

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA State Plans
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 10-19

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
STATE LMI DIRECTORS
SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM
GRANTEES
STATE APPRENTICESHIP AGENCIES
STATE DIRECTORS OF THE OFFICE OF APPRENTICESHIP
STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING
STATE UNEMPLOYMENT INSURANCE DIRECTORS
STATE WORKFORCE AGENCY VETERANS COORDINATORS

FROM: JOHN PALLASCH 
Assistant Secretary

SUBJECT: Technical Assistance regarding the Submission Deadline for the Unified and Combined State Plans under the Workforce Innovation and Opportunity Act (WIOA) for Program Years (PYs) 2020-2023 and Other Related Requirements

- 1. Purpose.** To provide an update on technical assistance to states, territories, and outlying areas related to the requirements for submitting PYs 2020-2023 Unified and Combined State Plans under sections 102 and 103 of WIOA¹. The PYs 2020-2023 Unified and Combined State Plans will cover the four-year period from July 1, 2020, through June 30, 2024.
- 2. Action Requested.** As described in an email to States on November 6, 2019, to encourage implementation and integration of workforce development services, WIOA requires States²

¹ This is a statement of the Departments' policy regarding the Workforce Innovation and Opportunity Act. Other than statutory and regulatory requirements included in this document, the contents of this guidance do not have the force and effect of law. This document is intended only to provide clarity regarding existing requirements under the applicable law or agency policies.

² In this technical assistance, for purposes of both the Unified and Combined Plans, the term "State" refers to the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, the Northern Mariana Islands and, as appropriate for certain programs, the Republic of Palau.

RESCISSIONS TEGL 14-15 and TEGL 06-17	EXPIRATION DATE Continuing
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to submit a four-year Unified or Combined State Plan that covers, at a minimum, the six core programs of the workforce development system. In order to satisfy the submission requirements of sections 102(c)(1)(B) and 103(b)(1) of WIOA for these State Plans, each State's Governor must submit a Unified or Combined State Plan for the four-year period covering PYs 2020-2023 **by March 2, 2020**.³ The Unified or Combined State Plan covering the six core programs of the workforce development system will be considered approved 90 days after the date the Plan is submitted, unless the Secretaries of Labor and Education inform the State in writing within that time period that the Plan is inconsistent with the State Plan requirements or the provisions authorizing the core programs, as appropriate (sections 102(c)(2)(B) and 103(c)(3)(A) of WIOA).

While WIOA imposes no statutory penalties for submissions after March 2, 2020, for those States submitting Unified or Combined State Plans for the core programs after April 1, 2020, the Secretaries of Labor and Education, as well as the Commissioner of the Rehabilitation Services Administration, will do their best to approve the Unified or Combined State Plans prior to July 1, 2020, which is the start of PY 2020. However, because Plans submitted after April 1, 2020, will not give the Secretaries the full 90 days allowed by law to review and approve the Plans, the awarding of core program funds for those States could be delayed.⁴

Section 103(a)(1) of WIOA permits States to submit a Combined State Plan that includes the six core programs and one or more programs identified in section 103(a)(2). At least two of those partner programs — the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education Act for the 21st Century Act (Perkins V), and the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) — were recently reauthorized. The U.S. Departments of Labor (DOL) and Education (ED) (collectively, Departments) encourage the inclusion of Perkins V and SNAP E&T in strategic planning, and are available to provide technical assistance on plan submission and timing to ease inclusion. Under these circumstances, States should contact the appropriate Employment and Training Administration (ETA) Regional Office and federal program contact in writing to discuss the timing of state submission and the potential core program funding implications for plans that may not be approved until after the commencement of PY 2020.

³ The Departments determined this due date based on a calendar calculation of the statutory requirements of sections 102(c)(1)(B) and 103(b)(1) of WIOA.

⁴ The Departments award grant funds to five of the six core programs at the start of each PY on July 1: the Adult, Dislocated Worker, and Youth programs authorized under title I of WIOA and administered by DOL; the Adult Education and Family Literacy Act (AEFLA) program, authorized under title II of WIOA and administered by ED; and the Employment Service (ES) program, authorized under the Wagner-Peyser Act as amended by title III of WIOA and administered by DOL. The Vocational Rehabilitation (VR) program, authorized under title I of the Rehabilitation Act of 1973 as amended by title IV of WIOA and administered by ED, receives its funding at the start of each Federal Fiscal Year.

States are expected to submit Plans via the State Plan Portal described in Section 4e of this technical assistance.

3. **Summary and Background.**

- *Summary* – This updated technical assistance – developed jointly by DOL, ED, the U.S. Departments of Health and Human Services (HHS), Agriculture (USDA), and Housing and Urban Development (HUD) – provides information and instructions to states on the WIOA planning requirements for the required four-year state plan, explains technical adjustments to the planning requirements, and instructs states regarding submission deadlines and procedures, particularly with respect to the newly developed State Plan Portal. The technical assistance is similar to that which the Departments provided prior to the submission of the PYs 2016-2019 Unified or Combined State Plans ([ETA TEGL 14-15](#), [OCTAE PM 16-1](#), and [RSA PD 16-03](#)) and the submission of the PY 2018 modifications to those Unified or Combined State Plans ([ETA TEGL 6-17](#), [OCTAE PM 18-1](#), and [RSA TAC 18-01](#)), but has been updated to reflect the fact that States now have experience in developing these Plans and that there will be a new State Plan portal for submitting the PYs 2020-2023 State Plans.
- *Background* – WIOA requires the Governor of each state to submit a Unified or Combined State Plan that includes a four-year strategy and operational plan for the continuing implementation of the state’s workforce development system. States must have federally approved state plans to receive funding under the six core programs (Adult, Dislocated Worker, Youth, AEFLA, Wagner-Peyser, and the VR programs). The Office of Management and Budget approved the joint WIOA State Plan information collection request (ICR) on September 5, 2019 (OMB No. 1205-0522)⁵. Subsequently, OMB approved changes to the ICR to implement the Wagner-Peyser Act Staffing Flexibility final rule, released on January 6, 2020.

Under WIOA, the Unified and Combined State Plans communicate the state’s vision for the state workforce system and serve as a vehicle for alignment and integration across federal programs. WIOA planning requirements aim to foster better alignment of federal investments in job training and education, to integrate service delivery across programs, to improve efficiency in service delivery, and to ensure that the workforce system matches job creators with skilled individuals. Cross-program planning promotes a shared understanding of the workforce needs within each state. Such planning cultivates development of more comprehensive and integrated approaches, such as career pathways and sector strategies, for addressing the needs of job creators and workers. Additionally, it enables the system to provide a wider range of coordinated and streamlined services to their shared customers.

⁵ DOL, which manages this joint ICR, published a 60-day Notice for the draft State Plan ICR on January 2, 2019, at 84 FR 19. On July 31, 2019, DOL published a 30-day Notice for the State Plan ICR in the Federal Register at 84 FR 37349. The Office of Management and Budget approved the ICR without change on September 5, 2019; the approval expires September 30, 2022. The Departments informed the States of the newly approved State Plan ICR via email on October 10, 2019.

4. Planning Requirements and Submission Instructions.

a. *Plan Options.* States must submit, at minimum, a Unified State Plan encompassing the six WIOA core programs (*See* Section 102 of WIOA). Alternatively, states may submit a Combined State Plan that includes the six core programs plus one or more of the partner programs listed below. States that developed and implemented a Unified State Plan for PYs 2016-2019 may elect to submit a Combined State Plan for the next four-year planning period, drawing on the improved alignment and coordination with partner programs during the past few years. The Combined State Plan partner programs are:

- Career and technical education programs authorized under Perkins V (20 U.S.C. § 2301 et seq.);
- Temporary Assistance for Needy Families program (42 U.S.C. § 601 et seq.);
- Employment and training programs under the Supplemental Nutrition Assistance Program (programs authorized under Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2015(d)(4));
- Work programs authorized under Section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2015(o));
- Trade Adjustment Assistance for Workers programs (Activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.));
- Jobs for Veterans State Grants program (programs authorized under 38 U.S.C. § 4100 et seq.);
- Unemployment Insurance (UI) programs (UI Federal-State programs administered under state unemployment compensation laws in accordance with applicable federal law);
- Employment and training activities carried out by HUD (*See* section 103(a)(2)(I) of WIOA);
- Community Services Block Grant (CSBG) (employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. § 9901 et seq.)); and
- Senior Community Service Employment Program (programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. § 3056 et seq.)). Reauthorized by the OAA Reauthorization Act of 2016, Pub. L. No. 114-144 (April 19, 2016).

b. *WIOA Planning Priorities.* States have accumulated four years of WIOA implementation experience since the first WIOA State Plans were developed, and they have worked through challenges to find what works best for their state's workforce development system. As states think about goals and specific implementation milestones for the next four years of WIOA, the Departments request that planning advance some or all of these key priorities:

- Engaging partners to align workforce investment, economic development, and education systems, particularly with community colleges, to maximize services to customers and eliminate redundant services;
- Investing in workforce development strategies grounded in sound economic and labor market analysis with program and other funds, consistent with authorizing statutes;
- Promoting opportunity for economic mobility, especially by implementing human services programs to increase work participation;

- Using flexibility within WIOA to better serve those most in need by advancing the use of evidence-based strategies such as apprenticeship, work-based learning, customized training, and the full array of employment and training options;
 - Providing multiple career pathways, skill-building, and stackable credential opportunities for labor market entry and advancement to both youth participants and new labor force participants;
 - Informing job-seekers and learners of the skills, credentials, and jobs in demand;
 - Increasing the competitiveness of employers through the provision of quality labor market information, sector-based approaches, and a well-trained talent pipeline; and
 - Measuring effectiveness through performance reporting, evaluation, and data systems that support these activities.
- c. *State Plan Information Collection Request (ICR) and Technical Changes to Requirements.* States must use the *ICR Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act*, approved under Office of Management and Budget (OMB) control number 1205-0522, to develop and submit the four-year State Plan. A copy of the ICR, which complies with Sections 102 and 103 of WIOA, is available on ETA’s website at <https://www.doleta.gov/wioa/docs/State-Plan-ICR.pdf>.

OMB approved a three-year ICR extension through September 30, 2022, that includes a small number of changes to the requirements. These changes include removal of references to past dates, correction of typographical errors, introduction of an optional data element to provide an executive summary, updating title II Section 243 narrative and assurance requirements, and updating instructions for Appendix I of the ICR. The Wagner-Peyser Act Staffing Flexibility final rule, published on January 6, 2020 and effective beginning February 5, 2020, makes additional changes to the requirements, specifically to requirements regarding staffing for Wagner-Peyser Act programs.

The ICR contains both strategic and operational elements that support integration and alignment of the workforce system. The Strategic and Operational Planning Elements constitute the “common elements” of the Plan – elements that apply to all programs that states include in their plan. The Strategic Elements must include an analysis of the state’s current economic environment and identification of the state’s overall vision for its workforce development system, including an analysis of the economy and workforce development activities (*See* Section 102(b)(1) of WIOA). The Operational Elements must identify the state’s planned actions to implement the state’s strategic vision and goals identified in the Strategic Elements. This section requires description of the policy, infrastructure, and program integration and alignment activities the state will undertake, as well as planning elements specific to each of the core programs and any required one-stop partner programs (*See* Section 102(b)(2) of WIOA).

- d. *Stakeholder Collaboration and Comment.* Stakeholder collaboration, review, and comment are key requirements of the four-year planning process. In accordance with section 101 of WIOA, State Workforce Development Boards (State Boards) must assist the Governor in the development, implementation, and modification of the State Plan, and ensure that all relevant core programs, required partners, and stakeholders contribute

to the plan. The Departments encourage inclusion of the state labor market information and evaluation offices (or their equivalent) during plan development to obtain assistance with labor market data, evidence, and analysis. The State Plan must be developed with the assistance of the State Board, as required by Section 101(d) of WIOA, and in coordination with administrators that have optimal policymaking authority for the core programs and required one-stop partner programs. For Combined State Plans, the portions of the plan that cover partner programs other than the core programs are subject to any public comment requirements applicable to those partner programs.⁶

States must provide the opportunity for public comment and input, which allows interested stakeholders to participate actively, effectively, and transparently in the development of the plan. The Governor must ensure that the State Plan is developed with an opportunity for input from representatives of:

- Local Workforce Development Boards and chief elected officials;
- businesses;
- representatives of labor organizations;
- community-based organizations;
- adult education providers;
- institutions of higher education;
- other stakeholders with an interest in the services provided by the six core programs; and
- the general public, including individuals with disabilities.⁷

The State Board also must make information regarding the State Plan and planning process available to the public through electronic means and by holding regularly-occurring open meetings in accordance with state law prior to the submission of the plan.⁸

- e. *Instructions for Plan Submission Using the WIOA State Plan Portal.* States must submit their state plans via the State Plan Portal (<https://wioaplans.ed.gov>), which has been developed for the purpose of cross-program collaboration in states and to facilitate the simultaneous receipt and review of plans across multiple federal agencies. The State Plan Portal has been redesigned to improve the user experience. While multiple individuals in states may enter content into the portal, only one individual from the state may submit to the Departments the entire plan on behalf of all included programs. The State Plan Portal includes a certification that the official state “submitter” has the authority to do so on behalf of the Governor.

The Departments will provide in separate communications details regarding designation of plan submitters, obtaining user accounts, requesting permission levels, and user

⁶ See 20 C.F.R. § 676.143(c)(3), 34 C.F.R. § 361.143(c)(3), and 34 C.F.R. § 463.143(c)(3).

⁷ See 20 C.F.R. § 676.130(d)(1), 34 C.F.R. § 361.130(d)(1), and 34 C.F.R. § 463.130(d)(1)

⁸ See WIOA Section 101(g) and 20 C.F.R. § 676.130(d), 34 C.F.R. § 361.130(d), and 34 C.F.R. § 463.130(d).

training. Previously approved WIOA State Plans will be available in PDF format in the State Plan Portal; however, content from prior plans will not be available in the data entry fields. After approved plans are in place for PYs 2020-2023, the portal will remain available to state users for submission of off-cycle modifications.

- f. Considerations for Combined State Plan partner programs.* Combined State Plan partner programs' state plan requirements will continue to exist under specific ICRs for those programs. Note that some of the other programs that a state may include in the Combined State Plan currently fulfill their program-specific state planning requirements through a separate information collection process maintained by the federal government agency that administers the Combined State Plan partner program. For example, Section 103(b)(2) of WIOA specifically allows a state to include the employment and training activities, rather than the full program carried out under the CSBG Act administered by HHS and employment and training activities funded by HUD in a WIOA Combined State Plan. Therefore, if states choose to include programs such as these in the Combined State Plan, only the portion of the existing planning requirements that address the employment and training activities may be included in the Combined State Plan. States still must submit all other required elements of a complete State Plan for those programs directly to the Department that administers the program.

Portions of the Combined State Plan covering a program or activity, excluding those related to the core programs, are subject to approval by the head of the federal agency that administers that program.⁹ The portions of the Combined State Plan related to the core programs are subject to the same approval requirements applicable to the Unified State Plan.¹⁰

States that include UI in their Combined State Plan, carried out under Title III, Section 302, of the Social Security Act, including Sections 303(a)(8) and (9), which govern the expenditure of funds, should submit their UI State Quality Service Plan (SQSP) following the cycle as outlined in the current Employment & Training Handbook No. 336, UI SQSP Planning and Reporting Guidelines.

The Jobs for Veterans State Grants (JVSG) program, carried out under Chapter 41 of Title 38 of the U.S. Code, require both a JVSG State Plan and a separate annual application for funding. States may include the JVSG Plan in a Combined WIOA State Plan. For JVSG, the annual application for funding will continue to be required by current Veterans' Employment and Training Service (VETS) guidance.

For DOL or ED-administered programs in a Combined State Plan, the portions of the plan covering the core programs, and the common elements for all programs included in the State Plan, will be approved ninety (90) days after submission unless the Secretary of either Department informs the state in writing during the 90-day period that the plan is inconsistent with WIOA's State Plan requirements or the requirements authorizing the

⁹ See WIOA Section 103(c)(1) and (d)(2).

¹⁰ See WIOA Section 103(c) and 102(c).

core program. HUD, USDA, and HHS must approve or disapprove the portions of the plan covering programs administered by those Departments within 120 days of submission. For the six core programs, DOL and ED may make decisions regarding approval, disapproval, or funding status separately from the determination of approval, disapproval, or completeness of the program-specific requirements of Combined State Plan partner programs and activities described in the Combined State Plan. For example, if a State Plan meets all the common planning elements and program specific requirements for the core programs, approval and funding may proceed regardless of specific issues that may be identified in the program-specific sections for any Combined State Plan partner programs.

States that include Perkins V as part of their Combined State Plans will submit the narrative descriptions required for the Perkins V program-specific portion of their Combined State Plan as outlined in the Perkins V State Plan Guide, OMB Control Number 1830-0029, to the State Plan Portal for WIOA. States will then submit to the Perkins State Plan Portal the remaining items required for the Perkins V program-specific portion of their Combined State Plan: (1) cover page, including a letter providing joint signatory authority from the Governor; (2) assurances, certifications, and other forms required by statute and/or applicable Federal regulations, including the Education Department General Administrative Regulations (EDGAR) at 34 C.F.R. Part 76; (3) budget for the upcoming year; and (4) state-determined performance levels (SDPLs). ED will provide State Career and Technical Education (CTE) directors and staff with training, passwords, and technical support to input their information into the WIOA State Plan Portal and the Perkins State Plan Portal.

States that include SNAP E&T as part of their Combined State Plan will submit their SNAP E&T specific state plans into the State Plan Portal for WIOA, but must submit annually to their Food and Nutrition Service (FNS) Regional offices a complete SNAP E&T plan that includes component details, participant levels, and annual operating budget.

- g. *Performance Negotiations for Core Programs.* The Departments will issue separate technical assistance to outline the requirements for reaching agreement on the negotiated levels of performance for the states outlined in Section 116 of WIOA. The Departments will continue to use a “phase-in” approach to establish negotiated and adjusted levels of performance for certain indicators for specific programs. The appendix in the Unified and Combined State Plan ICR discussed in this section, and in Appendix 1¹¹ of this technical assistance, reflect which indicators/programs the Departments will negotiate for PYs 2020 and 2021. See Attachment I of this technical assistance for more instructions on establishing performance levels and acceptable baseline indicators.

¹¹ The content of Appendix 1 is identical to that published in the Federal Register for public comment on January 2, 2019, at 84 FR 19 and on July 31, 2019, at 84 FR 37349, and as approved by OMB on September 5, 2019.

- h. *Special Instructions for Single-Area States.* Single-area states must complete and submit any information required in the local plan as part of their State Plan submission. Item VI.d in the Title I portion of the WIOA State Plan ICR specifies these requirements.
- i. *WIOA Title I and Wagner-Peyser Act Waivers.* As discussed in TEGL 08-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, the Secretary of Labor may grant states additional flexibility through the waiver authority for portions of WIOA Title I and Wagner-Peyser Act requirements when permitted. Waivers are a tool for reducing barriers to WIOA implementation and spurring innovative programming options. States may submit waiver requests as part of their State Plan or as a separate waiver plan.

All currently approved waivers expire on June 30, 2020. Therefore, states should submit new waiver requests as part of the PY 2020-2023 State Plan submission if they wish to continue implementing particular waivers that had been approved previously (*See* Section 189(i)(3) of WIOA). As articulated in waiver approval letters, states agreed to meet certain performance or other program performance measures resulting from the waiver. States requesting a waiver renewal beyond June 30, 2020, must provide the most recent data available about the outcomes of the waiver in the renewal request.¹² DOL will consider this information as part of its decision to approve the requested waiver.

- j. *Modifications.* Given the multiyear nature of the State Plan, states must revisit State Plan strategies regularly, reassess their effectiveness and labor market relevance, and when needed, adjust these strategies to respond to the changing economic conditions and workforce needs of the state. At a minimum, states must submit a modification to the Unified or Combined State Plan at the end of the first two-year period of any four-year plan, and under specific circumstances.¹³ However, states may submit off-cycle modifications to the Unified or Combined State Plan to reflect major changes or revisions in state strategies, organizational structures, and implementation.

The Departments have determined that for any Combined State Plan program included in the plan with a different planning cycle from that required by Title I of WIOA, states should submit program-specific modifications to the Combined State Plan that align with the planning cycles for those specific programs, unless the two-year WIOA modification cycle can accommodate programs' planning and modification cycle. For example, if a state chooses to include career and technical education programs under the Perkins V Act as a part of its Combined State Plan, the state would submit program-specific plan modifications annually to align with the Perkins V Act's state plan cycle, as necessary. These changes would not necessitate a modification to the Combined State Plan, as a whole, unless the revisions triggered a required State Plan modification pursuant to section 103(b)(1) of WIOA. Such modifications must be submitted to the Secretary of

¹² See 20 C.F.R. § 679.620(d)(7).

¹³ See Section 102(c)(3)(A) of WIOA; 20 C.F.R. §§ 676.135 and 676.145; 34 C.F.R. §§ 361.135 and 361.145; and 34 C.F.R. §§ 463.135 and 463.145.

the appropriate department for that program directly, in addition to DOL and ED via the WIOA State Plan Portal, as necessary. For example, the TANF law requires a state to submit a plan within 27 months of the end of the first fiscal quarter in order to receive TANF funds for that fiscal year. Therefore, adopting the more frequent two-year WIOA cycle for modifications should accommodate TANF's cycle, allowing a state to make all changes to each portion of the Combined State Plan concurrently. These modifications must be submitted to the Secretary of the appropriate department for that program directly, in addition to the Secretaries of DOL and ED via the State Plan Portal.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. No. 113-128) (July 22, 2014)
- Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule (WIOA Joint Final Rule) published at 81 FR 55792 (Aug. 19, 2016)
- Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (Aug. 19, 2016)
- State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage — Final Rule (WIOA Office of Special Education and Rehabilitative Services (OSERS) Final Rule) published at 81 FR 55630 (August 19, 2016)
- WIOA: Miscellaneous Program Changes — Final Rule (WIOA OSERS Final Rule) published at 81 FR 55562 (August 19, 2016)
- Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of WIOA) — Final Rule (WIOA OCTAE Final Rule) published at 81 FR 55525 (August 19, 2016)
- *ICR Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act*, approved under Office of Management and Budget (OMB) control number 1205-0522
- Training and Employment Guidance Letter No. 08-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, dated December 19, 2018
- Training and Employment Notice No. 20-16, *Announcing the publication and effective date of the Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 C.F.R. Part 38) Final Rule in the Federal Register*, dated December 2, 2016
- Training and Employment Notice No 10-15, *Workforce Innovation and Opportunity Technical Amendments Act*, dated September 17, 2015
- Unemployment Insurance Program Letter No. 17-14, *Revised Employment and Training (ET) Handbook No. 336, 18th Edition: "Unemployment Insurance (UI) State Quality Service Plan (SQSP) Planning and Reporting Guidelines*
- Unemployment Insurance Program Letter No. 20-15, *Unemployment Insurance and the Workforce Innovation and Opportunity Act of 2014*

- Training and Employment Notice No. 13-19, *Announcing the Release of the Wagner-Peyser Act Staffing Flexibility Final Rule and Amended Information Collections Associated with this Rulemaking*, dated January 13, 2020
- Section 4215 of Title 38, United States Code (38 U.S.C. § 4215), Priority of service for veterans in Department of Labor job training programs

7. **Attachment(s)**. Appendix 1: Performance Goals and Instructions for the Core Programs Consistent with Section 116(b)(3) of WIOA.

Appendix 1: Performance Goals and Instructions for the Core Programs Consistent with Section 116(b)(3) of WIOA

Each state submitting a Unified or Combined State Plan is required to identify expected levels of performance for each of the primary indicators of performance for the first two years covered by the plan. The state is required to reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education, on state-negotiated levels of performance for the indicators for each of the first two years of the plan.

For PY 2016-2019 plans, the Departments used the transition authority under section 503(a) of WIOA to designate certain primary indicators of performance as “baseline” indicators to ensure an orderly transition from the requirements of the Workforce Investment Act of 1998 to those under WIOA. A “baseline” indicator was one for which states did not propose an expected level of performance and did not come to agreement with the Departments on negotiated levels of performance because sufficient data were not available to establish such performance levels. As a result, “baseline” indicators were not used in the end of the year adjustment of performance levels and were not used to determine failure to meet adjusted levels of performance for purposes of sanctions. The Departments designated indicators as “baseline” based on the likelihood of a State having insufficient data with which to make a reasonable determination of an expected level of performance.

For PYs 2020-2023 State Plans, the Adult, Dislocated Worker, Youth, and AEFLA programs will have two full years of data available to make reasonable determinations of expected levels of performance for the following indicators for PY 2020 and PY 2021:

- Employment (Second Quarter after Exit);
- Employment (Fourth Quarter after Exit);
- Median Earnings (Second Quarter after Exit);
- Credential Attainment Rate; and
- Measurable Skill Gains.

The Wagner-Peyser program will have two full years of data available to make a reasonable determination of expected levels of performance for the following indicators for PY 2020 and PY 2021:

- Employment (Second Quarter after Exit);
- Employment (Fourth Quarter after Exit); and
- Median Earnings (Second Quarter after Exit).

The Credential Attainment Rate and Measurable Skill Gains indicators do not apply to the Wagner-Peyser Act ES program; therefore, this program will not submit expected levels of performance for these indicators.

For the first two years of PYs 2020-2023 State Plans, the VR program will have two full years of data available for the Measurable Skill Gains indicator only. Therefore, the Departments will designate the following indicators as “baseline” for the VR program for PY 2020 and PY 2021:

- Employment (Second Quarter after Exit);
- Employment (Fourth Quarter after Exit);

- Median Earnings (Second Quarter after Exit); and
- Credential Attainment Rate.

VR agencies must continue to collect and report on all indicators, including those that have been designated as “baseline, pursuant to section 116(d) of WIOA.” The actual performance data reported by these programs for indicators designated as “baseline” for PY 2020 and PY 2021 will serve as baseline data in future years. The Departments will require VR agencies to submit expected levels of performance for these indicators for PY 2022 and PY 2023.

The Departments determined that the Effectiveness in Serving Employers indicator will be measured as a shared outcome across all six core programs within each state to ensure a holistic approach to serving employers. The Departments will continue piloting approaches for measuring this indicator for the first two years of PY 2020-2023 plans. Therefore, states are not required to submit an expected level of performance for the Effectiveness in Serving Employers indicator for PY 2020 and PY 2021. However, core programs are expected to collect data and report on this indicator for PY 2020 and PY 2021 as they did for PYs 2016-2019 plans.

Each core program must submit an expected level of performance for all of the other indicators, as applicable, with the exception of the four indicators designated as “baseline” for the VR program in PY 2020 and PY 2021. The Departments will work with states during the negotiation process to establish negotiated levels of performance for each of the primary indicators for the core programs not listed as “baseline.” Each state must update its plan to include the agreed-upon negotiated levels of performance before the Departments approve a state’s plan.

States may identify additional indicators in the plan, including additional approaches to measuring Effectiveness in Serving Employers, and may establish levels of performance for each of the state indicators. Please identify any such state indicators under Additional Indicators of Performance.

Include the state's expected levels of performance relating to the performance accountability indicators based on primary indicators of performance described in section 116(b)(2)(A) of WIOA.

	Title I – Adult Program			
	Program Year:		Program Year:	
	Expected Level	Negotiated Level	Expected Level	Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

	Title I – Dislocated Worker Program			
	Program Year:		Program Year:	
	Expected Level	Negotiated Level	Expected Level	Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

	Title I – Youth Program			
	Program Year:		Program Year:	
	Expected Level	Negotiated Level	Expected Level	Negotiated Level
Employment (Second Quarter after Exit) ¹⁴				
Employment (Fourth Quarter after Exit) ¹⁴				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

¹⁴ For Title I Youth programs, employment, education or training.

	Title II – Adult Education and Family Literacy Act Program			
	Program Year:		Program Year:	
	Expected Level	Negotiated Level	Expected Level	Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

	Wagner-Peyser Act Employment Service Program			
	Program Year:		Program Year:	
	Expected Level	Negotiated Level	Expected Level	Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Measurable Skill Gains	Not Applicable	Not Applicable	Not Applicable	Not Applicable

	Vocational Rehabilitation Program			
	Program Year:		Program Year:	
	Expected Level	Negotiated Level	Expected Level	Negotiated Level
Employment (Second Quarter after Exit) ¹⁵	Baseline	Baseline	Baseline	Baseline
Employment (Fourth Quarter after Exit) ¹⁵	Baseline	Baseline	Baseline	Baseline
Median Earnings (Second Quarter after Exit) ¹⁵	Baseline	Baseline	Baseline	Baseline
Credential Attainment Rate ¹⁵	Baseline	Baseline	Baseline	Baseline
Measurable Skill Gains				

	All WIOA Core Programs			
	Program Year:		Program Year:	
	Expected Level	Negotiated Level	Expected Level	Negotiated Level
Effectiveness in Serving Employers	Not applicable	Not applicable	Not applicable	Not applicable

¹⁵ For the VR program, these indicators are Not Applicable for PY 2020 and PY 2021; however, they will be applicable for PY 2022 and PY 2023.

Additional Indicators of Performance
1.
2.
3.
4.
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