

WIA 1998) TITLE I Workforce Investment Systems

SUBTITLE B- Statewide and Local Workforce Investment Systems

Chapter 1: State Provisions

Sec. 111 State Workforce Investment Boards

Membership must include:

- Governor
- 2 members of each chamber of the state legislature
- Governor-appointed representatives, including:
 - o Business representatives (majority); Chair must be business rep
 - o Chief elected officials
 - o Labor representatives
 - o Youth organization representatives
 - o Representatives of individuals and organizations with experience and expertise in the delivery of workforce investment activities including chief executive officers of community colleges and CBOs
 - o Lead state officials of mandatory partner agencies
 - o Other representatives and state agency officials that the governor may designate; members must represent diverse regions of the state and a majority must be business representatives.

Functions are to assist governor in:

- Development of the state plan
- Development of continuous improvement of statewide activities, including linkages to assure coordination and non-duplication of activities and review of local plans
Commenting at least once annually on Perkins performance measures
- Designation of local areas
- Development of adult and youth allocation formulas
- Development and continuous improvement of state performance measures
- Preparation of annual report to DOL
- Development of statewide Wagner-Peyser employment statistics system
- Development of application for incentive grants

Sec. 101 State Workforce Development Boards

Membership must include:

- Governor
- 1 member of each chamber of the state legislature, and
- Governor-appointed representatives, including:
 - o Business representatives (majority); Chair must be business rep
 - o Chief elected officials
 - o Labor representatives (20%)
 - o Balance of the board to be state officials responsible for core programs (Title 1 State grant programs, adult education programs, Wagner-Peyser ES, State vocational rehabilitation programs)

Functions are to assist governor in:

- Development of the state plan
- Recommendations to align core programs
- Review of comments on plans for partner non-core programs
- Development of guidance on removing barriers, career pathways, innovative strategies, coordinate planning, etc.
- Development and updating of comprehensive state performance accountability measures
- Provision of information on best practices
- Development of state policies on coordination of services through the one-stop delivery system
- Development of strategies for technological improvement to the one-stop delivery system
- Development of strategies for aligning technological platforms across partner systems
- Development of adult and youth allocation formulas
- Preparation of annual reports to DOL
- Development of statewide labor market information

Workforce Investment Boards (WIBs). WIOA generally maintains the current structure of state and local workforce boards, continuing to require a business majority and chair. However, the number of required members is reduced.

Sec. 112 State Plan

Requires a state plan with a **5-year** strategy for the State workforce investment system.

The plan must include:

- Description of the state board
- Description of the state-imposed requirements
- Description of the state performance accountability system
- Description of the needs of the state regarding current and projected job opportunities, the skills necessary to obtain such jobs, skills and economic development needs of the state, and the type and availability of workforce investment activities in the state
- Identification of local areas
- Criteria to be used for appointing members of local boards, detailed plans required under Wagner-Peyser
- Procedures to be taken by the state to assure coordination of and avoid duplication among WIA, Wagner-Peyser and other programs
- Description of common data collection and reporting processes for programs
- Description of the public comment and input process
- Info regarding leveraging of resources
- Assurances of fiscal control and fund accounting to ensure the proper disbursement of funds
- Description of the methods state will use to distribute funds to local areas
- Info specifying actions that constitute conflict of interest
- Description of state strategy for assisting local areas in development and implementation of fully operational one-stop system
- Description of the appeals process
- Description of the competitive process for grants and contracts
- Description of adult and dislocated worker training, rapid response activities, and procedures to identify eligible training providers
- Special populations for which plan must specify how service needs will be met: dislocated workers and displaced homemakers, low-income individuals, individuals training for nontraditional employment, and others with multiple barriers to employment
- Description of the state strategy for youth activities, criteria local boards will use in awarding youth grants, how the state will coordinate youth activities with Job Corps and youth opportunity grantees.

Sec. 102 Unified State Plan

Requires a state plan with a **4-year** strategy for the State's core programs.

The plan must include:

- Analysis of economic conditions in the state
- Analysis of workforce, employment, and unemployment data, labor market trends, and educational and skill levels of the workforce
- Analysis of workforce development activities in the state (strengths/weaknesses)
- Description of the State's strategic vision/goals for preparing an educated and skilled workforce
- Strategy for aligning core programs and other resources to achieve the strategic vision/goals
- Description of how State Agency will implement strategy
- Description activities funded by the entities carrying out core programs to implement strategy and how the activities will be aligned across programs
- Description of how the activities will be aligned with activities provided under employment, training, education, and human services programs not covered by the plan in effort to avoid duplication
- Description of how the entities carrying out core programs will coordinate activities and provide comprehensive services, including supportive services
- Description of how the State's strategy will engage community colleges and technical education schools
- Description how the activities will be coordinated with economic development strategies and activities in the State
- Description of the State operating system and policies
- Description of performance and accountability
- Description of process and methodology for determining one-stop partner contributions for cost of one-stop infrastructure
- Description of how state will implement Veterans priority of service

State and local plans are required to describe how they will, "improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable)."

Sec. 103 Combined State Plan

- Allows a state to develop and submit a combined plan for the core programs and one of more of the following in lieu of submitting multiple plans: Carl D. Perkins Act programs; TANF block grant programs; SNAP E&T programs; TAA activities; VETS programs; UI programs; SCSEP programs; CDBG authorized programs; CSBG authorized programs
- A state that submits a combined plan that is approved by DOL is not required to submit any other plan or application to receive federal funds for core or programs included in the plan.
- Combined plan must include:
 - A description of the methods used for joint planning/coordination of core programs and other programs and activities covered by the combined plan
 - Entities responsible for planning or administering core programs and other programs and activities receive an opportunity to review and comment on the combined plan

Core programs covered in the combined plan are still subject to the requirements they

would be subject to under the state unified plan.

State and local plans. WIOA requires a single, unified State plan covering all core programs authorized under the bill. The plan must describe the State's overall strategy for workforce development and how the strategy will meet identified skill needs for workers, job seekers and employers. Local plans must be aligned to the strategy described in the State plan, and must describe how services provided at the local level will be aligned to regional labor market needs.

Chapter 2: Local Provisions

Sec. 116 Local Workforce Investment Areas

- The governor shall designate local workforce investment areas.
- The governor shall approve temporary designation as a local area for any unit of general local government with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act as long as they performed successfully and used funds appropriately.
- Temporary designation is maximum 2 years.
- A unit of local government that requests but is denied designation of an area as a local area may appeal to the state board.
- Small states can be designated as a single state local area by the governor
- In developing the state plan, a state may require local boards to participate in regional planning.
- The state may require local WIBs to share info that would assist in improving the performance of all local areas.
- The state may require the local WIBs for a region to coordinate services so activities are provided across local boundaries within a designated region.

Sec. 106 Workforce Development Areas

- The governor shall designate local workforce development areas (known as local workforce investment areas under current law).
- Eliminates the provision relating to automatic and temporary designation of workforce development areas.
- Modifies the factors the governor must use to designate workforce development areas to include consultation with local boards. Current law indicates that the Governor must consult with the State board and chief elected officials.
- A unit of local government that requests but is not granted designation of an area as a local area may appeal to the state board.
- Any state can be designated as a single workforce area by the governor.
- Requires local boards and chief elected officials in each planning region to prepare a single regional plan in lieu of separate local plans.

Sec. 117 Local Workforce Investment Boards

Composition of local boards:

- Business— (business majority required)
- Labor organizations
- Community-based organizations
- Local educational entities, including those providing adult education and literacy, representatives of local educational agencies, local school boards, and postsecondary educational institutions
- Economic development agencies
- Each one-stop partner
- Other entities the chief local elected official determines appropriate

Sec. 107 Local Workforce Development Boards

Composition of local boards:

- Business— (business majority required)
- Labor organizations
- Community-based organizations
- Local educational entities, including those providing adult education and literacy, representatives of local educational agencies, local school boards, and postsecondary educational institutions
- Economic and community development entities

Local boards may include reps of organizations with experience/expertise in addressing youth employment, training, or education needs, including organizations that serve out-of-school youth.

<p>Youth Councils —</p> <p>Required within of local board to develop youth portion of local plan; recommend providers of youth activities to be awarded grants/contracts and conduct oversight of providers; coordinate WIA funded youth activities, etc.</p>	<p>Youth Councils are eliminated under WIOA</p>
<p>Sec. 118 Local Plan</p> <p>Each local board must develop and submit to governor a comprehensive 5-year local plan in partnership with appropriate chief elected official.</p> <p>The plan must include:</p> <ul style="list-style-type: none"> • Identification of the workforce investment needs of businesses, jobseekers, and workers, the current and projected employment opportunities, and the job skills necessary to secure such job opportunities. • Description of the one-stop system, including how the local board will ensure the continuous improvement of the eligible providers of services, and a copy of MOUs between the LWIB and each one-stop partner. • Description of the local levels of performance • Description and assessment of the type and availability of adult and dislocated worker employment and training activities in the area • Description of how the LWIB will coordinate workforce activities with statewide rapid response activities • Description of the type and availability of youth services • Description of the process for public input and comment on the local plan prior to submission, • Identification of the entity responsible for the disbursement of grant funds, • Description of the competitive process to be used to award grants, and • Other info the Governor may require. 	<p>Sec. 108 Local Plan</p> <p>Each local board must develop and submit to the governor a comprehensive 4-year local plan, in partnership with the chief elected official. Two years into the 4-year plan, the local boards, in partnership with the chief elected official, shall review the plan and submit modifications to reflect changes in the labor market and economic conditions.</p> <p>The plan must include:</p> <ul style="list-style-type: none"> • description of the strategic planning consisting of an analysis of regional economic conditions including existing and emerging in-demand industry sectors and occupations, and the employment needs of employers in those industry sectors and occupations. • analysis of the knowledge and skills needed to meet the employment needs of employers in the region, including employment needs in in-demand industry sectors and occupations. • analysis of the workforce in the region, including current labor force employment (and unemployment) data, info on labor market trends, and the educational and skill levels of the workforce in the region, including individuals with barriers to employment. • analysis of the workforce development activities in the region, including an analysis of strengths and weaknesses and the capacity to provide them. • description of the local board's goals for preparing an educated and skilled workforce, including goals relating to the performance accountability measures based on primary indicators of performance. • description of the workforce development system in the local area. • description of how the local board will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment. • description of the strategies/services that will be used in the local area to engage employers, support a local workforce development system, better coordinate workforce programs and economic development, and strengthen linkages between the AJCC delivery system and UI programs. • description of how the local board will coordinate workforce investment activities. • description of the AJCC delivery system, including how the local board will ensure the improvement of eligible providers, how the local board will facilitate access to AJCC services, and how entities, will comply with nondiscrimination and the applicable provisions of the Americans with Disabilities Act. • description of the roles and resource contributions of the AJCC partners. • description of the adult & dislocated worker employment and training services in the local area. • description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities. • description and assessment of the type and availability of youth workforce investment activities. • A description of how the local board will coordinate education and workforce investment activities with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services.

	<ul style="list-style-type: none"> • description of how the local board will coordinate workforce investment activities with transportation, including public transportation. • description of plans and strategies for maximizing coordination of services provided, and how the local board will coordinate workforce investment activities with adult education and literacy activities. • description of cooperative agreements between local entities under the Rehabilitation Act. • identification of the entity responsible for the disbursement of grant funds. • description of the competitive process to be used to award local area subgrants and contracts. • description of the local performance levels to be used to measure the performance of the local area. • description of actions the local board will take to becoming or remaining a high-performing board. • description of how training services will be provided. • description of the process used by the local board to provide an opportunity for public comment, including comment by representatives from business and labor organizations. • description of how AJCC's are implementing and transitioning to an integrated, technology-enabled intake and case management system, and other info the governor may require.
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Chapter 3: Workforce Investment Activities Providers

<p>Sec. 121 Establishment of One-Stop Delivery System</p> <p>Required Partners:</p> <ul style="list-style-type: none"> • WIA and Wagner-Peyser • Adult Education and Literacy • Rehabilitation Act programs • Older Americans Act programs • Perkins postsecondary vocational education activities • Trade Adjustment Assistance and NAFTA-TAA programs • Veterans Employment and Training • Community Service Block Grant employment and training activities • HUD employment and training activities • UI programs • Welfare-to-Work 	<p>Sec. 121 Establishment of One-Stop Delivery Systems</p> <p>Required partners:</p> <ul style="list-style-type: none"> • WIA and Wagner-Peyser • Adult Education and Literacy • Rehabilitation Act programs • Older Americans Act programs • Perkins postsecondary career and technical educational activities • Trade Adjustment Assistance and NAFTA-TAA programs • Veterans Employment and Training • Community Service Block Grant employment and training activities • HUD employment and training activities • UI programs • TANF programs • Second Chance Act (ex-offender) programs
<p>Required partners must:</p> <ul style="list-style-type: none"> • Make available to participants through a one-stop system the core services applicable to such program or activity; • Participate in the operation of the system consistent with terms of a MOU and with the requirements of federal law. 	<p>Required partners must:</p> <ul style="list-style-type: none"> • Provide access through the one-stop delivery system to such programs or activities; • Use a portion of the funds to maintain the one-stop delivery system, including payments of infrastructure costs; • Enter into an MOU with the local board relating to the operation of the one-stop system; if local areas fail to come to an agreement, a State mandated funding mechanism may be imposed. • Participate in the operation of the one-stop system consistent with the terms of the MOU; • Provide representation on the State board.

<p>Additional Partners May be added if local board and chief elected official approve:</p> <ul style="list-style-type: none"> • TANF, Food Stamp employment training and work programs • National and Community Service Act programs • Other federal, state, or local programs, including private sector 	<p>Additional Partners May be added if local board and chief elected official approve:</p> <ul style="list-style-type: none"> • Ticket to Work and Self-Sufficiency program; • Employment and training programs carried out by the Small Business Administration; • Food and Nutrition Act programs; • Rehabilitation Act programs; • National and Community Service Act programs; • Other federal, state, or local programs, including private sector
<p>No express provision for infrastructure funding; partners may agree to share costs.</p>	<p>Co-location—Requires employment services offices to be collocated with one-stop centers.</p> <p>Continuous Improvement—Requires state board to establish objective criteria and processes to assess effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system, including standards relating to service coordination. This must be done at least once every three years.</p> <p>Infrastructure Funding—Local areas may fund infrastructure costs through methods described in the MOU or through a new state infrastructure funding method.</p> <ul style="list-style-type: none"> • If local areas fail to reach an agreement through MOU, required partner programs must provide the governor with a “covered portion” to assist with one-stop infrastructure costs • Funds provided for “covered portion” may only come from administrative funds • Contributions are capped at: <ul style="list-style-type: none"> o 3% of federal funds provided to a state for a fiscal year for WIA youth, adult, and dislocated worker programs and the Employment Service; and o 1.5% of federal funds provided to a state for a fiscal year for all other required partners • Federal direct spending programs not required to provide more than the cost of proportionate use of the one-stop centers for the program in the state • Requires a portion of federal funds (or non-cash resources) made available to required or additional partners to be used to pay for additional costs for operating the one-stop system that are not covered by infrastructure funds <p>One-stop Centers (America’s Job Career Centers). WIOA requires State boards to establish criteria for use by local boards to assess the “effectiveness, physical and programmatic accessibility, and continuous improvement” of one-stop centers at least every three years. The bill maintains current requirements for mandatory one-stop partners to reach a voluntary agreement to fund infrastructure costs; however, if local areas fail to come to an agreement, a State mandated funding mechanism may be imposed upon those local areas.</p>

Sec. 122 Eligible Training Providers

To be eligible to receive funds, provider is required to be:

- 1) A postsecondary institution that provides a program that leads to an associate or baccalaureate degree, or certificate;
- 2) An entity that carries out programs under the National Apprenticeship Act;
- 3) Another public or private provider of a program of training services.

- Entities in categories (1) and (2) automatically receive initial eligibility upon application. Other providers are required to submit performance and program cost info and meet appropriate performance levels in order to receive initial eligibility.
- For subsequent eligibility, all providers must submit performance and program cost info and annually meet appropriate performance levels.

Providers of on-the-job or customized training must not be subject to these requirements.

Sec. 122 Eligible Training Providers

To be able to receive funds, a provider is required to be:

- 1) An institution of higher education that provides a program that leads to a recognized postsecondary credential
 - 2) An entity that carries out programs under the National Apprenticeship Act;
 - 3) Another public or private provider of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy.
- Entities in categories (1) and (3) above must comply with the criteria, information requirements, and processes in order to be included on the list of eligible providers. An entity in category (2) above shall remain on the list of eligible providers so long as the corresponding program of the provider remains registered under the National Apprenticeship Act.

- In establishing eligibility criteria, the Governor shall take into account the performance of providers of training services with respect to:
 - Performance accountability measures;
 - Other appropriate measures of performance outcomes determined by the Governor for participants receiving training services;
 - The need to ensure access to training services throughout the State, including in rural areas, and through the use of technology;
 - The degree to which training relates to in-demand industry sectors and occupations;
 - The requirements for State licensing of providers of training services, and the licensing status of providers of training services if applicable;
 - Ways in which the criteria can encourage the providers to use industry-recognized certificates or certifications;
 - The ability of the providers to offer recognized postsecondary credentials;
 - The quality of a program of training services, including a program that leads to a recognized postsecondary credential
 - The ability of providers to provide training services to individuals who are employed and individuals with barriers to employment
 - Such other factors the Governor determines as are appropriate to ensure the accountability of providers, that One-Stops ensure that providers meet the needs of local employers and participants, the informed choice of participants among training service providers, and that the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.
- The information requirements established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State to enable it to carry out the requirements under the list of eligible providers, including:
 - Information on the performance of the provider;
 - Information on recognized postsecondary credentials received by participants;
 - Information on cost of attendance, including costs of tuition and fees for participants;
 - Information on the program completion rate for participants; and
 - Information on eligibility criteria.
- A local board in the State may establish criteria and information requirements in addition to the criteria and information requirements established by the Governor, or may require higher levels of performance than required for the criteria established by the Governor, for purposes of determining the eligibility of providers of training services.

<p>Sec. 123 Eligible Providers of Youth WIA Activities</p> <p>Local boards are required to identify eligible providers of youth activities by awarding grants or contracts on a competitive basis, based on youth council recommendations and state plan criteria.</p>	<p>Sec. 123 Eligible Providers of Youth WIA Activities</p> <p>Local boards shall award grants or contracts on a competitive basis to providers of youth workforce investment activities, based on state plan criteria. In awarding these grants or contracts, local boards shall take into consideration the ability of providers to meet performance accountability measures, based on primary indicators of performance for the youth program.</p>
<p>Chapter 4: Youth Activities</p>	
<p>Sec. 127 State Allotments: Youth Formula</p> <ul style="list-style-type: none"> • In years in which the appropriation exceeds \$1B, a portion of funds in excess of \$1B must be reserved for MSFW programs and up to \$250M for Youth Opportunity Grants. • The remaining amount in excess of \$1B must be used for funding to outlying areas and to states for Native American programs and for youth activities and statewide workforce investment activities. • Remainder is distributed to states with: <ul style="list-style-type: none"> ○ 33 1/3 % based on relative number of unemployed individuals in areas of substantial unemployment; ○ 33 1/3 % based on relative excess number of unemployed individuals; ○ 33 /13 % based on relative number of disadvantaged youth. • Hold harmless and small state minimum provisions. • DOL is to allot the amount by which a state's unobligated balance exceeds 20% of its allotment for the PY. 	<p>Sec.127: State Allotments</p> <ul style="list-style-type: none"> • In years in which the appropriation exceeds \$925K, 4% of funds must be reserved for MSFW programs (not more than \$10 million). • The remaining amount in excess of \$925K must be used for funding to outlying areas and to states for Native American programs and for youth activities and statewide workforce investment activities. • Changes hold harmless to require that no state receive less than the greater of either 90 percent of the previous year's allotment or 100 percent of the FY 2014 allotment. Maintains current law provision on small state minimum. • Maintains current law regarding minimum and maximum allotment percentages. • Remainder is distributed to states with: <ul style="list-style-type: none"> ○ 33 1/3 % based on relative number of unemployed individuals in areas of substantial unemployment; ○ 33 1/3 % based on relative excess number of unemployed individuals; ○ 33 /13 % based on relative number of disadvantaged youth. • Allotments consider low-income youth between 16-21 and number of disadvantaged youth in local area.
<p>Sec. 128 Within State Allocations</p> <ul style="list-style-type: none"> • Not more than 15% of youth formula funds can be reserved at the state level. • Funds allocated to local areas based on each of the three factors used by DOL to determine state allocation: <ul style="list-style-type: none"> ○ 33 1/3 % based on relative number of unemployed individuals in areas of substantial unemployment; ○ 33 1/3 % based on relative excess number of unemployed individuals; ○ 33 /13 % based on relative number of disadvantaged youth. • The amount by which a local area's unobligated balance exceeds 20% of its allocation for the PY may be reallocated. • 10% cap on amount of adult and dislocated worker funds that can be used for local administrative costs. 	<p>Sec. 128 Within State Allocations</p> <ul style="list-style-type: none"> • Not more than 15% of youth formula funds can be reserved at the state level. • Funds allocated to local areas based on each of the three factors used by DOL to determine state allocation: <ul style="list-style-type: none"> ○ 33 1/3 % based on relative number of unemployed individuals in areas of substantial unemployment; ○ 33 1/3 % based on relative excess number of unemployed individuals; ○ 33 /13 % based on relative number of disadvantaged youth. • The amount by which a local area's unobligated balance exceeds 20% of its allocation for the PY may be reallocated (after consultation with the State board). • 10% cap on amount of adult and dislocated worker funds that can be used for local administrative costs. <p>State set-aside (i.e. governor's set aside); WIOA restores the state-wide set-aside to 15%.</p>

Sec. 129 Use of Funds for Youth Activities

Eligible Youth: An age 14–21 individual who is low income and is an individual with one or more of the following:

- deficient in basic literacy skills;
- a school dropout;
- homeless, a runaway, or a foster child;
- pregnant or a parent;
- an offender;
- an individual who requires additional assistance to complete an educational program, or to secure and hold employment.

Out-of-School Youth: An eligible youth who is a school dropout or an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

Limitation: Not more than 5% of the individuals assisted under this section may be individuals who are not low-income provided they have one or more barriers.

Statewide Activities: Youth

- Disseminating state list of eligible providers of youth activities
- Conducting evaluations
- Providing incentive grants to local areas for regional cooperation, local coordination of activities, and exemplary performance on local performance measures
- Providing technical assistance to local areas that fail to meet local performance measures
- Assisting in the establishment and operation of one-stop delivery systems
- Operating a fiscal and management accountability info system
- Additional assistance to local areas that have high concentrations of eligible youth.

Required Program Design:

- Provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment must include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs.
- Provide service strategies that identify an employment goal, appropriate achievement objectives, and appropriate services, taking into account the above assessment.
- Provide preparation for postsecondary educational opportunities; strong linkages between academic and occupational learning; preparation for unsubsidized employment opportunities; effective connections to intermediaries with strong links to the job market and local and regional employers.

Required Program Elements:

- Tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies
- Alternative secondary school services

Sec. 129: Use of Funds

Eligible Youth is broken down into Out-of-School Youth and In-School Youth.

Out-of-School Youth: ages 16-24 and not attending school with one or more of the following:

- A school dropout
- Has not attended school in the last quarter of the calendar year or more
- A low-income individual and a recipient of a secondary school diploma or equivalent, and, basic skills deficient or an English language learner
- An individual who is subject to the juvenile or adult penal system
- A homeless individual
- A parent, or one who is pregnant
- Youth with a disability
- A low-income individual who needs assistance with education or employment

Out-of-School Youth – Not less than 75% of program year monies will be available for activities targeting out-of-school youth.

Limitation: Not more than 5% of the individuals assisted under Out-of-School Youth and In-School Youth may be individuals who are not low-income provided they have one or more barriers.

In-School Youth: ages 14-21, attending school, low-income, and one or more of the following:

- Basic Skills deficient
- An English language learner
- An offender
- Homeless
- Pregnant or parenting
- Disabled youth
- Requires extra assistance to complete educational program or secure employment

Statewide Activities: Youth

- Disseminating state list of eligible providers of youth activities; conducting evaluations
- Providing incentive grants to local areas for regional cooperation, local coordination of activities, and exemplary performance on local performance measures
- Providing technical assistance to local areas that fail to meet local performance measures
- Assisting in the establishment and operation of one-stop delivery systems
- Operating a fiscal and management accountability information system
- Additional assistance to local areas that have high concentrations of eligible youth
- Increasing awareness of significance of credit reports/scores; managing credit and debt
- Carrying out monitoring and oversight of activities

Required Program Design:

- Provide an objective assessment of the academic levels, skill levels, and service needs of each participant; provide which assessment will include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs.

- Summer employment opportunities that are directly linked to academic and occupational learning
- Paid and unpaid work experiences
- Occupational skills training
- Leadership development opportunities
- Supportive services
- Adult mentoring
- Follow-up services
- Comprehensive guidance and counseling

- Provide service strategies for each participant that identifies career pathways including education and employment goals, appropriate achievement objectives and services.
- Develop service strategies for each participant that is linked to performance indicators which will identify career pathways that include educational and employment goals.
- Provide activities leading to attainment of a high school diploma or recognized postsecondary credential.
- Provide preparation for unsubsidized employment opportunities; effective connections to employers including small employers, in-demand industry sectors and occupations of local and regional labor markets
- At the discretion of the local board, implement a pay-for-performance contract strategy.

Required Program Elements:

- Tutoring, study skills training, and instruction, leading to completion of secondary school, including recovery strategies that lead to a recognized credential
 - Alternative secondary school services or dropout strategies
 - Summer employment opportunities that are directly linked to academic and occupational learning
 - Paid and unpaid work experiences
 - Internships, job shadowing, OJT opportunities
 - Occupational skills training, which may include priority consideration for training programs that lead to a recognized credential aligned with in-demand local area occupations
 - Leadership development opportunities
 - Supportive services; Adult mentoring; Follow-up services
 - Comprehensive guidance and counseling
 - Financial literacy education
 - Entrepreneurial skills training
- Activities that help youth prepare for transition to postsecondary education/training

Chapter 5: Adult and Dislocated Worker Employment and Training Activities

Sec. 132 State Allotments

- Adult: Not more than ¼ of 1% is reserved for outlying areas and the remainder is distributed to states with:
 - 33 1/3 % based on relative number of unemployed individuals in areas of substantial unemployment (at least 6.5%)
 - 33 1/3% based on relative excess number of unemployed individuals (number above 4.5%)
 - 33 1/3% based on relative number of disadvantaged adults
- Dislocated Worker: 20% of funds reserved by Secretary for technical assistance, demonstration projects, National Emergency Grants, and assistance to outlying areas. The remainder is distributed to states based on:
 - 33 1/3% based on relative number of unemployed individuals
 - 33 1/3% based on relative excess number (number above 4.5 %) of unemployed individuals
 - 33 1/3% based on relative number of individuals in each state who have been unemployed for 15 weeks or more.

Sec. 132 State Allotments

- Adult: Not more than ¼ of 1% is reserved for outlying areas and the remainder is distributed to states with:
 - 33 1/3 % based on relative number of unemployed individuals in areas of substantial unemployment (at least 6.5%)
 - 33 1/3% based on relative excess number of unemployed individuals (number above 4.5%)
 - 33 1/3% based on relative number of disadvantaged adults
- Dislocated Worker: 20% of funds reserved by Secretary for technical assistance, demonstration projects, National Emergency Grants, and assistance to outlying areas. The remainder is distributed to states based on:
 - 33 1/3% based on relative number of unemployed individuals
 - 33 1/3% based on relative excess number (number above 4.5 %) of unemployed individuals
 - 33 1/3% based on relative number of individuals in each state who have been unemployed for 15 weeks or more.

<ul style="list-style-type: none"> • DOL is directed to reallocate the amount by which a state's unobligated balance exceeds 20% of its allotment for the program year. • An eligible state means a state that has obligated at least 80% of the state allotment. 	<ul style="list-style-type: none"> • DOL is directed to reallocate the amount by which a state's unobligated balance exceeds 20% of its allotment for the PY. • An eligible state means a state that has obligated at least 80% of the state allotment. <p><i>Added to definitions:</i> Low income level – defined as \$7,000 with respect to income in 1969, and for later years that amount that bears the same relationship to \$7,000 as the Consumer Price Index for 1969 rounded to the nearest \$1,000.</p> <p>Changes hold harmless to require that no state receive less than the greater of either 90 percent of the previous year's allotment or 100 percent of the FY 2014 allotment. Maintains current law provision on small state minimum.</p> <ul style="list-style-type: none"> • Maintains current law regarding minimum and maximum allotment percentages • Requires DOL, in years for which appropriations for youth activities exceeds \$925,000,000 to reserve a portion (not more than \$10M) for youth activities for MSFWs • Maintains current law regarding outlying areas • Caps total allotment for Native American youth workforce investment activities at 1.5%
<p>Sec. 133 Within State Allocations</p> <ul style="list-style-type: none"> • Adult: 15% of funds reserved at state level for statewide workforce investment activities. Of the remaining 85%: <ul style="list-style-type: none"> ○ Funds allocated to local areas based on each of the three factors used by DOL to determine state allocation. ○ Alternatively, a state may distribute at least 70% of funds as outlined above and remainder based on other factors relating to excess poverty and unemployment developed by state board and included in state plan. • Dislocated Worker: 15% of funds reserved at state level for statewide workforce investment activities. Governor may reserve up to an additional 25% for rapid response activities. Remaining funds allocated to local areas based on formula prescribed by the governor. • The amount by which a local area's unobligated balance exceeds 20% of its allocation for the PY may be reallocated. • 10% cap on amount of adult and dislocated worker funds that can be used for admin costs at local level. • Up to 20% of funds at the local level may be transferred between adult and dislocated worker funding streams with approval of the governor. 	<p>Sec. 133 Within State Allocations</p> <ul style="list-style-type: none"> • Adult: 15% of funds reserved at state level for statewide workforce investment activities. Of the remaining 85%: <ul style="list-style-type: none"> ○ Funds allocated to local areas based on each of the three factors used by DOL to determine state allocation. ○ Alternatively, a state may distribute at least 70% of funds as outlined above and remainder based on other factors relating to excess poverty and unemployment developed by the state board and included in state plan. • Dislocated Worker: 15% of funds reserved at state level for statewide workforce investment activities. Governor may reserve up to an additional 25% for rapid response activities. Remaining funds allocated to local areas based on formula prescribed by the governor. • The amount by which a local area's unobligated balance exceeds 20% of its allocation for the PY may be reallocated. • 10% cap on amount of adult and dislocated worker funds that can be used for admin costs at local level. • Up to 20% of funds at the local level may be transferred between adult and dislocated worker funding streams with approval of the governor. <ul style="list-style-type: none"> • WIOA adds provision clarifying that allocations should be used to contribute to the cost of the one-stop delivery system and to provide employment and training services. • WIOA adds provision increasing amount available for reallocation from 10% to 20% (available from the prior year allocation).

Sec. 134 Use of Funds for Employment & Training Activities

Statewide Activities: Adults and Dislocated Workers

- statewide rapid response activities
- Disseminating state list of eligible providers, performance and program cost info
- Conducting evaluations
- Providing incentive grants to local areas for regional cooperation, local coordination of activities, and exemplary performance on local performance measures
- Providing technical assistance to local areas that fail to meet local performance measures
- Assisting in the establishment and operation of one-stop delivery systems
- Operating a fiscal and management accountability info system

Local Activities: Adults and Dislocated Workers

- Establish one-stop delivery system
- Provide **core services** including:
 - Eligibility determination for WIA services
 - Outreach, intake, and orientation
 - Initial assessment of skill levels, aptitudes, abilities, and supportive service needs
 - Job search and placement assistance, and, where appropriate, career counseling
 - Employment statistics info
 - Performance and program cost info on local providers
 - Local area performance info
 - Accurate info on availability of supportive services, including child care and transportation, and referral to such services, as appropriate
 - Info regarding filing unemployment compensation claims
 - Assistance in establishing eligibility for Welfare-to-Work activities and other programs of financial aid assistance for education and training
 - For WIA participants placed in unsubsidized employment, follow-up services for not less than 12 months after first day of employment, as appropriate.
- Provide **intensive services**, including:
 - Comprehensive and specialized assessments of skills and service needs
 - Development of individual employment plans
 - Group counseling
 - Individual counseling and career planning
 - Case management for participants seeking training
 - Short-term pre-vocational services
- Provide **training services**, including:
 - Occupational skills training, including training for nontraditional employment
 - On-the-job training
 - Programs that combine workplace training with related instruction
 - Training programs operated by the private sector
 - Skill upgrading and training
 - Entrepreneurial training
 - Job readiness training
 - Adult education and literacy activities provided in combination with the above activities

Sec. 134 Use of Funds for Employment & Training Activities

Statewide Activities: Adults and Dislocated Workers

Required Statewide Activities –

- Statewide rapid response/additional assistance activities
- Building capacity by providing assistance to state entities and agencies, local areas, one-stop partners and operators for a range of activities
- Operating a fiscal and management accountability system
- Carrying out monitoring and oversight activities
- Disseminating state list of eligible providers
- Conducting evaluations
- Developing strategies that lead to comparable pay for men and women

Allowable Statewide Activities—

- Implementing innovative programs and strategies designed to meet the needs of all employers in the state
- Developing strategies for effectively serving individuals with barriers to employment
- Programs to increase the number of individuals training for/placed in non-traditional employment
- Activities to facilitate remote access to services provided through the one-stop delivery system
- Other activities
- Eliminates provision regarding displaced homemakers
- Adds development or identification of education or training programs that respond to real time data analysis, utilize direct and prior learning assessment, that evaluate skills, and ensure that credits are portable and stackable
- Adds providing technical assistance to local areas implementing pay-for-performance strategies

Required Local Activities—

- Establish and provide services through one-stop delivery system
- Consolidates core and intensive services as “career services”
- Adds requirement for local area to establish and develop relationships and networks with small employers and their intermediaries
- Requirement to develop, convene, or implement industry or sector partnerships
- Allows training contracts to be used for pay-for-performance contracts
- Designate a dedicated business liaison
- Requires priority for individuals on public assistance, other low-income individuals, and individuals who are basic skills deficient.
- Governor or local board may increase OJT reimbursement to an amount up to 75% of the wage rate of a participant

Sequence of Services—

Clarifies that individuals are not required to receive core or intensive services prior to receiving training services

- o Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training

Permissible Activities for Adults and Dislocated Workers:

- Customized screening and referral of qualified training participants to employment
- Customized employment-related services to employers on a fee-for-service basis
- Supportive services to participants in core, intensive, or training services who are unable to obtain supportive services through other programs
- Needs-related payments to training participants who do not qualify for UI
- Local funds may not be used for incumbent worker training programs.

Allowable Activities:

- Not more than 5% can be used for admin activities
- Providing capacity building and technical assistance
- Research and demonstrations, innovative incumbent worker training programs
- Programs targeted to empowerment zones and enterprise communities
- Support for identification of eligible training providers
- Innovative programs for displaced homemakers
- Programs to increase the number of individuals training for and placed in nontraditional employment
- Other activities necessary to assist locals in carrying out local activities

Eligibility: Adults

Adults (including dislocated workers) who meet the following criteria are eligible for intensive services:

- Are unemployed and are unable to obtain employment through core services; and
- Have been determined by a one-stop operator to be in need of more intensive services to obtain employment; or
- Are employed, but are determined by a one-stop operator to need intensive services to obtain or retain employment that allows for self-sufficiency.

Priority Populations: Priority for intensive and training services is given to public assistance recipients and low-income individuals when adult funds allocated to a local area are limited.

Low-Income Individual: An individual who:

- Receives, or is a member of a family that receives, cash payments under a federal, state program;
- Received a total family income that does not exceed the higher of the poverty line or 70% of the lower living standard income level;
- Received Food Stamps;
- Is homeless;
- Is a foster child; or
- In cases permitted by DOL regulations, is an individual with a disability whose own income meets one of the first 2 requirements above, but whose family income does not.

Permissible Local Activities—

- Discretionary one-stop delivery activities
- Supportive services
- Needs-related payments
- Incumbent worker training program (requires employers to pay for non-federal share)
- Transitional jobs (not more than 10% of funds allocated)

Use of Individual Training Accounts—

Maintains requirement that training services be provided through ITAs.

- Expands current list of exceptions where training may be provided through contracts for services
- Increases reimbursement level for OJT to 75% of a participant's wage rate
- Expands the list of permissible local employment and training activities
- Allows local areas to provide work support activities to help low-wage workers retain and enhance employment
- Maintains current language allowing local areas to provide needs-related payments to adults or dislocated workers who are unemployed and do not qualify for unemployment compensation
- Allows local boards to reserve up to 15% of adult and dislocated worker funds for incumbent worker training (can be increased to 20 percent upon determination by local board)

Employment and Training Activities. WIOA codifies the elimination of the original “sequence of services,” and combines core and intensive services into a new “career services” category. The bill signals to states and local areas an interest in seeing a number of existing best practices adopted or expanded, including: career pathways (including integrated or contextualized ABE, ESL, and occupational training); industry or sector partnership (local WIBs are required to “convene, use, or implement” sector partnerships); and an increased focus on the attainment of industry-recognized certificates and credentials linked to in-demand occupations.

Dislocated Worker: Includes 4 basic categories of individuals:

- Has been terminated or laid off, is eligible for or has exhausted entitlement to unemployment compensation; and is unlikely to return to a previous industry or occupation;
- Has been terminated or laid off, or has received a notice of termination or layoff, as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;
- Was self-employed but is unemployed as a result of economic conditions in the community or because of natural disasters, or
- Is a displaced homemaker.

Displaced Homemaker:

An individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and is experiencing difficulty in obtaining and upgrading employment.

Adult Training Services:

ITAs - Training services must be provided through the use of individual training accounts, with a few exceptions where contracts are allowed.

- On-the-job or customized training
- Insufficient number of eligible training providers in the local area to accomplish the purposes of ITAs
- If there is a training program of demonstrated effectiveness to serve special participant populations that face multiple barriers to employment.

Customized Training is training that is designed to meet the special requirements of an employer and for which the employer pays for at least 50% of the training.

Chapter 6: General Provisions

Sec. 136 Performance Accountability System

A comprehensive performance accountability system to assess the effectiveness of States and local areas in improvement of workforce investment activities.

State Performance Measures.—

State performance measures shall consist of the core indicators of performance and the customer satisfaction indicator of performance; and additional indicators of performance (if any) identified by the State; and a State adjusted level of performance for each indicator.

Core Indicators of Performance.—

Core indicators of performance for Sec.134 employment and training activities (except for self-service and informational activities) and (for those eligible youth age 19 through 21) for youth activities authorized under Sec. 129 shall consist of—

(I) entry into unsubsidized employment;

Sec. 116 Performance Accountability System

(Across Core programs including Youth, Dislocated Worker, Adult, and Wagner-Peyser)

- This is the percentage and number of program participants who are in unsubsidized employment during the 2nd full calendar quarter after exit.
- The percentage and number of program participants who are in unsubsidized employment during the 4th full calendar quarter after exit.
- The median earnings of participants who are in unsubsidized employment during the 2nd full calendar quarter after exit.
- The percentage and number of participants who obtain a recognized postsecondary credential, or a secondary school diploma or equivalent, during participation or within one year after exit.
- The percentage of participants who, during a PY, are in an education or training program that leads to a recognized postsecondary credential or employment, and who are

- (II) retention in unsubsidized employment 6 months after entry into the employment;
- (III) earnings received in unsubsidized employment after 6 months; and
- (IV) attainment of a recognized credential relating to achievement of educational skills, which may include attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment, or by participants who are eligible youth age 19 through 21 who enter postsecondary education, advanced training, or unsubsidized employment.

Core Indicators for Eligible Youth.—The core indicators of performance (for participants who are eligible youth age 14 through 18) for youth activities authorized under section 129, shall include—

- (I) attainment of basic skills and/or work readiness or occupational skills;
- (II) attainment of secondary school diplomas and recognized equivalents; and
- (III) placement and retention in postsecondary education or advanced training, placement and retention in military service, employment, or apprenticeships.

Customer Satisfaction Indicators.—The customer satisfaction indicator of performance shall consist of customer satisfaction of employers and participants regarding services received from the workforce investment activities. Customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce investment activities.

Additional Indicators.—A State may identify in the State plan additional indicators for workforce investment activities authorized under this subtitle.

Levels of Performance.—For each State there shall be established levels of performance for each of the core indicators of performance described, as well as the customer satisfaction indicator described for workforce investment activities authorized. The levels of shall—

- (I) be expressed in an objective, quantifiable, and measurable form; and
- (II) show progress of the State toward continuously improving performance.

Identification in State Plan.—Each State shall identify, in the State plan, expected levels of performance for each of the core indicators and the customer satisfaction indicator of performance, for the first 3 PYs covered by the State plan.

Agreement on State Adjusted Levels of Performance for First 3 Years.—

To ensure an optimal return on the investment of Federal funds in workforce investment, the Secretary and each Governor shall reach agreement on levels of performance for each of the core indicators and the customer satisfaction indicator of performance, for the first 3 PYs in the State plan.

Agreement on State Adjusted Levels of Performance for 4th and 5th Years.—

Prior to the 4th PY year covered by the State plan, the Secretary and each Governor shall reach agreement on levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance.

Reports, Data Validation, and Sanctions

Contents of local area performance reports and data validation efforts are included, and contents of sanctions for State/Local Areas for failing to achieve results are included.

- achieving measurable skill gains toward a credential or employment; and
- The indicators of effectiveness in serving employers are established (under IV: Indicators for Services to Employers).

Primary Indicators for Eligible Youth

- Percentage of participants in education, training activities, or unsubsidized employment during the 2nd quarter after program exit.
- Percentage of participants in education, training activities, or unsubsidized employment during the 4th quarter after program exit; and
- Primary indicators of performance.

Indicator relating to Credential

- Participants who receive a recognized postsecondary credential within one year of exit will be included in the percentage counted as meeting the criterion.

Indicator relating to Services for Employers

- Prior to the 2nd full PY of WIOA, Secretaries of Labor and Education, and other representatives shall establish primary indicators of performance that show effectiveness of core programs in serving employers.

Additional Indicators

- States may identify in the State Plan additional performance indicators.

State Plan Identification

- States shall identify expected levels of performance for each program for the first 2 years, as covered in the State Plan.
- Labor and Education will reach agreement by the 3rd PY on performance levels for years 3 and 4.
- There is a statistical adjustment model to take into account economic conditions that may lead to an adjustment of performance expectations.

Reports and Data Validation

- Contents of local area performance reports and data validation efforts are included.

Sanctions for State and Local Areas if Failure to Meet Performance

- Contents of sanctions for State/Local Areas for failing to achieve results are included.

Performance measures. WIOA creates a single set of common measures for adults across all core programs authorized under the bill, including both occupational training and adult education programs, and a similar set of common measures across all youth serving programs authorized under the bill. Adult measures include: unsubsidized employment; median earnings; receipt of a secondary diploma or recognized postsecondary credential; measurable skills gains toward a credential or employment; and employer engagement.

	<p>Data and accountability issues. WIOA’s revised performance system makes all programs accountable for the same core metrics. The bill also adds requirements for performance reporting, expands use of UI wage records across all programs; requires coordination of state and federal evaluation efforts; and establishes a new Workforce Information Advisory Council.</p>
<p>Sec. 137 Authorization of Appropriations</p> <p>Authorizes “such sums as necessary” to be appropriated funds for Youth, Adult and Dislocated Worker employment and training activities for FY’s 1999-2003.</p> <p>WIA does not specify funding levels.</p>	<p>Sec. 136 Authorization of Appropriations</p> <p>Authorized to be Appropriated — Youth Workforce Investment Activities:</p> <ul style="list-style-type: none"> • FY 2015: \$820,430,000 • FY 2016: \$883,800,000 • FY 2017: \$902,139,000 • FY 2018: \$922,148,000 • FY 2019: \$943,828,000 • FY 2020: \$963,837,000 <p>Authorized to be Appropriated — Adult Employment and Training Activities:</p> <ul style="list-style-type: none"> • FY 2015: \$766,080,000 • FY 2016: \$825,252,000 • FY 2017: \$842,376,000 • FY 2018: \$861,060,000 • FY 2019: \$881,303,000 • FY 2020: \$899,987,000 <p>Authorized to be Appropriated — Dislocated Worker Employment and Training Activities:</p> <ul style="list-style-type: none"> • FY 2015: \$1,222,457,000 • FY 2016: \$1,316,880,000 • FY 2017: \$1,344,205,000 • FY 2018: \$1,374,019,000 • FY 2019: \$1,406,322,000 • FY 2020: \$1,436,137,000 <p>Funding levels. Unlike current law, which simply specifies “such sums as necessary”, WIOA includes specific funding levels for each FY 2015 through 2020 for the WIA Youth, Adult, and Dislocated Worker programs. Funding levels in FY 2015 are consistent with levels established under the Bipartisan Budget Act, which means that the programs would be funded at post-sequester levels. Funding levels are increased each year, and generally reach FY 2010 levels by FY 2017.</p> <p>However, <i>these are just authorization levels</i> and actual funding levels will continue to be determined through the annual appropriations process. Unless Congress takes steps to undo the existing budget caps and mandatory cuts under sequestration, it is extremely unlikely that programs will be fully funded at these authorized levels.</p>

Subtitle D – National Programs

Sec. 166 Native American Programs

Authorizes competitive grants to support employment and training for Indians or Native Hawaiians or supplemental services for youth on or near Indian reservations and in OK, AL, or HI. Activities assist those who wish to enter, reenter, or retain unsubsidized employment.

Grantees must submit a plan to DOL that describes a **2-year** strategy for meeting the needs of those served.

DOL, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that take into account the:

- purposes of this section
- needs of the entities served including the consideration of various geographic areas
- economic circumstances of the communities served

DOL must:

- designate an internal organizational unit that will have primary admin responsibility
- consult with the entities to establish regulations to administer the grants
- consider waivers of statutory or regulatory requirements
- establish a Native American Employment and Training Council composed of DOL-appointed representatives of the entities described under this section.

Authorized to be Appropriated — Native American Programs:

Authorizes “such sums as necessary” to be appropriated funds for Native American Programs for FY 1999.

WIA does not specify funding levels.

Sec. 166 Native American Programs

Authorizes competitive grants to support employment and training for Indians or Native Hawaiians or supplemental services for youth on or near Indian reservations and in OK, AL, or HI. Activities assist those who wish to enter, reenter, or retain unsubsidized employment.

Grantees must submit a plan to DOL that describes a **4-year** strategy for meeting the needs of those served.

DOL, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that take into account the:

- purposes of this section
- needs of the entities served including the consideration of various geographic areas
- economic circumstances of the communities served

DOL must:

- designate an internal organizational unit that will have primary admin responsibility
- consult with the entities to establish regulations to administer the grants
- consider waivers of statutory or regulatory requirements
- establish a Native American Employment and Training Council composed of DOL-appointed representatives of the entities described under this section.
- Develop, in consultation with the Native American Employment and Training Council, a set of additional performance indicators and standards as well as negotiated levels of expected performance.

Authorized to be Appropriated — Native American Programs:

\$461,000 for FY 2015
\$497,000 for FY 2016
\$507,000 for FY 2017
\$518,000 for FY 2018
\$530,000 for FY 2019
\$542,000 for FY 2020

WIOA largely retains provisions under current WIA law except:

- Requires DOL to award grants every **4 years** (instead of 2 years)
- Adds new requirements related to the WIOA primary indicators of performance
- Specifies authorized appropriations

Sec. 167 Migrant and Seasonal Farmworker Programs

Authorizes a competitive grant program every 2 years to award grants for eligible entities to carry out workforce investment activities and related assistance for MSFWs.

Grantees must have an understanding of the problems of MSFWs (including dependents), a familiarity with the area to be served, and a demonstrated capacity to administer a program of workforce investment activities and related assistance for MSFWs.

Grantees must submit a plan to DOL that describes a 2-year strategy for meeting the needs of MSFWs in the area to be served.

The plan must—

- identify the education and employment needs of MSFWs and how services to be provided will strengthen their ability to obtain unsubsidized employment or stabilize their unsubsidized employment;
- describe related assistance and supportive services to be provided and how they will be integrated with other services; and
- describe the performance indicators to be used to assess the entity's success in meeting the needs of MSFWs.

Entities must compete for grants and contracts every 2 years; DOL may waive the requirement if a successful grantee submits a satisfactory 2-year plan for the succeeding 2-year period.

Funds must be used for employment training, educational assistance, literacy assistance, English language programs, worker safety training, housing, supportive services, dropout prevention, follow-up services for individuals placed in employment, self-employment and related business development education as needed by MSFWs.

In awarding the grants, DOL must consult with the governors and local boards of the states in which the grantees will carry out the activities, and DOL must consult with MSFW groups and states in establishing regulations to carry out the grants, including performance measures that take into account the economic circumstances and demographics of MSFWs.

Sec. 168 Veterans' Workforce Investment Program

DOL must conduct programs to meet the needs for workforce investment activities of veterans with service-connected disabilities, veterans who have significant barriers to employment, veterans who served on active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized, and recently separated veterans.

Programs may be conducted through grantees that DOL determines have an understanding of the unemployment problems of veterans, familiarity with the area to be served, and the capability to administer programs for veterans.

Programs must —

- enhance other government-funded services provided to veterans
- provide workforce investment activities for veterans that are not otherwise adequately

Sec. 167 Migrant and Seasonal Farmworker Programs

WIOA largely retains provisions under current law except:

- Requires DOL to award grants every **4 years** (instead of 2 years)
- Adds new requirements related to the primary indicators of performance
- Adds customized career and technical education to the list of authorized activities
- Requires DOL to reserve up to 1% of funds appropriated for discretionary purposes

Veterans' Workforce Investment Program

The Veterans Workforce Investment Program is *repealed* by WIOA

<p>served</p> <ul style="list-style-type: none"> • provide outreach and info on job and training opportunities for veterans and must be coordinated with other services provided through the one-stops. <p>The DOL Assistant Secretary for Veterans Employment Training must —</p> <ul style="list-style-type: none"> • be responsible for the awarding of grants and distribution of funds and for the establishment of fiscal controls, accountability, and program performance measures, and • consult with Veterans Affairs and ensure that programs are coordinated with related activities conducted under Title 38 U.S.C. (Veterans Benefits). 	
<p>Sec. 169 Youth Opportunity Grants</p> <ul style="list-style-type: none"> • DOL must provide grants to increase youth (14-21years) employment • Grant period is 1 year, can be renewed for 4 years • Funds must be used for WIA activities with intensive and follow up services • Eligible local boards must: <ul style="list-style-type: none"> ◦ serve an empowerment zone or a high poverty area ◦ Have been designated by the gov as a local area that is eligible to apply • Eligible Entities- An entity other than a local board must: <ul style="list-style-type: none"> ◦ Be a recipient of Native American programs financial assistance and ◦ Serve a community that meets poverty rate criteria and is located in an Indian reservation or serves Indian population • A local board or entity must submit the required application to DOL • Performance measures must be negotiated between DOL and the local board. • DOL must provide assistance to establish an academy for out of school youth 	<p>Youth Opportunity Grants</p> <p>The Youth Opportunity Grant program is <i>repealed</i> by WIOA</p>
<p>Sec. 170 Technical Assistance</p> <ul style="list-style-type: none"> • DOL must provide technical assistance to support the development of training, staff development, and to assist states in carrying out activities under this Title. • DOL may award grants or enter into contracts or agreements after consultation with states or grant recipients; grants must be competitive and may not be in excess of \$100,000 • DOL may reserve not more than 5% of amounts available for training of adults and dislocated workers to provide technical assistance. Amounts reserved can be used to provide training of staff who provide rapid response activities. 	<p>Sec. 168 Technical Assistance</p> <ul style="list-style-type: none"> • Adds requirement that DOL provide technical assistance in the development and implementation of an integrated technology-enabled intake and case management info for programs carried out under WIOA • Adds to the list of technical assistance activities that may be provided by DOL • Requires DOL to establish new system through which states can share info on promising and proven practices.
<p>Sec. 171 Demonstration, Pilot, Research, and Multistate Projects</p> <ul style="list-style-type: none"> • Every 2 years DOL must publish in the federal register a plan that describes the Demonstration, Pilot, Research, and Multistate Project priorities for employment and training for the 5-year period following the submission of the plan. • The plan must contain strategies to address national employment and training problems • DOL must use grants, awarded on a competitive basis, for demonstration and pilot projects which address employment and training needs. Time limits must be established for carrying out these projects. • DOL must carry out multiservice projects through grants or contracts that test multiple approaches to employment and training services and will assist in the development and replication of effective service delivery strategies for the national training and employment system. 	

<ul style="list-style-type: none"> • Research must examine employment and training problems in the U.S. • Studies must be conducted concerning improvements in the formulas used to distribute funds to states and local areas for adult employment and training activities. • Multistate projects may be conducted to disseminate best practices and models from the national level for implementing employment and training services. Grants awarded for amounts over \$100,000 must be awarded on a competitive basis. Grants must not be awarded for more than 3 consecutive years unless it is competitively reevaluated within such period. A peer review process must be used to evaluate requests made for amounts exceeding \$500,000. • No more than 10% of the amount available for dislocated workers training must be used to carry out demonstration and pilot projects, multiservice and multistate projects relating to employment and training. 	
<p>Sec. 171(e) Energy Efficiency and Renewable Energy Worker Training Program</p> <p>Established an energy efficiency and renewable energy worker training program.</p> <p>The program includes competitive National Energy Training Partnership Grants available to all eligible entities for training that leads to economic self-sufficiency and develops an energy efficiency and renewable energy industries workforce.</p>	
<p>Sec. 172 Evaluations</p> <p>Programs and activities must be evaluated to improve the management and cost effectiveness as well as the effectiveness of their performance measures, structure and mechanisms for service delivery.</p> <p>Evaluations must address the impact of these programs on the community, the participants and on related programs.</p> <p>Evaluations must use appropriate methodology and research designs, the results to be submitted to DOL. DOL must transmit the draft report to the House and Senate within 30 days; the final report must be transmitted to congress within 60 days of completion.</p>	<p>Sec. 169 Evaluations and Research</p> <p>Programs and activities must be evaluated to improve management and cost effectiveness Periodic independent evaluations of the programs at least once every 4 years</p> <p>Evaluations must address:</p> <ul style="list-style-type: none"> ○ Effectiveness of the programs in relation to cost and how the programs improve employment competencies of participants vs. non-participants ○ The increase of total employment over the current level ○ Effectiveness of performance accountability measures of the programs ○ Effectiveness of structure and mechanisms for service delivery, including coordination and integration of services ○ Impact of programs on community, business, and participants involved ○ Extent of how the programs met the needs of various demographics <p>Evaluations must use appropriate methodology and research designs, the results to be submitted to DOL. DOL must transmit the draft report to the House and Senate within 30 days; the final report must be transmitted to congress within 60 days of completion.</p>
<p>Sec. 173 National Emergency Grants</p> <p>DOL may award national emergency grants to provide training and employment assistance to workers affected by economic dislocations such as plant closures or mass layoffs, or to workers affected by an emergency or natural disaster. NEGs may also be provided to state or local areas that have expended all available funds and demonstrate additional need.</p> <p>One dislocated worker office must be designated by DOL to coordinate the functions relating to training and employment activities for dislocated workers including NEGs. An entity must submit an application to DOL which includes required info within DOL-established timelines.</p> <p>Participant eligibility: In order to receive employment and training assistance under a NEG</p>	<p>Sec. 170 National Dislocated Worker Grants</p> <p>DOL may award national emergency grants to provide training and employment assistance to workers affected by economic dislocations such as plant closures or mass layoffs, or to workers affected by an emergency or natural disaster. NEGs may also be provided to state or local areas that have expended all available funds and demonstrate additional need.</p> <p>WIOA redesignates national emergency grants as “national dislocated worker grants” and defines “emergency or disaster” and “disaster area.”</p> <p>Expands DOL’s authority to provide assistance to states; DOL may issue additional assistance to state/local boards whose higher-than-average demand for employment and</p>

<p>an individual must be one of the following:</p> <ul style="list-style-type: none"> • A dislocated worker • An employee of the DOD or DOE employed at a military installation that is being closed or realigned within the next 24 months after the date of eligibility. • A nonmanagerial individual employed by a DOD contractor at risk of termination due to defense cuts. • A member of the armed forces who: was on active duty full time, is involuntarily separated from active or full time duty, is not entitled to retired or retained pay, and applies for employment and training assistance within 180 days of separation. <p>Individuals engaged in disaster relief may remain so employed for 6 months. No extensions are authorized.</p>	<p>training services for dislocated members of the Armed Forces exceeds state and local resources.</p> <p>Participant eligibility: In order to receive employment and training assistance under a NEG an individual must be one of the following:</p> <ul style="list-style-type: none"> • A dislocated worker • An employee of the DOD or DOE employed at a military installation that is being closed or realigned within the next 24 months after the date of eligibility. • An individual employed at the DOD who is determined by DOD to be at risk of termination due to defense cuts. • A member of the armed forces who: was on active duty full time, is involuntarily separated from active or full time duty, is not entitled to retired or retained pay, and applies for employment and training assistance within 180 days of separation. <p>Above individuals may receive retraining assistance if needed to attain marketable job skills.</p> <p>Individuals engaged in disaster relief employment may remain so employed for 12 months. A 12 month extension may be authorized by DOL.</p>
<p>Sec. 173(a) YouthBuild Program</p> <p>In September 2006, the YouthBuild Transfer Act (Public Law 109-281) transferred the YouthBuild program program from the Dept. of Housing and Urban Development to DOL. PL 109-281 amends WIA by adding a new Sec. 173A to subtitle D of Title I of WIA.</p> <p>In YouthBuild programs, low-income youth ages 16 to 24 work full-time for 6-24 months toward their GEDs or hs diplomas while learning job skills building affordable housing in their communities with emphasis on leadership development and community service. At exit, they are placed in college, jobs, or both.</p>	<p>Sec. 171 YouthBuild Program</p> <p>WIOA Largely maintains current law, except:</p> <ul style="list-style-type: none"> • Expands existing list of industry sectors for apprenticeship programs • Adds "to improve the quality and energy efficiency of community and other nonprofit facilities" • Requires DOL to establish expected levels relating to each of the primary performance indicators for youth activities • Permits DOL to establish additional indicators • Requires DOL to reserve 5% of funds for management and technical assistance <p>Authorization of Appropriations—YouthBuild Programs:</p> <ul style="list-style-type: none"> ○ 2015: \$77,534,000 ○ 2016: \$83,523,000 ○ 2017: \$85,256,000 ○ 2018: \$87,147,000 ○ 2019: \$89,196,000 ○ 2020: \$91,087,000
<p>Sec. 174 Authorization of Appropriations</p> <p>Authorized for FYs 1999–2003:</p> <ul style="list-style-type: none"> • Native American programs: at least \$55,000,000 • MSFW Programs: at least \$70,000,000 • Veterans Workforce Programs: at least \$7,300,000 <p>Within the above, amounts were reserved for FYs 1999-2003:</p> <ul style="list-style-type: none"> • FY1999: at least 40% for technical assistance • FY2000: at least 25% for technical assistance 	<p>Sec. 172 Authorization of Appropriations</p> <p>Authorization of Appropriations—Native American Programs:</p> <ul style="list-style-type: none"> ○ 2015: \$46,082,000 ○ 2016: \$49,641,000 ○ 2017: \$50,671,000 ○ 2018: \$51,795,000 ○ 2019: \$53,013,000 ○ 2020: \$54,137,000

<ul style="list-style-type: none"> • FYs 2001–2003: at least 20% for technical assistance • FY1999: at least 50% for Demonstration, Pilot, Research, and Multistate Projects • FYs2000–3: at least 45% for Demonstration, Pilot, Research, and Multistate Projects • FY1999: at least 10% for Evaluations • FY2000: at least 20% for Evaluations • FY2001-3: at least 25% for Evaluations 	<p>Authorization of Appropriations—MSFW Programs:</p> <ul style="list-style-type: none"> o 2015: \$81,896,000 o 2016: \$88,222,000 o 2017: \$90,052,000 o 2018: \$92,050,000 o 2019: \$94,214,000 o 2020: \$96,211,000 <p>Authorization of Appropriations—Technical assistance:</p> <ul style="list-style-type: none"> o 2015: \$3,000,000 o 2016: \$3,232,000 <p>Veterans Workforce Investment Program— <i>repealed</i></p> <p>Youth Opportunity Grants Program— <i>repealed</i></p>
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Subtitle E – Administration

<p>Sec. 181 Requirements and Restrictions</p> <p>Benefits:</p> <ul style="list-style-type: none"> • Those in OJT or employed under this Title must be paid at the same rates as trainees or employees in similar occupations with the same employer. • Allowances, earnings, and payments to those participating in programs under this Title must not be considered as income for the purposes of determining eligibility. <p>Labor Standards:</p> <ul style="list-style-type: none"> • No funds under this Title may be used for wages of incumbent employees during their participation in economic development activities through a statewide workforce investment system. • Participants under this Title must not displace any current employees. • An activity must not impair existing labor contracts or collective bargaining agreements. • A participant in a specified activity must not be employed in a job if: <ul style="list-style-type: none"> o any other individual is on layoff from the same or any equivalent job; o the employer has terminated the employment of any regular employee or otherwise reduced his workforce with the intention of filling the vacancy with the participant; or o the job is created in a promotional line that will infringe in any way upon promotional opportunities of currently employed people • Health and safety standards applicable to working conditions of employees must be equally applicable to working conditions of participants. • OJT and other participants must receive same working conditions as and benefits as other trainees/ employees. • Funds cannot be used to promote or deter Union activities • State and local areas must establish and maintain grievance procedures. • DOL must investigate any alleged violations in a timely manner. • Funds can't be used for encourage or induce relocation, employment generating activities, economic development, investment in revolving loans, capitalization of businesses, investment in contract bidding resource centers, and similar activities that are not directly related to training for eligible individuals under this Title. 	<p>Section 181 Requirements and Restrictions</p> <p>Benefits:</p> <ul style="list-style-type: none"> • Individuals in OJT or employed under this Title must be paid at the same rates as trainees or employees in similar capacities with the same employer. • Allowances, earnings, and payments to those participating in programs under this Title must not be considered as income for the purposes of determining eligibility. <p>Labor Standards:</p> <ul style="list-style-type: none"> • No funds under this Title may be used for wages of incumbent employees during their participation in economic development activities through a statewide workforce investment system. • Participants under this Title must not displace any current employees. • An activity must not impair existing labor contracts or collective bargaining agreements • A participant in a specified activity must not be employed in a job if: <ul style="list-style-type: none"> o any other individual is on layoff from the same or any equivalent job; o the employer has terminated the employment of any regular employee or otherwise reduced his workforce with the intention of filling the vacancy with the participant; or o the job is created in a promotional line that will infringe in any way upon promotional opportunities of currently employed people • Health and safety standards applicable to working conditions of employees must be equally applicable to working conditions of participants. • OJT and other participants must receive same working conditions as and benefits as other trainees/ employees. • Funds cannot be used to promote or deter Union activities • State and local areas must establish and maintain grievance procedures. • DOL must investigate any alleged violations in a timely manner. • Funds can't be used for encourage or induce relocation, employment generating activities, economic development, investment in revolving loans, capitalization of businesses, investment in contract bidding resource centers, and similar activities that are not directly related to training for eligible individuals under this Title.
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<p>Sec. 182 Prompt Allocation of Funds</p> <ul style="list-style-type: none"> • All allotments must be based on the latest available data. • All funds required to be allotted under section 127 or 132 must be allotted with 45 days of the enactment of the Act appropriating the funds. • DOL must publish the formula used to allocate discretionary funds. • Funds must be made available to a local area not later than 30 days after the funds become available to the Governor. 	<p>Sec. 182 Prompt Allocation of Funds</p> <ul style="list-style-type: none"> • All allotments must be based on the latest available data. • All funds required to be allotted under section 127 or 132 must be allotted with 45 days of the enactment of the Act appropriating the funds. • DOL must publish the formula used to allocate discretionary funds. • Funds must be made available to a local area not later than 30 days after the funds become available to the Governor.
<p>Sec. 183 Monitoring</p> <p>DOL is authorized to monitor and investigate all recipients of Federal assistance under this Title.</p>	<p>Sec. 183 Monitoring</p> <p>DOL is authorized to monitor and investigate all recipients of Federal assistance under this Title.</p>
<p>Sec. 184 Fiscal Controls; Sanctions</p> <p>Each state must establish such fiscal controls and fund accounting procedures necessary to assure proper disbursement of Federal funds.</p> <ul style="list-style-type: none"> • Cost Principles: <ul style="list-style-type: none"> ○ Each state, local area, and provider receiving funds must comply with the applicable uniform cost principles in the Circulars of the Office of Management and Budget. ○ statewide funds must be allocated to the overall administration of workforce investment activities. • Uniform Administration Requirements: <ul style="list-style-type: none"> ○ Each state, local area, and provider receiving funds must comply with the applicable uniform admin requirements for grants and agreements as promulgated in the Circulars of the Office of Management and Budget. • If the Governor determines that a local area is not in compliance with the uniform admin requirements, the Governor must require corrective action and impose sanctions in the event of failure to take the required corrective action. • The Governor must certify every 2 years that the state has implemented the uniform admin requirements; the state has monitored local areas to assure compliance; and the state has taken appropriate action to secure compliance. • DOL can impose sanctions if it is determined that the Governor has not fulfilled the requirements of the subsection. • In cases of a substantial violation, the Governor can issue a notice of intent to revoke approval of the local plan or impose a reorganization plan. 	<p>Sec. 184 Fiscal Controls; Sanctions</p> <p>Each state must establish such fiscal controls and fund accounting procedures necessary to assure proper disbursement of Federal funds.</p> <ul style="list-style-type: none"> • Cost Principles: <ul style="list-style-type: none"> ○ Each state, local area, and provider receiving funds must comply with the applicable uniform cost principles in the Circulars of the Office of Management and Budget. ○ statewide funds must be allocated to the overall administration of workforce investment activities. • Uniform Administration Requirements: <ul style="list-style-type: none"> ○ Each state, local area, and provider receiving funds must comply with the applicable uniform admin requirements for grants and agreements as promulgated in the Circulars of the Office of Management and Budget. • If the Governor determines that a local area is not in compliance with the uniform admin requirements, the Governor must require corrective action and impose sanctions in the event of failure to take the required corrective action. • The Governor must certify every 2 years that the state has implemented the uniform admin requirements; the state has monitored local areas to assure compliance; and the state has taken appropriate action to secure compliance. • DOL can impose sanctions if it is determined that the Governor has not fulfilled the requirements of the subsection. • In cases of a substantial violation, the Governor can issue a notice of intent to revoke approval of the local plan or impose a reorganization plan.
<p>Sec. 185 Reports; Recordkeeping; Investigations</p> <p>Reports:</p> <ul style="list-style-type: none"> • Recipients of funds under this Title must keep records sufficient to prepare reports and track funds to ensure they have not been spent unlawfully • DOL may require reports to be submitted regarding the performance of programs and activities • Reports must be made available to the public upon request 	<p>Sec. 185 Reports; Recordkeeping; Investigations</p> <p>Recipient Recordkeeping and Reports:</p> <ul style="list-style-type: none"> • Recipients of funds under this Title must keep records sufficient to prepare reports and track funds to ensure they have not been spent unlawfully; • DOL may require reports regarding the performance of programs and activities; • Reports must be made available to the public upon request.

<p>Investigation of use of funds</p> <ul style="list-style-type: none"> • DOL must conduct investigations in each FY of the use of funds received under this Title • The comptroller general of the U.S. may also investigate the use of funds. • In investigating, DOL or the Comptroller General may not request any information or records that the recipient is not required to compile. • In any audit under this Title DOL, or the U.S. Comptroller General, must provide advance notice of the purposes of the audit, and any data requirements, within 14 days prior to the start of the audit 	<p>Investigation of use of funds:</p> <ul style="list-style-type: none"> • DOL must conduct investigations in each FY of the use of funds received under this Title • The U.S. Comptroller General may also conduct investigations of the use of funds; • In investigating, DOL or the Comptroller General may not request any information or records that the recipient is not required to compile; • In carrying out any audit under this Title DOL, or the U.S. Comptroller General must provide advance notice of the purposes of the audit, and any data requirements, not later than 14 days prior to the start of the audit.
<p>Accessibility of Reports Each state, local board and recipient must make reports regarding operations and expenditures readily accessible, maintain comparable management information systems, and monitor the performance of providers in complying with the terms of grants or contracts</p> <p>The following information should be included in reports:</p> <ul style="list-style-type: none"> • Demographic characteristics of participants • The programs and activities in which participants are enrolled and the length of time they are engaged in these programs • outcomes of the programs and activities for participants • costs of the programs and activities, • information necessary to prepare reports to comply with Sec. 188. <p>Quarterly Financial Reports</p> <ul style="list-style-type: none"> • Each local board must submit quarterly financial reports to the Governor regarding programs carried out under this Title. Such reports must include program and activity costs in accordance with generally accepted accounting principles and by year of the appropriation involved. • Each local board must submit to DOL a summary of the reports submitted to the governor quarterly. 	<p>Grantee Information Responsibilities: Each state, local board and recipient must make reports regarding operations and expenditures readily accessible, maintain comparable management information systems, monitor the performance of providers in complying with the terms of grants or contracts, and submit or make available required reports, plans, and records (including through electronic means).</p> <p>The following information should be included in reports:</p> <ul style="list-style-type: none"> • Demographic characteristics of participants; • The programs and activities in which participants are enrolled and the length of time they are engaged in these programs; • Outcomes of the programs and activities for participants; • Costs of the programs and activities; • information necessary to prepare reports to comply with Sec. 188. <p>Quarterly Financial Reports:</p> <ul style="list-style-type: none"> • Each local board must submit quarterly financial reports to the Governor regarding programs carried out under this Title. Such reports must include program and activity costs in accordance with generally accepted accounting principles and by year of the appropriation involved. • Each local board must submit to DOL a summary of the reports submitted to the governor quarterly. • DOL shall submit a summary of the reports to Congress.
<p>Sec. 186 Administrative Adjudication</p> <p>Any applicant who is denied financial assistance by the DOL may request a hearing before an administrative law judge of the DOL. If the party is dissatisfied with the decision made by the administrative law judge they may fill an appeal with the Secretary within 20 days after receipt of the decision. Cases accepted for review by the DOL must be decided within 180 days after such acceptance.</p>	<p>Sec. 186 Administrative Adjudication</p> <p>Any applicant who is denied financial assistance by the DOL may request a hearing before an administrative law judge of the DOL. If the party is dissatisfied with the decision made by the administrative law judge they may fill an appeal with the Secretary within 20 days after receipt of the decision. Cases accepted for review by the DOL must be decided within 180 days after such acceptance.</p>
<p>Sec. 187 Judicial Review</p> <ul style="list-style-type: none"> • A party may obtain review of a final order issued by the DOL with the U.S. court of appeals by filing a review petition within 30 days after the final order's issuance. • The filing of a review does not stay the order of the DOL. • The court must have jurisdiction to affirm, modify, or set aside the order of the DOL in whole or in part. 	<p>Sec. 187 Judicial Review</p> <ul style="list-style-type: none"> • A party may obtain review of a final order issued by the DOL with the U.S. court of appeals by filing review petition within 30 days after the final order's issuance. • The filing of a review does not stay the order of the DOL. • The court must have jurisdiction to affirm, modify, or set aside the order of the DOL in whole or in part.

Sec. 188 Nondiscrimination

- No individual may be excluded from or denied the benefits of any program or activity because of race, color, religion, sex, national origin, age, disability, political affiliation or belief.
- Participants must not be employed under this Title to carry out the construction, operation, or maintenance of a facility that is used for sectarian instruction or as a place for religious worship.
- No person may discriminate against an individual who is a participant in an activity that receives funds under this Title solely because of the individual is a participant.

The DOL must issue regulations necessary to implement this section.

Sec. 188 Nondiscrimination

- No individual may be excluded from or denied the benefits of any program or activity because of race, color, religion, sex, national origin, age, disability, political affiliation or belief.
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- No person may discriminate against an individual who is a participant in an activity that receives funds under this Title solely because of the individual is a participant.

The DOL must issue regulations necessary to implement this section.

Sec. 189 Administrative Provisions

- DOL may prescribe regulations only to the extent necessary to administer and ensure compliance.
- Copies of each rule or regulation must be sent to Congress as published and must cite the particular section of law that is the basis for the provision.
- DOL is authorized to accept, purchase or lease money or property notwithstanding U.S.C. Sec. 1342
- DOL may make grants, enter into such contracts or agreements as may be necessary to carry out this Title.
- DOL must submit to Congress an annual report on the programs and activities carried out under this Title.
- DOL is authorized to accept and use the services/facilities of departments, agencies, and establishments of the U.S. with the consent of the state or political subdivision.
- DOL must have no authority to enter into contracts, grant agreements, or other financial assistance agreements unless amounts as are appropriated in advance.
- Appropriations are made available for obligation on the basis of a PY which must begin on July 1 in the FY for which the appropriation is made.
- Funds obligated for any program year for a program or activity carried out may be expended by each state during that and the 2 succeeding PYs.
- Funds obligated for any PY for an activity carried out under WIA Sec. 171 (Demonstration, Pilot, Research, and Multistate Projects) or WIA Sec.172 (Evaluations) must remain available until expended.
- The authority provided under any waiver must remain in effect for the duration of the initial waiver and include a waiver of the related provisions of this Title.

Sec. 189 Administrative Provisions

- DOL may prescribe regulations only to the extent necessary to administer and ensure compliance.
- Copies of each rule or regulation must be sent to Congress as published and must cite the particular section of law that is the basis for the provision.
- DOL is authorized to accept, purchase or lease money or property notwithstanding U.S.C. Sec. 1342
- DOL may make grants, enter into such contracts or agreements as may be necessary to carry out this Title.
- DOL must submit to Congress an annual report on the programs and activities carried out under this Title.
- DOL is authorized to accept and use the services/facilities of departments, agencies, and establishments of the U.S. with the consent of the state or political subdivision.
- DOL must have no authority to enter into contracts, grant agreements, or other financial assistance agreements unless amounts as are appropriated in advance.
- Appropriations are made available for obligation on the basis of a PY which must begin on July 1 in the FY for which the appropriation is made.
- Funds obligated for any program year for a program or activity carried out may be expended by each state during that and the 2 succeeding PYs.
- Funds obligated for any PY for an activity carried out under WIOA Sec. 169 (Evaluations and Research) must remain available until expended.
- The authority provided under any waiver must remain in effect for the duration of the initial waiver and include a waiver of the related provisions of this Title.

Funds for Pay-for Performance contract strategies shall remain available until expended.

WIA Sec. 171 (Demonstration Projects) is *repealed* under WIOA

<p>Sec. 191 State Legislative Authority</p> <p>Nothing in this Title must be interpreted to preclude the enactment of state legislation providing for the implementation, of the activities assisted under this Title. Any funds received by a state under this Title must be subject to appropriation by the legislature, consistent with the terms and conditions required under this Title.</p>	<p>Sec. 191 State Legislative Authority</p> <p>Nothing in this Title must be interpreted to preclude the enactment of state legislation providing for the implementation, of the activities assisted under this Title. Any funds received by a state under this Title must be subject to appropriation by the legislature, consistent with the terms and conditions required under this Title.</p>
<p>Sec. 192 Workforce Flexibility Plans</p> <p>A workforce flexibility plan implemented by a state must include descriptions of:</p> <ul style="list-style-type: none"> • The process by which local areas may submit and obtain approval by the state of applications for waivers of requirements under this Title • The requirements under sections 8 through 10 of the Wagner-Peyser Act that are proposed to be waived, if any • The requirements under the Older Americans Act that are proposed to be waived • Other measures to be taken to ensure accountability for Federal funds. <p>DOL may approve a workforce flexibility plan for a period of not more than 5 years.</p> <p>Prior to submitting a workforce flexibility plan to DOL, the state must provide adequate notice and a reasonable opportunity for comment on the waiver requests.</p>	<p>Sec. 190 Workforce Flexibility Plans</p> <p>A workforce flexibility plan implemented by a state must include descriptions of:</p> <ul style="list-style-type: none"> • The process by which local areas may submit and obtain approval by the state of applications for waivers of requirements under this Title • The requirements under sections 8 through 10 of the Wagner-Peyser Act that are proposed to be waived, if any • The requirements under the Older Americans Act that are proposed to be waived • Other measures to be taken to ensure accountability for federal funds. <p>DOL may approve a workforce flexibility plan for a period of not more than 5 years.</p> <p>Prior to submitting a workforce flexibility plan to DOL, the state must provide adequate notice and a reasonable opportunity for comment on the waiver requests.</p>
<p>Sec. 193 Use of Certain Real Property</p> <p>Any real property in which the Federal Government has acquired equity through the use of funds provided under Title III of the Social Security Act or Wagner-Peyser may be reserved by the State for the use of the one-stop service delivery system.</p>	<p>Sec. 192 Transfer of Federal Equity in State Employment Security Agency Real Property to the States</p> <p>Any Federal equity acquired in real property through grants to States awarded under Title III of the Social Security Act or Wagner-Peyser is transferred to the States that used the grants, for the use of the one-stop service delivery system.</p>
<p>Sec. 194 Continuation of State Activities and Policies</p> <p>DOL may not deny approval of a state Plan or application for financial assistance on the basis that:</p> <ul style="list-style-type: none"> • The state proposes to or allocates or disburses funds made available to the in accordance with a disbursement procedure or process used by the state under prior consistent state laws; • The state proposes to carry out or carries out a state procedure through which local areas use, as fiscal agents for funds, fiscal agents selected in accordance with a process established under prior consistent state laws; • The state proposes to carry out or carries out a state procedure through which the local board in the state designate or select the one-stop partners and one-stop operators of under prior consistent state laws, in lieu of making the designation, or certification described in section 121; • The state proposes to carry out or carries out a state procedure through which the persons responsible for selecting eligible providers for purposes of subTitle B are permitted to determine that a provider must not be selected to provide both intake services under section 134(d)(2) and training services under section 134(d)(4), under 	<p>Sec. 193 Continuation of State Activities and Policies</p> <p>DOL may not deny approval of a state Plan or application for financial assistance on the basis that:</p> <ul style="list-style-type: none"> • The state proposes to or allocates or disburses funds made available to the in accordance with a disbursement procedure or process used by the state under prior consistent state laws; • The state proposes to carry out or carries out a state procedure through which local areas use, as fiscal agents for funds, fiscal agents selected in accordance with a process established under prior consistent state laws; • The state proposes to carry out or carries out a state procedure through which the local board in the state designate or select the one-stop partners and one-stop operators of under prior consistent state laws, in lieu of making the designation, or certification described in section 121; • The state proposes to carry out or carries out a state procedure through which the persons responsible for selecting eligible providers for purposes of subTitle B are permitted to determine that a provider must not be selected to provide both intake services under section 134(c)(2) and training services under section 134(c)(3), under prior consistent state laws;

<p>prior consistent state laws;</p> <ul style="list-style-type: none"> • The state proposes to designate or designates a state board, or proposes to assign or assigns functions and roles of the state board for purposes of subTitle B in accordance with prior consistent state laws; or • A local board in the state proposes or uses, or carries out a local plan for purposes of subTitle B in accordance with the authorities and requirements applicable to local plans and private industry councils under prior consistent state laws. 	<ul style="list-style-type: none"> • The state proposes to designate or designates a state board, or proposes to assign or assigns functions and roles of the state board for purposes of subtitle A in accordance with prior consistent state laws; or • A local board in the state proposes to uses, or carries out a local plan for purposes of subTitle B in accordance with the authorities and requirements applicable to local plans and private industry councils under prior consistent state laws.
<p>Sec. 195 General Program Requirements</p> <ul style="list-style-type: none"> • Each program must provide employment and training to those most in need; • Funds provided under this Title must only be used for activities in addition to those otherwise available in a local area in the absence of such funds; • A local area may enter into an agreement with another local area to share costs. • OJT contracts must not be awarded to employers that have failed to provide OJT participants with long-term employment. • Fees cannot be charged for job placement or referral. • Financial assistance must not be for any program that involves political activities. • Income retained by a public or non-profit organization must be used to continue to carry out the program. • No funds may be used for public service employment except as authorized under this Title. 	<p>Sec. 194 General Program Requirements</p> <ul style="list-style-type: none"> • Each program must provide employment and training to those most in need; • Funds provided under this Title must only be used for activities in addition to those otherwise available in a local area in the absence of such funds; • A local area may enter into an agreement with another local area to share costs. • OJT contracts must not be awarded to employers that have failed to provide OJT participants with long-term employment. • Fees cannot be charged for job placement or referral. • Financial assistance must not be for any program that involves political activities. • Income retained by a public or non-profit organization must be used to continue to carry out the program. • No funds may be used for public service employment except as authorized under this Title. <p>Funds shall not be used:</p> <ul style="list-style-type: none"> • To establish or operate a stand-alone fee-for service enterprise where a private sector employment agency is providing full access to similar or related services to fully meet the identified need. Such an enterprise does not include a one-stop system. • To pay remuneration, either as direct or indirect costs, or at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under Sec. 5313 of Title 5, U.S.C.
<p>N/A</p>	<p>Sec. 195 Restrictions on Lobbying Activities</p> <p>Publicity Restrictions— No WIOA funds may be used for publicity, propaganda, or any communication designed to support or defeat legislation or orders issued by the executive branch of any State or local government.</p> <p>(Exceptions are normal and recognized executive-legislative relationships, or the use of materials in presentation to Congress or any State or local legislative body or to the executive branch of any State or local government.)</p> <p>Salary Restrictions— No WIOA funds may be used to pay any grant or contract recipient related to any activity designed to influence the enactment of legislation or Executive action before Congress or any State or local government.</p> <p>(Exceptions are normal and recognized executive-legislative relationships, or participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.)</p>