

Terry E. Branstad, Governor

Kim Reynolds, Lt. Governor

Teresa Wahlert, Director



WIOA Implementation Questions Submitted to the US Department of Labor:

1. How are they aligning the legislation desire to create regions along economic and commuting patterns, while allowing areas that are currently regions to remain as is.
2. Ask about the likelihood of waivers? Like in school vs out of school youth.
3. Please ask about issues of conflict of interest; specifically when the Adult/Dislocated worker service provider is also the primary provider of training services in the region. Is that viewed as a serious conflict (I know we agree that it is) and should have policy written to prohibit?
4. And will they do a waiver for the performance reporting for the providers?
5. The legislation explains that any state that was a single region on July 1, 2013, may remain a single state local area. We cannot find any language that allows or prohibits a state from seeking that designation now. (Have asked this question of our FPO in Region VII – unable to answer).
6. WIA included specific provisions for exemptions from merit staff requirements for Wagner Peyser for the states of Colorado, Michigan and Massachusetts. Haven't found anything in WIOA that addresses that.
7. Can you define "one stop operator?"
8. How can a regional board approve an RFP if they are not a legal entity (501c3)?
9. What happens if a region cannot get certified?
10. How many conditional certifications can a board receive? (We have some on their second this year.)

Answer: Conditional certifications are not mentioned in WIOA legislation to allow local boards to continue operating if they are out of compliance (membership). Conditional certifications are not an allowable practice. (Provided by Arlene Charbonneau, Iowa's DOL Federal Project Officer) Update – all Iowa regions are now in compliance and certified.

11. I realize this is WIOA specific, and that you may/may not be able to provide an answer. Corey, this is the same question I left on your voice mail earlier today. My director, Teresa Wahlert, has been asked by the governor for this information – and we don't know the answer. Byron & Gerri – please add to the list of questions I provided you earlier from Iowa. As I told you yesterday, we normally have lots of questions, but yesterday was not the time and place.
 - a. If the current state board wishes to grandfather themselves in, can the Governor override that? (Our current state board chair represents Labor).

Answer: under WIOA (and WIA) [because] the Governor has the responsibility to establish the State board, and therefore Governor has the authority to decide if he/she wants to have the existing board grandfathered under WIOA. The current State board does not have the authority to grandfather itself. If the Governor of Iowa does not want to grandfather the current board, he would have to ensure that the new state board meets the membership requirements in section [Sec.] 101(b) of WIOA. However, we note that because the composition of the State board in Iowa is established under state law, it appears that a

change in composition to the current State board also would require a change to the State law. (Provided by Gerri Fiala, Assistant Secretary, DOL/ETA)

- b. And if they can be grandfathered, will they have to comply with the new WIOA regulations regarding board composition in terms of being at least 51% business?

Answer: If the State board is grandfathered under WIOA, it would not have to meet the membership requirements of section [outlined in Sec.] 101(b) of WIOA, but rather could maintain its current composition. (Provided by Gerri Fiala, Assistant Secretary DOL/ETA)

12. If we provide funds from our state Admin dollars as a project, do those people served have to be in our performance pool or is that optional? The project in question is for iJAG (Iowa Jobs for America's Graduates – in school youth). The funds are available to them through 6-30-15. This also brings up questions pertaining to the 75% out of school and 25% in school for the Youth program. The number of people served by IJAG would all be in school youth which would mean we would have very little opportunity to have in school dollars used in any of our regions. And it is our understanding they will still be in our performance pool. Once in, they are in for the life of the terms dictated by the Feds, correct? Youth are in for a minimum of 12 months after exit which leaves them in the performance pool for another (minimum) of 5 quarters.
13. Please provide guidance on who has final authority on regional board appointments under WIOA. The following Iowa law refers to the current regional board structure under WIA.
- 84A.4 REGIONAL ADVISORY BOARDS.**

1. A regional advisory board shall be established in each service delivery area as defined in section 84B.2. The members of the board shall be appointed by the governor, consistent with the requirements of federal law and in consultation with chief elected officials within the region. Chief elected officials responsible for recommendations for board membership shall include, but are not limited to, county elected officials, municipal elected officials, and community college directors. The membership of each board shall provide for equal representation of business and labor and shall include a county elected official, a city official, a representative of a school district, and a representative of a community college.

2. Each regional advisory board shall identify workforce development needs in its region, assist the workforce development board and the department of workforce development in the awarding of grants or contracts administered by the department of workforce development in that region and in monitoring the performance of the grants and contracts awarded, make annual reports as required by section 84A.1B, and make recommendations to the workforce development board and department of workforce development concerning workforce development.

3. Section 84A.1A, subsections 2, 3, and 5, apply to the members of a regional advisory board except that the board shall meet if a majority of the members of the board file a written request with the chairperson for a meeting. Members of a regional advisory board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department of workforce

development is subject to the budget requirements of chapter 8.

Does WIOA give the same authority to the Governor to appoint state board members? Here's what I found in the legislation, Section 107, "Local Workforce Development Boards," paragraph b)Membership, subparagraph 1: "The Governor, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph 2. If it doesn't match, Iowa obviously has a conflict between Federal and State law, and then the question is who trumps who? We assume Federal, but what if one is more restrictive?"

14. We realize that many answers about WIOA implementation will not be available until the draft regulations are released in January, but we would appreciate getting some direction from DOL on a timeline for when our governor must make a final determination on composition of our state & regional boards, and for our regional configuration. Following is some very helpful information we previously received from Assistant Secretary Fiala. This has been provided to the governor, who is under a tight timeframe for submission of prospective legislation for the upcoming session which begins in January. We all realize that if he opts to realign our regions from 15 to another number, and to reconfigure the board to the WIOA model, conforming legislation will be required. But does that have to be done before July 1, 2015? Can someone give us guidance on when these decisions have to be finalized? Now? At the start of the new state fiscal year? Or when the final regs are provided in 2016? Our agency director, Teresa Wahlert, is hosting an upcoming meeting of all of the regional board chairs and the state board on Dec. 10, and having this information prior to that meeting would be very helpful. The discussion will undoubtedly focus on board and regional structures.
15. Iowa would hearing about what other states are doing – or not doing – regarding regional configurations. Are other states maintaining their current regional model, or using WIOA as an opportunity to realign along economic development areas, commuting patterns, or another model?
16. What coordination will be in place between WIOA and the Performance Partnership Pilots? Learned about this grant opportunity at a meeting today. DOL has been consistent in the message that no waivers will be allowed under WIOA, yet the P3 documents include this statement: "Agencies may use existing waiver authority, and may also waive any statutory, regulatory or administrative requirement, as long as the waiver is in keeping with important safeguards." It goes on to say that the "waiver authority will allow communities and the Federal government to identify eligible youth and design the allowable activities and reporting requirements so that they support the goals and objectives of the pilot as determined at the State, local, and/or tribal level." If WIOA is not granting waivers, then do I assume we have no "waiver authority?" In reading these documents, P3 would appear to be an excellent opportunity to serve out of school youth, which is obviously a priority of WIOA. But it also references WIA as a source of "blended" funds. Since WIA is going away, WIOA coming on board, and the project deadline is listed as not beyond September 30, 2018, has DOL drafted updated information so this is in alignment with the draft regs due out in January? Is there an expectation this would start before July 1, 2015, but what guidance are you providing regarding sustainability after that date? Can't imagine this is an option since the grant responses are due in March. <http://findyouthinfo.gov/youth-topics/reconnecting-youth/performance-partnership-pilots>
17. We recently hosted a "town hall" type meeting with members of our state board, and the chairs of our 15 Regional Workforce Investment Boards. Here are some of the questions posed by that

group. Note our draft responses – I would appreciate any updates, or corrections as appropriate. Thanks – Lori

- a. What should be included in the RFP (Request for Proposal) process? ***We are expecting that information to be included in the draft rules to be issued by the Dept. of Labor on Jan. 18.***
- b. What is the status of local offices, and current employees? ***IWD will continue to maintain its network of 19 local offices. No offices will be closed, but an office's status as a one-stop may change. No IWD employees will lose their jobs as a result of WIOA, although their job duties may change.***
- c. Will a region's allocation change if it is no longer considered a one-stop? ***That is highly likely.***
- d. Will IWD staff be attending local board meetings to explain changes as a result of WIOA? ***Yes. We will be offering Town Hall meetings in all regions which can be in conjunction with local board meetings. Region 6 (Marshalltown) has volunteered to host the first Town Hall.***
- e. What items should local boards be discussing? ***We encourage local boards to review the scope of their responsibility, and consider the impact of possible change on their local areas.***
- f. Can a board or region change their mind? ***We will submit this question to USDOL for specific guidance on when decisions must be made, and what opportunity exists for reconsideration.***
- g. What guidance can you provide for calculation of the indirect cost rate for WIA? ***Kelly Taylor will respond to this question, or your local WIA director may contact him for further information.***
- h. Who sets the Eligible Training Provider List? Can it change? ***The Eligible Training Provider List is based upon information provided by the local areas based on board approvals. It changes as providers are added, or deleted. That list can be found at <http://contactmanagement.iowaworkforcedevelopment.gov/wia-training-provider-list>***
- i. WIOA sets funding at 75% for out-of-school youth, and 25% for in-school youth. How firm is that? ***That is the language included in the WIOA legislation signed by President Obama on July 22, 2014. It should be considered the standard local areas should follow.***

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