Below are recommendations for regulatory language and implementation considerations relating to the Workforce Innovation and Opportunity Act (WIOA). This document was drafted by New York Association of Training & Employment Professionals (NYATEP) members and supporters, and includes feedback from a range of stakeholders in the fields of education, workforce, and economic development in New York State. We deeply appreciate your consideration of these recommendations.

Adult and Dislocated Worker and Job Training

1. **Federal Recommendation: (Sec. 134 (c) (2)(A) “Career Services”)**
   
The elimination of the ‘sequence of services’ and the intent to streamline a jobseeker customer’s experience is a welcome change. In order to enable local areas to continue to meet the needs of its customers, we recommend the regulations reflect local flexibility to assess the need for, and deliver career services. For example the regulations could state, “To be consistent with the goal of maximizing customer access to the services needed for successful skills development, and employment attainment and retention, local workforce areas are best positioned to determine the timing, duration, and appropriate mix of services for participants. Additionally, the local workforce area may utilize a prior assessment from a partner organization inclusive of education and postsecondary institutions, employer and/or community-based organization.”

   **New York State Comments:** Will the State continue to require, or put policies in place related to initial assessments and customer flow? If yes, we recommend that the policies be developed in conjunction with the local workforce areas to meet the requirements under WIOA, ensure consistency across the States, and provide for smallest burden possible locally.

2. **Federal Recommendation: (Sec. 134 (c) (2)(A) (x) and (xi)“Career Services”)**
   
   Partnership is a critical element to the success of high performing local workforce areas. Throughout the “Career Services” section of the law, there are references to “assistance” provided by the one-stop or its contractor as it relates to financial aid eligibility and filing for unemployment compensation. We recommend “assistance” be defined as, “Providing an eligible jobseeker with information pertaining to access and/or direct assistance from the one-stop staff or partner staff, and/or referral to a qualified partner organization for direct assistance.” Additionally, such “assistance” should be the same for both adult and youth programs.

3. **USDOL Recommendation: (Sec. 134 (c) (2) (B) “Career Services” and Sec. 134 (c) (3)(ii) “Training Services” both referring to “Use of Previous Assessments”)**
   
   It is favorable to enable local workforce areas and partners to utilize recent prior assessments to understand eligible jobseekers’ needs as it relates to career services. We recommend the definition of “prior assessments” to mean, “a documented assessment that occurred within the
past twelve months to determine an individual’s educational attainment, skills level, soft skills, or services required, as described under Sec. 134 (b)(2).”

When WIOA goes into effect, we recommend that current WIA customer (in the system as of June 30, 2015) assessments completed under WIA are grandfathered to the WIOA system. These participants can complete the WIA services specified in an Individual Employment Plan, Individual Service Strategy, or other action plan, even if such services are not allowable under WIOA, or if the participant is not eligible to receive these services under WIOA.

4. **Federal Recommendation:** (Sec. 134 (c)(2)(A)(xii)(I)(aa) referring to “use of diagnostic testing”)
Diagnostic testing can be a valuable tool to understand an individual’s skills proficiency and job readiness. Due to the variability of jobseeker needs (i.e. barriers to employment, soft skills, literacy/numeracy, and/or industry-required skills), we believe that maximum flexibility should be provided to local workforce areas, and partners, in selecting an appropriate diagnostic tool to assess a jobseeker’s readiness and skills level. In no way, should the diagnostic tool deter customers with significant barriers to employment (such as conviction history, low literacy, etc.) from participating in the system. Additionally, the diagnostic tools should be consistent across the WIOA title. For example the regulations could state, “To ensure that State and local workforce areas retain maximum flexibility, we have refrained from including additional regulatory requirements.”

**New York State Comments:**
What would the State consider to be allowable diagnostic tools for assessment of soft skills and/or literacy/numeracy, if the State was tasked with determining allowable tools? We recommend outreach to the literacy community across the State to determine current tools in use, and coordination with the State Education Department’s system for assessing literacy skills. Additionally, a national scan of best practices measuring and documenting skills gains should take place.

5. **Federal Recommendation:** (Sec. 134 (c)(2)(A)(vii), (viii), and (ix) referring to “provision of information” to the one-stop customers.
We are strongly in favor of a transparent system that enables customers of the One-stop and statewide workforce system to understand, compare, and ultimately make informed decisions as it relates to the selection of services. In the spirit of “reducing the reporting burdens and requirements” for local workforce areas, we strongly encourage States be held responsible (as stated in Sec. 116) for producing and providing publicly available, quarterly reports, by local workforce area, relating to local area performance, performance information and program cost on eligible training providers of training, and statewide availability of supportive services (available through State agencies). This will improve the consistency of reporting, and understandability for customers who may utilize services throughout the State. Additionally, to
supplement these reports, local workforce areas could provide additional information about additional local performance measures, training standards, and/or supportive services available.

6. **Federal Recommendation:** (Sec. 134 (c)(3)(F)(v) “Training Services” in reference to “recognized postsecondary credential”)  
Highest quality training is a priority for New York State-based education and training providers. We recommend the definition of “postsecondary credential” to mean “a credential from a state accredited institution or industry-recognized organization, including, but not limited to diplomas, certificates, apprenticeships (inclusive of registered and non-registered), licenses, baccalaureate and associate degrees, and/or an industry recognized credential.”

7. **Federal Recommendation:** (Sec. 134 (a,c) (3) “Training Services” in reference to local flexibility”).  
Local workforce investment areas, and providers, are best positioned to collect and understand local labor market information and intelligence, build employer relationships, and provide effective training in response to the current and future labor market needs. We strongly recommend that local flexibility be preserved as it relates to Sec. 34 (c)(3) (D-H), to determine the appropriate availability, structure and mix of training services that are offered locally to individuals and employers. Additionally, in instances where local areas are looking to pilot training, we recommend the flexibility be included to enable local areas to contract with providers not on the Eligible Training Provider List.

Additionally, incumbent worker training programs established under Sec. 134 (a)(3) under allowable Statewide Employment and Training Activities, should involve local boards in the approval process of the programs in order to ensure coordination, alignment and non-duplication.

8. **Federal Recommendation:** Customized training (Sec. 3, p. 7), on-the-job training (Sec. 3, p. 12), and incumbent worker training (Sec. 134, p. 112) in reference to “employer match”  
Customized training, incumbent worker training, and on-the-job training each have different “match” requirements, making it challenging to communicate the difference in the programs to employers. We recommend simplifying the match requirements, and setting low match requirements for small business to encourage their participation in the programs. Additionally, we recommend making a distinction based on the definition of a small business according to the Small Business Administration; 250 or fewer employees. Further, we recommend that the match requirement be the same across all three types of training and be differentiated based on business size. See below for an example:

<table>
<thead>
<tr>
<th>Training Type</th>
<th>Small Business Match (1-249 employees)</th>
<th>Large Business Match (250+ employees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customized Training</td>
<td>10%</td>
<td>25%</td>
</tr>
<tr>
<td>Incumbent Worker Training</td>
<td>10%</td>
<td>25%</td>
</tr>
<tr>
<td>On-the-Job Training</td>
<td>10%</td>
<td>25%</td>
</tr>
</tbody>
</table>
9. **New York State Comments: (Sec. 134 (H) in reference to On-the-Job Training)**

There are several aspects of OJT/NEG that make the program difficult to implement. Generally, the issues can be grouped into three areas: the contract, documentation required, and eligibility requirements. Under WIOA, steps should be taken by the State to minimize the burden on employers related to timing, length and complexity of the contracting process. This includes the lengthy list of documentation that is required, and is irrelevant to the OJT contract. Finally, local areas should have the flexibility to determine participant eligibility. Currently, candidates must take a job zone skills test in order to qualify for OJT NEG, which many one-stop centers do not normally require or see value in providing. To streamline these processes under WIOA, we recommend convening local business services teams, inclusive of NYS Department of Labor and WIA funded staffs to provide feedback on improving the system.

10. **New York State Comments: (Sec. 134 (d)(4) in reference to incumbent worker training)**

NYS needs a proactive, innovative, rolling incumbent and customized training program that is responsive to the evolving skill needs of our innovation industries but also addresses the more basic skill needs of all industries such as leadership and supervisory development. The skill demands of local industries do not align with the timeline for Regional Economic Development Council CFP process. And, training funding availability should not be limited to meager WIOA allocations. We recommend a serious review of best practices nationally for annual and substantial state investment in training by the State Workforce Investment Board. Two examples, among many, include:

Massachusetts:  **Workforce Training Fund Program (WTFP)** provides four separate programs, the General Program Training Fund, The Express Training Fund, The Hiring Incentives Training Fund, and the General Program Technical Assistance Fund. It provides flexibility to provide funding for larger projects up to $250k under the General Program and a funding of up to $30k under the Express Fund for employers under 100 employees. The total funding allocation for this program is $18 million annually and is completely paid for by a 0.06% tax on wages for employees into the UI fund.

Texas: **The Skills Development Fund** allocated $22,441,693 in 2012 to fund 50 grants serving 111 businesses resulting in 5100 new jobs and 14,732 skill upgrades. All trainees must receive the state prevailing wage for the occupation they are in to be eligible to receive the funding. The only eligible applicants are community or technical colleges or the Manufacturing Extension Partner (MEP) in the region, working in collaboration with an employer or consortia. Maximum training awards are up to $500k and they also accept applications year round in order to be responsive to current employer needs. This funding comes from the WIA allocation, through the Texas Workforce Commission and is not employer funded.
11. **New York State Comments**: (Sec. 134 (G)(iii) in reference to linkage to occupations in demand)

   In consideration of changes in many industries with respect to the crossover of skills necessary in a significant number of occupations, the reliance on “occupations in demand” as the sole determinate of fundable training is too limiting. The identification of “skills in demand” by local workforce investment areas and the inclusion of training for those demand skills as allowable for funding would provide needed flexibility. We recommend that “skills” be added to this section in addition to occupations as approvable training services.

12. **Federal Recommendation**: Priority (Sec. 134 (c)(3)(E) “Priority”)

   We recommend that this section be revised to say: “With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), in cases where funding is limited, priority shall be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services.”

**Local Workforce Development Boards**

1. **Federal Recommendation**: (Sec. 107 (b)(2)(B) “Local Workforce Development Boards - Composition”)

   Many New York State boards are located in rural areas, therefore the ability to meet the minimum requirements for organized labor representation may be challenging. We recommend regulatory language that would guide the State Department of Labor, local Chief Elected Officials, and local labor representatives in the development of an alternative strategy to engage labor, if the local Board cannot meet the 20% organized labor requirement. Additionally, in order to support local areas meet this requirement we recommend that the definition of “organized labor” be aligned with that of the National Labor Relations Act, as well as inclusive of any state recognized, labor engaged organizations.

2. **Federal Recommendation**: (Sec. 107 (b)(4) “Local Workforce Development Boards-Standing Committees”)

   We strongly believe that the WIOA Programs, the One-stop delivery system and associated services, should be accessible to all jobseekers and employers, including individuals with disabilities. However, as it relates to a local workforce board’s committee structure, we feel strongly that the local board have the flexibility to establish the committees they believe necessary to respond to local needs, and are in alignment with Board Member expertise. Additionally, local Boards should maintain the responsibility to determine the size of committees, frequency of meetings, the roles and responsibilities.

3. **Federal Recommendation**: (Sec. 107 (d)(4) “Local Workforce Development Boards – Employer Engagement”)

   Labor markets and economies are local and regional in nature, and so are relationships. We strongly believe that Local Boards be provided with the authority to lead and coordinate efforts
across the WIOA programs to engage with diverse employers locally and within the region. Therefore we recommend the regulations state: The State Workforce Board and Local Boards shall work in a coordinated manner in the provision of business services, and local boards will be the primary point of contact for employer relationships.

4. **Federal Recommendation: (Sec. 107 (d)(13) “Local Workforce Development Boards – Career Pathways Development”)**
   The implementation and application of Career Pathways should be locally driven to ensure the coordination of regional secondary and postsecondary institutions. We urge the regulations specifically require coordination across the WIOA programs to ensure a common career pathway is recognized and utilized across the State. For example: The State Workforce Board, in consultation with the Local Workforce Investment Areas, shall define the roles and responsibilities of the WIOA programs related to Career Pathways, and the strategy to ensure seamless service delivery for jobseekers and employers in this regard”. Additionally, federal guidance for commonly used terms associated with Career Pathway development, i.e. entry, exit, education, etc.

   **New York State Comments:** Aside from the State WIB, how will State Agencies coordinate to ensure this happens? What Agency will be the lead responsible for implementation? We recommend a statewide planning team that includes representation from local workforce areas, educational institutions, and providers to determine the programmatic and policy changes required.

5. **Federal Recommendation: (Sec. 107 (d)(13) “Local Workforce Development Boards – Accessibility for Individuals with Disabilities”)**
   The local ability to invest in the appropriate upgrades to ensure individuals with disabilities can fully access all programming is limited. We recommend the State or Federal governments provide a set aside of funding, not require use of the limited local allocations, for the assessment and development of programs and infrastructure, i.e., when physical upgrades are needed to meet accessibility requirements. In addition, when new facilities are being deliberated, ADA compliance shall be part of the consideration.

6. **Federal Recommendation (Sec. 128 (b)(4) “Local Workforce Development Boards – Local Administrative Cost Limit”)**
   Under WIOA the roles and responsibilities of Local Workforce Investment Boards is expanded to increase coordination across the Titles; Convening, Brokering and Leveraging; Employer Engagement; and promotion of Proven and Promising Practices; and Career Pathways development. Severely restricting what is considered as an eligible administrative cost will limit the Workforce Board’s ability to adequately fulfill these roles and the intent of the law. We
strongly suggest providing guidance for what is considered an allowable activity, keeping in mind the range of duties of Workforce Board staff.

Additionally, due to the unevenness of fiscal and program monitoring under WIA, we feel strongly that State Financial and Oversight Technical Assistance Units and programmatic monitors be required to take a federal training on what is allowable under administrative costs.

7. Federal Recommendation (Sec. 107(d)(1) “Local Workforce Development Boards – Functions of the Local Board, Local Plan”)
Currently under WIA, New York State’s Local Board’s local planning process is heavily dictated by the State, which dramatically limits the ability of Local Workforce Areas to provide their feedback into the State Plan. For example, in New York local areas are provided with a lengthy and detailed questionnaire which serves as the local plan. We recommend regulatory language the enables local areas to meet the needs of the State Board in meeting their responsibilities under WIOA for Statewide Planning, but encourage and allow local areas to provide their own input, feedback and strategies within the local plan. Additionally, for the initial years of the plan, we recommend allowing for an abbreviated plan to be provided in advance of the 2016 State Plan, with the ability to revise and resubmit in 2017 to allow for more intensive local planning, if necessary.

As the oversight body for the State and local planning processes, it would be valuable to require more local participation on the State Workforce Board. This local knowledge would lead to more robust and realistic implementation plans. For example, regulations could be written as follows, "Pursuant to Section 101 (b)(1)(C)(iii)(bb), chief elected officials appointed to the state workforce board shall be comprised at minimum of the chief elected official of the largest and smallest LWIA, per their LWIA allocation in the state. In instances where a consolidated or multi-county LWIA is the largest or smallest in the state, the Governor shall have discretion for appointing a singular Chief Elected Official from the consolidated or multi-county LWIA to represent such LWIA".

Establishment of One Stop Delivery Systems: One Stop Operations
1. Federal Recommendation (Sec. 121 (c)(1) “Establishment of One Stop Delivery Systems – Memorandum of Understanding”)
To ensure national consistency, we recommend the development of a boiler plate MOU that mirrors the federal requirements, and then can be modified by State and local Boards as needed. Additionally, we strongly encourage a ‘blanket’ MOU be allowable if multiple partners are willing to agree to the same set of terms.

In regards to mandated partners role within the One-Stop centers, we recommend that one site be considered “full-service”, inclusive of all partners, but the remaining sites or affiliate sites like public libraries or community colleges, be able to determine the appropriate services, or virtual
services available through their location. Local areas should not be penalized for maximizing their efficiencies by expanding their offerings virtually, or offering services through partner organizations.

Finally, in order to equitably resolve MOU disputes, we recommend that the USDOL and USDOE provide a cost allocation plan and MOU terms that will go into effect if the State is unwilling or unable to negotiate terms with a local area, or is negligent in paying their portion of the cost allocations. In New York State several of the mandated partners that would be subject to the cost allocation requirements are state partners, therefore it is critical that the federal government provide guidance for the resolution if the oversight agencies for WIOA are negligent in this regard. Our state currently has a policy, that the state is the final decider in state/local disputes (TA-14-10: http://labor.ny.gov/workforcenypartners/ta/ta14-10-WIAAgreements.pdf)

2. New York State Comments: If USDOL does not provide a boiler plate MOU, we recommend that the State agency partners strongly collaborate, in consultation with local workforce areas, to develop MOU consistent statewide templates that can be utilized at the local level, and that all agency partners communicate with staff locally about the importance of participating and what the monetary expectations will be.

3. Federal Recommendation (Sec. 121 (c)(2)(d) “Establishment of One Stop Delivery Systems – Eligibility”)
   The provision to require procurement of the one-stop operating system will unduly harm local areas, in particular rural offices that are effectively implementing a successful consortium model or operating the system through a City or County office. In order to maintain successful workforce systems locally under WIOA, we strongly urge the regulations provide for the ability for local areas that are operated using a consortia model or from a City of County office not be subject to the procurement requirements. If this is not possible, we believe that local areas should have the flexibility to determine the qualifications associated with the procurement of the local operator, to ensure the qualifications meet the unique needs of the local workforce area. Another option, in the instance where a local area does not manage the day-to-day operations of the one-stop centers, the board may designate or certify a one-stop operator without competition, but must select one-stop providers through a competitive process.

We strongly recommend that the timeline for bidding contract for One-Stop Operators be extended until July 1, 2016. The proposed rulemaking is not set to be released until mid-January, making it impossible to meet local procurement requirements such as drafting an RFP, holding a bidders’ conference, providing enough time for responses, reviewing proposals, WIB vote on proposals, and negotiating contracts prior to 7/1/2015. Furthermore, we would be conducting the procurement under the old WIA-approved board rather than the new WIOA board.
4. **Federal Recommendation (Sec. 121 (e)(3) “Establishment of One Stop Delivery Systems – Co-location of Wagner Peyser Services)***

A highly functional Career Center is critical to customer service. We recommend the Local Board and One-Stop Operators maintain flexibility regarding co-location, (i.e., management of staff, development of common performance measures for staff, etc.), but are provided with the parameters of the functional duties within the regulations. For example, responsibility for the One-stop operator, partner and stakeholder engagement, meeting federal/state/local performance standards, and activities related to career and business services. Ultimately, we believe that the local fiscal agent, and Local WIB that has selected a center operator, should be able to designate the lead Center Director. Additionally, in areas where merit staffing also supports a center’s operations, there needs to be clear understanding of the authority within the center, and expectations for performance. In our experience the major challenges with co-location are related to who is in charge and provides staff direction. Similarly, the State should be required to have a conflict resolution process detailed and communicated to the local areas.

5. **Federal Recommendation (Sec. 121 (e)(4) “Establishment of One stop Delivery Systems – Use of Common One-Stop Delivery System Identifier”)***

We recommend the federal government phase in rebranding, and provide supplemental funding to States to defray costs of the changes. To avoid confusion and competition at the local level, the rebranding should be simple, small, and black and white. Or, local areas should be able to determine how to incorporate the branding into their own logo designs.

6. **Federal Recommendation: (Sec. 121(h)(1)(A) “Establishment of One Stop Delivery Systems – Options for Infrastructure Funding)***

We urge the regulations to be clear in stating the responsibility of partners in provided funding to support infrastructure and the eligible costs, as well as compel the federal partners to alleviate any real or perceived barriers to contributing. We recommend that the federal government define “in-kind” costs, and provide a sliding scale to be utilized by State and local areas in determining appropriate costs (i.e. facility costs, staff time, etc.) and percentages for the mandated partners. We believe all partners should provide a financial contribution, however the contribution should be aligned to the level of service they are providing through the system.

*New York State Comments:* Prior to local area allocations, we recommend that New York State “charge” the state-level mandated partners, and through a formula, and provides the funds directly to the local areas, versus each local area negotiating with these partners and waiting on funding.
Performance and Accountability

1. **Federal Recommendation: Measurable Skills Gain (Sec. 116 (2)( V))**

Defining “measurable skills gain” will be necessary to ensure a uniform national approach to understand skills attainment. We recommend utilizing literacy and numeracy attainment metrics currently utilized by Adult Basic Education or English as Second Language providers; and recognizing reputable programs like Work Keys, among others, as acceptable measures of a “skills gain” for adults and youth who are in need of diagnostic testing. Similarly, the tools utilized for measurement should be aligned to those listed for use of “diagnostic testing” referred to in Sec. 134.

Under WIA Youth, the skills gain and literacy/numeracy gains are effective for a participation year. WIOA makes the measure effective “during a program year.” If a customer enrolls in training toward the end of a program year, it will result in a negative outcome due to the customer not having enough time to obtain the skills gain before June 30th. We recommend that WIOA Youth who were enrolled less than 90 days prior to the program year end, and are continuing services into the next program year be allowed to continue as an active participant, and considered enrolled in Year 1, and in progress in Year 2, with expected completion in Year 2.

2. **Federal Recommendation: Employer Engagement (Sec. 116 (2)( VI))**

We applaud the inclusion of employer engagement as a metric within WIOA. We strongly encourage the use of employer engagement metrics that are sensitive to mandating a reporting burden on employers, and utilize available reporting systems, such as wage data. Additionally, we strongly encourage the use of metrics that do not have adverse consequences, i.e. would drive behavior to performance, not reflect the deep partnerships we are looking to build with employers. Several examples of employer engagement measures that could be included are:

- Number of employers utilizing each service and length of engagement, i.e. on-the-job training, customized training, etc.
- Amount of employer monetary contribution to training
- Recruit to hire ratio, i.e. the number of jobseekers an employer needed to engage before hiring for a position.
- Employee retention and wages
- Number of youth employment and work experiences
- Fill Rate, i.e. number of jobseekers placed against the number of open job orders in the system.

3. **Federal Recommendation: Local Performance (Sec. 116 (4)(1):**

New York State has measured indicators of performance, in addition to the common measures for several years. Additionally, the State has often set local performance goals unreasonably high, in order to ensure the State meets its overall performance goals set by the federal government. In order to strengthen the coordination between state and local workforce
programs, we recommend that the following language be included: The State Board, in consultation with the Local Workforce Investment Areas, shall develop indicators of performance in addition to the Common Performance Measures. Additionally, the State shall develop a publically available algorithm for setting local performance targets.

In terms of responsibility for performance, we believe it needs to be clearly stated within the regulations that the State Workforce Investment Board, as well as the oversight agencies, is responsible for monitoring and improving performance across all the titles of WIOA. We are concerned that local workforce boards may be held responsible for performance of agencies in which we have no authority or financial influence.

Performance measures, in particular those relating to Title II, should also take into account the large number of foreign born participants, including undocumented individuals and those that fall under the new executive order. In New York State many adult education and family literacy programs serve this population, do not include immigration status in the provision or reporting of instruction. Additionally, allowing for self-attestation for employment will be necessary, as undocumented individuals will not want local areas to jeopardize their employment by contacting employers for information. Regulations should enable foreign born participants to be served and counted regardless of immigration status.

4. **New York State Comments:**
Under current employment and retention measures, local areas are measuring one additional quarter out which makes it difficult to work with customers post-exit. With the implementation of the new measures, New York State should develop, in coordination with the local areas, leading indicators of performance that also takes into account other data systems like National Reporting System for adult education measures. Additionally, there is significant concern about the potential number of indicators, and burden on local areas to collect and report this data.

5. **Federal Recommendation:** Publication (Sec. 116 (6))
In order to effectively compare national performance, we recommend U.S. Departments of Labor and Education develop a federal dashboard for performance that is able to be sorted by State and LWIA.

**Federal Question(s):**
- What is the process for counting and/or exiting youth that are enrolled already? Especially, in school youth who may not have achieved their diploma yet?’
- Does collecting information regarding SSN, race, ethnicity, sex, and age conflict with federal confidentiality rules?
New York State Comments & Question(s):

- During the transition from the current measurement process to WIOA, what are plans to change the systems (i.e., OSOS) to meet the new requirements? What is the timeline and technical assistance that will be available? We recommend, in advance of July 1, 2015 New York State Department of Labor and State Education Department issue guidance relating to data collection and validation, and a timeline for the transition to the new performance measures.
- How will NYSDOL and NYSED coordinate data with State University of New York and City University of New York, and the National Student Clearing House data in order to accurately capture customers who have received a recognized postsecondary credential within 1 year after exit from the program?
- What does it mean to be an “early implementer state” and how will this affect the performance requirements? What is best conduit to local areas to provide feedback?
- Are there constraints to the state law that prohibit us to effectively use the wage record data, and utilize it across WIOA partners?

Serving Youth

1.) Federal Recommendation: Youth eligibility (Sec. 129(a)(B))

Due to the high correlation of disconnection from education and work at a young age, and likelihood of poverty, we strongly recommend that all Out of School youth be exempt from having to meet income eligibility requirements.

Additionally, we feel strongly that under section (VI) “An individual who is pregnant or parenting” should be clarified to include non-custodial parents, such as fathers.

2.) Federal Recommendation: Low income youth (Sec. 129 (2) “Special Rule)

In order to ensure we are able to serve youth at-risk of becoming low-income, we strongly recommend that youth, regardless of their poverty status, who attend a school that are considered by the U.S. Department of Education to be a “designated low-income school”, be considered low-income youth.

3.) Federal Recommendation: Low income youth (Sec. 129 (c)(2) “Local program elements – paid and unpaid work experiences”)

We recommend that the regulations clarify, in regards to “paid an unpaid work experiences that have as an academic component or occupational education”, what is allowable under the Fair Standards Labor Act for youth.

In regards to the language relating to “academic component” we recommend that it be allowable for an organization other than an educational institution, including community-based and faith-based organizations, One-stop partners, units of State and local government, and
other labor or workforce organizations, to provide this portion of paid and unpaid work experiences.

Finally, we recommend that Sec. 129 (c)(2)(C)(ii) be revised to read “pre-apprenticeship and apprenticeship Programs;”

**Miscellaneous Recommendations**

1. **Federal Recommendation**: State Planning requirements (across all titles of WIOA)
   We strongly recommend that regulations include language that requires States to articulate how the discretionary WIOA resources (i.e. State set aside) are expected to be utilized across the four titles to support implementation of the vision articulated within the State plan (including specific performance goals), professional development for the field, and the promotion/improvement of local best practices.

2. **Federal Recommendation**: Sec 122 (b)(2) “non-federal matching requirement”
   Regulations should be provided that outline the allowable in-kind costs for the federal match and non-federal match requirements.

3. **Federal Recommendation**: Across WIOA
   In order to successfully implement WIOA, the U.S. Departments of Education and Labor need to work collaboratively to understand, and eliminate any regulatory barriers that are currently in place and work against the successful implementation of WIOA.