

TRAINING AND EMPLOYMENT NOTICE	NO. 42-15
	DATE June 30, 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: PORTIA WU /s/
Assistant Secretary

SUBJECT: Announcing the Release of the *Workforce Innovation and Opportunity Act (WIOA) Final Rules* and Information Collections for WIOA and Additional DOL Administered Programs

1. Purpose. The purpose of this Training and Employment Notice (TEN) is to announce the advance posting 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*

This TEN also announces the information collections to implement WIOA, and to align performance accountability and information reporting for WIOA and additional Department of Labor programs. Further, the DOL established Information Collections for all programs authorized by WIOA title I and additional DOL administered programs.

These information collections are as follows:

- *Workforce Innovation and Opportunity Act Common Performance Reporting; OMB Control No. 1205-0526*
- *DOL-Only Performance Accountability, Information, and Reporting System; OMB Control No. 1205-0521*

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 making publicly available five rules implementing its provisions and established Workforce Innovation and Opportunity Act Common Performance Reporting, which aligns 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. Further, the DOL established Information Collections for all programs authorized by WIOA title I and additional DOL administered programs.

4. WIOA Final Regulations Publicly Available.

Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule: The Departments of Education and Labor make publicly available 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 as a result of public comments received on the joint Notice of Proposed Rulemaking (NPRM) that was published on April 16, 2015, at 80 FR 20574.

Department of Labor-Only Final Rule: The Department of Labor makes available 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 as a result of public comments received on the NPRM that was 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: 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 as a result of public comments received on the NPRM that was 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: The Department of Education makes available 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 as a result of public comments received on the NPRM that was published on April 16, 2015, at 80 FR 21059.

WIOA, Miscellaneous Program Changes, Final Rule: 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 WIOA, 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 as a result of public comments received on the NPRM that was published on April 16, 2015, at 80 FR 20988.

These draft final regulations are currently available to the public at the following website: <https://www.doleta.gov/wioa/>. These regulations may be reviewed for content and represent the final determinations of the Departments. We note that the Office of the Federal Register will review these regulations for formatting and technical editing prior to publishing them in the Federal Register and incorporating them into the Code of Federal Regulations.

These regulations will publish in the Federal Register in the coming weeks, at which time they will be available on the Federal Register Web site at <https://www.federalregister.gov/>. These regulations will also be incorporated into the Code of Federal Regulations, which can be accessed through the Electronic Code of Federal Regulations at: <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>.

- 5. Information Collections for WIOA Common Reporting and DOL-Only Performance Accountability Information and Reporting Publicly Available.** In addition to the five final rules, the Departments also have collaborated on the development of a joint information collection to implement the new aligned performance accountability provisions as required under WIOA, and both Departments issued further information collections for program specific provisions. These information collections outline how states and grantees collect and report performance-related information and data. While WIOA was the driver for these new reporting requirements, the DOL-only performance information collection also includes additional covered programs, in an effort to better align data collection and reporting for DOL-administered programs.

Information Collection for Workforce Innovation and Opportunity Act Common Performance Reporting: The Departments of Labor and Education worked collaboratively to develop joint information collection requirements and requested authority under the Paperwork Reduction Act to collect information necessary for the WIOA core programs. This information collection includes the data elements to calculate the outcomes for the WIOA primary common indicators of performance and for data necessary to fulfill WIOA Section 116(d)(1) requirements for the development of report templates for the State Annual Performance Report for WIOA core programs, the Local Area Performance Report for the WIOA Adult, Dislocated Worker and Youth programs, and the data collection requirements for the Eligible Training Provider Report.

DOL-Only Performance Accountability, Information, and Reporting System: The Department of Labor further worked to align additional DOL-administered programs with these provisions, and to further define and establish authority to collect data and information needed for the administration of those programs through the Performance Accountability, Information, and Reporting system. The following programs will be required to report through this system: WIOA Adult, Dislocated Worker and Youth, Wagner-Peyser Employment Service, National Farmworker Jobs Program, Trade Adjustment Assistance, YouthBuild, Indian and Native American Program, Job Corps, H1-B technical skills training grants, the Reentry Employment Opportunities programs, and Jobs for Veterans' State Grants (JVSG). While Trade Adjustment Assistance, JVSG, H1-B grants, and the Reentry Employment Opportunities programs are not authorized under the WIOA, these programs will utilize the data element definitions and reporting layouts and templates in this information collection. This system includes several reporting instruments—Program Performance Report, WIOA Pay-for-Performance Report, Participant Individual Record Layout (PIRL) (with the WIOA Data Element Specifications), and Job Openings Report.

These reporting requirements are available at <https://www.doleta.gov/performance/pro.cfm>.

- 6. 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—will continue 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, the Department of Education’s websites at 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. 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/>.

- 7. Action Requested.** Please share this information with interested stakeholders and review the regulations and information collections.
- 8. Inquiries.** Please direct questions to the appropriate ETA Regional Offices.