

Mass Workforce Issuance

100 DCS 18.100

☐ Policy ☒ Information

To: Chief Elected Officials
Workforce Development Chairs
Workforce Development Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: April 17, 2015

Subject: **Workforce Innovation and Opportunity Act (WIOA) and Notice of Proposed Rulemaking (NPRM)**

Purpose: To notify Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners of enactment of the Workforce Innovation and Opportunity Act of 2014 (WIOA) and announcement of Notices of Proposed Rule Making.

Background: The [Workforce Innovation and Opportunity Act \(WIOA\)](#), signed by President Obama on July 22, 2014, is the first major reform to federal job training programs in more than 15 years. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

The enactment of WIOA provides opportunity for reforms to ensure the American Job Center system is job-driven—responding to the needs of employers and preparing workers for jobs that are available now and in the future.

WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act of 1933, and the Rehabilitation Act of 1973. In general, the Act takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

DOL has defined the vision for WIOA and the Workforce System within Training Employment and Guidance Letter (TEGL) #19-14 as an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through and integrated job-driven public workforce system that links diverse talent to businesses.

DOL's vision reflects a revitalized workforce system to be characterized by three critical hallmarks of excellence:

- The needs of businesses and workers drives the solution
- One-Stop Career Centers (or American Job Centers) provide excellent customer service to jobseekers and employers and focus on continuous improvement; and
- The workforce system supports strong regional economies and plays an active role in community and workforce development.

On April 2, 2015, draft regulations to implement the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, were posted to the Federal Register website. The draft regulations -- known as Notices of Proposed Rulemaking (NPRMs) -- are in five parts -- each addressing different aspects of the law.

On April 16, 2015, US DOL released Training and Employment Notice (TEN) 29-14, Change 1, announcing the publication of the NPRMs in the [Federal Register](#).

The five NPRMs include: a joint rule, issued by the departments of Labor and Education, in collaboration with the Department of Health and Human Services proposing to implement jointly-administered activities related to unified planning, performance accountability, and the one-stop system; a Department of Labor rule proposing to implement DOL-specific activities under Title I; and three Department of Education rules proposing to implement the requirements of Titles II and IV.

Summaries of each proposed rule and a link for additional information:

➤ **[Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provision](#)**

This rule, developed jointly by the Departments of Education (ED) and Labor (DOL), implements the jointly-administered activities authorized by Title I of WIOA. This NPRM covers the workforce development system's six core programs administered by ED and DOL respectively, by establishing unified strategic planning requirements, common performance accountability indicators, and requirements governing the one-stop delivery system. These proposed regulations emphasize coordination and collaboration at the Federal, State, and local levels to ensure a coordinated service delivery system for job-seekers, including those with disabilities, and employers.

- **Workforce Innovation and Opportunity Act**
This rule, developed by DOL, implements Titles I and III of WIOA relating to the adult, dislocated worker, and youth formula programs; the State and local workforce development (formerly investment) boards; the designation of regions and local areas; local plans; the one-stop system; national programs, including Job Corps, YouthBuild, Indian and Native American programs, and Migrant and Seasonal Farmworker programs; technical assistance and evaluations; and general administrative provisions currently authorized under Title I of the Workforce Investment Act. It also proposes to implement changes made by Title III of WIOA, which amends the Wagner-Peyser Act relating to the Employment Services and Workforce and Labor Market Information System and requires the Secretary to establish a Workforce Information Advisory Council.

- **Adult Education and Family Literacy Act (AEFLA)**
This rule, proposed by Education's Office of Career, Technical, and Adult Education, would implement changes to programs authorized under AEFLA, which is contained in Title II of WIOA.

- **State Vocational Rehabilitation Services program; State Supported Employment Services program; Limitations on Use of Subminimum Wage**
This rule, proposed by Education's Office of Special Education and Rehabilitative Services, would implement changes authorized under the Rehabilitation Act of 1973, which is contained in Title IV of WIOA, including changes to the State Vocational Rehabilitation Services program and the State Supported Employment Services program, as well as provisions in new Section 511 related to the Limitations on the Use of Subminimum Wages.

- **Workforce Innovation and Opportunity Act, Miscellaneous Program Changes**
This rule, proposed by Education's Office of Special Education and Rehabilitative Services, would implement changes to other Rehabilitation Act programs administered by the Department of Education, including Client Assistance, American Indian Vocational Rehabilitation Services, Protection and Advocacy of Individual Rights, Independent Living Services for Older Individuals Who Are Blind programs, and the discretionary grant programs authorized under Title III of the Rehabilitation Act.

Action

Required: Please assure all appropriate staff persons and partners are knowledgeable of the content of this Issuance. DCS will collect and organize the Massachusetts commentary. Instructions for submittal of comments to DCS will be issued under separate cover.

Effective: Immediately

References: (Public Law 113 – 128) Workforce Innovation and Opportunity Act (WIOA)

Training and Employment Guidance Letter (TEGL) #19-14

20 CFR Parts 676, 677, and 678 - Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Notice of Proposed Rulemaking

20 CFR Parts 603, 651, 652, 653 654, 658, 675, 679, 680, 681, 682, 683, 684, 685, 686, 687, and 688 - Workforce Innovation and Opportunity Act; USDOL-only Notice of Proposed Rulemaking

34 CFR Parts 461, 462, 463, 472, 477, 489, and 490 - Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of the Workforce Innovation and Opportunity Act)

34 CFR Parts 361, 363, and 397 - State Vocational Rehabilitation Services Program: State Supported Employment Services program; Limitations on Use of Subminimum Wage

34 CFR Parts 367, 369, 370, 371, 373, 376, 377, 379, 381, 385, 386, 387, 388, 389, 390, and 396 - Workforce Innovation and Opportunity Act: Miscellaneous Program Changes