

Location: Western Iowa Tech Community College & Teleconference

Date: 1/23/20

PRESENT - LWDB MEMBERS				ABSENT - LWDB MEMBERS			
Sara DeAnda	X	Dan Moore	X	Sara DeAnda		Dan Moore	
David Gleiser	X	James O'Donnell	X	David Glesier		James O'Donnell	
Brittney Gutzmann	X	Judy Peterson	X	Brittney Gutzmann		Judy Peterson	
John Hamm	X	Dr. Robert Rasmus	X	John Hamm		Dr. Robert Rasmus	
Janet Hansen	X	MacKenzie Reiling	X	Janet Hansen		MacKenzie Reiling	
Bridget Hoefling	X	Marcia Rosacker	X	Bridget Hoefling		Marcia Rosacker	
Christine Kennedy	X	Dan Schoenherr	X	Christine Kennedy		Dan Schoenherr	
Peggy La		Susanna Taylor		Peggy La	X	Susanna Taylor	X
Micah Lang		Mary Tyler	X	Micah Lang	X	Mary Tyler	
Craig Levine	X	Pam Woolridge	X	Craig Levine		Pam Woolridge	
Jean Logan	X			Jean Logan			

PRESENT - CEO MEMBERS				ABSENT - CEO MEMBERS			
Craig Anderson	X	Pete Groetken	X	Craig Anderson		Pete Groetken	
Tom Brouillette	X	Wane Miller	X	Tom Brouillette		Wane Miller	
Raymond Drey	X	Keith Radig		Raymond Drey		Keith Radig	X

PRESENT		PRESENT	
Alana Tweet – WIOA Title I	X	Guest: Ronee Slagle, IWD	X
Janet Gill – WIOA Title I	X	Guest: Shawn Fick, Goodwill	X
Duane Kraayenbrink – WIOA Title I	X	Guest: Jenny Anderson, City of Sioux City Housing	X
Lori Knight – WIOA Title I	X	Guest	

- 1. Call to Order & Roll Call:**  
LWDB @ 4:02 P.M. Call to Order & Roll Call – Dan Moore, Chair  
CEO @ 4:05 P.M. Call to Order & Roll Call – Craig Anderson, Chair
- 2. Approval of Agenda – LWDB – Dan Moore & Craig Anderson, CEO Chair**
- 3. Approval of Meeting Minutes:** November 21, 2019 Joint LWDB/CEO Minutes – LWDB – Dan Moore & CEO – Craig Anderson
- 4. New Business:** Report from State Representative – Ronee Slagle
- 5. Old Business:** Realignment, CEO Training
- 6. WIOA Core Partner Reports:** Title I – Adult, Dislocated Worker, Youth Services; Title II – Adult Basic Education and Literacy; Title III – Employment Services; Title IV – Vocational Rehabilitation Services
- 7. LWDB Chair Report:** Dan Moore  
**CEO Chair Report:** Craig Anderson
- 8. Policy/Field Memo Updates:** TEGL# 8-19: Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs; TEN# 13-19: Announcing the Release of the *Wagner-Peyser Act Staffing Flexibility* Final Rule and Amended Information Collections Associated with this Rulemaking
- 9. Reports from Individual LWDB/CEO Members**
- 10. Adjournment**

## Motions Taken - Decisions Reached

APPROVALS	1ST	2ND	Unanimously Approved
2. Approval of Agenda – <b>LWDB</b> – Dan Moore	Dr. Robert Rasmus	Christine Kennedy	X
2. Approval of Agenda – <b>CEO</b> – Craig Anderson	Pete Groetken	Ray Drey	X
3. Approval of Meeting Minutes – <b>LWDB</b> – Dan Moore <ul style="list-style-type: none"> <li>• November 21, 2019 Joint LWDB/CEO Minutes – “Attachment “A”</li> </ul>	John Hamm	Dr. Robert Rasmus	X
3. Approval of Meeting Minutes – <b>CEO</b> – Craig Anderson <ul style="list-style-type: none"> <li>• November 21, 2019 Joint LWDB/CEO Minutes – “Attachment “A”</li> </ul>	Ray Drey	Pete Groetken	X
11. Adjournment – LWDB @ 5:05 P.M.	Jim O’Donnell	John Hamm	X
11. Adjournment – CEO @ 5:05 P.M.	Craig Anderson	Adjourned the	CEOs

## Meeting Notes

### Reports/Discussion:

#### *IV. New Business*

##### *Report from State Representative – Ronee Slagle*

Dan introduced Ronee Slagle, State Representative. Craig Anderson stated he asked Ronee to come to the meeting and talk about the WIOA changes. Ronee stated the plan is to get Iowa WIOA compliant. Ronee discussed the State Board plan for the 6 regions in Iowa. Several regions appealed and DOL upheld the appeal decision so now back to 15 regions. Checklist being developed and sent to CEOs to get in compliant. DOL states need to get into compliance with the law. Ronee stated here to help to get into compliance but not to lead. There will be four entities: Service Provider, Fiscal Agent, Staff to the Board and One Stop Provider. Craig Anderson stated get to keep Region 12 and keep local control. The CEOs can select/name the Fiscal Agent because does not need to be procured. Only 10% of budget can be used for Admin. They want to encourage current Service Providers to be part of the system, stated Ronee. The amount of money that goes out to each Regions is changed by number of businesses and the unemployment rate. If not as many people unemployed in an area then don’t need as much money. The Staff to the Board might have more responsibilities such as internal monitoring, budget, and agreements to write. The Staff to the Board will follow what the board tells them to do. More than one region could also share a Staff to the Board person. Jean Logan stated Iowa was a pilot program from the 90’s and continued to get waivers until DOL stated not anymore. Jim O’Donnell asked how do you determine how many hours it will take to be a volunteer on the boards. The CEOs have to put in a lot of time up front and have more to do at this time, stated Ronee. The Staff to the Board person will not be full time. Also, City Council Members can’t be on the CEO Board when changes are implemented. The checklist and sample of the 28E will be coming out, stated Ronee Slagle. There will be a January 30, 2020 ISAC (Iowa State Association of Counties) meeting where Michelle Mcnertney and Mike Witt will be talking about the checklists.

#### *V. Old Business*

Realignment was covered. Craig Anderson stated they attended meetings in Storm Lake. Dan Moore thanked the CEOs for attending the meetings. Ronee stated Region 12 CEOs were great and engaged.

#### *VI. WIOA Core Partner Reports*

##### *Title I – Adult, Dislocated Worker, Youth Services*

Janet Gill reviewed the Title I Report including the WIOA expenditures and available funds as of December 31, 2019. Alana Tweet gave an update on upcoming events such as the Annual Legislative Breakfast on February 5, 2020, the AIWP Conference on March 26 & March 27, 2020 and the IowaWORKS/WITCC Spring Career Fair on March 26, 2020. Janet Gill reviewed Policy and Guidance updates. TEGL# 8-19 – WIOA Title I Training Provider Eligibility and State List of Eligible Training Providers and Programs provides guidance on allowable types of training and informed consumer choice etc. TEN #13-19 – Wagner-Peyser Act Staffing Flexibility Final Rule – Is Federal Guidance which allows states the flexibility to provide Employment Services activities through various arrangements including a combination of state merit-staff and subrecipients.

*Title II – Adult Basic Education and Literacy*

Pam Woolridge reviewed the Title II report. ABE has 1000 students enrolled in programs (639 ELL and 361 HSED) with total attendance of 36,181 hours with twenty weeks of class. There were 33 HSED completers. ELL and HSED students enrolled in college classes in C.N.A., Nursing, Accounting, Computer Classes, Math General Classes, Construction Classes and Welding. New students (86 HSED & 87 ELL) tested at all locations on January 6, 7, 8, and 9, 2020. Also, contacted 6 referrals from IWD for ABE classes, stated Pam Woolridge.

*Title III – Employment Services*

MacKenzie Reiling reviewed the Title III report. Registered Apprenticeship with Peterbuilt was finalized in December. A grant was received through the Innovation Fund. IowaWORKS is continuing to work with those being released from incarceration. Cherokee County was recognized as a “Work Ready Community”. IowaWORKS is partnering with IVRS for a Summer STEM Camp. Through the Refugee Rise program, IowaWORKS has a person working with refugees in the community at the office. Her name is Senait.

*Title IV – Vocational Rehabilitation Services*

Brittney Gutzmann reviewed the Title IV report. The Sioux City Iowa Vocational Rehabilitation Services is currently serving 909 Job Candidates. There are 12 working with a Job Coach receiving Supported Employment Services, 94 in a Community College/Vocational School, 58 in a 4 Year College and 24 successfully employed. Brittney reviewed numbers that reflect service priority areas identified by the State Rehabilitation Council. The focus was on service for individuals who were diagnosed with autism, deaf/hard of hearing, Mental Health or Developmentally disabled.

VII. LWDB Chair Report – Dan Moore - None

CEO Chair Report – Craig Anderson – None because already reviewed.

*VIII. Policy/Field Memo Updates*

Janet reviewed Policy/Field Memo updates in the Title I Partner Report.

IX. Reports from Individuals LWDB/CEO Member - None

X. Adjournment

**RESPECTIVELY SUBMITTED**

*Bridget Hoefling*

Bridget Hoefling

Date: 1/23/20

“The Mission of our group is to fully engage the Region 12 community in strengthening the economy through workforce development making it a better place to live, work, and grow.”

REGION 12 CEO MEETING

ATTACHMENT "B"

Location: Western Iowa Tech Community College & Teleconference

Date: 2/20/20

PRESENT - CEO MEMBERS				ABSENT - CEO MEMBERS			
Craig Anderson	X	Pete Groetken	X	Craig Anderson		Pete Groetken	
Tom Brouillette	X	Wane Miller	X	Tom Brouillette		Wane Miller	
Raymond Drey		Keith Radig	X	Raymond Drey	X	Keith Radig	

PRESENT		PRESENT	
Bridget Hoefling, LWDB	X	Guest: Shawn Fick, Goodwill	X
		Guest: Dan Schoenherr, IMKO Workforce Solutions	X

- 1. Call to Order & Roll Call:**  
CEO @ 4:00 P.M. Call to Order & Roll Call – Craig Anderson, Chair
- 2. Approval of Agenda**
- 3. Approval of CEO Meeting Minutes** (February 6, 2020) – Attachment "A"
- 4. Business:** Adopt the 28E – Subject to County Approvals; Appoint Woodbury County Auditor to be the Fiscal Agent; Election of Officers
- 5. Other Business:**
- 6. Adjournment**

Motions Taken - Decisions Reached			
APPROVALS	1ST	2ND	Unanimously Approved
2. Approval of February 20, 2020 CEO Agenda	Keith Radig	Wane Miller	X
3. Approval of CEO Meeting Minutes • February 6, 2020 CEO Minutes–Attachment "A"	Wane Miller	Tom Brouillette	X
4a. Adopt the 28E – Subject to County Approvals	Keith Radig	Tom Brouillette	X
4b. Appoint Woodbury County Auditor to be the Fiscal Agent	Keith Radig	Wane Miller	X
4c. Election of Officers: CEO Chair (Craig Anderson)	Keith Radig	Tom Brouillette	X
4c. Election of Officers: CEO Vice Chair (Wane Miller)	Keith Radig	Tom Brouillette	X
4c. Election of Officers: Secretary (Bridget Hoefling)	Craig Anderson	Wane Miller	X
5. Adjournment – CEO @ 5:00 P.M.			

**Meeting Notes**

Reports/Discussion:

**IV. Business**  
*Adopt the 28E – Subject to County Approvals*  
 Discussion took place on the 28E which is subject to county approvals. Documents have been put on Google Docs. The liability was questioned. ICAP Insurance was checked to make sure all are covered. Still waiting on answer.

*Appoint Woodbury County Auditor to be the Fiscal Agent*  
 Discussion took place on appointing Woodbury County Auditor to be the Fiscal Agent.

*Election of Officers* took place. CEO Chair-Craig Anderson and CEO Vice Chair-Wane Miller were elected. Bridget Hoefling was elected as temporary secretary until getting someone hired. The board will inform people of this secretary/admin position. The board will get direction on what the pay scale would be for this position.

**V. Other Business**  
 Craig will help Wane with Bylaws. Cherokee Chamber will help with board appointments, stated Wane. Keith will ask IBEW-Electrical Workers, NW Iowa Building Trades and Brad Newton-Sioux City Chamber & Siouxland Initiatives. Need clarification of gender and political guidelines for makeup of the LWDB Board. CEOs will reach out for clarification.

**V. Adjournment**

RESPECTIVELY SUBMITTED

*Bridget Hoefling*

Bridget Hoefling,  
Date: 2/20/20

## REGION 12 LWDB/CEO TELECONFERENCE MEETING

Location: Teleconference

Date: 4/23/20

PRESENT - LWDB MEMBERS				ABSENT - LWDB MEMBERS			
Sara DeAnda	X	Dan Moore	X	Sara DeAnda		Dan Moore	
David Gleiser		James O'Donnell	X	David Glesier	A	James O'Donnell	
Brittney Gutzmann	X	Judy Peterson		Brittney Gutzmann		Judy Peterson	A
John Hamm	X	Dr. Robert Rasmus	X	John Hamm		Dr. Robert Rasmus	
Janet Hansen	X	MacKenzie Reiling	X	Janet Hansen		MacKenzie Reiling	
Bridget Hoefling	X	Marcia Rosacker	X	Bridget Hoefling		Marcia Rosacker	
Christine Kennedy		Dan Schoenherr	X	Christine Kennedy	A	Dan Schoenherr	
Peggy La		Susanna Taylor		Peggy La	A	Susanna Taylor	A
Micah Lang		Mary Tyler	X	Micah Lang	A	Mary Tyler	
Craig Levine		Pam Woolridge	X	Craig Levine	A	Pam Woolridge	
Jean Logan	X			Jean Logan			
PRESENT - CEO MEMBERS				ABSENT - CEO MEMBERS			
Craig Anderson	X	Pete Groetken	X	Craig Anderson		Pete Groetken	
Tom Brouillette		Wane Miller	X	Tom Brouillette	A	Wane Miller	
Raymond Drey	X	Keith Radig	X	Raymond Drey		Keith Radig	
PRESENT			PRESENT				
Alana Tweet – WIOA Title I			X	Guest: Shawn Fick, Goodwill			X

**1. Call to Order & Roll Call:**

LWDB @ 2:00 P.M. Call to Order &amp; Roll Call – Dan Moore, Chair

CEO @ 2:05 P.M. Call to Order &amp; Roll Call – Craig Anderson, Chair

**2. Approval of Amended Agenda** to Include Ticket To Work (TTW) Funds Transfer from the State of Iowa to Goodwill of the Great Plains – LWDB – Dan Moore & CEO – Craig Anderson

**3. New Business:**

- Region 12 Transfer of \$15,000 of FY20 WIOA Title I Adult Formula Program Funds to WIOA Title I Dislocated Worker Formula Program Funds – LWDB–Dan Moore & CEO–Craig Anderson– Attachment “A”
- Region 12 WIOA Local Customer Service Plan Modification to Increase Financial Assistance (FAS) from \$600 to \$1,000 – LWDB – Dan Moore & CEO–Craig Anderson–Attachment “B”
- Ticket To Work (TTW) Funds Transfer from the State of Iowa to Goodwill of the Great Plains – LWDB – Dan Moore & CEO – Craig Anderson – Attachment “C”

**4. Old Business:****5. Adjournment****Motions Taken - Decisions Reached**

APPROVALS	1ST	2ND	Unanimously Approved
<b>2.</b> Approval of Amended Agenda to Include Ticket To Work (TTW) Funds Transfer from the State of Iowa to Goodwill of the Great Plains – <b>LWDB – Dan Moore</b>	MARCIA ROSACKER	DR. ROBERT RASMUS	X
<b>2.</b> Approval of Amended Agenda to Include Ticket To Work (TTW) Funds Transfer from the State of Iowa to Goodwill of the Great Plains – <b>CEO – Craig Anderson</b>	WANE MILLER	KEITH RADIG	X
<b>3a.</b> Approval of Region 12 Transfer of \$15,000 of FY20 WIOA Title I Adult Formula Program Funds to WIOA Title I Dislocated Worker Formula Program Funds – <b>LWDB – Dan Moore</b> – “Attachment “A”	JOHN HAMM	JIM O'DONNELL	X

<b>3a.</b> Approval of Region 12 Transfer of \$15,000 of FY20 WIOA Title I Adult Formula Program Funds to WIOA Title I Dislocated Worker Formula Program Funds – <b>CEO – Craig Anderson</b> – “Attachment “A”	KEITH RADIG	PETE GROETKEN	X
<b>3b.</b> Approval of Region 12 WIOA Local Customer Service Plan Modification to Increase Financial Assistance (FAS) from \$600 to \$1,000 – <b>LWDB – Dan Moore</b> – Attachment “B”	JIM O’DONNELL	JOHN HAMM	X
<b>3b.</b> Approval of Region 12 WIOA Local Customer Service Plan Modification to Increase Financial Assistance (FAS) from \$600 to \$1,000 – <b>CEO – Craig Anderson</b> – Attachment “B”	KEITH RADIG	RAY DREY	X
<b>3c.</b> Approval of Ticket To Work (TTW) Funds Transfer from the State of Iowa to Goodwill of the Great Plains – <b>LWDB – Dan Moore</b> – Attachment “C”	MARCIA ROSACKER	JOHN HAMM	X-Majority SARA DeANDA OPPOSED
<b>3c.</b> Approval of Ticket To Work (TTW) Funds Transfer from the State of Iowa to Goodwill of the Great Plains – <b>CEO – Craig Anderson</b> – Attachment “C”	KEITH RADIG	WANE MILLER	X
<b>11.</b> Adjournment – LWDB @ 2:35 P.M.			X
<b>11.</b> Adjournment – CEO @ 2:37 P.M.			X

### Meeting Notes

#### Reports/Discussion:

#### III. New Business

Discussion took place on the transfer of funds of \$15,000 to the WIOA Dislocated Worker Program and the increase of Financial Assistance (FAS) to a \$1,000 maximum per program year. Shawn Fick spoke about the Ticket to Work (TTW) Program and the Goodwill of the Great Plains Employment Network.

#### IV. Old Business

Craig Anderson and Wane Miller reported on the requests for Region 12 to merge with Region 8 and also to merge with Region 13. Discussion took place on these requests and why Region 14 did not want to merge with Region 13.

#### V. Adjournment

**RESPECTIVELY SUBMITTED**

*Bridget Hoefling*

Bridget Hoefling  
Date: 4/23/20

“The Mission of our group is to fully engage the Region 12 community in strengthening the economy through workforce development making it a better place to live, work, and grow.”

REGION 12 CEO TELECONFERENCE MEETING

ATTACHMENT "D"

Location: Teleconference

Date: 4/23/20

PRESENT - CEO MEMBERS				ABSENT - CEO MEMBERS			
Craig Anderson	X	Pete Groetken	X	Craig Anderson		Pete Groetken	
Tom Brouillette	X	Wane Miller	X	Tom Brouillette		Wane Miller	
Raymond Drey	X	Keith Radig	X	Raymond Drey		Keith Radig	
PRESENT				PRESENT			
Bridget Hoefling, LWDB			X				

**1. Call to Order & Roll Call:**

CEO @ 2:39 P.M. Call to Order & Roll Call – Craig Anderson, Chair

**2. Approval of Agenda – Craig Anderson, CEO Chair**

**3. New Business:**

- Region 12 Vote on Merger with Region 8
- Region 12 Vote on Merger with Region 13

**4. Old Business:**

**5. Adjournment @ 3:02 P.M**

**Motions Taken - Decisions Reached**

APPROVALS	1ST	2ND	Unanimously Approved
2. Approval of Agenda – CEO – Craig Anderson	TOM BROUILLETTE	WANE MILLER	X
3a. Approval of Region 12 Merger with Region 8 – CEO – Craig Anderson	WANE MILLER	TOM BROUILLETTE	X
3b. Approval of Region 12 Merger with Region 13 – CEO – Craig Anderson	KEITH RADIG	TOM BROUILLETTE	X
Motion to appoint Wane Miller & Keith Radig to work with Region 8 & 13	CRAIG ANDERSON	RAY DREY	X
5. Adjournment – CEO @ 3:02 P.M.			X

**Meeting Notes**

Reports/Discussion:

III. New Business: DISCUSSION ON THE COMBINATIONS OF REGIONS AND IT WAS DECIDED THAT WANE MILLER AND KEITH RADIG WILL START TO WORK ON THE TRANSITION OF JOINING THE REGIONS 8 AND 13.

IV. Old Business

V. Adjournment

**RESPECTIVELY SUBMITTED**

*Bridget Hoefling*

Bridget Hoefling

Date: 4/23/20

**TITLE I REPORT****MAY 21, 2020****Dislocated Worker – Higher Numbers Expected**

Rumbles of Closures/Downsizings – Although we don't have WARN notices yet, news sources are indicating some retailers may not be reopening. Retail closures as well as potential closures/downsizing in hospitality services area will likely increase the need to assist Dislocated Workers in finding new positions and/or retraining for higher skilled positions. Rapid Response (RR) face to face events have not been scheduled however the state is working on a RR video recording that can be used to explain and promote services to assist dislocated workers.

**Youth Programming and WEP's (Work Experience Program)**

In light of the many closures, Title I Youth Programming has struggled meeting the 20% requirement for Youth involved in Work Experience Programming. The state has given some flexibility in how we meet these guidelines and we continue to be creative in our outreach and programming. OJT's are impacted by closures and are currently on "hold" as well.

**Assessment Challenges**

Many Title I participants are required to complete assessments on basic skills and aptitudes to ensure services delivered, training provided, and job matches are appropriate. Recent circumstances with office closures have made it more challenging to enroll and serve participants. Title I is working on new strategies to administer remote testing.

**Realignment Direction**

At this point, the Title I Service Provider and Fiscal Agent is Western Iowa Tech Community College (WITCC). In light of realignment into a larger region, Title I and WITCC are operating in a somewhat unknown capacity. Clarity regarding regional alignment and roles and responsibilities is still unclear past June 30, 2020. Budgetary allotments have not been finalized to our knowledge nor do we know the impact of Covid-19 will have on preliminary estimates received months ago.

**Summary**

As every entity and organization has worked to make adjustments to serve their customers and follow program requirements, we too have become more creative, using both low-tech and high tech strategies during this pandemic.

The Title I team has done a fabulous job of continuing to meet participant needs in light of the many unknowns. The Team has most recently offered remote assistance by setting up tables outside the building at IowaWORKS to assist customers with paperwork completion and career guidance (using social distancing guidelines) in light of the facility closed to the public.





January 27, 2020

## WORKFORCE DEVELOPMENT FIELD INFORMATION MEMO - NO. 20-01

TOPIC: Workforce Innovation and Opportunity Act (WIOA) Program Monitoring

1. **Purpose:** This memo provides updated standards for the monitoring of the WIOA Title I Adult, Dislocated Worker, and Youth programs. It supersedes memo 19-05 issued October 10, 2019.
2. **Background:** WIOA requires annual monitoring of Title I programs.
3. **Substance:** Iowa Workforce Development (IWD) will conduct monitoring in PY19 as outlined below:

### A. Sampling

A random sample of files will be pulled to allow for the review of 3 Adult, 3 Dislocated Worker, and 2 Youth files per region.

### B. Monitoring Dates

Monitoring will occur between February 18, 2020 and June 20, 2020. It will include active files from July 2019 to December 2019.

### C. Monitoring Scope

- i. Monitoring will be conducted remotely and will include an enhanced desk review of the file from the point of application to exit. It will include, but is not limited to, a review of the following:
  - Compliance with Title I policies
  - Compliance with state and local plans
  - Compliance with local policies
  - Compliance with the IowaWORKS process guide
  - Participant eligibility and data element verification
  - Data entry, specifically data points that impact performance
  - Co-enrollment, coordination of services, and integrated service delivery
- ii. IWD acknowledges the system conversion issues and will take this and their effect on cases into account in the monitoring process.
- iii. IWD may request other pertinent documents or information throughout the monitoring process. Requests must be fulfilled within two business days.

### D. Monitoring Criteria

Monitoring may result in one or more of the following outcomes:

- i. **Promising Practices** - Areas identified during the review that are observed as being effective or innovative.
- ii. **Areas of Concern** - Areas observed that may negatively impact the ability to effectively manage the grant or provide services to participants. They may also include red flags or risk areas, that if not addressed, could lead to an area of non-compliance in the future. Concerns will result in recommendations from IWD.

- iii. **Findings** - Issues or practices that are non-compliant with federal, state and/or local statutes, regulations, terms and conditions of an award or contract, policies, and directives. Findings will result in a corrective action identifying what action must be taken, or documentation provided, in order for the finding to be resolved.

**E. Monitoring Report**

IWD will compile a report for each local service area and present it to the Title I Director, Chief Elected Official (CEO), and the chair of the Local Workforce Development Board (WDB). The report will contain a summary of the local area monitoring to include:

- i. Promising Practices
- ii. Areas of concern
- iii. Findings

**F. Monitoring Response**

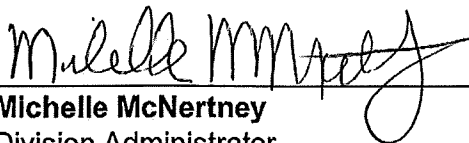
Local areas must provide IWD with a written response to acknowledge the areas of concern and findings. The written response must include:

- i. Plans to follow IWD's recommendations to the areas of concern and/or any alternative plans.
- ii. Corrective action plans for all findings that include specific steps to be taken and timelines for making the corrections.

**G. Monitoring Close Out**

IWD will provide the local area with a closure letter upon verification that corrective action plans have been completed and findings resolved. IWD may provide technical assistance during the formulation of and completion of the corrective action.

- 4. **Action:** The memo will be shared with the Title I Directors, CEOs, Local WDB CEOs, and appropriate Title I staff. Title I Directors must ensure requested documentation is provided within two business days of request. Local areas must provide IWD with corrective action plans to address findings.
- 5. **Effective Date:** This field memo is effective from the date of this memo.
- 6. **Contact:** Questions related to the information in this memo should be directed to Lisa Funk, Workforce Program Coordinator, at (515) 725-1117 or [lisa.funk@iwd.iowa.gov](mailto:lisa.funk@iwd.iowa.gov).



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**Michelle McNertney**  
Division Administrator  
Workforce Services Division  
Iowa Workforce Development  
[michelle.mcnertney@iwd.iowa.gov](mailto:michelle.mcnertney@iwd.iowa.gov)

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> WIOA State Plans
	<b>CORRESPONDENCE SYMBOL</b> OWI
	<b>DATE</b> February 3, 2020

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 10-19**

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE ADMINISTRATORS  
STATE WORKFORCE LIAISONS  
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS  
STATE LABOR COMMISSIONERS  
STATE LMI DIRECTORS  
SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM  
GRANTEES  
STATE APPRENTICESHIP AGENCIES  
STATE DIRECTORS OF THE OFFICE OF APPRENTICESHIP  
STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING  
STATE UNEMPLOYMENT INSURANCE DIRECTORS  
STATE WORKFORCE AGENCY VETERANS COORDINATORS

**FROM:** JOHN PALLASCH  
Assistant Secretary



**SUBJECT:** Technical Assistance regarding the Submission Deadline for the Unified and Combined State Plans under the Workforce Innovation and Opportunity Act (WIOA) for Program Years (PYs) 2020-2023 and Other Related Requirements

- 1. Purpose.** To provide an update on technical assistance to states, territories, and outlying areas related to the requirements for submitting PYs 2020-2023 Unified and Combined State Plans under sections 102 and 103 of WIOA<sup>1</sup>. The PYs 2020-2023 Unified and Combined State Plans will cover the four-year period from July 1, 2020, through June 30, 2024.
- 2. Action Requested.** As described in an email to States on November 6, 2019, to encourage implementation and integration of workforce development services, WIOA requires States<sup>2</sup>

<sup>1</sup> This is a statement of the Departments' policy regarding the Workforce Innovation and Opportunity Act. Other than statutory and regulatory requirements included in this document, the contents of this guidance do not have the force and effect of law. This document is intended only to provide clarity regarding existing requirements under the applicable law or agency policies.

<sup>2</sup> In this technical assistance, for purposes of both the Unified and Combined Plans, the term "State" refers to the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, the Northern Mariana Islands and, as appropriate for certain programs, the Republic of Palau.

<b>RESCISSIONS</b> TEGL 14-15 and TEGL 06-17	<b>EXPIRATION DATE</b> Continuing
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to submit a four-year Unified or Combined State Plan that covers, at a minimum, the six core programs of the workforce development system. In order to satisfy the submission requirements of sections 102(c)(1)(B) and 103(b)(1) of WIOA for these State Plans, each State's Governor must submit a Unified or Combined State Plan for the four-year period covering PYs 2020-2023 **by March 2, 2020**.<sup>3</sup> The Unified or Combined State Plan covering the six core programs of the workforce development system will be considered approved 90 days after the date the Plan is submitted, unless the Secretaries of Labor and Education inform the State in writing within that time period that the Plan is inconsistent with the State Plan requirements or the provisions authorizing the core programs, as appropriate (sections 102(c)(2)(B) and 103(c)(3)(A) of WIOA).

While WIOA imposes no statutory penalties for submissions after March 2, 2020, for those States submitting Unified or Combined State Plans for the core programs after April 1, 2020, the Secretaries of Labor and Education, as well as the Commissioner of the Rehabilitation Services Administration, will do their best to approve the Unified or Combined State Plans prior to July 1, 2020, which is the start of PY 2020. However, because Plans submitted after April 1, 2020, will not give the Secretaries the full 90 days allowed by law to review and approve the Plans, the awarding of core program funds for those States could be delayed.<sup>4</sup>

Section 103(a)(1) of WIOA permits States to submit a Combined State Plan that includes the six core programs and one or more programs identified in section 103(a)(2). At least two of those partner programs — the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education Act for the 21<sup>st</sup> Century Act (Perkins V), and the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) — were recently reauthorized. The U.S. Departments of Labor (DOL) and Education (ED) (collectively, Departments) encourage the inclusion of Perkins V and SNAP E&T in strategic planning, and are available to provide technical assistance on plan submission and timing to ease inclusion. Under these circumstances, States should contact the appropriate Employment and Training Administration (ETA) Regional Office and federal program contact in writing to discuss the timing of state submission and the potential core program funding implications for plans that may not be approved until after the commencement of PY 2020.

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<sup>3</sup> The Departments determined this due date based on a calendar calculation of the statutory requirements of sections 102(c)(1)(B) and 103(b)(1) of WIOA.

<sup>4</sup> The Departments award grant funds to five of the six core programs at the start of each PY on July 1: the Adult, Dislocated Worker, and Youth programs authorized under title I of WIOA and administered by DOL; the Adult Education and Family Literacy Act (AEFLA) program, authorized under title II of WIOA and administered by ED; and the Employment Service (ES) program, authorized under the Wagner-Peyser Act as amended by title III of WIOA and administered by DOL. The Vocational Rehabilitation (VR) program, authorized under title I of the Rehabilitation Act of 1973 as amended by title IV of WIOA and administered by ED, receives its funding at the start of each Federal Fiscal Year.

States are expected to submit Plans via the State Plan Portal described in Section 4e of this technical assistance.

### 3. **Summary and Background.**

- *Summary* – This updated technical assistance – developed jointly by DOL, ED, the U.S. Departments of Health and Human Services (HHS), Agriculture (USDA), and Housing and Urban Development (HUD) – provides information and instructions to states on the WIOA planning requirements for the required four-year state plan, explains technical adjustments to the planning requirements, and instructs states regarding submission deadlines and procedures, particularly with respect to the newly developed State Plan Portal. The technical assistance is similar to that which the Departments provided prior to the submission of the PYs 2016-2019 Unified or Combined State Plans (ETA TEGL 14-15, OCTAE PM 16-1, and RSA PD 16-03) and the submission of the PY 2018 modifications to those Unified or Combined State Plans (ETA TEGL 6-17, OCTAE PM 18-1, and RSA TAC 18-01), but has been updated to reflect the fact that States now have experience in developing these Plans and that there will be a new State Plan portal for submitting the PYs 2020-2023 State Plans.
- *Background* –WIOA requires the Governor of each state to submit a Unified or Combined State Plan that includes a four-year strategy and operational plan for the continuing implementation of the state’s workforce development system. States must have federally approved state plans to receive funding under the six core programs (Adult, Dislocated Worker, Youth, AEFLA, Wagner-Peyser, and the VR programs). The Office of Management and Budget approved the joint WIOA State Plan information collection request (ICR) on September 5, 2019 (OMB No. 1205-0522)<sup>5</sup>. Subsequently, OMB approved changes to the ICR to implement the Wagner-Peyser Act Staffing Flexibility final rule, released on January 6, 2020.

Under WIOA, the Unified and Combined State Plans communicate the state’s vision for the state workforce system and serve as a vehicle for alignment and integration across federal programs. WIOA planning requirements aim to foster better alignment of federal investments in job training and education, to integrate service delivery across programs, to improve efficiency in service delivery, and to ensure that the workforce system matches job creators with skilled individuals. Cross-program planning promotes a shared understanding of the workforce needs within each state. Such planning cultivates development of more comprehensive and integrated approaches, such as career pathways and sector strategies, for addressing the needs of job creators and workers. Additionally, it enables the system to provide a wider range of coordinated and streamlined services to their shared customers.

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<sup>5</sup> DOL, which manages this joint ICR, published a 60-day Notice for the draft State Plan ICR on January 2, 2019, at 84 FR 19. On July 31, 2019, DOL published a 30-day Notice for the State Plan ICR in the Federal Register at 84 FR 37349. The Office of Management and Budget approved the ICR without change on September 5, 2019; the approval expires September 30, 2022. The Departments informed the States of the newly approved State Plan ICR via email on October 10, 2019.

#### **4. Planning Requirements and Submission Instructions.**

*a. Plan Options.* States must submit, at minimum, a Unified State Plan encompassing the six WIOA core programs (*See* Section 102 of WIOA). Alternatively, states may submit a Combined State Plan that includes the six core programs plus one or more of the partner programs listed below. States that developed and implemented a Unified State Plan for PYs 2016-2019 may elect to submit a Combined State Plan for the next four-year planning period, drawing on the improved alignment and coordination with partner programs during the past few years. The Combined State Plan partner programs are:

- Career and technical education programs authorized under Perkins V (20 U.S.C. § 2301 et seq.);
- Temporary Assistance for Needy Families program (42 U.S.C. § 601 et seq.);
- Employment and training programs under the Supplemental Nutrition Assistance Program (programs authorized under Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2015(d)(4));
- Work programs authorized under Section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2015(o));
- Trade Adjustment Assistance for Workers programs (Activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.));
- Jobs for Veterans State Grants program (programs authorized under 38 U.S.C. § 4100 et seq.);
- Unemployment Insurance (UI) programs (UI Federal-State programs administered under state unemployment compensation laws in accordance with applicable federal law);
- Employment and training activities carried out by HUD (*See* section 103(a)(2)(I) of WIOA);
- Community Services Block Grant (CSBG) (employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. § 9901 et seq.)); and
- Senior Community Service Employment Program (programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. § 3056 et seq.)). Reauthorized by the OAA Reauthorization Act of 2016, Pub. L. No. 114-144 (April 19, 2016).

*b. WIOA Planning Priorities.* States have accumulated four years of WIOA implementation experience since the first WIOA State Plans were developed, and they have worked through challenges to find what works best for their state's workforce development system. As states think about goals and specific implementation milestones for the next four years of WIOA, the Departments request that planning advance some or all of these key priorities:

- Engaging partners to align workforce investment, economic development, and education systems, particularly with community colleges, to maximize services to customers and eliminate redundant services;
- Investing in workforce development strategies grounded in sound economic and labor market analysis with program and other funds, consistent with authorizing statutes;
- Promoting opportunity for economic mobility, especially by implementing human services programs to increase work participation;

- Using flexibility within WIOA to better serve those most in need by advancing the use of evidence-based strategies such as apprenticeship, work-based learning, customized training, and the full array of employment and training options;
- Providing multiple career pathways, skill-building, and stackable credential opportunities for labor market entry and advancement to both youth participants and new labor force participants;
- Informing job-seekers and learners of the skills, credentials, and jobs in demand;
- Increasing the competitiveness of employers through the provision of quality labor market information, sector-based approaches, and a well-trained talent pipeline; and
- Measuring effectiveness through performance reporting, evaluation, and data systems that support these activities.

c. *State Plan Information Collection Request (ICR) and Technical Changes to Requirements.* States must use the ICR *Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act*, approved under Office of Management and Budget (OMB) control number 1205-0522, to develop and submit the four-year State Plan. A copy of the ICR, which complies with Sections 102 and 103 of WIOA, is available on ETA’s website at <https://www.doleta.gov/wioa/docs/State-Plan-ICR.pdf>.

OMB approved a three-year ICR extension through September 30, 2022, that includes a small number of changes to the requirements. These changes include removal of references to past dates, correction of typographical errors, introduction of an optional data element to provide an executive summary, updating title II Section 243 narrative and assurance requirements, and updating instructions for Appendix I of the ICR. The Wagner-Peyser Act Staffing Flexibility final rule, published on January 6, 2020 and effective beginning February 5, 2020, makes additional changes to the requirements, specifically to requirements regarding staffing for Wagner-Peyser Act programs.

The ICR contains both strategic and operational elements that support integration and alignment of the workforce system. The Strategic and Operational Planning Elements constitute the “common elements” of the Plan – elements that apply to all programs that states include in their plan. The Strategic Elements must include an analysis of the state’s current economic environment and identification of the state’s overall vision for its workforce development system, including an analysis of the economy and workforce development activities (*See* Section 102(b)(1) of WIOA). The Operational Elements must identify the state’s planned actions to implement the state’s strategic vision and goals identified in the Strategic Elements. This section requires description of the policy, infrastructure, and program integration and alignment activities the state will undertake, as well as planning elements specific to each of the core programs and any required one-stop partner programs (*See* Section 102(b)(2) of WIOA).

d. *Stakeholder Collaboration and Comment.* Stakeholder collaboration, review, and comment are key requirements of the four-year planning process. In accordance with section 101 of WIOA, State Workforce Development Boards (State Boards) must assist the Governor in the development, implementation, and modification of the State Plan, and ensure that all relevant core programs, required partners, and stakeholders contribute



to the plan. The Departments encourage inclusion of the state labor market information and evaluation offices (or their equivalent) during plan development to obtain assistance with labor market data, evidence, and analysis. The State Plan must be developed with the assistance of the State Board, as required by Section 101(d) of WIOA, and in coordination with administrators that have optimal policymaking authority for the core programs and required one-stop partner programs. For Combined State Plans, the portions of the plan that cover partner programs other than the core programs are subject to any public comment requirements applicable to those partner programs.<sup>6</sup>

States must provide the opportunity for public comment and input, which allows interested stakeholders to participate actively, effectively, and transparently in the development of the plan. The Governor must ensure that the State Plan is developed with an opportunity for input from representatives of:

- Local Workforce Development Boards and chief elected officials;
- businesses;
- representatives of labor organizations;
- community-based organizations;
- adult education providers;
- institutions of higher education;
- other stakeholders with an interest in the services provided by the six core programs; and
- the general public, including individuals with disabilities.<sup>7</sup>

The State Board also must make information regarding the State Plan and planning process available to the public through electronic means and by holding regularly-occurring open meetings in accordance with state law prior to the submission of the plan.<sup>8</sup>

- e. *Instructions for Plan Submission Using the WIOA State Plan Portal.* States must submit their state plans via the State Plan Portal (<https://wioaplans.ed.gov>), which has been developed for the purpose of cross-program collaboration in states and to facilitate the simultaneous receipt and review of plans across multiple federal agencies. The State Plan Portal has been redesigned to improve the user experience. While multiple individuals in states may enter content into the portal, only one individual from the state may submit to the Departments the entire plan on behalf of all included programs. The State Plan Portal includes a certification that the official state “submitter” has the authority to do so on behalf of the Governor.

The Departments will provide in separate communications details regarding designation of plan submitters, obtaining user accounts, requesting permission levels, and user

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<sup>6</sup> See 20 C.F.R. § 676.143(c)(3), 34 C.F.R. § 361.143(c)(3), and 34 C.F.R. § 463.143(c)(3).

<sup>7</sup> See 20 C.F.R. § 676.130(d)(1), 34 C.F.R. § 361.130(d)(1), and 34 C.F.R. § 463.130(d)(1)

<sup>8</sup> See WIOA Section 101(g) and 20 C.F.R. § 676.130(d), 34 C.F.R. § 361.130(d), and 34 C.F.R. § 463.130(d).

training. Previously approved WIOA State Plans will be available in PDF format in the State Plan Portal; however, content from prior plans will not be available in the data entry fields. After approved plans are in place for PYs 2020-2023, the portal will remain available to state users for submission of off-cycle modifications.

- f. Considerations for Combined State Plan partner programs.* Combined State Plan partner programs' state plan requirements will continue to exist under specific ICRs for those programs. Note that some of the other programs that a state may include in the Combined State Plan currently fulfill their program-specific state planning requirements through a separate information collection process maintained by the federal government agency that administers the Combined State Plan partner program. For example, Section 103(b)(2) of WIOA specifically allows a state to include the employment and training activities, rather than the full program carried out under the CSBG Act administered by HHS and employment and training activities funded by HUD in a WIOA Combined State Plan. Therefore, if states choose to include programs such as these in the Combined State Plan, only the portion of the existing planning requirements that address the employment and training activities may be included in the Combined State Plan. States still must submit all other required elements of a complete State Plan for those programs directly to the Department that administers the program.

Portions of the Combined State Plan covering a program or activity, excluding those related to the core programs, are subject to approval by the head of the federal agency that administers that program.<sup>9</sup> The portions of the Combined State Plan related to the core programs are subject to the same approval requirements applicable to the Unified State Plan.<sup>10</sup>

States that include UI in their Combined State Plan, carried out under Title III, Section 302, of the Social Security Act, including Sections 303(a)(8) and (9), which govern the expenditure of funds, should submit their UI State Quality Service Plan (SQSP) following the cycle as outlined in the current Employment & Training Handbook No. 336, UI SQSP Planning and Reporting Guidelines.

The Jobs for Veterans State Grants (JVSG) program, carried out under Chapter 41 of Title 38 of the U.S. Code, require both a JVSG State Plan and a separate annual application for funding. States may include the JVSG Plan in a Combined WIOA State Plan. For JVSG, the annual application for funding will continue to be required by current Veterans' Employment and Training Service (VETS) guidance.

For DOL or ED-administered programs in a Combined State Plan, the portions of the plan covering the core programs, and the common elements for all programs included in the State Plan, will be approved ninety (90) days after submission unless the Secretary of either Department informs the state in writing during the 90-day period that the plan is inconsistent with WIOA's State Plan requirements or the requirements authorizing the

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<sup>9</sup> See WIOA Section 103(c)(1) and (d)(2).

<sup>10</sup> See WIOA Section 103(c) and 102(c).

core program. HUD, USDA, and HHS must approve or disapprove the portions of the plan covering programs administered by those Departments within 120 days of submission. For the six core programs, DOL and ED may make decisions regarding approval, disapproval, or funding status separately from the determination of approval, disapproval, or completeness of the program-specific requirements of Combined State Plan partner programs and activities described in the Combined State Plan. For example, if a State Plan meets all the common planning elements and program specific requirements for the core programs, approval and funding may proceed regardless of specific issues that may be identified in the program-specific sections for any Combined State Plan partner programs.

States that include Perkins V as part of their Combined State Plans will submit the narrative descriptions required for the Perkins V program-specific portion of their Combined State Plan as outlined in the Perkins V State Plan Guide, OMB Control Number 1830-0029, to the State Plan Portal for WIOA. States will then submit to the Perkins State Plan Portal the remaining items required for the Perkins V program-specific portion of their Combined State Plan: (1) cover page, including a letter providing joint signatory authority from the Governor; (2) assurances, certifications, and other forms required by statute and/or applicable Federal regulations, including the Education Department General Administrative Regulations (EDGAR) at 34 C.F.R. Part 76; (3) budget for the upcoming year; and (4) state-determined performance levels (SDPLs). ED will provide State Career and Technical Education (CTE) directors and staff with training, passwords, and technical support to input their information into the WIOA State Plan Portal and the Perkins State Plan Portal.

States that include SNAP E&T as part of their Combined State Plan will submit their SNAP E&T specific state plans into the State Plan Portal for WIOA, but must submit annually to their Food and Nutrition Service (FNS) Regional offices a complete SNAP E&T plan that includes component details, participant levels, and annual operating budget.

- g. *Performance Negotiations for Core Programs.* The Departments will issue separate technical assistance to outline the requirements for reaching agreement on the negotiated levels of performance for the states outlined in Section 116 of WIOA. The Departments will continue to use a “phase-in” approach to establish negotiated and adjusted levels of performance for certain indicators for specific programs. The appendix in the Unified and Combined State Plan ICR discussed in this section, and in Appendix 1<sup>11</sup> of this technical assistance, reflect which indicators/programs the Departments will negotiate for PYs 2020 and 2021. See Attachment I of this technical assistance for more instructions on establishing performance levels and acceptable baseline indicators.

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<sup>11</sup> The content of Appendix 1 is identical to that published in the Federal Register for public comment on January 2, 2019, at 84 FR 19 and on July 31, 2019, at 84 FR 37349, and as approved by OMB on September 5, 2019.

- h. Special Instructions for Single-Area States.* Single-area states must complete and submit any information required in the local plan as part of their State Plan submission. Item V1.d in the Title I portion of the WIOA State Plan ICR specifies these requirements.
- i. WIOA Title I and Wagner-Peyser Act Waivers.* As discussed in TEGL 08-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, the Secretary of Labor may grant states additional flexibility through the waiver authority for portions of WIOA Title I and Wagner-Peyser Act requirements when permitted. Waivers are a tool for reducing barriers to WIOA implementation and spurring innovative programming options. States may submit waiver requests as part of their State Plan or as a separate waiver plan.

All currently approved waivers expire on June 30, 2020. Therefore, states should submit new waiver requests as part of the PY 2020-2023 State Plan submission if they wish to continue implementing particular waivers that had been approved previously (*See* Section 189(i)(3) of WIOA). As articulated in waiver approval letters, states agreed to meet certain performance or other program performance measures resulting from the waiver. States requesting a waiver renewal beyond June 30, 2020, must provide the most recent data available about the outcomes of the waiver in the renewal request.<sup>12</sup> DOL will consider this information as part of its decision to approve the requested waiver.

- j. Modifications.* Given the multiyear nature of the State Plan, states must revisit State Plan strategies regularly, reassess their effectiveness and labor market relevance, and when needed, adjust these strategies to respond to the changing economic conditions and workforce needs of the state. At a minimum, states must submit a modification to the Unified or Combined State Plan at the end of the first two-year period of any four-year plan, and under specific circumstances.<sup>13</sup> However, states may submit off-cycle modifications to the Unified or Combined State Plan to reflect major changes or revisions in state strategies, organizational structures, and implementation.

The Departments have determined that for any Combined State Plan program included in the plan with a different planning cycle from that required by Title I of WIOA, states should submit program-specific modifications to the Combined State Plan that align with the planning cycles for those specific programs, unless the two-year WIOA modification cycle can accommodate programs' planning and modification cycle. For example, if a state chooses to include career and technical education programs under the Perkins V Act as a part of its Combined State Plan, the state would submit program-specific plan modifications annually to align with the Perkins V Act's state plan cycle, as necessary. These changes would not necessitate a modification to the Combined State Plan, as a whole, unless the revisions triggered a required State Plan modification pursuant to section 103(b)(1) of WIOA. Such modifications must be submitted to the Secretary of

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<sup>12</sup> *See* 20 C.F.R. § 679.620(d)(7).

<sup>13</sup> *See* Section 102(c)(3)(A) of WIOA; 20 C.F.R. §§ 676.135 and 676.145; 34 C.F.R. §§ 361.135 and 361.145; and 34 C.F.R. §§ 463.135 and 463.145.

the appropriate department for that program directly, in addition to DOL and ED via the WIOA State Plan Portal, as necessary. For example, the TANF law requires a state to submit a plan within 27 months of the end of the first fiscal quarter in order to receive TANF funds for that fiscal year. Therefore, adopting the more frequent two-year WIOA cycle for modifications should accommodate TANF's cycle, allowing a state to make all changes to each portion of the Combined State Plan concurrently. These modifications must be submitted to the Secretary of the appropriate department for that program directly, in addition to the Secretaries of DOL and ED via the State Plan Portal.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. No. 113-128) (July 22, 2014)
- Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule (WIOA Joint Final Rule) published at 81 FR 55792 (Aug. 19, 2016)
- Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule ) published at 81 FR 56071 (Aug. 19, 2016)
- State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage — Final Rule (WIOA Office of Special Education and Rehabilitative Services (OSERS) Final Rule) published at 81 FR 55630 (August 19, 2016)
- WIOA: Miscellaneous Program Changes — Final Rule (WIOA OSERS Final Rule) published at 81 FR 55562 (August 19, 2016)
- Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of WIOA) — Final Rule (WIOA OCTAE Final Rule) published at 81 FR 55525 (August 19, 2016)
- ICR *Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act*, approved under Office of Management and Budget (OMB) control number 1205-0522
- Training and Employment Guidance Letter No. 08-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, dated December 19, 2018
- Training and Employment Notice No. 20-16, *Announcing the publication and effective date of the Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 C.F.R. Part 38) Final Rule in the Federal Register*, dated December 2, 2016
- Training and Employment Notice No 10-15, *Workforce Innovation and Opportunity Technical Amendments Act*, dated September 17, 2015
- Unemployment Insurance Program Letter No. 17-14, *Revised Employment and Training (ET) Handbook No. 336, 18th Edition: "Unemployment Insurance (UI) State Quality Service Plan (SQSP) Planning and Reporting Guidelines*
- Unemployment Insurance Program Letter No. 20-15, *Unemployment Insurance and the Workforce Innovation and Opportunity Act of 2014*

- Training and Employment Notice No. 13-19, *Announcing the Release of the Wagner-Peyser Act Staffing Flexibility Final Rule and Amended Information Collections Associated with this Rulemaking*, dated January 13, 2020
- Section 4215 of Title 38, United States Code (38 U.S.C. § 4215), Priority of service for veterans in Department of Labor job training programs

7. **Attachment(s)**. Appendix 1: Performance Goals and Instructions for the Core Programs Consistent with Section 116(b)(3) of WIOA.

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> WIOA
	<b>CORRESPONDENCE SYMBOL</b> OPDR
	<b>DATE</b> February 6, 2020

**ADVISORY:** TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 11-19

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE ADMINISTRATORS  
STATE WORKFORCE LIAISONS  
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS  
STATE LABOR COMMISSIONERS  
STATE LMI DIRECTORS

**FROM:** JOHN PALLASCH   
Assistant Secretary

**SUBJECT:** Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs

- Purpose.** Through this guidance, the U.S. Departments of Labor and Education (Departments) delineate the process for negotiating levels of performance, as required by section 116(b)(3)(A)(iv) of the Workforce Innovation and Opportunity Act (WIOA). This guidance also provides explanation of the two instances in which a state may be sanctioned for performance failure or for failure to report (section 116(f) of WIOA). Section 116 of WIOA, its implementing regulations, and this guidance govern how the Departments will determine when it is necessary to sanction a state, which is statutorily required by WIOA.<sup>1</sup>
- Action Requested.** Distribute this information to the appropriate state and local staff. Please make this information available to the appropriate program, reporting, performance accountability, and technical staff.

<sup>1</sup> This guidance is a statement of the Departments' policy regarding the Workforce Innovation and Opportunity Act. Other than statutory and regulatory requirements included in this document, the contents of this guidance do not have the force and effect of law. This document is intended only to provide clarity regarding existing requirements under the applicable law or agency policies.

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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### 3. Summary and Background.

Summary – This letter provides guidance on the requirements for reaching agreement on the *negotiated levels of performance* and the application of sanctions for the states<sup>2</sup> outlined in section 116 of WIOA and its implementing joint regulations in 20 CFR part 677 and 34 CFR parts 361 and 463. This guidance supplements the guidance provided by the Departments in “Performance Accountability Guidance for WIOA Title I, Title II, Title III, and Title IV Core Programs,” issued December 16, 2016 and updated August 17, 2017, and “WIOA Annual Performance Report Submission,” issued September 11, 2017.<sup>3</sup>

Background – WIOA establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of states and local areas in achieving positive outcomes for individuals served by the workforce development system’s six core programs.<sup>4</sup>

Under section 116(b)(2)(A) of WIOA, there are six primary indicators of performance for which each of the state’s core programs must negotiate targets with its respective Federal agency:

- The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program (for the title I Youth program, the indicator is the percentage of program participants in education or training activities, or unsubsidized employment, during the second quarter after exit);
- The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program (for the title I Youth program, the indicator is the percentage of program participants in education or training activities, or unsubsidized employment, during the fourth quarter after exit);
- The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

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<sup>2</sup> As stated in 20 CFR § 677.150(d), 34 CFR § 361.150(d), and 34 CFR § 463.150(d), the negotiations and sanctions process only applies to states as defined in sec. 3(56) of WIOA – each of the several states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. It does not apply to the outlying areas as defined in sec. 3(45)—American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, and the Republic of Palau.

<sup>3</sup> See Attachment 5 – References.

<sup>4</sup> The six core programs are the Adult, Dislocated Worker, and Youth programs, authorized under WIOA title I and administered by DOL; the Adult Education and Family Literacy Act (AEFLA) program, authorized under WIOA title II and administered by ED; the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III and administered by DOL; and the Vocational Rehabilitation (VR) program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV and administered by ED.



- The percentage of program participants who attain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within one year after exit from the program, provided that a program participant who obtains a secondary school diploma or its recognized equivalent is included in the percentage of program participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program (this indicator does not apply to the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III);
- The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment (this indicator does not apply to the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III); and
- The effectiveness in serving employers. The Departments determined that the Effectiveness in Serving Employers indicator will be measured as a shared outcome across all six core programs within each state to ensure a holistic approach to serving employers. The Departments will continue piloting approaches for measuring this indicator for the first two years of PY 2020-2023 Unified or Combined State Plans. Therefore, states are not required to submit an expected level of performance for the Effectiveness in Serving Employers indicator for PY 2020 and PY 2021. However, core programs are expected to collect data and select one agency to report joint results for this indicator for PY 2020 and PY 2021 as they did for PY 2016-2019 plans.

WIOA requires the Governor of each state to submit a Unified or Combined State Plan that includes a four-year strategy for the state's workforce development system and to submit a modification to that plan after two years (sections 102(c) and 103(b)(1) of WIOA). The *expected levels of performance* for each primary indicator of performance for each core program must be included in the initial submission of a Unified or Combined State Plan and in the required two-year modification of the plan (section 116(b)(3)(A)(iii) of WIOA)). The approved Unified or Combined State Plan and the required two-year modification must reflect two years of *negotiated levels of performance* (section 116(b)(3)(A)(iv) of WIOA).

Additional information on the process for setting these levels of performance is provided below.

#### 4. Negotiations and Sanctions Guidance.

##### **Definitions of Terms**

Below, the Departments provide clarification about the various terms relevant to the process of establishing levels of performance under WIOA section 116(b):

- **Expected levels of performance** are the levels of performance proposed by the state in the initial submission of the Unified or Combined State Plan and in the required two-year modification of the Unified or Combined State Plan prior to negotiations (WIOA section 116(b)(3)(A)(iii)) for each primary indicator of performance for each core program;
- **Negotiated levels of performance** are the levels of performance mutually agreed to by the state and the Department for each respective program. The negotiations process must be based on four factors described in section 4 of this guidance. These *negotiated levels of performance* must be incorporated into the approved Unified or Combined State Plan and the approved two-year modification of that Plan (WIOA section 116(b)(3)(A)(iv)) for each primary indicator of performance for each core program;
- **Adjusted levels of performance** are levels of performance determined by adjusting the *negotiated levels of performance* at the end of the program year to reflect actual characteristics of participants served and the actual economic conditions experienced using the *statistical adjustment model* (see below) (WIOA section 116(b)(3)(A)(vii));
- **Actual level of performance** is the outcome reported by a state on the Statewide Performance Report (ETA-9169 OMB No. 1205-0526) for each primary indicator of performance for each core program (section 116(d)(2) of WIOA). *Actual levels of performance* will be compared to the *adjusted levels of performance* at the close of the program year to determine the state's performance success or failure;
- **Adjustment factor** is a positive or negative difference that will be added to the *negotiated level of performance* to determine the *adjusted level of performance*. The *adjustment factor* is the difference between the estimated levels of performance predicted by the *statistical adjustment model* prior to the start of the program year and the levels of performance re-estimated by the *statistical adjustment model* after the close of the program year. This calculation will yield a positive or negative difference, which will be used as the *adjustment factor* for the program year;
- **Individual indicator score** is the proportion the *actual level of performance* represents of the *adjusted level of performance* for a single performance indicator for a single program. It is calculated by dividing the *actual level of performance* achieved by the *adjusted level of performance*;
- **Overall state program score** is the average of the *individual indicator scores* for a single WIOA core program across performance indicators;
- **Overall state indicator score** is the average of the *individual indicator scores* for a single performance indicator across WIOA core programs; and

- **Statistical adjustment model** is an objective regression model used to estimate levels of performance and *adjusted levels of performance*. Before the program year, the *statistical adjustment model* determines estimates that are used as a factor in the negotiations process. After the program year, the estimates derived from the *statistical adjustment model* are applied to the actual economic conditions and characteristics of participants served to determine the adjustment factor (WIOA section 116(b)(3)(A)(viii)). Economic conditions include differences in unemployment rates and job losses or gains in particular industries. Characteristics of participants include, but are not limited to, indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency. The *statistical adjustment model* also takes into account other factors that, through empirical support, are determined to have an effect on predicting state outcomes.

### **The Negotiations Process Overview**

WIOA section 116(b)(3)(A)(iv) requires that states reach agreement with the Departments on levels of performance for each primary indicator of performance for each of the core programs. The Departments call these agreed-upon levels “*negotiated levels of performance*,” and they must cover the first two program years of the Unified or Combined State Plan. States also are required to reach agreement with the Departments on *negotiated levels of performance* for each of the primary indicators of performance for each of the core programs for the third and fourth years of the Unified or Combined State Plan. These *negotiated levels of performance* must be incorporated into the Unified or Combined State Plan during the required two-year modification of a plan (WIOA section 116(b)(3)(A)(iv)). Attachment 3—“WIOA Negotiations/Performance Process”—illustrates the process for negotiations and determining performance success or failure, which is detailed later in this guidance. The primary indicator for the effectiveness in serving employers has not yet been defined. For this reason, the negotiations process described below does not include this indicator. States should continue to report performance on the pilot measures described in the joint performance accountability guidance (“Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs,” DOL TEGL 10-16, change 1, OCTAE PM 17-2, and RSA TAC 17-01 dated August 2017) until this indicator is defined.

The negotiations process will proceed as follows:

- As stated above, each state must submit *expected levels of performance* in its Unified or Combined State Plan and in the two-year modification of that plan. *Expected levels of performance* for the first two years of a state plan must be submitted in the initial submission of the Unified or Combined State Plan and in the initial submission of the two-year modification of that Plan, for years three and four, as

described in 20 CFR § 677.170(a) and 34 CFR § 361.170(a) and § 463.170(a). *Expected levels of performance* must be stated to the nearest tenth of a percent (XX.X %) or to the nearest whole dollar for median earnings. States are reminded that the *expected levels of performance* proposed by states in their plan must be published for public comment prior to plan submission in accordance with state law, regulation, and policy;

- After the Unified or Combined State Plan submission, the state must negotiate and reach agreement with the respective Federal agency on the *negotiated levels of performance* for the indicators for each of the first two years of the Unified or Combined State Plan (or for the third and fourth years of the Unified or Combined State Plan during the required two-year modification process) for each of the core programs under WIOA section 116(b)(3)(A)(iv). The factors that will be taken into account during the negotiations process are described in detail below under Negotiation Factors;
- The Departments will use the *statistical adjustment model* as a tool in the negotiations process to estimate the state's levels of performance prior to the program year to help reach agreement on the *negotiated levels of performance*. The negotiation factors outlined in WIOA section 116(b)(3)(A)(v) and further described below under Negotiation Factors will be taken into account during this process; and
- Once *negotiated levels of performance* are agreed upon, the state must incorporate the *negotiated levels of performance* into the Unified or Combined State Plan and the two-year modification of that plan prior to the plan's approval (section 116(b)(3)(A)(iv) of WIOA).

#### **Use of the Statistical Adjustment Model in the Negotiations Process**

As required by section 116(b)(3)(A)(viii) of WIOA, the Departments will use the *statistical adjustment model* to ensure that the impact of participant characteristics and economic conditions in the state are accounted for in determining the *negotiated levels of performance*.

The *statistical adjustment model* will provide two major functions in performance negotiations and assessment of state performance. First, it is one of the factors used when coming to agreement on the *negotiated levels of performance*. It is used to account for the economic conditions and the characteristics of participants to be served in the state and/or local areas (section 116(b)(3)(A)(v)(II) of WIOA). Second, it will be used at the close of a program year to adjust the *negotiated levels of performance* for the actual economic conditions experienced and actual characteristics of participants served (section 116(b)(3)(A)(vii) of WIOA); these are the *adjusted levels of performance*.

The Departments recognize that the use of the *statistical adjustment model* is a new requirement for the core programs and believe that it will be critically important to the WIOA performance negotiations process. As more data become available, the Departments will periodically review the model and refine it as necessary. State performance will be assessed using the iteration of the model used to negotiate the levels of performance for that program year.

### **Negotiating Levels of Performance**

Unified or Combined State Plan submissions and the two-year modifications to those plans must contain *expected levels of performance* for the primary indicators of performance (section 116(b)(3)(A)(iii) of WIOA). Submitting this information is the first step in the negotiations process. Once the *expected levels of performance* have been submitted, each core program must begin negotiations with its respective Federal agency (section 116(b)(3)(A)(iv) of WIOA). Title I WIOA and title III Employment Service programs will conduct these negotiations with their DOL-Employment and Training Administration (ETA) Regional Offices. The title II AEFLA program will conduct negotiations with the Office of Career, Technical, and Adult Education's (OCTAE) Division of Adult Education and Literacy, and the title IV VR program will conduct negotiations with the Rehabilitation Services Administration's (RSA) State Monitoring and Program Improvement Division. The agencies will review how this process applies to the Effectiveness in Serving Employers indicator, once the pilot phase is completed. Additional guidance will be provided on the process for negotiating this joint indicator.

States have access to their own historical performance information and various other tools and resources, such as data from the Bureau of Labor Statistics or U.S. Census Bureau. These tools may be used to establish the states' *expected levels of performance*. When using other resources to analyze the relationship between labor market or economic conditions and actual performance, states should consider the reference period of the resource and the timeframes associated with each of the primary indicators of performance and apply them accordingly.

### **Negotiation Factors**

In reaching agreement on the *negotiated levels of performance*, states and the Departments must apply the following factors pursuant to section 116(b)(3)(A)(v) of WIOA. Note that WIOA does not specify more or less weight on any specific negotiation factor.

1. Take into account how the levels involved compare with the *negotiated levels of performance* established for other states (section 116(b)(3)(A)(v)(I) of WIOA).

The Departments will provide the most recent performance data for all states, including previous actual, negotiated, and *adjusted levels of performance*, and will use this information throughout the negotiations process.

2. Ensure that the levels involved are adjusted using an objective *statistical adjustment model* provided by the Departments (section 116(b)(3)(A)(v)(II) of WIOA).

Before the negotiations process begins, the Departments will provide the estimated outcomes produced by the *statistical adjustment model*, including the coefficients and state specific values for each variable. This information will include levels of performance, as estimated by the Departments, to be used to inform the negotiations process. State agencies and their respective Federal agencies must negotiate using the levels of performance estimated by the model for each primary indicator of performance. These estimated levels of performance may not be altered for the purposes of negotiations, including any changes in participant characteristics or economic conditions anticipated by the state that would result in changes to the levels of performance predicted by the statistical model. Any changes in participant characteristics or economic conditions will be reflected in the model by using the actual participant characteristics and economic conditions after the close of the program year, and they will not be factored into the negotiations process.

3. Take into account the extent to which the levels involved promote continuous improvement in performance accountability measures by the state and ensure optimal return on the investment of Federal funds (section 116(b)(3)(A)(v)(III) of WIOA).

The Departments consider continuous improvement to be a critical factor in the negotiations process. The Departments will consider continuous improvement factors that ensure optimal return on investment of Federal funds.

The Departments acknowledge that there are many ways to define continuous improvement as related to state or national program circumstances. For example, continuous improvement may reflect:

- an increase from the levels of performance previously attained;
- increases in percentile rankings of levels of performance either nationally or among similar states;
- a change in service strategy and delivery, including more progressive or innovative approaches;
- a change in the intensity or comprehensiveness with which customers are served;
- or
- a maintenance of previous performance for the top performing states.

The Departments acknowledge that changes to service strategy or customers served do not always lead to increases in performance levels.

States and local areas must adhere to the priority of service requirements of WIOA title I programs as established in WIOA<sup>5</sup>. Additionally, the Departments encourage all other WIOA programs to serve more individuals with barriers to employment who may need more intensive services to achieve a positive outcome. The effect of serving more of these customers will be accounted for in the *adjusted levels of performance* calculated after the program year.

4. Take into account the extent to which the levels involved will assist the state in meeting the performance goals established by the Secretaries of Education and Labor in accordance with the Government Performance and Results Act of 1993 (GPRA) (section 116(b)(3)(A)(v)(IV) of WIOA).

Section 116(b)(3)(A)(vi) of WIOA requires the Departments to establish long term goals for the *adjusted levels of performance* for each of their core programs through GPRA expectations. GPRA is a mechanism through which Congress and the Office of Management and Budget evaluate the success of Federal programs, including those operated by states and local areas. During negotiations, the Departments will take into consideration levels of performance that will assist the Federal agencies in meeting the established GPRA goals.

#### **Determination of Sanctions**

There are two types of failure that can lead to sanctions: failure to report and failure to meet *adjusted levels of performance* (section 116(f) of WIOA). A discussion of both circumstances is below.

##### **a. Sanctions for Failure to Report**

Sanctions will be applied when a state fails to submit the performance reports to the appropriate Federal agency, as required under WIOA section 116(d) (section 116(f)(1)(B) of WIOA). Consistent with 20 CFR § 677.185(a) and 34 CFR §§ 361.185(a) and 463.185(a), the Departments consider a state as failing to submit the performance reports if the state either: (1) does not submit performance reports by 11:59 p.m. local time<sup>6</sup> on October 1 or (2) submits performance reports by the date for timely submission, but the report is incomplete. Annual performance report requirements are complete when the state:

- attests all reports are complete and accurate to the best of their knowledge;
- submits a WIOA Statewide Performance Report (ETA-9169) for each of the six WIOA core programs;

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<sup>5</sup> WIOA section 134(c)(3)(E) and TEGL 19-16 provide additional information regarding priority of service populations and service requirements.

<sup>6</sup> Local time references the state capital's time zone.

- reports all elements of the WIOA Statewide Performance Reports as data are available according to the reporting periods of each indicator;
- makes available a mechanism of electronic access to local area performance reports for WIOA title I programs;
- makes available a mechanism of electronic access to Eligible Training Provider (ETP) performance reports for WIOA title I programs; and
- submits at least one WIOA Statewide Performance Report that includes Effectiveness in Serving Employers performance results reflecting all six core programs.

If the performance report submitted by the state does not meet all of the above requirements by the reporting deadline, it is incomplete.

The Departments implemented sanctions provisions for failure to report beginning with the PY 2017 WIOA Statewide Performance Reports submission, which was due on October 1, 2018.<sup>7</sup>

Consistent with section 116(f)(1)(B) of WIOA, sanctions will not be applied in cases where failure to report is due to exceptional circumstances outside the state's control as determined by the Departments. The Departments defined exceptional circumstances in 20 CFR § 677.185(b) and 34 CFR §§ 361.185(b) and 463.185(b). Exceptional circumstances may include, but are not limited to:

- natural disasters;
- unexpected personnel transitions; and
- unexpected technology related issues.

In instances of exceptional circumstances causing a state's failure to report that occur more than 30 calendar days before the established deadline, the state must notify the Secretary of Labor or Education, as appropriate, by requesting a reporting extension no later than 30 calendar days prior to the established deadline for submission (20 CFR § 677.185(c)(1) and 34 CFR §§ 361.185(c)(1) and 463.185(c)(1)).

#### **Extension Requests**

In the event of exceptional circumstances as just described, the state must notify the Secretary of Labor or Education, as appropriate, in writing of a potential impact on the State's ability to submit its State annual performance report in order not to be considered failing to report (20 CFR § 677.185(c) and 34 CFR §§ 361.185(c) and 463.185(c)). In so doing, the State's request for an extension should include a detailed account identifying the unexpected events precluding timely reporting sufficient for the Departments to make

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<sup>7</sup> ETP performance reports are required to be submitted beginning with the PY 2018 Annual Report due on October 1, 2019.



a determination. Information that should be included in an extension request is as follows:

- Sufficient detail of the unexpected circumstances that will lead to untimely or incomplete reporting to warrant an extension;
- A proposed extension, fitting of the circumstances causing the delay, which should not exceed 30 calendar days after the established annual reporting deadline; and
- Any other information that the state deems relevant to help explain the need for an extension.

The state must submit the extension request as soon as possible, but not later than 30 calendar days prior to the established annual reporting deadline (20 CFR § 677.185(c)(1) and 34 CFR §§ 361.185(c)(1) and 463.185(c)(1)). The annual reporting deadline is October 1 each year; therefore, states must submit reporting extension requests not later than September 1 (or the next business day if September 1 falls on a holiday or weekend).

In cases where exceptional circumstances occur within 30 calendar days of the established annual reporting deadline, the state must submit an extension request to the Secretary of Labor or Education, as applicable, as soon as possible but not later than the established annual reporting deadline (20 CFR § 677.185(c)(2) and 34 CFR §§ 361.185(c)(2) and 463.185(c)(2)). Under these circumstances in addition to the above, the request also should include sufficient explanation as to why notification of the delay could not be provided 30 calendar days prior to the established annual reporting deadline.

All extension requests will be reviewed by the Departments for completeness and a thorough explanation of exceptional circumstances. The Departments may grant extension requests as submitted, grant extension requests with revisions, or reject the extension requests. Proposed reporting extensions should not exceed 30 calendar days after the established annual reporting deadline and should be appropriate to and commensurate with the cause of the requested extension.

Additionally, all extension requests should include the names and contact information of each responsible state designee or designated point of contact who will ensure that the extension deadline will be met.

In the event of failure to report timely or completely, pursuant to section 116(f)(1)(B) of WIOA, the Governor's discretionary funds provided under section 128(a) of WIOA will be reduced by five percent of the maximum available allotment in the immediately succeeding program year. The WIOA Joint Final Rule at 20 CFR § 677.195 and 34 CFR §§ 361.195 and 463.195 clarified that the sanction is equal to five percent of the maximum allotment percentage that could be reserved by the Governor in the succeeding program year rather than a five percentage point reduction from the percentage that a

Governor elected to reserve. This sanction will be enforced for each year in which a state fails to report timely or completely.

**b. Sanctions for Failure to Meet Adjusted Levels of Performance**

In accordance with 20 CFR § 677.190(d) and 34 CFR §§ 361.190(d) and 463.190(d), a performance failure occurs if:

- any single *Individual Indicator Score* for any single core program falls below 50 percent of the adjusted level of performance;
- the *Overall State Program Score* falls below 90 percent for that single core program; or
- the *Overall State Indicator Score* falls below 90 percent for that single measure.

Any State that fails to meet adjusted levels of performance for the primary indicators of performance for any year will receive technical assistance, including assistance in the development of a performance improvement plan provided by the Secretary of Labor or Secretary of Education (20 CFR § 677.190(b) and 34 CFR §§ 361.190(b) and 463.190(b)). However, if the state has the same performance failure occur in two consecutive program years, the Departments will apply sanctions. Further explanation of how technical assistance and sanctions will be applied is provided later in this section.

**Determining Performance Success or Failure**

The Departments will determine state performance success or failure at the end of each program year. In order to make a determination of success or failure, the *negotiated levels of performance* for that year will be adjusted using the *statistical adjustment model*, which will factor in data on the actual economic conditions of the state and the actual characteristics of the populations served by the program during that year. This adjustment will be calculated as described above in the definitions of *adjustment factor* and *adjusted levels of performance*. A detailed explanation of this calculation is found in Attachment 2 “Calculation—Adjusted Level of Performance.” This will determine the *adjusted levels of performance* for the program year against which the state’s *actual levels of performance* will be evaluated through the calculation of the performance score. Attachment 4, “Determining Performance Success or Failure,” provides an overview of the entire process.

The *individual indicator score* is calculated by dividing the *actual level of performance* achieved by the *adjusted level of performance*. The *adjusted level of performance* is calculated by adding the *adjustment factor* to the *negotiated level of performance*. The *individual indicator score* will not be rounded; it will be truncated to the first decimal place. A detailed example can be found in Attachment 1.

Table 1, below, illustrates the determination of performance success or failure across all indicators of performance for a single core program. The performance scores are

calculated for each primary indicator of performance and the average is computed. In this example, the *Individual Indicator Score* for Employment Rate—4<sup>th</sup> Quarter after Exit of 46.8 percent is a performance failure because it is below the 50.0 percent threshold. The *Overall State Program Score* of 81.5 percent is obtained by averaging the scores for each indicator in the program. In Table 1 below, this is a performance failure because the core program did not achieve 90 percent. Percentages will not be rounded in this calculation; they will be truncated to the tenth of a percent. Note that the Effectiveness in Serving Employers indicator is not included in this calculation because this indicator is not yet defined by the Departments.

Table 1: Calculation of Overall State Program Score

Primary Indicator of Performance	Actual Level of Performance (Numerator/Denominator)	Adjusted Level of Performance	Individual Indicator Score Calculation
Employment Rate—2 <sup>nd</sup> Quarter after Exit	$\frac{14,720}{20,000}$	75.1%	$\left(\frac{14,720}{20,000}\right) \div 75.1\% = 98.0\%$
Employment Rate—4 <sup>th</sup> Quarter after Exit	$\frac{8,200}{25,000}$	70.0%	$\left(\frac{8,200}{25,000}\right) \div 70.0\% = 46.8\%$
Median Earnings—2 <sup>nd</sup> Quarter after Exit	\$3,434	\$3,890	$\$3,434 \div \$3,890 = 88.2\%$
Credential Attainment	$\frac{12,500}{25,000}$	55.2%	$\left(\frac{12,500}{25,000}\right) \div 55.2\% = 90.5\%$
Measurable Skill Gains	$\frac{21,600}{30,000}$	85.6%	$\left(\frac{21,600}{30,000}\right) \div 85.6\% = 84.1\%$
Effectiveness in Serving Employers	N/A	N/A	N/A
Overall State Program Score* (Average of Individual Indicator Scores for this Core Program)	-	-	81.5%

\*For a detailed explanation of the calculation behind the Overall State Program Score, please refer to Attachment 1.

Table 2 illustrates the calculation for a single primary indicator of performance across all core programs. The performance scores are calculated for the Employment—2<sup>nd</sup> Quarter after Exit indicator for each core program, and the average is computed. In this case, the *Overall State Indicator Score*, which is the average of all *Individual Indicator Scores*, is 92.6 percent, so the core program achieved performance success. Again, percentages will not be rounded in this calculation; they will be truncated to the tenth of a percent.

Table 2: Calculation of Overall State Indicator Score

Program	Title I-Adult	Title I-Youth	Title I-DW	Title II	Title III	Title IV	Overall State Indicator Score* (Average of Individual Indicator Scores Across Core Programs)
Actual Level of Performance (Numerator/Denominator)	$\frac{14,720}{20,000}$	$\frac{8,820}{15,000}$	$\frac{12,648}{17,000}$	$\frac{9,300}{15,000}$	$\frac{21,330}{30,000}$	$\frac{6,792}{12,000}$	-
Adjusted Level of Performance	75.1%	70.2%	75.5%	67.5%	70.0%	69.0%	-
Individual Indicator Score Calculation	$\left(\frac{14,720}{20,000}\right) \div 75.1\% = 98.0\%$	$\left(\frac{8,820}{15,000}\right) \div 70.2\% = 83.7\%$	$\left(\frac{12,648}{17,000}\right) \div 75.5\% = 98.5\%$	$\left(\frac{9,300}{15,000}\right) \div 67.5\% = 91.8\%$	$\left(\frac{21,330}{30,000}\right) \div 70.0\% = 101.5\%$	$\left(\frac{6,792}{12,000}\right) \div 69.0\% = 82.0\%$	92.6%

\*For a detailed explanation of the calculation behind the Overall State Indicator Score, please refer to Attachment 1.

### Phasing in Sanctions for Performance Failure

The Departments used their transition authority under section 503(a) of WIOA to implement a phased-in approach to determine performance success or failure for each indicator or program, due to data availability, as described in 20 CFR § 677.190(c) and 34 CFR §§ 361.190(c) and 463.190(c).

If a performance failure occurs at the end of the program year, the respective Federal agency and the state agency will work to develop a performance improvement plan, and the Federal agency will provide technical assistance in accordance with section 116(f)(1)(A) of WIOA.

Table 3 below summarizes the first years in which each performance indicator will be evaluated for performance success or failure (with the exception of the Effectiveness in Serving Employers performance indicator, which is currently being piloted and will be established in subsequent guidance).

Table 3: Implementation of Performance Determination by Title and Indicator

Title	Indicators of Performance	First Program Year for which Performance Success or Failure Can Be Determined
Title I	<ul style="list-style-type: none"> <li>▪ Employment 2<sup>nd</sup> Quarter after Exit*</li> <li>▪ Median Earnings 2<sup>nd</sup> Quarter after Exit</li> <li>▪ Measurable Skill Gains</li> </ul>	PY 2020
Title I	<ul style="list-style-type: none"> <li>▪ Employment 4<sup>th</sup> Quarter after Exit*</li> <li>▪ Credential Attainment</li> </ul>	PY 2022
Title II	<ul style="list-style-type: none"> <li>▪ Employment 2<sup>nd</sup> Quarter after Exit</li> <li>▪ Median Earnings 2<sup>nd</sup> Quarter after Exit</li> <li>▪ Measurable Skill Gains</li> </ul>	PY 2020
Title II	<ul style="list-style-type: none"> <li>▪ Employment 4<sup>th</sup> Quarter after Exit</li> <li>▪ Credential Attainment</li> </ul>	PY 2022
Title III	<ul style="list-style-type: none"> <li>▪ Employment 2<sup>nd</sup> Quarter after Exit</li> <li>▪ Median Earnings 2<sup>nd</sup> Quarter after Exit</li> </ul>	PY 2020
Title III	<ul style="list-style-type: none"> <li>▪ Employment 4<sup>th</sup> Quarter after Exit</li> </ul>	PY 2022
Title IV	<ul style="list-style-type: none"> <li>▪ Measurable Skill Gains</li> </ul>	PY 2020
Title IV	<ul style="list-style-type: none"> <li>▪ Employment 2<sup>nd</sup> Quarter after Exit</li> <li>▪ Median Earnings 2<sup>nd</sup> Quarter after Exit</li> <li>▪ Employment 4<sup>th</sup> Quarter after Exit</li> <li>▪ Credential Attainment</li> </ul>	PY 2022

*\*Note that for WIOA title I Youth, these indicators include placement in education or training.*

If the state has the same performance failure occur in two consecutive program years, the Departments will apply sanctions, pursuant to section 116(f)(1)(B) of WIOA. Specifically, the Departments will reduce the Governor’s discretionary funds provided under section 128(a) of WIOA by five percent of the maximum available amount in the program year immediately succeeding the second consecutive performance failure. The WIOA Joint Final Rule at 20 CFR § 677.195 and 34 CFR §§ 361.195 and 463.195 clarified that the sanction is equal to five percent of the maximum allotment percentage that could be reserved by the Governor in the succeeding program year rather than a five percentage point reduction from the percentage that a Governor elected to reserve. This sanction will be enforced each successive year in which the state continues to have the same performance failure.

## **Local Performance and Negotiations under WIOA Title I**

### **a. Negotiations with Local Areas**

In addition to the state *negotiated levels of performance*, states must work with local workforce development areas to establish local performance goals for WIOA title I programs (section 116(c) of WIOA).

The local board, the Chief Elected Official, and the Governor must negotiate and reach agreement on local levels of performance based on the state *negotiated levels of performance*. In negotiating the local levels of performance, the local board, the Chief Elected Official, and the Governor also must use the above-listed four factors of negotiation used at the state level. In addition, a statistical adjustment model that aligns with the framework of the state-level model must be used at the end of the program year to adjust negotiated local levels of performance in order to reflect the actual economic conditions experienced in the local area and the characteristics of the actual individuals served according to the state's established policies. States should make these negotiated and adjusted levels as well as the established policies for local performance assessment available to the local boards and the state's DOL-ETA Regional Office prior to the start of the program year in which the policies will be applied.

The Departments have developed the framework for an objective *statistical adjustment model* that satisfies the WIOA requirements at the state level. States must use this framework and develop a model that satisfies their needs at the local level, both in the performance negotiations and year-end adjustment of local levels of performance.

The local board, the Chief Elected Official, and the Governor must negotiate and reach agreement on local levels of performance for two program years at a time, based on the state's *negotiated levels of performance*, no later than September 30 in each year in which state negotiations occur. The state must notify its DOL-ETA Regional Office that negotiations are complete.

### **b. Local Performance Success and Failure**

States must use local performance goals for WIOA title I programs for two required purposes: (1) to determine if a local area "performed successfully" for subsequent local area designation, and (2) to determine when a state must take corrective action when a local area fails to meet the adjusted levels of performance.

For the purpose of determining subsequent local area designation, the term "performed successfully" means that the local area met or exceeded the levels of performance the Governor negotiated with the local board and chief elected official for WIOA primary indicators of performance and that the local area has not failed any individual measure for the

last two consecutive program years in accordance with a state-established definition, provided in the state plan, of met or exceeded performance. For subsequent designation determinations made at the conclusion of PY 2018, or at any point thereafter, states must base their findings of whether a local area performed successfully for the two most recently completed program years on all six of the WIOA primary indicators of performance where at least two years of data are available.

A state must establish the threshold for failure to meet adjusted levels of performance for a local area before coming to agreement on the negotiated levels of performance for the local area. Following the conclusion of the program year, a state must establish the adjusted level of performance for a local area, using the statistical adjustment model described. At least two years of complete data on any indicator for any local core program are required in order to establish adjusted levels of performance for a local area. States must provide technical assistance if a local area fails to meet the adjusted levels of performance agreed to for the primary indicators of performance in WIOA title I programs in any program year. Upon the state's request to the Secretary of Labor, DOL may provide this technical assistance.

The technical assistance may include:

- assistance in the development of a performance improvement plan;
- the development of a modified local or regional plan; or
- other actions designed to assist the local area in improving performance.

If a local area fails to meet the adjusted levels of performance agreed to for the same primary indicators of performance for the same core program authorized under WIOA title I for a third consecutive program year, the Governor must take corrective actions. If the governor takes corrective action against a local area for failing to meet the negotiated goals, the state workforce agency should advise its Federal Project Officer of this action. The corrective actions must include the development of a reorganization plan under which the Governor:

- requires the appointment and certification of a new local board, consistent with the criteria 20 CFR § 679.350;
- prohibits the use of eligible providers and one-stop partners that have been identified as achieving poor levels of performance; or
- takes such other significant actions as the Governor determines are appropriate.

5. **Inquiries.** Questions regarding this guidance should be directed to the appropriate ETA, OCTAE, or RSA office.
6. **References.** Refer to Attachment 5 of this guidance.


7. **Attachments.**

- Attachment I: Calculation—Overall State Indicator and Program Scores
- Attachment II: Calculation—Adjusted Level of Performance
- Attachment III: WIOA Negotiations / Performance Process Flow Chart
- Attachment IV: Determining Performance Success or Failure
- Attachment V: References—Joint Negotiations and Sanctions Guidance



<b>TRAINING AND EMPLOYMENT NOTICE</b>	<b>NO.</b> 9-19, Change 1
	<b>DATE</b> March 2, 2020

**TO:** ALL STATE WORKFORCE AGENCIES  
ALL STATE WORKFORCE LIAISONS

**FROM:** JOHN PALLASCH   
Assistant Secretary

**SUBJECT:** Employment and Training Administration (ETA) Advisory Checklists Update

1. **Purpose.** To revise the status of Training and Employment Guidance Letter (TEGL) 9-15 *New Expiration Date for Work Opportunity Tax Credit Program Forms Under the Paperwork Reduction Act.*
2. **Action Requested.** Please disseminate this information to appropriate staff.
3. **Summary and Background.**
  - a. Summary – Training and Employment Notice (TEN) 9-19, Change 1 updates the status of TEGL 9-15 which is part of the ETA Advisory System.
  - b. Background – TEGL 6-01 describes the ETA Advisory system and requires that checklists be issued rescinding/cancelling obsolete advisories and listing those remaining active.
4. **Details.** The status of TEGL 9-15 *New Expiration Date for Work Opportunity Tax Credit Program Forms Under the Paperwork Reduction Act* has been revised to canceled.  
  
Advisories are posted on the ETA Advisory Web site at <http://wdr.doleta.gov/directives/>, which has been updated to reflect this revision.
5. **Inquiries.** Please direct inquiries to Sherril Hurd at 202-693-3637.
6. **Reference.** TEN 9-19 *Employment and Training Administration (ETA) Advisory Checklists Update* dated November 21, 2019.
7. **Attachments.** Not Applicable.

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> WIOA - DWG
	<b>CORRESPONDENCE SYMBOL</b> OWI
	<b>DATE</b> March 18, 2020

**ADVISORY:** TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 12-19  
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND  
OPPORTUNITY ACT (referred to as WIOA)

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE ADMINISTRATORS  
STATE WORKFORCE LIAISONS  
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS  
LABOR COMMISSIONERS  
AMERICAN JOB CENTERS  
WIOA SECTION 166(c) INDIAN AND NATIVE AMERICAN PROGRAM  
GRANTEES  
RAPID RESPONSE COORDINATORS  
TRADE ADJUSTMENT ASSISTANCE LEADS

**FROM:** JOHN PALLASCH   
Assistant Secretary

**SUBJECT:** National Dislocated Worker Grant Program Guidance

1. **Purpose.** To inform the state and local workforce development system of the policies and priorities that govern the award and use of National Dislocated Worker Grant (DWG) funds, pursuant to the Workforce Innovation and Opportunity Act (WIOA), Title I, Section 170.
2. **Action Requested.** Please share with all staff who administer DWGs. States should review their DWG policies and application procedures to comply with this TEGL.
3. **Summary and Background.**
  - a. Summary – This TEGL clarifies DWG program policies, including: the types of DWGs; grant funding approach; period of performance and period of expenditure; cost limitations; administrative policies; application requirements; performance targets and reporting; and, post-award policies. The Department issued initial operating guidance on DWGs on July 1, 2015, and issued final regulations on August 19, 2016. After awarding and implementing DWGs under WIOA, ETA is now issuing revised guidance to address questions from states. This guidance rescinds and replaces TEGL 2-15, *Operational Guidance for National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act*, dated July 1, 2015.

<b>RESCISSIONS</b> TEGL 2-15	<b>EXPIRATION DATE</b> Continuing
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- b. Background – DWGs are discretionary grants awarded by the Secretary of Labor under Section 170 of WIOA to provide employment-related services for dislocated workers. The Department funds two types of DWGs: Disaster Recovery and Employment Recovery. Disaster Recovery DWGs provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts when an area impacted by an emergency or major disaster is declared eligible for public assistance by the Federal Emergency Management Agency (FEMA), or is declared, or otherwise recognized, as an emergency or disaster of national significance by a Federal agency with authority or jurisdiction over Federal response to the disaster or emergency. Employment Recovery DWGs temporarily expand capacity to serve dislocated workers and to meet the increased demand for employment and training services following a qualifying event. Qualifying events include major economic dislocations, such as plant closures, mass layoffs, or higher-than-average demand for employment and training activities for dislocated members of the Armed Forces and their spouses. Under 20 CFR 687.110(a)(5), the Secretary of Labor may determine other major dislocations eligible for Employment Recovery DWGs.
4. **DWG Program Guidance.** See Attachment 1, National Dislocated Worker Grant Program Guidance for all DWG program guidance.
5. **Inquiries.** Direct questions regarding this guidance to the appropriate ETA regional office.
6. **References.**
- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) (July 22, 2014).
  - Trade Act of 1974, as amended. (19 USC 12 § 2271 - 2331 and § 2391 - 2397a) (June 29, 2015).
  - Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (August 19, 2016), specifically 20 C.F.R. parts 680 and 687.
  - TEGL 14-18, *Aligning Performance Accountability Reporting, Definitions, and Policies across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)*, dated March 25, 2018.
  - TEGL 8-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, dated December 19, 2018.
  - TEGL 19-16, *Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules*, dated March 1, 2017.
  - TEGL 16-16, *One-Stop Operations Guidance for the American Job Center Network*, dated January 18, 2017.
  - TEGL 28-10, *Federal Financial Management and Reporting Definitions*, dated May 27, 2011.
  - TEGL 10-09, *Implementing Priority of Service for Veterans and Eligible Spouses in All Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor (DOL)*, dated November 10, 2009.

- Information Collection Forms and Participant Individual Record Layouts: Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting - ETA 9169 9170 (OMB Control No. 1205-0526) and DOL-only Performance Accountability, Information, and Reporting System - 9172, 9173 (OMB Control No. 1205-0521) and ETA Form 9130 (OMB).

7. **Attachment**. Attachment I – National Dislocated Worker Grants Program Guidance

<b>TRAINING AND EMPLOYMENT NOTICE</b>	<b>NO.</b> 22-19
	<b>DATE</b> April 3, 2020

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE ADMINISTRATORS  
STATE WORKFORCE LIAISONS  
STATE AND LOCAL WORKFORCE BOARD CHAIRS  
AMERICAN JOB CENTERS

**FROM:** JOHN PALLASCH   
Assistant Secretary

**SUBJECT:** Technical Assistance Resources for the Workforce Innovation and Opportunity Act (WIOA) Youth Program

1. **Purpose.** To provide technical assistance to states, local workforce areas, and other recipients of WIOA Title I youth formula funds to help address the needs of disconnected youth.
2. **Action Requested.** The Employment and Training Administration (ETA) requests states and local areas share this information with state and local WIOA youth staff and youth service providers.
3. **Summary and Background.**
  - a. Summary – This Training and Employment Notice (TEN) shares existing technical assistance resources to state and local area staff to improve outcomes for youth participants. It also offers technical support for addressing common WIOA youth monitoring findings so that state and local areas have the tools and clarity to provide comprehensive and effective services to youth.
  - b. Background – WIOA Title I outlines a broad youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other federal, state, local, and philanthropic partnerships to support in-school youth (ISY) and out-of-school youth (OSY). WIOA Title I affirms ETA's commitment to providing high-quality services for youth, from career exploration and guidance, continued support for educational attainment, and opportunities for skills training, such as pre-apprenticeships or internships in in-demand industries and occupations, and culminating with employment, enrollment in postsecondary education, or apprenticeship. ETA will provide an enhanced focus on these areas during TA and monitoring.

**EMPLOYMENT AND TRAINING ADMINISTRATION  
U.S. DEPARTMENT OF LABOR  
WASHINGTON, D.C. 20210**

Since the passage of WIOA, state and local areas have revamped youth programming to serve youth with significant barriers to education and career pathways, providing participants with quality work experiences to prepare them for the world of work. The WIOA youth program has the following priorities: 1) at least 75 percent of funds are spent on OSY, and 2) at least 20 percent of funds are spent on work experiences. Overall, the public workforce system has either met or exceeded those requirements. The data indicates that most states have been successful at shifting focus to serve more OSY. National expenditure rates on OSY are about 85 percent in recent program years. Additionally, national expenditure rates for work experience for youth hover around 25 percent in recent program years, exceeding the 20 percent minimum. While a few states are still below 20 percent in work experience expenditures, the number of states above 20 percent continues to increase.

ETA recognizes that states, local areas, and youth service providers strive to deliver comprehensive services that provide eligible WIOA youth with the educational and employment skills necessary to succeed in the workforce. In an effort to continue to support the effective delivery of services to our youth with multiple barriers, ETA has provided numerous technical assistance (TA) resources. TA includes WIOA State and Local Youth Program Request for Proposals (RFP) Examples; WIOA Youth Retention and Recruitment Resources; Collaboration Opportunities between the WIOA Youth and Vocational Rehabilitation Programs; and many other resources as documented in Section 4(a).

Additionally, ETA routinely conducts monitoring visits in order to assist states and local areas in providing high-quality services to youth. In ETA's review of monitoring visits over the last few years, themes emerged around common issues at the state and local levels. The most common findings relate to seven categories: eligibility, program design, OSY and work experience expenditures, service provision of the 14 program elements, performance management, monitoring, and policy development. Attachment I provides a detailed explanation of each of these findings.

#### **4. Technical Assistance and Support in Implementing WIOA Youth Program.**

- a. **Resources:** Below are a number of resources that ETA developed to support state and local area youth workforce professionals in implementing comprehensive services for youth.
  - i. **WIOA State and Local Youth Program RFP Examples** shares state and local workforce development board requests for proposals  
<https://youth.workforcegps.org/resources/2019/09/13/14/43/WIOA-State-and-Local-Youth-Program-RFP-Examples>.
  - ii. **Collaboration Opportunities: WIOA Youth and Vocational Rehabilitation Programs** is a joint technical assistance document intended to provide a high-level overview and to improve coordination of workforce preparation activities and employment services between these two programs

<https://youth.workforcegps.org/resources/2019/05/16/16/50/Collaboration-Opportunities-WIOA-Youth-and-Vocational-Rehabilitation-Programs>.

- iii. **Collaboration Opportunities: WIOA Youth Program and Job Corps** provides an overview of the WIOA Youth program and the Job Corps program specifically, and outlines strategies for coordination and the benefits of partnership.  
<https://youth.workforcegps.org/resources/2017/03/22/09/55/~~/link.aspx?id=22D3BC5E5F8D46B1957B0F53E289A94B&z=z>.
- iv. **Mythbuster! WIOA Titles I & II** is a brief document that seeks to debunk myths and discusses the benefits of partnering between the Title I Youth program and the Title II AEFLA program.  
<https://youth.workforcegps.org/resources/2017/03/22/09/55/~~/link.aspx?id=4A1DFF7D4A134DC2AAD059879D059DB7&z=z>.
- v. **Mythbuster! Youth in Foster Care and WIOA** is a brief document that seeks to debunk myths about serving foster care youth in the WIOA Youth program. Both the WIOA Youth program and the foster care system can provide complementary services to youth in foster care.  
<https://youth.workforcegps.org/resources/2018/05/17/12/05/MYTH-Youth-in-foster-care-cannot-be-served-in-the-WIOA-Youth-program>.
- vi. **WIOA Youth Retention and Recruitment Resources** is a compiled list of resources on how to recruit and retain youth participants.  
<https://youth.workforcegps.org/resources/2019/06/28/11/31/Retention-Recruitment>.
- vii. **Sample Youth Individual Service Strategy (ISS) from the Employment and Training Administration** assists local areas in developing an ISS.  
<https://youth.workforcegps.org/resources/2019/06/20/18/30/Youth-Individual-Service-Strategy-ISS>.
- viii. **Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development** helps state offices and partners align the vision, definition, and requirements of WIOA with career pathways.  
[https://careerpathways.workforcegps.org/resources/2016/10/20/10/11/Enhanced\\_Career\\_Pathways\\_Toolkit](https://careerpathways.workforcegps.org/resources/2016/10/20/10/11/Enhanced_Career_Pathways_Toolkit).
- ix. **WIOA Youth Monitoring Supplement** identifies compliance requirements along with additional questions that may be used to assess state progress in successfully implementing the WIOA youth service provisions.

<https://youth.workforcegps.org/resources/2018/12/18/13/57/Final-WIOA-Youth-Monitoring-Supplement>.

- x. **List of Required WIOA State Youth Policies** assists states and local areas in monitoring to ensure that states and locals have all required WIOA youth polices. <https://youth.workforcegps.org/resources/2019/07/29/14/16/List-of-Required-WIOA-State-Youth-Policies>.
- xi. **Tracking and Reporting of Workforce Innovation and Opportunity Act (WIOA) Youth Expenditures** contains examples of state tools used to track WIOA OSY and work experience expenditures. <https://youth.workforcegps.org/resources/2019/07/22/15/50/Tracking-and-Reporting-of-Workforce-Innovation-and-Opportunity-Act-WIOA-Youth-Expenditures>.
- xii. **U.S. Department of Labor’s Wage and Hour Division** provides resources on federal minimum wage, overtime pay, recordkeeping, and child labor requirements of the Fair Labor Standards Act. <https://www.dol.gov/whd/>.

Additional TA resources are located on the Workforce GPS Youth Connections Community of Practice (CoP) at <https://youth.workforcegps.org/>. The site is an online learning destination for public workforce system staff and partners who serve youth. ETA plans to conduct a webinar to review the content of this TEN and attachment. You are encouraged to sign up to receive notifications about upcoming TA and webinars at the Youth Connections CoP.

- b. **Technical Support:** Attachment I includes suggestions for how states and local areas might address common monitoring issues so that they can provide the highest quality of services to youth.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- The Workforce Innovation and Opportunity Act (WIOA) (Public Law (Pub. L.) 113-128)) Titles I and IV, enacted July 22, 2014;
- WIOA Regulations at 20 CFR part 681;
- The Workforce Investment Act (WIA) of 1998 (Pub. L. 105-220), Title I;
- Training and Employment Guidance Letter (TEGL) No. 10-16, Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs;
- TEGL No. 8-15, Second Title I WIOA Youth Program Transition Guidance;
- TEGL No. 1-15, Operations Guidance Regarding the Impact of Workforce Innovation and Opportunity Act Implementation on Waivers Approved Under the Workforce Investment Act;



- TEGL No. 38-14, Operational Guidance to Support the Orderly Transition of Workforce Investment Act Participants, Funds, and Subrecipient Contracts to the Workforce Innovation and Opportunity Act of 2014;
- TEGL No. 23-14, Workforce Innovation and Opportunity Act Youth Program Transition;
- TEGL No. 19-14, Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act;
- TEGL No. 12-14, Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 funds for Workforce Innovation and Opportunity Act (WIOA) Transitional Activities;
- TEGL No. 21-16, Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance.

6. **Attachment(s)**. Attachment I: Workforce Innovation and Opportunity Act (WIOA) Youth Program Suggestions Based on Common WIOA Youth Monitoring Findings

**WORKFORCE DEVELOPMENT FIELD INFORMATION MEMO: 20-07**

**TOPIC:** WIOA Title I Dislocated Worker Eligibility Criteria

1. **Purpose:** To transmit guidance defining additional eligibility criteria for WIOA Title I Dislocated Workers.
  
2. **Background:** In determining eligibility, the State may establish policies and procedures for use in determining an individual's eligibility as a dislocated worker, consistent with the definition at Section 3(15) of WIOA. These policies and procedures may address such conditions as what constitutes:
  - A general announcement of plant closing
  - Unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters for determining the eligibility of self-employed individuals, including family members and farm workers or ranch hands
  - Unlikely to return to a previous industry or occupation
  
3. **Substance:** In accordance with policy 8.3.2.2 Dislocated Worker Program Eligibility, the State further defines the following conditions:
  - I. **A general announcement of plant closing.** A communication by an employer stating intent to close a business within 180 days, or suspend operations for a period of time which would create a significant economic hardship on the employees, their families and the community.
  
  - II. **Unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters for determining the eligibility of self-employed individuals, including family members and farm workers or ranch hands.** When business is lost due to one of the following reasons:
    - A. The closure or substantial lay-off of a primary supplier or customer affecting the self-employed individuals products or services.
    - B. Less demand for the occupation or product within the community.
    - C. A decline in profits significant enough to lead to closure, documented by most recent tax return or other company documents showing negative gains/losses statement.
    - D. Natural disaster, as defined by State or Federal declaration.
  
  - III. **Unlikely to return to a previous industry or occupation.** In order to be considered as unlikely to return to a previous industry or occupation, an individual must meet at least one of the following criteria:
    - A. Separating service members.
    - B. Individual who has worked in a declining industry or occupation, as

documented on state or locally developed labor market statistic lists of such industries or occupations. State labor market data lists are available from Iowa Workforce Development's Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the Local Workforce Development Board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information.

- C. Individual who cannot return to their previous industry or occupation because they have physical or other limitations, which would prevent reentry into the former industry or occupation.
- D. Individuals that may have worked seasonally can be considered unlikely to work in a previous industry or occupation as a temporary or seasonal worker, for a variety of reasons such as:
  - Change in family situation that requires higher income
  - Disability that precludes returning to the same industry or occupation
  - Natural disaster that results in lost wages
  - Loss of agricultural land
  - Mechanization
  - Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates
- E. Individuals laid off on a temporary basis without a specific recall date. An individual is considered as likely to return to a previous industry or occupation if they have a specific recall date from the employer of the qualifying dislocation that is within 12 weeks of termination or layoff.

*Note: Individuals who have been temporarily laid off due to COVID-19 are eligible under this condition granted they do not have a recall date within 12 weeks of the layoff.*

- 4. **Action:** This information should be shared with CEOs, Local WDB members as well as appropriate Title I Service Provider staff.
- 5. **Effective Date:** This field memo is effective from the date of this memo, and shall remain in effect until updated policy is issued.
- 6. **Contact:** Questions related to the information in this memo should be directed to Wendy Greenman, Workforce Services Division Bureau Chief, at [wendy.greenman@iwd.iowa.gov](mailto:wendy.greenman@iwd.iowa.gov).

*Michelle McNertney*

**Michelle McNertney**  
**Division Administrator**  
**Workforce Services Division**  
**Iowa Workforce Development**

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> WIOA/Wagner-Peyser
	<b>CORRESPONDENCE SYMBOL</b> OWI
	<b>DATE</b> April 23, 2020

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 16-19**

**TO:** STATE WORKFORCE AGENCIES  
ALL STATE WORKFORCE LIAISONS

**FROM:** JOHN PALLASCH  
Assistant Secretary



**SUBJECT:** Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year (PY) 2020; PY 2020 Allotments for the Wagner-Peyser Act Employment Service (ES) Program and the Allotments of Workforce Information Grants to States for PY 2020

1. **Purpose.** To provide information to states and outlying areas on WIOA Title I Adult, Dislocated Worker and Youth Activities program allotments for PY 2020; PY 2020 allotments for the Wagner-Peyser Act ES Program, as required by section 6(b)(5) of the Wagner-Peyser Act, as amended; and the allotments of Workforce Information Grants to states for PY 2020.
2. **Action Requested.** States must follow the requirements in this guidance to obtain the federal funds needed to manage their programs.
3. **Summary and Background.**
  - a. Summary - This document provides grantees with guidance and information including:
    - How to obtain the federal funds covered by the TEGP and financial reporting requirements;
    - The potential for reallocation of PY 2020 funds based on unobligated balances of PY 2019 funds in excess of 20 percent of their allotment at the end of PY 2019 (6/30/2020);
    - Requirements when calculating sub-state allocations to local areas;
    - Funds set aside for evaluations;
    - Salary caps at the Executive Level II; and
    - Waivers of the competition requirement for outlying areas.
  - b. Background - On December 20, 2019, the Further Consolidated Appropriations Act, 2020, Pub. L. 116-94 was signed into law (from this point forward, referred to as "the Act"). The Act makes PY 2020 Youth Activities funds available for obligation on April 1, 2020, and funds the WIOA Adult and Dislocated Worker programs in two separate

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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appropriations. The first appropriations for the Adult and Dislocated Worker programs become available for obligation on July 1, 2020; this portion is commonly referred to as “base” funds. The second appropriations for the Adult and Dislocated Worker programs become available for obligation on October 1, 2020; this portion is commonly referred to as “advance” funds because they are provided in the appropriations act passed during the fiscal year immediately before the fiscal year when the funds are available. For example, funds for PY 2020 that will be made available on October 1, 2020 were appropriated during FY 2020, but not made available until FY 2021, and are called the FY 2021 “advance” funds. See Attachment A for details.

The Act, Division A, Title I, secs. 106(b) and 107, allows the Secretary of Labor (Secretary) to set aside up to 0.5 percent of each discretionary appropriation for activities related to program integrity and 0.75 percent of most operating funds for evaluations. For 2020, as authorized by the Act, the Department has set aside \$818,000 of the Training and Employment Services (TES) appropriations for evaluations. ETA reserved these funds from the WIOA Adult, Youth, and Dislocated Worker program budgets. Any funds not utilized for these reserve activities will be provided to the states.

ETA applied the reductions for evaluations from the WIOA Adult and Dislocated Worker programs only to the FY 2021 “advance” funding levels; “base” funding is disseminated at the full amount appropriated in the Act.

The Act also specifies that the Secretary may reserve no more than 10 percent of the Dislocated Worker National Reserve funds to provide technical assistance and carry out additional activities related to the transition to WIOA. Additionally, salary caps are imposed under the Act, Division A, Title I, sec. 105. The funds provided to grantees in these allotments must not be used by a recipient or sub-recipient to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. The rates of basic pay for the Executive Schedule are found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>. States also may establish lower salary caps. See TEGL No. 5-06.

WIOA allotments for states are based on formula provisions contained in WIOA (see Attachment B for WIOA and Wagner-Peyser Act formula descriptions). The Act waives the competition requirement regarding funding to outlying areas (i.e., American Samoa, Guam, Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the United States Virgin Islands). For PY 2020, outlying area grant amounts are based on the administrative formula determined by the Secretary that was used under WIA.

WIOA specifically included the Republic of Palau as an outlying area, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under WIOA. No such determinations prohibiting assistance have been made (WIOA sec. 3(45)(B)). WIOA updated the Compact of Free Association Amendments of 2003, Pub. L. 108-188 (December 17, 2003) so that the Republic of Palau remained eligible for WIOA Title I

funding. See 48 U.S.C. 1921d(f)(1)(B)(ix). The National Defense Authorization Act for Fiscal Year 2018, Pub. L. 115-91 (December 12, 2017), Division A, Title XII, Subtitle F, sec. 1259C(c) authorized WIOA Title I funding to Palau through FY 2024.

In addition to this TEGL, ETA will publish the allotments and descriptions of the allotment formulas in the Federal Register. In this Federal Register notice, ETA will invite comments on the allotment formula for outlying areas.

4. **WIOA PY 2020 Allotments.** Please see Appendices I through V for guidance and Attachments A through J for formula descriptions and allotment tables.
5. **Inquiries.** Questions regarding these allotments may be directed to the appropriate Regional Office. Information on allotments and planning requirements may also be found on the ETA Web site at <http://www.doleta.gov>.
6. **References.**

- Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94);
- The National Defense Authorization Act for Fiscal Year 2018, Pub. L. 115-91 (December 12, 2017), Division A, Title XII, Subtitle F, sec. 1259C(c);
- Balanced Budget and Emergency Deficit Control Act of 1985, as amended (Title II of Pub. L. 99-177);
- Bipartisan Budget Act of 2018 (Pub. L. 115-123);
- Budget Control Act of 2011 (Pub. L. 112-25);
- Training and Employment Guidance Letter (TEGL) No. 14-17, *Updated Disadvantaged Youth and Adult Data for use in Program Year (PY) 2018 and future Workforce Innovation and Opportunity Act (WIOA) Youth and Adult Within-State Allocation Formulas*;
- Workforce Innovation and Opportunity Act (Pub. L. 113-128);
- Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.);
- Compact of Free Association Amendments of 2003 (Pub. L. 108-188);
- TEGL No. 5-06, *Implementing the Salary and Bonus Limitations in Public Law 109-234*; and
- *Local Area Unemployment Statistics (LAUS) Technical Memorandum No. S-19-15, Program Year 2020 Areas of Substantial Unemployment under the Workforce Innovation and Opportunity Act, dated August 1, 2019.*

7. **Attachments.**

- Appendix I – WIOA Youth Allotment Activities
- Appendix II – WIOA Adult Allotment Activities
- Appendix III – WIOA Dislocated Worker Allotment Activities
- Appendix IV – Wagner-Peyser Act ES Allotment Activities
- Appendix V – Workforce Information Grants Allotment Activities
- Appendix VI – Submission Requirements and Reporting
- Attachment A - Program Year 2020 Funding

- Attachment B - WIOA and Wagner-Peyser Act Statutory Formulas for State Allotments
- Attachment C - WIOA Statutory and Discretionary Formulas for Sub-State Allocations
- Attachment D - WIOA Youth Activities State Allotments, Comparison of PY 2020 Allotments vs PY 2019 Allotments
- Attachment E - WIOA Adult Activities State Allotments, Comparison of PY 2020 vs PY 2019 Allotments
- Attachment F - WIOA Adult Activities PY 2020 State Allotments, July 1 and October 1 Funding
- Attachment G - WIOA Dislocated Worker Activities State Allotments, Comparison of PY 2020 Allotments vs PY 2019 Allotments
- Attachment H - WIOA Dislocated Worker Activities PY 2020 State Allotments, July 1 and October 1 Funding
- Attachment I - Employment Service (Wagner-Peyser), PY 2020 vs PY 2019 Allotments
- Attachment J - Workforce Information Grants to States, PY 2020 vs PY 2019 Allotments

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> WIOA - DW
	<b>CORRESPONDENCE SYMBOL</b> OWI
	<b>DATE</b> April 29, 2020

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 19-19**

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE LIAISONS

**FROM:** JOHN PALLASCH  
Assistant Secretary



**SUBJECT:** Reallotment of Workforce Innovation and Opportunity Act (WIOA) Title I Formula-Allotted Funds for Dislocated Worker (DW) Activities for Program Year (PY 2019)

1. **Purpose.** To provide adjusted funding levels for PY 2019 allotments for the DW program under WIOA Title I Section 132(c) on recapture and reallotment.
2. **Action Requested.** Distribute this guidance letter to the appropriate WIOA staff.
3. **Summary and Background.**
  - a. Summary – This document provides grantees with notification and guidance associated with recapture and reallotment of Dislocated Worker funding from PY 2019 allotments.
  - b. Background - WIOA Sections 127(c) and 132(c) require the Secretary of Labor (Secretary) to conduct reallotment of excess unobligated WIOA Adult, Youth, and DW formula funds based on ETA 9130 financial reports submitted at the end of the prior program year. TEGL 16-17, announcing the DW allotment levels for PY 2018, alerted states to the recapture and reallotment of funds provisions, and notified states that any recapture/reallotment of funds based on obligation of PY 2018 DW funding would impact PY 2019 DW allotments.

In the FY 2019 Appropriations Act, Congress appropriated DW PY 2019 funds in two portions: 1) funds available for obligation July 1, 2019 (i.e., PY 2019 “base” funds), and 2) funds available for obligation October 1, 2019 (i.e., FY 2020 “advance” funds). Together, these two portions make up the total PY 2019 WIOA funding. TEGL 16-18 announced the DW allotment levels for PY 2019.

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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#### 4. Recapture and Reallotment.

- a. Recapture and Reallotment Requirement. The WIOA Regulation at 20 CFR 683.135 describes the procedures the Secretary uses for recapture and reallotment of funds. ETA will not recapture any PY 2019 funds for the Adult and Youth programs because there are no states where PY 2018 unobligated funds exceed 20 percent of the allotment for that program year for those programs. For the Dislocated Worker program, however, Puerto Rico had unobligated PY 2018 funds in excess of 20 percent of its allotment. Therefore, ETA will recapture a total of \$2,677,483 from PY 2019 funding from Puerto Rico and reallot those funds to the remaining eligible states, as required by WIOA Section 132(c).
- b. Notice of Award (NOA) Adjustment. ETA will issue NOAs for the states to reflect the recapture and reallotment of these funds. The adjustment of funds will be made to the FY 2020 advance portion of the PY 2019 allotments, which ETA issued in October 2019. The attached tables display the changes to PY 2019 formula allotments and a description of the reallotment methodology.
- c. Procedures and Reporting. Neither WIOA statutory language, nor WIOA regulatory language provides specific requirements by which states must distribute reallotted funds, so states have flexibility to determine the methodology used.

For any state subject to recapture of funds, WIOA Section 132(c)(5) requires the Governor to prescribe equitable procedures for reacquiring funds from the state and local areas.

As mentioned in Section 4.a of this TEGl, the recapture/reallotment adjustments will be made to the FY 2020 advance portion of the PY 2019 allotment. Therefore, for reporting purposes, states must reflect the recapture/reallotment amount (decrease or increase) in the "Total Federal Funds Authorized" line of any affected FY 2020 ETA 9130 financial reports (State Dislocated Worker Activities, Statewide Rapid Response, Local Dislocated Worker Activities) in a manner consistent with the method of distribution of these amounts to state and local areas used by the state. The state must include an explanation of the adjustment in the remarks section of the adjusted reports.

5. Inquiries. Please direct questions regarding the revised allotments to the appropriate regional office.

#### 6. References.

- Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Public Law (Pub.L.) 115-245 (Fiscal Year (FY) 2019 Appropriations Act);
- Workforce Innovation and Opportunity Act Section 132(c), P.L. 113-128, 29 U.S.C. 3172(c);
- WIOA Regulations at 20 CFR 683.135

- Training and Employment Guidance Letter (TEGL) 16-18, *Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year (PY) 2019; Final PY 2019 Allotments for the Wagner-Peyser Act Employment Service (ES) Program Allotments; and Workforce Information Grants to States Allotments for PY 2019; and*
- TEGL 16-17, *Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year (PY) 2018; final allotments for PY 2018 for the Wagner-Peyser ES Program Allotments; and the Allotments of Workforce Information Grants to States for PY 2018.*

## **7. Attachments.**

- Attachment I - WIOA Dislocated Worker Activities, PY 2019 Reallotment to States
- Attachment II - WIOA Dislocated Worker Activities, PY 2019 Revised Allotments with Reallotment – PY/FY Split

U.S. DEPARTMENT OF LABOR  
Employment and Training Administration  
WIOA Dislocated Worker Activities  
PY 2019 Reallotment to States

	Calculating Reallotment Amount			Impact on PY 2019 Allotments		
	Excess Unobligated PY 2018 Funds to be Recaptured from PY 2019 funds	Eligible States' PY 2018 <sup>1/</sup> Dislocated Worker Allotments	Reallotment Amount for Eligible States (Based on eligible states' share of PY 2018 Allotments)	Total Original PY 2019 Allotments Before Reallotment	Recapture/ Reallotment Adjustment to PY 2019 Allotments	Revised Total PY 2019 Allotments
Alabama	0	19,403,477	52,149	18,309,732	52,149	18,361,881
Alaska	0	4,931,804	13,255	6,399,704	13,255	6,412,959
Arizona **	0	23,325,333	62,689	30,267,873	62,689	30,330,562
Arkansas	0	6,424,584	17,267	6,221,613	17,267	6,238,880
California	0	155,293,670	417,368	147,659,670	417,368	148,077,038
Colorado	0	10,206,542	27,431	10,049,482	27,431	10,076,913
Connecticut	0	14,714,935	39,548	14,170,098	39,548	14,209,646
Delaware	0	2,469,027	6,636	2,403,520	6,636	2,410,156
District of Columbia	0	6,506,323	17,486	8,442,862	17,486	8,460,348
Florida	0	53,879,224	144,806	52,151,777	144,806	52,296,583
Georgia	0	40,579,379	109,061	38,513,750	109,061	38,622,811
Hawaii	0	1,625,873	4,370	1,605,251	4,370	1,609,621
Idaho	0	1,975,683	5,310	1,957,840	5,310	1,963,150
Illinois	0	63,122,436	169,648	59,460,547	169,648	59,630,195
Indiana	0	14,131,852	37,981	13,667,363	37,981	13,705,344
Iowa	0	4,157,398	11,173	4,118,716	11,173	4,129,889
Kansas	0	4,687,349	12,598	4,621,465	12,598	4,634,063
Kentucky	0	17,824,530	47,905	16,798,451	47,905	16,846,356
Louisiana	0	20,809,229	55,927	21,222,160	55,927	21,278,087
Maine	0	2,691,605	7,234	2,599,954	7,234	2,607,188
Maryland	0	15,388,755	41,359	15,269,819	41,359	15,311,178
Massachusetts	0	15,932,959	42,821	15,775,499	42,821	15,818,320
Michigan	0	30,030,680	80,711	28,899,538	80,711	28,980,249
Minnesota	0	8,735,306	23,477	8,623,538	23,477	8,647,015
Mississippi	0	12,819,787	34,454	12,825,657	34,454	12,860,111
Missouri	0	14,197,509	38,157	13,734,131	38,157	13,772,288
Montana	0	1,566,557	4,210	1,586,432	4,210	1,590,642
Nebraska	0	2,406,312	6,467	2,406,131	6,467	2,412,598
Nevada	0	13,969,031	37,543	14,017,016	37,543	14,054,559
New Hampshire	0	1,764,499	4,742	1,776,723	4,742	1,781,465
New Jersey	0	32,143,202	86,388	31,170,385	86,388	31,256,773
New Mexico **	0	13,715,866	36,863	17,798,250	36,863	17,835,113
New York	0	51,705,216	138,963	50,835,990	138,963	50,974,953
North Carolina	0	30,287,711	81,401	29,115,622	81,401	29,197,023
North Dakota	0	814,876	2,190	825,733	2,190	827,923
Ohio	0	39,817,416	107,013	38,626,510	107,013	38,733,523
Oklahoma	0	7,752,077	20,835	7,581,568	20,835	7,602,403
Oregon	0	11,711,251	31,475	11,256,414	31,475	11,287,889
Pennsylvania	0	53,708,691	144,348	51,069,267	144,348	51,213,615
Puerto Rico	2,677,483	0	0	57,906,791	(2,677,483)	55,229,308
Rhode Island	0	4,145,795	11,142	3,965,517	11,142	3,976,659
South Carolina	0	15,568,291	41,841	14,906,311	41,841	14,948,152
South Dakota	0	1,167,155	3,137	1,177,885	3,137	1,181,022
Tennessee	0	19,170,626	51,523	18,173,009	51,523	18,224,532
Texas	0	62,335,256	167,532	61,050,104	167,532	61,217,636
Utah **	0	4,410,694	11,854	4,319,231	11,854	4,331,085
Vermont	0	862,723	2,319	866,255	2,319	868,574
Virginia	0	14,034,717	37,720	13,826,714	37,720	13,864,434
Washington	0	26,872,218	72,222	26,650,470	72,222	26,722,692
West Virginia	0	7,526,410	20,228	9,766,567	20,228	9,786,795
Wisconsin	0	11,810,606	31,742	11,437,989	31,742	11,469,731
Wyoming	0	1,102,839	2,964	1,087,106	2,964	1,090,070
<b>STATE TOTAL</b>	<b>\$2,677,483</b>	<b>\$996,235,284</b>	<b>\$2,677,483</b>	<b>\$1,038,970,000</b>	<b>\$0</b>	<b>\$1,038,970,000</b>

\*\* Includes Navajo Nation

<sup>1/</sup> PY 2018 allotment amounts are used to determine the reallotment amount eligible states receive of the recaptured amount.

**U.S. DEPARTMENT OF LABOR**  
**Employment and Training Administration**  
**WIOA Dislocated Worker Activities**  
**PY 2019 Revised Allotments with Reallocation - PY/FY Split**

	Total Allotment			Available 7/1/19			Available 10/1/19		
	Original	Recapture/ Reallocation	Revised	Original	Recapture/ Reallocation	Revised	Original	Recapture/ Reallocation	Revised
Alabama	18,309,732	52,149	18,361,881	3,187,290	-	3,187,290	15,122,442	52,149	15,174,591
Alaska	6,399,704	13,255	6,412,959	1,114,036	-	1,114,036	5,285,668	13,255	5,298,923
Arizona *	30,267,873	62,689	30,330,562	5,268,918	-	5,268,918	24,998,955	62,689	25,061,644
Arkansas	6,221,613	17,267	6,238,880	1,083,035	-	1,083,035	5,138,578	17,267	5,155,845
California	147,659,670	417,368	148,077,038	25,704,042	-	25,704,042	121,955,628	417,368	122,372,996
Colorado	10,049,482	27,431	10,076,913	1,749,376	-	1,749,376	8,300,106	27,431	8,327,537
Connecticut	14,170,098	39,548	14,209,646	2,466,678	-	2,466,678	11,703,420	39,548	11,742,968
Delaware	2,403,520	6,636	2,410,156	418,396	-	418,396	1,985,124	6,636	1,991,760
District of Columbia	8,442,862	17,486	8,460,348	1,469,702	-	1,469,702	6,973,160	17,486	6,990,646
Florida	52,151,777	144,806	52,296,583	9,078,386	-	9,078,386	43,073,391	144,806	43,218,197
Georgia	38,513,750	109,061	38,622,811	6,704,329	-	6,704,329	31,809,421	109,061	31,918,482
Hawaii	1,605,251	4,370	1,609,621	279,436	-	279,436	1,325,815	4,370	1,330,185
Idaho	1,957,840	5,310	1,963,150	340,813	-	340,813	1,617,027	5,310	1,622,337
Illinois	59,460,547	169,648	59,630,195	10,350,669	-	10,350,669	49,109,878	169,648	49,279,526
Indiana	13,667,363	37,981	13,705,344	2,379,163	-	2,379,163	11,288,200	37,981	11,326,181
Iowa	4,118,716	11,173	4,129,889	716,971	-	716,971	3,401,745	11,173	3,412,918
Kansas	4,621,465	12,598	4,634,063	804,487	-	804,487	3,816,978	12,598	3,829,576
Kentucky	16,798,451	47,905	16,846,356	2,924,211	-	2,924,211	13,874,240	47,905	13,922,145
Louisiana	21,222,160	55,927	21,278,087	3,694,274	-	3,694,274	17,527,886	55,927	17,583,813
Maine	2,599,954	7,234	2,607,188	452,590	-	452,590	2,147,364	7,234	2,154,598
Maryland	15,269,819	41,359	15,311,178	2,658,113	-	2,658,113	12,611,706	41,359	12,653,065
Massachusetts	15,775,499	42,821	15,818,320	2,746,140	-	2,746,140	13,029,359	42,821	13,072,180
Michigan	28,899,538	80,711	28,980,249	5,030,724	-	5,030,724	23,868,814	80,711	23,949,525
Minnesota	8,623,538	23,477	8,647,015	1,501,153	-	1,501,153	7,122,385	23,477	7,145,862
Mississippi	12,825,657	34,454	12,860,111	2,232,642	-	2,232,642	10,593,015	34,454	10,627,469
Missouri	13,734,131	38,157	13,772,288	2,390,786	-	2,390,786	11,343,345	38,157	11,381,502
Montana	1,586,432	4,210	1,590,642	276,160	-	276,160	1,310,272	4,210	1,314,482
Nebraska	2,406,131	6,467	2,412,598	418,850	-	418,850	1,987,281	6,467	1,993,748
Nevada	14,017,016	37,543	14,054,559	2,440,030	-	2,440,030	11,576,986	37,543	11,614,529
New Hampshire	1,776,723	4,742	1,781,465	309,285	-	309,285	1,467,438	4,742	1,472,180
New Jersey	31,170,385	86,388	31,256,773	5,426,024	-	5,426,024	25,744,361	86,388	25,830,749
New Mexico *	17,798,250	36,863	17,835,113	3,098,253	-	3,098,253	14,699,997	36,863	14,736,860
New York	50,835,990	138,963	50,974,953	8,849,338	-	8,849,338	41,986,652	138,963	42,125,615
North Carolina	29,115,622	81,401	29,197,023	5,068,338	-	5,068,338	24,047,284	81,401	24,128,685
North Dakota	825,733	2,190	827,923	143,741	-	143,741	681,992	2,190	684,182
Ohio	38,626,510	107,013	38,733,523	6,723,958	-	6,723,958	31,902,552	107,013	32,009,565
Oklahoma	7,581,568	20,835	7,602,403	1,319,771	-	1,319,771	6,261,797	20,835	6,282,632
Oregon	11,256,414	31,475	11,287,889	1,959,474	-	1,959,474	9,296,940	31,475	9,328,415
Pennsylvania	51,069,267	144,348	51,213,615	8,889,946	-	8,889,946	42,179,321	144,348	42,323,669
Puerto Rico	57,906,791	(2,677,483)	55,229,308	10,080,197	-	10,080,197	47,826,594	(2,677,483)	45,149,111
Rhode Island	3,965,517	11,142	3,976,659	690,302	-	690,302	3,275,215	11,142	3,286,357
South Carolina	14,906,311	41,841	14,948,152	2,594,835	-	2,594,835	12,311,476	41,841	12,353,317
South Dakota	1,177,885	3,137	1,181,022	205,042	-	205,042	972,843	3,137	975,980
Tennessee	18,173,009	51,523	18,224,532	3,163,489	-	3,163,489	15,009,520	51,523	15,061,043
Texas	61,050,104	167,532	61,217,636	10,627,373	-	10,627,373	50,422,731	167,532	50,590,263
Utah*	4,319,231	11,854	4,331,085	751,875	-	751,875	3,567,356	11,854	3,579,210
Vermont	866,255	2,319	868,574	150,795	-	150,795	715,460	2,319	717,779
Virginia	13,826,714	37,720	13,864,434	2,406,902	-	2,406,902	11,419,812	37,720	11,457,532
Washington	26,650,470	72,222	26,722,692	4,639,214	-	4,639,214	22,011,256	72,222	22,083,478
West Virginia	9,766,567	20,228	9,786,795	1,700,127	-	1,700,127	8,066,440	20,228	8,086,668
Wisconsin	11,437,989	31,742	11,469,731	1,991,082	-	1,991,082	9,446,907	31,742	9,478,649
Wyoming	1,087,106	2,964	1,090,070	189,239	-	189,239	897,867	2,964	900,831
<b>STATE TOTAL</b>	<b>1,038,970,000</b>	<b>-</b>	<b>1,038,970,000</b>	<b>180,860,000</b>	<b>-</b>	<b>180,860,000</b>	<b>858,110,000</b>	<b>-</b>	<b>858,110,000</b>

\* Includes funds allocated to the Navajo Nation

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Financial Reporting
	<b>CORRESPONDENCE SYMBOL</b> OGM
	<b>DATE</b> April 29, 2020

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 20-19**

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE ADMINISTRATORS  
STATE WORKFORCE LIAISONS  
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS  
ALL DIRECT ETA GRANT RECIPIENTS

**FROM:** JOHN PALLASCH   
Assistant Secretary

**SUBJECT:** Revised ETA-9130 Financial Report, Instructions, and Additional Guidance

1. **Purpose.** This guidance informs the workforce system of the revised Employment and Training Administration (ETA) financial report (ETA-9130) and associated instructions, including the addition of a new *Training Expenditures* line item on some of the ETA-9130 forms. Additionally, it offers clarification on a pre-existing reporting line, apprises all ETA grant recipients of minor changes to the ETA-9130 due dates, and reminds grant recipients of ETA-9130 submission procedures.
2. **Action Requested.** Please disseminate this guidance to all staff that are either directly or indirectly responsible for financial management and financial reporting for ETA grants and cooperative agreements. Grant recipients will be required to submit their cumulative financial information using the revised ETA-9130 financial reports (as appropriate) by the due dates specified later in this document, starting with the reporting period for the quarter ending on June 30, 2020, and for all future reporting periods.
3. **Summary and Background.**
  - a. Summary – This guidance provides information on new requirements for the continual tracking and reporting of training expenditures to support legislative requirements. It also provides clarification on one existing reporting line item, details minor changes to reporting due dates, and reminds grant recipients of the ETA-9130 reporting process.
  - b. Background – Every grant awarded by ETA requires accurate quarterly and annual reporting as a part of sound financial and management responsibilities. This reporting supports the Department of Labor's (DOL) ability to measure fund utilization for performance accountability and assess compliance with statutory expenditure requirements. This information also helps measure successful outcomes for participants,

<b>RESCISSIONS</b> TEGL 2-16	<b>EXPIRATION DATE</b> Continuing
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ensure sound service delivery and reporting practices, and determine whether the federal funds achieved maximum benefit.

ETA requires all of its award recipients to report their financial data on an accrual basis each quarter using the ETA-9130 financial reports (2 CFR 2900.14). ETA made revised versions of the ETA-9130 forms and instructions available for public comment, as required by the Paperwork Reduction Act (PRA), in a 60-day *Federal Register Notice* published at 84 FR 34947 on July 19, 2019, and through a 30-day Notice published at 84 FR 51638 on September 30, 2019. The Office of Management and Budget (OMB) approved the new ETA-9130 financial reports on October 31, 2019 (OMB Control No. 1205-0461), and extended the expiration date through October 31, 2022. The new forms and instructions are available at [https://doleta.gov/grants/financial\\_reporting.cfm](https://doleta.gov/grants/financial_reporting.cfm). The use of these new forms is required for all existing and new grant awards for the reporting period beginning with the quarter ending on June 30, 2020. Grant recipients must report cumulative figures on these new forms, starting from grant inception to the end of the reporting period, regardless of whether the reporting line is new or existed on the previous version of the applicable ETA-9130. Access to prior (older) versions of the ETA-9130 financial reports will remain for reports submitted for the quarters ending March 31, 2020, or earlier.

#### **4. Financial Reporting Changes and Submission Instructions.**

**Financial Reporting Changes.** Several program-specific ETA-9130 financial reports now include a *Training Expenditures* line item. In addition, ETA is providing further guidance on the *Indirect Expenditures* reporting line.

- a. Changes to Program-Specific ETA-9130 Financial Reports – The ETA-9130s used for the Workforce Innovation and Opportunity Act (WIOA) statewide and local programs now contain a *Training Expenditures* reporting line. The following program-specific forms are impacted:

Statewide Grant Recipient Reports

1. Statewide Youth – ETA-9130(A)
2. Statewide Adult – ETA-9130(C)
3. Statewide Dislocated Workers – ETA-9130(E)

Local Grant Recipient Reports

4. Local Youth – ETA-9130(B)
5. Local Adult – ETA-9130(D)
6. Local Dislocated Worker – ETA-9130(F)

- i. Training Expenditures Reporting Guidance – The *Training Expenditures* reporting line should consider all costs for training, including, but not limited to:
1. All tuition costs and materials: books, tools, etc., as applicable.

2. All forms of training must be accounted for, including but not limited to: occupational skills training; school equivalency (General Education Development/High School Equivalency Test/Testing Assessing Secondary Completion) training; Registered Apprenticeship Programs (RAPs); Industry Recognized Apprenticeship Programs (IRAPs); on-the-job training (OJT); incumbent worker training<sup>1</sup>; and customized training.
- b. Clarification for the *Indirect Expenditures (Line 13) Reporting* – While there are no definitional reporting changes related to this line item, ETA is providing the following additional clarification. Recipients should report indirect expenses incurred by the non-federal entity receiving direct awards from DOL, using an indirect cost rate from an approved Negotiated Indirect Cost Rate Agreement (NICRA). Recipients and/or sub-recipients using a Statewide Cost Allocation Plan (SWCAP) are still required to report indirect expenditures using their approved allocation. Grant recipients that have both a NICRA and SWCAP should report indirect expenditures using the NICRA only.

**Submitting Financial Reports.** The electronic, online process to submit and certify ETA-9130 financial reports remains unchanged. Nonetheless, ETA continues to receive a significant number of questions from recipients on submitting ETA-9130 financial reports. For this reason, ETA has included information in this section on how to create and update accounts on ETA’s financial reporting site, in addition to discussing the reporting process and minor changes to the associated deadlines.

- c. Financial Reporting Site Access – Recipients need a username, password and Personal Identification Number (PIN) to be able to certify and submit their ETA-9130 financial reports at [http://www.doleta.gov/grants/financial\\_reporting.cfm](http://www.doleta.gov/grants/financial_reporting.cfm).

***New Access:***

Recipients should request access to the online financial reporting system immediately upon receipt of the grant award to ensure timely report submission. The *Financial Reporting Access Request Document* is available at [http://www.doleta.gov/grants/financial\\_reporting.cfm](http://www.doleta.gov/grants/financial_reporting.cfm). Recipients must provide contact information for both the designated authorizing official (the individual responsible for certifying the accuracy of the ETA-9130 financial reports) and the secondary contact (the individual responsible for entering the data into the ETA-9130 financial reports) on the *Financial Reporting Access Request Document*. Once completed, recipients must submit the form via email to [ETApasword.pin@dol.gov](mailto:ETApasword.pin@dol.gov). After ETA receives the access request, the primary contact will receive a temporary password via email.

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<sup>1</sup> Note that incumbent worker training expenditures are required to be reported under 11g of the 9130(D) and (F) reports. These expenditures should be included in the *Training Expenditures* line on the ETA-9130 as well.

The primary contact must go to the online financial reporting website at: <https://etareports.doleta.gov> and create login credentials for the grant using the temporary password. The system automatically generates a username (the primary contact's email address) and asks the primary contact to create a new password (passwords expire every 60 days). Upon successful completion, the primary contact will receive a confirmation email from the system with the username and PIN to certify the ETA-9130 financial reports. The primary contact shares the username and password with the secondary contact to allow that individual to access the online financial reporting system, but keeps the PIN to certify the ETA-9130 financial reports. The system automatically deactivates user accounts after 90 days of inactivity.

***Updates to Contact Information:***

Recipients must ensure that the primary contact's information remains current and correct. If more than one grant agreement requires a change in contact information, please send an email to [ETApasword.pin@dol.gov](mailto:ETApasword.pin@dol.gov) that lists all the grant agreement numbers affected by the change. Recipients should then follow the procedures identified above under *New Access*.

d. Reporting Guidance

- i. *General* – Recipients must submit an ETA-9130 financial report for each subaccount listed on the Notice of Award (NOA) document. All reported financial data must be based on the accrual basis of accounting and be cumulative by fiscal year of appropriation through the entire period of performance (POP). Recipients are not required to convert their accounting system if it is not on an accrual basis. In these instances, recipients must develop and report accrual information through best estimates based on an analysis of the documentation on hand.
- ii. *When to Submit the Initial ETA-9130* – The effective date listed on the NOA for the grant determines the due date for the initial ETA-9130 financial report. The date the Grant Officer signs the NOA has no bearing on this determination, as shown in the examples in the following chart:

<b>NOA Effective Date</b>	<b>Date NOA Signed</b>	<b>Initial Reporting Quarter End Date</b>	<b>Initial Report Due Date</b>
7/1/19	7/1/19	9/30/19	11/15/19
10/1/19	12/28/19	12/31/19	2/15/20
8/1/20	9/28/20	9/30/20	11/15/20
7/15/20	10/2/20	9/30/20	11/15/20



- iii. Due Dates – ETA-9130 financial reports are due no later than 45 calendar days after the end of each quarter, as shown in the chart below.

<b>Quarter End Date</b>	<b>Financial Reports Due</b>
March 31	May 15
June 30	August 15
September 30	November 15
December 31	February 15

The deadline to submit ETA-9130 financial reports does not change in instances when the reporting due date falls on a weekend or holiday. Recipients can submit reports at any time in advance of the due date. The online financial reporting system is available 24 hours a day, 7 days a week. However, reporting system technical support is only available on weekdays. See section 6.d below for instructions on how to obtain online technical assistance.

- iv. End of Grant Reporting – Upon the expiration of a grant, the grant recipient must submit two reports:

1. The Final ETA-9130 – Submitted no later than 45 calendar days after the reporting period in which the grant POP expires or the expenditure of all funds, whichever comes first. To designate an ETA-9130 as the final one, the recipient must check “Yes” in box #6, *Final Report*. Not checking “Yes” in box #6 can delay access to the Closeout report.
2. The Closeout ETA-9130 – Submitted no later than 90 calendar days after the POP end date. The ability to submit a Closeout ETA-9130 becomes available in the reporting system after the submission of the Final ETA-9130. The closeout package is at [https://www.eta-reports.doleta.gov/CFDOCS/grantee\\_prod/reporting/index.cfm](https://www.eta-reports.doleta.gov/CFDOCS/grantee_prod/reporting/index.cfm).

The following chart provides examples of due dates for the Final and Closeout ETA-9130 reports:

<b>Grant POP</b>	<b>All Funds Expended or POP Expired</b>	<b>Final Reporting Quarter End Date</b>	<b>Final Report Due Date</b>	<b>Closeout Report Due Date*</b>
7/1/17 – 6/30/20	6/30/20	6/30/20	8/15/20	9/28/20
10/1/17 – 9/30/20	9/30/20	9/30/20	11/15/20	12/29/20
8/1/19 – 7/31/20	1/6/20	3/31/20	5/15/20	10/29/20

\* Closeout ETA-9130 reports are due 90 calendar days after the expiration of the POP regardless of whether funds are expended prior to that date.

e. Report Submission Process

- i. Data Entry – The secondary contact designated by the recipient organization (per the procedure discussed in section 4.c) is responsible for entering the required ETA-9130 data using the password.

Most often, the secondary contact is a designated finance/reporting person with a limited role in program/grant implementation. In these instances, it may be necessary for the secondary contact to collaborate with staff responsible for program/grant implementation (and/or reporting) to facilitate complete and accurate financial reporting. This applies particularly when recipients utilize separate systems for financial and grant activity tracking or when recipients’ accounting systems are on a cash basis.

- ii. Data Certification – The primary contact, the designated authorized official in the recipient organization, is responsible for certifying the accuracy of the data by entering the PIN. As the PIN takes the place of a signature to certify the data and officially submit the report, the grant recipient is responsible for ensuring that the designated authorized official is a current employee. The PIN allows access to a U.S. Government database and must not be used by anyone other than the individual to which it was assigned.
- iii. Data Acceptance – ETA staff will review and either accept or reject the recipient’s ETA-9130 financial report within 10 business days after report certification by the primary contact. If ETA’s review results in the rejection of the ETA-9130 submission, the ETA reviewer will populate the *Rejection Reason Section* with the reason for the rejection and separately notify the grant recipient of the rejection/reason for the rejection. The recipient will then be responsible for revising the ETA-9130 submission to address the concern(s), re-submitting, and re-certifying the revised ETA-9130 financial report.

- iv. Revisions to Prior Reports – A recipient cannot revise a previously submitted ETA-9130 financial report once ETA has accepted ETA-9130 financial reports for two successive quarters. Additional adjustments on prior quarter locked reports may occur only in limited circumstances and with approval from ETA. ETA-9130 financial reports are cumulative, so recipients should make any minor adjustments on the next submitted report with an explanation of the change in Section 12, *Remarks*.

**5. Inquiries.** Please direct inquiries as follows, based on the subject of the inquiry:

- a. Questions on this TEGL – Please contact your assigned Federal Project Officer (FPO) or the appropriate Regional Office.
- b. Assistance with Completing the ETA-9130 Financial Reports – Please direct requests to your assigned Regional representative.
- c. Questions on the Closeout ETA-9130 Financial Report – Please consult with the Closeout Specialist assigned to the award, and copy your assigned Regional representative.
- d. Technical Assistance with the Online Reporting System – Please contact the Grantee Reporting System Helpdesk at [appsupport.egrants@dol.gov](mailto:appsupport.egrants@dol.gov), and copy your assigned FPO.

To facilitate an expeditious response, please include the following information in your technical assistance (TA) request:

- Grant Recipient Name
  - Grant Number
  - Quarter End Date of the Report Needing TA
  - Contact Name and Telephone Number
  - Description of the TA issue
- e. Grant Closeout Information – please visit [http://www.doleta.gov/grants/grant\\_closeout.cfm](http://www.doleta.gov/grants/grant_closeout.cfm).

**6. References.**

- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) Titles I, III, and V, as amended
- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- One-Stop Comprehensive Financial Management Technical Assistance Guide (TAG) Part II ([https://www.doleta.gov/grants/pdf/TAG\\_PartII\\_July2011.pdf](https://www.doleta.gov/grants/pdf/TAG_PartII_July2011.pdf))
- Paperwork Reduction Act of 1995 (PRA), codified at 44 U.S.C. §§ 3501–3521

**7. Attachments.** Not applicable.

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> UI
	<b>CORRESPONDENCE SYMBOL</b> OUI/DUIO
	<b>DATE</b> May 11, 2020

**ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 02-16  
CHANGE 1**

**TO:** STATE WORKFORCE AGENCIES  
STATE AND LOCAL EQUAL OPPORTUNITY OFFICERS  
STATE WORKFORCE ADMINISTRATORS  
STATE WORKFORCE LIAISONS  
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS  
STATE LABOR COMMISSIONERS  
EMPLOYMENT AND TRAINING ADMINISTRATION REGIONAL  
ADMINISTRATORS

**FROM:** JOHN PALLASCH /s/  
Assistant Secretary  
Employment and Training Administration

NAOMI BARRY-PEREZ /s/  
Director  
Civil Rights Center

**SUBJECT:** State Responsibilities for Ensuring Access to Unemployment Insurance Benefits, Services, and Information

1. **Purpose.** To provide guidance to states to ensure that they comply with their statutory and regulatory obligations to provide access to Unemployment Insurance (UI) benefits, services, and information, as outlined in Unemployment Insurance Program Letter (UIPL) No. 02-16.
2. **Action Requested.** The Department of Labor (Department) requests that State Workforce Administrators:
  - a. Disseminate this guidance and its attachments to appropriate agency staff, including state-level Equal Opportunity (EO) officers and appropriate UI agency staff.
  - b. Ensure that current web-based online, telephone-based, and other UI services meet the requirements of UIPL No. 02-16 and the additional legal requirements described in this advisory.
  - c. Ensure that state-level and UI agency EO officers participate in the development of information technology systems and the evaluation of current systems, to promote integration of access requirements in those systems.

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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### **3. Summary and Background.**

- a. Summary. This advisory highlights certain state responsibilities for access to UI benefits and services that became effective after publication of UIPL No. 02-16 on October 1, 2015.
- b. Background. Since the issuance of UIPL No. 02-16, the Department finalized regulations governing states' responsibilities for implementing the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) at 29 C.F.R. Part 38. The regulations reflect developments in equal opportunity and nondiscrimination jurisprudence in the 21<sup>st</sup> century, as well as the use of computer and internet-based systems to provide aid, benefits, services, and training through WIOA Title I activities. These regulations apply to state UI programs and systems.<sup>1</sup>

### **4. State Responsibilities.**

#### **a. Access for Individuals with Disabilities.**

States must ensure equal access for individuals with disabilities by making reasonable accommodations and modifications and providing equally effective communications. The most recent regulations (29 C.F.R. Part 38) include specific requirements related to the use of electronic and information technologies,<sup>2</sup> including the requirements that such technologies “[i]ncorporate accessibility features for individuals with disabilities; [a]re consistent with modern accessibility standards...; and [p]rovide individuals with disabilities access to, and use of, information resources, programs, and activities that are fully accessible, or ensure that the opportunities and benefits provided by the electronic and information technologies are provided to individuals with disabilities in an equally effective and equally integrated manner.” 29 C.F.R. § 38.15(a)(5). The regulations include similar specific requirements related to communication by telephone.

States must give individuals with disabilities access to web-based services and information that is comparable to the access available to others. They must also offer an alternative option for accessing benefits, services, and information, and should advertise the alternative option widely and in multiple formats. States may wish to provide video remote interpreting services for individuals who communicate via sign language. These services must meet specific legal and technical requirements,<sup>3</sup> and should be widely advertised widely.

States' telephone-based systems must use telecommunications devices or systems such as text telephones (TTYs) or telephone relay services to provide equally effective communications for individuals with hearing or speech impediments. When the agency uses an automated-attendant system (*e.g.*, voicemail and messaging) or an interactive voice response system, such systems must provide effective, real-time communication

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<sup>1</sup> Section 188 of WIOA prohibits discrimination based on disability and national origin (among other bases) in programs operated, and activities provided by WIOA Title I financial assistance, or by “one-stop” partners. Section 121(b)(1)(B)(xi) of WIOA defines state UI programs as required one-stop partners.

<sup>2</sup> Also known as information and communication technology (ICT).

<sup>3</sup> See 29 CFR § 38.15(a).

with individuals using auxiliary aids and services, including TTYs and all forms of Federal Communications Commission approved telecommunications relay systems.

States' websites and telephone-based services should include information about how an individual with a disability who has difficulty using the site or service can get assistance to access the site or service. Web-based claims filing systems must also provide information about how individuals with disabilities can file a complaint about delayed or denied service resulting from inaccessibility or failure to provide equally effective communication.

**b. Access for Individuals with Limited English Proficiency.**

The regulations, at 29 C.F.R. § 38.9, explicitly require states to “take reasonable steps to ensure meaningful access to each limited English proficient (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity.” 29 C.F.R. § 38.9(b). Examples of reasonable steps cited in the regulations include assessing an LEP individual to determine language assistance needs; providing oral interpretation or written translation of both hard copy and electronic materials in the appropriate language; and conducting outreach to LEP communities to improve service delivery in needed languages.

Further, the regulations require that all language assistance services must be accurate, provided in a timely manner, and free of charge. Language assistance is considered timely when it is provided at a place and time that ensures equal access and avoids delay or denial of any aid, benefit, or service at issue. States must provide notice to LEP individuals that interpretation and translation services are available at no cost.

The updated regulations explicitly require states to translate written, oral, or electronic “vital information,” defined as information necessary for an individual to obtain any aid, benefit, or service, or to understand how to do so. 29 C.F.R. § 38.4(ttt). Examples of vital information in the UI context include applications for benefits, notices of rights and responsibilities, and communications requiring a response from the beneficiary or applicant. This information must be translated into languages spoken by a significant number or portion of a state’s population. The state must also take reasonable steps to meet the particularized language needs of LEP individuals who speak other languages. A website provided by the Department of Justice provides extensive resources to assist government agencies and programs receiving Federal assistance, including state UI programs, to address the needs of LEP individuals. This website includes a new interactive mapping tool that helps users find the languages spoken by LEP individuals, and the concentration of LEP individuals speaking those languages, at the state or county level. Information about the tool and related data is available at <https://www.lep.gov/faq/faqs-mapping-tools/commonly-asked-questions-regarding-limited-english-proficient-lep-data-and>

The current regulations also require states to include a “Babel notice” in all communications of vital information. 29 C.F.R §38.9(g)(3). A “Babel notice” is a short notice in multiple languages that informs the reader that the communication contains vital information and explains how to access the agency’s language services to have the

contents of the communication provided in other languages. *See* 29 C.F.R. § 38.4(i); UIPL No. 30-11. In addition, states must record the limited English proficiency and preferred language of each LEP claimant/beneficiary, and as soon as the agency is aware of the non-English preferred language, convey vital information in that language.

**c. Technical Assistance.**

The U.S. Department of Labor's Employment and Training Administration and Civil Rights Center are available to provide technical assistance to states regarding access to UI benefits and services. Resources are available at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external>, by voice phone at (202) 693-6500, by relay at (800) 877-8339, or by email at [CivilRightsCenter@dol.gov](mailto:CivilRightsCenter@dol.gov).

5. **Inquiries.** Please direct inquiries to the appropriate ETA Regional Office.

6. **References.**

- Section 303(a) of the Social Security Act (SSA), 42 U.S.C. § 503(a);
- Section 3304(a)(4) of the Federal Unemployment Tax Act (FUTA), 26 U.S.C. § 3304;
- Section 188 of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3248;
- Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*;
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794;
- Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*;
- Title II of the Americans with Disabilities Act (ADA), as amended, 42 U.S.C. § 12132 *et seq.*;
- 29 CFR Parts 31, 32, 35, and 38;
- 28 CFR Part 35;
- Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, issued August 11, 2000;
- Unemployment Insurance Program Letter (UIPL) No. 30-11, *State Responsibilities Regarding Limited English Proficient Individuals*, issued September 16, 2011, [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=3083](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3083); and
- UIPL No. 02-16, *State Responsibilities for Ensuring Access to Unemployment Insurance Benefits*, issued October 1, 2015, [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=4233](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4233).

7. **Attachment(s).**

- Attachment I - Appendix A: Resources Regarding Technology for Individuals with Disabilities.
- Attachment II - Appendix B: Resources to Improve Language Access.