

The Workforce Innovation and Opportunity Act (WIOA)

“Driving Innovation, Collaboration, and Performance”

“We believe that WIOA can help assure that U.S. companies will remain competitive and grow jobs, that our domestic workforce has the guidance and pathways needed to obtain required skills, and that our communities have the workforce development system to remain strong.”

- National Association of Workforce Boards



 National Association
of Workforce Boards



Vision Statement

The Workforce Innovation and Opportunity Act (WIOA) was created to provide state and local areas the flexibility to collaborate across systems in an effort to better address the employment and skills needs of current employees, jobseekers, and employers. WIOA accomplishes this by prescribing:

1. **A stronger alignment** of the workforce, education, and economic development systems; and
2. **Improving the structure and delivery** in the system to assist America's workers in achieving a family-sustaining wage while providing America's employers with the skilled workers they need to compete on a global level.



Section 1: Introduction

This brief has been prepared by the National Association of Workforce Boards (NAWB) and the Public Consulting Group (PCG). The document will serve to compare and contrast the Workforce Innovation and Opportunity Act (WIOA) with the Workforce Investment Act of 1998. And, further serve as a Call to Action for those committed to workforce development efforts at every level including direct service staff, state and local boards, and partners of the workforce delivery system.

Brief Overview

The Workforce Investment Act (WIA) was authorized in 1998. Over the past 11 years the public workforce system has long awaited reauthorization that would address the evolving workforce and economic needs as well as the limitations in WIA with respect to training, funding, and service delivery design. The Workforce Innovation and Opportunity Act (WIOA) replaces WIA and will be in effect for the next five years (2015-2020).

The purpose of WIOA is to better align the workforce system with education and economic development in an effort to create a collective response to economic and labor market challenges on the national, state, and local levels. WIOA continues the trend in workforce legislation by further engaging the private sector to lead local workforce development efforts and focuses on introducing increased flexibility and accountability of board members. WIOA encourages an improved response to labor market needs by connecting board performance to outcomes that require an understanding of the correlation between training investments and economic return. Changes in WIOA prompt Workforce Development Boards to be increasingly engaged in the business of collaboration, convening and partnership. WIOA may be best summarized in the following statement:

‘... to provide workforce investment activities, through statewide and local systems that increase the employment, retention, and earnings of participants, and increase attainment of recognized credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.’





WIOA Overview

Passage of WIOA is vital to the modernization of the nation's workforce development system. WIOA introduces a renewed system which will ensure access for all individuals, of every skill level, the opportunity to pursue the skills, training, and education they need to obtain employment that will lead to financial stability and economic security for themselves and their families. Employers will also have the assurance that trained and qualified workers will be available to fill their current and future openings. Through WIOA, a more collaborative and robust service delivery system will be implemented. A sample of key changes include:

Workforce Boards – Workforce Boards will maintain much of the same structures under WIA with the exception that the number of required members would be reduced. Minimum membership under WIOA:

- (10) Business Representatives (51%), including the Chair
- (4) Labor Representatives (20%) (further definitions apply)
- (1) Adult Education/Literacy Representative
- (1) Vocational Rehabilitation Representative
- (1) Higher Education Representative
- (1) Wagner-Peyser Representative
- (1) Economic Development Representative

Boards are charged with ensuring coordination of their Local Plans with the State's strategic workforce goals.

System Plans at the State and Local Levels – In an effort to create a more comprehensive, strategic and streamlined system, WIOA requires a single, unified State Plan inclusive of all core programs under the Act. The State

Plans are designed to improve service delivery and access to the workforce system for job seekers and employers. Local Plans are designed to address the needs of the local labor market and encompass the overall strategy of the State Plan.

Performance Accountability – WIOA establishes core measures for Adult and Dislocated Worker Funding (including Title II, Title III, and Title IV), which includes the revision of the three WIA measures and two additional measures. WIOA establishes Youth measures which eliminates one measure, revises three WIA measures and adds two new measures. Still to be determined is an employer measure that is expected to be implemented in year two of the law. (See chart on the following page) WIOA performance measures are designed to measure the effectiveness and continuous improvement of the One-Stop and Youth service delivery systems.

One-Stop Career Centers – Under WIOA, the One-Stops are measured by their effectiveness, accessibility, and continuous improvement as it relates to their ability to achieve negotiated performance levels, integrate available services, and meet the workforce development and employment needs of the local employers and job seekers.

Employment and Training – More diversity in the types of job training programs will be made available. This is critical to closing the skills gap that exist between job seekers and good paying - high skilled jobs. Fifteen duplicative programs will be eliminated and the remaining programs will be more closely aligned with the needs of U.S. employers.

National Programs – Programs will be reauthorized for Job Corps, YouthBuild, Native Americans Programs, Migrant and Seasonal Farmworkers programs, and evaluation and multi-state projects.

Cross Comparison of Performance Measures Comparing WIA and the Proposed WIOA

Performance Measure	Current WIA	Proposed WIOA
Adults and Dislocated Worker Measures		
Entry into unsubsidized employment (Entered Employment)	Measured in Q1 after exit.	Measured in Q2 after exit. (Additional 1 quarter lag in reporting.)
Retention in unsubsidized employment (Employment Retention)	Measured in Q2 and Q3 after exit.	Measured in Q4 after exit. (Additional 1 quarter lag in reporting.)
Earnings change after entry into unsubsidized employment (Average Earnings)	Measured as average, in Q2 and Q3 after exit.	Measured as median earnings in Q2 after exit only. Median is defined as the numerical value that separates the higher half from the lower half of earnings.
Credential rate	None	New measure: Percentage of participants who obtain a recognized post-secondary credential or diploma during participation or within 1 year after program exit.
In Program Skills Gain	None	New measure: Percentage of participants in education leading to credential or employment during program year, achieving measurable gains. Measured in real time.
Youth Measures		
Placement in Employment, Education, or Training	Measured in Q1 after exit.	Measured in Q2 after exit. (Additional 1 quarter lag in reporting.)
Retention in Employment, Education, or Training	None	New measure: Percentage of participants in education, training, or unsubsidized employment; measured in Q4 after exit.
Earnings after entry into unsubsidized employment	None	New measure: Median earnings of participants in unsubsidized employment during Q2 after exit.
Credential rate	Attainment of a Degree or Certificate - Rate of youth participants who obtain a diploma, GED, or certificate by the end of the Q3 after exit.	Percentage of participants who obtain a recognized credentials or secondary diploma during participation or within 1 year after program exit.
Literacy and Numeracy Gains	Literacy and Numeracy Gain - Rate of youth participants who increase one or more educational functioning levels during first year in program.	Eliminates measure
In Program Skills Gain	None	New measure: Percentage of participants in education leading to credential or employment during program year, achieving measurable gains. Measured in real time.
Employer Measure		
Indicators of effectiveness in serving employers	None	New measure: One or more employer measures to be implemented before commencement of Year 2.

Section 2: WIOA Performance – Broad Overview of Impact on Performance

Applicability to On-the-Ground Operations - WIOA will serve to strengthen the workforce system through the provision of opportunities for innovation, frequent and on-going monitoring of performance, and by closely tracking results through a new reporting system. Programs will be held accountable for helping job seekers get back to work and connect to good paying jobs. Workforce Boards will have the ability to drive performance, innovation, quality, and alignment through Pay-for-Performance contracts.



Implications or changes between WIA – WIOA:

One-Stop Career Center Infrastructure - The Act will maintain the current One-Stop mandatory partners. WIOA requires that each local area reach agreement on shared costs to fund infrastructure of the One-Stops. If local areas fail to reach an agreement, a State funding protocol for allocating costs will be imposed. Wagner-Peyser can no longer have independent offices and are now required to deliver services within the One-Stop environment.

Workforce Boards – WIOA will modify the structure of State and Local workforce boards, allowing them to be smaller, charging them with more responsibility to be strategic analysts and investors in the labor market. Responsibilities of boards are extended to reviewing statewide and local performance accountability measures. Eliminates the requirement to have a Youth Council and suggests committees be established to advise on One-Stop Partner issues, youth services, and services to individuals with disabilities.

Critical components of the new law include:

Adult and Dislocated Workers – The sequencing of services will be eliminated, and core and intensive activities will be combined into a 'career services' category in which workforce staff will have the flexibility to better meet the unique needs

of individual job seekers. Sector focused pathways to careers will be encouraged and will place job seekers on a clear career pathway towards their employment goals.

Training and Employment – A variety of training products will be made available to individuals which will allow workers to obtain better paying jobs, access to the middle class and further contribute towards building our economy. Job seekers will have access to quality education and training and workforce activities through more On-the-Job training; incumbent worker training and customized training opportunities.

Youth Workforce Activities – Youth services focus will be improved by placing a priority on out of school youth, high school dropout recovery and achievement of recognized postsecondary credentials. Career Pathways and work-based learning will be promoted as leading approaches to be adopted on a wider scale.

Section 2: WIOA Performance – Broad Overview of Impact on Performance

WIOA is the authorizing legislation for several key “core programs” in the workforce development system. Workforce Activities have been outlined in this document and represent Title 1. Other Core Programs being reauthorized and amended include the following:

Core Programs and Titles Reauthorized	Amendments
Title II – Adult Education and Literacy	The connections between adult education, postsecondary education and workforce will be strengthened. A strong emphasis will be placed on ensuring State and Local providers offer adult education and skills development, including Career Pathways, to accelerate achievement of diplomas and credentials, but most importantly, to become a partner in their children’s education and improving their family’s economic futures.
Title III - Wagner-Peyser Act of 1933	Amendments to Wagner-Peyser include an overall maintenance of the current law, but a closer alignment with the changes in the bill such as including State Employment Services in the unified State Plan; alignment of performance metrics with WIOA performance and improvements to the Workforce Information Council. Additionally, there will be a provision for staff professional development in order to strengthen service delivery. WIOA will increase connections between job training and employment services, the workforce system, and the Unemployment Insurance system.
Title IV - Rehabilitation Act of 1973	Through the Act, programs are authorized which help individuals with disabilities acquire the skills they need to be successful in the workplace, including vocational rehabilitation training and services. The main activity to support individuals with disabilities in WIOA is integrated employment opportunities. Integrated employment opportunities expect the same performance in a work setting of those that have disabilities with others that are not considered individuals with disabilities. Young people with disabilities will gain many more opportunities to improve their career prospects and gain employment transition services. Independent living programs will be transferred from the Department of Education to the Department of Health and Human Services for better support in achieving the program goal of independent living and integration into mainstream America.



Compliance:

Local Performance Accountability Measures – WIOA increases the accountability and reporting requirements of both the Local and State systems. This will give the Local and State Boards the ability to analyze the performance of each area on a more consistent and effective basis. Failure to meet the minimum performance measures may lead to sanctions being placed on States and Local regions. Initial sanctions for both State and Local regions include performance improvement plans and technical assistance. After two years of not meeting state performance measures, sanctions can include a reduction of 5% of the Governor's allotment. If a Local area fails to meet performance in three consecutive years the Governor has the ability to require the appointment and certification of a new local board, prohibit the use of any eligible providers or partner that is failing performance, or any other action that the Governor deems fit. Enhanced performance reporting will be enacted for States and Regions as well as for eligible training providers.

Fiscal – WIOA authorizes appropriations for each of Fiscal Years 2015 – 2020. The levels increase a total of 17 percent over that time period. However, the amounts authorized in the Act remain subject to the annual Congressional appropriations process. Congress currently is considering the

President's FY 2015 budget request. In addition, Administrative costs definitions will be maintained as described in CFR 667.220 and served as guidance under the Workforce Investment Act. Further definitions will be developed to support WIOA. Allocation formulas will also remain, with the exception of the following:

- Governor's discretionary amount will return to **15%** for reserve activities;
- The minimum and maximum allocation levels established on a year-over-year basis for States is to receive an allotment no less than **90 percent** or no greater than **130 percent** of the allotment percentage for the preceding year. For Local areas, the allotment should not be less than 90 percent or greater than 130 percent of the average of the preceding two years;
- States will have the ability to transfer 100% of funds between Adult and Dislocated Worker funding categories. Under WIA, this was achieved through approval of waivers; and
- A requirement that 75% of youth program funding at both the State and Local levels be directed towards out of school youth.

Section 3: It's Not Just about Performance and Compliance

In the initial implementation of WIA, the National Association of Workforce Boards (NAWB) and the local WIB's discovered that efforts to develop and deploy a regional workforce strategy required an understanding of a complex set of public and private systems. Examples of such systems included housing development, transportation networks, economic development investments, public school systems, institutions of higher education, and business practices related to talent acquisition and recruitment. As a result of this complexity and interconnectivity, a systematic approach has been required to address the challenges of today's multi-dimensional labor market. What does that actually mean to workforce professionals? Béla Heinrich Bánáthy, a Hungarian linguist, systems scientist and a Professor at San Jose State University and the University of California Berkeley defined systems in this way:

“The systems view is a world-view that is based on the discipline of **SYSTEM INQUIRY**. Central to systems inquiry is the concept of **SYSTEM**. In the most general sense, system means a configuration of parts connected and joined together by a web of relationships.”



WIOA puts WIB's in the center of these community systems like never before and ascribes to the WIB responsibilities implied in WIA, but now clearly articulates the WIB's responsibility as a convener, a collaborator and charged with hosting community conversations to better align workforce resources and better understand the complexity of their regional markets. In essence Boards will begin to serve as **Activist Boards** with the opportunity to have a **greater impact on their communities**.

Where the Law 'Gives us License' to Do What is Best for Our Communities:

WIOA gives us license to do the work we have wanted to do and is best for our communities, but have been seemingly restricted by former WIA Policy. Innovation to support change and continuous improvement are key components of WIOA; these activities are allowable and encouraged. Provisions within the law ensure that States and the Department of Labor work together to share promising and proven practices; to evaluate and disseminate information regarding such practices; and to identify and commission research to address knowledge gaps.

Section 3: It's Not Just about Performance and Compliance

The following are highlights, which represent opportunities for Activist Boards and where the law gives us license to improve our regions:

Solicit Grants and Donations: WIOA contains provisions explicitly authorizing local boards to solicit grants and donations from non-Federal sources and to operate as tax exempt organizations.

Innovative Strategies: Local boards will have a tremendous opportunity to create innovative strategies to focus on employer engagement; strengthening of core programs; dissemination of best practices; and promoting effective use of technology to enhance service delivery.

Standing Committees: Boards are encouraged to establish and maintain standing committees such as the Youth Council, services to individuals with disabilities and a committee to address One-Stop partner service issues.

Serve Youth with Disabilities: The Title IV - Rehabilitation Act provides an opportunity to better serve youth with disabilities and assist them towards gaining 'competitive integrated employment' through skills development.

Unemployment Insurance Claimants (UI): WIOA increases connections between the job training and employment services and the UI system. UI claimants will benefit from the enhanced services, including the labor exchange services and career counseling that are included as career services under title I, and activities that assist workers in identifying and obtaining jobs in in-demand industries and occupations.

Alignment of Youth Serving Organizations: In representing youth serving organization on boards, greater prospects exist for alignment of juvenile justice, foster care, education resources and efforts for more meaningful approach to engage hard to serve youth and young adults.

Career Pathways and Industry and Sector Partnerships: Boards will have greater influence on secondary education reform initiatives where Career Pathways are emerging and in leveraging business and industry groups to establish sector partnerships.

Skills Development Programs: A representative of a joint labor-management partnership will be included in the Board contingent and presents an opportunity to validate pre-apprenticeship and skills development bridge program offerings (adult basic education, vocational ESL, etc.) for entry into state-approved apprenticeship training.

Local Labor Market Analysis: Boards will have the opportunity to complete a comprehensive analysis of the workforce in the region, including current labor market employment data, information on labor market trends, educational and skill levels of the workforce in the region, including individuals with barriers to employment.

One-Stop Career Centers: One-Stop Career Centers have always been the public face of the workforce system. The congressional architects of the Workforce Investment Act envisioned a mostly bricks and mortar system in which the partners each paid a fair share of the system's overhead. Unfortunately, this rarely happened. Now, WIOA has more explicit language around the equitable funding goal. Equitable funding will free up WIOA funds to provide additional services to clients.

Engaging Community Systems by Convening, Brokering and Leveraging: WIOA clearly highlights the importance of local workforce boards in convening partners and funders in their regional labor markets as they assemble a unified strategic plan and encourages the development of workforce strategies that address failures throughout the region's talent development and delivery system.

Professionally Developed and Trusted Staff: WIOA will require that contractors revise their program designs and ensure that staff have additional skills. These changes will make for a more rational, responsive system. WIOA will allow for professionally trained front line staff that have the flexibility to better meet the needs of individuals in a timely and efficient fashion.

Section 4: Call to Action

The talent war that Jim Clifton, CEO and Chairman of Gallup, spoke about in his remarks at the NAWB Forum: Dialogue for Workforce Excellence and in his book, “The Coming Jobs War” will not be won with a quick fix. Business has cycles that are fluid and demand different responses from the supply-side to respond with skilled workers. This is why the United States labor market produces over 100 million hires and separations each year. The pipeline that helps direct the investments to deal with these cycles is a ‘mish-mash’ of separate funding led by distinct organizations employing inconsistent strategies with varying goals.

As a country, we are constantly monitoring the financial markets. The Federal Reserve meets numerous times each year to consider the state of the markets and further develop monetary responses they deem appropriate for the circumstances. Workforce Investment Boards, likewise, meet throughout the year to consider the state of their regional labor market. But we often lack the flexibility to adequately deal with what we see. In addition to the lack of flexibility, there is a deficiency in the amount of investment funds that we can access to manage these labor market cycles. Often, the United States’ labor market is referred to as a dynamic and fluid network of hires and separations, but since hiring and firing happen largely on an individual basis, it’s hard to see those dynamics at play as only one small part of a much larger network.

It seems we need to be more visible, bolder and strategic with our public comments on the state-of-the-market and our investment strategies. Workforce funding represents a relatively small investment fund, but when utilized strategically and directed by those of us that use data to understand the market and ‘invest’ to correct imbalances, it can have a tremendous impact on our local economies.

We work with humans – that gets tricky. We interact with complex systems like public transportation, education and, economic development. But unlike these public systems, we do not design bridges. We do not decide where to put on or off ramps for major highway systems. We do not set mileage rates or tuition rates. We have to live with and understand the impact of those decisions made by professionals in other disciplines. Yet in the workforce development arena:

1. It takes professionals to understand and make an impact on this complex labor market. **As workforce professionals, we must re-evaluate how our boards, WIB staff, direct service providers and system partners are growing in their professional capacity to do their jobs better.**
2. Effective data analysis can bring clarity from complexity, challenge long-held assumptions, target public investments, and rally a broad group of partners around common causes. It is essential to understanding the needs in our communities and the effectiveness of our impact against those needs. **We must learn to use data in new and more effective ways to drive strategic planning and operational efficiency.**
3. We reach conclusions when we study the data, consult business, and vet our investment and policy decisions through our local Workforce Investment Boards – **so tell people what you think!**
4. There is plenty of work in our communities, so ‘grind it out’ with economic development and education and move forward with developing local solutions to important issues such as high school drop-out rates, unemployed youth or working to increase low wages in certain employment sectors. **We must ask ourselves what we can do as leaders in workforce development to ensure long-term economic viability for our communities and regions.**
5. It takes a village to address today’s complex workforce challenges; not one single organization has the resources, knowledge or education and training capacity to align workforce supply with demand. **It’s time to engage traditional partners in new ways and engage non-traditional partners to address long-standing challenges and increase the system’s reach and capacity.**
6. Notwithstanding the passage of WIOA and potential for a return to funding levels in FY 2010, it is clear that federal resources are not enough to meet the workforce development needs in our communities. **It’s time to get serious about leveraging our position in the community and our service delivery infrastructure to bring in more capital to invest in our nation’s workforce and economy.**



WIOA, even more so than its predecessor, puts significant faith in the ingenuity, entrepreneurial spirit and leadership of local workforce leaders. NAWB has been referring to this as Congress' "innovation gamble." The new law simply encourages increased innovation and creativity in the public workforce system – it does not prescribe how we will achieve it. It will be left to our local and state workforce professionals and committed private sector leaders to understand what outcomes will most positively impact their local labor market

and the overall economic well-being of their communities. The task of developing solutions that will result in such desirable outcomes will largely be the prime work of State and Local leaders.

NAWB expects to offer members a framework for identifying the kind of innovation that will be necessary in service delivery, program design and board room activities that will inspire the development of a 21st century workforce system.

Summary:

As policy makers, the President, and the Departments of Labor and Education have presented us with a great challenge in the new Act: "...Workforce Boards will now be responsible for tapping innovation and opportunity in their communities to drive positive social and economic change." We cannot let them down and we owe it to our nation's job seekers and businesses to live up to the opportunities this new legislation provides to our collective systems. WIOA fills the gaps of WIA with amazing flexibility. Where WIA did not allow Local Boards to seek non-federal funds that would allow the board to expand and sustain its workforce initiatives, WIOA does. Where WIA required One-Stop Mandatory partners based on the programs they provide, WIOA requires regional collaboration that makes sense based on the needs of the employers that make up the region's economic landscape.



WIOA seeks to increase innovation – innovation in how the system works collaboratively to serve both business and jobseekers; innovation in increasing opportunities for the most marginalized populations, especially those with disabilities, to access competitive employment; and, innovation in how we use technology to increase the prosperity of workers (both urban and rural) in America.

WIOA seeks to increase opportunities – opportunities for America's business to fill their open positions with highly skilled-highly qualified job applicants; opportunities for individuals with taxing barriers to employment to access education and training that leads to employer recognized credentials and jobs that pay well; and opportunities to align the workforce system with social services, education, and economic development.

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NAWB represents business-led Workforce Boards that coordinate and leverage workforce strategies with education and economic development stakeholders within their local communities, to ensure that state and local workforce development and job training programs meet the needs of employers. For more information, go to www.NAWB.org, and for workforce system customer successes and innovations, go to www.WorkforceInvestmentWorks.com **For more information please contact Josh Copus at** CopusJ@nawb.org.



