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| <b>TRAINING AND EMPLOYMENT<br/>NOTICE</b> | <b>NO.</b><br>42-15, Change 1  |
|   | <b>DATE</b><br>August 19, 2016 |

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE LIAISONS  
STATE AND LOCAL WORKFORCE BOARDS  
AMERICAN JOB CENTERS  
YOUTHBUILD GRANTEES  
INDIAN AND NATIVE AMERICAN PROGRAM GRANTEES  
NATIONAL FARMWORKER JOBS PROGRAM GRANTEES  
ALL STATE APPRENTICESHIP AGENICES  
STATE MONITOR ADVOCATES  
STATE LABOR MARKET INFORMATION DIRECTORS  
ALL ETA GRANTEES

**FROM:** ERIC M. SELEZNOW /s/ for PORTIA WU  
Assistant Secretary

**SUBJECT:** Change 1 - Announcing the Publication and Effective Dates of the *Workforce Innovation and Opportunity Act (WIOA) Final Rules* in the *Federal Register* on August 19, 2016

1. **Purpose.** The purpose of this Training and Employment Notice (TEN) is to update TEN 42-15 regarding the release of the WIOA final regulations, specifically:

- *Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule*
- *Workforce Innovation and Opportunity Act; Department of Labor-Only; Final Rule*
- *Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of the Workforce Innovation and Opportunity Act); Final Rule*
- *State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage; Final Rule*
- *Workforce Innovation and Opportunity Act, Miscellaneous Program Changes; Final Rule*

These rules published in the *Federal Register* on August 19, 2016.

2. **References.**

- Workforce Innovation and Opportunity Act (WIOA).

- 3. Background.** President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) into law on July 22, 2014. WIOA is landmark legislation designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers. WIOA represents a fundamental transformation of the workforce system to deliver integrated, job-driven services to job seekers, workers, and employers. It supports the development of strong regional economies, and it improves performance accountability, so that consumers and investors can get information about programs and services that work.

In response to the passage of WIOA, the U.S. Departments of Labor (DOL) and Education are issuing five rules implementing its provisions. The Departments also have established Workforce Innovation and Opportunity Act Common Performance Reporting, which aligns the WIOA required data and reporting for WIOA core programs administered by DOL; Adults, Youth, Dislocated Worker programs under title I of WIOA and the Wagner-Peyser Act of 1933, as amended by WIOA; as well as programs administered by the Department of Education, the Adult Education and Family Literacy Act and the Rehabilitation Act of 1973, as amended by WIOA.

- 4. WIOA Final Regulations Published in the *Federal Register* on August 19, 2016:**

***WIOA: Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions – Final Rule (81 FR 55792, Aug. 19, 2016).***

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf>. **Effective:**

**October 18, 2016.** The Departments of Education and Labor published this Joint Final Rule to implement jointly-administered activities authorized by Title I of WIOA. This final rule provides guidance for state and local workforce development systems on the development and submission of unified and combined state plans, performance accountability provisions, and the joint one-stop system provisions governing partner program responsibilities, programmatic and physical accessibility for all, Memoranda of Understanding, infrastructure funding, and one-stop certification, among others. This Joint Final Rule reflects changes made resulting from public comments received on the joint Notice of Proposed Rulemaking (NPRM) published on April 16, 2015, at 80 FR 20574.

***WIOA: Department of Labor-Only – Final Rule (81 FR 56072, Aug. 19, 2016).***

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>. **Effective:**

**October 18, 2016.** The Department of Labor publishes this Final Rule to implement Titles I and III of WIOA. Particularly those provisions of WIOA that affect the core programs under Title I; the Wagner-Peyser Act Employment Service and Monitor Advocate system as amended by WIOA Title III; and the Job Corps and national programs authorized under Title I, which will be administered by the Department. This Final Rule reflects changes made resulting from public comments received on the NPRM published on April 16, 2015, at 80 FR 20690.

***Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of WIOA) – Final Rule (81 FR 55526, Aug. 19, 2016).***

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-16049.pdf>.

**Effective Date: September 19, 2016, with the exception of subparts H, I, and J of part 463, which become effective October 18, 2016.** The Department of Education makes available this Final Rule to establish regulations to implement changes to the Adult Education and Family Literacy Act (AEFLA) resulting from the enactment of WIOA. This rule clarifies new provisions in the law and updates the regulations that establish procedures for determining the suitability of tests used for measuring state performance on accountability measures under AEFLA. Finally, the rule removes specific parts of title 34 of the Code of Federal Regulations that are no longer in effect. This Final Rule reflects changes made resulting from public comments received on the NPRM published on April 16, 2015, at 80 FR 20968.

***State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage – Final Rule (81 FR 55630, Aug. 19, 2016)*** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15980.pdf>. **Effective Date: September 19, 2016, with the exception of 34 CFR 361.10; 34 CFR 361.23; 34 CFR 361.40; and subparts D, E, and F of part 361, which become effective October 18, 2016.** The Department of Education publishes this Final Rule to amend the regulations governing the State Vocational Rehabilitation Services program and the State Supported Employment Services program in order to implement changes to the Rehabilitation Act of 1973. This Final Rule updates, clarifies, and improves on the current regulations. The Department of Education also produced new regulations regarding limitations on the use of subminimum wages that are added by WIOA and under the purview of the Department of Education. This Final Rule reflects changes made resulting from public comments received on the NPRM published on April 16, 2015, at 80 FR 21059.

***WIOA: Miscellaneous Program Changes – Final Rule (81 FR 55562, Aug. 19, 2016)***. <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-16046.pdf>. **Effective Date: September 19, 2016, with the exception that the removal of part 388 becomes effective October 1, 2016.** The Department of Education makes available this Final Rule to amend the regulations governing a number of programs administered by the Rehabilitation Services Administration to implement changes to the Rehabilitation Act of 1973 made by WIOA. This Rule also implements changes to the Act made by WIA, enacted on August 7, 1998, that have not previously been implemented in regulations, and to otherwise update, clarify, and improve Rehabilitation Services Administration's current regulations. This Final Rule reflects changes made resulting from public comments received on the NPRM published on April 16, 2015, at 80 FR 20988.

These final regulations are currently available to the public at the following websites:  
[www.doleta.gov/WIOA](http://www.doleta.gov/WIOA)  
<https://www.federalregister.gov/>

- 5. Guidance and Technical Assistance.** The Departments of Labor and Education, working with our Federal partners—the Departments of Health and Human Services, Agriculture, and Housing and Urban Development—are continuing to develop guidance and technical assistance to support the public workforce system, including our grantees, as they work to implement these regulations and performance accountability and reporting requirements. For more information and the updates, please visit the Department of Labor’s WIOA landing page at [www.doleta.gov/WIOA](http://www.doleta.gov/WIOA), the Department of Education’s websites at [www.ed.gov/AEFLA](http://www.ed.gov/AEFLA) and <http://www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html>.

While these regulations and program and reporting requirements support the implementation of WIOA, the full vision of WIOA also requires strong leadership, partnership and strategies that work. The Innovation and Opportunity Network on WorkforceGPS (ION) features technical assistance on strategies fundamental to WIOA implementation such as customer-centered design, strategic boards, career pathways, and sector strategies. It also will host technical assistance materials specific to the regulations, as it is available. Please use ION to find peer learning groups and calls, fact sheets, and details on training events; visit the ION Community of Practice at: <https://ion.workforcegps.org/>.

- 6. Action Requested.** Please share this information with interested stakeholders.
- 7. Inquiries.** Please direct questions to the appropriate ETA Regional Offices.