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OVERVIEW OF WIOA TITLE I AND TITLE III WAGNER-PEYSER FISCAL YEAR 2019 ALLOCATIONS

A. NATIONAL-TO-STATE WIOA TITLE I AND WAGNER-PEYSER ALLOTMENTS

Massachusetts receives program funding allotments through the U.S. Department of Labor's Employment and Training Administration. In accordance with the Workforce Innovation and Opportunity Act (WIOA), the U.S. Department of Labor (DOL) posted a Federal Register Notice on May 25, 2018 announcing the WIOA Title I and Wagner-Peyser allotments to the states for July 1, 2018 – June 30, 2019, the state Fiscal Year 2019 (also known as DOL Program Year 2018 or PY2018). Training and Employment Guidance Letter (TEGL) 16-17 issued on June 21, 2018 also contained the allotments and a description of the federal allotment process. The funds for Title I Adult, Youth, and Dislocated Worker, and Wagner-Peyser programs are distributed nationally as described below.

1. **WIOA Allocation Formula for Title I Adult and Youth:** A state's allotments of the total funds available for Adult and Youth are based on its share as determined by the factors described below. Each factor accounts for thirty-three and 1/3 percent of the formula as specified in WIOA:
 - a. **The average number of unemployed individuals in Areas of Substantial Unemployment (ASU) for the 12-month period, July 1, 2016 through June 30, 2017, as prepared by States under the direction of the Bureau of Labor Statistics (BLS) as compared to the total number of unemployed individuals in ASUs in all states.** ASUs are contiguous areas of at least 10,000 population that have an average unemployment rate of at least 6.5% for the most recent 12-month period. ASU areas can vary considerably in size. An ASU area can be as large as an entire state, if the statewide unemployment rate meets the qualifying threshold; or it can be an entire workforce development area, if the area as a whole qualifies; or, if the area-wide unemployment rate is below 6.5%, but pockets of high unemployment exist within it, the ASU can be as small as a city/town, or census tract(s) within a city or town, provided the ASU has a population of 10,000 or more.

Massachusetts, in its entirety, did not qualify as an Area of Substantial Unemployment (ASU) for FY 2019 (PY 2018). For the period July 2016 – June 2017, the average statewide total unemployment rate was 3.6 percent. Massachusetts designated 16 ASUs. These ASUs encompassed 36,619 unemployed or 30.2 percent of the 131,376 estimated annual average monthly unemployed in MA during the twelve-month period ending June 2017.

- b. **The number of Excess Unemployed individuals in each state or excess unemployed individuals in ASUs (whichever is higher) averages for the period July 2016 through June 2017 compared to the total excess individuals or ASU excess in all states.** Excess unemployed are the number of unemployed *in excess of* 4.5% of the labor force in areas with greater than a 4.5% unemployment rate. USDOL calculates excess unemployment against the same July-to-June period that it uses for the "ASU" factor. USDOL calculates the "Excess" factor against the entire state if the statewide unemployment rate exceeds 4.5% *or* against ASUs within the state if either the statewide rate is less than 4.5% or the

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ASU-based count will yield a higher number of "Excess Unemployed" than the statewide calculation.

- c. **The number of disadvantaged Youth (age 16 to 21, excluding college students in the workforce and military) or Adults (age 22 to 72 years, excluding college students not in the labor force and adults on active duty in the armed forces) in each state compared to the total number of disadvantaged youth or adults in all states.** A disadvantaged adult or youth is an individual who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of the poverty line or 70% of the Lower Living Standard Income Level (LLSIL). DOLETA provided special tabulations of data from the American Community Survey (ACS) produced by the Census Bureau for use in developing allocations. The data used in the special tabulations were collected between January 1, 2011 and December 31, 2015. Reference: Training and Employment Guidance Letter (TEGL) 14-17, April 4, 2018, *Updated Economically Disadvantaged Youth and Adult Data for use in Program Year (PY) 2018 and future Workforce Investment Act (WIA) Youth and Adult Within-State Allocation Formulas.*
2. **WIOA Formula for Title I Dislocated Worker:** A state's allotments of the total funds available for Dislocated Worker are based on its share as determined by the factors described below. Each factor accounts for thirty-three and 1/3 percent of the formula as specified in WIOA:
 - a. **The relative number of unemployed individuals in each state compared to the total number of unemployed individuals in all states.** The period for comparison is the 12-month period of October 2016 through September 2017.
 - b. **The relative excess number of unemployed individuals in each state, compared to the total excess number of unemployed in all states.** The term "excess unemployed" means the number that represents unemployed individuals in excess of 4.5% of the civilian labor force. The time period for comparison is the 12-month period of October 2016 through September 2017. No comparison to ASU excess is performed for this data factor.
 - c. **The relative number of individuals in each state who have been unemployed for 15 weeks or more, compared to the total number of individuals in all states who have been unemployed for 15 weeks or more.** The period for comparison is the 12-month period of October 2016 through September 2017.
3. **Hold-Harmless for Title I**

WIOA requires minimum state allotments for Title I programs equal to 90% hold-harmless of the prior year allotment percentage as well as stop-gain maximum allotments of 130% of the prior year allotment percentage.

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4. Wagner-Peyser Employment Service

Allotments to states are calculated using the formula set forth in Section 6 of the Wagner-Peyser Act (29 USC §49e, Allotment of Funds). The formula is based on each state's share of calendar year 2017 (the 12-month period from January 1, 2017 to December 30, 2017) monthly averages of the civilian labor force (2/3 weight) and unemployment (1/3 weight).

B. STATE-TO-LOCAL WIOA TITLE 1 AND WAGNER-PEYSER FORMULA ALLOCATIONS

1. WIOA Title I Adult and Youth

For Fiscal Year 2019, States were required to distribute 85% of their state allotments (July 1, 2018 - June 30, 2019) for Adult and Youth programs to workforce development areas based on the same three factors used in the national formula distribution. Local area expenditures for administrative purposes under WIOA formula grants are limited to not more than 10 percent of the amount allocated. The remainder, amounting to 15% of the state allotment for each program, was held for statewide workforce activities. The State may spend up to 5 percent of this amount for administrative costs of statewide activities.

Allocations to local areas for WIOA Adult and Youth funds are based on the following formula factors:

- **The relative number of economically disadvantaged adults or youth in each workforce area compared to the total number of economically disadvantaged adults or youth in all workforce areas.** The data for economically disadvantaged adults and youth residing in local workforce areas were obtained from special tabulations of the American Community Survey (ACS) produced by the Census Bureau. Reference: Training and Employment Guidance Letter (TEGL) 14-17, April 4, 2018, *Updated Economically Disadvantaged Youth and Adult Data for use in Program Year (PY) 2018 and future Workforce Investment Act (WIA) Youth and Adult Within-State Allocation Formulas*. This factor is 1/3 of the formula-based share before hold-harmless levels are determined.
- **The relative number of unemployed residents in areas of substantial unemployment (ASUs) in each workforce area compared to the total number of unemployed residents in areas of substantial unemployment in all workforce areas.** The reference period is July 1, 2016 to June 30, 2017. The data used are the unadjusted unemployment levels from the reference period used for the state ASU determination. This factor is 1/3 of the formula-based share before hold-harmless levels are determined.
- **The relative number of excess unemployed residents in areas of substantial unemployment (ASUs) in each workforce area compared to the total number of excess unemployed residents in ASUs in all workforce areas.** Excess unemployed are the

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number unemployed in excess of 4.5 percent of the labor force in ASUs. The reference period for determining the number of residents in areas of excess unemployment is the same as that used for ASU determinations. This factor is 1/3 of the formula-based share before hold-harmless levels are determined.

- **Hold Harmless:** WIOA requires minimum workforce area allocations for Adults and Youth to be not less than 90% of the average allocation percentage for the local area for the two (2) preceding fiscal years (hold-harmless level). The hold-harmless guarantees local areas receive 90% of their prior two-year average share of the state allotment if their formula-based share should fall below this level. WIOA specifies that amounts necessary for raising local formula-based shares to comply with these requirements shall be obtained by ratably adjusting the shares of all other local areas. Thus, an area's final adjusted percentage share may be higher or lower than its unadjusted formula-based share before the hold-harmless provision is applied. There is no maximum percentage of stop gain.

2. WIOA Title I Dislocated Worker

A Governor's reservation of twenty-five percent (25%) of the state's Dislocated Worker allotment was held for statewide rapid response activities. A reservation of 15% of the allotment was held for statewide workforce activities of which the State may spend up to 5 percent of this amount for the administrative costs of statewide activities.

States must distribute 60% of their Dislocated Worker allotment (July 1, 2018-June 30, 2019) to local workforce development areas. Local area expenditures for administrative purposes are limited to no more than 10 percent of the amount allocated to the area. Dislocated Worker funds are allocated to local areas according to the formula developed by each state to meet the requirements of WIOA Section 133(b)(2)(A). It is not the same as the formula used in the national-to-state distribution. WIOA provides general guidance on the categories of information to be used in the formula, but does not prescribe the specific factors. The factors and weights used in the Dislocated Worker formula distribution are determined by a state level Workforce Allocations Task Force and approved by the Secretary of Labor and Workforce Development and the Massachusetts Workforce Development Board. The six (6) factors and weights for FY2019 are described below.

- **UI Claimants.** To meet the WIOA category of *insured unemployment data*. Source: Statewide Survey of UI Claimants, Calendar Year 2017 monthly average. Weight: 25%.
- **Average Unemployment Rate.** To meet the WIOA category of *unemployment concentrations*. Source: Local Area Unemployment Statistics, Calendar Year 2017 average. Weight: 25%.
- **Claimants in Mass Layoff Events.** To meet the WIOA category of *plant closing and mass layoff data*. Source: UI Claimants from Mass Layoffs, Calendar Year 2017. Weight: 10%.

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- **Industries with 3 Year Job Loss.** To meet the WIOA category of *declining industries*. Source: ES-202 annual data, 2014, 2015, 2016. Weight: 10%.
- **Long-Term Claimants.** To meet the WIOA category of *long-term unemployment data*. Source: Statewide Survey of UI Claimants, average number with 26+ weeks in current spell, Calendar Year 2017. Weight: 15%.
- **UI Exhaustees.** To meet the WIOA category of *long-term unemployment data*. Source: Statewide Survey of UI Claimants who exhausted regular UI benefits, Calendar Year 2016. Weight: 15%.

3. Wagner-Peyser Employment Service

WIOA and Wagner-Peyser legislation does not mandate any specific formula distribution from state to local areas. However, state-to-local Wagner-Peyser allocations in the Commonwealth have by precedent been based on the federal-to-state formula. The state Wagner-Peyser allotment is divided into two parts: 90% funds and 10% funds. U.S. Code 29 § 49f and 20 CFR 652.205 specify the usage of these funds and Section 7(c) of the Wagner-Peyser Act enables states to use funds authorized under sec. 7(a) [90% funds] or sec. 7(b) [10% funds] of the Wagner-Peyser Act to supplement funding for other activities authorized under the Workforce Innovation and Opportunity Act (WIOA) with certain requirements. Refer to the *Summary of Formulas...* section pages 8-9 for additional information.

Massachusetts distributed 80% of the 90% Wagner-Peyser state allotment to local workforce development areas based on a formula allocation described below.

- Two-thirds is based on the relative number of individuals in the civilian labor force in each workforce area compared to the total number of such individuals in all sixteen workforce areas. The data used for FY 2019 allocations were the average number of residents in the labor force in each local area in Calendar Year 2017.
- One-third is based on the relative number of unemployed individuals in each area compared to the total number of such individuals in all sixteen workforce areas. The data used for FY 2019 allocations were the average number of unemployed residents in each local area in Calendar Year 2017.
- Each area's FY2019 formula share must fall between a hold-harmless lower limit set at 90% of the local area's FY2018 formula share and a hold-harmless upper limit set at 110% of the local area's FY2018 formula share. Hold-harmless limits reduce wide year-to-year swings in an area's allocation. Amounts necessary for increasing or decreasing local formula-based shares to comply with this requirement are made by ratably adjusting the shares of all other local areas.

Massachusetts distributed the 10% portion of the Wagner-Peyser state allotment as follows: 62% to local workforce development areas and 38% for statewide activities. The formula factors used for

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the distribution to local workforce development areas were the same as those used for the distribution of the 80% portion of the 90% funds to local areas as described above.

Note: A summary of the formulas factors for allocation of WIOA Title I and Wagner-Peyser funds to local workforce areas is provided on page 7.

C. US DEPARTMENT OF LABOR NOTICE OF AWARD (NOA)

The WIOA Title I and Wagner-Peyser ES state allotments for Fiscal Year 2019 were provided in Training and Employment Guidance Letter (TEGL) No. 16-17, issued May 21, 2018, and were published in the Federal Register on May 25, 2018. Funds are issued by the U.S. Department of Labor, Employment and Training Administration (DOLETA) through a Grant Modification/Notice of Award (NOA) upon an executed grant agreement.

The funds for Wagner-Peyser ES are available from July 1, 2018. WIOA Title I Youth funds become available from April 1, 2018.

The funds for WIOA Title I Adult and Dislocated Worker programs are appropriated by Congress in two installments and WIOA Title I Adult and Dislocated Worker programs are funded in two separate appropriations. The first installment becomes available on July 1, 2018, and is referred to by DOLETA as the “base” funds. Approximately 16% of the FY2019 Title I Adult allotment and 17% of the Title I Dislocated Worker allotment will be available on July 1, 2018.

The second installment becomes available for obligation on October 1, 2018, and is referred to by DOLETA as “advance” funds because they are provided in the appropriations act passed during the fiscal year before the fiscal year when the funds are available. Thus, “advance” funds for FY2019 that are available on October 1, 2018 were appropriated in Federal Fiscal Year 2018, but not made available until October 1, 2018 (start of Federal Fiscal Year 2019). These “advance” funds can be subject to rescissions or temporary reductions based on the FFY2019 appropriation.

Note: This document will not be updated to reflect funding changes that may occur after those announced in TEGL 16-17. Please refer to Training and Employment Guidance Letters or other documents issued by the U.S. Department of Labor for any changes to funding during the fiscal year. Additional information may be found in MassWorkforce Issuances available on the mass.gov website. Look for WIOA Local Annual Plan Guidance: Fiscal Year 2019 at <https://www.mass.gov/service-details/massworkforce-wioa-local-annual-plan-guidance-policy-issuance>

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SUMMARY OF ALLOCATION FORMULAS FOR STATE-TO-LOCAL WIOA AND WAGNER-PEYSER FUNDING AND WAGNER-PEYSER FUNDS DISPOSITION

State allotments for Workforce Investment Act (WIOA) Title I Youth, Adult, and Dislocated Worker Programs and Title III Wagner-Peyser Act Employment Service programs are announced in the Federal Register and through a Training and Employment Guidance Letter (TEGL) by the U.S. Department of Labor, Employment and Training Administration (DOLETA). The WIOA and ES program allotments to states and state-to-local allocations are based on formula provisions defined in WIOA and in the Wagner-Peyser Act. Fiscal year awards are announced by DOLETA annually (usually in spring) and may be amended during the year. Funds are released upon execution of a Grant Agreement and Notice of Award (NOA) from DOLETA.

The Massachusetts Department of Career Services, on behalf of the Executive Office of Labor and Workforce Development (EOLWD), issues allocations for the 16 local workforce development areas in Massachusetts. Local allocation levels are determined by statutory formula based on an area's relative share of the state on specific data factors as described below.

WIOA Title I Youth

Factors:

1/3: total unemployed in areas of substantial unemployment (average 12 months ending 6/30)

1/3: excess unemployed in areas of substantial unemployment (average 12 months ending 6/30)

1/3: economically disadvantaged youth (American Community Survey, Special Tabulations)

Minimum: area allocation cannot be less than 90% of its average relative share for the prior two fiscal years

Maximum: none

WIOA Title I Adult

Factors:

1/3: total unemployed in areas of substantial unemployment (average 12 months ending 6/30)

1/3: excess unemployed in areas of substantial unemployment (average 12 months ending 6/30)

1/3: economically disadvantaged adults (American Community Survey, Special Tabulations)

Minimum: area's allocation cannot be less than 90% of its average relative share for the prior two fiscal years

Maximum: none

WIOA Title I Dislocated Worker

Factors:

1/4: average unemployed for the most recent calendar year

1/4: of unemployment rate for the most recent calendar year

1/10: UI claimants in mass layoffs for the most recent calendar year

1/10: average job loss in declining industries for the most recent three calendar years

3/20: UI claimants who exhausted benefits for the most recent calendar year

3/20: average number of long-term UI claimants (26+ weeks) for the most recent calendar year

Minimum: area's allocation cannot be less than 90% of its average relative share for the prior two fiscal years

Maximum: none

WIOA Title III Wagner-Peyser Act Employment Service

Factors:

2/3: civilian labor force for the most recent calendar year

1/3: unemployment for the most recent calendar year

Minimum: area's allocation cannot be less than 90% of its relative share for the prior fiscal year

Maximum: area's allocation cannot be more than 110% of its relative share for the prior fiscal year

Excess unemployed: unemployment in excess of 4.5 percent of the labor force.

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29 USC Ch. 4B: FEDERAL EMPLOYMENT SERVICE

§49e. Allotment of funds [Section 6 of the Wagner-Peyser Act]

- (a) From the funds appropriated and (except for Guam) certified under section 49d of this title and made available for allotments under this section for each fiscal year, the Secretary shall first allot to Guam and the Virgin Islands an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage which each received of amounts available under this chapter in fiscal year 1983.
- (b)(1) Subject to paragraphs (2), (3), and (4) of this subsection, after making the allotments required by subsection (a), the Secretary shall allot the remainder of the funds described in subsection (a) for each fiscal year among the States as follows:
- (A) two-thirds of such remainder shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State as compared to the total number of such individuals in all States; and
 - (B) one-third of such remainder shall be allotted on the basis of the relative number of unemployed individuals in each State as compared to the total number of such individuals in all States.

For purposes of this paragraph, the number of individuals in the civilian labor force and the number of unemployed individuals shall be based on data for the most recent calendar year available, as determined by the Secretary. For purposes of this paragraph, the term "State" does not include Guam or the Virgin Islands.

(2) No State's allotment under this section for any fiscal year shall be less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this section, the Secretary shall determine the allotment percentage for each State (including Guam and the Virgin Islands) for fiscal year 1984 which is the percentage that the State received under this chapter for fiscal year 1983 of the total amounts available for payments to all States for such fiscal year. For each succeeding fiscal year, the allotment percentage for each such State shall be the percentage that the State received under this chapter for the preceding fiscal year of the total amounts available for allotments for all States for such fiscal year.

(3) For each fiscal year, no State shall receive a total allotment under paragraphs (1) and (2) which is less than 0.28 percent of the total amount available for allotments for all States.

(4) The Secretary shall reserve such amount, not to exceed 3 percent of the sums available for allotments under this section for each fiscal year, as shall be necessary to assure that each State will have a total allotment under this section sufficient to provide staff and other resources necessary to carry out employment service activities and related administrative and support functions on a statewide basis.

(5) The Secretary shall, not later than March 15 of fiscal year 1983 and each succeeding fiscal year, provide preliminary planning estimates and shall, not later than May 15 of each such fiscal year, provide final planning estimates, showing each State's projected allocation for the following year.

(June 6, 1933, ch. 49, § 6, as added Pub. L. 97-300, title VI, §601(c), formerly title V, §501(c), Oct. 13, 1982, 96 Stat. 1393; renumbered title VI, §601(c), Pub. L. 100-628, title VII, §712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 105-220, title III, §310, Aug. 7, 1998, 112 Stat. 1086; Pub. L. 113-128, title III, §304, July 22, 2014, 128 Stat. 1626.)

§49f. Percentage disposition of allotted funds [Section 7 of the Wagner-Peyser Act]

(a) Use of 90 percent of funds allotted

Ninety percent of the sums allotted to each State pursuant to section 49e of this title may be used—

- (1) for job search and placement services to job seekers, including unemployment insurance claimants, including counseling, testing, occupational and labor market information, assessment, and referral to employers;
- (2) for appropriate recruitment services and special technical services for employers; and
- (3) for any of the following activities:

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- (A) evaluation of programs;
- (B) developing linkages between services funded under this chapter and related Federal or State legislation, including the provision of labor exchange services at education sites;
- (C) providing services for workers who have received notice of permanent layoff or impending layoff, or workers in occupations which are experiencing limited demand due to technological change, impact of imports, or plant closures;
- (D) developing and providing labor market and occupational information;
- (E) developing a management information system and compiling and analyzing reports therefrom;
- (F) administering the work test for the State unemployment compensation system, including making eligibility assessments, and providing job finding and placement services for unemployment insurance claimants; and
- (G) providing unemployment insurance claimants with referrals to, and application assistance for, training and education resources and programs, including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), educational assistance under chapter 30 of title 38 (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post-9/11 Veterans Educational Assistance), student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), State student higher education assistance, and training and education programs provided under titles I and II of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq., 3271 et seq.], and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

(b) Use of 10 percent of funds allotted

Ten percent of the sums allotted to each State pursuant to section 49e of this title shall be reserved for use in accordance with this subsection by the Governor of each such State to provide—

- (1) performance incentives for public employment service offices and programs, consistent with the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act [29 U.S.C. 3141(b)(2)(A)(i)], taking into account direct or indirect placements (including those resulting from self-directed job search or group job search activities assisted by such offices or programs), wages on entered employment, retention, and other appropriate factors;
- (2) services for groups with special needs, carried out pursuant to joint agreements between the employment service offices and the appropriate local workforce investment board and chief elected official or officials or other public agencies or private nonprofit organizations; and
- (3) the extra costs of exemplary models for delivering services of the types described in subsection (a), and models for enhancing professional development and career advancement opportunities of State agency staff, as described in section 49b(c)(4) of this title.

(c) Joint funding

- (1) Funds made available to States under this section may be used to provide additional funds under an applicable program if—
 - (A) such program otherwise meets the requirements of this chapter and the requirements of the applicable program;
 - (B) such program serves the same individuals that are served under this chapter;
 - (C) such program provides services in a coordinated manner with services provided under this chapter; and
 - (D) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

(2) For purposes of this subsection, the term "applicable program" means any workforce investment activity carried out under the Workforce Innovation and Opportunity Act.

(June 6, 1933, ch. 49, § 7, as added Pub. L. 97-300, title VI, § 601(c), formerly title V, § 501(c), Oct. 13, 1982, 96 Stat. 1394; renumbered title VI, § 601(c), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 101-392, § 5(b), Sept. 25, 1990, 104 Stat. 759; Pub. L. 105-220, title III, §§ 305, 310, Aug. 7, 1998, 112 Stat. 1081, 1086; Pub. L. 113-128, title III, § 305, July 22, 2014, 128 Stat. 1626.)