

# THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

A PRIMER FOR LOCAL GOVERNMENT OFFICIALS





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# INTRODUCTION: A WORKFORCE SYSTEM FOR THE NEXT DECADE AND BEYOND

## A WORKFORCE SYSTEM FOR THE NEXT DECADE AND BEYOND

The Workforce Innovation and Opportunity Act of 2014 (WIOA)<sup>1</sup> is a bill of opportunity and daring. It was born as the country was shaking off the remnants of a recession and reflects Congressional support of America's Job Centers<sup>2</sup> as well as a desire on the part of the Congress to leverage all of the federally funded workforce programs so that limited funds can serve expanded demand. The Statement of Managers, which accompanied the publication of the bill refers to WIOA as the **“nation's primary programs and investments in employment services, workforce development, adult education and rehabilitation activities.”** WIOA, replaces the Workforce Investment Act of 1998, (WIA)<sup>3</sup> reauthorizes the Adult Education and Family Literacy Act of 2003<sup>4</sup>, amends the Wagner Peyser Act of 1933<sup>5</sup>, amends and reauthorizes various sections of the Rehabilitation Act of 1973<sup>6</sup>.

WIA was Congress' first serious attempt to urge states and localities to coordinate and integrate programs and services. The degree to which state and local workforce providers cooperated was largely left to the good intentions of the agencies and organizations providing the services. In WIOA, we see the future of workforce unfolding into a system of coordinated, integrated and regionalized service delivery moving closer and closer to seamless access for the job seeker and business customers.

Of the nation's investments in workforce, the WIOA adult, dislocated worker and youth systems, programs and assets are the three funding streams whose resources, investments and activities are controlled by local elected officials together with the majority private sector boards that they appoint.

The WIOA Title I adult, dislocated worker and youth funds are awarded by formula to each local workforce development area. Chief local elected official(s), together with their local workforce development boards, are charged with making policy decisions for their area to address the workforce needs of their citizens and residents. Economic, business and job development are local initiatives. The opportunity for local areas in WIOA lies in the agility of local board members and local elected officials to immediately respond to the changing needs of their local communities. WIOA has great flexibility allowing local decision makers to be nimble in implementing the right strategy, at the right, time to satisfy the demands of their local economy.

One of the most critical changes to WIOA from its predecessor WIA is recognizing the employer as a customer with needs equal to those of workers and jobseekers. The local system operated under this assumption throughout WIA implementation but the formal acknowledgement in WIOA clearly appreciates the significant role of employers in any workforce strategy. This opens the door to being able to invest resources in new ways to engage employers and is sure to make the workforce system more relevant to employers.

<sup>1</sup>The Workforce Innovation and Opportunity Act 29 U.S.C. § 3101 et seq

<sup>2</sup>Often referred to as one-stop centers or one-stop career centers

<sup>3</sup>28 U.S.C. § 2801 et seq (2015)

<sup>4</sup>29 U.S.C. § 3101 et seq (2015) Note (Chapter 32, Subchapter II)

<sup>5</sup>29 U.S.C. § 49 et seq (2015)

<sup>6</sup>29 U.S.C. § 701 et seq (2015)

Another central theme that winds its way throughout the legislation is coordination among core and one-stop partners with respect to funding, data collection and sharing information. Acknowledging the benefit of coordination is what will make the partners work in unison.

To make sure that workforce partners, providers and the public are involved in as much of the decision making as possible, state and local boards must make their membership, meetings, meeting minutes and their plans available to the public. Decisions including approval of state and local plans must be made in the “sunshine” and membership lists, member affiliations, meeting minutes and notice of meetings need to be published in advance to give the public access to the process. So while workforce boards may be smaller under WIOA, the tent is pitched so that everyone may enter and be a part of the one-stop as well as many of the decision-making processes.

Shortly after the passage of WIOA, the United States Department of Labor (USDOL) held a series of capacity-building sessions to introduce WIOA to the workforce system. They described the changes in moving from WIA to WIOA with the follow phrases:

- Strengthening the governing bodies that establish state, regional and local workforce investment priorities;
- Fostering regional collaboration to meet the needs of regional economies;
- Aligning federal investments to support job seekers and employers;
- Targeting workforce services to better serve job seekers;
- Improving services to individuals with disabilities;
- Helping employers find workers with the necessary skills; and
- Aligning goals and increasing accountability and information for job seekers and the public.



WIOA and its proposed regulations unfold over more than 1,000 pages of text. Another way of describing the change from previous workforce legislation is encapsulated in the following broad topical areas:



## **GOVERNANCE**



## **REGIONALISM**



## **COORDINATION**



## **ONE-STOP OPERATIONS**



## **EMPHASIS ON SELF-SUFFICIENCY FOR THE NATION'S MOST FRAGILE**



## **BUSINESS AS A CUSTOMER**



## **INVESTMENTS IN TRAINING**



## **YOUTH PROGRAMS**



## **PERFORMANCE**

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# GOVERNANCE: WHO'S ON FIRST?



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**ANSWER:** The state.

**QUESTION:** How does my city, county, municipality become a workforce area?

**ANSWER:** It's complicated.

## THE STATE'S ROLE

As in WIA, Governors are tasked with appointing state board members just as the chief, local elected officials in a workforce development area are tasked with appointing local board members. Membership on both the state and local boards is different under WIOA from what was required under WIA. The following chart shows the difference in membership at the state board level under WIA and WIOA:

## STATE BOARD MEMBERSHIP

Required Category	WIOA <sup>7</sup>	WIA <sup>8</sup>	Notes
One member from each chamber.	Yes	Yes	Appointed by the presiding officers of each chamber, same as WIA.
Private sector majority.	Yes	Yes	WIA and WIOA have similar nominations processes with the governor selecting the chair. WIOA requires small business representatives and includes representatives of business organizations in the definition of private sector member.
Organized Labor.	20%	2	WIOA requires a minimum of three labor representatives. To meet the 20 percent requirement for this category, the balance of the members may be representatives of labor or community based organizations.
Representatives with experience with respect to youth activities.	No	2	
One member with primary responsibility for Vocational Rehabilitation.	Yes	Yes	These are the core partners. They share common performance measures. State board members may only represent one category of membership, business, workforce or government. Under WIA, these funding streams were required one-stop partners
One member with primary responsibility for Wagner-Peyser.	Yes	Yes	
One member with primary responsibility for the adult, dislocated workers and youth workforce funding streams.	Yes	Yes	
One member with primary responsibility for Adult Education and Family Literacy.	Yes	Yes	
Chief elected officials from a city and a county where appropriate.	Yes	Yes	
State agency officials from agencies that are one-stop partners.	Optional	Yes	
State agency officials representing economic development.	Optional	Optional	
Individuals representing Native American Tribes.	Optional		
State agency officials representing education.	Optional	2	WIA required two representatives with experience and expertise in the delivery of workforce investment activities, which could be from the community colleges or community-based organizations.
State agencies representing Juvenile Justice.		Optional	No specific reference in WIOA.

<sup>7</sup>29 U.S.C. § 3111 (2015)

<sup>8</sup>29 U.S.C. § 2821 (2014)

WIOA is much more detailed than WIA in its description of state board functions. Apart from setting policy and making recommendations on state level deployment of WIOA, there are new responsibilities that directly affect local delivery systems.

The chart below compares the state board’s role under WIA and WIOA.

THE STATE WORKFORCE DEVELOPMENT BOARD	
WIA	WIOA
Development of the state plan.	Development, implementation, and modification of the state plan.
Comment annually on the Carl D. Perkins Vocational and Applied Technology Education Act measures.	Review statewide program policies. Make recommendations on the alignment of workforce programs to achieve a comprehensive and streamlined system. Review and comment on non-core program one-stop partner state plans.
Development and continuous improvement of statewide system activities carried out by the one-stop system.	The development and continuous improvement of the workforce system including:
Develop linkages to assure coordination and non-duplication among one-stop partners.	<ul style="list-style-type: none"> <li>• Identify barriers and ways to remove barriers to better coordinate, align, and avoid duplication among the system’s programs and activities;</li> <li>• Identify regions, including planning regions. Designate local areas after consultation with local boards and chief elected officials;</li> <li>• Develop strategies to support the use of career pathways for low-skilled adults and youth with barriers to employment or disabilities with workforce activities, education, and support services to enter or retain employment;</li> <li>• Develop outreach and improved access strategies to workforce system services for job seekers and employers;</li> <li>• Develop and expand in-demand industry / occupational sector strategies to meet employer, worker and job-seeker needs;</li> <li>• Develop and continuously improve the local one-stop system by assisting local boards, one-stop operators, one-stop partners, and providers with planning, service delivery, training and support services;</li> <li>• Develop strategies to support staff training and awareness across the workforce system;</li> </ul>
Review local plans.	
Develop local allocation formulas for adult and youth activities.	Develop local allocation formulas for adult and youth workforce activities.
Develop statewide employment statistics system per Wagner-Peyser Act §15(e).	Develop the statewide workforce and labor market information system.
Prepare the annual report to the Secretary.	Prepare the annual reports.

# THE STATE WORKFORCE DEVELOPMENT BOARD

## WIA

## WIOA

Develop continuous improvement of state performance measures to assess the effectiveness of the workforce investment activities in the state as required under §136(b).

Develop and update state performance accountability measures, including state-adjusted levels of performance, to assess the effectiveness of the core programs;

Identify and disseminate best practices for:

- Business outreach partnerships and service delivery strategies for use by the one-stop;
- Development of effective local boards, how to exceed performance measures, sustain fiscal integrity, and any other measures of effectiveness;
- Training programs that respond to real-time labor market analysis, use of direct and prior learning assessments to measure knowledge, skills, competencies, and experience, to evaluate transferability of skills, and competencies for placement into employment or career pathways.

Develop and review statewide policies affecting coordination of services in the one-stop regarding:

- Objective criteria and procedures local boards can use to assess the effectiveness and continuous improvement of one-stop centers;
- Guidance regarding the allocation of one-stop center infrastructure funds;
- Policies regarding roles and contributions of entities carrying out one-stop partner programs in the one-stop including how to facilitate cost allocation in such system.

Develop technology based strategies to facilitate access to, and improve the quality of one-stop services and activities by:

- Enhancing digital literacy skills;
- Accelerating skill and post-secondary credentials acquisition;
- Strengthening the professional development of providers and workforce professionals;
- Ensuring technology is accessible to individuals who reside in remote areas or have disabilities.

Develop strategies, with local input, to align one-stop partner technology and data systems to improve services coordination, implement common intake, data collection, case management, performance measures and reporting processes.

Develop policies to promote statewide objectives and enhance the performance of the state workforce development system.

Develop an application for an incentive grant under section 503.

As can be seen by comparing the list of WIA responsibilities against the list of WIOA responsibilities, the state board has been assigned broad authority under WIOA to provide policy and guidance to local boards, local one-stop delivery systems and one-stop partner programs. While many of the state board recommendations and decisions affecting the local workforce areas require consultation with local elected officials and local boards, consultation has not been further defined in the law or regulations and as such may be construed as nothing more than notice and an opportunity to be heard. There is no requirement for the state to act on the consultation.

The areas requiring the state to consult with the local elected officials and/or boards consist of:

<b>STATE DECISIONS REQUIRING CHIEF LOCAL ELECTED OFFICIAL/LOCAL BOARD CONSULTATION</b>
<b>DESIGNATION OF LOCAL AREAS</b>
<b>DESIGNATION OF REGIONS ESTABLISHMENT AND OPERATION OF THE FISCAL AND MANAGEMENT INFORMATION SYSTEM</b>
<b>THE CRITERIA TO BE USED TO CERTIFY ONE-STOP CENTERS</b>
<b>GUIDANCE ON EQUITABLE AND STABLE ONE-STOP INFRASTRUCTURE FUNDING</b>
<b>NEGOTIATING WITH ONE-STOP PARTNERS ON FUNDS FOR ONE-STOP INFRASTRUCTURE</b>
<b>THE LOCAL ALLOCATION FORMULA FOR ADULT, DISLOCATED WORKER AND YOUTH FUNDS</b>
<b>WAIVER REQUESTS</b>

## LOCAL WORKFORCE AREAS

To be awarded WIOA funds, states must first designate local workforce development areas<sup>9</sup>. The purpose of a local area is to serve as a jurisdiction for the administration of workforce development activities and funds allocated by the state for the one-stop system, adult, dislocated worker, and youth programs<sup>10</sup>. The local governmental unit is the grant recipient for the formula funds awarded to local workforce development areas and is liable for the funds. Within each local workforce development area, the local workforce development board, appointed by the chief local elected official(s), oversee the functions of the administrative entity. The local boards, together with the chief local elected official(s) as assigned by WIOA, are responsible for strategic planning, service delivery design choices, resource investment decisions, one-stop infrastructure cost negotiations, and coordination among the one-stop partners at the sub-state level.

Previous workforce legislation dating back to the Comprehensive Employment and Training Act of 1973<sup>11</sup>, identified local areas using local units of government and population as the criteria. Once an area consisting of a unit or two or more contiguous units of local government met the population threshold, a request by the chief local elected official to be designated a local workforce area had to be honored by the state. The criteria for designation as a local workforce area under WIOA are different from previous legislation.

Under WIOA, local workforce areas which were workforce areas under the Workforce Investment Act (WIA) of 1998 must be designated if:

- The area met the federal performance measures for the two program years preceding the passage of WIOA;
- The area exhibited fiscal integrity; and
- The chief local elected official requests designation.

<sup>9</sup> There are a few states which are considered single workforce area states. In those states the governor acts as the chief local elected official for the statewide workforce area and the state board stands in the place of a local board. States which had local areas under WIA cannot become single state areas under WIOA, unless all the local areas agreed not to seek designation.

<sup>10</sup> 20CFR679.220 (2015)

<sup>11</sup> 29 U.S.C. § 801. Repealed

<sup>12</sup> Training Employment Guidance Letter 27- 14 ( April 15, 2015)

<sup>13</sup> 29 U.S.C. §3121. Met performance is further defined to mean that the local area met at least 80% of the negotiated level of performance. Met and failed performance will be defined in accordance with the state's plan following initial designation.

The terms “performed successfully” and “fiscal integrity” are defined in the statute and by the USDOL in a Training and Employment Guidance Letter (TEGL)<sup>12</sup> and in their proposed regulations. “Performed successfully” means that a local area met their negotiated federal performance measures for the two years preceding WIOA enactment and thereafter for the two year modification period governing local plan approval. “Met negotiated performance” means the local area did not fail any individual measure two years in a row<sup>13</sup>. “Fiscal integrity” means that there has not been a formal determination by the Secretary of Labor that the grant recipient or administrative entity mis-expended funds due to willful disregard of the law or regulations, gross negligence, or failure to comply with accepted standards of administration for the two-year period preceding the determination.

Designation of local areas is biennial. Thereafter to continue to be eligible for designation, performance and fiscal integrity standards must be met every two years by those areas which were designated under the above criteria. Once initial designation is satisfied, the proposed regulations relieve local elected officials from having to request re-designation every two years.

If a political unit or units of government was not previously designated as a workforce area, WIOA provides guidance for state consideration of an application by a single or multiple units of local government through its chief elected officials. But workforce area designation status is at the governor’s discretion following state board recommendation. Local governmental units that were not previously workforce areas are dependent upon the below listed criteria, state board recommendation and governor approval to be designated.

## DESIGNATION CRITERIA FOR NEW WORKFORCE DEVELOPMENT AREAS

- The extent to which an area is consistent with labor market areas;
- The extent to which an area is consistent with regional economic development areas;
- Whether the area has sufficient federal and non-federal resources to administer the WIOA activities, and
- The availability of education and training providers in the area.

There is no mandate in the law to grant a local request. In addition to consultation with chief local elected officials, the governor must allow an opportunity for the local elected officials, the local board and the public to provide public comment prior to a final decision. Governors may re-designate areas at any time, even within the two year designation period upon a request from an area that meets the above criteria and is recommended for designation by the state board, or upon review and evaluation of whether an area continues to meet the requirements for designation.

If a local area is not initially or subsequently designated, the law requires the state to provide a “due process” appeal. Local areas may appeal a denial of workforce area designation to the Secretary of Labor once the state level appeal process has been completed.

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# REGIONALISM

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In addition to designating local workforce development areas to be awarded their WIOA state grant, governors must develop a policy and process for identifying regions in their state<sup>14</sup> in consultation with local boards and chief local elected officials by July 1, 2017. Regions may consist of a single workforce development area, two or more contiguous workforce areas, or even two or more contiguous interstate workforce areas. When a region consists of two or more workforce development areas they are referred to as “planning regions.”<sup>15</sup> Designated local workforce development areas may not be split and assigned to two different regions.

In creating regions the governor may consider whether the local workforce areas:

- Share a labor market area;
- Share a common economic development area;
- Possess the federal and non-federal resources to administer WIOA activities;
- Population centers;
- Commuting patterns;
- Land ownership;
- Industrial composition;
- Location quotients;
- Labor force conditions;
- Geographic boundaries; and
- Additional factors the Secretary of Labor might prescribe.

If two or more local workforce development areas are assigned to a region and become a “planning region,” the local workforce development boards and chief elected officials must enter into a joint planning process that results in:

- A single regional plan rather than individual workforce development area plans;
- Development of regional service strategies for job seekers and workers;
- Development of cooperative service delivery agreements;
- Development of sector initiatives for in-demand industries and occupations;
- The analysis and use of the region wide labor market data in partnership with the state;
- The establishment of administrative cost arrangements including the pooling of administrative costs as appropriate;

- The coordination of services with regional economic development initiatives; and
- Agreement on how the local workforce areas in the planning region will negotiate local performance accountability measures for the planning region.

Clearly, local areas grouped into regions will have to behave as one entity even though the allocations to each area within the planning region will be separately awarded. This may present some challenges depending upon the relationship and the focus of the local areas within a planning region. WIOA requires states to provide financial assistance to local areas that want to merge and become one area. The takeaway here is that WIOA may, over time, result in fewer local workforce areas. Smaller areas may consolidate within the regions they are assigned to and become part of a larger overall workforce area.

## CHIEF LOCAL ELECTED OFFICIALS

Once a local workforce area has been designated, the chief local elected official is required to appoint a local workforce development board. There must be one workforce development board for each workforce development area in a state. Workforce development boards are organized differently around the country. Some of the boards are organized as not for profit corporations. Others operate under the umbrella of a local governmental unit in a manner similar to that of a planning and zoning board appointed by a county or municipality. Staff providing support for the board may be employed directly by the board, by a governmental unit in the workforce development area, by a council of governments or an alternative entity under contract with the board or governmental unit.

In a workforce development area consisting of one unit of local government, it is easy to identify the chief local elected official. It will either be the mayor or the chair of the county commission, depending on the nature and type of governmental unit. In a local area that includes more than one unit of general local government, it will be those elected officials designated pursuant to a contract or an agreement, sometimes referred to as an inter-local agreement, entered into between those units of government to form a consortium of governments as described in WIOA §107 (c)(1)(B).

<sup>14</sup> 29 U.S.C. §3121, WIOA §§102(b)(2)(D)(i)(ii), 106(a)(1), 20 CFR 679.210 (2015)

<sup>15</sup> Id.

**“IN GENERAL. In a case in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials ...”**

The agreement must address who will appoint the local workforce development board members, the appointment process, and how the local elected officials will carry out the responsibilities assigned to local elected officials under WIOA. Where local elected officials representing multiple units of government in a local workforce development area cannot come to an agreement, the law directs the governor to step in and appoint the workforce development board.

Multiple units of government entering into an inter-governmental or inter-local agreement may consider creating a council or board consisting of a representative number of elected officials from the units of government in the area authorized to act for all the governmental units in that workforce area. Generally these agreements should describe:

- How the WIOA required actions and activities attributable to the local elected officials will be carried out;
- The process for selecting one of the elected officials to serve as the chief local elected official for the local area;
- How liability for the funds will be distributed among the governmental units; and
- The selection process for the workforce development board members.

The agreement may also include any other conditions agreed to by the elected officials. The form of agreement will be governed by the state law.

The following are the responsibilities assigned solely to local elected officials under WIOA:

### **SERVE AS THE GRANT RECIPIENT OR DESIGNATE A SUB-GRANT RECIPIENT**

*The governmental unit may be the grant recipient, employ the staff that comprises the administrative entity or may designate the board or a third party entity to serve as the sub-grant recipient.*

### **ENTER INTO AGREEMENTS WITH EACH OTHER IN MULTI-JURISDICTIONAL AREAS**

*If a local workforce development area consists of more than one unit of general purpose government, the local elected officials must agree on how the responsibilities assigned to chief local elected officials will be deployed.*

*The agreement would ordinarily be approved by a county commission, city council or similar body. The agreement may assign the responsibility for the official who will be the chief local elected official for the area, or may allow for the elected officials, who represent each of the governmental units to select who among them will fill that role. They may even agree to rotate the role of chief elected official.*

### **BE LIABLE FOR THE FUNDS**

*While the grant recipient (the sub-state governmental unit) may not transfer liability for the funds, the grant recipient may and should require that their sub-grant recipient purchase appropriate insurance coverage and that the policies indemnify or co-insure the grant recipient. Generally, almost every contingency can be covered by insurance except mismanagement. Even then errors and omissions insurance may cover all possible contingencies. However, the cost of errors and omission insurance may have to come from non-federal resources.*

### **REQUEST LOCAL AREA DESIGNATION**

*In order for an area to be designated, the chief local elected official must request in writing that the governor designate the area as a workforce development area. WIOA provides that once designation is perfected, it will be assumed that the chief local elected officials want to continue to be designated without their having to make the request at the end of every workforce plan cycle. WIOA chief local elected officials would only need to make a request if they no longer wanted their governmental unit to be a workforce development area, wanted to join a different area or wanted to merge areas.*

### **SELECT A FISCAL AGENT**

*The governmental unit determines the organization that will serve as the fiscal agent as it is the governmental unit that is liable for the funds. Most frequently, if the local governmental unit does not want to act as the fiscal agent, the local workforce board serves as the fiscal agent/administrative entity and disburses the funds, but that is not the only option. A third party organization may also serve as the fiscal agent and/or the administrative entity and be responsible for disbursing the funds. The entity serving as the fiscal agent draws down the grant funds, reports on expenditures to the state, and provides for an annual audit in accordance with the Office of Management and Budget requirements. The ability to provide an accurate monthly financial report on expenditures means that the board and elected officials can make course corrections as needed to assure funds allocated to the local area are being spent as intended. The expenditure of funds is governed by the “first in first out” rule, meaning the oldest money is*

*deemed to have been expended prior to any later award of funds. Local areas have two years to spend their funds and may only carry forward 20 percent of their allocations from one year to the next. Local areas which cannot accurately account for their expenditures on a monthly basis may also be experiencing other more serious fiscal integrity issues.*

## **CREATE BY-LAWS WITH RESPECT TO THE LOCAL BOARD APPOINTMENT PROCESS**

*This is a new requirement under WIOA intended to squarely place the appointment process for the local workforce development boards on the chief local elected official(s).*

### **APPOINT LOCAL WORKFORCE BOARD MEMBERS**

*All private sector members recommended for appointment to the local board must be nominated by a local business association, such as a chamber or economic development council, or by a trade association.*

*There is also a nomination process applicable to non-private sector and labor representatives. Many local workforce development boards have standing or ad hoc nominating committees. These committees assist in identifying persons in the community interested in serving on the local board.*

*Individuals appointed to local boards are expected to have optimum policy-making authority for their organizations. This means that they can make commitments for their organization. In making appointments, an individual may represent more than one category of membership if they meet all the criteria for representation. All required board members must have voting privileges*

### **IDENTIFY INDIVIDUALS IN ADDITION TO THE MANDATORY BOARD MEMBERS TO SERVE ON THE LOCAL BOARD**

*Chief local elected officials may appoint individuals to the local workforce development board in addition to the mandatory members so long as: 1) the appointments do not run afoul of the governor's certification requirements; 2) the majority private sector requirement is maintained; and 3) the 20 percent labor representatives requirement is met. When non-mandatory members are appointed to the board, the appointing official must determine whether to award voting privileges to the non-mandatory board member.*

### **CONSULT WITH THE GOVERNOR ON THE REORGANIZATION OR DECERTIFICATION LOCAL BOARDS**

*Reorganization and decertification are punitive actions available to the governor to address failed performance, fraud, abuse or mismanagement.*

The role of the local elected officials in oversight over the workforce system can be limited to those things described in the law or can be expanded to meeting jointly with the board they appoint and weighing in on all the decisions.

The local elected officials appoints the local workforce boards. Prior to doing this the statute and regulations state that the chief local elected official must establish by-laws that describe the appointment process. The by-laws must include:

- The nomination process for the board chair and members;
- The length of the board member appointment terms. Member terms must be staggered so not all member terms expire at the same time;
- Board member term limits;
- The notification process for board vacancies;
- Whether proxies or alternate designees will be allowed;
- How technology, such as phone and the internet, will be used to promote board participation;
- A process to ensure the board convenes local stakeholders, brokers relationships with employers and leverages support for the workforce system;
- Any other conditions governing appointment or membership on the local boards as desired by the elected official(s).

These are new requirements. The purpose is to assure local elected officials stay connected with their boards.

Local workforce development boards can be much smaller than the workforce investment boards under WIA. It is no longer required that the local boards include a representative of each of the mandatory one-stop partners. Other than the private sector and organized labor members, the other categories of membership require only one representative. WIA boards ranged from 33 members to over 50 members. WIOA boards may number as few as 19 members. This reduction in required board members was in response to: 1) the difficulty experienced by some rural communities in filling all the required seats, and 2) a consensus that it was difficult for the large WIA boards to be as strategic as was anticipated by the previous legislation.

# WORKFORCE DEVELOPMENT BOARD MEMBERSHIP AND NOMINATION REQUIREMENTS

## LOCAL WORKFORCE DEVELOPMENT BOARDS

Category	Nominated By	Notes
Private Sector <sup>16</sup>	Local business organizations or business trade associations.	Must be the majority of the members. Two Members must be from small business. <sup>17</sup>
Labor Representatives Minimum of three members	Local labor federations or, if none, by other representatives of employees.	Must comprise 20 percent of the board. Two members from labor organizations. <sup>18</sup> One training director or union member from a joint labor-management or union-affiliated registered apprenticeship program. The balance of the 20 percent may be from specified community-based organizations. <sup>19</sup>
A provider administering adult education and literacy activities	If there is more than one provider locally, the providers nominate the member.	One Member. Core One-Stop Partner.
A higher education representative	If there is more than one provider locally the providers nominate the member.	One Member. Provide workforce investment activities. Can be the community college.
An economic and community development entity representative		One Member.
The state employment service office		One Member. Wagner-Peyser Act Core One-Stop Partner.
Vocational Rehabilitation		One Member. Rehabilitation Act Core One-Stop Partner.
Entities administering education and training activities		Optional Member. Representatives of local educational agencies or community-based organizations with expertise assisting individuals with barriers to employment.
Governmental and economic and community development entities		Optional Member. May represent transportation, housing, and public assistance programs.
Philanthropic organizations		Optional.
Other individuals selected by the chief elected official		

<sup>16</sup>Means an owner, chief executive officer, chief operating officer, or individual with optimum policy-making or hiring authority and provide employment opportunities in in-demand industry sectors or occupations

<sup>17</sup>Small business is defined in accordance with the US Small Business Administration

<sup>18</sup>Where labor organizations don't exist in the area, representatives must be selected from other employee representatives. If no union-affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation would be appointed.

<sup>19</sup>1) Expertise in addressing the employment, training or education needs of individuals with barriers to employment; 2) Serve veterans; 3)Provide or support competitive integrated employment for individuals with disabilities; 4)Expertise serving eligible youth.

## CHIEF LOCAL ELECTED OFFICIALS AND LOCAL WORKFORCE DEVELOPMENT BOARDS

The state, chief local elected official(s) and local boards all have distinct and overlapping roles in providing policy direction and oversight over the workforce development system. At the local level, the chief local elected official(s) and local workforce development boards are jointly responsible for the tasks listed below.

### COMMENT ON THE STATE PLAN

This is an opportunity for the board and elected official(s) to provide their input on those portions of the state plan which will impact the local workforce development system.

### DEVELOP THE LOCAL FOUR-YEAR PLAN

The local plan is the road map that spells out how the resources allocated to the local workforce development system will be invested in meeting the WIOA objectives. The local plan must be reviewed and updated every two years to reflect changes in the local economy.

### REGIONAL PLANNING

Regional planning means that the local board and chief local elected official(s) in all the areas that comprise the region must agree to the elements of a single local plan. The plan will need to reflect how the region will coordinate to provide seamless access to services across the region.

### SET POLICY FOR THE LOCAL AREA

The chief elected official and local board set policy for the local area. It is important for the chief local elected official(s) and local board to determine what matters must come before them and what can be handled by staff. Anything that must come before the board and/or the chief local elected official(s) should appear on a board agenda for approval at a publicly noticed meeting.

### ENTER INTO AN AGREEMENT REGARDING THEIR ROLES AND RESPONSIBILITIES

The local governmental units and local boards may serve in a variety of roles such as fiscal agent, local board staff, one-

stop operator, direct provider of career services and/or training provider. WIOA requires that chief local elected official(s) and the board enter into an agreement to spell out their respective roles and responsibilities. A good way to do this is to list each of the governance and policy areas required by WIOA and assign them to the chief local elected official(s), the workforce development board, the board and elected officials acting in concert, or the staff. By doing this, each actor in the administration of the funds, programs, activities and services will know where their responsibility lies.

### DEVELOP THE LOCAL BOARD BUDGET

The joint responsibility of deciding on the funds necessary to support the local board must be done in the context of all the other services and activities which need to be funded in the local area. In practice, it is the entire budget which must be considered and approved. In addition to approving how federal funds will be spent, WIOA requires joint approval regarding the use of non-federal funds.

### APPROVAL OF NON-MANDATORY ONE-STOP PARTNERS

WIOA lists those programs and funding streams that legislatively must participate in the one-stop system. These programs are referred to as the mandatory partners. Often other organizations want to be included. All non-mandatory partners must be approved by the chief local elected official(s) and the local workforce development board. The one-stop partners must enter into a memorandum of understanding (MOU) with the local board regarding the deployment of their services through the one-stop and their support of the infrastructure. Non-mandatory partners must be willing to participate in the one-stop MOU.

### SELECT AND TERMINATE THE ONE-STOP OPERATOR

The one-stop operator is selected jointly by the chief local elected official(s) and the local workforce development board. The one-stop operator is required to be competitively selected.<sup>20</sup> A new procurement must be released every four years. The chief local elected official(s) and local workforce development boards must agree if the workforce development board wants to serve as the one-stop operator. However, even if they agree, the local board must still participate in a competitive procurement that has the firewalls in place to assure that conflict-of-interest principles are observed. Finally when the

<sup>20</sup>One-stop operator selection must be made in accordance with the procurement requirements set forth in 2 CFR 200 Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards.

local board wants to serve as the one-stop operator, gubernatorial approval is also required. The roles and responsibilities of the one-stop operator are not specified in WIOA, except to require that the one-stop operator coordinate among the one-stop partners. Local workforce development boards, together with their chief local elected official(s), would be responsible for determining the responsibilities of the one-stop operator and including those responsibilities in the one-stop operator procurement specifications.

## WORK WITH THE GOVERNOR IN A DISASTER

In the event of a natural disaster or when a governor declares a state of emergency, funds are often allocated to assist the affected areas to recover from the disaster.

## OVERSIGHT

Local workforce development boards and chief local elected official(s) are responsible for providing program and fiscal oversight. This is one of their most important joint responsibilities. Every three years local boards must assess the effectiveness, program and physical accessibility of the one-stop using continuous improvement principles developed by the state board, as well as any stipulated local criteria. While the assessment must occur every three years, it is expected that local boards and elected officials will review and the update continuous improvement criteria every two years as part of the local plan modification process. One-stops will have to meet state and local certification criteria in order to be able to receive contributions toward the funding of the infrastructure from the core partners.

## NEGOTIATE THE PERFORMANCE MEASURES

There are six federal adult/dislocated worker and six federal youth WIOA performance measures. The measure attainments are negotiated first between the state and the Department of Labor and then by the governor and local workforce areas or regional planning areas. Failure to meet a measure two years in a row may lead to reorganization of the local board.

## APPEAL A GOVERNOR DECISION TO REORGANIZE

Local boards may be decertified or subject to reorganization:

- If they fail the same performance measure two years in a row;
- For fraud or abuse;
- For failure to carry out the functions of the local board as described in WIOA and the regulations.

In such instance, governors must confer with the chief local elected official(s) prior to making the determination to decertify or reorganize the local board. Decertification or reorganization may mean the appointment of a new local board, a different administrative entity or fiscal agent, selection of a different one-stop operator or service providers.

## LOCAL WORKFORCE DEVELOPMENT BOARDS

Local workforce development boards must be certified by the governor every two years. The governor is charged with developing the state certification criteria. In most states the criteria has mirrored the federal membership requirements, however, in some states governors have added their own criteria. Just as WIOA elaborates on the duties and functions of the state and local elected officials, WIOA also specifies the expectations regarding local workforce development boards' functions and activities. Many of the local board functions are also translated into actions necessary for the board and local elected officials to complete their four-year plans.

Boards are expected to begin their plan by agreeing to a strategic vision and goals targeted at preparing an educated and skilled workforce. To do this, local boards are asked to plan a one-stop system that will coordinate and align programs and resources with those of the WIOA core partners, and identify the other workforce partners to be included in the workforce system. Local boards must describe many of their functions in terms of the strategies they will employ to carry out those functions in their local plans. The local plans must be developed and approved by both the chief local elected official(s) and the local workforce development board. The local board functions are listed below along with the ancillary plan requirement as appropriate.

## LOCAL BOARD FUNCTIONS AND RESPONSIBILITIES

Function	Comment
Elect a chair.	Although the elected official(s) appoints the board, the board may elect its own chair.
Create standing committees and <ul style="list-style-type: none"> <li>• Direct their activities;</li> <li>• Appoint the members;</li> <li>• Assure the chair is a board member.</li> </ul>	<p>It is the norm for boards to create committees to help carry out their business. Committees can pay attention to single issue concerns that would be difficult to address at board meetings with large agendas.</p> <p>Under WIOA, a youth council is no longer required. Most of the one-stop partners are also no longer required to be appointed to the local board. Committees are a way to include community stakeholders and to recruit new board members.</p> <p>WIOA suggests that boards consider creating standing committees to address 1) youth issues; 2) one-stop issues; and 3) disability issues in employment. If created, the committees are required to include non-board members.</p> <p>Boards can decide whether to create the recommended committees or to create other or no committees.</p>
Analyze economic conditions	<p>Boards make decisions regarding training and resource investments. They can make better decisions if they are aware of new and emerging industries and occupations and anticipate changes to the local job market over the course of the two-four-year WIOA plan.</p> <p><b>This is a local plan requirement.</b> The local plan must describe how boards will coordinate with economic development including the promotion of entrepreneurial skills training and microenterprise services. This requires the board to be aware of the economic conditions in their area.</p>
Engage employers  Pursue employer linkages through intermediaries	<p>Boards are asked to engage employers:</p> <ul style="list-style-type: none"> <li>• As a recruitment strategy for new members;</li> <li>• To encourage employer use of the one-stop system;</li> <li>• To enhance communication and collaboration between employers, economic development, and service providers; and</li> <li>• To ensure workforce activities meet employer needs and support economic growth.</li> </ul> <p><b>This is a local plan requirement.</b> The plan must include an analysis of the knowledge and skills needed by local employers and the strategies and services that will be used to facilitate employer engagement. This cannot be done without engaging employers.</p> <p>A new option for boards is to use intermediaries to meet business needs, coordinate workforce programs with economic development, and to strengthen linkages between the one-stop and unemployment insurance through work-based training options.</p>

## LOCAL BOARD FUNCTIONS AND RESPONSIBILITIES

Function	Comment
<p>Assist the Governor to develop, collect, analyze and use statewide Wagner-Peyser labor market information.</p>	<p>Local boards are urged to gather information about the workforce needs in their communities by coordinating with other local and state workforce organizations.</p> <p>Often local board members are aware of changes to the labor market in advance of the state. Local boards use labor market information to make decisions about investments in their local workforce areas.</p> <p><b>This is a local plan requirement.</b> Labor market information is used to trend hiring and layoffs. The state provides rapid response services in the event of a business closing or layoff. Local areas share rapid-response responsibilities with the state and must describe how they will coordinate with statewide rapid response.</p> <p>Any activities involving hiring or layoffs require a knowledge of the labor market conditions.</p>
<p>Convene stakeholders.</p>	<p>Local boards are encouraged to convene stakeholders to get their input as a part of the local plan development.</p> <p>Many of the stakeholders are no longer required members of the local board. These same entities have important information about the local economy and labor market. By bringing them together, boards can identify non-federal expertise and resources which can be invested in the local workforce system.</p> <p><b>This is a local plan requirement.</b> Local boards are asked to describe their successful strategies and how they will be disseminated and shared.</p> <p>As a part of the planning process, local boards must invite stakeholders and the public to comment on the plan prior to its submission to the state.</p> <p>All these activities are a part of the board's role as a convener.</p>
<p>Lead efforts to develop and implement career pathways.</p>	<p>Career pathways and career plans are required elements of participant assessment and service strategy decisions.</p> <p>Many states have already adopted career pathway strategies to help youth, adults and dislocated workers make training decisions. This strategy is being universally used throughout the workforce system to align participant services with their career futures.</p> <p><b>This is a local plan requirement.</b> The plan must describe how the local board and core program partners will expand access to employment, training, education, and support for eligible individuals, and facilitate development of career pathways and co-enrollment in core programs.</p>

## LOCAL BOARD FUNCTIONS AND RESPONSIBILITIES

Function	Comment
<p>Identify and promote strategies and initiatives to meet employer, worker and jobseekers needs.</p>	<p>With the employer as a customer equal to jobseekers and workers, local boards must assure that the one-stop system provides both physical and program accessibility to all users.</p> <p>Local boards like the state board are prompted to identify proven and promising best practices among workforce partners and stakeholders.</p> <p><b>This is a local plan requirement.</b> The local plan must include an analysis of the workforce in the region, by describing who comprises the current labor force, employment and unemployment data, information on labor market trends, and the educational and skill levels of the workforce.</p> <p>Strategies in this regard will also be connected to the continuous improvement principles, which are a part of the WIOA objectives.</p>
<p>Local boards must enter into a memorandum of understanding (MOU) with the one-stop partners to identify their contributions to the one-stop infrastructure and the services the partners will deliver through the one-stop system.</p> <p>Facilitate one-stop partners' integration of intake and case management systems.</p> <p>Facilitate access to one-stop services including the development of strategies to take advantage of technology advances.</p>	<p>Boards must ensure access to services throughout their workforce area or planning region. There is an underlying assumption that expenditures to make this happen will be allocated by the board, the elected official(s) and the one-stop partners.</p> <p>Boards are asked to examine the needs of individuals with barriers, identify strategies to meet their needs, such as through digital literacy skills, and augment traditional service delivery options to maximize the effectiveness of the workforce system.</p> <p>However, in the case of coordinating intake and case management systems and perfecting the MOU, as well as exchanging information among workforce system stakeholders, state and possibly federal assistance will be needed to make this a reality.</p> <p><b>This is a local plan requirement.</b> A description of the one-stop delivery system must be laid out in the plan. Providing access to the disabled in compliance with the Americans with Disabilities Act <sup>21</sup> (ADA) is a requirement in the operation of the one-stop. The board must describe its strategies for facilitating access to one-stop services including in remote areas. There is an expectation that boards will invest in technology to accomplish both of these objectives.</p> <p>As a part of the technology strategies, boards are asked to implement and transition to integrated, technology-enabled intake and case management for WIOA and its partner programs. This initiative will need state assistance as indicated above.</p>

<sup>21</sup>42 U.S.C. §12101

## LOCAL BOARD FUNCTIONS AND RESPONSIBILITIES

Function	Comment
<p>Select career services providers through contract awards, if the services are not delivered by the one-stop operator.</p>	<p>The local elected official(s) and the local board select the one-stop operator and specify the operator’s responsibilities. If the one-stop operator does not provide the career services, then the services must be contracted. The service providers are selected by the local board.</p> <p><b>This is a local plan requirement.</b> The plan must identify the type and availability of adult and dislocated worker career services that will be offered in the local area.</p> <p>To make sure quality career services are provided, local boards must describe how they will invest in the continuous improvement of their service providers and assure compliance with the ADA.</p>
<p>Deciding to provide framework services for youth.</p> <p>ITA’s may be combined with the framework services. Under WIA a waiver was necessary to provide out-of-school youth with an individual training account, however, under WIOA, a waiver is not needed.</p>	<p>Youth services must be procured. However, grant recipients and sub-grant recipients, which may be the governmental unit or the local boards, can provide recruitment, eligibility determination and case management services.</p> <p>There are 14 required youth elements most of which are not part of the framework services. They must be procured and the providers are selected by the local board.</p>
<p>Select and terminate youth providers.</p> <p>Youth providers must be competitively selected based on recommendations of the youth standing committee if one is established. If there is no youth committee then the board acts in place of the committee.</p>	<p>Finding performing youth providers can be difficult. WIOA allows for sole source procurement where the local board determines there are insufficient local providers.</p> <p><b>This is a local plan requirement.</b> The type and availability of youth providers must be described in the plan. Decisions related to sole source procurement should also be described in the plan.</p>
<p>Work with the state to ensure there are sufficient numbers and types of career services and training providers.</p>	<p>The state has ultimate authority for including training providers on the statewide list. However, it is the local workforce board and staff that know which career services are needed in their area and which schools are performing. Local boards can make recommendations to the governor on the procedure to determine provider eligibility and report on performing and non-performing training providers.</p> <p><b>This is a local plan requirement.</b> An analysis of the workforce development activities, education and training in the region, and a description of how education and workforce activities will be coordinated is a part of the strategies to be included in the local plan.</p>
<p>Ensure customer choice in the selection of a training provider from the approved state-wide list.</p> <p>Local boards can coordinate with the core partners in making determinations regarding providers approved to be on the list.</p>	<p>While one-stop systems can require that adult and dislocated worker participants have the necessary qualifications for training, they are also charged with making sure that participants can make an informed choice when selecting their training provider. This is done by publishing training provider performance and other information that will help participants make good choices.</p> <p><b>This is a local plan requirement.</b> A description of how informed customer choice in selection of training will be assured must be in the plan.</p>

## LOCAL BOARD FUNCTIONS AND RESPONSIBILITIES

Function	Comment
<p>Approve eligible training providers and assist the state with the vetting process for determining, renewing and terminating the eligibility of training providers.</p>	<p>Local boards are often more familiar with local training providers and the courses they offer than the state. The state-wide list of eligible training providers is made available to participants, stakeholders and employers through the one-stop system. In addition to criteria set by the state board, the local board may develop its own criteria applicable to the eligibility of local training providers, including setting higher levels of performance than required by the state. When removing providers from the list, local boards must make an appeal process available for the providers.</p> <p><b>This is a local plan requirement.</b> The plan is required to chart out and guide the actions of the local board. One of those requirements is deciding on the services that will be offered to participants. The plan must spell out how training services will be provided, whether contracts for training will be used, and how training contracts will be coordinated with individual training accounts.</p>
<p>Review AEFLA provider applications to assure they are consistent with the local plan.</p>	<p>The process for reviewing adult literacy provider applications is a new responsibility under WIOA.</p>
<p>Implement cooperative agreements between the local board and the core and one-stop partners to enhance services for jobseekers, workers and employers.</p>	<p>This function will require the intervention of the state as it applies to those workforce programs and funding streams that are controlled at the state level.</p> <p><b>This is a local plan requirement.</b> The plan must identify strategies for coordinating with the core partner programs in the one-stop and describe the roles and resource contributions of the one-stop partners.</p>
<p>Leverage local resources and capacity, solicit and accept grants and donations from non-federal sources.</p>	<p>There will never be sufficient federal funds to address all of the nation's workforce needs. Many local boards have developed ingenious ways to leverage funds and increase services. Not all boards may seek out grants and non-federal donations. Some boards may decide to offer services on a fee basis. These options are open to local boards.</p>
<p>Incorporate and operate as a not-for-profit organization.</p>	<p>Some boards incorporate others do not. This is not a requirement. Incorporation establishes the board as a separate legal entity.</p>
<p>Hire staff.</p>	<p>Where boards are separately incorporated and board staff is not employed by the local governmental unit, boards typically hire staff. The staff can function as the administrative entity and fiscal agent. Staff is subject to salary caps.</p>
<p>Provide training services.</p>	<p><b>This is a local plan requirement.</b> The plan must describe the organization responsible for the various governance components and how service delivery providers will be selected.</p> <p>Local boards may only provide training services with the approval of the governor. Some local boards are created under the umbrella of, or are staffed by, an educational institution such as a community college. There are other instances as well where boards wish to be a training provider. If approved to provide training, the local board would have to disclose any inherent conflict to prospective participants.</p>

There are a myriad of additional decisions which will come before the local boards in their development and implementation of strategies to meet the employment and skill needs of workers and employers including:

- Whether to implement pay for performance contracts for the 14 youth elements, youth and/or adult training contracts. There is a cap on this expenditure of 10 percent of the local allocation;
- Transfers between the adult and dislocated worker funding streams need the governor's approval;
- Setting the adult priorities for receipt of services as a part of the four-year plan;
- Determining occupations in demand as this list is used to determine allowable courses of training;
- Deciding whether to award class-size training contracts in addition to the individual training accounts;
- Deciding on the criteria for increasing employer On-the-Job Training wage reimbursements from 50 percent to 75 percent;
- Deciding to use up to 20 percent of the local allocation for incumbent worker training, and setting the amount of the employer-required contribution;

- Deciding to use 10 percent of the adult/dislocated worker allocation for transitional jobs;
- Deciding on the types of investments in employer services which will be executed in collaboration with the one-stop system;
- Deciding on the types, mix and investments in services and training; and
- Deciding which support services to offer and how much to allocate to support for participants.

As can be seen from the detail of the functions and decisions assigned to local boards, it is evident that they have been given the tools to make a real difference in their communities. After the basic needs of food, clothing and shelter, people need jobs and frequently identify themselves by what they do for a living. Local workforce development boards can make workforce services available to help enrich their residents and citizens connecting them with work, increasing their earning power and simultaneously meeting employer needs for skills and workers. This is the vision of WIOA.



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# THE ONE-STOP CAREER SYSTEM



The one-stop career system is the heart of the workforce development system. The law provides the window dressing for the main event, which is the creation and continuation of the one-stop system branded by the US Department of Labor as America’s Job Centers. People, whether they have a job and are just looking for a new job, are out of work and need a job, want to get additional skills to make themselves more competitive in the job market, or want a better job, will most likely access the one-stop career system during the course of their work history. Employers will access the one-stop career centers to the extent they believe they can fill their need for skilled employees. This is the mission assigned to the states, local elected officials, local boards and one-stop partners: to create the “go to” system for jobseekers, workers, and employers. The one-stop system currently does and will continue to provide access to:

- Job search, placement, recruitment, and labor exchange services;
- Training services;
- Employment and training activities;
- Programs and activities carried out by one-stop partners; and
- Employer services.

WIOA, similar to WIA, requires that there be one physical one-stop career center in every local workforce area. The local elected officials and local board determine how many additional full service, affiliate or satellite centers are needed and can be afforded. The governor is charged with providing guidance after consulting with chief elected officials and the local board on how the infrastructure of the one-stop will be equitably funded by the core and mandatory one-stop partners.

## THE MANDATORY ONE-STOP PARTNERS

### THE WIOA ADULT, DISLOCATED WORKER, AND YOUTH FUNDING STREAMS

WIOA is the nation's primary workforce development legislation. The three workforce funding streams constitute a core one-stop partner.

### THE WAGNER-PEYSER ACT OF 1933

This is the national labor exchange or Employment Service. Wagner-Peyser is considered a core one-stop partner.

### THE ADULT EDUCATION AND FAMILY LITERACY ACT (AEFLA)

Re-authorized by WIOA, AEFLA is considered a core one-stop partner. Funds literacy, English as a second language and General Education Degree classes.

### THE REHABILITATION ACT OF 1973

Amended by WIOA with respect to Vocational Rehabilitation (VR). VR provides employment and training services to individuals with disabilities among many other services. VR is a core partner.

### TITLE V OF THE OLDER AMERICANS ACT

Reauthorized in 2015. Provides for the Senior Community Service Employment Program.

### THE CARL PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006

Perkins supports career and technical education and prepares students for post-secondary education and the careers of their choice.

### THE TRADE ACT

Provides job training, income support, and other employment-related benefits to American workers displaced by the forces of globalization.

### COUNSELING, TRAINING AND PLACEMENT FOR VETERANS

Title 38. Veterans' benefits. Part III. Readjustment and related benefits. Chapter 41. Job counseling, training, and placement.

### COMMUNITY SERVICES BLOCK GRANT (CSBG)

Provides low-income individuals with emergency support, weatherization, employment and training and other services.

## HOUSING AND URBAN DEVELOPMENT (HUD) EMPLOYMENT AND TRAINING PROGRAMS

Employment and training programs for low-and very low-income persons living in HUD-assisted housing. Not available in all communities.

## STATE UNEMPLOYMENT COMPENSATION PROGRAMS

Provides assistance to workers who have lost their jobs.

## EX-OFFENDER PROGRAMS UNDER THE SECOND CHANCE ACT OF 2007

Provides support strategies and services to reduce recidivism by improving outcomes for ex-offenders.

## PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

Provides for the Temporary Assistance to Needy Families (welfare).

A review of the above funding streams tells us that all the one-stop partners provide employment and training services or support to individuals needing those services. The one-stop core partners, as well as the mandatory partners must provide access to their services through the one-stop system. They must also contribute to the infrastructure of the one-stop. It is not enough for an organization to want to co-locate in the one-stop center or even to agree to contribute to the infrastructure. They must also participate in the memorandum of understanding between the partners which is required by WIOA.

## THE ONE-STOP MEMORANDUM OF UNDERSTANDING

Congress believes in the one-stop career system which cut its teeth during the recession of 2006. But Congress believes the system can do better. Congress envisions a one-stop system where individuals are assessed once and workforce partners share information and bundle services to meet the needs of the individual. Congress singled out those one-stop partners with the lion's share of federal funds and/or responsibility for meeting workforce needs in their communities and identified them as core or mandatory one-stop partners.

The one-stop system, while not an exclusive club, still requires organizations to be approved by the chief local elected official(s) and the workforce board. That approval carries with it the requirement for dues in the form of real contributions to the infrastructure of the one-stop and coordination with all the one-stop partners. To memorialize the understanding between the one-stop partners, they are required to enter into a memorandum of understanding (MOU) with the local workforce development board which stipulates to:

- The services the partner will provide through the one-stop delivery system;
- How each one-stop partner will provide access to and coordinate its services, through the one-stop system cross referring participants as appropriate;
- How they will contribute to the cost of operating the one-stop and its infrastructure;
- The duration of the MOU which must be reviewed and renewed every three years;
- Procedures for amending the MOU; and
- Any other provisions agreed by the parties;

It will be the responsibility of the one-stop operator to coordinate among and between the one-stop partners in accordance with the MOU.

## THE ONE-STOP CAREER SERVICES <sup>22</sup>

Basic career services are available to everyone. The services most frequently associated with the one-stop system are the labor exchange services made possible through the Wagner-Peyser Act. Under WIOA the employment service staff delivering labor exchange services are required to be co-located in the one-stop physical center(s). WIOA also provides for management of the employment service staff in the one-stop career center by the one-stop operator to further the coordination and cooperation between the labor exchange services and the adult, dislocated worker and youth services. Labor exchange and career services funded by the Wagner-Peyser Act and WIOA include the below listed services:

- Orientation to information and services available through the one-stop;
- Labor market statistics -- local, regional, and national;
- Information on in-demand industry sectors and occupations; and
- Information on non-traditional employment.
- Information on skills necessary to get a job or get a promotion in a demand occupation;
- Information on support services, referral to child care, child support, Medicaid, The Children's Health Insurance Program, Supplemental Nutrition and Assistance Program, Earned Income Tax Credits, welfare (TANF), and transportation;
- Performance and cost information for training by program and provider;
- Information about local workforce area performance;
- Information about performance for the local one-stop system;
- Job vacancy listings;
- Outreach and intake;
- Job search, which is a basic labor exchange service;
- Job placement assistance which is a basic labor exchange service;
- Help filing Unemployment Compensation claims by on-site staff trained in filing claims;<sup>23</sup>
- Worker profiling and reemployment services for those about to exhaust their unemployment insurance benefits;
- Career counseling;
- Initial assessment of literacy, numeracy, and English proficiency, aptitudes, abilities skills gaps and support services needs;

<sup>22</sup>29 U.S.C. §3151 (2015) WIOA §134(c) (2) 29 CFR §678.430

<sup>23</sup>This is a new career service. It can be provided by individuals funded through the unemployment compensation system, Wagner-Peyser, or other one-stop partner staff trained to provide assistance, but only merit staff can answer questions, provide advice, or make decisions affecting claimants' unemployment compensation eligibility.

- Referral and coordination of activities to other programs within and out of the one-stop system;
- Eligibility determination for the adult, dislocated worker, and youth programs; and
- Assistance in establishing eligibility for non-WIOA funded financial aid for education and training programs.

The above services are generally provided by Wagner-Peyser or WIOA funded staff. Wagner-Peyser and WIOA funds are used to fund what is often referred to as front-door services in the one-stop career centers. Every full service one-stop center has a resource area with rows of computer banks, phones, faxes, and copy machines available to the public. Some resource rooms include Wi-Fi and hot spots that allow people to connect to the system of services from their own devices. The resource area has staff available to provide minimal assistance and guidance to people who want to access the self-help services, from updating a resume to crash courses in interviewing skills. Many people come into the one-stop centers, register for Wagner-Peyser labor exchange services and are able to get the help they need in the resource rooms without individualized assistance.

The difference between the basic labor exchange services and the WIOA-funded adult and dislocated worker services is that the basic career services are universally available to any one-stop customer. WIOA offers individualized services to adults over 18 on a priority basis and to dislocated workers. WIOA is a “work first” piece of legislation, meaning individuals who have the skills to get a job with a self-sufficient wage will be directed to do so. But for those who do not meet that description many services are available to help connect them with a job.

The WIOA priorities are defined by the local board and chief elected officials in their four-year plan as well as in the law. WIOA has identified the unemployed, those with barriers to employment, including the long-term unemployed, and the underemployed,<sup>24</sup> as meeting the priority for services and training. Training is also provided to dislocated workers. Adult and dislocated worker participants enrolled in the program may receive everything from job counseling to training, support, placement assistance and follow-up services. Under WIA and WIOA, returning veterans and their

spouses have been given a special preference or priority for receipt of services to ease their transition back to work.

Today, with technology and new software constantly available in the online marketplace, the universal population can access many free options in the one-stop centers together with the priority populations. Often workshops and computer-based instruction in areas such as those listed below are available to everyone:

- Short-term pre-vocational training consisting of communication and interviewing skills;
- Workforce preparation activities for the acquisition of basic academic skills to be able to transition into and complete post-secondary education, or training;
- Critical thinking skills, digital literacy skills, self-management skills and financial literacy services; and
- English language acquisition.

Persons meeting the priorities or eligible as dislocated workers will receive a comprehensive assessment, diagnostic testing, in-depth interviews and evaluations to identify employment barriers, career pathways and goals. They will receive counseling to determine their career achievement objectives, and an individual employment plan will be created listing the combination of services they will receive, which may include training and support services, so they can meet those objectives. Sometimes one on one services, prevocational training, an internship or a work experience will be enough to get someone on the road to gainful employment. For others, additional services such as training are needed. Training may only be in occupations in demand. It would not make sense to train workers for jobs that are obsolete.

## TRAINING

WIOA training is for occupational skills, occasionally coupled with literacy skills and is generally provided through an Individual Training Account (ITA), which is like a scholarship. Every local area decides on the amount or value of the ITA that will be offered to participants. Participants may combine an ITA with a PELL<sup>25</sup> grant to pay for tuition and living expenses. Sometimes the ITA, even when combined

<sup>24</sup>29 U.S.C. §3102, WIOA §3124] Underemployed individuals include the working poor, persons with barriers to employment, the part-time employed, workers in a position that requires skills below their level of accomplishment, or where they are earning less than in their previous position, in accordance with a local or state policy.

with a PELL grant, may not be sufficient to pay for 100 percent of the tuition. Case managers try to make sure that participants can put together a budget, which may include a job and/or a student loan that will cover 100 percent of the tuition before they allow a participant to enroll in a course of study. Local WIOA performance is partially graded upon the completion rate of those persons enrolling in training and their attainment of the related credential. The budget is one of the considerations in being able to complete training. If a local area is part of a planning region, the regions may need to agree on the amount of the ITA's to provide consistency throughout the region.

Participants can take their ITA to any training provider who has been approved by the state to be included on the eligible training providers list (ETPL), so long as the participant has the qualifications to be successful in the training selected. There is no inherent right to a particular course of study or to any WIOA-funded service. Schools often refer their applicants to the one-stop career centers for financial assistance. However, the individual needs to be WIOA eligible, the local area needs to have the funds available, and the individual's assessment will need to substantiate that they have the foundation, literacy and numeracy skills to be able to successfully complete the coursework before they are approved for the training. To meet the legislative customer choice requirements, the participants will also be provided with the list of all the schools offering the same or similar course of study and the performance information about the school and training course. This not only assists in customer choice it also makes for an informed decision.

Schools apply to be on the ETPL list at the local level and must receive state approval. Each course of occupational skills training must be separately approved. Not every course of training offered by a post-secondary school, college or university will be approved to be on what is referred to by the one-stop career centers as the ITA list. WIOA is not responsible for filling school classrooms. If a course of study does not result in successful completion, attainment of the credential and placement into an unsubsidized job, then the course of study, the school or both may be removed from the ETPL and/or ITA list.

The lists include courses which prepare participants for high wage, in-demand occupations around the state and in the local area as well as registered apprenticeship programs.

Once approved for the ITA, participants are directed to enroll as they would in any post-secondary school or college.

If the local board determines that there are an insufficient number of eligible providers of training services and there is a demand for a particular skill, they may enter into a contract for class-size training. Training can be provided through a contract for a local training program of demonstrated effectiveness or that can best be provided by an institution of higher education, a community-based organization or a private entity. Contracted class-size training is one of the exceptions to the requirement that training be delivered through an ITA. Usually class-size training will be subject to the procurement requirements applicable to federal grants before the local board can enter into the contract.

There are other exceptions to training provided through an ITA. Many local boards refer to the other categories of training as the employer-based or work-based training options, because the training is provided at the worksite, the curriculum is provided by the employer, or both. In these instances, the employer often works with the one-stop career center staff to identify potential trainees making the likelihood of placement and/or retention after training very high.

## **WORK-BASED TRAINING OPTIONS**

### **ON-THE-JOB TRAINING (OJT)**

This is a hire first option. The employer hires the participant as a part of their regular workforce and provides training to the individual while they are on the job. The employer is reimbursed 50 percent of the participant's wage during the training period. Reimbursements may be increased to 75 percent depending upon local and state policies. OJT may also be offered to employers who participate in registered apprenticeship programs.

OJT is an allowable training option for upgrading the skills of the employer's existing workforce. It is targeted at employees who are not earning a self-sufficient wage as defined by the local board. The upgrade OJT would need to relate to the introduction of new technologies, production or service procedures, a new job that requires additional skills, workplace literacy, or for other appropriate purposes pursuant to local board policy.

<sup>25</sup>20 U.S.C. §1070

OJT may also follow an ITA helping the participant to be placed and gain the experience they may need to complete the skills acquisition sought by the employer.

### **CUSTOMIZED TRAINING**

This is training with a commitment from an employer or group of employers to hire those individuals who successfully complete training. Customized training may be offered to employed workers who are not earning a self-sufficient wage. The employer must contribute to the cost of the training pursuant to local board policy.

Customized training differs from OJT in that WIOA is paying for training as opposed to reimbursing the employer for a portion of the wage.

### **INCUMBENT WORKER TRAINING**

This is training for workers who have been employed by their employer for at least six months. The state and local boards are charged with establishing policies for incumbent worker eligibility. The workers do not need to meet traditional WIOA adult or dislocated worker eligibility.

The training must add to the competitiveness of the employee or the employer. Incumbent worker training is meant to assist employers in retaining a skilled workforce or to avert a layoff. Local boards may negotiate with the employers to fill the vacancies that occur as trained individuals are promoted with WIOA-eligible adults or dislocated workers. This is referred to as “backfill.”

Employers must contribute to the cost of the training. Local areas may not spend more than 20 percent of their program year formula adult and dislocated worker allocations on incumbent worker training.

### **INTERSHIPS AND WORK EXPERIENCE LINKED TO CAREERS**

This is training at the workplace where the participant receives a planned structured learning experience for a limited period of time. It may be paid or unpaid, as appropriate, in the private-for-profit, public or the non-profit sector. Where an employee/employer relationship exists the work experience will be subject to the Fair Labor Standards Act requirements.

### **TRANSITIONAL JOBS**

This is a new training option under WIOA. It is a time-limited work experience that is provided in conjunction with job-readiness training, adult education and literacy including English language acquisition, and integrated education and training. Transitional jobs are for low-income barriered individuals so that they may establish a work history, demonstrate success in the workplace and develop skills that can lead to a job. Local areas are limited to 10 percent of their adult and dislocated worker formula allocations for this activity.

### **ENTREPRENEURIAL TRAINING**

There are many roads to self-sufficiency and for some people it is self-employment. During each recession we see laid-off workers who want to control their job future by going into business for themselves. Many adults and youth have entrepreneurial aspirations but do not have the tools to set up and operate a business. WIOA allows for entrepreneurial training to make these individuals more competitive in the workforce and to equip them with the skills necessary for successful self-employment.

### **COMBINED OR SEQUENTIAL TRAINING**

WIOA allows local boards to provide participants with combined and sequential training that includes more than one training option. An example would be programs that combine workplace training with related instruction, such as cooperative education programs. It is up to the local board to establish policies in this regard.

### **FOLLOW-UP**

While follow-up is not a training strategy, when a participant is placed into unsubsidized employment following individualized services, one-stop case managers will follow-up with the participant for 12 months after their exit from the program. This is to make sure the participant has stabilized in their employment and no longer needs additional assistance as well as to provide encouragement, support services or re-placement if needed.

# YOUTH PROGRAMS



## YOUTH SERVICES

Just as there are career services for adults and dislocated workers, WIOA provides for services for in-school youth aged 14–21,<sup>26</sup> and services for out-of-school youth aged 16–24 years of age. The four big changes in WIOA youth services are: 1) the definition of an out-of-school youth as being up to 24 years old; 2) the emphasis on services to out-of-school youth. WIOA requires that 75 percent of the youth allocation be spent on out-of-school youth as opposed to the 30 percent expenditure requirement under WIA; 3) the relaxed eligibility requirements as it relates to documentation collection to certify low income; and 4) the requirement that a minimum of 20 percent of the youth allocation be spent on work experience activities.

## IN-SCHOOL/OUT-OF-SCHOOL YOUTH

### IN-SCHOOL YOUTH

WIOA defines an in-school youth as a youth between the ages of 14 and 21 who is attending school as defined by state law, is low income and has one of the barriers listed in the legislation. However, whereas under WIA a parent had to provide proof of income to certify low income for purposes of WIA eligibility, an in-school youth may be determined as low income if they are receiving free or reduced lunch,<sup>27</sup> or if the youth is living in a high-poverty area.<sup>28</sup> This means that low income for most youth will not require the youth to bring any documentation regarding their low income status as their address will be on file with their schools and the school will have the record of whether they are receiving a free or reduced lunch.

Many local areas were heavily invested in prevention under WIA and had large in-school youth programs. Except in the larger metropolitan areas with large WIOA formula allocations for youth, the in-school programs are likely to be small as they are limited to 25 percent of the youth funds. Even in large urban areas many of the in-school youth programs will be smaller than they were under WIA.

One way to keep serving in-school youth will be to leverage the WIOA dollars and for local areas to partner with other workforce agencies and organizations serving youth. An example would be to partner with Vocational Rehabilitation. The WIOA amendments to the Rehabilitation Act of 1973

now require Vocational Rehabilitation agencies to spend 15 percent of their funds statewide helping youth with disabilities transition from high school to post-secondary school. Disabled youth are considered a family of one for purposes of determining low income and their disability is considered a barrier. As a result, most youth that have a disability are WIOA eligible. Another change under WIOA that makes it easier to work with disabled youth, is that they are no longer required to receive a traditional high school diploma for purposes of meeting performance as was the case under WIA. This makes a partnership with Vocational Rehabilitation beneficial to both funding streams. Vocational Rehabilitation can fund job coaches, support services and training. WIOA providers can offer employability skills and placement into unsubsidized employment or into post-secondary school.

Welfare is another federal workforce funding stream that can easily partner with WIOA- eligible in-school youth. An allowable welfare expenditure is an activity which furthers the four purposes of welfare, one of which is to keep people from needing to receive welfare. Targeting youth who have characteristics that make them at risk of needing welfare services in the future would be an allowable welfare expenditure. In many states, welfare funds are already coupled with workforce funds to provide a summer work experience to youth.

Many of the school systems around the country have alternative schools for youth who are not succeeding in the regular classroom. Partnering with some of the Department of Education funded-programs will help to leverage WIOA funds. Local communities with after-school programs operated by community-based organizations are also likely partners in serving WIOA in-school youth.

## OUT-OF-SCHOOL YOUTH

Out-of-school youth can be divided into two groups;

### GROUP ONE

A youth between the ages of 16 -24 who is not attending school as defined by state law and has any one of the below-listed characteristics:

- Is a high school dropout;

<sup>26</sup>20 U.S.C. §1070

<sup>26</sup>A youth who is disabled may be older than 21 if they are attending school in accordance with state law WIOA 129(a)(1)(C)

<sup>27</sup>Richard B. Russell National School Lunch Act 42 U.S.C. §1751 et seq.

<sup>28</sup>A high-poverty area is a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 30 percent as set every 5 years using American Community Survey 5-Year data 20 CFR 681.260

- Is within the age of compulsory attendance but has not attended school for the last complete school year quarter prior to being determined eligible;
- Has been subject to the juvenile or adult justice system;
- Is considered homeless in accordance with WIOA;
- Is a youth in foster care, eligible for foster care in an out-of-home placement, or has aged out of foster care;
- A runaway;
- Pregnant or parenting; and
- Has a disability (the youth is considered a family of one for purposes of income determination).

Any youth who has any of the above characteristics is not required to present documentation of “low income” status to be eligible and participate in the program.

The United States Department of Labor has provided further guidance stating that a youth enrolled in a General Education Degree (GED) program is considered to be an out-of-school youth. Many states have already defined a youth in a GED program as a dropout. This makes an alignment between the AEFLA providers and WIOA to serve youth enrolled in a GED program a winning coordinative combination. AEFLA can provide the youth with academic skills. WIOA can provide youth with a work experience, employability skills, and placement into unsubsidized employment or post-secondary school, resulting in successful attainment of the federal performance goals for both funding streams.

## GROUP TWO

A youth between the ages of 16-24 who has a high school diploma or GED, and is low-income, and:

- Is not attending school as defined by state law, and is basic skills deficient, which means that they are scoring below an 8.9 grade level in English or math on a nationally accepted assessment such as the Test Of Adult Basic Education (TABE); or

- Is not attending school as defined by state law, and is an English-language learner. An English-language learner is a youth who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is not English, or who lives in a family or community where a language other than English is the dominant language;<sup>29</sup> or
- Is not attending school as defined by state law and requires WIOA assistance to enter or complete an educational program or to secure employment; or
- Requires WIOA assistance to enter or complete an educational program or to secure employment as defined in accordance with local board policy. The definition is applied in determining a youth’s eligibility.

## YOUTH SERVICES

Youth services include assessment, development of an individualized service strategy including identification of a career pathway and career plan, activities leading to the attainment of a secondary-school diploma or its credential, preparation for post-secondary education and training, post-secondary training leading to attainment of a recognized post-secondary credential, and preparation for unsubsidized employment.

Youth services must be delivered by competitively procured providers unless the local board has determined that there are insufficient performing providers available in the local area and can thereby justify a sole-source procurement. Requests for proposals (RFPs) should specify that proposed program services must support attainment of a high school diploma or its equivalent, entry into post-secondary education, and career readiness.

Local workforce development boards must make sure that the 14 required WIOA elements are available as needed by the youth. They can be provided as a part of the program design offered by proposing providers or may be contracted for and offered to the youth on a one-by-one referral basis through a variety of providers.

<sup>29</sup>WIOA Title II AEFLA Sec 203[7]

## THE 14 REQUIRED WIOA YOUTH ELEMENTS

- 1 Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its equivalent including a recognized certificate of attendance or similar document for individuals with disabilities, or for a recognized post-secondary credential.
- 2 Alternative secondary school services, or dropout recovery services.
- 3 Paid and unpaid work experience that has as a component academic and occupational education, such as (i) school year and/or summer employment, (ii) pre-apprenticeship programs, (iii) internships and job shadowing, and (iv) on-the-job training.
- 4 Occupational skill training leading to recognized postsecondary credentials aligned with in-demand industry sectors or occupations in the local area.
- 5 Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.
- 6 Leadership development opportunities, which may include community service, and peer-centered activities encouraging responsibility, and other positive social and civic behaviors.
- 7 Support services.
- 8 Adult mentoring while a youth is in the program and for 12 months after they exit the program.
- 9 Follow-up services for 12 months after the completion of participation.
- 10 Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.
- 11 Financial literacy education.
- 12 Entrepreneurial skills training.
- 13 Services that provide labor market and employment information about in-demand jobs such as career awareness, career counseling, and career exploration services.
- 14 Activities that help youth prepare for and transition to post-secondary education and training.

Regardless of the combination or sequence of services, youth can only benefit if they participate. The challenge for youth providers is engaging the youth, especially out-of-school youth.

A large portion of out-of-school youth who are not working — those often referred to as “disconnected” or “opportunity” youth — are involved to some extent with public systems, such as welfare services, foster care, and the juvenile or criminal justice systems. They often seek services from community-based public and private organizations. In recent MDRC evaluations, including a national evaluation of YouthBuild, youth training and employment programs have reported partnering with community-based providers such as child welfare agencies, social service organizations, group homes, probation or parole officers, and even the local schools, to “catch” at-risk young people before they become disconnected.

While a majority of the out-of-school youth seek out opportunities to connect to training and work, youth programs often report difficulties in sustaining participation after the initial connection is made. WIOA-funded service providers will not only have to reach more out-of-school youth, they will also need strategies to stimulate sustained, intense engagement in services.<sup>30</sup>

Local youth committees making funding recommendations to local boards will have to carefully examine proposals to see if the proposed strategies are likely to engage the youth and keep them attending until completion of their objectives.

<sup>30</sup>Serving Out-of-School Youth Under the Workforce Innovation and Opportunity Act (2014) Farhana Hossain MDRC, June 2015

# PERFORMANCE



The WIOA performance measures apply to the four core programs:

- The WIOA adult, dislocated worker and youth programs and activities;
- Adult education and literacy activities;
- Wagner-Peyser Act-employment services; and
- Vocational Rehabilitation.

By coordinating and allowing each funding stream to do what they do best, all four core partners may see a benefit in better performance for their programs. The federal performance measures are very important to local boards and their chief elected official(s). If a local board misses the same performance measure two years in a row, they will lose their right to be automatically designated in the immediately subsequent designation period and can be reorganized, merged into another area, or be otherwise sanctioned at the pleasure of the governor.

The adult/dislocated worker federal performance measures are:

### 1. PLACEMENT

The percentage of participants in unsubsidized employment in the second quarter after they exit from the program.

### 2. RETENTION

The percentage of participants in unsubsidized employment during the fourth quarter after they exit from the program.

### 3. WAGE

The median earnings of participants in unsubsidized employment the second quarter after exit.

### 4. CREDENTIAL ATTAINMENT

The percentage of participants who obtain a post-secondary credential, or a high school school diploma or GED during participation or within one year after exit who are also placed in an unsubsidized job or go into post-secondary training.

### 5. MEASURABLE PROGRESS

The percentage of participants in an education or training program leading to a post-secondary credential or employment and who are achieving measurable skill gains toward such a credential or employment.

## 6. THE EMPLOYER MEASURE

The indicators of effectiveness in serving employers. This measure will be developed by the Secretaries of Labor and Education.

To calculate each measure, the US Department of Labor will issue guidance on how the numerator and denominator are determined.

Under WIA most states had a waiver to be measured using the three common measures developed by the US Department of Labor. They were placement, retention and wage. Under WIOA there are now six measures for all the core partner programs. The measures apply to all four core programs but there will be a different baseline negotiated with each of the core partners. The education measures will not apply to Wagner-Peyser labor exchange programs because they do not offer participants educational options.

In addition to the new measures, there are some other changes under WIOA. First, the measure for placement and wage will not be counted until the second quarter after a participant exits the system. Second, rather than use an average for the wage measure, the core partners will be measured using the median wage of all the participants in the cohort being measured. Third, the employer measure is still unknown.

The measures for WIOA youth are the same as they are for adults but the components of how they are calculated vary in some cases from the core partner measures. The youth performance measures are:

### 1. PLACEMENT

The percentage of participants in education, training or unsubsidized employment, during the second quarter after exit.

### 2. RETENTION

The percentage of participants in education, training or in unsubsidized employment, the fourth quarter after exit.

### 3. WAGE

The median earnings of participants in unsubsidized employment the second quarter after exit.

## 4. CREDENTIAL ATTAINMENT

The percentage of participants who obtain a post-secondary credential, a high school diploma or GED during participation or within one year after exit, who are also placed or go on into post-secondary training.

## 5. MEASURABLE PROGRESS

The percentage of participants in an education or training program leading to a post-secondary credential or employment and who are achieving measurable skill gains toward such a credential or employment.

## 6. THE EMPLOYER MEASURE

The indicators of effectiveness in serving employers to be developed by the Secretaries of Labor and Education.

The state negotiates the performance measures with the Secretary of Labor for the WIOA adult, dislocated worker and youth funding streams. Then the governor negotiates with each of the local workforce development areas in the state. States cannot veer too far from the measures negotiated with the federal government when negotiating with local areas or they risk failing the overall negotiated state measures. Under WIOA states may be sanctioned for failing their performance measures.

In addition to reporting on the measures, WIOA requires the states to report on a myriad of other elements. Some of the more significant information WIOA directs the states to report to the US Department of Labor are:

- The total number of participants served by each Core program;
- The number of participants who received career and training services, during the most recent and the preceding program years, and the amount of funds spent on each type of service;
- The number of participants who exited from career and training services during the most recent program year and the preceding program years;
- The average cost per participant who received career and training services, respectively, during the most recent program year and the three preceding program years;
- The percent of participants who received training services and obtained training related jobs;
- The number of participants with barriers to employment served by each core programs by each subpopulation;

- The number of participants enrolled in more than one core program;
- The percent of the state's annual allotment spent on administrative costs.

Congress is also asking for performance information from the eligible training providers including:

- The total number of students who exit from the programs of study;
- The total number of participants who received training by funding stream, and type of entity providing the training;
- The average cost per participant for those who received training by the type of entity that provided the training; and
- The number of individuals with barriers to employment served by each funding stream and by each subpopulation and by race, ethnicity, sex, and age.

This information will help local areas better target training funds to performing schools and effective courses of training.

## Conclusion

WIOA does not consolidate or integrate workforce programs. The expectation is that the states and local boards will work on coordinating, integrating and leveraging their workforce resources to create a comprehensive workforce system. To accomplish this state and local boards have expanded functions and flexibility. By allowing states to organize local areas into regions smaller areas may eventually merge or be consolidated by working through a regional planning process that requires agreement by all the areas on policies and deployment of services.

The unified planning process allows governors to make access to the core partners' workforce services seamless to the users. By aligning the core partners' performance measures, there is a strong incentive for the core partners to work together to achieve their performance objectives. Because WIOA requires the core and mandatory one-stop partners to financially contribute to the one-stop center operations, there is an inducement to co-locate and by co-locating become familiar with each other's services and share information. Job seekers will get the combination of services they need to be successful and employers will be engaged because they can find the workers they need.

In each of the states and in each of the one-stop centers it will be up to the partners to determine how successful their workforce system will be in serving their customers.



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# A WORD FROM THE AUTHOR

I hope that local elected officials, board members and their staffs find this guide helpful in navigating the Workforce Innovation and Opportunity Act of 2014. Writing the guide gave me the opportunity to think of all the ways in which the workforce system makes a difference in people's lives. When I was asked by the Workforce Development Council to take on this task, it gave me a chance to share the knowledge and expertise acquired as an attorney working inside the workforce system over the course of my career. It was my pleasure to be able to contribute in this small way to the workforce programs of the states and localities throughout our great United States. I would also like to thank the CareerSource Broward Council of Elected Officials and the Broward Workforce Development Board, Inc. for allowing me the time to produce this guide and the CareerSource Broward staff that often raise workforce issues that require me to think about practical solutions. Finally, this took a little time to write so I would like to thank my husband who says he often lives alone when I am just in the other room on the computer.

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