

WORKFORCE SYSTEM GUIDANCE No. 01-2015, July 9, 2015

TO: PENNSYLVANIA WORKFORCE INVESTMENT BOARD
BUREAU OF WORKFORCE DEVELOPMENT ADMINISTRATION
BUREAU OF WORKFORCE PARTNERSHIP AND OPERATIONS
CENTER FOR WORKFORCE INFORMATION AND ANALYSIS
LOCAL ELECTED OFFICIALS
LOCAL WORKFORCE INVESTMENT BOARD CHAIRS AND EXECUTIVE DIRECTORS
LABOR COMMISSIONERS
REGISTERED APPRENTICESHIP PROGRAM SPONSORS

FROM: Diane Bosak
Deputy Secretary for Workforce Development

SUBJECT: Implementation of the Workforce Innovation and Opportunity Act – Transition Provisions

- I. **Purpose.** The purpose of this guidance is to inform Chief Elected Officials and other local workforce system stakeholders of key implementation updates regarding Workforce Innovation and Opportunity Act (WIOA) transition.
- II. **References.**
 - Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law (Pub. L.) 113-128, enacted July 22, 2014
 - Workforce Innovation and Opportunity Act—Notice of Proposed Rulemaking, Part 678
 - Workforce Investment Act of 1998 (WIA), Pub. L. 105-220, *et seq.*
 - Training and Employment Guidance Letter (TEGL) No. 27-14, *Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions*, April 15, 2015
 - TEGL No. 38-14, *Operational Guidance to Support the Orderly Transition of workforce Investment Act Participants, Funds, and Subrecipient Contracts to the Workforce Innovation and Opportunity Act*, June 8, 2015
 - TEGL No. 41-14, *Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition*, June 26, 2015
 - Pennsylvania Workforce Delivery System Policy (02-2014), Version 002, July 1, 2014
 - Workforce Investment Information Notice (WIIN) No. 3-99, Change 2
- III. **Background.** WIOA requires that each state must maintain a list of eligible training providers and their eligible training programs to utilize title IB funds for training services. The list must be accompanied by relevant performance and cost information and must be made widely available, in order to maximize informed consumer choice and serve all significant population groups.

WIOA promotes the reassessment of the one-stop delivery system and requires local workforce development areas to develop procedures and policies to transition in selecting one-stop operators through competitive procurement.

The U.S. Department of Labor provides guidance and instructions on the transition of participants, funds, performance reports, grants, and subrecipient contracts under title I of WIA and under the Wagner-Peyser Act to WIOA.

IV. Transition Procedures for Eligible Providers of Training (July 1, 2015 through December 31, 2015).

- A. All training providers previously approved by the Department as eligible training providers under WIA are eligible to provide training services through December 31, 2015. Such training providers will be subject to the application procedures for ***continued eligibility*** at the end of this transition period.
- B. All training programs/courses that are currently listed on the commonwealth's statewide Eligible Training Programs/Providers (ETPP) list as of the date of this guidance will remain on the ETPP until December 31, 2015. Participants may continue enrolling in such courses until December 31, 2015.
- C. Registered apprenticeship program sponsors that represent programs as indicated at Sec. 680.470 of the proposed WIOA regulations are eligible to be included on the commonwealth's statewide ETPP list. Those program sponsors who seek inclusion should contact their local workforce development board. All such apprenticeships are automatically eligible to be included on the list effective July 1, 2015, and will remain on the list in accordance with Sec. 680.470.

The Department will issue further guidance on the requirements for continued and initial eligibility as well as registered apprenticeships and work-based trainings.

- V. Operator Selection.** Pursuant to WIOA Section 121(d), the local board with the agreement of the chief elected official(s) is authorized to designate one-stop operators and to terminate for cause the eligibility of such operators. To receive funds made available under WIOA title I B to operate a one-stop center(s), an entity (which may be a consortium of entities pursuant to Sec. 121(d)(2)(B)), shall be designated or certified as a one-stop operator through a competitive process. The operators of one-stop centers will be known as "PA CareerLink® operators."

Beginning July 1, 2015 and not later than June 30, 2016, every local board must demonstrate it is taking steps to prepare for the competitive procurement of its PA CareerLink® operator(s). The demonstration should include, but is not limited to, market research, requests for information, and conducting a cost and price analysis. No later than June 30, 2017, competitively procured PA CareerLink® operators must be in place.

Note: During this period of transition, the governor is not prepared to allow local workforce development boards or staff to the local workforce development boards to serve as a single-entity operator or as part of a consortium that will make up an operator. The Department is currently engaged with workgroups made up of various state and local workforce system stakeholders that may result in additional policy, clarifications and guidance.

The process for competitively procuring the PA CareerLink® operator(s) must comply with, but is not limited to:

- WIOA Sec. 121(d);
- The principles of competitive procurement in the Uniform Administrative Guidance set out at 2 CFR 200.318 through 200.326;
- Sec. 678.605(d) of the WIOA Notice of Proposed Rulemaking (NPRM); and
- Local workforce development area procurement policies and procedures.

Local boards must submit their Requests for Proposal (RFPs), prior to issuance, to the Department for review and approval via the following resource account: RA-LI-BWDA-Policy@pa.gov. Each submission must include an explanation concerning the nature of how the competitive process was determined pursuant to the requirements set forth at Sec. 678.605(c) and (d) of the NPRM.

This guidance will take the place of Sec. I.E. of the Department's Workforce Delivery System Policy (02-2014), Version 002, July 1, 2014, *PA CareerLink® Operator Consortium*. Sec. I.F., *Operator Agreement*, is no longer required. Future policy documents issued by the Department will reflect these updates.

- VI. Transition of Funds to WIOA.** U.S. Department of Labor Employment and Training Administration issued TEGL No. 38-14, *Operational Guidance to Support the Orderly Transition of Workforce Investment Act Participants, Funds, and Subrecipient Contracts to the Workforce Innovation and Opportunity Act*, on June 8, 2015. This TEGL provides guidance and instructions on the transition of participants, funds, performance reports, grants and subrecipient contracts under title I of WIA and under the Wagner-Peyser Act to WIOA.

The Department provides this guidance with regard to the ***Transition of WIA and Wagner-Peyser Carry-In Funds to WIOA***: All PY 2013 and PY 2014 'unexpended funds' (*i.e., unobligated funds*), identified on each local area's June 2015 Financial Status Report (FSR), will be treated as WIOA funds effective July 1, 2015.

- VII. Contact Entity.** Technical assistance and/or inquiries regarding this guidance should be directed to the Pennsylvania Department of Labor & Industry, Director of the Bureau of Workforce Development Administration, 651 Boas Street, 12th Floor, Harrisburg, PA 17121.

- VIII. Rescissions.** None

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Cc: Bosak, Diane; Burnham, Brandy; Fleck, Michael; Larkin, Stephanie; Bailey, Keith; Bohanick, David; Lay, Danette; Johnson-Moser, Dayna; Hart, Gregory; Pollard, Dennis; Block, Jeanne; Shirk, Gregory; Wentzel, Robert; Staszko, Franky; Schell, Linda; Baker, Keith (L&I); Stalfa, Elaine; Jones, Bruce (L&I-BWDP); Nichols, James; Kerlin, Doris; Turner, Tracey; Gaither, Amber; Branca, Michael
Subject: Workforce System Guidance 01-2015 (Implementation of WIOA - Transition Provisions)
Attachments: Workforce System Guidance (01-2015) - WIOA Transition.pdf
Importance: High

Sent on Behalf of Diane Bosak, Deputy Secretary for Workforce Development

Good Afternoon,

Attached you will find the Department's Workforce System Guidance No. 01-2015, *Implementation of the Workforce Innovation and Opportunity Act – Transition Provisions*

Please don't hesitate to be in touch if you have questions regarding anything contained within the attached guidance. Questions can be submitted to the following resource account: RA-LI-BWDA-Policy@pa.gov. The Bureau of Workforce Development Administration (BWDA) remains available to provide any needed technical assistance.

Thank you,

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