

Appendix IV – Wagner-Peyser Act ES Allotment Activities

Wagner-Peyser Act ES Final Allotments. The appropriated level for PY 2023 for grants for the ES programs totals was \$680,052,000. After reducing the appropriated amount by \$2,520,500 for set asides authorized by the Act, \$677,531,500 is available for ES programs. After determining the funding for Guam and the United States Virgin Islands, ETA calculates allotments to states using the formula set forth at section 6 of the Wagner-Peyser Act (29 U.S.C. 49e). ETA based PY 2023 formula allotments on each state's share of calendar year 2022 monthly averages of the Civilian Labor Force (CLF) and unemployment. The distribution of Wagner-Peyser Act funds for PY 2023 includes \$675,879,914 for states, as well as \$1,651,586 for Guam and the United States Virgin Islands. Attachment I shows the distribution of PY 2023 ES formula amounts by state compared to PY 2022.

Section 7(a) of the Wagner-Peyser Act (49 U.S.C. § 49f(a)) authorizes states to use 90 percent of the funds allotted to a state for labor exchange services, and other career services such as job search and placement services to job seekers; appropriate recruitment services for employers; program evaluations; developing and providing labor market and occupational information; developing management information systems; and administering the work test for unemployment insurance claimants.

Section 7(b) of the Wagner-Peyser Act (49 U.S.C. § 49f(b)), states that 10 percent of the funds allotted to a state must be reserved for use by the Governor to provide performance incentives for public employment service offices and programs, provide services for groups with special needs, and provide for the extra costs of exemplary models for delivering services of the type described in section 7(a) and models for enhancing professional development and career advancement opportunities of state agency staff.

To provide services such as outreach to Migrant and Seasonal Farmworkers (MSFW), State Monitor Advocate (SMA) responsibilities, and others, State Workforce Agencies (SWA) must use Wagner-Peyser Act ES funding to provide employment services to MSFWs, as described at 20 CFR § 651, 653, 654, and 658. These services include, but are not limited to, outreach to MSFWs, SMA responsibilities, clearance of job orders through the Agricultural Recruitment System (ARS), and operation of the Employment Service and Employment-Related Law Complaint System. Wagner-Peyser funds support the following ES staffing requirements: (1) an adequate number of outreach staff, as described in the approved Agricultural Outreach Plan and ES regulations at § 653.107(a); (2) a full-time SMA, unless the SWA has approval from the Regional Administrator for less than full-time SMA devotion, and ES staff assigned to the SMA to assist the SMA to fulfil the SMA's responsibilities, as necessary under § 653.108(d); (3) ES staff assigned to conduct preoccupancy housing inspections and field checks on ARS clearance orders; and (4) trained Complaint System Representatives for ES offices and the SWA, as described at § 658, Subpart E.