

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA
	CORRESPONDENCE SYMBOL OWI
	DATE May 11, 2015

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 34-14
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND
OPPORTUNITY ACT (referred to as WIOA or the Opportunity Act)

TO: STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
INNOVATION AND OPPORTUNITY ACT
STATE WORKFORCE AGENCIES
ALL STATE WORKFORCE ADMINISTRATORS
ALL STATE WORKFORCE LIAISONS
ALL WORKFORCE INVESTMENT ACT (WIA) SECTION 166 INDIAN
AND NATIVE AMERICAN PROGRAM GRANTEEES

FROM: PORTIA WU 
Assistant Secretary

SUBJECT: Workforce Innovation and Opportunity Act Transition Authority Allotment
of Program Year (PY) 2014 Dislocated Worker National Reserve Funds for
WIOA Implementation Activities

- Purpose.** The purpose of this Training and Employment Guidance letter (TEGL) is to allot PY 2014 Dislocated Worker National Reserve funds to states, Outlying Areas, and WIA Section 166 Indian and Native American grantees specifically for WIOA implementation activities including training of front-line staff, convening boards and supporting planning, transitioning to serving out-of-school youth, and assessing and improving state information technology (IT) systems.

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973. In general, the Act takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

The Departments of Labor and Education are working to publish a set of regulations implementing WIOA. On April 9th, the Federal Register posted five Notices of Proposed Rulemaking (NPRMs) implementing the Opportunity Act on its Web site for public inspection, <https://www.federalregister.gov/public-inspection>, which offers a preview of documents scheduled to publish soon in the Federal Register. The NPRMs were formally

RESCISSIONS None	EXPIRATION DATE June 30, 2018
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published in the Federal Register on April 16th. Comments should be submitted in accordance with the process outlined in the NPRMs, including by visiting <http://www.regulations.gov>. The comment period will be open for 60 days, and will close on June 15, 2015.

In order to continue implementation prior to the final rule, a series of WIOA Operating Guidance documents that provide the needed implementation information will be issued in the form of Training and Employment Guidance Letters (TEGLs). These Operating Guidance documents on WIOA will inform the workforce system how to begin the important planning and reorganization necessary to comply with new WIOA statutory requirements for the upcoming Program Year (PY) 2015 (beginning July 1, 2015). The Operating Guidance TEGLs will provide a framework for program activities until the regulations are finalized. This TEGL is one in the ongoing series of Guidance.

2. **References.** See Attachment I.
3. **Background.** The Department recognizes that there are significant costs associated with successful implementation of WIOA. As state and local Workforce Boards operationalize the Act, strong partnership and collaboration among those Boards and program partners are critical to maximize impact and effectively manage resources. States and Local Areas must be strategic in aligning and investing a variety of resources. We encourage each state to identify and assess all available resources and target them where they will most impact success.

As discussed in TEGL No. 12-14, WIOA authorizes states to use up to two percent of PY 2014 formula resources to conduct activities for implementation of WIOA (WIOA Section 503(g)(2)). This two percent limit likely represents less funding than most states will need to conduct critical implementation activities. While this two percent limit does not apply to WIA Section 166 Indian and Native American Program grantees, the costs spent on transition activities for these grantees must be reasonable, allowable, and allocable to authorized program activities. The Department has considered several alternatives for making additional resources available to states for WIOA implementation activities with the goal of increasing the resources available to states for WIOA implementation activities while minimizing potential negative impacts on service delivery.

WIOA Section 503 (a)-(b) provides the Secretary of Labor with the authority to take such actions as the Secretary determines to be appropriate to provide for the orderly transition from the Workforce Investment Act of 1998 to any provision of WIOA Title I. Similarly, WIOA Section 503(d) allows the Secretary to take appropriate actions to transition to the Wagner-Peyser Act, as amended by WIOA. In TEGL No. 26-14, the Department applied this transition authority to provide flexibility in the use of Rapid Response funds for WIOA transitional activities.

The Secretary of Labor is using this transition authority to allot certain PY 2014 Dislocated Worker National Reserve funds to states to support WIOA implementation activities, including training of front-line staff, convening boards and supporting planning, transitioning to serving out-of-school youth, and assessing and improving state IT systems. Under WIA 132(a)(2)(A) and

WIOA 132(a)(2)(A) (related to the Dislocated Worker National Reserve) and WIA 170(b)(1) and WIOA 168(b)(1) (related to dislocated worker technical assistance), the Secretary may reserve up to five percent of Dislocated Worker National Reserve funds for technical assistance to states in delivering Dislocated Worker program services. However, Consolidated and Further Continuing Appropriations Act 2015 (Public Law 113-235) provides authority to reserve up to 10 percent of the PY 2014 Dislocated Worker National Reserve funds for technical assistance and WIOA transition activities. Of the PY 2014 Dislocated Worker National Reserve funds, ETA is making up to \$11.5 million available by formula to states and WIA Section 166 Indian and Native American Program grantees. ETA does not plan to make a second distribution in PY 2015.

4. **Allowable Activities.** These transition funds must be used for the following priority WIOA-implementation activities. Although these funds are from the Dislocated Worker National Reserve, states may use the funds for any of the WIOA transition activities described below to serve all workers:
- a. Training front-line staff, particularly on career counseling and methods to implement a customer-centered service delivery design in American Job Centers.
 - b. Convening boards and supporting planning, which may include:
 - i. Conducting strategic planning efforts, including convening relevant program and stakeholders for discussions and meetings;
 - ii. Addressing costs associated with the renegotiating of One-Stop MOUs and resource sharing agreements; and
 - iii. Planning with regard to co-location with Wagner-Peyser (which may include costs for terminating leases or expanding space). These funds may not be used for capital improvements.
 - c. Transitioning to expending 75% of Youth funds on services for out-of-school youth, including increasing supportive services for out-of-school youth, and expending at least 20% of local Youth funds on work experience.
 - d. Assessing or improving state Information Technology systems, which may include:
 - i. Upgrading and revising state management information systems to include: collection of new data elements specified in WIOA; building integrated or bridged systems to facilitate WIOA implementation; updating data infrastructure to provide integration with financial and accounting systems; and creating common methods and forms to create an integrated intake mechanism for WIOA core programs (i.e. Adults, Dislocated Workers, Youth, Wagner-Peyser, Adult and Family Literacy Act, and Rehabilitation Act of 1973).
 - ii. Supporting the building of state-based wage matching infrastructure to enable and/or streamline WIOA performance reporting, including Eligible Training Provider performance reporting.
 - iii. Preparing a methodology to collect Eligible Training Provider (ETP) data and create mandated ETP reports
 - iv. Assessing and reengineering of case management systems, to include common intake/registration; and

- v. Assessing management information systems, including ability to integrate performance accountability information and fiscal systems across core and other programs. Although specific data elements may not be completely known, states could begin a procurement process for information technology enhancements including procurement of necessary software and/or hardware.

5. **Allotment Formula:** In order to guarantee that each state has a minimum level of funding for WIOA transition activities, the Department is using a formula for allotting these funds.

- a. \$1 million of \$11.5 million PY 2014 Dislocated Worker National Reserve funds is set aside for WIA Section 166 Indian and Native American Program grantees, distributed by each grantee's relative share of their PY 2015 grant amounts.
- b. The remaining \$10.5 million is distributed to the states and Outlying Areas using the following method.
 - (i) Each state will receive a base allotment of \$100,000 and each outlying area will receive a base allotment of \$25,000.
 - (ii) The remaining funds will be distributed based on each state or outlying area's relative share of the number of unemployed individuals in the state or outlying area compared to the total unemployed individuals in all states and outlying areas.
- c. The relative share calculations are based on the following unemployment data.
 - (i) The data used for each state is the 12 month average number of unemployed individuals in FY 2014.
 - (ii) The data used for each outlying area is the 2010 Census data except for Palau which used 2005 Census data.

6. **Action Requested.** To achieve greater efficiency and as part of ETA's ongoing effort to streamline the mandatory grant award process, all states, Outlying Areas, and WIA Section 166 Indian and Native American grantees are required to submit an electronically signed copy of an SF-424, Application for Federal Assistance, and a SF-424A, grant budget, through Grants.gov (OMB 4040-0004). Any state that does not wish to receive these funds must notify its Federal Project Officer **by May 20, 2015**.

An electronically submitted SF-424 and SF-424A through Grants.gov constitutes an official signed document and must reflect the amount allotted. The closing date for receipt of the SF-424 and SF-424A is **May 20, 2015**. The ETA will award the Dislocated Worker National Reserve funds in June 2015.

The SF-424 must reflect the exact amount of the designated state allotment in item #18, Estimated Funding. Item #11 must include the Catalog of Federal Domestic Assistance Number for the applicable Funding Opportunity, 17.281.

To submit the required SF-424s, states must follow the "**Apply for Grants**" link on Grants.gov, and download the links for the grant application package. States should **not** follow the "Find Grants" link, as these are formula grants, not competitive funding opportunities.

7. **Reporting.** To ensure that ETA is able to assess the use of these funds, the collection of accurate, quality data is a critical component of financial accountability. To satisfy statutory and regulatory recordkeeping and reporting requirements, on a quarterly basis, states must submit the ETA 9130, U.S. DOL ETA Quarterly Financial Status Report (OMB 1205-0461). Federal Project Officers will review financial status reports and program activities as part of their regular monitoring activities.
8. **Paperwork Reduction Act (PRA) Statement.** According to PRA, no persons are required to respond to a collection of information unless such collection displays a valid OMB Control Number. The Department notes that a Federal agency may not conduct or sponsor a collection of information, nor is the public required to respond to a collection of information, unless the Office of Management and Budget (OMB) under the PRA approves it and it displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB Control Number (44 U.S.C. 3512). The currently valid OMB Control Number for this collection is OMB 1205-0461 for the ETA 9130 and OMB 4040-0004 for the SF-424 and SF-424A.
9. **Inquiries.** Please direct any questions about WIOA implementation and these funds to the appropriate ETA Federal Project Officer in the National or Regional Office, as appropriate.
10. **Attachments.**
 - I. References
 - II. Allotments for WIA Section 166 Indian and Native American Program Grantees
 - III. Allotments for States

WIOA Operating Guidance TEGL References

- WIOA (Pub. L. 113-128) Title I
- TEGL No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014*
- WIA (Pub. L. 105-220), Title I
- WIOA statutorily-required implementation dates, at <http://www.doleta.gov/wioa/pdf/WIOA-Key-Implementation-Dates.pdf>
- TEGL No. 12-14, *Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 funds for Workforce Innovation and Opportunity Act (WIOA) Transitional Activities*
- TEGL No. 23-14, *Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition*
- TEGL No. 26-14, *Workforce Innovation and Opportunity Act Transition Authority for Flexible Use of Rapid Response Funds*
- TEGL No. 27-14, *Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions*
- Consolidated Appropriations Act, 2014 (Pub. L. 113-76)
- Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235)

**U. S. Department of Labor
Employment and Training Administration
WIA Title I Sec. 166 Comprehensive Services for Native Americans
PY 2014 DW TAT Funds for WIOA Implementation**

Grantee CID	Grant Type	Seq#	State	Grantee	Total
Grantee Total					\$1,000,000
12	1	2	AK	Kenaitze Indian Tribe	992
1	2	1	AL	Inter-Tribal Council of Alabama	6,604
2	3	1	AL	Poarch Band of Creek Indians	2,117
34	4	5	AR	American Indian Center of Arkansas, Inc.	7,306
19	5	4	AZ	American Indian Association of Tucson	7,752
20	6	4	AZ	Colorado River Indian Tribes	1,419
21	7	4	AZ	Gila River Indian Community	11,701
23	8	4	AZ	Hopi Tribal Council	4,983
22	9	4	AZ	Hualapai Tribe	747
24	10	4	AZ	Inter Tribal Council of Arizona, Inc.	1,828
25	11	4	AZ	Native Americans for Community Action	4,531
26	12	4	AZ	Navajo Nation	139,751
27	13	4	AZ	Pasqua Yaqui Tribe	2,304
28	14	4	AZ	Phoenix Indian Center, Inc.	28,176
29	15	4	AZ	Quechan Indian Tribe	770
30	16	4	AZ	Salt River Pima-Maricopa Indian Council	1,941
31	17	4	AZ	San Carlos Apache Tribe	8,837
33	18	4	AZ	White Mountain Apache Tribe	10,409
35	19	6	CA	California Indian Manpower Consortium, Inc.	76,378
36	20	6	CA	Candelaria American Indian Council	7,354
202	21	6	CA	Southern California American Indian Resource Center, INC	7,708
38	22	6	CA	Northern CA Indian Development Council, Inc.	6,863
39	23	6	CA	Southern CA Indian Center, Inc.	37,659
40	24	6	CA	Tule River Tribal Council	2,810
41	25	6	CA	United Indian Nations, Inc.	10,115
42	26	6	CA	Ya-Ka-Ama Indian Education & Development	1,435
43	27	8	CO	Denver Indian Center	14,249
44	28	8	CO	Southern Ute Indian Tribe	859
45	29	8	CO	Ute Mountain Ute Indian Tribe	1,979
47	30	12	FL	Florida Governor's Council on Indian Affairs	26,181
48	31	12	FL	Miccosukee Corporation	2,726
50	32	15	HI	Alu Like, Inc.	30,176
4	33	18	IN	American Indian Center of Indiana, Inc.	5,391
54	34	20	KS	United Tribes of Kansas and S.E. Nebraska	4,573
55	35	22	LA	Inter-Tribal Council of Louisiana, Inc.	11,088
58	36	25	MA	Mashpee-Wampahoag Indian Tribal Council, Inc.	1,322
59	37	25	MA	North American Indian Center of Boston, Inc.	4,787
56	38	23	ME	Penobscot Nation	4,297

61	39	26	MI	Inter-Tribal Council of Michigan, Inc.	2,120
62	40	26	MI	MI Indian Employment and Training Services, I	6,811
179	41	26	MI	North American Indian Association of Detroit	3,138
63	42	26	MI	Potawatomi Indian Nation	1,367
64	43	26	MI	Sault Ste. Marie Tribe of Chippewa Indians	3,761
65	44	26	MI	Southeastern Michigan Indians. Inc.	1,679
201	45	26	MI	Little Traverse Bay Band of Odawa	3,130
66	46	27	MN	American Indian OIC	5,865
67	47	27	MN	Bois Forte R.B.C.	448
68	48	27	MN	Fond Du Lac R.B.C.	4,375
71	49	27	MN	Minneapolis American Indian Center	7,785
69	50	27	MN	Leech Lake R.B.C.	3,374
75	51	29	MO	American Indian Council	16,260
74	52	28	MS	Mississippi Band of Choctaw Indians	6,614
78	53	30	MT	B.C. of the Chippewa Cree Tribe	3,110
80	54	30	MT	Crow Indian Tribe	3,626
82	55	30	MT	Montana United Indian Association	7,559
83	56	30	MT	Northern Cheyenne Tribe	4,713
110	57	37	NC	Cumberland County Association for Indian People	1,433
111	58	37	NC	Eastern Band of Cherokee Indians	2,567
112	59	37	NC	Guilford Native American Association	1,727
113	60	37	NC	Haliwa-Saponi Tribe, Inc.	1,345
114	61	37	NC	Lumbee Regional Development Association	26,276
116	63	37	NC	North Carolina Commission of Indian Affairs	6,554
121	64	38	ND	Turtle Mountain Band of Chippewa Indians	6,784
119	65	38	ND	United Tribes Technical College	5,310
84	66	31	NE	Indian Center, Inc.	6,234
85	67	31	NE	Omaha Tribe of Nebraska	1,746
91	68	35	NM	Alamo Navajo School Board	1,964
93	69	35	NM	Eight Northern Indian Pueblo Council	902
94	70	35	NM	Five Sandoval Indian Pueblos, Inc.	3,376
95	71	35	NM	Jicarilla Apache Tribe	1,361
96	72	35	NM	Mescalero Apache Tribe	1,932
97	73	35	NM	National Indian Youth Council	35,273
98	74	35	NM	Pueblo of Acoma	3,001
92	75	35	NM	Pueblo of Isleta	879
102	76	35	NM	Ramah Navajo School Board, Inc.	1,985
103	77	35	NM	Santa Clara Indian Pueblo	715
104	78	35	NM	Santo Domingo Tribe	2,207
87	79	32	NV	Inter-Tribal Council of Nevada	6,237
88	80	32	NV	Las Vegas Indian Center, Inc.	4,210
107	82	36	NY	Native Am. Comm. Services of Erie & Niagara Co	3,509
106	83	36	NY	Native American Cultural Center, Inc.	4,580
108	84	36	NY	St. Regis Mohawk Tribe	3,065
122	85	39	OH	North America Indian Cultural Centers	11,636
123	86	40	OK	Absentee Shawnee Tribe of Oklahoma	516

126	87	40	OK Cheyenne-Arapaho Tribes	3,580
130	88	40	OK Comanche Tribe of Oklahoma	3,496
133	89	40	OK Four Tribes Consortium of Oklahoma	2,207
134	90	40	OK Inter-Tribal Council of N.E. Oklahoma	1,695
135	91	40	OK Kiowa Tribe of Oklahoma	2,907
137	92	40	OK OTOE-Missouria Tribe of Oklahoma	749
139	93	40	OK Ponca Tribe of Oklahoma	1,870
140	94	40	OK Seminole Nation of Oklahoma	2,281
181	95	40	OK Tonkawa Tribe of Oklahoma	1,427
141	96	40	OK United Urban Indian Council, Inc.	8,327
182	97	40	OK Wyandotte Tribe of Oklahoma	2,491
144	98	41	OR Confederated Tribes of Warm Springs	2,930
145	99	41	OR Organization of Forgotten Americans	6,786
146	100	42	PA Council of Three Rivers	21,413
147	101	44	RI Rhode Island Indian Council	39,851
148	102	45	SC South Carolina Indian Development Council, Inc.	5,623
150	103	46	SD Lower Brule Sioux Tribe	1,292
151	104	46	SD Oglala Sioux Tribe	15,222
154	105	46	SD United Sioux Tribe Development Corp.	12,977
180	106	46	SD Yankton Sioux Tribe	2,483
200	107	47	TN Native American Indian Association, Inc.	5,313
155	108	48	TX Alabama-Coushatta Indian Tribal Council	20,177
156	109	48	TX Dallas Inter-Tribal Center	8,901
157	110	48	TX Ysleta del Sur Pueblo	14,939
158	111	49	UT Indian Training & Education Center	8,183
159	112	49	UT Ute Indian Tribe	2,721
161	113	51	VA Mattaponi Pamunkey Monacan Consortium	5,781
160	114	50	VT Abenaki Self-Help Association/ NH Ind. Council.	1,861
162	115	53	WA American Indian Community Center	9,280
199	117	53	WA United Indians for All Tribes Foundation	6,570
169	118	53	WA Western WA Indian Empl. and Trng Pgm.	17,520
184	119	53	WA Confederated Tribes & Bands of the Yakama Nation	4,649
164	120	53	WA Limmi Indian Business Council	2,570
171	121	55	WI Lac Courte Oreilles Tribal Governing Board	1,961
172	122	55	WI Lac Du Flambeau Band of Lake Superior Chippewa	971
175	123	55	WI Oneida Tribe of Indians of WI, Inc.	3,788
174	124	55	WI Spotted Eagle, Inc.	5,005
177	125	55	WI Wisconsin Indian Consortium	1,964
185	126	56	WY Northern Arapaho Business Council	5,062

**U. S. Department of Labor
Employment and Training Administration
PY 2014 DW TAT Funds for WIOA Implementation**

State	
Total	\$10,500,000
Alabama	170,885
Alaska	112,075
Arizona	210,263
Arkansas	145,015
California	837,591
Colorado	180,553
Connecticut	165,245
Delaware	113,974
Dist of Columbia	114,336
Florida	404,145
Georgia	280,224
Hawaii	114,852
Idaho	119,926
Illinois	358,710
Indiana	199,270
Iowa	137,728
Kansas	136,684
Kentucky	178,001
Louisiana	156,291
Maine	121,205
Maryland	193,832
Massachusetts	211,216
Michigan	284,032
Minnesota	169,064
Mississippi	149,740
Missouri	197,939
Montana	112,930
Nebraska	118,773
Nevada	156,846
New Hampshire	117,393
New Jersey	258,025
New Mexico	131,357
New York	425,291
North Carolina	257,384
North Dakota	105,543
Ohio	279,300
Oklahoma	144,938
Oregon	168,417
Pennsylvania	297,203
Puerto Rico	184,009
Rhode Island	123,619
South Carolina	167,141
South Dakota	108,269
Tennessee	209,294
Texas	458,940
Utah	127,726
Vermont	106,908
Virginia	213,020
Washington	207,986
West Virginia	125,143
Wisconsin	192,135
Wyoming	106,711
State Total	10,367,097
American Samoa	25,850
Guam	27,887
Northern Marianas	26,577
Palau	25,215
Virgin Islands	27,374
Outlying Areas Total	132,903