

Additional State-Specific Comments on WIOA Implementation

Additional State-Specific Comments on WIOA Implementation	
DOL Region	Response
DOL Region 1	We do not agree with the recommendations on Performance Accountability Provisions and vote against making them Committee recommendations. We agree with some recommendations (e.g., Standards for Performance; Penalties; Indicator for Business Services; and Alternative Measures), however, the overall document recommends devoting resources to inject programmatic and continuous improvement value into measures, and we well know the measures are fundamentally irrelevant for such purposes due to the timing lags inherent in them (which are greater than under WIA Common Measures). As such, adoption of these recommendations would potentially require us to participate, and we do not believe this direction is effective resource utilization based on our expertise on the subject.
DOL Region 1	We request more clarity around “Competitive Procurement” of One Stop operators and partner providers. In our state there is no additional funding for all of the proposed RFPs and there are zero dollars for competitive procurement of OneStop Operators (all partners do pro bono right now). The Act references “competitive selection” which to us implies that we can select providers through a quality scoring process which does not necessarily require financial procurement.
DOL Region 1	Regarding the new identification of SWA's, we need specific information as to what the regulations will require. Many states have wanted to adjust the footprint of their systems by reducing or restructuring their Local Areas but have been handcuffed by choices that were made in the late 1990s without the benefit of the experience administering this program. Clearly some states would be better served by a single state area, but due to the desire to maintain status quo at the local level have been unable to achieve that change.
DOL Region 1	We request immediate guidance regarding the identification and designation of regions and areas and how that impacts the strategic planning requirement.
DOL Region 1	Common data / case management system: Currently W-P and WIA have separate systems. Funding is an issue.
DOL Region 1	Data collection and Reporting: If changes are required to our data collection system, funding will be an issue to make the changes.
DOL Region 1	Credentialing and collecting the data: It is difficult to engage employers and participants once they complete services.

Additional State-Specific Comments on WIOA Implementation

DOL Region 1	More face-to-face career services to participants and definition of face-to-face: Does it include workshops? Additional funding would be necessary to hire staff or a contractor to provide these services.
DOL Region 1	Financial services are not currently provided in One-Stops. Additional funding would be necessary to hire staff or a contractor to provide these services.
DOL Region 3	Our concerns and questions regarding one-stop operator procurement relate to how a consortium of required partners can competitively bid, considering it is not a legal entity. There is also the conflict of interest question if the grant recipient, that also provides the staff support for the local board, wants to bid on being the one-stop operator as the WIA partner in the consortium.
DOL Region 4	Performance Information should be collected at the Federal level (US Department of Education) then made available to states, or the US Department of Education should require at a minimum that accredited educational institutions and/or programs provide the performance information to state workforce agencies.
DOL Region 4	Regarding the NASWA performance accountability recommendations related to curious vs. committed jobseekers, our state believes that because we include everyone who receives a qualified service in our outcomes, it helps us in the long run. In looking at the WIA participants for data validation, we see that many times when a person stops looking for a job (even if they had a job when they were finished with WIA services), their wages are much higher by the time they exited; possibly due to feeling that they were finally satisfied with their job and their wages. We can guess that happens with the Wagner-Peyser customer as well. If we went to a system of only measuring people who are "committed job seekers", we'd lose all those people who use our services with no staff help. In addition, how can we tell if someone is "a committed job seeker" just by the services they are getting? Also, we will now be including people in our outcomes who receive Vocational Rehabilitation and Adult Education services, and those customers could have lower income levels. By including the Wagner-Peyser self-service customers, we can retain or increase our wage data for positive performance outcomes.
DOL Region 4	The NASWA performance accountability recommendations break the career services down into more categories – Informational Services and Employment Connection services. Our state has been working very hard to record Wagner-Peyser services across the state in a consistent and accurate way. The change to career services will be very difficult and time consuming...let alone having people learn two categories of career services.
DOL Region 4	Local boards will be required to give priority of service in the adult program to recipients of public assistance, other low income individuals, and those who are basic skills deficient. Under WIA, priority of service was allowed if local boards determined that funds were limited. What percent of participants in the WIA adult program meet these criteria at the present time? What impacts on target groups such as veterans are anticipated as a result of making this change to the Adult program?

Additional State-Specific Comments on WIOA Implementation

DOL Region 4	Will local boards be able to set residency as a priority of service criteria in addition to the criteria set in the law? We recommend regulatory guidance on other priority groups that may be included in the local priority of service policies.
DOL Region 4	Allowable pay-for-performance contracts include those with community colleges for training services. How will PFP work with schools when they require payment up front for tuition and fees, etc.? We recommend policy guidance from USDOL regarding the application of pay for performance to training providers who normally charge up front for training courses.
DOL Region 4	WIOA requires that 75% of the youth 15% funds be used on activities related to out-of-school youth. Further guidance will be needed regarding this requirement in the regulations, including regulatory guidance on examples of activities that would be allowable under this requirement.
DOL Region 4	What would the start date be for early implementation? Which of the WIOA statutory changes would have to be in place by the start date? What waivers might apply to assist with meeting the start date deadline, such as a waiver of the July 1, 2015 requirement to implement the ETPL changes?
DOL Region 4	Given that the changeover to WIOA indicators of performance is set for July 1, 2016, what performance measures will apply to the early implementer states?
DOL Region 4	Wagner-Peyser Demonstration State Status (WIA regulations at 652.21.) Under WIA, this status is granted in the regulations, but restricted to the three current states. Demonstration state status is in complete alignment with the intent of WIOA and could serve as a national model for WIOA implementation. Loss of demonstration state status would result in mass layoffs in the affected states and potential delays in WIOA implementation. What consideration will be given to the continuation of this status and the opportunity for additional states to participate? WIOA is silent regarding Wagner-Peyser demonstration state status. Regulations should allow continuation of WP demo state status and authorization for additional states to participate.

Additional State-Specific Comments on WIOA Implementation

DOL Region 4	The way in which Section 121(e)(4), regarding the Use of Common One-Stop Delivery System Identifier, is implemented could create unnecessary cost burdens on all states and local boards, as well as possible disruptions of services. Many states and locals have spent significant time and effort in establishing their brands. If DOL requires the use of the common identifier as the “primary” logo/brand/name, it could destroy the brand recognition many states and locals have worked diligently for years to achieve. In order to implement use of a common identifier, in the least disruptive, least costly manner possible, DOL could create an identifier to be used in a fashion similar to florist use of the “FTD—florists transworld delivery” logo. This method would allow states and locals to retain the brands they have established—while still providing for the common identification across the nation. Numerous corporations use this type of logo or brand to identify subsidiaries. An example is the Ethicon and Johnson and Johnson logo. Johnson and Johnson is the parent corporation. Ethicon has its own logo, with the tag line below that states "Part of the Johnson and Johnson family of companies." The Department of Labor could require the use of a similar type of identifier: Career Solutions An American Job Center.
DOL Region 4	The language in Section 107(b)(4)(A) is inconsistent. This section uses the terms “may” and “shall” in relation to standing committees. Clarification is recommended to state that Boards may designate standing committees, and if they do, those standing committees must be chaired by a board member.
DOL Region 4	DOL issued TEGL 19-13, April 10, 2014, entitled “Jobs for Veterans’ State Grants (JSVG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans.” The TEGL clarifies that only veterans who are identified as having a significant barrier to employment shall be referred to the DVOP staff. The purpose of the referral is for the provision of “intensive” services. With the elimination of core and intensive services, will DOL reissue guidance on expectations regarding the roles and responsibilities of DVOP staff?
DOL Region 4	Many states have waivers in place under their current state plans that go beyond the flexibility of some of the provisions of WIOA. Can such waivers be continued with the submission of the WIOA state plan? WIOA does not explicitly restrict the use of waivers relative to performance measures. Can statewide initiatives implemented with 15% funds be considered for a waiver of the negotiated standards?
DOL Region 4	100% Transfer of Funds between Adult and Dislocated Worker Programs (Sec. 133 of WIOA). Should most or all local boards in a state decide to transfer 100% of their funds, what liability will the state and locals have for the performance outcomes of the program having no remaining WIOA funds? We recommend an ability to waive performance for Adult or DW if 100% of funds have been transferred away from one of these programs by most or all local boards.

Additional State-Specific Comments on WIOA Implementation

DOL Region 4	Infrastructure Funding (Sec. 121 of WIOA). The law states that local boards may use the local MOU process to determine infrastructure funding contributions on the part of the required partners, or if unsuccessful, rely on a process that would be identified by the State. Given the limited success with this process under WIA, how will USDOL support this requirement at the national level with partner agencies? Policy guidance on this topic for grant recipients needs to come from all the federal agencies funding partner programs including USDOL and the Departments of Education, Human Services, Housing, etc. Technical assistance to grant recipients needs to be provided by all the federal agencies that fund required one-stop partners. Consistent policy and regulatory support for this requirement is needed from all the federal agencies administering the partner programs. These include USDOL, ED, HHS, HUD, etc.
DOL Region 4	Impacts to the Jobs for Veterans State Grant Programs of Change from Core and Intensive Services to Career Services: How will this change impact the recent guidance requiring provision of intensive services to eligible veterans under the JVSG programs? What are additional impacts of the legislation to these programs? Impacts to other USDOL Programs? What analysis and guidance will be provided by USDOL regarding impacts to other programs such as TAA, TRA, UI, WOTC, Labor Certification, etc.?
DOL Region 4	Sec 134(c)(2) and all other provisions of WIOA. We recommend clear guidance and policies from USDOL regarding impacts of WIOA to the JVSG, TAA, TRA, UI, WOTC and Labor Certification programs.
DOL Region 4	State and Local Workforce Investment Board Membership (Sec. 101 and 107 of WIOA). WIOA requires that the business majority members of the state and local workforce investment boards “provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in demand industry sectors or occupations in the State.” Further guidance will be needed regarding this requirement.”
DOL Region 4	We would like to mention a performance accountability concern regarding the determination of a common exit. All performance outcomes are driven by the exit date. Are all the core programs included in an individual performance measure? If this is the intent, how would a common exit be determined without the existence of a common MIS and definition of a common exit date that all 4 core programs agree to? The guidance must clearly layout how a common exit is determined. The issues of the financial burden to create a common MIS have already been addressed and it would be important to emphasize the concerns for common exit as much as common intake.
DOL Region 4	We recommend a nationwide standard for quality on ETPL for states to build on.
DOL Region 4	We recommend designated funding in WIOA Admin to support IT infrastructure.
DOL Region 4	If states are given authority to allow boards to set a policy for grandfathering competitively-procured operators, there should be a time limit on the grandfather exemption. Two years is enough time to transition.

Additional State-Specific Comments on WIOA Implementation

DOL Region 4	The state supports a transition period to accommodate the redirection of the youth grant to out-of-school youth, and this period should be adjusted up or down based on a state's current ratio of "out of school" to "in school at risk."
DOL Region 5	Here is one suggestion for the NASWA performance accountability recommendations. DOL should standardize the menu of services that a participant may receive and clearly identify the specific services that trigger inclusion as a "participant" counted in performance metrics. Services that require staff time to determine a potential participant's appropriateness for WIOA services should not be considered a service that qualifies an individual as a participant.
DOL Region 5	The client intake data system in our state for case management, reporting, and data driven decision making, has been developed on a nationally recognized approach called: Next Generation Career Centers. In pragmatic terms, this is a universal co-enrollment strategy. We not only intend to continue implementation with WIOA using this model, we strongly believe that co-enrollment is embraced by WIOA and that our partner agencies in Vocational Rehabilitation and Adult Education and Literacy are supportive of the benefits of this system as well.
DOL Region 5	While we appreciate the in-depth thought and consideration given to alternative models within NASWA's recommendations to USDOL on Performance and Accountability, and we generally support all other recommendations, we explicitly disagree with a statement made on page 5, item number 2., mid-page: "Persons who receive Employment Connection Services exclusively via self-service should be considered a Participant only if they received services over an extended period." In our state, we disagree and do not support this particular logic statement. Extensive research resulting in the development of products and services have been deployed and in most instances, these are made available to any job seeker who makes use of our public facing website. For example, a simple posting of "hot jobs" and career grades on our website may be a valued self-service and is countable. We certainly would argue that self-services accessed by Participants should not be ascribed only after an extended period of time. Further, we believe other states would be prohibited from counting Participants as individuals that may access valuable job search products in the same way.
DOL Region 5	We recommend that currently enrolled youth in WIA not be included when calculating the 75% out-of-school youth for WIOA. When calculating the 75% out-of-school youth expenditure requirement we recommend including youth who are enrolled on July 1, 2015 or later. Grandfathering WIA youth using the old 30% expenditure requirement will allow those youth to continue to receive the service outlined in their Individual Service Strategies. Local areas might consider exiting current in-school youth to try to meet the new expenditure requirement.

Additional State-Specific Comments on WIOA Implementation

DOL Region 5	When determining sanctions, we recommend USDOL include only individuals who were initially enrolled under the WIOA program. The data to calculate performance measures is delayed due to the requirements of the measures (2nd and 4th quarters after exit) and the use of Unemployment Insurance data to report employment. In the past USDOL has calculated performance measures on individuals who exited in the past to insure all of the data is available, which we recommend continue. However, if this process were to continue, individuals leaving today (January – March 2015) will be included in some of the performance measures. We do not feel it is fair that sanctions would apply to individuals who were not receiving services under the WIOA program.
DOL Region 5	We recommend that the definition of credential/certificate be the same or very similar to the definition in WIA. The WIOA definition for Recognized Postsecondary Credential is not as complete as the WIA definition for Certificate. We believe that tying the definition to “individual’s attainment of measurable technical or occupational skills necessary to gain employment or advance in an occupation” is necessary to ensure that training will result in the type of skills that WIOA is designed to achieve. This definition also appears to exclude “Professional, Product Manufacturer, Product Developer or Employer Organizations” as possible approvers of credentials. These groups are important to include in identifying training that will provide skills that employers recognize when hiring individuals in WIOA. This allows for some local flexibility in identifying credentials that may be important in their area that may not be identified at the national or state level.
DOL Region 5	Our state supports NASWA and their recommendations regarding the ETPL and related reporting requirements. The challenges with updating data systems and collection policies, as well as the associated agreements will be difficult to achieve within the given time period. Unknown financial costs are also a concern. Whether on a competitive or collaborative basis, all states should have access to additional funding for this task.
DOL Region 5	Our state supports NASWA and their recommendations regarding information systems. Depending upon the degree of integration needed, this may also require intensive investments in various redesign or linking of data systems that are required for reporting.
DOL Region 5	Our state supports NASWA and their recommendations with the further need for definitions of infrastructure cost considerations, specifically to how it relates to system-wide design and One-Stop locations. These are very two different subject matters and it is difficult to have a meaningful conversation if the distinction is not made.
DOL Region 5	Our state supports NASWA and their recommendations for One-Stop Procurement. Without flexibility, changes could be costly with no perceivable benefit to the system. Consortium approaches have proven cost effective in our state. We also recognize the potential conflict of interest of the law in this area. It should be explicitly addressed in the regulations.

Additional State-Specific Comments on WIOA Implementation

DOL Region 5	Our state supports NASWA and their recommendation for Performance Accountability. Our state is looking at co-enrollment for the first time and understanding its impact on performance measurements isn't precisely known. We are concerned about how this change would impact the negotiated performance standards for the entire state and within the Workforce Development Areas.
DOL Region 5	Our state supports NASWA and their recommendation of allowing states to negotiate through waiver a period of time to achieve the 75% out of school youth enrollment. Possible recommendation that a year be granted for every 20 percentage points that a state is from the 75% as of 2014.
DOL Region 5	Our state supports NASWA and their recommendation regarding infrastructure costs, but believes it is understated. The much greater emphasis on infrastructure costs, regional planning and the expanded role of the Governor's council will be short-changed if funding isn't guaranteed for statewide activities. The modernization of our workforce development system must provide adequate resources at the state level to ensure greater continuity of effort and results.
DOL Region 5	Our state supports NASWA's comments regarding statistical models and negotiations/agreements. This process should be highly individualized based on the state's circumstances and their focus of services. Our state has moved quickly from the high unemployment period of the recession to a workforce shortage in some areas of the state. This requires a different set of strategies and possible goal setting and that should be taken into consideration.
DOL Region 5	Currently under the Workforce Investment Act (WIA) there is an automatic designation and legislative recognition of the rural concentrated employment programs (CEPs) in 116(a)(2)(B). However, CEPs are not recognized under the new WIOA. This creates a conundrum for one of the Workforce Investment Boards in our state- as they have operated with CEP as a service provider and administrative and fiscal agent since 1968. We ask that the WIOA rules and regulations regarding administrative/ fiscal entities and their ability to competitively respond to procurements for WIOA services be among the first to be written. Several boards in our state will be in a holding pattern in WIOA implementation until this is clearly defined. We request a ruling on the parameters of that relationship as a change in administrative and fiscal entity will be a substantial undertaking.

Additional State-Specific Comments on WIOA Implementation

DOL Region 5	WIOA requires 75% of youth funding to be spent on out-of-school youth. These are defined as youth ages 16-24, who are not currently enrolled in secondary education (e.g. drop-outs or homeless). While we applaud the effort to target this population, some rural regions in our state do not have an overabundance of this demographic. Many youth who would be eligible under the definition are the same youth who quickly leave rural regions for cities. We request that WIOA rules and regulations provide the availability of a Waiver from the Department of Labor that would allow the 75% to be adjusted if demographics and the Workforce Investment Board indicate a logical need for a greater percentage to be spent on in-school youth. This would allow some flexibility for rural regions who struggle with retaining this population to better meet their needs as defined by measurable metrics and demographics.
DOL Region 5	Section 121(b)(1) lists required partners for one-stop operators. Responsibilities of partners are not clear. We request stronger language on the partners' responsibility to support infrastructure of the job center.
DOL Region 5	TEN 05-14 states that changes in the composition of the Board will begin July 1, 2015. It also states that there is a grandfather clause associated with the composition of the Boards. WIOA Section 107(i) discusses local workforce investment boards. Subsection (i) is titled Alternative Entity. Is 107(i) the "grandfather" clause that is referenced in TEN 05-14? We request clarifying language that makes clear that local workforce investment boards meeting this requirement need not make further changes in composition by July 1, 2015.
DOL Region 5	WIOA Chapter 4 116(b)(2)(a) describes the Credential Rate performance measure. Currently the denominator is too all-encompassing and may include those who were quickly matched with employment. We request that the denominator of this measure be those exited participants who completed an "occupational classroom training service" rather than just being all exited participants. By narrowing the focus of this formula, we can truly measure the performance of those who received services that may lead to a credential.
DOL Region 5	WIOA Chapter 4 116(b)(2)(a) describes the "In-Program Skills Gain" performance measure. This measure mirrors the complexity of the current WIA measure "Literacy and Numeracy Gains," which has consistently presented implementation issues for service providers serving youth. We are concerned that the reporting and documentation of relevant skills gains that could be required will prove burdensome for local service providers and educators. We request that the regulations make this a straightforward measure.
DOL Region 5	Technical assistance alone will not resolve all issues related to One-Stop infrastructure cost sharing. Policy changes need to be made from the top down. Otherwise it will be a repeat from WIA where some agencies would not contribute to one-stop operational costs because it violated their agency policies.

Additional State-Specific Comments on WIOA Implementation

DOL Region 6	We request that youth guidance also include further information on the new requirement to spend 20% of funds on Work Based Learning. Is the 20% off the top of the states total allocation, or after the 10% Administration piece is taken? Can the same funds be counted towards both the 20% work based learning requirement and 75% out of school youth requirement? What can be applied to the 20% funds? Will it include supportive services? Can part of it be used to cover administrative costs associated to WBL for paid and unpaid work experience, OJTs and ITAs administrative costs? Can the 20% funds be used to pay for workshops?
DOL Region 6	We request guidance on transitioning the existing WIA funds that will still be active on 7/1/15 when WIOA takes effect. What will the process be for spending the existing WIA funds in PY 2015 and beyond? This would include PYs 2013/14 and 2014/15 funds. (1) With the new WIOA Youth funds beginning 4/1/15, would we need to do an expedited closeout for PYs 2013/14 and 2014/15 WIA Youth funding by 3/31/15 and transfer any unspent funds into the WIOA grant and expend and report under WIOA (keeping its original identity of course based upon the appropriation under which they were provided) as of 4/1/15? Or will normal procedures take place for WIA Youth PY 2013/14 funds (i.e. closeout as of 6/30/15 exp data) and will we only have to worry about transferring the WIA Youth PY 2014/15 unspent funds as of 6/30/15 into the WIOA grant and expend and report accordingly? We need to know if we need to be doing deob's here real soon or if we'll have the usual time on the Youth formula monies to close out the 2nd year life of funds (PY 2013/14) by 6/30/15 and only worry about transitioning any unspent PY 2014/15 Youth Formula funds into PY 2015 under the new WIOA. Will States have the standard closeout period to shut down and submit a final closeout to DOL? (2) For the Adult and DW formula funds for PYs 2014/15 ("base" and "advance") would we need to close those out as of 6/30/15 expenditure data and transition any unspent funds into the WIOA grant and expend and report those funds under WIOA? (3) For the Rapid Response and Governor's Discretionary pots of funding for PYs 2013/14 and 2014/15, will we need to close all these grants out as of 6/30/15 and transfer any unspent funds into PY 2015 under WIOA (again keeping their unique identifier of PY for which it was originally appropriated)?
DOL Region 6	We also request guidance on how the Wagner-Peyser funds will be handled.
DOL Region 6	We request guidance on Regional Planning. Will it be dictated by the State or the LWIAs? Will each area within a region be accountable for the other areas' performance goals? Will it affect the allocation of formula funds?
DOL Region 6	Regarding the common One-Stop delivery system identifier, we recommend that DOL continue using the AJC logo and brand and allow states to continue using variations of it previously approved by DOL.

Additional State-Specific Comments on WIOA Implementation

DOL Region 6	We keep hearing that there can be no "stand alone" ES offices; however that's not mentioned in the Act. Do not add to regulation that there can be no ES offices other than those collocated with the one-stop centers; limiting points of access for labor exchange customers would be detrimental.
DOL Region 6	Some DOL regional staff have interpreted this section (Title I, Chapter 4, Section 116 (d)(1)) to mean that there will be one reporting mechanism/agency for each state to report for all 4 core programs. The cost and logistics of such a system to report on all 4 programs would not be feasible at the state level.
DOL Region 6	Now that considerably more information sharing is required, it would be a duplication of effort to have each state negotiate information sharing agreements with all the required partners. Create national MOUs or agreements to share information.
DOL Region 6	The term skills gain is not clearly defined nor how to assess it. Define what type of skills are included in the skills gain measure and what are the allowed ways/tools to measure it.
DOL Region 6	There is currently no universally accepted career pathway system. Rather than having individual states create these pathways, they could be created nationally.
DOL Region 6	While there is no legislatively required sequence of service in WIOA, there still needs to be a review of the participant's ability to benefit from training prior to enrollment in training. Indicate that an assessment is required prior to training and determine if that would be considered a career service.
DOL Region 6	With WIOA's emphasis on assisting individuals with their career pathways, including enabling educational success and career advancement, the entered employment measure should no longer include the stipulation that the numerator only include those unemployed at the time of their participation start date. The Workforce Investment Act common measures permitted the tracking of employed individuals in the retention and earnings measures but excluded employed from entered employment. WIOA Sec. 116 (b)(2)(A)(i)(I) does not specify whether employment status is relevant to the measure: "the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program." WIA's performance section had similar language, with no mention whether employment status was relevant. That definition was established later via TEGL 22-02. In order to capture all individuals who benefit from career pathway services our state requests that all participants, regardless of employment status at time of participation, be included in the entered employment measure.