

Appendix F: Epilogue

The following public comments and Pennsylvania Department of Labor & Industry, or L&I, responses are from the posting of proposed changes to Program Years 2021-2024 Workforce Innovation and Opportunity Act Regional and Local Area Plans policy for a public comment period effective December 9th, 2020 until January 11th, 2021. Most content remained the same as the previously posted policy, however it was reorganized and separated into policy and guidance. Clarification was added in the policy, guide and modification forms that areas designated as a single local area region are excluded from submitting a regional plan. Former Appendices B and C were renamed to D and E. Former Appendices E, F and G were renamed to Attachments 1, 2 and 3. Attachment 4: Supporting Data template was added to reformat submitted local area plans. Supporting documents: WIOA Plans Submission Checklist and Submission Cover Letter template were added to provide LWDBs with additional direction and clarification. The WIOA Plan Modification Forms were revised to provide usage clarifications to LWDBs. Additional regional and local plan prompts were added due to internal stakeholders' requests, to clarify the change of plan submission requirements for single local area regions as detailed above, to incorporate the annual TANF plan narrative into local area plans, or to reflect changes to Pennsylvania's WIOA Combined State Plan. Structure exception clarification was added to prompt L3.1 in Appendix C: Local Area Plans Instruction. Attestations were updated to reflect the local area plan effective date and to ensure Attestation components and documents, including local workforce system policies, are reviewed and revised to be in alignment with WIOA for the current planning cycle.

L&I appreciates the local workforce system stakeholders who contributed comments.

General Comment.

Comment 1: A commenter reported that the Pennsylvania Department of Military and Veterans Affairs will continue to “foster and develop strategic relationships between PA VETConnect’s Regional Program Outreach Coordinators (RPOCs), PA Local Workforce Development Areas (LWDAs), Disabled Veteran Outreach Program Specialists (DVOPs) and Local Veterans’ Employment Representatives (LVRs) through the Bureau of Workforce Partnership & Operations. The DMVA Bureau of Programs, Initiatives, Reintegration and Outreach (PIRO), will ensure that defined geographic regions of PA VETConnect that do not align with the Pennsylvania Department of Labor and Industry’s designated Workforce Development Regions in accordance with WIOA section 106(a), are not left out of the WIOA local/regional planning process. Moreover, this will also ensure that mismatched PA VETConnect areas related to PA’s LWDA’s, and the DVOP’s and LVR’s at the county CareerLink® Centers are not left out as planning works itself up from the local to regional level in preparation for WIOA State approval. All planning and operations for this partnership will be done by Office of Veterans Affairs (OVA) PIRO.”

Response 1: L&I appreciates the comment offered regarding the PA Department of Military and Veterans Affairs. L&I concurs that it is important that local workforce development board staff collaborate with PA VETConnect’s Regional Program Outreach Coordinators to develop solid relationships aimed at better serving customers. While this coordination is important, it is more operational in nature. No changes will be made to the policy.

Comment 2: A commenter requested “the incorporation of clear and concise state responsibilities for policy guidance and timeline requirements related to the local and regional plans submission and review. Recent practice has delayed the communications of final guidance raising a level of uncertainty that impacts plan development and comment. The timeliness of requirements being communicated to the Local Workforce Development Boards is critical to draft and develop quality relevant plans that convey strategic priorities, moving beyond a compliance-oriented task. For example, LWDB plan submissions at 90 days prior to the effective date of the plan and revisions requirements communicated by the Commonwealth within 180 days of the deadline for submission.”

Appendix F: Epilogue

Response 2: Thank you for your comment. L&I agrees that communicating updated policies as soon as possible, especially when major or multiple policy changes occur, is directly related to local workforce development boards, or local boards, or LWDBs' success with implementing policy changes. However, L&I also recognizes the need to remain flexible with submission timelines in the event of unusual incidences (such as COVID-19) which may lead to alternative considerations while ensuring LWDBs are provided with reasonable time for WIOA plan creation. While L&I will not put specific timelines into this policy, the department will however publish a calendar on the department's site that will indicate important dates and deadlines. LWDBs will be notified when this schedule is complete and published on the website.

Recently, L&I attempted multiple communication forums with LWDBs throughout the policy's internal review process. L&I provided all local areas Regional and Local Planning prompt requirements and expectations as well as noted a significant change to local area 4.8 expectations on September 14, 2020 via email. In addition, L&I provided a full summary of proposed changes (which included but was not limited to: single area regions no longer submitting regional plans; an "introduction" addition to local area plans; the addition of a plan submission checklist, cover letter template as well as supporting data template; and revised plan modification forms) during the PWDA Annual Conference in October 2020. Further clarification was emailed to LWDBs on November 4, 2020 providing technical assistance to received feedback which included the submission date extension, the incorporation of the COVID-19 plan into local area plans, updated planning prompts, and confirmation that regional plans could be submitted after local area plans as long as both documents were submitted by April 2, 2021.

L&I will continue to use alternative methods (as referenced above) informing LWDBs of policy updates and requirements as soon as feasible. No changes will be made in this section.

Comment 3: A commenter requested a "consistent timeframe for when WIOA regional and local plans must be submitted to the Department. This could be set at 90 days prior to the eventual effective date of the plan(s) that are being developed or modified. The current deadline of April 2 for submitting 2021-2024 plans follows this 90-day timeframe. Setting this as the standard deadline would enable workforce regions and local areas to prepare earlier for regional and local planning and reduce any initial ambiguity for when plans must be submitted."

Response 3: L&I appreciates your comment. As mentioned in **Response 2** above, L&I recognizes the need to remain flexible with submission timelines in the event of unusual incidences which may lead to alternative considerations while ensuring LWDBs are provided with reasonable time for WIOA plan creation. No changes will be made in this section.

Comment 4: A commenter noted, "to ensure workforce regions and local areas can begin the planning process early on during a WIOA regional and local planning year, the Department should consider setting a deadline for issuing final WIOA regional and local planning guidance (ex. 120 days prior to the deadline for submitting plans to the Department)."

Response 4: As mentioned in **Response 2** above, L&I will continue to use alternative methods informing LWDBs of policy updates and requirements as soon as feasible. No changes will be made in this section.

Comment 5: A commenter shared they were in "strong support of development of pre-apprenticeship and apprenticeship programs of non-traditional occupations to create career pathways for individuals with barriers to

Appendix F: Epilogue

employment, as well as supporting entrepreneurial endeavors for individuals with barrier to employment, in particular, reentrants who might face stigma and therefore special obstacles to find employment.”

Response 5: L&I appreciates your comment. No changes will be made.

Page 2. Definitions, Individuals with barriers to employment, letter C.

Individuals with a barrier to employment is a member of one (1) or more of the following populations:

- *Indians, Alaska Natives and Native Hawaiians, as such terms are defined in WIOA Sec. 166;*

Comment: A commenter recommended that “‘Indians’ should be replaced with either American Indian or Indigenous American, according to the National Museum of the American Indian.”

Response: L&I thanks the commenter for their recommendation; however, terms and definitions used in policy need to be reflective of law. The term “Indian” used in this context is taken verbatim from federal language (see Workforce Innovation and Opportunity Act, page 9, sec. 3(24)). No changes will be made in this section.

Page 2. Definitions, Individuals with barriers to employment, letter F.

Individuals with a barrier to employment is a member of one (1) or more of the following populations:

- F. Ex-offenders;*

Comment: A commenter noted that “the term ‘ex-offender’ is unacceptable, derogatory, and perpetuates a stereotype and stigma against individuals previously incarcerated. As a public service agency whose policies are seen, used and referred to by partner organizations, the Department of Labor and Industry should use diction that is just, equitable, and inclusive. Therefore, the policy should replace ‘ex-offenders’ with ‘individuals formerly incarcerated’ or ‘individuals with criminal backgrounds’ or ‘individuals with past criminal convictions’ or ‘reentrants.’”

The commenter made a parallel argument referencing letter d, as the policy refers to “individuals with disabilities”. “It doesn’t say ‘disabled individuals’ so the same sensitivity [should be extended] to those previously incarcerated. We are all people first. Public service agencies are leaders [and should lead by example] when [publishing] any communication materials. When this policy uses the term ‘ex-offenders’ it is conveying to its readers that ‘ex-offender’ is an acceptable word to use. Once someone has served their time, we should not continue to label them. If we believe that our Department of Corrections and bureaus of justice carry out fair sentencing and work towards successful community reintegration for incarcerated individuals, then once their time is served, they should not be further dehumanized.”

Response: L&I understands the commenter’s point of view, however terms and definitions used in policy need to be reflective of law. The term “Ex-offender” used in this context is taken verbatim from federal language (see Workforce Innovation and Opportunity Act, page 9, sec. 3(24)). No changes will be made in this section.

Page 13. Appendix C, prompt 1.4

1.4 Provide an analysis of local area workforce development activities, including education and training. [679.560(a)(4)]

Expectation: Narrative must present an analysis that includes the strengths and weaknesses of workforce development activities including education and training activities; the workforce system’s capacity to provide activities necessary to address the workforce’s education and skill needs, including individuals with barriers to employment and employers’ needs; and how apprenticeship programs can be leveraged to address these needs when it comes to individuals with barriers to employment, individuals in underserved communities, diversity of individuals and employers’ needs.

Appendix F: Epilogue

Comment: A commenter stated that, “Analyses of local workforce needs should engage and be inclusive of all sectors and industries beyond employers of high priority occupations (HPO), including but not limited to the natural resource conservation sector. Environmental organizations in southcentral Pennsylvania continually express a need for more individuals to help maintain the volume of streamside forest buffers being planted to improve water quality. Pennsylvania is tasked with planting 95,000 streamside buffers within the Chesapeake Bay Watershed by 2025. When the natural resource conservation and/or landscaping sector does not fall within an HPO that demand is not being captured, unless, LWDB’s engage with them. Careers in natural resource conservation where individuals work outside and among nature have high job satisfaction. Job satisfaction should be another variable considered in analyses of local workforces.

Additionally, workforce development funds should be available and accessible to all industries and sectors should they demonstrate a need for workers. Funding to support educational and training opportunities should not be limited to HPOs due to the concept that not all people will find job satisfaction in those industries. If an individual with a barrier to employment wants to pursue a career in outdoor recreation or natural resource conservation, then local workforce organizations should find a way to support that individual. And educational and vocational training opportunities are critical to assisting individuals with barriers to employment and helping them obtain gainful employment.”

Response: Thank you for your comment. Funding for workforce training is very limited and reductions have been commonplace. A mechanism to effectively target available funds has become even more important over the years. The High Priority Occupation, or HPO, process allows those available funds to be concentrated on occupations that are in demand locally and offer a family-sustaining wage. Occupations from all industry sectors are considered and local partners have the opportunity to work with their LWDBs to have occupations added to the annual HPO list during the open petition period if changing demand for those workers can be documented. LWDBs may also have additional resources available to address ad hoc training requests related to local initiatives that do not meet established criteria for training opportunities through the PA CareerLink® system. Collaboration with a LWDB is essential to all regional and local workforce development efforts.

Page 14. Appendix C, prompt 2.3

2.3 *How will the local board’s vision and goals align with, support and contribute to the governor’s vision and goals for the state’s workforce development system, as well as any of the goals and strategies articulated in the regional plan? [WIOA Sec. 108(b)(2); 20 CFR § 679.560(b)(1)(ii)]*

Expectation: Narrative must indicate that the local board adopted the governor’s vision and all goals as articulated in the WIOA Combined State Plan; it is expected that local board’s goals and strategies are reasonably aligned with the WIOA Combined State Plan, as well as any appropriate regional plan goals and strategies (wherever the local area is part of a planning region).

Factors being considered include, but are not limited to:

- How the local area will connect adults, dislocated workers and other targeted populations, especially youth and individuals with barriers to employment, to in-demand occupations;
- How the skill gaps (addressed in the narrative to prompt 1.2 above) will be eliminated or narrowed;
- How the local board will target services efficiently to educate and increase its workforce’s knowledge and skill sets;
- How the local board will develop and implement a comprehensive Career Pathways plan (including both employment and education components, as well as adult education) throughout the local area;
- How the local area will coordinate with secondary and post-secondary institutions (including programs authorized by the Perkins V Act) to align strategies, enhance services and avoid duplication of services (including specific reference to adult education, community colleges and community education councils);
- How the system will improve access to services and to activities that lead to a recognized postsecondary credential;
- How the local area will expand upon work-based training goals and strategies such as transitional jobs and leveraging existing apprenticeship programs or working with employers in the local area to develop new programs;
- How will local area business service strategies be employed (i.e. Business Service Teams, or BST); and
- How the goals support economic growth and economic self-sufficiency for the local area.

Appendix F: Epilogue

Comment: A commenter noted a “local board should adopt a wholistic approach when developing its vision and goals. Goals to consider might include balancing the promotion of industries that rely on natural resource extraction and create pollution with industries that conserve, preserve and sustainably manage natural resources. As well as industries that are adaptable, for example, the outdoor recreation industry witnessed a great growth during the COVID-19 pandemic. Nature-based economies or ‘outdoor towns’ have been able to continue to attract people throughout the pandemic. Incorporating such examples into local workforce system goals and visions would only enhance quality of life and help support a sustainable economy.”

Response: Thank you for your comment. While local boards do still need to address, in their Regional and Local Plan narrative, how their goals and strategies are reasonably aligned with those outlined in the WIOA Combined State Plan, this does not in any way prohibit local boards from also including additional regional and/or local strategies within their WIOA plans.

Page 43. Attachment 3: WIOA Local Workforce Development Delivery System Program Partner-Provider List.

Comment: A commenter sought clarity on “whether Attachment 3 is a required template format to communicate program partners, or whether an alternative document format with the exact same content can be utilized”.

Response: If the alternative document format includes identical content and is titled “Attachment 3: WIOA Local Workforce Development Delivery System Program Partner-Provider list”, it can be used. If the alternative document does not meet all requirements, then the Attachment 3 template must be used.

Page 44. Attachment 4: Local Workforce Development System Supporting Data.

Comment: A commenter noted that it is “unclear as to whether data (charts, tables, etc.) can be included within the plan text or must be included in Attachment 4.” The commenter requested “clarification and a resolution that prioritizes reading and comprehension by the public reader and maximizes efficiencies in drafting the plans.”

Response: When documenting data methodologies, plan drafters may reference the data location in the local area plan prompt narrative and move the referenced data (e.g., charts, tables, etc.) to Attachment 4. Attachment 4 is designed to be an optional tool for any LWDB that wants to use it. However, all LWDBs must attach the Supporting Data attachment to the submitted local area plan and publicly post it with all other supporting documentation as referenced in the WIOA Regional and Local Area Plan Guide. If a LWDB does not use this form, the LWDB must note on the attached and published attachment that “all data is cited in the local plan narrative.”