

LOCAL WORKFORCE DELIVERY SYSTEM – PA CAREERLINK® SYSTEM OPERATOR

WORKFORCE SYSTEM POLICY

Local Workforce Delivery System

Effective Date: Effective Upon Publication

Last Revised: January 2021

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Purpose of the Policy

The Workforce Innovation and Opportunity Act, or WIOA, requires local workforce development boards, or local boards, or LWDBs, to select their operator(s) through a competitive process. WIOA supports continuous improvement through the evaluation of operator performance and the requirement of operator procurement at least every four (4) years. WIOA, its final rules, and federal guidance provide clarity to the operator procurement process. To receive funds made available under WIOA title I, LWDBs must conduct an open and fair competitive procurement process.

This policy provides information on the purpose, selection, responsibilities, evaluation and oversight of the operator. This policy also reinforces required elements of competitive procurement, indicates the varied roles an operator may perform, lists eligible entities that may serve as an operator and identifies implications and conditions of selecting such entities.

Policy Statement

WIOA established the American Job Centers, or AJCs, system network to provide job seekers and employers streamlined access to an array of education, training, employment and supportive services. WIOA requires certain programs and agencies to support and participate in PA CareerLink® that is the trademarked name of Pennsylvania's public workforce development service delivery system. The operator's singular required role is the service delivery coordination of one-stop partners and service providers.

WIOA requires each LWDB, with the agreement of the chief elected official, or CEO, to use competitive operator procurement principles found within Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR part 200, including the Department of Labor's, or DOL's, specific requirements at 2 CFR part 2900, and other applicable regulations and policies. Open and fair competition is intended to promote the efficiency and effectiveness of operators by providing a mechanism for local boards to regularly examine performance and costs against original expectations.

Scope

This policy applies to the Office of the Governor, state agencies, local area CEOs, LWDBs, all entities participating in a local area's workforce delivery system as partners, whether required or additional, and third-party entities involved in the operator process.

Audience

Pennsylvania CEOs, LWDB members and local board staff, local workforce administrative entities, fiscal agents, PA CareerLink® partners and other local workforce system stakeholders must adhere to the conditions of use and specifications as outlined in this policy and any supporting documents.

Related State Policies

WSP No. 02-2015 Local Governance Policy

WSP No. 03-2015 Financial Management Policy

WSP No. 108-01 (C1) Regional/Local Planning – Multi-Year Plans (Change 1)

WSP No. 121-03 Memorandum of Understanding (MOU) of the One-Stop Delivery System

WSP No. 121-05 Local Workforce Delivery System – PA CareerLink® Certification and Continuous Improvement

Definitions

Chief elected official, or CEO, is the chief executive officer of a unit of general local government in a local workforce development area. By legislation, the CEO is financially liable for workforce funds allocated to a local workforce development area. The CEO is responsible for appointing local workforce development board members, approving the local workforce development board budget and serving as the local grant recipient.

Core programs are the partner programs found in WIOA title I (Adult, Dislocated Worker and Youth); title II (Adult Education); title III (Wagner-Peyser); and title IV (Vocational Rehabilitation).

Employer of record is an entity that serves as a solely administrative party between such an entity and the individual(s) it employs, wherein no supervisory relationship in part or in whole exists within the relationship.

Firewall is a type of internal control set within an organization to prevent conflict-of-interest situations while allowing for clear separation of duties between involved parties. Such firewall(s) serve as an ethical barrier between involved parties to prevent an exchange of information or communication that can lead to a conflict of interest or the perception thereof.

Internal controls are controls established as business practices, policies or procedures within an organization to create value while minimizing risk. These controls ensure the organization operates in compliance with all applicable laws, regulations, policies, procedures and agreements.

Local one-stop delivery system is the network of workforce-related products, programs, services, activities and service locations established to meet business and job-seeker needs in a local workforce area.

Local one-stop delivery system operator, or operator, is an entity (public, private or nonprofit) or a consortium of entities that, at a minimum, includes three or more of the required one-stop partners of demonstrated effectiveness in the local area and is designated or certified under WIOA sec. 121(d). The operator's singular required role is to coordinate service delivery among one-stop partners and service providers.

Local workforce development area, or LWDA, also referred to as a local area, serves as a jurisdiction for the administration of workforce development activities and execution of adult, dislocated worker, and youth funds allocated by the state. Such areas may be aligned with a region identified in WIOA sec. 106(a)(1) or may be components of a planning region, each with its own LWDB. The governor must designate local areas for the state to receive adult, dislocated worker, and youth funding under title I, subtitle B of WIOA.

Local areas are also the areas where LWDBs oversee their functions, including strategic planning, operational alignment, service-delivery design and a jurisdiction where workforce system partners align resources at a sub-state level to design and implement overall service-delivery strategies.

Local workforce development board, or LWDB, also referred to as local boards, are regional entities created to implement the Workforce Innovation and Opportunity Act of 2014 which authorizes and funds employment and training programs in the United States. The LWDB's main role is to direct federal, state and local funding to workforce development programs. Every community in Pennsylvania is associated with a LWDB. LWDBs develop workforce and regional strategies, as well as conduct and publish research on their regional economy's needs.

LWDBs also provide oversight and coordination of the workforce services provided in their region and the overall operation of the storefront delivery of these services at PA CareerLink® locations.

For each LWDB, a chief elected official (a county commissioner or the mayor of a major city) appoints members to the LWDB. These appointed positions are unpaid. A majority of a LWDB's membership must come from private businesses. There are also designated seats for representatives of labor and educational institutions, such as community colleges.

Local Workforce Delivery System - Memorandum of Understanding, or MOU, is the product of local discussion and negotiation, and is an agreement developed and executed between the LWDB and the one-stop partners, with the agreement of the chief elected official and the one-stop partners, relating to the operation of the one-stop delivery system in the local area. Two or more local areas in a region may develop a joint MOU if they are in a region that has submitted a regional plan under sec. 106 of WIOA.

Operator evaluation is a mechanism developed and used to assess an operator's performance and keep the local board apprised of such performance. The annual operator evaluation must include but is not limited to: collecting and reviewing contract provisions adherence, participating partner surveys, other performance measures developed by the local board and consistent with PA CareerLink® certification requirements. Such evaluations could include examples of:

- local one-stop center/system efficiency and effectiveness measures
- measures associated with the performance of the local one-stop system partner programs
- measures associated with the cost of the one-stop system
- continuous improvement

Participating partner survey is a document that allows each partner under an operator's purview to evaluate the operator's efficiency and effectiveness. The local board shall consider, at a minimum, the survey results whenever the operator is being evaluated as described herein.

Pay for performance, or PFP, is a contract strategy providing government funding streams for a fixed amount to an eligible service provider based on achieving of a specified level of performance for target populations as identified by a local board in accordance with the performance accountability system established by WIOA Sec. 116(b)(2)(A).

Pennsylvania CareerLink® or PA CareerLink® is the registered trademarked name of Pennsylvania's one-stop workforce development service-delivery system, including each one-stop and public-facing aspects of the online job-matching system used by individuals, job seekers, employers, program partners and providers, training providers and other stakeholders.

Pennsylvania Department of Labor & Industry, or L&I, is legally designated by the governor to serve as the state workforce agency.

Procurement request is the mechanism in the procurement process used to solicit a response from an entity (or entities) to provide a service or activity. For example, both a request for proposal, or RFP, and a request for quotes, or RFQ, are procurement requests.

Required and additional partners are entities that administer required programs or activities as described in WIOA Sec. 121(b)(1)(B) and 20 CFR § 678.400, or the additional programs as described in WIOA Sec. 121(b)(2)(B) and 20 CFR § 678.410 in a local area. Required programs and activities are mandated to be made available in the PA CareerLink® delivery system, while additional programs may be made available if approved by the CEO and the LWDB. All partners must enter into a MOU with the LWDB.

Workforce delivery system committee, or WDS committee, is an optional local board committee, and is required if a LWDB competes for and is selected as the operator. It is established to ensure partner involvement in local PA CareerLink® system operations and to use the experience and expertise of such individuals to provide information and recommendation to the local board and the local system operator with planning, implementing and other issues related to such workforce development operations.

Workforce Innovation and Opportunity Act, or WIOA, superseded the Workforce Investment Act of 1998 (WIA) and amended the Adult Education and Family Literacy Act, the Wagner-Peyser Act and the Rehabilitation Act of 1973. To help businesses and job seekers meet their needs, the workforce system established under WIOA is integrated by design. WIOA envisioned connecting businesses with job seekers, through meaningful partnerships among workforce, education, human services and economic development entities, ensuring optimum results and resource leveraging. The law addresses job seekers' needs by establishing a workforce system delivering access to employment, education, training and support services to succeed in the labor market. Through the PA CareerLink® one-stop system, WIOA addresses employers' needs by connecting them with skilled workers able to compete in the global economy.

Procedures

Action

LWDBs must follow all federal, state and local selection competitive procurement requirements when selecting the operator. Additionally, LWDBs must incorporate the following items listed within this policy and supporting documents.

Who may be an operator in the PA CareerLink® Service Delivery System?

- I. The operator must be either an entity (public, private, or nonprofit) or a consortium of entities. If the consortium of entities is one of the one-stop partners, it must at a minimum, include three (3) or more of the required one-stop partners of demonstrated effectiveness as described in WIOA section 678.400. All entities must sign the contract between the LWDB and the selected operator.

- II. Operator(s) may operate one or more PA CareerLink® service locations, or there may be multiple local area operators in a local workforce development area, or local area, or LWDA.

In a planning region (i.e., a region composed of two or more local workforce development areas) where there are multiple PA CareerLink® service locations, the CEOs and LWDBs that make up the planning region may consider a single operator for the region. Provision must be made that a planning region's local workforce delivery system Memorandum of Understanding, or MOU, is accounted for and includes the planning region's combined one-stop partners. CEOs representing each of the local areas must be signatories of the Planning Region MOU and the operator contract.

Note: LWDBs considering the option of a regional operator, must contact the Pennsylvania Department of Labor & Industry, or L&I, at the earliest opportunity to discuss a timeline for system of record changes and other administrative requirements.

- III. The types of entities that may be an operator include:
 - A community-based organization
 - Employment Service State agencies under Wagner-Peyser Act
 - A for-profit entity (e.g., a corporation, incorporated consultancy or agencies)
 - A government agency (e.g., state agency, local or county government, school district)
 - Indian Tribes or Tribal organizations
 - An institution of higher education
 - An interested organization capable of carrying out the duties of the operator (e.g., a chamber of commerce, an economic development corporation or a labor market organization)

- LWDBs under the following conditions: if the LWDB complies with this policy and associated guidance; if the LWDB complies with the competition requirements in 20 CFR §§ 678.605(c) and 678.615(a); and if after the competition process the LWDB is selected as the operator, the local CEO and the governor agree to the selection of the LWDB. See *Appendix D: Local Board as One-Stop Operator*
- A non-profit organization
- A nontraditional public secondary school (e.g., a night school, adult school or an area career and technical education school)
- A workforce intermediary (e.g., quasi-governmental bodies such as a county commission)

Note: Elementary schools and secondary schools are not eligible to be an operator.

- IV. Workforce development system structure exception requirements apply to any eligible entity (i.e., LWDB, county entity, commission or corporation) that has been, or will be, selected to perform more than one (1) of the following administrative or programmatic functions: LWDB, local area or planning region fiscal agent, staff to the LWDB, operator, or direct provider of workforce-related services or activities. Refer to L&I's Local Governance Policy for additional guidance if a workforce development system structural issue occurs.

Roles, Responsibilities and Limitations of the Operator.

The LWDB must seek out and consider the PA CareerLink® system program partners and service providers feedback during the procurement planning phase which will assist in defining operator role(s) and responsibilities. LWDBs maintain flexibility in defining these role(s) and responsibilities of their respective operator(s). Entities selected are sub-recipients of a Federal Award and thus, required to follow the Uniform Guidance.

Per Training and Employment Guidance Letter, or TEG, 15-16, *Competitive Selection of One-Stop Operators*, Jan. 17, 2017 once the LWDB has competitively selected a one-stop operator, the LWDB and the operator must execute a legally binding agreement which may take the form of a written contract or another type of agreement, such as an MOU. The legally binding agreement between a LWDB and an operator is different from the MOUs that are required between a LWDB and its one-stop partners. Additionally, the commonwealth requires the legally binding document between the LWDB and selected operator to contain the provisions, that at a minimum, would classify the agreement as a written contract.

Note: Both the Request for Proposal, or RFP, or Request for Quotes, or RFQ, and the resulting final contract must contain both the roles and the responsibilities of the operator in the local workforce service delivery system. By clearly articulating these roles and responsibilities in the RFP or RFQ, the partners in the local system will be fully aware of what the operator is required to do. In addition, the operator must fully comply with established internal controls and conflict of interest policies and procedures as specified in 20 CFR § 679.430.

- I. ***Required Role.*** Operators are required to coordinate the delivery of partner program services in the local service delivery system ensuring a seamless distribution of career services, training services and other employment-related services provided by required and additional partner programs offered in the local area.

To help ensure the coordination of program services, the operator is charged with the functional supervision of one-stop service locations. This may take the form of a service location manager (i.e. Site Administrator) or other means as determined effective. See subsection titled: *Additional Role – Managing PA CareerLink® Service Delivery Operations* for more information.

II. Additional Role(s). LWDBs may specify additional roles which could include coordinating services across multiple PA CareerLink® service locations encompassing multiple designated workforce development areas, functioning as a direct service provider and managing day-to-day operations of the PA CareerLink® service locations.

- A. *Service Provision*. The operator may also be a service provider within the PA CareerLink® service delivery system except for an operator that is also the LWDB. Pursuant to 20 CFR § 678.625, the appropriate internal controls within the operator-service provider entity must be employed, as well as specific policies and procedures at the LWDB level regarding oversight, monitoring and evaluations of performance must be followed. Additionally, an entity, or entities, serving as an operator in conjunction with a different role within the local service delivery system, may perform some or all these functions when it is acting in its other role, if it has established sufficient internal controls and conflict of interest policies and procedures. Any entity that has been, or will be, selected as the operator and is a direct provider of workforce-related services/activities must develop a separate written agreement signed by the LWDB, CEO(s) and the entity fulfilling multiple roles that describe the roles and how it will abide by the established internal controls and conflict of interest policies and procedures. The agreement must be attached to the final contract with the LWDB and partners. The agreement must also demonstrate compliance with WIOA and its corresponding regulations and guidance, relevant Office of Management & Budget, or OMB, circulars and other federal regulations, as well as L&I's workforce system directives.

The LWDB must demonstrate appropriate internal controls and conflict of interest policies and procedures are in place that conform to the specifications in 20 CFR § 679.430. In addition, the LWDB must describe such arrangement in its WIOA local plan (and regional plan, if appropriate), as well as any modification to such plan(s). L&I will not approve plans that do not clearly demonstrate the implemented and appropriate internal controls and conflict of interest policies. It is expected that the final contract's operational elements be incorporated in the local workforce delivery system MOU.

- B. *Additional Role – Managing PA CareerLink® Service Delivery Operations*. The operator is responsible for ensuring that on-going and daily one-stop service location operations are accomplished. Duties must include, but are not limited to: organizing and coordinating all co-located partner staff by function in accordance with state personnel rules, collective bargaining agreements and state policy and guidance; establishing a customer flow model that is customizable to the needs of individual customers; developing operational procedures and protocols that promote effective, seamless service delivery ensuring that individual partner program performance and outcomes are not negatively affected; communicating workforce system policy, directions and information according to communication protocol; and establishing policies and procedures for situations such as inclement weather, holidays, breaks or time off, which account for relevant policies that may not be consistent across the partners.

The operator may designate a service location manager for each comprehensive center, affiliated site or network of service sites and specialized center as appropriate. A service location manager may be hired, selected from current partner staff, or by other alternative method to ensure functional supervision of day-to-day operations. A service location manager may also oversee multiple sites. Staff assigned to the operator are a shared cost of the program partners. Service location managers and other operator staff (e.g., front desk staff and security guards) are negotiated between the LWDB and all partners that sign the local workforce delivery system MOU. Considerations of a program partners' "in-kind" contributions to the costs of the operator must be accounted for if the contribution is in the form of providing operator staff.

Note: If a service location manager is hired, the roles and responsibilities of the service location manager must not conflict with those of the operator and must be fully delineated from those roles and responsibilities of the operator proper. Such clarification must be provided in the procurement request, resulting operator contract and local workforce delivery system MOU.

Note: Functional supervision does not supersede human resource provisions established by any staff(s) employer of record. For example, state employees must be governed by state personnel rules, collective bargaining agreements and applicable state policy.

III. *Responsibilities of the Operator.* The LWDB may assign any number of responsibilities to the operator. LWDBs should consider the following responsibilities, though this is not an exhaustive list, when determining the scope and depth of the operator's effect on the workforce system.

A. *Administration*

- Is fully cognizant of WIOA and its regulations, state and LWDB imposed policies or directives, and other applicable laws, regulations, rules or contracts to guide administrative requirements and efforts
- Is fully cognizant of and implements the negotiated MOU
- Develops procedures for one-stop service location operations in partnership with stakeholders
- Negotiates with partners and service providers regarding their one-stop service location roles, responsibilities, services and activities, staff complement and other operational particulars
- In concert with the LWDB and/or assigned local area staff, negotiates with partners and service providers regarding expenses related to space, occupancy, shared costs and other costs associated with the operator and one-stop delivery system
- Recommends, maintains and retires one-stop service locations' technologic tools and services
- Provides LWDB with programmatic and fiscal reports and other relevant operational information

B. *Coordination*

- Coordinates the provision of one-stop partners services and activities as reflected in the MOU
- Establishes and maintains relationships with one-stop partners and service providers to effect high degrees of partner collaboration and program integration
- Serves as an unbiased intermediary or liaison for all the one-stop partners and service providers
- Encourages one-stop partner and service provider engagement
- Organizes and leads periodic one-stop partner and service provider meetings
- Attends individual one-stop partner and service provider meetings
- Knows and understands the programmatic parameters of every partner and service provider
- Knows and understands one-stop partners' and service providers' performance measurement goals
- Ensures that an effective customer referral mechanism is in place and monitors usage
- Provides avenues of communication so that one-stop partners and services providers are informed of LWDB and other workforce development stakeholders' communiques or activities
- Communicates one-stop partners and service providers services and activities to the community
- Communicates local area stakeholder workforce development related community events

C. *Managerial*

- Provides operational management supervision across the PA CareerLink® service delivery system
- Plans, directs, reviews and provides functional supervision of PA CareerLink® staff

- Ensures compliance with federal and state issued policy and guidance, LWDB policies and local area operational manual(s) as may exist
- Reviews and enacts the LWDB's WIOA regional and local plan, policies and directives
- Reviews and helps ensure compliance with PA CareerLink® Certification policy and guidance. *If the LWDB is selected as an operator, this responsibility is transitioned to the Pennsylvania Workforce Development Board.*
- For LWDBs that maintain PA CareerLink® operational and/or business plan(s), the operator, in partnership with stakeholders and as directed by the LWDB, will help develop and implement such plans
- Reviews and enacts the L&I's Non-Discrimination Plan, or NDP
- Plans and directs service delivery system and staff capacity building
- Implements customer satisfaction measurement and feedback mechanisms
- Seeks and remediates duplicated employment and training services and activities
- Monitors identified performance indicators and provides required performance reports

D. *Public Relations*

- Represents the local workforce development one-stop service delivery system to the community
- Communicates with education, economic development and community-based stakeholders
- Gauges current employment and training service provision and interacts with the local area's business community, employer base and job seeking populations to help define future demand

IV. Limitations. The operator may not perform the following functions:

- Manage or significantly participate in the competitive selection process for the operator
- Select or terminate an operator, career services and youth providers
- Develop and submit an Operating Budget for local activities but may provide financial records to the LWDB
- Be responsible for oversight of itself or other operators
- Negotiate local and/or regional performance accountability measures
- Convene system stakeholders to assist in the development of WIOA plans
- Prepare and submit WIOA plans
- LWDBs that serve as the operator will have additional limitations imposed

Competitive Procurement.

WIOA 20 CFR 678.605(a) requires that the LWDBs conduct a competitive process at least once every four (4) years to properly procure an operator. LWDBs may choose to implement a competitive selection process more than once every four (4) years. LWDBs are recommended to use the guidance provided for the operator procurement process which includes federal mandated procurement practices, internal controls and conflict of interest considerations, key contract elements and administrative factors as referenced in *Appendix B: One-Stop Operator Procurement.*

Evaluation.

The operator must be evaluated at least annually. Such evaluation must include but is not limited to contract provisions, participating partner surveys and other performance measures developed by the LWDB. The evaluation is to be consistent with PA CareerLink® certification requirements.

Oversight and Monitoring.

LWDBs are required to provide oversight and monitor the operator. Appropriate firewalls between staff providing administrative, governance and career services and staff responsible for oversight and monitoring of service delivery entities services must be established. Monitoring includes an attestation by the monitoring

entity that it has examined compliance with WIOA requirements and its corresponding regulations, relevant OMB circulars and the terms and conditions of the operator contract. If a local board is selected as the one-stop operator, an outside entity or state agency must conduct the monitoring and report the monitoring results to the CEO in the local area. L&I reserves the right to review compliance monitoring.

Resources

Supporting documents are found at the L&I website <https://www.dli.pa.gov/Businesses/Workforce-Development/Pages/Pennsylvania's-Workforce-System-Directives.aspx>, below the posting of this policy.

- Appendix A: Related References
- Appendix B: One-Stop Operator Procurement
- Appendix C: Workforce Delivery System (WDS) Committee
- Appendix D: Local Board as One-Stop Operator
- Appendix E: Epilogue
- Appendix F: Epilogue 2

Supporting Information

- Workforce Innovation and Opportunity Act (Pub. L 113-128), July 22, 2014
- WIOA promulgating regulations including 20 CFR Part 678, Aug. 19, 2016
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule (also known as the *Uniform Guidance*), 2 CFR Part 200, Dec. 19, 2014
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Technical Amendments, 2 CFR Part 2900, Dec. 30, 2015
- Training and Employment Guidance Letter, or TEGL, 15-16, Competitive Selection of One-Stop Operators, Jan. 17, 2017

Policy History

The Workforce Investment Act of 1998, or WIA, introduced the entity known as one-stop operators. Operators could be designated or certified through three mechanisms: a competitive process; as a consortium of three or more partners; or “grandfathered” in from the Job Training Partnership Act. The operator’s singular required role was coordination of one-stop center services.

WIOA revised some of the requirements surrounding the operator. Local boards must procure an operator(s) through a competitive process at least every four (4) years. WIOA does not allow for the “designation” or “certification” of any entity as a one-stop operator without a competitive process. WIOA provides no explicit authority to “grandfather” in existing one-stop operators. This procurement must meet criteria ensuring an efficient and effective process is in place for the selection of the operator as outlined in federal statutory and regulatory requirements as well as this policy.

Summary of Changes

Revision Date	Author	Description
1/27/2021	L&I’s BWDA	Minor typographical and grammatical errors were corrected. Additional shared cost clarification was added to page 6, part b, paragraph 2 in response to December 2020-January 2021 public posted comments. Epilogue 2 was also created and added.
4/21/2020	L&I’s BWDA	Minor typographical and grammatical errors were corrected. Entire policy was reformatted; most content remained the same with the exception of appendices and necessary revisions stemming from publicly posted comments. Appendix B: <i>One-Stop Operator Procurement</i> was revised to provide

		guidance for local boards bidding to be an operator. References to a “ <i>Workforce Delivery System Committee</i> ” were added and are further clarified in Appendix C. Appendix D: <i>Local Board as One-Stop Operator</i> was added to provide regulation requirements and additional direction to LWDBs pursuing this option. Appendix E was added to provide responses/clarifications to the publicly posted comments submitted when this policy revision was first posted May 2019.
6/21/2017	L&I’s BWDA	References to a “workforce delivery system standing committee” were removed as well as minor typographical and grammatical errors were fixed.
7/9/2015	L&I’s BWDA	Provided initial guidance and actions required by the local board relating to the procurement of one-stop operators.

Public Comment

L&I in collaboration with the Pennsylvania Workforce Development Board, commonwealth agency partners and local workforce system stakeholders developed this policy. This policy was made available for public review and comment by LWDBs, authorized administrators of WIOA partner programs and service providers, system stakeholders and the general public at large on May 10, 2019. Refer to *Appendix E: Epilogue* for public comments received and L&I responses.

Stemming from the public comments received in May 2019, a major change occurred in the PA CareerLink® System Operator policy which necessitated another public review and comment period effective December 9, 2020 until January 11, 2021. Refer to *Appendix E: Epilogue 2* for additional public comments received and L&I responses.