-

(A) Tutoring, study skills training, drop out prevention strategies

(B) Alternative secondary school services, or dropout recovery

(C) Paid and unpaid work experiences that have an academic and occupational component which may include –

(i) Summer employment

(ii) Pre-apprenticeship programs

(iii) Internships and job-shadowing

(iv) On-the-job training opportunities

NOTE: (c)(4) – not less than 20% of funds shall be used for this

Sec 129 Use of Funds for Youth Activities

(D) Occupational skills training – priority for recognized credentials aligned with sectors in-demand

(E) Education offered concurrently with workforce preparation activities for specific occupation or cluster

(F) Leadership development – community service and peer-centered activities

(G) Supportive services

(H) Adult mentoring

(I) Follow up services for not less than 12 months after exit

Sec 129 Use of Funds for Youth Activities

(J) Comprehensive guidance and counseling – drug and alcohol, etc.

(K) Financial literacy

(L) Entrepreneurial skills training

(M) Labor market information – career awareness and exploration

(N) Activities to help youth prepare for and transition to postsecondary education