

2019

# The Workforce Innovation and Opportunity Act (WIOA)

A Guide for Local Workforce Development Boards  
(LWDBs) and Chief Elected Officials (CEOs)

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# I. One-Stop Operations

## WIOA Priorities and Vision

The Workforce Innovation and Opportunity Act (WIOA), signed into law in 2014, is designed to help job seekers access employment, education, training, and support services to succeed in the labor market by matching employers with the skilled workers they need to complete in the global economy. WIOA has developed priorities and strives for a strategic, holistic, and comprehensive approach to workforce solutions, through broader and deeper partnerships; shared data and intake systems; braided funding; and leveraged services. These priorities allow the individual agencies to focus on their expertise and the value they bring to the table, while relying on coordination with other partners to fulfill any remaining customer needs. The one-

stop system should be fluent in the available services across all partner agencies. This includes an understanding of different learning styles that meet the needs of the current and future talent pipeline, from traditional classroom training to work-based learning methods, such as apprenticeships; on-the-job training; transitional jobs; and customized employer-based or incumbent worker training.



### What are Career Pathways?

Career pathways provide a visualization of an individual's potential career ladder within a sector, no matter the entry or exit point. They are meant to show a worker how they can continue to grow within an industry or sector; and businesses can strategically plan for succession, growth, and upskilling their potential workforce. See the [Career Pathways Toolkit](#) for more information.

## Sector Strategies and Career Pathways

The development of industry and sector partnerships can help to shape and define career pathways within the talent pipeline.

The one-stop system is responsive to the ever-evolving economic environment and provides customized services that are reflective of business and talent needs. This includes the programs and services of partner agencies who are also located in the one-stop center for program alignment and service integration.

The Governor and the State Workforce Development Board (WDB) set the vision, direction, and brand for Regional and Local Workforce Development Boards, as well as the One-Stop Centers, in consultation with chief local elected officials and board representatives. This vision is captured in the Combined or Unified State Plan. Regional and Local Workforce Development Boards also develop a plan which aligns with the direction set in the State Plan. The unique regional economic needs may influence the direction of the local plan and continuous improvement efforts. Additionally, the Governor is charged with providing guidance, after consulting with Chief Elected Officials and the local board, on how the infrastructure of the one-stop will be equitably funded by the core and mandatory one-stop partners.

Decisions are driven by the analysis of labor market data and other business intelligence. Boards convene meetings with relevant stakeholders to map out the available resources, services, and programs that are inherent to supporting industry and sector partnerships, day-to-day operations, and the needs of the community. This is all accomplished through strong leadership that communicates the vision with all stakeholders, throughout all levels of the workforce system and across partner and community organizations.



## Priority Populations under WIOA

WIOA focuses on serving priority populations including individuals with barriers to employment and seeks to ensure access to quality services for these populations. As defined in WIOA, individuals that have been identified as a priority population include:



### **What are the Priority Populations under WIOA?**

- Veterans and eligible spouses (see Veterans and Eligible Spouses section of the guide for more details).
- Displaced homemakers
- Low-income individuals
- Indians, Alaska Natives, and Native Hawaiians
- Individuals with disabilities, including youth who are individuals with disabilities
- Individuals who have low levels of literacy; are English language learners; and facing substantial cultural barriers
- Older individuals (Age 55 and older)
- Individuals formerly incarcerated
- Homeless individuals or homeless children and youth
- Youth who are in or have aged out of the foster care system
- Eligible migrant and seasonal farmworkers
- Individuals within two years of exhausting lifetime TANF eligibility
- Single parents, including single pregnant women
- Long-term unemployed individuals
- Other groups the Governor determines to have barriers to employment

## One-Stop Partners



One-Stop partners are entities that carry out employment and training programs in a local area. For each local area, WIOA requires that there be at least one comprehensive one-stop career center that provides access to the physical services of the core programs and other required partners. The local elected officials, in consultation with the state or local board, determine how many additional comprehensive, affiliate, or satellite offices are needed to serve the community, both online and in-person. Required partner programs, along with other employment and training partners that carry out their program in the local area, are required to share

infrastructure costs and certain additional costs within the comprehensive one-stop center. The cost is equitably shared by partners and is based on proportionate use and relative benefits received. Required one-stop partners must provide access to their programs by co-locating in the comprehensive centers. It is not enough for an organization to want to co-locate in the one-stop center or even to agree to contribute to the infrastructure costs. They must also develop and agree upon a memorandum of understanding among partners, as a requirement of WIOA. WIOA requires the following programs to be one-stop partners (see table):

### Other Resources Available on WorkforceGPS

[Integrated Service Delivery Toolkit](#)



## The One-Stop Partners

Core Partners	<p><b>WIOA Title I - Adult, Dislocated Worker, and Youth formula funding programs</b> (Supports job seekers with their job search, career counseling and job training.)</p>
	<p><b>WIOA Title II - Adult Education and Family Literacy Act (AEFLA) Program</b> (Assists adults in need of improving their basic skills through services focused on reading, writing, math and English proficiency)</p>
	<p><b>WIOA Title III - Wagner-Peyser Act Employment Services</b> (Helps job seekers, including those receiving unemployment insurance benefits, with services focused on finding work. Helps employers with recruiting, retention and training a skilled workforce to meet their needs for thriving businesses and local economy. )</p>
	<p><b>WIOA Title IV - The State Vocational Rehabilitation Act, Title I programs</b> (Focus is on individuals with disabilities, maximizing their employability and integration into the workplace through programs that offer comprehensive services including vocational rehabilitation, occupational training and assistive technologies)</p>
Required Partners	<p><b>Career and Technical Education</b> (Administered under Department of Education through the Carl D. Perkins Career and Technical Education Act of 2006 for the improvement of secondary and postsecondary career and technical education for youth.)</p>
	<p><b>Senior Community Services Employment Program (SCSEP)</b> (Administered under Title V of the Older Americans Act and is a job training program for low income, older Americans to earn and learn while working in local programs serving their communities.)</p>
	<p><b>WIOA Title I:</b> <b>Job Corps; YouthBuild; Native American Programs; National Farmworker Jobs Program (NFJP)</b> (Administered by the Department of Labor and provides job training for targeted populations.)</p>
	<p><b>Trade Adjustment Assistance Programs</b> (Administered under Title II of the Trade Act of 1974, the Trade Adjustment Assistance program provides aid to workers who lose their jobs or hours of work and wages are reduced as a result of increased imports.)</p>
	<p><b>Unemployment Insurance (UI) Program</b> Funded by employer payroll taxes.</p>
	<p><b>Job for Veterans State Grants (JVSG) Programs</b> (Administered by Title 38, U.S.C and provides dedicated staff to provide individualized career and training-related services to veterans and eligible persons with significant barriers to employment and to assist employers fill their workforce needs with job-seeking veterans.)</p>
	<p><b>Reentry Employment Opportunities (REO) Programs</b> (Administered by the Second Chance Act of 2007 and provides federal funding for justice-involved youth and young adults and adults who were formerly incarcerated.)</p>



**Community Services Block Grant (CSBG) Employment and Training Programs**

(Administered under the Department of Health and Human Services (HHS). Designed to help low-income individuals and families to secure and retain meaningful employment; remove obstacles which block the achievement of self-sufficiency. )

**Temporary Assistance to Needy Families (TANF) Program**

(Administered under the Department of HHS and Title IV of the Social Security Act. Funds grants to states to provide families with financial assistance and related support services, including job preparation, childcare assistance and work assistance. )

## The One-Stop Memorandum of Understanding (MOU)

A Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) aligns partnership(s) and begins to formalize the roles; terms; in-kind and monetary contributions; and service delivery between one or more partners and the Local WDB. It creates a shared vision for coordinated and streamlined services and the delivery of services for businesses and workers.



An MOU between the local workforce development board and each one-stop partner may be issued collectively, where all parties are represented, or as an individual agreement with each partner.

The MOU should stipulate:

- ✓ How the services will be coordinated, integrated, and delivered in the Center
- ✓ How individuals will be referred between the One-Stop operators and partners for appropriate services and activities
- ✓ How partners will ensure that workers, youth and individuals with barriers to employment will be adequately served
- ✓ How individuals will be provided immediate access to training
- ✓ How technology and resources will be incorporated and made available across the Center
- ✓ How amendments to the MOU can occur
- ✓ How any other provisions made in the MOU are agreed upon by all parties

Additionally, WIOA requires a local area infrastructure and cost-sharing agreement among the required one-stop partners, where the overall WIOA budget reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to the partner's use of the one-stop center and the relative benefit received. The Infrastructure Funding Agreement is a separate document from other MOUs and is collaboratively developed with One-Stop partners.

#### Other Resources Available on WorkforceGPS

- [Sample MOU and Infrastructure Costs Toolkit](#)
- [WIOA One-Stop Infrastructure Funding Part 1](#)
- [Infrastructure Part II: Local Vs. State Funding Mechanism](#)
- [Infrastructure Part III: Wisconsin's Cost Database](#)
- [Competitive Selection of a One-Stop Operator FAQ](#)
- [Competitive Selection of One-Stop Operators: "The Basics"](#)
- [Competitive Selection of One-Stop Operators: "Deep Dive"](#)

It will be the responsibility of all parties to coordinate among and between the one-stop partners in accordance with the MOU.

### One-Stop Operators (Competitive Selection Requirement)

The role of the one-stop operator is to coordinate the service delivery of participating one-stop partners and service providers. The depth and details of the role should be fully articulated during all phases of the bidding and procurement process, as well as within the signed contract between the Local WDB and the one-stop operator. Per [TEGL 15-16: Competitive Selection of One-Stop Operators](#), in the context of competitive selection, the one-stop operator is responsible for the following:

- ▷ Disclosure of any potential conflicts of interest arising from the relationships of the one-stop operators with particular training or service providers;
- ▷ Encourage and support serving individuals with barriers to employment who may need more intensive services; and
- ▷ Comply with federal regulations and procurement policies, relating to the calculation and use of profits.

Local WDBs must examine the effectiveness of the one-stop operator through an evaluation of performance; efficiency; and service delivery. This is completed through a competitive selection process and is renewed every four years. Local WDBs are provided an opportunity and mechanism to examine the performance and costs against the original expectations of one-stop operations. Regular competition allows Local WDBs to analyze what has been accomplished and determine what corrections and

adjustments are needed within the system, particularly in the role of the operator and performance metrics that may shift as one-stop partners and Local WDBs update their MOU. Procurement must adhere to the standards set in Uniform Guidance.

To avoid potential conflicts of interest in the procurement process, it may become necessary for the One-Stop Operator to refrain from performing certain functions. One-Stop operators may not perform the following functions; unless sufficient firewalls have been established to avoid conflicts of interest through policies and procedures. These exceptions relate specifically to who has been selected as the one-stop operator and especially in cases where the one-stop operator may be serving in different roles.

- ▷ Convene stakeholders to assist in the development, preparation, and submission of the local plan
- ▷ Oversight of itself
- ▷ Manage or participate in the one-stop operator competitive selection process, including the selection or termination process of one-stop operators, career service providers, and youth providers
- ▷ Negotiation of local performance accountability measures
- ▷ Development and submission of budgets for activities of the Local WDP in the Local Area

## One-Stop Operations

One-Stop Centers, also known nationally as American Job Centers, are the heart of the workforce development system. States, local elected officials, local boards, one-stop centers, and one-stop partners work together to create a “go-to” system for job seekers, workers, and business. WIOA aims to promote partner inclusivity and a system of streamlined and non-duplicative services. The services being presented to businesses are customized and based on the expressed needs of the business, instead of being agency-siloed or menu-driven. Partners from various agencies coordinate with the workforce system to provide a seamless delivery of services and branding through a “no wrong door approach.” See the [Roles and Responsibilities](#) section of the guide for more details.

The WIOA Operating Guidance and vision for WIOA implementation described in [TEGL 19-14: Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act](#) states that the “revitalized workforce system” will be characterized by three critical hallmarks of excellence:

- 1) The needs of business and workers drive workforce solutions
- 2) One-Stop Centers provide excellent customer service to job seekers and businesses and focus on continuous improvement
- 3) The workforce system supports strong regional economies and plays an active role in community and workforce development

## One-Stop Services for Businesses and Job Seekers

The services most frequently associated with the one-stop career services system, also known as labor exchange services, are made possible through the Wagner-Peyser Act. They are universally accessible and must be made available in at least one comprehensive American Job Center per local area. These one-stop services can be broken down into services for businesses and job seekers. Generally, these services involve less staff time and involvement. They include services such as: eligibility determination, initial skills assessments, labor exchange services, provision of information on programs and services, and program



referrals. Many of the services are available online or in-person. Basic and Individualized services may be provided by WIOA programs, as well as Wagner-Peyser programs. Many of the services provided to businesses also benefit the job seeker. The integration of services between Wagner-Peyser and WIOA allows for a seamless delivery of service to the customers. WIOA was designed to strengthen the partnership between the one-stop delivery system and businesses in the local area, as well as one-stop partners, such as vocational rehabilitation services, education, and the unemployment insurance programs. Refer to [20 CFR Part 678.435](#) for a more complete list of business services. Refer to [20 CFR 678.430](#) for a more complete list of career services. Refer to [TEGL 19-16](#) for WIOA Operating Guidance.

### What Are Labor Exchange Services?

**Labor exchange services include, but are not limited to job search assistance, job referral, and placement assistance for job seekers, re-employment services to unemployment insurance claimants, and recruitment services to employers with job openings. Services are delivered in one of three modes including self-service, facilitated self-help services and staff assisted service delivery approaches.**

### Other Resources Available on WorkforceGPS

[Opening Doors for Everyone with Universal Access and Customer Service](#)

[One-Stops/American Job Centers](#)

## Business Services

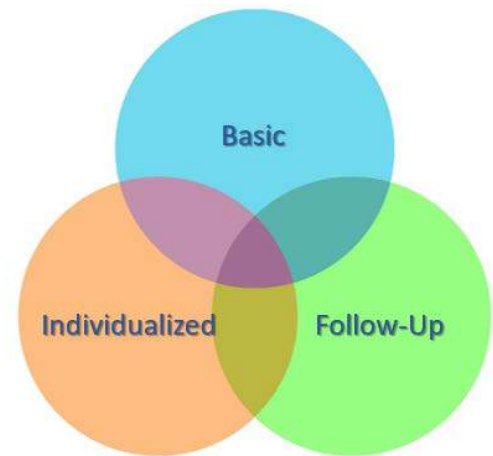
**Businesses** drive the talent pipeline and are therefore, the main customer of the workforce system. Gaining an understanding of the skills needed will allow our workforce system to prepare the needed talent pipeline and garner stronger relationships and collaboration between business and one-stop partners. This benefits the community, job seeker, and businesses and promotes economic stability. The workforce system and one-stop partners should be open to regular input from area business and industry to determine and address workforce talent needs. Programs and services among the partners are seamlessly delivered to businesses by leveraging expertise and braiding funding, whenever appropriate. Business service representatives should be adept at comprehending and sharing relevant labor market information and resources that can assist businesses with making informed choices. They should be fully connected to regional and local business partnership activities and sector strategies. Business services representatives should work collaboratively with one-stop partners and have an impactful role in one-stop delivery, such as identifying industry-recognized credentials appropriate to local and regional economies. Business services can include an array of services, from posting job orders to providing work-based learning opportunities for workers and the business. Below is a list of some of the resources and services that are available to businesses. Staffing capacity and the needs of the business will drive the actual services that are provided. The local workforce board works closely with state and regional boards to align strategies that will advance the economic viability for the region and state.

### Examples of Business Services Provided at the One-Stop Center

- ▷ Job postings, and assistance writing job descriptions
- ▷ Applicant screening and referral of qualified participants
- ▷ Provision of labor law and hiring practices information
- ▷ Coordinating and recruiting for hiring events and job fairs
- ▷ Providing a work-space for hiring events
- ▷ Rapid Response and Layoff Aversion services
- ▷ Work-Share Programs (Short-Time Compensation)
- ▷ Classroom training
- ▷ Work-Based Learning (WBL) opportunities (to train incumbent and future workers)
- ▷ Sharing workforce intelligence with businesses for more informed decision making (hiring trends, talent pool, competitive wages and benefits, training, and coordination, etc.)
- ▷ Coordination with businesses on alignment of sector strategies, critical occupations, skills gaps, and in-demand occupations
- ▷ Coordination of programs and services with partner agencies and other community resources

## Career Services for Job Seekers

There are three types of career services for job seekers– basic, individualized, and follow-up services which are further broken down into staff-assisted and self-directed (information only) services. Self-directed services are made available for individuals who can navigate on their own, the available resources online or within a one-stop center. One-stop career staff are available to individuals who need assistance services, including those who would benefit from more extensive services to find and retain employment in a high-demand industry providing self-sustaining wages.



### Basic Career Services

**Job seekers** are individuals who are looking for work or a career transition, whether they are currently employed or not. The one-stop system maintains both online and in-person access to employment and training services, tools, resources, and coaching for individuals who are looking for opportunities that increase their competitiveness in the local job market. One-stop centers coordinate services with partner agencies who share similar customers to provide a more seamless service delivery.

#### Examples of Basic Career Services

- ▷ Outreach, intake, and orientation to information and services available through the one-stop
- ▷ Job search, placement, recruitment, and labor exchange services
- ▷ Provision of career exploration; assessments; and current labor market information and trends that discuss in-demand occupations and industries, wages, occupational outlook, and the education and skills needed to enter an occupation
- ▷ Access to workshops and/or one-on-one coaching that help to improve job searching techniques and strategies
- ▷ Veteran services
- ▷ Referral to WIOA programs and coordination with other partner agency employment and training programs
- ▷ Eligibility determination for WIOA adult, dislocated worker, and youth programs
- ▷ Referrals to support services and community organizations
- ▷ Access to information on unemployment and reemployment programs
- ▷ Provision of information and assistance of educational resources, and in completing financial aid for education and training programs to WIOA, non-WIOA, and Veteran customers
- ▷ Information on the performance and cost of training by program and provider
- ▷ Performance information on American Job Centers and the programs administered under the one-stop centers



- ▷ Provision of information and meaningful assistance to individuals filing a claim for unemployment compensation

Comprehensive one-stop centers have a resource area with computers, phones, faxes, internet, and copy machines available to the public. Staff are available to assist and guide people with services, from updating a resume to crash courses in interviewing skills. Many people come into the one-stop centers, register for labor exchange services, and access the resources needed in the resource rooms without individualized assistance.

## Individualized Career Services for Job Seekers

Individualized career services for job seekers may overlap with the services a WIOA participant receives.

Individualized career services are available to job seekers who are determined to need staff-assisted services to retain or obtain employment. Individualized Career Services are available in each comprehensive One-Stop center in a local area. Limited services may be available elsewhere, such as affiliate or satellite centers. Participants who receive staff-assisted services funded under Title I or Title III, such as those listed above, must be registered as a participant of either Wagner-Peyser or WIOA, as appropriate.

### Examples of Individualized Career Services for Job Seekers:

- ▷ Comprehensive and specialized assessments
- ▷ Development of an individual employment plan
- ▷ Individual and group counseling
- ▷ Career planning
- ▷ Short-term pre-vocational services and other workforce preparation activities
- ▷ Internships and work-experiences
- ▷ Financial Literacy services
- ▷ English language acquisition and integrated education and training programs
- ▷ Referral to WIOA adult, dislocated worker, and youth programs and services
- ▷ Referrals to programs and activities carried out by one-stop partners
- ▷ Coaching on labor market trends and career exploration activities

## Follow-Up Services

Local areas must provide follow-up services to adult and dislocated worker participants for 12 months once a participant is placed into unsubsidized employment following individualized services. This is to ensure the participant continues working and no longer needs additional assistance. For example, counseling on the workplace can help an individual better understand workplace standards. There are also benefits to the employer, including workforce retention and reduced hiring costs.



## Veterans and Adult Priority of Services

Veterans and eligible spouses receive priority of service for all Department of Labor-funded job training programs. When programs are statutorily required to provide priority for a particular group of individuals, such as WIOA priority for adult funds, priority must be provided in the order described below. The WIOA priorities have been established by the USDOL in [TEGL 19-16: WIOA Operating Guidance](#) as follows:

- ▷ Veterans and eligible spouses who meet the statutory priority for WIOA adult formula funding (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) must receive the highest level of priority for career and training services
- ▷ Other individuals (not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds
- ▷ All other veterans and eligible spouses, who are not included in the groups given priority for WIOA adult formula funds
- ▷ Priority populations established by the Governor and/or Local WDB
- ▷ Other persons outside the groups given priority under WIOA

For more information on Veteran and Adult priority of service, please see [20 CFR Part 680.650](#), [38 U.S.C. 101](#), and WIOA sec. 3(63)(A). Also see section [WIOA Priorities and Vision](#) of this guide for more details.

## WIOA Formula Funded Career Services

A customer who is receiving career services may need more significant individualized services in order to obtain and retain employment. They generally lack marketable skills, have barriers to employment, or are not able to maintain self-sustaining wages to succeed in their current occupational skill sets. WIOA services include more comprehensive services for dislocated workers, adults, and youth populations. Participants receiving WIOA career services, such as training, supportive services, and the development of an individual employment plan must be enrolled in WIOA and meet the program eligibility requirements to receive WIOA services. WIOA career services are discussed below.

### WIOA Dislocated Worker and Adult Services

Dislocated workers or adult participants, 18 years and older, receive staff-assisted services funded under Title I. Participants must be registered, or enrolled, as a participant of WIOA career services, under the dislocated worker or adult program and meet specific eligibility requirements to receive services. A Dislocated Worker is someone who was laid off or part of a business closure. The reason for the termination is generally no fault of the individual and qualifies for unemployment compensation. Adult services are provided to individuals who have barriers to employment and may be considered low-income. Refer to [20 CFR Part 680.100-680.195](#) for more information on WIOA Dislocated and Adult Services.

WIOA Career Services are provided, based on the needs of the customer, and may consist of:

- ▷ Screening and eligibility determination for WIOA programs
- ▷ Referral to WIOA adult, dislocated worker, and youth programs and services
- ▷ Referrals to programs and activities carried out by one-stop partners
- ▷ Coaching on labor market trends and career exploration activities
- ▷ Individualized career counseling and planning
- ▷ Development of an individual employment plan
- ▷ Access to group and individual work-search and job readiness workshops and information
- ▷ Screening participants for work-based learning opportunities
- ▷ Comprehensive and specialized assessments
- ▷ Short-term pre-vocational services and other workforce preparation activities
- ▷ English language acquisition and integrated education and training programs
- ▷ Supportive services that help to remove barriers to employment
- ▷ Training services

### Supportive Services

Supportive services are services that are necessary to enable an individual to participate in career and training activities that remove barriers to employment; along with those individuals who are unable to obtain supportive services through other programs providing such services. Local areas must develop a policy that describes the types, resources, and service coordination for support services that will be provided. It will discuss the referral process for such services, including how the services will be funded when they are not available from other sources.

### WIOA Follow-Up

Local areas must provide follow-up services to adult and dislocated worker participants for 12 months once a participant is placed into unsubsidized employment following individualized services. This is to ensure the participant has established sustained employment and no longer needs additional assistance.

### **New Mexico's Policy on Supportive Services:**

A key principle in WIOA is to provide local areas with the authority to make policy and administrative decisions and the flexibility to tailor the workforce system to the needs of the local community. To ensure maximum flexibility, this guidance provides local areas the discretion to provide the supportive services they deem appropriate, subject to the limited conditions prescribed by WIOA. Local Boards must develop written policies and procedures to ensure coordination with other entities to ensure the highest quality, most comprehensive service provision possible; prevent duplication of resources and services; and establish limits on the amount and duration of these services. Local Boards are encouraged to develop policies and procedures that ensure that supportive services are WIOA-funded only when these services are not available through other agencies and that the services are necessary for the individual to participate in Title I activities. Supportive services may be made available to anyone participating in Title I career or training services.

#### **Supportive Services may include, but are not limited to:**

- Transportation;
- Child Care;
- Dependent Care;
- Housing; and
- Needs-Related Payments (available only to individuals enrolled in training services).

### **Coordination**

Address coordination with partners and other entities to ensure non-duplication of resources and services. Local Boards must ensure that WIA funded supportive services are not available through other agencies or programs. **Referral**

Procedures for referral to supportive services including how they will be funded when they are not available from sources other than WIOA funds and what documentation will be required to indicate that no other resources are available.

### **Eligibility**

Supportive services funded by the WIOA may only be provided to individuals who are:

- Participating in Title I Career Services or Training Services; and
- Unable to obtain supportive services through other programs providing such services

### **Documentation**

- The need for supportive services must be documented in the Individual Employment Plan or case notes prior to the provision of WIOA funded supportive services

### **Limits**

- Local Boards must establish limits on the provision of supportive services including a maximum amount for funding and maximum length of time for supportive services to be available to eligible and suitable participants.

### **Other Permissible Local Activities**

WIOA provides significant flexibility to local areas providing services to adult and dislocated worker participants. Local areas can use these funds to develop new types of technical assistance, develop new intake procedures, test new procurement methods which may lead to better job seeker outcomes, and ensure robust services for businesses throughout the workforce system with the potential for enhanced

coordination with other partner programs and entities. Refer to [TEGL 19-16](#) for additional information on allowable local activities.

## WIOA Youth Services

Just as there are career services for adults and dislocated workers, WIOA provides services for in-school youth aged 14–21, and for out-of-school youth aged 16–24 years of age. WIOA emphasizes services and supports for out-of-school youth to reduce the reliance on programs over time, leading toward self-sufficiency and contributing members of the local community. WIOA requires that 75 percent of the youth allocation be spent on out-of-school youth. Please refer to [20 CFR Part 681.200-681.320](#) for more information on WIOA Youth Services.

A large portion of out-of-school youth who are not working — those often referred to as “disconnected” or “opportunity” youth — are generally receiving some form of public assistance, such as welfare services, foster care, and the juvenile or criminal justice systems. They often seek services from community-based public and private organizations, but there are still many others who do not reach out for support systems. The one-stop system should strive to reach at-risk individuals before they become disconnected. Youth programs have always developed strong partnerships with other organizations throughout the community

### Other Resources Available on WorkforceGPS

[Youth Services Focus Area in ION](#)

[Youth Community of Practice](#)

[YouthBuild Community of Practice](#)

[Opportunity Youth Toolkit](#)

[Youth Apprenticeship](#)

[Youth Program Elements](#)

in order to meet the diverse needs of this population. For example, an out-of-school youth enrolled in a General Education Diploma (GED) program might receive academic services through Adult Education and Financial Literacy (AEFLA), while WIOA provides a work experience, employability skills, tutoring, and placement into unsubsidized employment or post-secondary school. This winning combination of leveraged services and braided funding would result in successful attainment of the federal performance goals for both the education and workforce funding streams.

## Out-of-School Youth

Out-of-school youth can be divided into two groups.

<b>A youth between the ages of 16-24 who is not attending school as defined by state law and has any one of the below-listed characteristics:</b>	<b>A youth between the ages of 16-24 who has a high school diploma or GED, and is low-income, and any one of the below-listed characteristics:</b>
<ul style="list-style-type: none"> <li>▷ Is a high school dropout</li> <li>▷ Is within the age of compulsory attendance prior to being determined eligible</li> <li>▷ Has been subject to the juvenile or adult justice system</li> <li>▷ Is considered homeless in accordance with WIOA</li> <li>▷ Is a youth in foster care, eligible for foster care in an out-of-home placement, or has aged out of foster care</li> <li>▷ A runaway</li> <li>▷ Pregnant or parenting</li> <li>▷ Has a disability</li> <li>▷ Enrolled in a General Education Development (GED) program</li> </ul>	<ul style="list-style-type: none"> <li>▷ Is not attending school as defined by state law, and is basic skills deficient (scoring below an 8.9 grade level in English or math)</li> <li>▷ Is not attending school as defined by state law, and is an English-language learner</li> <li>▷ Is not attending school as defined by state law and requires WIOA assistance to enter or complete an educational program or to secure employment</li> <li>▷ Requires WIOA assistance to enter or complete an educational program or to secure employment as defined in accordance with local board policy</li> </ul>

## In-School Youth

WIOA defines an in-school youth as a youth between the ages of 14 and 21, who is attending school as defined by state law, is low-income, and has one of the barriers listed in the federal regulations cited above. An in-school youth may be determined as low-income if they are receiving free or reduced lunch, or if the youth is living in a high-poverty area.

WIOA encourages agency partnership by leveraging the services offered by Vocational Rehabilitation Services, Human Services, Educational programs, and other regional and community-based agencies. Leveraging services allows each agency to concentrate on their expertise to meet the holistic needs of the customer.

## Competitively Selected Service Providers for Youth Services

Unlike the Dislocated and Adult programs, youth services must be delivered by competitively procured providers unless the local board has determined that there are insufficient performing providers available in the local area and can thereby justify a sole-source procurement. Requests for proposals (RFPs) should specify that proposed program services must support attainment of a high school diploma or its equivalent, entry into post-secondary education, and career readiness.

While a majority of the out-of-school youth seek out opportunities to connect to training and work, youth programs often report difficulties in sustaining participation after the initial connection is made. WIOA-funded service providers will not only have to reach more out-of-school youth, they will also need strategies to stimulate sustained, intense engagement in services. Local boards will have to carefully examine proposals from service providers and other community-based organizations to see if the proposed strategies are likely to engage the youth and keep them participating until the completion of their objectives.

Local workforce development boards must ensure that the 14 required WIOA elements are available as needed by the youth. They can be provided as a part of the program design offered by proposing providers or may be contracted for and offered to the youth on a one-by-one referral basis through a variety of providers.



## The 14 Required WIOA Youth Elements

1	Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to the completion of the requirements for a secondary school diploma or its equivalent. This may include a recognized certificate of attendance or similar document for individuals with disabilities, or for a recognized post-secondary credential.
2	Alternative secondary school services, or dropout recovery services.
3	<p>Paid and unpaid work experience that has a component academic and occupational education, such as school year and/or summer employment; pre-apprenticeship programs; internships and job shadowing; and on-the-job training.</p> <p>*A minimum of 20 percent of the youth allocation must be spent on work experience activities.</p>
4	Occupational skills training leading to recognized post-secondary credentials aligned with in-demand industry sectors or occupations in the local area.
5	Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.
6	Leadership development opportunities, which may include community service; peer-centered activities encouraging responsibility; and other positive social and civic behaviors.
7	Support services.
8	Adult mentoring while a youth is in the program and for 12 months after they exit the program.
9	Follow-up services for 12 months after the completion of participation.
10	Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.
11	Financial literacy education.
12	Entrepreneurial skills training.
13	Services that provide labor market and employment information about in-demand jobs such as career awareness, career counseling, and career exploration services.
14	Activities that help youth prepare for and transition to post-secondary education and training.



## WIOA Training

Training opportunities are available to eligible individuals who are unlikely or unable to obtain or retain employment that leads to economic stability and has the skills and qualifications to successfully participate in the selected training program directly linked to employment opportunities. Generally, an assessment is provided to determine the career pathway and direction, along with what type of training or retraining best suits the individual's needs. Adult and dislocated workers receive funding for training and access to a list of training providers and programs. Financial aid, Pell grants, and other grant assistance from other sources must be pursued before accessing WIOA training funds. Training resources and funding arrangements must be coordinated with other one-stop partner and other entities, as appropriate.



While follow-up is not a specific training category, one-stop case managers will follow-up with the participant for 12 months after their exit from the program, due to a placement in unsubsidized employment. This is to ensure the participant has found self-sufficient and stabilized employment, and no longer needs additional assistance, continued encouragement, support services, or a replacement job.

## Eligible Training Provider (ETP)

A list of state eligible training providers is made available online and is maintained for continued eligibility by the State and local areas. The State or Local Workforce Development Boards (WDB) approve eligible training providers and programs. The Eligible Training Provider List (ETPL) contains information on the cost and performance results of each provider and training program so students can make informed choices. It allows students to select high-performing and quality providers and training programs. The providers report on the cost and performance of each program. Eligible training programs offered by ETPs should lead to an industry-recognized certificate, certification, licensure, degree, or registered apprenticeship; high school diploma or its equivalent; employment; or some measurable skills gain toward a credential.

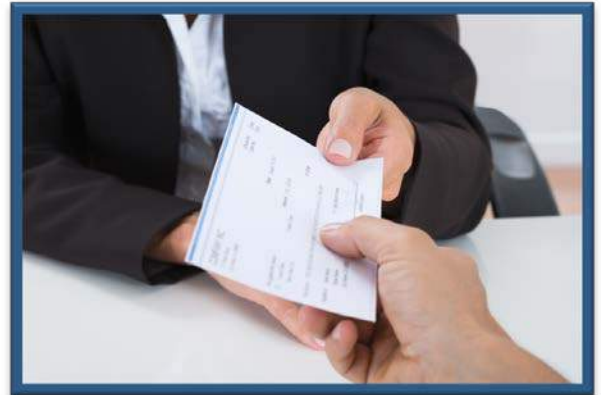
If the local board determines that there are an insufficient number of eligible providers of training services and there is a demand for a particular skill, they may enter into a contract for class-size training. See the [Roles and Responsibilities](#) section of the guide for more details.

## Individual Training Accounts (ITAs)



An ITA is the primary training payment agreement established on behalf of a WIOA participant with an eligible training provider and the One-Stop Center. Adult, Dislocated Worker, and Out-of-School Youth (OSY) participants can take their ITA to any training provider who has been approved by the state to be included on the ETPL, so long as the participant has the qualifications to be successful in the training program selected. ITAs are awarded for occupational classroom training, and occasionally coupled with literacy skills. Every local area decides on the amount or value of the ITA that will be offered to participants, as described in local policy. If a local area is part of a planning region, the regions may need to agree upon the amount of the ITA's to provide consistency throughout the region. There are five specific training exceptions for the use of ITA, which must be described in the Local Plan. More details on the training exceptions can be found in [TEGL 19-16: WIOA Operating Guidance](#). You can also see more information on youth training service details in the [WIOA Youth Services](#) section of the guide.

A WIOA participant may select training that costs more than the maximum amount available for ITAs under a State or local policy when other sources of funds are available to supplement the ITA. The approval of an ITA is contingent upon the individual's ability to complete the training; this includes having the financial means to successfully complete training. These other sources may include Pell grants, scholarships, severance pay, and other resources. The One-Stop system shall provide financial aid and educational services information to participants interested in training. Grants, financial aid, and other funding sources can help to reduce the burdens of out of pocket expenses within the household budget.



There are exceptions to training provided through an ITA. Many local boards refer to the other categories of training as employer-based or work-based learning opportunities because the hands-on training is provided at the worksite. In these instances, the curriculum is provided by the employer, or both the education institution and the employer. The one-stop center identifies potential trainees and provides workforce coaching throughout the training period, to ensure the likelihood of placement and/or retention after training.

## Training Services

Training services for AD/DW:

- ▷ Occupational skills training
- ▷ Skills upgrade and retraining
- ▷ Job readiness training in combination with other training services

- ▷ Adult education and literacy activities
- ▷ English language acquisition
- ▷ Work-based learning opportunities
- ▷ Entrepreneurial training

### What is Job Readiness Training?

Job Readiness training is sometimes referred to as Career Readiness, Soft Skills, Essential Skills, or Work Readiness. These skills include punctuality, numeracy and literacy, the ability to work in teams or under pressure, problem solving, adaptability, among others.

## Work-Based Learning (WBL) Training Opportunities

Work-based learning opportunities are training opportunities where individuals learn specific job skills and competencies at a worksite. There's generally an employer-employee relationship and the Fair Labor Standards Act applies. Often, hands-on training is coupled with classroom training for a combined and sequential learning environment. It is up to the local board to establish policies that further define the allowable options and expectations. Below are some examples of work-based learning opportunities.

WBL Training Types	Description
On-the-Job Training (OJT)	An OJT is a direct hire, where hands-on occupational training is provided in exchange for a reimbursement of wages from the WIOA program. The amount of employer reimbursement varies depending upon the individual's barrier to employment; the size of the employer; and the quality and advancement of an OJT for an in-demand occupation, leading to a credential. See the <a href="#">OJT Toolkit</a> for more information.
Customized Training	Training that is designed to meet the specific requirements of an employer, or group of employers, and is mainly meant to train individuals who are not currently employed with the participating employer. It is conducted with a commitment to employ an individual(s) upon successful completion of the training. The employer, or group of employers, pay for a significant portion of the cost of training, as determined by the Local Workforce Development Board and WIOA requirements.

WBL Training Types	Description
Incumbent Worker Training	Incumbent worker training provides training to individuals who have been employed by an employer for six or more months. The training is designed to meet the specific requirements of the employer, or group of employers, to retain a skilled workforce or avert a layoff through the obtainment of the new skills. Incumbent worker training must increase the competitiveness of the employee or employer. There is a commitment by the employer to retain or avert the layoffs of the incumbent workers trained.
Internships and Work Experience Opportunities	Internship and work-experience training is performed at the workplace. The participant receives a planned and structured learning experience for a limited period. It may be paid or unpaid, as appropriate, in the private-for-profit, public or the nonprofit sector.
Transitional Jobs	Transitional Jobs provide time-limited work experience opportunities that are in conjunction with job-readiness training; adult education and literacy, including English language acquisition; and integrated education and training. Transitional jobs are for low-income individuals with barriers and designed to help establish a work history; demonstrate success in the workplace; and develop skills that can lead to a job.
Entrepreneurial Training	Many adults and youth have entrepreneurial aspirations but do not have the tools to set up and operate a business. WIOA allows for entrepreneurial training to make these individuals more competitive in the workforce and to equip them with the skills necessary for successful self-employment.
Pre-Apprenticeship	A program designed to prepare individuals to enter and succeed in a registered apprenticeship program. The elements of a pre-apprenticeship program include training and curriculum that aligns with the skill needs of business; access to educational and career counseling and supportive services; hands-on meaningful learning activities; attain at least one industry-recognized credential; and a partnership with one or more registered apprenticeship programs that assists with placing individuals in a registered apprenticeship program. See <a href="#">TEN 13-12: Defining a Quality Pre-Apprenticeship Program and Related Tools and Resources</a> for more information.
Registered Apprenticeship	A program that offers apprentices opportunities to earn a salary while learning the skills employers demand in a variety of occupations. It combines job related technical instruction with structured on-the-job learning experiences. Successful participants receive an industry issued, nationally recognized credential that certifies occupational proficiency. See the

WBL Training Types	Description
	<a href="#">Registered Apprenticeship</a> page for more information.

#### Other Resources Available on WorkforceGPS

[Work-Based Learning Policy Toolkit](#)

[Apprenticeship Community of Practice](#)

## WIOA Performance

Common performance indicators ensure that federal investments in employment and training programs are evidence-based, data-driven, and accountable to participants and taxpayers. As part of performance accountability requirements, State and Local Workforce Development Boards must openly publish the performance indicators for public observation, according to Sunshine Laws (see the [Sunshine Laws](#) section of the guide for more information). The four core partners, along with other authorized programs are required to report on primary indicators of performance.



#### Four Core Programs:

- ▷ The WIOA formula-funded programs - adult, dislocated worker and youth programs and activities
- ▷ Adult Education and Financial Literacy programs and activities
- ▷ Wagner-Peyser Act – labor exchange employment services
- ▷ Vocational Rehabilitation services

By coordinating service delivery and allowing each funding stream to concentrate on what they do best, all four core partners may see a benefit in better performance for their programs.

### Why is this important to LWDBs and CLEOs?

A local area who fails to meet local performance indicators may lead to the reorganization of the local board, which may include a decertification, merger with another local area, or a sanction at the Governor's discretion.

### Other Resources Available on WorkforceGPS




[ION Focus Area – Performance Accountability](#)

[Policy to Performance Toolkit](#)




[Performance Accountability, Part 1](#)

[Performance Accountability, Part 2](#)

[Performance Accountability-Hot Topics](#)

Primary Indicators of Performance		Descriptor
	EMPLOYMENT RATE	<p>▷ The percentage of participants in unsubsidized employment* during the second quarter after they exit from the program.</p> <p>▷ *Youth may substitute unsubsidized employment with participation in education or training activities</p>
	EMPLOYMENT RATE	<p>▷ The percentage of participants in unsubsidized employment* during the fourth quarter after they exit from the program.</p> <p>▷ *Youth may substitute unsubsidized employment with participation in education or training activities</p>
	MEDIAN EARNINGS	<p>▷ The median earnings of participants in unsubsidized employment the second quarter after exit.</p>



	<b>CREDENTIAL ATTAINMENT RATE</b>	<ul style="list-style-type: none"> <li>▶ The percentage of participants who obtain a post-secondary credential; high school diploma or its recognized equivalent; or GED during the participation in or within one year after exit.</li> </ul>
	<b>MEASURABLE SKILLS GAIN</b>	<ul style="list-style-type: none"> <li>▶ The percentage of participants in an education or training program leading to a post-secondary credential or employment and who are achieving measurable skill gains toward such a credential or employment.</li> </ul>
	<b>EFFECTIVENESS IN SERVING EMPLOYERS</b> – USDOL is piloting three approaches to gauge three critical workforce needs of the business community. State experiences with the various approaches will help to determine a standardized indicator that is anticipated to be implemented beginning of Program Year 2019.	<ul style="list-style-type: none"> <li>▶ Retention with the same employer</li> <li>▶ Repeat Business Customers</li> <li>▶ Employer Penetration Rate</li> <li>▶ <b>New Mexico is implementing the Effectiveness in Serving Employers as its measure as of 2019</b></li> </ul>

Please refer to [20 CFR Part 677.155](#) for more information on the Primary Indicators of Performance.

The measures apply to all core programs but there will be a different baseline negotiated with each of the core partners. The education measures will not apply to Wagner-Peyser labor exchange programs because they do not offer participants training opportunities. Additionally, the measures for WIOA youth are the same as they are for adults but the components of how they are calculated vary in some cases from the core partner measures.

The state negotiates the performance measures with the Secretary of Labor for the WIOA adult, dislocated worker, and youth funding streams. Then the governor negotiates with each of the local workforce development areas in the state. States cannot veer too far from the measures negotiated with the federal government when negotiating with local areas or they risk failing the overall negotiated state measures. Under WIOA states may be sanctioned for failing their performance measures.

States will evaluate how each local area performs. When a local area is not sufficiently meeting the local measures, the Governor will confer with the chief local elected official(s) prior to deciding to decertify or reorganize the local board. Decertification or reorganization may mean the appointment of a new local board, a different administrative entity or fiscal agent, or selection of a different one-stop operator or service provider.

State, Regional, and Local Boards may also initiate additional performance measures that go above and beyond the federally required performance indicators. Generally, these measures align with state and regional goals and help to ensure that proper evaluation measures are established to meet those additional requirements.



In addition to reporting on the federal performance indicators, WIOA requires the states to report on a myriad of other elements. For a complete list of trackable elements, refer to the [Joint Participant Individual Record Layout](#) (Joint PIRL). Some of the more significant information the states report to the US Department of Labor are:

- ▷ The total number of participants served by each core program
- ▷ The number of participants who received career and training services, during the most recent and the preceding program years, and the amount of funds spent on each type of service
- ▷ The number of participants who exited from career and training services during the most recent program year and the preceding program years
- ▷ The average cost per participant who received career and training services, respectively, during the most recent program year and the three preceding program years
- ▷ The percent of participants who received training services and obtained training related jobs
- ▷ The number of participants with barriers to employment served by each core programs by each subpopulation
- ▷ The number of participants enrolled in more than one core program
- ▷ The number of participants enrolled in more than one core program
- ▷ The percent of the state's annual allotment spent on administrative costs

Performance standards for the eligible training providers were developed to target training funds to performing schools and effective courses of training. They include:

- ▷ The total number of students who exit from the programs of study
- ▷ The total number of participants who received training by funding stream, and type of entity providing the training
- ▷ The average cost per participant for those who received training by the type of entity that provided the training
- ▷ The number of individuals with barriers to employment served by each funding stream and by each subpopulation and by race, ethnicity, sex, and age

## Other Programs

### Trade Adjustment Assistance (TAA) Programs

Trade Adjustment Assistance provides services to job seekers who have been affected by international trade. The Dislocated Worker program is a critical partner with TAA in identifying and serving trade-impacted workers. Co-enrollment of workers covered under certified petitions in partnership with WIOA Dislocated Worker or Adult programs, allows for timely provision of individualized career services and improves the overall effectiveness of the TAA program, including supportive services.

TAA programs may provide case management and employment services, training, income support, job search allowances, relocation allowances, wage supplements for older workers, and a health coverage tax credit for TAA-certified workers.

Additionally, there are also services available to businesses, providing financial assistance on projects to improve a manufacturer's competitiveness for those businesses affected by import competition.

## Unemployment Insurance and Reemployment Initiatives

Employment Services staff members also have specific obligations in serving unemployment insurance (UI) claimants and carrying out components of the state's UI program, which include:

- ▷ Provision of basic and individualized career services
- ▷ Targeting UI claimants for job search assistance and referrals to employment
- ▷ Administering state UI work-test requirements, including, obtaining and documenting relevant information for eligibility assessments and providing job search assistance and referrals to employment
- ▷ Provision of referrals and application assistance to UI claimants for training and education resources and programs, including Pell Grants, GI Bill, Post 9/11 Veterans Educational Assistance, WIOA, higher education assistance, and Vocational Rehabilitation
- ▷ Administering Worker Profiling and Reemployment Services (WPRS) and/or Reemployment Services and Eligibility Assessment (RESEA) programs to UI claimants
- ▷ Provision of information and meaningful assistance regarding filing claims under UI programs

## Job Corps

Job Corps ([www.jobcorps.gov](http://www.jobcorps.gov)) offers comprehensive residential education and job training programs for at-risk youth, or opportunity youth, ages 16 through 24. The model combines classroom, practical, and work-based learning opportunities to prepare youth for stable and long-term employment.

## YouthBuild

YouthBuild programs provides pathways to education, jobs, entrepreneurship, and other employment and leadership opportunities to young adults, ages 16-24, who are not working or in school and living in poverty. The main goal of the programs is to break the cycle of poverty by removing the barriers that can lead to disengagement from society. The programs promote a commitment to work, education, family, and community for “opportunity youth.”

#### Other Resources Available

[YouthBuild Community of Practice](#)

[YouthBuild](#)

#### Who are Opportunity Youth?

Opportunity youth are young adults, ages 16-24, who are disconnected from schools and/or work. They are often facing homelessness, connected with foster care programs, or have a past criminal record.

## II. Roles and Responsibilities

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### Collaboration and Coordination of One-Stop Partners

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Throughout the WIOA legislation, collaboration among core and one-stop partners is a key theme. An effective partnership makes decisions and takes actions on funding, operations, data collection, and sharing information. Stakeholders at the local, regional, and state levels act together to support the goals outlined in their strategic plans with some guidance from the WIOA legislation. Many of their roles overlap in such a way that leadership, collaboration, and coordination are essential.

### Emphasis on Traditional Goals and Objectives

While some of the goals listed below are familiar, they were re-emphasized during technical assistance presentations after WIOA was passed:

- ▷ Strengthening the governing bodies that establish state, regional and local workforce investment priorities
- ▷ Fostering regional collaboration to meet the needs of regional economies
- ▷ Aligning federal investments to support job seekers and employers
- ▷ Targeting workforce services to better serve job seekers
- ▷ Improving services to individuals with disabilities
- ▷ Helping employers find workers with the necessary skills
- ▷ Aligning goals and increasing accountability and information for job seekers and the public

### Key players who share the roles and responsibilities of WIOA:

- ▷ The Governor and the State Workforce Development Board
- ▷ Chief Elected Official
- ▷ Local Workforce Board
- ▷ One-Stop Operator

## The Governor and the State Workforce Development Board

The Governor and the state board have been assigned broad authority under WIOA to provide policy and guidance to local boards, local one-stop delivery systems and one-stop partner programs. States are encouraged to engage in meaningful discussions with local elected officials, and many of the state board recommendations and decisions affecting the local workforce areas require consultation with local elected officials and local boards.

While this “consultation” involves additional notice and the opportunity for other leaders to be heard, the final decisions and recommendations remain with the Governor and the state.

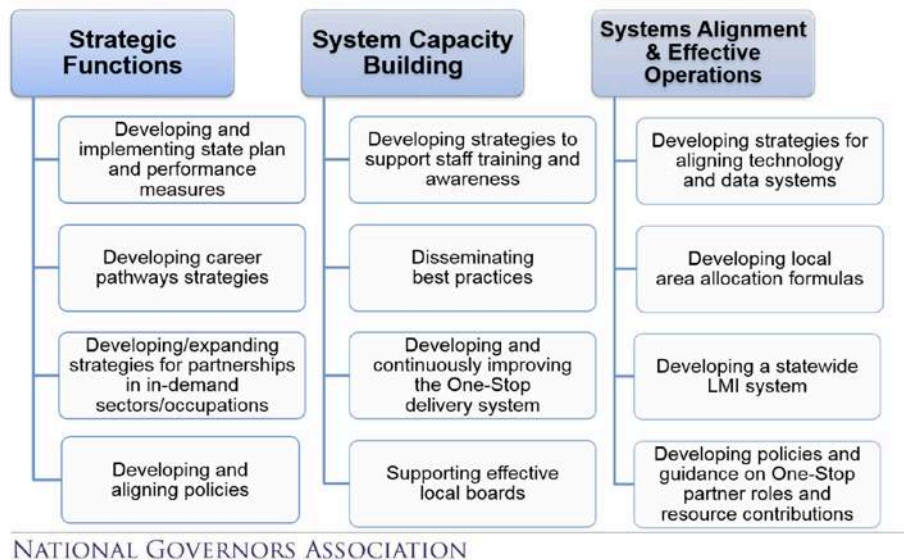
State boards are appointed by the Governor and serve as the Governor’s employer-driven workforce development advisor for programs and policies under WIOA. The board performs functions that include strategic planning, policy guidance, capacity building and leadership and oversight of the state system operations, including:

- ▷ Developing the state strategic plan and identifying planning regions
- ▷ Reviewing policies and recommending alignment and streamlining goals for the system
- ▷ Developing strategies that remove barriers and train staff to ensure continuous improvement of the local one-stop system and its support services
- ▷ Designating local areas in consultation with local boards and chief local elected officials
- ▷ Developing and supporting statewide goals on career pathways for low-skilled adults, youth, and people with disabilities or other barriers to employment
- ▷ Deploying resources, investing funds and developing strategies that improve both physical and virtual access to services for job seekers and employers
- ▷ Overseeing sector strategies for high-demand industries and occupations that meet the needs of businesses and job seekers
- ▷ Coordinating activities along with local boards, chief local elected officials, one-stop operators and other service providers and partners
- ▷ Developing accountability systems that measure the performance and effectiveness of core programs
- ▷ Making available to the public, the decision-making process and other administrative proceedings.

## WIOA: Workforce Boards Cont.



### Boards Function as Governor's Policy-Making Bodies



Source: National Governors Association "Workforce 101: Workforce Investments, the System, Common Terms Leveraging Workforce Investment Strategies to Improve the Early Care and Education Workforce" February 23, 2016

### Other Resources Available

National Governors Association: [Building a High-Performing State Workforce Board](#)

National Association of Counties: [NACO Legislative Conference 2015](#)

Workforce GPS [State Leadership QSAP](#)

## Chief Local Elected Official

Chief elected officials, (CEO), together with local workforce development boards that are comprised of a majority of private sector members, are charged with making policy decisions for their area to address the workforce needs of their citizens and residents.

### Chief Local Elected Official Role

Under WIOA, a CEO from a city or county must sit on the State Workforce Development Board. This is a new requirement in the makeup of the state board.

The CEOs primary responsibilities include:

- ▷ Serving as grant recipients holding fiscal responsibility for workforce funds: they manage federal investments at the local level that are intended to serve adults, dislocated workers, and youth
- ▷ The authority to appoint a fiscal agent while remaining responsible for grant funds
- ▷ Appointing local workforce board members along with the discretion to appoint additional board members subject to Governor's certification requirements. See [20 CFR 679.350](#) for more information an appointing the local board.
- ▷ Creating by-laws that govern the local board appointment process
- ▷ Approving local board budget
- ▷ Entering into agreements with other authorities when the local workforce area has more than one unit of government
- ▷ Requesting local area designation by the Governor and consulting during the decision-making process
- ▷ Consulting with the Governor in case of local board reorganization or decertification
- ▷ Reviewing policies that respond to changes in the local economy and recommending alignment and streamlining goals for the system



The CEO oversees the operations of the local one-stop center network and develops and submits a single regional plan in coordination with the local board members and other partners of the associated network. The regional plan describes the combined activities undertaken by the local boards and their partners as described in their local plans.

In addition, the CEO approves the budget and cost allocation plan for the workforce center as well as the selection of the one-stop operator following the competitive procurement process (see [Competitive Selection Requirement](#) section of the guide for more details).

#### **Chief Local Elected Official Role**

The chief elected official is expected to play a few roles in concert with the State Workforce Development Board. When the state designates local areas, CEOs are consulted during the process. In addition, CEOs help coordinate workforce activities throughout the state.



The CEO is responsible for WIOA Title I and Wagner-Peyser Title III grant funds that are awarded to a local area. This is regardless of whether a fiscal agent is acting on behalf of the CEO or the LWDB. The CEO can reach an agreement with the Governor to share the burden of any potential liability. When an area is composed of multiple jurisdictions under more than one CEO, the CEOs must issue a written agreement that specifies the liability for their individual jurisdictions. The local workforce development board is required to inform any new CEO of responsibilities, liabilities and written agreements that have been previously established (see [20 CFR 683.710](#) on Fiscal Responsibility).

Under WIOA, a CEO from a city or county must sit on the State Workforce Development Board. This is a new requirement in the makeup of the state board.

### Consultation

**There are several instances when WIOA legislation and associated regulations refer to “consultation” that occurs between and among partners. The term is meant to encourage a strong level of engagement beyond written communications. In many cases the final authority lands with the state and the Governor but, in the event of any disagreement, it presumes that conversations and negotiations have first taken place.**

### Roles in Consultation with the Governor

The CEO and the local board must also be consulted as local areas are designated by the state. In the end; however, the state board’s recommendations and decisions are final.

Among the other areas that require “consultation” with the CEO are:

- ▷ Designation of regions
- ▷ Establishment and operation of the fiscal and management information system
- ▷ Establishment of the criteria to be used to certify one-stop centers
- ▷ Guidance on equitable and stable one-stop infrastructure funding
- ▷ Negotiating with one-stop partners on funds for one-stop infrastructure
- ▷ Crafting the local allocation formulas for adult, dislocated worker, and youth funds
- ▷ Issuing waiver requests

### Other Resources Available

National Association of Counties: [Navigating WIOA: Leadership Opportunities for County Elected Officials](#)

## Local Workforce Development Boards

The local workforce development board is appointed by the chief elected official based on criteria set forth by the Governor.

Under WIOA, local boards oversee workforce services available to help enrich their residents and citizens connecting them with work, increasing their earning power, and simultaneously meeting employer needs for skills and workers.

To locally enact WIOA, boards develop a local four-year plan that specifies a strategic vision with goals targeted at preparing an educated and skilled workforce. The plan is approved by board members and the chief local elected official(s). The plan illustrates how the board, through its activities and functions, coordinates and aligns resources among core programs and other partners that support the local workforce system.

The local workforce board's responsibilities include:

- ▷ Selecting one-stop operators and other service providers that support the local system
- ▷ Approving training providers and ensuring customer choice
- ▷ Reviewing providers of Adult Literacy services
- ▷ Engaging employers to partner with the workforce system
- ▷ Convening local stakeholders to benefit from their input on local initiatives
- ▷ Developing workforce strategies to address the needs of employers, workers, and jobseekers
- ▷ Designing and implementing career pathway strategies
- ▷ Creating standing committees that address local workforce challenges
- ▷ Analyzing economic conditions in the local area to enrich the content of the local plan
- ▷ Entering into memoranda of understanding (MOUs) with one-stop partners to engage them with local system and to solicit their equitable financial contributions to support the one-stop's infrastructure
- ▷ Providing physical and virtual access to one-stop customers (businesses and jobseekers) that removes barriers and effectively uses technology
- ▷ Developing a framework to serve youth that includes procuring service providers
- ▷ Working with the state to ensure the capacity and quality of career services and training providers
- ▷ Leveraging and soliciting funding from non-federal sources
- ▷ Providing training services with the approval of the Governor

### Other Resources Available

Colorado State website: [WIA/WIOA Local Workforce Investment Board Comparison](#)

- ▷ Hiring staff and developing by-laws that establish governance of board

The local board's roles and responsibilities are closely tied to the fiscal and managerial authorities of the Chief Elected Official who appoints the board and oversees its activities.

Together with Chief Elected Official, Local Boards:

- ▷ Set policy for the local area
- ▷ Enter into agreements regarding roles and responsibilities
- ▷ Develop a budget for all services and activities in the local area
- ▷ Decide how any non-federal funds will be used
- ▷ Approve the inclusion of non-mandatory partners into the local workforce system
- ▷ Select or terminate One-Stop Operators
- ▷ Work with the state and the Governor in case of a local disaster
- ▷ Provide program and fiscal oversight of the local workforce system
- ▷ Comment on the State Strategic Plan
- ▷ Develop a four-year Local Strategic Plan and contribute to a Regional Plan

### Discretionary Spending Decisions Held by the Board

- ▶ Local boards have the discretion to implement pay-for-performance contracts with service providers for adult and youth training contracts. This is limited to an expenditure of up to 10% of the local allocation.
- ▶ Boards have the authority to approve the transfer of funds between adult and dislocated worker funding streams, subject to state policies.
- ▶ Boards develop the criteria for wage reimbursements for On-the-Job Training and can increase the amount of reimbursement from 50 percent to 75 percent.
- ▶ Boards have the authority to use up to 20% of the local allocation for incumbent worker training
- ▶ Boards have the discretion to use 10% of the adult/dislocated worker allocation for transitional jobs

## One-Stop Operators

The primary responsibility of the One-Stop Operator is to coordinate all the activities and functions performed by the various one-stop partners (see the [One-Stop Operations](#) section of the guide for more information). Generally, the functions relate to labor exchange and career services and they include:

- ▷ Job search, placement, recruitment, and labor exchange services
- ▷ Training services
- ▷ Employment and training activities
- ▷ Programs and activities carried out by one-stop partners
- ▷ Employer services

Whether the activities are funded by the Wagner-Peyser Act or WIOA, integrated service delivery is encouraged to streamline processes and to simplify the customer's experience. By implementing a more integrated service delivery model, an effective One-Stop Operator can also help build capacity and improve the efficiency of operations.

In more detail, the functions and activities coordinated by the One-Stop Operator include:

- ▷ Orientation to information and services available through the one-stop
- ▷ Labor market statistics -- local, regional, and national
- ▷ Information on in-demand industry sectors and occupations
- ▷ Information on non-traditional employment
- ▷ Information on skills necessary to get a job or get a promotion in a demand occupation
- ▷ Performance and cost information for training by program and provider
- ▷ Information about local workforce area performance
- ▷ Information about performance for the local one-stop system
- ▷ Job vacancy listings
- ▷ Outreach and intake
- ▷ Job search which is a basic labor exchange service
- ▷ Job placement assistance which is a basic labor exchange service
- ▷ Help filing Unemployment Compensation claims by on-site staff trained in filing claims
- ▷ Reemployment services for those about to exhaust unemployment insurance benefits
- ▷ Career counseling
- ▷ Initial assessment of literacy, numeracy, English proficiency, aptitudes, abilities skills gaps, and support service needs
- ▷ Referral and coordination of activities to other programs within and out of the one-stop system
- ▷ Eligibility determination for the adult, dislocated worker, and youth programs
- ▷ Assistance in establishing eligibility for non-WIOA funded financial aid for education and training programs

- ▷ Information on support services, referral to child care, child support, Medicaid, The Children's Health Insurance Program, Supplemental Nutrition and Assistance Program, Earned Income Tax Credits, welfare (TANF), and transportation

#### Other Resources Available

WorkforceGPS:

[Certifications of American Job Centers and Competitive Selection of One-Stop Operator](#)

[One-Stops and American Job Centers – TEGLS and FAQs](#)

#### Chief Elected Official Role

The Chief Elected Official, in concert with the local workforce board, plays a key role in the selection and supervision of the One-Stop Operator.

#### Public Communications and “Sunshine”

To make sure that workforce partners, providers, and the public are involved in as much of the decision making as possible, state, and local boards must make their membership, meetings, meeting minutes, and their plans available to the public. Moreover, notice of meetings need to be published in advance to give the public access to the process, and decisions including approval of state and local plans must be made in the “sunshine.”

One way to accomplish this is to use the career center's website and the local workforce board's website to publish information such as upcoming meetings, performance statistics, and procurement requests for bids or proposals.

## III. Governance

WIOA was designed to streamline and improve the effectiveness of the governing structures of the public workforce investment system. The intent was to empower elected officials and workforce boards by establishing structures to collaborate regionally while engaging key stakeholders needed to lead the system and achieve workforce and economic development goals.

Through the governance structure of WIOA, State and Local elected officials and private sector-led workforce boards share the responsibility of developing a strategic, integrated plan that supports economic growth and labor force needs intended to grow the capacity and performance of the workforce system.

This section is divided up into five parts:

- ▷ The Composition of State Workforce Development Boards
- ▷ The Composition of Local Workforce Development Boards
- ▷ WIOA Board Certification
- ▷ Local Areas and Regions
- ▷ Single Workforce Area States

### Other Resources Available on WorkforceGPS

[ION: Strategic Governance Presentations](#)

[ION Focus Area: State and Local Governance](#)

[Strategic Boards Toolkit](#)

### The Composition of State Workforce Development Boards

Required Category	Composition (%)	Notes
Governor		
One member from each chamber of the State Legislature		Appointed by the presiding officers of each chamber

Required Category	Composition (%)	Notes
Private sector majority (appointed by the Governor)	51%	<ul style="list-style-type: none"> <li>▷ Governor selects the chair, representing business</li> <li>▷ Members should be owners, chief executives, or operating officers of businesses in the state with policymaking or hiring authority</li> <li>▷ May be members of the local workforce development board</li> <li>▷ Represent businesses (including small businesses) that provide quality employment and training services for in-demand occupations and sections within the state</li> <li>▷ Members are nominated by business organizations and trade associations</li> </ul>
Organized Labor and community-based organizations	20%	<ul style="list-style-type: none"> <li>▷ Must include two or more representatives of organized labor nominated by State labor federations</li> <li>▷ Must include a member of a labor organization or a training director of an apprenticeship program in the state</li> <li>▷ May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive, integrated employment for individuals with disabilities</li> <li>▷ May include representatives of organizations with expertise addressing employment and training needs of eligible youth and out of school youth.</li> </ul>



Required Category	Composition (%)	Notes
Representatives of government and lead state officials responsible for WIOA core programs	% balance	<ul style="list-style-type: none"> <li>▷ Must include lead State official with primary responsibility for the following programs:</li> <li>▷ Adult Formula Program (WIOA Title I)</li> <li>▷ Youth Formula Program (WIOA Title I)</li> <li>▷ Dislocated Worker Formula Program (WIOA Title I)</li> <li>▷ Adult Education and Family Literacy Act (WIOA Title II)</li> <li>▷ Wagner-Peyser Employment Service Act (WIOA Title III)</li> <li>▷ Vocational Rehabilitation Program (WIOA Title IV)</li> <li>▷ Must include chief elected officials collectively representing both cities and counties</li> </ul>
Other State officials the Governor may designate		<ul style="list-style-type: none"> <li>▷ May include State agency officials responsible for one-stop partner programs, economic development or juvenile justice programs in the State, individuals who represent an Indian tribe or tribal organization, and State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.</li> </ul>

Some key objectives in the appointment of members to the State Workforce Development Board:

- ▷ Maintain a majority of members from the private sector who are business owners or managers and have policymaking or hiring authority in the business
- ▷ Include small business representation
- ▷ Include representative(s) with experience in apprenticeship programs
- ▷ Maintain geographic diversity with members from urban, rural and suburban areas
- ▷ A State workforce development board member may not serve as a representative of more than one subcategory, except that where a single government agency is responsible for multiple

required programs, in which case the head of the agency may represent each of the required programs

- ▷ All required board members have voting privileges and the Governor may convey voting privileges to non-required members

See [20 CFR 679.110](#) and [29 U.S.C. § 3111](#) for more information on the Composition of State Workforce Development Board.

## The Composition of Local Workforce Development Boards

Required Category	Composition (%)	Notes
Private sector majority from the local area (appointed by the Chief Local Elected Official)	51%	<ul style="list-style-type: none"> <li>▷ Members must be owners, chief executives or operating officers of businesses with policymaking or hiring authority</li> <li>▷ Members must provide employment opportunities in in-demand industry sectors or occupations in the local area</li> <li>▷ Two members must represent small business</li> <li>▷ Members are nominated by local business organizations and trade associations</li> <li>▷ Members may also serve on the State Workforce Development Board</li> </ul>
Representatives of the workforce in the local area	20%	<ul style="list-style-type: none"> <li>▷ Must include representatives of labor organizations nominated by local labor federations or by other representatives of employees</li> <li>▷ Must include a member of a labor organization or a training director from an apprenticeship program in the local area if one exists</li> <li>▷ May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or</li> </ul>

Required Category	Composition (%)	Notes
		<p>provide or support competitive, integrated employment for individuals with disabilities</p> <ul style="list-style-type: none"> <li>▶ May include representatives of organizations with expertise addressing employment and training needs of eligible youth and out of school youth.</li> </ul>
Education and Training Representatives		<ul style="list-style-type: none"> <li>▶ Must include a representative of eligible providers administering adult education and literacy activities</li> <li>▶ Must include a representative of institutions of higher education providing workforce investment activities including community colleges</li> <li>▶ May include representatives of local educational agencies and of community-based organizations with demonstrated experience and expertise addressing education or training needs of individuals with barriers to employment</li> </ul>
Governmental, economic and community development entities		<ul style="list-style-type: none"> <li>▶ Must include a representative of economic and community development entities</li> <li>▶ Must include a representative from the State employment service office under the Wagner-Peyser Act serving the local area</li> <li>▶ Must include a representative from the programs carried out under Title I of the Rehabilitation Act of 1973 serving the local area</li> <li>▶ May include representatives of agencies or entities administering programs serving the local area relating to transportation, housing and public assistance</li> <li>▶ May include representatives of philanthropic organizations serving the local area</li> </ul>
Other Representation		<ul style="list-style-type: none"> <li>▶ May include other representatives from the</li> </ul>

Required Category	Composition (%)	Notes
		local area as determined by the Chief Local Elected Official

See [20 CFR 679.320](#) for information on the composition of the Local Area Workforce Development Board.

Some key objectives in the appointment of members to the Local Workforce Development Board:

- ▷ Members of the board elect a chairperson from the group of business representatives on the board
- ▷ Criteria and by-laws are established by the State Workforce Development Board and the Governor
- ▷ Maintain a majority of members from the private sector who are business owners or managers and have policymaking or hiring authority in the business
- ▷ Include small business representation
- ▷ Include representative(s) with experience in apprenticeship programs
- ▷ All required board members have voting privileges and the Governor may convey voting privileges to non-required members
- ▷ If there are two or more units of local government, the chief elected officials may execute an agreement that specifies their respective roles on the local board but if an agreement cannot be reached, the Governor can appoint members of the local board

## WIOA Board Certification

The Governor certifies the workforce development board of each local area every two years based on membership and other criteria described earlier in this chapter. After the board is established, subsequent re-certification is based on performance accountability measures that ensure that workforce investment activities of the board are effectively carried out with sustained fiscal integrity (see [TEGL 27-14](#) for more information). In effect, the Governor is certifying that the local area performed successfully and sustained its fiscal integrity.

Failure of a local board to achieve certification results in the appointment of a new board. The Governor retains the authority to decertify a local board for reasons of fraud, abuse, or a failure to perform its functions.

## Local Workforce Areas and Regions

After consultation with the State Workforce Development Board and chief local elected officials, the Governor designates local workforce development areas that take into consideration local labor markets, regional economic development areas, the area's resources and its capacity to educate and train workers. A unit of general local government may request (of the State workforce development board and the Governor) designation as a local workforce development area. There is an appeals process if the request is turned down.

In order to coordinate statewide economic and workforce activity regions are identified that correspond with local areas, labor markets and economic development areas. The process is controlled at the state level in consultation with local boards and Chief Local Elected Officials.

Regional planning is conducted by the local boards and Chief Local Elected Officials to establish and coordinate regional service strategies and service delivery agreements. In addition, the regional planning process and resulting Regional Plan:

- ▷ Identifies in-demand industry sectors
- ▷ Collects and analyzes labor market data
- ▷ Establishes administrative cost arrangements including the pooling of funds
- ▷ Coordinates transportation and other support services
- ▷ Coordinates activities with economic development service providers
- ▷ Establishes an agreement on how the region will negotiate local performance levels and accountability with the Governor

## Single Workforce Area States

There are a few states which are considered single workforce area states. In those states the governor acts as the chief local elected official for the statewide workforce area and the state board stands in the place of a local board. States which had local areas under WIA cannot become single state areas under WIOA, unless all the local areas agree not to seek designation. In general, states must carry out the duties of State and Local Workforce Development Boards in accordance with guidance issued by the federal Secretary of Labor.

Citation for the Designation  
of Single-Area States:

[20 CFR 679.270](#)

## Conclusion

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The Chief Elected Official plays a key, multi-faceted role under WIOA. They have fiscal, managerial and leadership responsibilities while they also play roles that include local cheerleader, economic developer, convener, advocate and consultant to the state and the Governor.

This guide was developed to help prepare the LWDBs and CEOs for those roles and responsibilities, with background information on the Workforce Innovation and Opportunity Act and One-Stop Operations, along with specific information on governance and the roles and responsibilities. The local workforce system should be seen as an essential asset to the drivers of economic development of the community. A CEO or LWDB member who understands the potential of the workforce system under WIOA, can be more influential and better equipped to effect change that fosters and supports economic growth in the community. The beneficiaries of this work are, of course, the community's businesses and workers.

## IV. Appendices

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### Some provisions of WIOA legislation apply to all parties:

- ▷ Strengthening the governing bodies that establish state, regional and local workforce investment priorities
- ▷ Fostering regional collaboration to meet the needs of regional economies
- ▷ Aligning federal investments to support job seekers and employers
- ▷ Targeting workforce services to better serve job seekers
- ▷ Improving services to individuals with disabilities
- ▷ Helping employers find workers with the necessary skills
- ▷ Aligning goals and increasing accountability and information for job seekers and the public
- ▷ Conduct business in the open using sunshine laws or other public communications provisions

### Legislation found outside WIOA that applies to everyone:

- ▷ Section 188 of the WIOA Nondiscrimination and Equal Opportunity Regulations ([29 CFR Part 38](#); Final Rule, published December 2, 2016)
- ▷ Title VI of the Civil Rights Act of 1964 (Public Law 88-352)
- ▷ Section 504 of the Rehabilitation Act of 1973, as amended
- ▷ The Americans with Disabilities Act of 1990 (Public Law 101-336)
- ▷ The Jobs for Veterans Act (Public Law 107-288) pertaining to priority of service in programs funded by the U.S. Department of Labor
- ▷ Training and Employment Guidance Letter (TEGL) [37-14](#), Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System and other guidance related to implementing WIOA sec. 188
- ▷ The Family Educational Rights and Privacy Act (FERPA) ([20 U.S.C. § 1232g](#); [34 CFR part 99](#))
- ▷ Confidentiality requirements governing the protection and use of personal information held by the VR agency ([34 CFR 361.38](#))
- ▷ The confidentiality requirements governing the use of confidential information held by the State UI agency ([20 CFR part 603](#))
- ▷ All amendments to each
- ▷ All requirements imposed by the regulations issued pursuant to these acts



The above provisions require, in part, that no persons in the United States shall, on the grounds of race, color, national origin, sex, sexual orientation, gender identity and/or expression, age, disability, political beliefs or religion be excluded from participation in, or denied, any aid, care, services or other benefits provided by federal and/or state funding, or otherwise be subjected to discrimination.

In addition, as local operating agreements and memoranda of understanding are developed, all parties are expected to:

- ▷ Collaborate and reasonably assist each other in the development of necessary service delivery protocols for career and operational services at a career center
- ▷ Reach agreement that parties are complying with federal and state laws, implementing regulations, and guidelines imposed on either or all Parties relating to privacy rights of customers, maintenance of records, and other confidential information relating to customers
- ▷ Agree on ownership of any equipment and furniture purchased by any partner that is shared and/or used at the career center



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Maher & Maher is a specialized change management and talent-development consulting firm focused on advancing the collaboration between workforce, education, and economic development.

