

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (d)(7)(A) and (e)(2), 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July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§ 2801 et seq.)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 Workforce Investment Act of 1998, referred to in subsec. (e)(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 L. 105-220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub.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. For complete classification of this Act to the Code, see Tables.

Statutory Notes and Related Subsidiaries

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.

TELECOMMUNICATIONS WORKFORCE GUIDANCE

Pub. L. 117-58, div. F, title VI, § 60603, Nov. 15, 2021, 135 Stat. 1249, provided that: “Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary of Labor, in partnership with the Chairman of the Federal Communications Commission, shall establish and issue guidance on how States can address the workforce needs and safety of the telecommunications industry, including guidance on how a State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) can—

“(1) utilize Federal resources available to States to meet the workforce needs of the telecommunications industry;

“(2) promote and improve recruitment in workforce development programs in the telecommunications industry; and

“(3) ensure the safety of the telecommunications workforce, including tower climbers.”

§ 3112. Unified State plan**(a) Plan**

For a State to be eligible to receive allotments for the core programs, the Governor shall submit to the Secretary of Labor for the approval process described under subsection (c)(2), a unified State plan. The unified State plan shall outline a 4-year strategy for the core programs of the State and meet the requirements of this section.

(b) Contents**(1) Strategic planning elements**

The unified State plan shall include strategic planning elements consisting of a strategic vision and goals for preparing an educated and skilled workforce, that include—

(A) an analysis of the economic conditions in the State, including—

(i) existing and emerging in-demand industry sectors and occupations; and

(ii) the employment needs of employers, including a description of the knowledge, skills, and abilities, needed in those industries and occupations;

(B) an analysis of the current workforce, employment and unemployment data, labor

market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State;

(C) an analysis of the workforce development activities (including education and training) in the State, including an analysis of the strengths and weaknesses of such activities, and the capacity of State entities to provide such activities, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State;

(D) a description of the State’s strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in section 3141(b)(2)(A) of this title, in order to support economic growth and economic self-sufficiency, and of how the State will assess the overall effectiveness of the workforce investment system in the State; and

(E) taking into account analyses described in subparagraphs (A) through (C), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (D).

(2) Operational planning elements**(A) In general**

The unified State plan shall include the operational planning elements contained in this paragraph, which shall support the strategy described in paragraph (1)(E), including a description of how the State board will implement the functions under section 3111(d) of this title.

(B) Implementation of State strategy

The unified State plan shall describe how the lead State agency with responsibility for the administration of a core program will implement the strategy described in paragraph (1)(E), including a description of—

(i) the activities that will be funded by the entities carrying out the respective core programs to implement the strategy and how such activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies;

(ii) how the activities described in clause (i) will be aligned with activities provided under employment, training, education, including career and technical education, and human services programs not covered by the plan, as appropriate, assuring coordination of, and avoiding duplication among, the activities referred to in this clause;

(iii) how the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services including supportive services, to individuals;

(iv) how the State's strategy will engage the State's community colleges and area career and technical education schools as partners in the workforce development system and enable the State to leverage other Federal, State, and local investments that have enhanced access to workforce development programs at those institutions;

(v) how the activities described in clause (i) will be coordinated with economic development strategies and activities in the State; and

(vi) how the State's strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

(C) State operating systems and policies

The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(E), including a description of—

(i) the State board, including the activities to assist members of the State board and the staff of such board in carrying out the functions of the State board effectively (but funds for such activities may not be used for long-distance travel expenses for training or development activities available locally or regionally);

(ii)(I) how the respective core programs will be assessed each year, including an assessment of the quality, effectiveness, and improvement of programs (analyzed by local area, or by provider), based on State performance accountability measures described in section 3141(b) of this title; and

(II) how other one-stop partner programs will be assessed each year;

(iii) the results of an assessment of the effectiveness of the core programs and other one-stop partner programs during the preceding 2-year period;

(iv) the methods and factors the State will use in distributing funds under the core programs, in accordance with the provisions authorizing such distributions;

(v)(I) how the lead State agencies with responsibility for the administration of the core programs will align and integrate available workforce and education data on core programs, unemployment insurance programs, and education through postsecondary education;

(II) how such agencies will use the workforce development system to assess the progress of participants that are exiting from core programs in entering, persisting in, and completing postsecondary education, or entering or remaining in employment; and

(III) the privacy safeguards incorporated in such system, including safeguards required by section 1232g of title 20 and other applicable Federal laws;

(vi) how the State will implement the priority of service provisions for veterans

in accordance with the requirements of section 4215 of title 38;

(vii) how the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 3248 of this title, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities; and

(viii) such other operational planning elements as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for effective State operating systems and policies.

(D) Program-specific requirements

The unified State plan shall include—

(i) with respect to activities carried out under part B, a description of—

(I) State policies or guidance, for the statewide workforce development system and for use of State funds for workforce investment activities;

(II) the local areas designated in the State, including the process used for designating local areas, and the process used for identifying any planning regions under section 3121(a) of this title, including a description of how the State consulted with the local boards and chief elected officials in determining the planning regions;

(III) the appeals process referred to in section 3121(b)(6) of this title, relating to designation of local areas;

(IV) the appeals process referred to in section 3151(h)(2)(E) of this title, relating to determinations for infrastructure funding; and

(V) with respect to youth workforce investment activities authorized in section 3164 of this title, information identifying the criteria to be used by local boards in awarding grants for youth workforce investment activities and describing how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 3141(b)(2)(A)(ii) of this title in awarding such grants;

(ii) with respect to activities carried out under subchapter II, a description of—

(I) how the eligible agency will, if applicable, align content standards for adult education with challenging State academic standards, as adopted under section 6311(b)(1) of title 20;

(II) how the State will fund local activities using considerations specified in section 3321(e) of this title for—

(aa) activities under section 3321(b) of this title;

(bb) programs for corrections education under section 3305 of this title;

(cc) programs for integrated English literacy and civics education under section 3333 of this title; and

(dd) integrated education and training;

(III) how the State will use the funds to carry out activities under section 3303 of this title;

(IV) how the State will use the funds to carry out activities under section 3333 of this title;

(V) how the eligible agency will assess the quality of providers of adult education and literacy activities under subchapter II and take actions to improve such quality, including providing the activities described in section 3303(a)(1)(B) of this title;

(iii) with respect to programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), the information described in section 101(a) of that Act (29 U.S.C. 721(a)); and

(iv) information on such additional specific requirements for a program referenced in any of clauses (i) through (iii) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) as the Secretary of Labor determines to be necessary to administer that program but cannot reasonably be applied across all such programs.

(E) Assurances

The unified State plan shall include assurances—

(i) that the State has established a policy identifying circumstances that may present a conflict of interest for a State board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts;

(ii) that the State has established a policy to provide to the public (including individuals with disabilities) access to meetings of State boards and local boards, and information regarding activities of State boards and local boards, such as data on board membership and minutes;

(iii)(I) that the lead State agencies with responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the unified State plan, and approved the elements as serving the needs of the populations served by such programs; and

(II) that the State obtained input into the development of the unified State plan and provided an opportunity for comment on the plan by representatives of local boards and chief elected officials, businesses, labor organizations, institutions of higher education, other primary stakeholders, and the general public and that the unified State plan is available and accessible to the general public;

(iv) that the State has established, in accordance with section 3141(i) of this title,

fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through allotments made for adult, dislocated worker, and youth programs to carry out workforce investment activities under subparts 2 and 3 of part B;

(v) that the State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under section 3244(a)(3) of this title;

(vi) that the State has taken the appropriate action to be in compliance with section 3248 of this title, if applicable;

(vii) that the Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program;

(viii) that the eligible agency under subchapter II will—

(I) expend the funds appropriated to carry out that subchapter only in a manner consistent with fiscal requirements under section 3331(a) of this title (regarding supplement and not supplant provisions); and

(II) ensure that there is at least 1 eligible provider serving each local area;

(ix) that the State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 3141 of this title, from funds made available through each of the core programs; and

(x) regarding such other matters as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for the administration of the core programs.

(3) Existing analysis

As appropriate, a State may use an existing analysis in order to carry out the requirements of paragraph (1) concerning an analysis.

(c) Plan submission and approval

(1) Submission

(A) Initial plan

The initial unified State plan under this section (after July 22, 2014) shall be submitted to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after July 22, 2014.

(B) Subsequent plans

Except as provided in subparagraph (A), a unified State plan shall be submitted to the Secretary of Labor not later than 120 days prior to the end of the 4-year period covered by the preceding unified State plan.

(2) Submission and approval

(A) Submission

In approving a unified State plan under this section, the Secretary shall submit the

portion of the unified State plan covering a program or activity to the head of the Federal agency that administers the program or activity for the approval of such portion by such head.

(B) Approval

A unified State plan shall be subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval of the Commissioner of the Rehabilitation Services Administration for the portion of the plan described in subsection (b)(2)(D)(iii). The plan shall be considered to be approved at the end of the 90-day period beginning on the day the plan is submitted, unless the Secretary of Labor or the Secretary of Education makes a written determination, during the 90-day period, that the plan is inconsistent with the provisions of this section or the provisions authorizing the core programs, as appropriate.

(3) Modifications

(A) Modifications

At the end of the first 2-year period of any 4-year unified State plan, the State board shall review the unified State plan, and the Governor shall submit modifications to the plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified State plan.

(B) Approval

A modified unified State plan submitted for the review required under subparagraph (A) shall be subject to the approval requirements described in paragraph (2). A Governor may submit a modified unified State plan at such other times as the Governor determines to be appropriate, and such modified unified State plan shall also be subject to the approval requirements described in paragraph (2).

(4) Early implementers

The Secretary of Labor, in conjunction with the Secretary of Education, shall establish a process for approving and may approve unified State plans that meet the requirements of this section and are submitted to cover periods commencing prior to the second full program year described in paragraph (1)(A).

(Pub. L. 113-128, title I, §102, July 22, 2014, 128 Stat. 1444; Pub. L. 114-18, §2(e)(1), May 22, 2015, 129 Stat. 213; Pub. L. 114-95, title IX, §9215(yyy)(2), Dec. 10, 2015, 129 Stat. 2191.)

Editorial Notes

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(2)(C)(vii), 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 Rehabilitation Act of 1973, referred to in subsec. (b)(2)(D)(iii), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355. Title I of the Act is classified generally to subchapter I (§720 et seq.) of chapter 16 of this title. Part C of title

I of the Act is classified generally to part C (§741) of subchapter I 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 subsec. (b)(2)(D)(iv), 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.

This Act, referred to in subsec. (b)(2)(E)(v), 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.

AMENDMENTS

2015—Subsec. (b)(2)(D)(i)(III). Pub. L. 114-18 substituted “section 3121(b)(6)” for “section 3121(b)(5)”.

Subsec. (b)(2)(D)(ii)(I). Pub. L. 114-95 substituted “with challenging State academic standards, as adopted under section 6311(b)(1) of title 20” for “with State-adopted challenging academic content standards, as adopted under section 6311(b)(1) of title 20”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

Pub. L. 114-18, §2(f), May 22, 2015, 129 Stat. 214, provided that: “The amendments made by this section [amending this section and sections 3121, 3122, 3141, 3164, 3172, and 3174 of this title] shall take effect as if included in the Workforce Innovation and Opportunity Act [Pub. L. 113-128].”

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.

§ 3113. Combined State plan

(a) In general

(1) Authority to submit plan

A State may develop and submit to the appropriate Secretaries a combined State plan for the core programs and 1 or more of the programs and activities described in paragraph (2) in lieu of submitting 2 or more plans, for the programs and activities and the core programs.

(2) Programs

The programs and activities referred to in paragraph (1) are as follows:

(A) Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(B) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(C) Programs authorized under section 2015(d)(4) of title 7.

(D) Work programs authorized under section 2015(o) of title 7.