

Workforce Investment Act Title IV Amendments to the Wagner-Peyser Act

Summary of Key Provisions

June 2011

NOTE: Unlike other titles of the Senate WIA staff discussion draft, which were written to completely replace existing legislative language, title IV is written as a series of amendments to existing law.

Sec. 402 Definitions

- The terms chief elected official, institution of higher education, one-stop center, one-stop partner, training services, workforce development activity, and workplace learning advisor have the same meanings given the terms under title I. (pg. 1)

Sec. 403 Federal and State Employment Service Offices

- *One-Stop Centers* – Employment Service offices in each state must be co-located with one-stop centers. Secretary may assist states in the development of national electronic tools to improve access to workforce information for individuals through the one-stop delivery system and other appropriate delivery systems. (pg. 3)

Sec. 404 Allotment of Sums

- *Reservation of Funds for Workforce Innovation Grants* – For any fiscal year in which appropriations for state Employment Service grants exceed Fiscal Year 2010 appropriations, Secretary must reserve ½ of the excess amount (up to \$50 million) for Workforce Innovation and Replication Grants. (pg. 4-5)

Sec. 405 Use of Sums

- *Resources for Unemployment Insurance Claimants* –Permits states to provide unemployment insurance claimants with referral to, and application assistance for, training and education resources and programs, including Pell Grants, the GI Bill and post-9/11 veterans educational assistance, federal and state student assistance programs, and programs under titles II, III, and V of the Workforce Investment Act. (pg. 5-6)
- *State Activities* – Current law requires governors to reserve 10 percent of state allotments for various activities, including performance incentives for employment service offices



and programs based on performance measures established by the Secretary. Amends to provide that the performance measures for performance incentives must be based on the performance accountability measures described in title I. (pg. 6)

Sec. 406 State Plan

- Requires detailed plans for carrying out Wagner-Peyser provisions (required under current law) must be included in either a unified state plan or a combined state plan. (pg. 7)

Sec. 407 Performance Measures

- Current law authorizes, but does not require, the Secretary to establish performance standards for activities carried out using state allotments. Amends to require use of performance accountability measures under title I. (pg. 7)

Sec. 408 Pilot Projects

- Authorizes a new grant program to support pilot projects that enhance the professional development and provision of services by the staff of state employment service agencies. Up to five grants may be awarded, which may be used to enable state agencies to:
 - Make available a broad range of career guidance services, including career planning, aptitude and interest assessments, and the provision of workforce and labor market information, and evaluate the outcomes for recipients of such services;
 - Strengthen the capacity of the state agency to identify job openings through the use of technology, and through intensive outreach to small and medium size employers while using and enhancing the business and employer services authorized under the Act;
 - Provide professional development and career advancement opportunities for staff of a state agency in order to upgrade their skills and competencies in the provision of career development activities, employer outreach, and other services, including upgrading those skills and competencies through the training of staff to improve their knowledge of, and ability to effectively interact with, staff and programs of one-stop partners and other entities administering workforce development programs;
 - In cooperation with professional organizations and institutions of higher education, demonstrate the efficacy and value of professional credentialing for counselors of the state agency to cooperate in the administration of the Act;



- Identify and implement strategies for state agency staff to provide technical assistance and training to assist other providers of workforce development activities, including workplace learning advisors, in providing counseling and employment-related services to workers, jobseekers, and employers; and
- Identify and implement new strategies for integrating counseling and technology to enhance the provision of employment-related services under the Act. (pg. 8-9)
- *Priority* – Grants must be given to state agencies that demonstrate: participation by agency employees in the planning of the proposed pilot project; participation by the employees (or an assurance that employees will participate) in the implementation of the project; and that the agency has established or will establish a partnership with a relevant professional organization or an institution of higher education. Secretary must ensure geographic diversity and diversity in population density of states in which projects will be carried out. (pg.10)
- *Reports* – Secretary must prepare and submit annual reports to Congress assessing funded projects and making recommendations for improvements in the provision of counseling and other employment-related services. (pg. 11)
- *Authorization of Appropriations*– Authorizes appropriations of such sums as are necessary for pilot projects for each of fiscal years 2012-2016. (pg. 11)

Sec. 409 Workforce and Labor Market Information System

- *Heading* – Strikes “Employment Statistics” and references to the “employment statistics system of employment statistics” and replaces with “workforce and labor market information system.” (pg. 11)
- *System Responsibilities* – Amends system responsibilities as follows:
 - *Structure* – Secretary must evaluate and improve the workforce and labor market information system in consultation with a new Workforce Information Advisory Council; (pg. 12)
 - *Grants and Responsibilities* – Secretary must carry out system responsibilities through grants or agreements with the states. Funds must be distributed in FY 2012-2016 in the same manner that funds were distributed to states in FY 2004-2008; (pg. 12-13)
 - *Duties* - Secretary must solicit, receive, and evaluate the recommendations of the Workforce Information Advisory Council concerning evaluation and improvement of the workforce and labor market information system, and respond in writing to the Council regarding the recommendations; (pg. 14)



- *Two-Year Plan* – Replaces current requirement for an annual Wagner-Peyser plan with a two-year plan. The two-year plan must take into account activities described under a unified state plan or a combined state plan, and must be submitted to the relevant Congressional committees. (pg. 15)

Plan must include: (1) a description of how the Secretary will work with states to manage the nationwide system and the statewide systems that comprise the national system; (2) a description of how the Secretary will carry out his or her duties with respect to the system over the following two years; (3) an evaluation of the performance of the system, with particular attention paid to improvements needed at the state and local levels; (4) a description of how states were involved in the development of the plan through the Workforce Information Advisory Council; and (5) a description of the written recommendations of the Workforce Information Advisory Council, and the extent to which those recommendations were incorporated into the plan. (pg. 15-16)

- *Workforce Information Advisory Council* – Establishes a Workforce Information Advisory Council. Secretary must formally consult with the Council at least twice a year to address the evaluation and improvement of the nationwide and statewide workforce and labor market information systems. The Council is required to provide written recommendations on the evaluation and improvement of the nationwide system, including recommendations relating to the two-year plan. (pg. 16-17)
 - *Establishment.* The Council must be comprised of:
 - 4 representatives of lead state agencies with responsibility for workforce investment activities, or state agencies administering programs and services under Wagner-Peyser, nominated by their agencies or by a national organization representing such agencies;
 - 4 representatives of the state workforce and labor market information directors affiliated with the state agencies above, nominated by the directors;
 - 1 representative of providers of training services under sec. 222;
 - 1 representative of economic development agencies;
 - 1 representative of businesses, nominated by national business organizations or trade associations;
 - 1 representative of labor organizations, nominated by a national labor federation;
 - 1 representative of local workforce development boards, nominated by a national organization representing such boards; and
 - 1 representative of research entities utilizing workforce and labor market information. (pg. 18-19)



- Members must be geographically diverse, and may be appointed for 3-year terms, except that initial terms may be staggered. (pg. 19-20)
- *Authorization of Appropriations*– authorizes such sums as may be necessary for workforce and labor market information systems for fiscal years 2012-2016. (pg. 21)