Comments on Wagner-Peyser Act Staffing Proposed Rule

August 28, 2025

Kim Vitelli, Administrator
U.S. Department of Labor
U.S. Department of Labor Employment and Training Administration
Office of Workforce Investment
200 Constitution Avenue
Washington, DC 20515

Re: Wagner-Peyser Act Employment Service Staffing Proposed Rule (Docket No. ETA-2025-0005; RIN 1205-AC22) I am writing on behalf of the National Association of State Workforce Agencies (NASWA) with regards to the U.S. Department of Labor Employment and Training Administration's (ETA) Notice of Proposed Rulemaking (NPRM) on Wagner-Peyser Act Employment Service Staffing. We appreciate the opportunity to review and provide comment on this particular NPRM.

As a non-profit and non-partisan organization, whose membership is comprised of workforce agencies in all fifty states, the District of Columbia, and U.S. territories, NASWA brings a unique and diverse perspective to the challenges facing our nation's workforce. Our members are on the frontlines of administering and delivering services for programs as varied as workforce development, unemployment insurance, veterans reemployment, and labor market information. Notably, our members administer and oversee the Wagner-Peyser program, which delivered workforce services to more than 2.4 million individuals in the most recent Program Year for which data is publicly available.

Our organization applauds the Administration for its proposal to provide states with greater staffing flexibility within the Wagner-Peyser program. A select few states have relied upon this flexibility for several decades, and we understand that several other states have expressed interest in exploring alternative staffing models to align with new and emerging service delivery

strategies. Additionally, while not all states intend to leverage staffing flexibility for the Wager-Peyser program, our members recognize and support the underlying principle of states having maximum flexibility in the provision of Employment Service (ES) services. This issue is of such high importance to our members that it is reflected in NASWA's 2025 Legislative Priorities.

Overall, NASWA strongly supports this proposed rule change, including the proposal to end the evaluation of the three demonstration states' ES service delivery models.

While we are pleased with the policy reforms included in this NPRM, we would encourage the Administration to explore additional opportunities for increasing state flexibility, including several provisions in the November 2023 Wagner-Peyser Act Staffing Final Rule related to Migrant and Seasonal Farmworkers (MSFWs). Some of these provisions (e.g., the requirement that MSFW outreach staff spend 100 percent of their time on outreach activities and the requirement that states contact a majority of MSFWs in their jurisdictions annually) pose significant operational challenges and limit flexibility for state workforce agencies--especially in small states with lower federal funding levels. The new MSFW requirements included in the November 2023 Final Rule represent a significant unfunded mandate that draws resources away from serving jobseekers and employers. Affording greater flexibility in this area will further enable states to innovate, support workers, and serve the business community.

Thank you for your thoughtful consideration of our comments and know that we welcome the opportunity to engage further on this important issue.

Sincerely,

Scott B. Sanders
NASWA President and CEO

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