

ANNOUNCEMENT TRIBAL CONSULTATION

WIOA Effectiveness in Serving Employers (ESE) Rulemaking

Tribal Consultation

The Department of Labor (Department) will host a formal Tribal Consultation on Tuesday, October 19, 2021 at 2 pm, ET, via a publicly-accessible webinar on the WorkforceGPS. Register at <https://www.workforcegps.org/events>.

We want to hear from you. Share your experiences with the implementation and operation of the effectiveness in serving employers (ESE) performance indicator.

WIOA section 166 grantees and stakeholders, especially those responsible for performance accountability and federal performance reporting are invited to join.

Background

The Department is engaging in a rulemaking to propose the definition of the ESE indicator into the regulations implementing the Workforce Innovation and Opportunity Act (WIOA).

WIOA Section 116 establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of grantees in achieving positive outcomes for individuals served by the workforce development system. Under WIOA, there are six primary indicators of performance. Five of the six indicators are currently defined in regulations.

Why now?

In the final rule the Departments of Labor (DOL) and Education (ED) decided to pilot test various approaches for the sixth indicator of performance, **effectiveness in serving employers (ESE)**, for the six core WIOA programs. The TEGL 10-16, Change 1 described the three ESE performance indicator options core programs could pilot. The ESE pilot process is complete and DOL issued a final research report titled, *[“Measuring the Effectiveness of Services to Employers: Options for Performance Measures under the Workforce Innovation and Opportunity Act.”](#)* We are now preparing to amend the WIOA regulations to add the definition for this sixth indicator, ESE.

How does this impact Indian and Native American (INA) Programs?

INA programs currently follow the guidance in [Training Employment Guidance Letter No. 14-18, Appendix 2](#) which describes the program-specific details of the performance accountability guidance for the Section 166 INA program. Under this guidance, INA programs report the “Retention with the Same Employer” for determining ESE performance indicator, which measures the percentage of program participants who exit and are employed with the same

employer in the second and fourth quarters after exit. The INA program did not participate in the core program pilot of the other two ESE indicators.

The proposed rulemaking's definition for ESE will establish how this indicator will be calculated for all programs using WIOA statutory-required performance indicators, including the Indian and Native American (INA) program authorized under section 166 of WIOA.

Where do I give feedback to DOL?

We encourage you to join the formal Tribal Consultation on Tuesday, October 19, 2021 at 2 pm, ET. Registration information for the webinar can be found on <https://www.workforcegps.org/events>.