

Workforce System Policy on Policies

WORKFORCE SYSTEM POLICY

Workforce Development System Administration

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Policy Owner: Pennsylvania Department of Labor & Industry Bureau of Workforce Development Administration Policy & Planning Coordination Services

Policy Contact: Pennsylvania Department of Labor & Industry Bureau of Workforce Development Administration Policy & Planning Coordination Services RA-LI-BWDA-Policy@pa.gov

Policy Statement

Workforce system policies promote organizational accountability, transparency, and continuous improvement in support of the designated state workforce agency and partners' mission to ensure an effective workforce development system.

Policy Purpose

This policy establishes standards for developing, managing, and decommissioning workforce system policies.

Scope

This policy applies to all Department of Labor & Industry (L&I) workforce system policies.

Audience

This policy applies to any workforce system partner collaborating with L&I in the creation and promulgation of L&I-administered workforce system policy.

Related Policies

None.

Definitions

Development and review team (DART) is a workforce development deputation advisory body that helps develop workforce system policy. Team membership is fluid and should include policy managers, subject-matter experts, and other partner representation as needed to deliver the necessary flexibility and appropriate subject-matter expertise. A DART consults with internal and external stakeholders (e.g., local workforce development boards) as necessary to fulfill its role. Bureau of Workforce Development Administration (BWDA) Policy & Planning Coordination Services has a representative on each DART to ensure that each policy is written clearly, is in the approved format and does not conflict with other workforce system policies. DART members from BWDA Policy & Planning Coordination Services coordinate with the deputy secretary for workforce development, Pennsylvania Workforce Development Board, L&I Office of Chief Counsel, and the L&I policy, legislative, and communications offices. To ensure timely reviews each DART meets as needed.

Guidance is the processes used to operationalize policy. Guidance is published in the form of manuals and guides. While published guidance often accompanies policy, it is separate from policy.

Policy documents a set of principles, standards, and/or rules that govern group and/or individual conduct.

Policy contact is a bureau, unit, individual, or resource account where inquiries related to a workforce system policy are most appropriately made.

Policy initiator is any state staff, state merit staff, workforce system partner, or partner staff who identifies a workforce system issue and a corresponding policy proposal. Not all proposals become workforce system policies.

Policy manager is a bureau director or other partner's designee under the L&I workforce development deputate or workforce development system (e.g., staff to the Pennsylvania Workforce Development Board) who a) serves as the primary contact for L&I workforce system policies under the operational responsibility of the policy owner, b) acts as the liaison to BWDA Policy & Planning Coordination Services staff regarding the process for creating and revising policies, c) ensures proposed policies or revisions are routed for appropriate review and approvals, and d) shares policies for consideration with BWDA Policy & Planning Coordination Services staff.

Policy owner is the L&I office responsible for creating, revising and monitoring a workforce system policy and its operational or administrative procedures.

Policy waiver is a waiver of Pennsylvania workforce system policy granted by the deputy secretary for workforce development. A local workforce development area can request a waiver from certain policies if the waiver will improve job seeker and employer outcomes, or otherwise achieve positive outcomes. No waiver will be considered that, if approved, would place the Commonwealth into non-compliance with federal law or regulations.

Workforce system policy is chiefly concerned with the responsibilities of L&I as the state workforce agency, or SWA, in concert with state, regional and local partners (e.g., agencies under the governor's jurisdiction, chambers of commerce and state and local workforce development boards) focused on the operation and administration of workforce development in Pennsylvania.

Procedures

Development, Approval and Management of L&I Workforce System Policy

Policy managers, DART members and workforce system partners collaborate to develop workforce system policy. Policy managers coordinate the distribution and review of draft policy and guidance before returning draft policies to the policy owner and DART for review/revision and transmission to the deputy secretary. The *Pennsylvania Workforce System Policy Procedure Guide* provides step-by-step guidance on writing L&I workforce system policies.

Public Engagement

The department may solicit preliminary comments from workforce system partners and state board members when it initiates a new policy or begins to revise an existing policy.

Public Comment

Once approved by L&I leadership, new and revised draft workforce system policy is published on the L&I website for at least 30 days of public comment. Comments are reviewed and responded to by the policy DART and the policy is revised as necessary. If substantive revisions are made because of public comments, the policy will be recirculated to leadership for review and approval. Comments and responses are attached to the final policy. Exception: If, during regular review, only non-substantive changes that do not affect the scope or intent of the original workforce system policy are made and are limited to administrative, grammar, spelling, and contact information, the workforce system policy will not be republished for public comment upon receiving approval from leadership.

Revisions

Substantive revisions to L&I workforce system policy undergo the same process as set forth herein. Minor, non-substantive revisions, specifically those revisions not affecting the scope or intent of the original workforce system policy (e.g., administrative, grammar, spelling, and contact information) may be made by the applicable policy owner at the policy owner's discretion but must be coordinated with L&I BWDA Policy & Planning Coordination Services.

Policy Waivers

A local workforce development area (LWDA) may request a waiver of some aspect of state workforce system policy if it would permit an LWDA to improve job seeker or employer outcomes. The LWDA request to L&I must be in writing (email is acceptable), articulating how the policy waiver will permit improved LWDA outcomes. Any request for a policy waiver must be approved by the deputy secretary for workforce development.

Policy waivers are limited to the individual LWDA and for a limited period to be determined by the deputy secretary for workforce development. Policy waivers are not automatically renewed; however, LWDAs may resubmit a request for a policy waiver.

Bureau Policy Processes

Each bureau director in L&I's workforce development deputate will create a process within their bureau to address development, approval and management of workforce system policies in a manner consistent with this policy.

Order of Precedence

In the event of any inconsistency between published policy and practice, the following order of precedence applies to all Pennsylvania workforce system activities governed by federal law and regulation:

1. Workforce Innovation and Opportunity Act
2. All other applicable federal statutes
3. All other applicable federal implementing regulations
4. The U.S. Department of Labor or Employment and Training Administration directives
5. Pennsylvania state law
6. Governor's Executive Order and Memoranda
7. Pennsylvania workforce system policy, including the WIOA Combined State Plan
8. Local workforce development board policy
9. One-stop procedures guides and operating manuals

Linking to Workforce System Policies

A workforce system policy is never copied and posted to another site, including online sites in the department's www.dli.pa.gov domain. Instead, a link is provided to L&I's workforce system policies page.

Exceptions

Circumstances may dictate immediate action on the part of L&I and its workforce system partners. Consequently, L&I maintains authority to implement required policy outside this approval process. Examples include but are not limited to: matters pertinent to timely compliance with regulatory or legal mandates, or that affect the safety and/or preservation of service-delivery points (e.g., one-stops) or other offices and their grounds. If circumstances warrant immediate policy implementation, the matter is addressed directly by the deputy secretary for workforce development and other appropriate workforce system partner leadership. Any L&I workforce system policy enacted under such circumstances is routed back through the recognized approval process for review and may be amended later, subject to the approval of workforce system leadership and partners.

Decommissioning Policies

Policies that outlive their applicability, either because of changes in federal or state law, or changes in the larger landscape of Pennsylvania workforce system programs, principles or service-delivery processes, are decommissioned. The policy owner notifies the policy's DART and convenes a meeting – if necessary – or communicates the intent to decommission the obsolete policy. With DART consensus, the policy is removed from www.dli.pa.gov. A notice is sent to the policy's audience and any other affected parties and/or workforce system partners.

Resources

- Pennsylvania Workforce System Policy Procedure Guide
- Pennsylvania Workforce System Policy Style Manual

Supporting Information

None.

Policy History

In the interest of improving clarity, consistency, presentation, and publication of L&I workforce system policy, this document is created and introduced to provide instruction and to close gaps in L&I's and partners' policy-writing processes. This is the first time L&I has drafted and issued a policy on policies.