

**(3) Limitation on authority**

Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.

**(h) Conflict of interest**

A member of a local board, or a member of a standing committee, may not—

(1) vote on a matter under consideration by the local board—

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

**(i) Alternative entity****(1) In general**

For purposes of complying with subsections (a), (b), and (c), a State may use any local entity (including a local council, regional workforce development board, or similar entity) that—

(A) is established to serve the local area (or the service delivery area that most closely corresponds to the local area);

(B) was in existence on the day before August 7, 1998, pursuant to State law; and

(C) includes—

(i) representatives of business in the local area; and

(ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or

(II) other representatives of employees in the local area (for a local area in which no employees are represented by such organizations).

**(2) References**

A reference in this Act or a core program provision to a local board, shall include a reference to such an entity.

(Pub. L. 113–128, title I, §107, July 22, 2014, 128 Stat. 1456; Pub. L. 114–18, §2(b), May 22, 2015, 129 Stat. 213.)

**Editorial Notes****REFERENCES IN TEXT**

This Act, referred to in subsecs. (a), (c)(1)(C), (4)(A), (B)(i), (d)(12)(B)(ii), (iii), (g)(3), and (i)(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July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§2801 et seq.)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 Wagner-Peyser Act, referred to in subsec. (b)(2)(D)(ii), 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 Rehabilitation Act of 1973, referred to in subsecs. (b)(2)(D)(iii) and (d)(11)(A), (B)(ii), 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 Americans with Disabilities Act of 1990, referred to in subsecs. (b)(4)(A)(iii) and (d)(6)(A), (13), 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.

**AMENDMENTS**

2015—Subsec. (i)(1)(B), Pub. L. 114–18 substituted “August 7, 1998” for “July 22, 2014”.

**Statutory Notes and Related Subsidiaries****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.

**§ 3123. Local plan****(a) In general**

Each local board shall develop and submit to the Governor a comprehensive 4-year local plan, in partnership with the chief elected official. The local plan shall support the strategy described in the State plan in accordance with section 3112(b)(1)(E) of this title, and otherwise be consistent with the State plan. If the local area is part of a planning region, the local board shall comply with section 3121(c) of this title in the preparation and submission of a regional plan. At the end of the first 2-year period of the 4-year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

**(b) Contents**

The local plan shall include—

(1) a description of the strategic planning elements consisting of—

(A) an analysis of the regional economic conditions including—

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

(ii) the employment needs of employers in those industry sectors and occupations;

(B) an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;

(C) an analysis of the workforce in the region, including current labor force employment (and unemployment) data, and information on labor market trends, and the edu-

cational and skill levels of the workforce in the region, including individuals with barriers to employment;

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

(E) a description of the local board's strategic vision and goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), including goals relating to the performance accountability measures based on primary indicators of performance described in section 3141(b)(2)(A) of this title in order to support regional economic growth and economic self-sufficiency; and

(F) taking into account analyses described in subparagraphs (A) through (D), a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subparagraph (E);

(2) a description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the strategy identified in the State plan under section 3112(b)(1)(E) of this title;

(3) a description of how the local board, working with the entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, in core programs, and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);

(4) a description of the strategies and services that will be used in the local area—

(A) in order to—

(i) facilitate engagement of employers, including small employers and employers in in-demand industry sectors and occupations, in workforce development programs;

(ii) support a local workforce development system that meets the needs of businesses in the local area;

(iii) better coordinate workforce development programs and economic development; and

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

(B) that may include the implementation of initiatives such as incumbent worker

training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies, designed to meet the needs of employers in the corresponding region in support of the strategy described in paragraph (1)(F);

(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;

(6) a description of the one-stop delivery system in the local area, including—

(A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers, and workers and jobseekers;

(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and through other means;

(C) a description of how entities within 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 and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and

(D) a description of the roles and resource contributions of the one-stop partners;

(7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

(8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as described in section 3174(a)(2)(A) of this title;

(9) a description and assessment of the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;

(10) a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;

(11) a description of how the local board will coordinate workforce investment activities

carried out under this subchapter in the local area with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;

(12) a description of plans and strategies for, and assurances concerning, maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system, to improve service delivery and avoid duplication of services;

(13) a description of how the local board will coordinate workforce investment activities carried out under this subchapter in the local area with the provision of adult education and literacy activities under subchapter II in the local area, including a description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of section 3122(d)(11) of this title and section 3322 of this title, the review of local applications submitted under subchapter II;

(14) a description of the replicated cooperative agreements (as defined in section 3122(d)(11) of this title) between the local board or other local entities described in section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 3151(f) of this title) in accordance with section 101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

(15) an identification of the entity responsible for the disbursement of grant funds described in section 3122(d)(12)(B)(i)(III) of this title, as determined by the chief elected official or the Governor under section 3122(d)(12)(B)(i) of this title;

(16) a description of the competitive process to be used to award the subgrants and contracts in the local area for activities carried out under this subchapter;

(17) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 3141(c) of this title, to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under part B, and the one-stop delivery system, in the local area;

(18) a description of the actions the local board will take toward becoming or remaining a high-performing board, consistent with the factors developed by the State board pursuant to section 3111(d)(6) of this title;

(19) a description of how training services under subpart 3 of part B will be provided in accordance with section 3174(c)(3)(G) of this

title, including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that subpart and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

(20) a description of the process used by the local board, consistent with subsection (d), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners; and

(22) such other information as the Governor may require.

#### **(c) Existing analysis**

As appropriate, a local area may use an existing analysis in order to carry out the requirements of subsection (b)(1) concerning an analysis.

#### **(d) Process**

Prior to the date on which the local board submits a local plan under this section, the local board shall—

(1) make available copies of a proposed local plan to the public through electronic and other means, such as public hearings and local news media;

(2) allow members of the public, including representatives of business, representatives of labor organizations, and representatives of education to submit to the local board comments on the proposed local plan, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and

(3) include with the local plan submitted to the Governor under this section any such comments that represent disagreement with the plan.

#### **(e) Plan submission and approval**

A local plan submitted to the Governor under this section (including a modification to such a local plan) shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan (including such a modification), unless the Governor makes a written determination during the 90-day period that—

(1) deficiencies in activities carried out under this part or part B have been identified, through audits conducted under section 3244 of this title or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies;

(2) the plan does not comply with the applicable provisions of this Act; or

(3) the plan does not align with the State plan, including failing to provide for align-

ment of the core programs to support the strategy identified in the State plan in accordance with section 3112(b)(1)(E) of this title.

(Pub. L. 113–128, title I, §108, July 22, 2014, 128 Stat. 1466.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (b)(2), 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 Americans with Disabilities Act of 1990, referred to in subsec. (b)(6)(C), 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 Wagner-Peyser Act, referred to in subsec. (b)(12), 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 Rehabilitation Act of 1973, referred to in subsec. (b)(14), 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.

This Act, referred to in subsecs. (b)(21) 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.

#### 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.

##### SUBPART 3—BOARD PROVISIONS

#### § 3131. Funding of State and local boards

##### (a) State boards

In funding a State board under this part, a State—

(1) shall use funds available as described in section 3164(b)(3) or 3174(a)(3)(B) of this title; and

(2) may use non-Federal funds available to the State that the State determines are appropriate and available for that use.

##### (b) Local boards

In funding a local board under this part, the chief elected official and local board for the local area—

(1) shall use funds available as described in section 3163(b)(4) of this title; and

(2) may use non-Federal funds available to the local area that the chief elected official and local board determine are appropriate and available for that use.

(Pub. L. 113–128, title I, §111, July 22, 2014, 128 Stat. 1471.)

#### 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.

##### SUBPART 4—PERFORMANCE ACCOUNTABILITY

#### § 3141. Performance accountability system

##### (a) Purpose

The purpose of this section is to establish performance accountability measures that apply across the core programs to assess the effectiveness of States and local areas (for core programs described in part B) in achieving positive outcomes for individuals served by those programs.

##### (b) State performance accountability measures

###### (1) In general

For each State, the performance accountability measures for the core programs shall consist of—

(A)(i) the primary indicators of performance described in paragraph (2)(A); and

(ii) the additional indicators of performance (if any) identified by the State under paragraph (2)(B); and

(B) a State adjusted level of performance for each indicator described in subparagraph (A).

###### (2) Indicators of performance

###### (A) Primary indicators of performance

###### (i) In general

The State primary indicators of performance for activities provided under the adult and dislocated worker programs authorized under subpart 3 of part B, the program of adult education and literacy activities authorized under subchapter II, the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (except that subclauses (IV) and (V) shall not apply to such program), and the program authorized 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), shall consist of—

(I) the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(II) the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;