

Workforce Information Advisory Council Charter

Official Designation (Title).

Workforce Information Advisory Council (WIAC)

Authority.

The WIAC is mandated by Section 308 of the Workforce Innovation and Opportunity Act of 2014 (WIOA) (Pub. L.113-128), which amends section 15 of the Wagner-Peyser Act of 1933 (29 U.S.C. § 491-2). The WIAC was established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App.), and will act in accordance with the applicable provisions of FACA and its implementing regulation at 41 CFR 102-3, and Secretary of Labor's Order No. 04-2018 (83 FR 35680, 7/27/18).

Council Objectives and Scope of Activities.

Pursuant to Section 15(d) of the Wagner-Peyser Act, 29 U.S.C. § 491-2(d), as amended by P.L. 113-128, the Secretary of Labor, through the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics, will formally consult at least twice annually with the WIAC to address: (1) the evaluation and improvement of the nationwide workforce and labor market information system and statewide systems that comprise the nationwide system, and (2) how the Department of Labor and the States will cooperate in the management of those systems. These systems include programs to produce employment-related statistics and State and local workforce and labor market information.

Description of Duties.

As outlined in Section 15(d) of the Wagner-Peyser Act, 29 U.S.C. § 491-2(d), as amended by P.L. 113-128, the WIAC will consult with and provide written recommendations to the Secretary concerning the evaluation and improvement of the nationwide workforce and labor market information system, including recommendations for the 2-year plan for the workforce and labor market information system required under Section 15(c) of the Wagner-Peyser Act. The WIAC will accomplish its objective by: 1) studying workforce and labor market information issues; 2) seeking information on innovative approaches, new technologies, and data to inform employment, skills training, and workforce and economic development decision making and policy; and 3) advising the Secretary on how the workforce and labor market information system can best support workforce development, planning, and program development.

Agency or Official to Whom the Committee Reports.

The WIAC will provide its advice and written recommendations to the Secretary through the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics.

Support.

The Employment and Training Administration (ETA) and The Bureau of Labor Statistics (BLS) are responsible for providing necessary support for the WIAC. These agencies shall ensure compliance with FACA, other applicable statutes and regulations, and established Department of Labor policies and procedures.

Designated Federal Officer.

The Chief of the Division of National Programs, Tools and Technical Assistance in ETA's Office of Workforce Investment will serve as the Designated Federal Officer (DFO).

The DFO duties are as follows:

- Call and attend WIAC meetings;
- Prepare draft meeting agendas;
- Approve agendas;
- Adjourn any meeting when s/he determines adjournment to be in the public interest;
- Chair meetings when directed to do so by the officials to whom the WIAC reports;
- Maintain records that the WIAC is required to make available to the public; and
- Provide copies of the WIAC's reports to the Library of Congress in consultation with the Committee Management Officer for the Department of Labor.

Estimated Number and Frequency of Meetings.

The WIAC will meet in person or virtually at least twice per year.

Travel Expenses.

The members of the WIAC will not receive compensation for the performance of services for the WIAC, but will be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under 5 U.S.C. § 5701-5711, while away from their homes or regular places of business in the performance of services for the WIAC. Notwithstanding 31 U.S.C. § 1342, the Secretary may accept the voluntary and uncompensated services of members of the WIAC.

Estimated Annual Operating Costs and Staff Years.

FTE: 1.0 staff year

Payments to Federal Staff	\$ 190,000
Travel for Non-Federal Members	\$ 80,000
Payment to Meeting Logistics Contractor/Consultant/Experts	\$ 100,000
Travel for Meeting Logistics Contractor/Consultant/Experts	\$ 15,000
Other	\$ 5,000
Total	\$390,000

Duration.

Continuing. In accordance with the Department’s policy, ETA, in consultation with BLS, will submit the charter for review every two years to ensure that charter provisions are accurate.

Termination.

As provided in Section 15(d)(2)(F) of the Wagner-Peyser Act, 29 U.S.C. § 491–2(d)(2)(F), as amended by P.L. 113-128, the WIAC is a permanent council, and, as such, is not governed by FACA Section 14, on termination of advisory committees.

Membership and Designation.

Under Section 15(d)(2)(B) of the Wagner-Peyser Act, 29 U.S.C. § 491–2(d)(2)(B), as amended by P.L. 113-128, the Secretary will appoint the 14 members of the WIAC, which will consist of:

- i) Four members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in Wagner-Peyser Act Section 4 [agency designated or authorized by the Governor vested with all powers necessary to cooperate with the Secretary of Labor under the Act], who have been nominated by such agencies or by a national organization that represents such agencies;
- ii) Four members who are representatives of the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in Wagner-Peyser Act Section 15(e)(2) (single State agency responsible for the management of the statewide workforce and labor market information system), who have been nominated by the directors;
- iii) One member who is a representative of providers of training services under section 122 (Identification of Eligible Providers of Training Services) of P.L. 113-128;
- iv) One member who is a representative of economic development entities;
- v) One member who is a representative of businesses, who has been nominated by national business organizations or trade associations;
- vi) One member who is a representative of labor organizations, who has been nominated by a national labor federation;

- vii) One member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and
- viii) One member who is a representative of research entities that use workforce and labor market information.

As required by Wagner-Peyser Act Section 15(d)(2)(C), 29 U.S.C. § 491–2(d)(2)(C), as amended by P.L. 113-128, the Secretary shall ensure that the membership of the WIAC is geographically diverse, and that no two members appointed under clauses i), ii), and vii), above, represent the same State.

Except as otherwise required by law, WIAC membership will be consistent with FACA and its implementing regulations, as follows: a) Membership on the WIAC will be “fairly balanced in terms of the points of view represented and the functions to be performed” (5 U.S.C. App. 5(b)(2)); and b) Members will come from “a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions” of the WIAC (41 CFR 102-3.60(b)(3)). Under the FACA regulation, the composition of the WIAC will, therefore, depend upon several factors, including i) the WIAC’s mission; ii) the geographic, ethnic, social, economic, or scientific impact of the WIAC’s recommendations; iii) the types of specific perspectives required; iv) the need to obtain divergent points of view on the issues before the WIAC, such as those of consumers, technical experts, the public at large, academia, business, or other sectors; and v) the relevance of State, local, or tribal governments to the development of the WIAC’s recommendations, (41 CFR 102-3, Subpart B, Appendix A).

To the extent permitted by FACA and other applicable laws, WIAC membership should also be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation, and gender identity.

Period of Appointment.

As outlined in Wagner-Peyser Act Section 15(d)(2)(D), 29 U.S.C. § 491–2(d)(2)(D), as amended by WIOA, P.L. 113-128, each member of the WIAC is appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. The Secretary may not appoint a member for more than two consecutive terms. Any member whom the Secretary appoints to fill a vacancy occurring before the expiration of the predecessor’s term will be appointed only for the remainder of that term. As provided for by Wagner-Peyser Act Section 15(d)(2)(D)(ii), 29 U.S.C. § 491–2(d)(2)(D), as amended by WIOA, P.L. 113-128, a member may serve after the expiration of that member’s term until a successor has taken office.

Subcommittees.

The Secretary may create subcommittees which must report back to the WIAC. Subcommittees must not provide advice or work products directly to the Secretary. A subcommittee created under this section is subject to the same laws as the WIAC.

Recordkeeping.

The records of the WIAC and those of the formally and informally established subcommittees or other subgroups will be handled in accordance with General Records Schedule 6.2, Federal Advisory Committee Records or other approved Department of Labor records disposition schedule. These records will be available for public inspection and copying, subject to the Freedom of Information Act 5 U.S.C. § 552.

Filing Date.

This charter is filed on the date indicated below.

R. ALEXANDER ACOSTA
Secretary of Labor

DATE