

paragraphs (2) and (3) for the purpose of providing a single system of employment and training activities for adults and dislocated workers in accordance with subsections (c) and (d) of section 3174 of this title.

(B) Additional requirements

(i) Adults

Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 3151(e) of this title as determined under section 3151(h) of this title and to pay for employment and training activities provided to adults in the local area, consistent with section 3174 of this title.

(ii) Dislocated workers

Funds allocated under paragraph (2)(B) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 3151(e) of this title as determined under section 3151(h) of this title and to pay for employment and training activities provided to dislocated workers in the local area, consistent with section 3174 of this title.

(c) Reallocation among local areas

(1) In general

The Governor may, in accordance with this subsection and after consultation with the State board, reallocate to eligible local areas within the State amounts that are made available to local areas from allocations made under paragraph (2)(A) or (3) of subsection (b) or a corresponding provision of the Workforce Investment Act of 1998 for adult employment and training activities, or under subsection (b)(2)(B) or a corresponding provision of the Workforce Investment Act of 1998 for dislocated worker employment and training activities (referred to individually in this subsection as a “local allocation”) and that are available for reallocation.

(2) Amount

The amount available for reallocation for a program year—

(A) for adult employment and training activities is equal to the amount by which the unobligated balance of the local allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year; and

(B) for dislocated worker employment and training activities is equal to the amount by which the unobligated balance of the local allocation under subsection (b)(2)(B) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year.

(3) Reallocation

In making reallocations to eligible local areas of amounts available pursuant to para-

graph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

(A) with respect to such available amounts that were allocated under paragraph (2)(A) or (3) of subsection (b), an amount based on the relative amount of the local allocation under paragraph (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount of the local allocations under paragraph (2)(A) or (3) of subsection (b), as appropriate, for all eligible local areas in the State for such program year; and

(B) with respect to such available amounts that were allocated under subsection (b)(2)(B), an amount based on the relative amount of the local allocation under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount of the local allocations under subsection (b)(2)(B) for all eligible local areas in the State for such program year.

(4) Eligibility

For purposes of this subsection, an eligible local area means—

(A) with respect to funds allocated through a local allocation for adult employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

(B) with respect to funds allocated through a local allocation for dislocated worker employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

(Pub. L. 113–128, title I, § 133, July 22, 2014, 128 Stat. 1516.)

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (c)(1), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub. L. 113–128, title V, §§ 506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Pursuant to section 3361(a) of this title, references to a provision of the Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113–128, July 22, 2014, 128 Stat. 1425. For complete classification of the Workforce Investment Act of 1998 to the Code, see Tables. For complete classification of the Workforce Innovation and Opportunity Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as a note under section 3101 of this title.

§ 3174. Use of funds for employment and training activities

(a) Statewide employment and training activities

(1) In general

Funds reserved by a Governor—

(A) as described in section 3173(a)(2) of this title shall be used to carry out the statewide rapid response activities described in paragraph (2)(A); and

(B) as described in sections 3163(a) and 3173(a)(1) of this title—

(i) shall be used to carry out the statewide employment and training activities described in paragraph (2)(B); and

(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3),

regardless of whether the funds were allotted to the State under section 3162(b)(1) of this title or under paragraph (1) or (2) of section 3172(b) of this title.

(2) Required statewide employment and training activities

(A) Statewide rapid response activities

(i) In general

A State shall carry out statewide rapid response activities using funds reserved by the Governor for the State under section 3173(a)(2) of this title, which activities shall include—

(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

(ii) Use of unobligated funds

Funds reserved by a Governor under section 3173(a)(2) of this title, and section 2863(a)(2) of this title (as in effect on the day before July 22, 2014), to carry out this subparagraph that remain unobligated after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) or paragraph (3)(A), in addition to activities under this subparagraph.

(B) Statewide employment and training activities

Funds reserved by a Governor under sections 3163(a)(1) and 3173(a)(1) of this title and not used under paragraph (1)(A) (regardless of whether the funds were allotted to the States under section 3162(b)(1)(C) of this title or paragraph (1)(B) or (2)(B) of section 3172(b) of this title) shall be used for statewide employment and training activities, including—

(i) providing assistance to—

(I) State entities and agencies, local areas, and one-stop partners in carrying out the activities described in the State plan, including the coordination and

alignment of data systems used to carry out the requirements of this Act;

(II) local areas for carrying out the regional planning and service delivery efforts required under section 3121(c) of this title;

(III) local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships; and

(IV) local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, which may include the development and training of staff to provide opportunities for individuals with barriers to employment to enter in-demand industry sectors or occupations and non-traditional occupations, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 3141(c) of this title;

(ii) providing assistance to local areas as described in section 3121(b)(7) of this title;

(iii) operating a fiscal and management accountability information system in accordance with section 3141(i) of this title;

(iv) carrying out monitoring and oversight of activities carried out under this subpart and subpart 2;

(v) disseminating—

(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs described in section 3152(a)(2)(B) of this title;

(II) information identifying eligible providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional jobs;

(III) information on effective outreach to, partnerships with, and services for, business;

(IV) information on effective service delivery strategies to serve workers and job seekers;

(V) performance information and information on the cost of attendance (including tuition and fees) for participants in applicable programs, as described in subsections (d) and (h) of section 3152 of this title; and

(VI) information on physical and programmatic accessibility, in accordance with section 3248 of this title, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), for individuals with disabilities; and

(vi) conducting evaluations under section 3141(e) of this title of activities authorized under this subpart and subpart 2 in coordination with evaluations carried out by the Secretary under section 3224(a) of this title.

(3) Allowable statewide employment and training activities

(A) In general

Funds reserved by a Governor under sections 3163(a)(1) and 3173(a)(1) of this title and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 3162(b)(1)(C) of this title or paragraph (1)(B) or (2)(B) of section 3172(b) of this title) may be used to carry out additional statewide employment and training activities, which may include—

(i) implementing innovative programs and strategies designed to meet the needs of all employers (including small employers) in the State, which programs and strategies may include incumbent worker training programs, customized training, sectoral and industry cluster strategies and implementation of industry or sector partnerships, career pathway programs, microenterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, layoff aversion strategies, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce development system more relevant to the needs of State and local businesses, consistent with the objectives of this subchapter;

(ii) developing strategies for effectively serving individuals with barriers to employment and for coordinating programs and services among one-stop partners;

(iii) the development or identification of education and training programs that respond to real-time labor market analysis, that utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences, that evaluate such skills and competencies for adaptability, that ensure credits are portable and stackable for more skilled employment, and that accelerate course or credential completion;

(iv) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

(v) carrying out activities to facilitate remote access to services, including training services described in subsection (c)(3), provided through a one-stop delivery system, including facilitating access through the use of technology;

(vi) supporting the provision of career services described in subsection (c)(2) in the one-stop delivery systems in the State;

(vii) coordinating activities with the child welfare system to facilitate provision of services for children and youth who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);

(viii) activities—

(I) to improve coordination of workforce investment activities with economic development activities;

(II) to improve coordination of employment and training activities with—

(aa) child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(bb) cooperative extension programs carried out by the Department of Agriculture;

(cc) programs carried out in local areas for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a);

(dd) adult education and literacy activities, including those provided by public libraries;

(ee) activities in the corrections system that assist ex-offenders in reentering the workforce; and

(ff) financial literacy activities including those described in section 3164(b)(2)(D) of this title; and

(III) consisting of development and dissemination of workforce and labor market information;

(ix) conducting research and demonstration projects related to meeting the employment and education needs of adult and dislocated workers;

(x) implementing promising services for workers and businesses, which may include providing support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising;

(xi) providing incentive grants to local areas for performance by the local areas on local performance accountability measures described in section 3141(c) of this title;

(xii) adopting, calculating, or commissioning for approval an economic self-sufficiency standard for the State that specifies the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xiii) developing and disseminating common intake procedures and related items, including registration processes, materials, or software; and

(xiv) providing technical assistance to local areas that are implementing pay-for-performance contract strategies, which technical assistance may include providing assistance with data collection, meeting

data entry requirements, identifying levels of performance, and conducting evaluations of such strategies.

(B) Limitation

(i) In general

Of the funds allotted to a State under sections 3162(b) and 3172(b) of this title and reserved as described in sections 3163(a) and 3173(a)(1) of this title for a fiscal year—

(I) not more than 5 percent of the amount allotted under section 3162(b)(1) of this title;

(II) not more than 5 percent of the amount allotted under section 3172(b)(1) of this title; and

(III) not more than 5 percent of the amount allotted under section 3172(b)(2) of this title,

may be used by the State for the administration of statewide youth workforce investment activities carried out under section 3164 of this title and statewide employment and training activities carried out under this section.

(ii) Use of funds

Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth workforce investment activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 3162(b)(1) of this title or paragraph (1) or (2) of section 3172(b) of this title.

(b) Local employment and training activities

Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 3173(b) of this title, and funds allocated to a local area for dislocated workers under section 3173(b)(2)(B) of this title—

(1) shall be used to carry out employment and training activities described in subsection (c) for adults or dislocated workers, respectively; and

(2) may be used to carry out employment and training activities described in subsection (d) for adults or dislocated workers, respectively.

(c) Required local employment and training activities

(1) In general

(A) Allocated funds

Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 3173(b) of this title, and funds allocated to the local area for dislocated workers under section 3173(b)(2)(B) of this title, shall be used—

(i) to establish a one-stop delivery system described in section 3151(e) of this title;

(ii) to provide the career services described in paragraph (2) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;

(iii) to provide training services described in paragraph (3) to adults and dislocated workers, respectively, described in such paragraph;

(iv) to establish and develop relationships and networks with large and small employers and their intermediaries; and

(v) to develop, convene, or implement industry or sector partnerships.

(B) Other funds

Consistent with subsections (h) and (i) of section 3151 of this title, a portion of the funds made available under Federal law authorizing the programs and activities described in section 3151(b)(1)(B) of this title, including the Wagner-Peyser Act (29 U.S.C. 49 et seq.), shall be used as described in clauses (i) and (ii) of subparagraph (A), to the extent not inconsistent with the Federal law involved.

(2) Career services

(A) Services provided

Funds described in paragraph (1) shall be used to provide career services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include—

(i) determinations of whether the individuals are eligible to receive assistance under this part;

(ii) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

(iii) initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;

(iv) labor exchange services, including—

(I) job search and placement assistance and, in appropriate cases, career counseling, including—

(aa) provision of information on in-demand industry sectors and occupations; and

(bb) provision of information on non-traditional employment; and

(II) appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;

(v) provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;

(vi) provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional,

and national labor market areas, including—

(I) job vacancy listings in such labor market areas;

(II) information on job skills necessary to obtain the jobs described in subclause (I); and

(III) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations; and

(vii) provision of performance information and program cost information on eligible providers of training services as described in section 3152 of this title, provided by program, and eligible providers of youth workforce investment activities described in section 3153 of this title, providers of adult education described in subchapter II, providers of career and technical education activities at the post-secondary level, and career and technical education activities available to out-of-school youth, under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation services described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(viii) provision of information, in formats that are usable by and understandable to one-stop center customers, regarding how the local area is performing on the local performance accountability measures described in section 3141(c) of this title and any additional performance information with respect to the one-stop delivery system in the local area;

(ix)(I) provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), assistance through the earned income tax credit under section 32 of title 26, and assistance under a State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other supportive services and transportation provided through funds made available under such part, available in the local area; and

(II) referral to the services or assistance described in subclause (I), as appropriate;

(x) provision of information and assistance regarding filing claims for unemployment compensation;

(xi) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;

(xii) services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of—

(I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

(aa) diagnostic testing and use of other assessment tools; and

(bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

(II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;

(III) group counseling;

(IV) individual counseling;

(V) career planning;

(VI) short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

(VII) internships and work experiences that are linked to careers;

(VIII) workforce preparation activities;

(IX) financial literacy services, such as the activities described in section 3164(b)(2)(D) of this title;

(X) out-of-area job search assistance and relocation assistance; or

(XI) English language acquisition and integrated education and training programs; and

(xiii) followup services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this part who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

(B) Use of previous assessments

A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under subparagraph (A)(xii) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(C) Delivery of services

The career services described in subparagraph (A) shall be provided through the one-stop delivery system—

(i) directly through one-stop operators identified pursuant to section 3151(d) of this title; or

(ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.

(3) Training services**(A) In general****(i) Eligibility**

Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 3173(b) of this title, and funds allocated to the local area for dislocated workers under section 3173(b)(2)(B) of this title, shall be used to provide training services to adults and dislocated workers, respectively—

(I) who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

(aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);

(bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and

(cc) have the skills and qualifications to successfully participate in the selected program of training services;

(II) who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;

(III) who meet the requirements of subparagraph (B); and

(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

(ii) Use of previous assessments

A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(iii) Rule of construction

Nothing in this subparagraph shall be construed to mean an individual is required to receive career services prior to receiving training services.

(B) Qualification**(i) Requirement**

Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except as provided in clause (ii), provision of such training services shall be limited to individuals who—

(I) are unable to obtain other grant assistance for such services, including Fed-

eral Pell Grants established under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); or

(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) Reimbursements

Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

(iii) Consideration

In determining whether an individual requires assistance under clause (i)(II), a one-stop operator (or one-stop partner, where appropriate) may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs.

(C) Provider qualification

Training services shall be provided through providers identified in accordance with section 3152 of this title.

(D) Training services

Training services may include—

(i) occupational skills training, including training for nontraditional employment;

(ii) on-the-job training;

(iii) incumbent worker training in accordance with subsection (d)(4);

(iv) programs that combine workplace training with related instruction, which may include cooperative education programs;

(v) training programs operated by the private sector;

(vi) skill upgrading and retraining;

(vii) entrepreneurial training;

(viii) transitional jobs in accordance with subsection (d)(5);

(ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);

(x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and

(xi) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

(E) Priority

With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 3173(b) of this title, 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. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

(F) Consumer choice requirements

(i) In general

Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

(ii) Eligible providers

Each local board, through one-stop centers, shall make available the list of eligible providers of training services described in section 3152(d) of this title, and accompanying information, in accordance with section 3152(d) of this title.

(iii) Individual training accounts

An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a career planner, select an eligible provider of training services from the list of providers described in clause (ii). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through an individual training account.

(iv) Coordination

Each local board may, through one-stop centers, coordinate funding for individual training accounts with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.

(v) Additional information

Priority consideration shall, consistent with clause (i), be given to programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved.

(G) Use of individual training accounts

(i) In general

Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.

(ii) Training contracts

Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if—

- (I) the requirements of subparagraph (F) are met;

(II) such services are on-the-job training, customized training, incumbent worker training, or transitional employment;

(III) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts;

(IV) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;

(V) the local board determines that—

(aa) it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and

(bb) such contract does not limit customer choice; or

(VI) the contract is a pay-for-performance contract.

(iii) Linkage to occupations in demand

Training services provided under this paragraph shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

(iv) Rule of construction

Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts and contracts in the provision of training services, including arrangements that allow individuals receiving individual training accounts to obtain training services that are contracted for under clause (ii).

(H) Reimbursement for on-the-job training

(i) Reimbursement level

For purposes of the provision of on-the-job training under this paragraph, the Governor or local board involved may increase the amount of the reimbursement described in section 3102(44) of this title to an amount of up to 75 percent of the wage rate of a participant for a program carried out under subpart 2 or this subpart, if, respectively—

(I) the Governor approves the increase with respect to a program carried out with funds reserved by the State under that subpart, taking into account the factors described in clause (ii); or

(II) the local board approves the increase with respect to a program carried

out with funds allocated to a local area under such subpart, taking into account those factors.

(ii) Factors

For purposes of clause (i), the Governor or local board, respectively, shall take into account factors consisting of—

(I) the characteristics of the participants;

(II) the size of the employer;

(III) the quality of employer-provided training and advancement opportunities; and

(IV) such other factors as the Governor or local board, respectively, may determine to be appropriate, which may include the number of employees participating in the training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), and relation of the training to the competitiveness of a participant.

(d) Permissible local employment and training activities

(1) In general

(A) Activities

Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 3173(b) of this title, and funds allocated to the local area for dislocated workers under section 3173(b)(2)(B) of this title, may be used to provide, through the one-stop delivery system involved (and through collaboration with the local board, for the purpose of the activities described in clauses (vii) and (ix))—

(i) customized screening and referral of qualified participants in training services described in subsection (c)(3) to employers;

(ii) customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis;

(iii) implementation of a pay-for-performance contract strategy for training services, for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under paragraph (2) or (3) of section 3173(b) of this title;

(iv) customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for such populations;

(v) technical assistance for one-stop operators, one-stop partners, and eligible providers of training services, regarding the provision of services to individuals with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures;

(vi) employment and training activities provided in coordination with—

(I) child support enforcement activities of the State and local agencies carrying

out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(II) child support services, and assistance, provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(III) cooperative extension programs carried out by the Department of Agriculture; and

(IV) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

(vii) activities—

(I) to improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;

(II) to improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through services described in this section; and

(III) to strengthen linkages between the one-stop delivery system and unemployment insurance programs;

(viii) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

(ix) activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, consistent with the local plan under section 3123 of this title, which services—

(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and

(II) may include—

(aa) developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);

(bb) developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;

(cc) assistance to area employers in managing reductions in force in co-

ordination with rapid response activities provided under subsection (a)(2)(A) and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use of feasibility studies to assess the needs of and options for at-risk firms, and the delivery of employment and training activities to address risk factors; and

(dd) the marketing of business services offered under this subchapter, to appropriate area employers, including small and mid-sized employers;

(x) activities to adjust the economic self-sufficiency standards referred to in subsection (a)(3)(A)(xii) for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xi) improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a); and

(xii) implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.

(B) Work support activities for low-wage workers

(i) In general

Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 3173(b) of this title, and funds allocated to the local area for dislocated workers under section 3173(b)(2)(B) of this title, may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners of the system shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

(ii) Activities

The work support activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner

that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided.

(2) Supportive services

Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 3173(b) of this title, and funds allocated to the local area for dislocated workers under section 3173(b)(2)(B) of this title, may be used to provide supportive services to adults and dislocated workers, respectively—

(A) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c); and

(B) who are unable to obtain such supportive services through other programs providing such services.

(3) Needs-related payments

(A) In general

Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 3173(b) of this title, and funds allocated to the local area for dislocated workers under section 3173(b)(2)(B) of this title, may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).

(B) Additional eligibility requirements

In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—

(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this part; or

(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

(C) Level of payments

The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

(i) the applicable level of unemployment compensation; or

(ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

(4) Incumbent worker training programs

(A) In general

(i) Standard reservation of funds

The local board may reserve and use not more than 20 percent of the funds allo-

cated to the local area involved under section 3173(b) of this title to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.

(ii) Determination of eligibility

For the purpose of determining the eligibility of an employer to receive funding under clause (i), the local board shall take into account factors consisting of—

(I) the characteristics of the participants in the program;

(II) the relationship of the training to the competitiveness of a participant and the employer; and

(III) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer.

(iii) Statewide impact

The Governor or State board involved may make recommendations to the local board for providing incumbent worker training that has statewide impact.

(B) Training activities

The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

(C) Employer payment of non-Federal share

Employers participating in the program carried out under this paragraph shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers.

(D) Non-Federal share

(i) Factors

Subject to clause (ii), the local board shall establish the non-Federal share of such cost (taking into consideration such other factors as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities.¹

(ii) Limits

The non-Federal share shall not be less than—

(I) 10 percent of the cost, for employers with not more than 50 employees;

(II) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and

(III) 50 percent of the cost, for employers with more than 100 employees.

(iii) Calculation of employer share

The non-Federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph. The employer may provide the share in cash or in kind, fairly evaluated.

(5) Transitional jobs

The local board may use not more than 10 percent of the funds allocated to the local area involved under section 3173(b) of this title to provide transitional jobs under subsection (c)(3) that—

(A) are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;

(B) are combined with comprehensive employment and supportive services; and

(C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

(Pub. L. 113-128, title I, §134, July 22, 2014, 128 Stat. 1520; Pub. L. 114-18, §2(e)(3), May 22, 2015, 129 Stat. 214; Pub. L. 115-224, title III, §303, July 31, 2018, 132 Stat. 1623.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(2)(B)(i)(I) and (c)(2)(A)(xi), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(2)(B)(v)(VI), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Social Security Act, referred to in subsecs. (a)(3)(A)(viii)(II)(aa), (c)(2)(A)(ix)(I), and (d)(1)(A)(vi)(I), (II), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles XIX and XXI of the Act are classified generally to subchapters XIX (§1396 et seq.) and XXI (§1397aa et seq.), respectively, of chapter 7 of Title 42, The Public Health and Welfare. Parts A and D of title IV of the Act are classified generally to parts A (§601 et seq.) and D (§651 et seq.), respectively, of subchapter IV of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Rehabilitation Act of 1973, referred to in subsecs. (a)(3)(A)(viii)(II)(cc), (c)(2)(A)(vii), and (d)(1)(A)(xi), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355. Title I of the

¹ So in original. A closing parenthesis probably should precede the period.

Act is classified generally to subchapter I (§720 et seq.) of chapter 16 of this title. Part B of chapter 1 of title VII of the Act is classified generally to subpart 2 (§796 et seq.) of part A of subchapter VII of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

The Wagner-Peyser Act, referred to in (c)(1)(B), is act June 6, 1933, ch. 49, 48 Stat. 113, which is classified generally to chapter 4B (§49 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 49 of this title and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (c)(2)(A)(vii), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

The Food and Nutrition Act of 2008, referred to in subsec. (c)(2)(A)(ix)(I), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

The Higher Education Act of 1965, referred to in subsec. (c)(3)(B)(i)(I), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Subpart 1 of part A of title IV of the Act is classified generally to subpart 1 (§1070a et seq.) of part A of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

2018—Subsec. (c)(2)(A)(vii), Pub. L. 115-224 substituted “out-of-school youth” for “school dropouts”.

2015—Subsec. (a)(2)(B)(ii), Pub. L. 114-18 substituted “section 3121(b)(7)” for “section 3121(b)(6)”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of Title 20, Education.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-18 effective as if included in the Workforce Innovation and Opportunity Act [Pub. L. 113-128], see §2(f) of Pub. L. 114-18, set out as a note under section 3112 of this title.

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

SUBPART 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

§ 3181. Authorization of appropriations

(a) Youth workforce investment activities

There are authorized to be appropriated to carry out the activities described in section 3162(a) of this title, \$820,430,000 for fiscal year 2015, \$883,800,000 for fiscal year 2016, \$902,139,000 for fiscal year 2017, \$922,148,000 for fiscal year 2018, \$943,828,000 for fiscal year 2019, and \$963,837,000 for fiscal year 2020.

(b) Adult employment and training activities

There are authorized to be appropriated to carry out the activities described in section 3172(a)(1) of this title, \$766,080,000 for fiscal year

2015, \$825,252,000 for fiscal year 2016, \$842,376,000 for fiscal year 2017, \$861,060,000 for fiscal year 2018, \$881,303,000 for fiscal year 2019, and \$899,987,000 for fiscal year 2020.

(c) Dislocated worker employment and training activities

There are authorized to be appropriated to carry out the activities described in section 3172(a)(2) of this title, \$1,222,457,000 for fiscal year 2015, \$1,316,880,000 for fiscal year 2016, \$1,344,205,000 for fiscal year 2017, \$1,374,019,000 for fiscal year 2018, \$1,406,322,000 for fiscal year 2019, and \$1,436,137,000 for fiscal year 2020.

(Pub. L. 113-128, title I, §136, July 22, 2014, 128 Stat. 1537.)

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

PART C—JOB CORPS

DEFINITION OF “SECRETARY”

In this part, “Secretary” means the Secretary of Labor, see section 3151(b)(1)(C)(ii)(II) of this title.

§ 3191. Purposes

The purposes of this part are—

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to—

(A) assist eligible youth to connect to the labor force by providing them with intensive social, academic, career and technical education, and service-learning opportunities, in primarily residential centers, in order for such youth to obtain secondary school diplomas or recognized postsecondary credentials leading to—

(i) successful careers, in in-demand industry sectors or occupations or the Armed Forces, that will result in economic self-sufficiency and opportunities for advancement; or

(ii) enrollment in postsecondary education, including an apprenticeship program; and

(B) support responsible citizenship;

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;

(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of activities described in this part; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

(Pub. L. 113-128, title I, §141, July 22, 2014, 128 Stat. 1537.)

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

§ 3192. Definitions

In this part: