The Workforce Innovation and Opportunity Act Implementation: 2015 State Legislation

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Introduction
Workforce development, traditionally addressed by federal and local government, has been a topic of increasing concern to state legislatures over the past several years. With the impact of the Great Recession and budget challenges across the states, the high rates of unemployment, lack of qualified job applicants, and the myriad workforce and training services have been issues that state legislators are working diligently to address. Often, they try to mitigate these issues with a variety of public policy strategies. This has included efforts by legislatures to learn about where the jobs are, think about how to best train and educate workers, and consider how to coordinate agencies and organizations that provide training. While much of this has been transformative to the workforce system, Congress gave workforce policy an additional boost by passing the Workforce Innovation and Opportunity Act (WIOA) in 2014. Enactment of WIOA has had a considerable impact on the states, prompting the adoption of several new state laws in 2015.

What is the Workforce Innovation and Opportunity Act?
The Workforce Innovation and Opportunity Act (WIOA) was passed with wide bipartisan support and signed into law on July 22, 2014, by President Barack Obama. It is the first federal reform of the public workforce system in more than 15 years, and is a crucial step to ensure that public policy responds to today’s job market, labor needs, and economy. The primary goals of WIOA include reauthorization of workforce services, expanding access to training for a variety of workers, providing pathways for better trained and qualified workers, and achieving a more collaborative workforce services system.

WIOA supersedes the Workforce Investment Act of 1998 and also amends key sections of the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. WIOA took effect on July 1, 2015. Implementation of WIOA began with directing states to develop plans to comply and implement WIOA, a process that is currently underway across the nation. Complete implementation of WIOA will take place through December 2016 and the Department of Labor has been issuing ongoing guidance to the states.
Intent of WIOA

WIOA is intended to realign and reorganize the workforce development system in order to modernize the system across the nation. The Department of Labor reports that it is focused on a number of key objectives including:

- Aligning federal investments to support job seekers and employers.
- Strengthening the governing bodies that establish state, regional, and local workforce investment priorities.
- Helping employers find workers with the necessary skills.
- Aligning goals and increasing accountability and information for job seekers and the public.
- Fostering regional collaboration to meet the needs of regional economies.
- Targeting workforce services to better serve job seekers.
- Improving services to people with disabilities.
- Supporting access to job services.

These objectives leave a number of responsibilities for states to undertake. Given the breadth of WIOA, states have worked in various ways to comply with the act, which has been reflected in the workforce legislation enacted in states in 2015.

State Legislation Related to WIOA

State legislation to comply with WIOA targets a number of topics including:

- Implementation of sector strategies
- Career pathways initiatives
- Adult education
- Career and job training
- State plan and/or governance issues
- General modifications to various states’ workforce systems.

Most legislation relates to governance and state plan development issues. States considered more than 130 bills on WIOA implementation. Fifty-one of these were enacted with summaries included below. A more comprehensive summary of state workforce enactments is forthcoming in January 2016.

2015 WIOA Enactments

Sector Strategies

AR S 891: Establishes the Workforce Initiative Act which requires workforce training and collaboration among institutions and organizations on regional sector strategies across the state. Requires that funding for
the Workforce Initiative Act is allocated by the Department of Higher Education. Sets guidelines for education and training grants.

**CO H 1274:** Requires the Workforce Development council to design integrated career pathways for students within industry sectors.

**Career Pathways**

**CA A 93:** Designates federal and state funding for programs to comply with WIOA. These programs include career pathways initiatives.

**CO H 1274:** Requires the Workforce Development council to design integrated career pathways for students within industry sectors and requires collaboration between government agencies and the private sector. Requires information about career pathways be disseminated via CollegeinColorado.org, a free online resource site.

**DC B 283** and **DC B 158:** Requires a task force to submit a plan to address career pathways for adults and authorizes the issuance of Career Pathways Innovation grants.

**IL HR 477:** Encourages agencies participating in the Illinois Pathways Interagency Committee to establish advisory committees to analyze and recommend methods to better prepare high school graduates for postsecondary education and the workforce.

**MI H 4115:** Appropriates additional funds to several programs focused on workforce development including a pre-college engineering K-12 educational program that is focused on exposing, preparing and motivating groups who are underrepresented in STEM related technical professions and careers. Sets criteria for collaboration with the talent district council, an advisory council of the workforce development boards in regions in the state, to develop a regional strategy that aligns adult education programs and services with special consideration for career pathways.

**NM SM 105** (Note: **Vetoed by the governor**): Calls for collaboration between higher education, public education and the workforce solutions department in order to create career pathways for students and close the gap between career pathway programs and workforce opportunities.

**OH H 64:** Requires the Department of Education to calculate a state payment for each student enrolled in approved career pathway programs.

**Adult Education**

**CA HR 7:** Recognizes the week of March 22-28, 2015, as Adult Education Week to honor the work of students, teachers, and administrators of adult education programs statewide for their efforts.

**CA A 93:** Designates federal and state funding for programs to comply with WIOA. These programs include adult education and rehabilitation services.

**CA A 104:** Creates the Adult Education Block Grant Program to comply with WIOA.

**MI S 134:** Appropriates $500,000 per year over the course of three years for a pilot program that connects adult education participants directly with employers by linking adult education, career and technical skills, and workforce development. Requires an annual report detailing participant progress in terms of workforce development and employment.

**MI H 4115:** Appropriates additional funds to several programs focused on workforce development including one adult education pilot program that connects adult education participants directly with employers by
linking adult education, career and technical skills, and workforce development. Provides a caseworker to each student enrolled in adult education to help them achieve their workforce goals

**Career and Job Training**

**CA A 104:** Establishes the California Career Technical and Education Incentive Grant Program in compliance with WIOA.

**CA A 1093:** Revises the criteria for the existing Supervised Population Workforce Training Grant program by authorizing a grant applicant to address the education and training needs of people who require basic education, have some postsecondary education, or are in both categories. Requires the Workforce Investment Board to submit a report to the Legislature by January 2018 that evaluates the overall success and effectiveness of the program.

**CO H 1170:** Appropriates funds and indicates measures to raise the level of postsecondary and workforce readiness that high school students demonstrate upon graduation. Creates of the position of postsecondary and workforce readiness coordinator and specifies duties.

**CO H 1230:** Creates the Innovative Industries Workforce Development program in the Department of Labor and Employment to reimburse small business in innovative industries up to half of the expenses related to qualifying internships.

**DC B 283** and **DC B 158:** Makes a number of changes to comply with WIOA. Gives preference to various students, youth and adult learners for work readiness training, on-the-job training for adults and retraining programs. Requires a task force to submit a plan to address career pathways for adults and authorizes the issuance of Career Pathways Innovation grants.

**MI H 4115:** Appropriates funds to several programs focused on workforce development: a career and technical education program that includes regional career and technical early/middle college programs.

**NH S 190:** Modifies the terms and expectations of career and technical education center programs by requiring that centers are broad enough to service business and industry needs of the area and provide substantial training offerings. Focuses on the importance of regional centers and provides for guidelines for acceptance to programs and the cost to students, the state and the center.

**OH H 64:** Directs a number of changes to workforce development efforts. Requires the Ohio Department of Jobs and Family services to administer WIOA in 2016 and 2017. Also requires recipients of vocational rehabilitation services to create an account with OhioMeansJobs to facilitate job seeking opportunities. Permits high school students who are pursuing a career-technical instructional track to take relevant career-based mathematics courses in place of standardized courses. Requires the Department of Education to calculate a state payment for each student enrolled in approved career pathway programs.

**VA S 1002:** Encourages local workforce investment boards to implement pay-for-performance incentives for rapid reemployment services as an alternative model for traditional programs. Authorizes local boards to allocate funds for these programs as authorized under WIOA.

**State Plan and Governance**

**AL H 554:** Creates the Department of Commerce and transfers all duties and functions of the Department of Economic and Community Affairs and the Department of Postsecondary Education to the new department. The Department of Commerce is composed of the Business Development Division and the Workforce Development Division. All workforce programs and development boards are transferred to the Workforce Development Division. Maintains the Alabama Workforce Council under the new department and defines its duties and membership to include the governor, two members of the Legislature, and one member from a
regional workforce council. Establishes no fewer than six and no more than 10 Regional Workforce Development Councils to oversee workforce issues and annually submit a workforce development plan. Creates the Legislative Oversight Commission composed of four members from each legislative chamber to evaluate performance and recommend relevant legislation.

**AK H 46**: Establishes the Alaska Workforce Investment Board with membership from multiple agencies, businesses and industries, one Alaska Native, a veteran, and a person with a developmental disability.

**AR S 368**: Creates the Career Education and Workforce Development board and specifies membership from business and government to develop a state plan for vocational-education. Creates the Office of Skills development and specifies members and duties. Requires the coordination and dissemination of information about state employment opportunities and other relevant labor market information via the department’s website.

**AR S 557**: Allocates funds to the Department of Career Education’s Skills Development Fund for general operating, as well as, grants allocated for comprehensive statewide workforce development programs.

**AR S 791**: Repeals the TANF Oversight Board and establishes the Committee of the Arkansas Workforce Development Board. Requires the governor to designate local workforce development areas and local workforce development boards and specifies membership to include state agencies and the private sector. Specifies duties and responsibilities in compliance with WIOA, including an emphasis on one-stop partner programs, career pathways, and the submission of comprehensive state and local workforce plans.

**AR H 1103**: Defines federal and state appropriations for the Department of Workforce Services for 2015-2016 and establishes funds for workforce development grants.

**AR H 1851**: Amends the appointed members to the Workforce Investment Board to comply with WIOA. Membership includes representatives of public agencies and the private sector, two chief elected officers appointed by the governor and two members from youth organizations and programs.

**CA A 93**: Designates federal and state funding for programs to comply with WIOA. These programs include adult education and rehabilitation services.

**CA A 104**: Establishes the California Career Technical and Education Incentive Grant Program and the Adult Education Block Grant Program to comply with WIOA. Provides grants for youth and adult workforce development programs.

**CA S 342**: Requires the Workforce Investment Board to help people with economic, physical or other barriers to employment attain marketable skills. Defines the term “earn and learn.”

**CA A 731**: Requires the state’s workforce board to assist the governor in developing the state workforce investment plan, guidelines for the continuous improvement and operation of the workforce system, and continued development of local workforce investment areas in the state.

**CA A 1270**: Updates existing workforce boards to comply with WIOA. Specifies membership to include business, agencies, the governor and two legislators. Emphasizes the use of metrics to understand the collective impact that investments make on the state labor market. Renames and revises the membership and role of the California Investment Board to the California Workforce Development Board to assist in the development of a comprehensive workforce state plan. Renames and revises the guidelines for local workforce development boards across the state. Each local board must submit a workforce plan to the governor. Encourages local boards to establish a standing committee on the provision of youth services.
CA A 1514: Amends existing law regarding the disbursement of unemployment benefits for people participating in workforce training to include federal funding and expectations required by the Workforce Innovation and Opportunity Act. Extends benefits to people involved in a union or trade association, participants in employer sponsored training, and people participating in a state or federal apprenticeship program.

CO S 239: Transfers all vocational rehabilitation programs from the Department of Human Services to the Department of Labor and Employment.

FL H 7019: Renames and transfers the duties of Workforce Florida Inc. to CareerSource Florida Inc. Creates a task force to advise the state on preparation for the implementation of WIOA. This task force will submit recommendations for a state plan to CareerSource Florida Inc. and will be abolished after that submission is completed.

GA H 348: Establishes the Workforce Division to replace the Governor’s Office of Workforce Development within the Department of Economic Development. Creates the Workforce Development Board with responsibilities compliant with WIOA. Membership to be decided by the lieutenant governor, the speaker of the House of Representatives and the governor.

IN H 1601: Amends and redefines the role of the Department of Workforce Development and the State Workforce Innovation Council in compliance with WIOA. Tasks the Council with developing a program to administer grants to minority students for workforce development. Creates a program to track graduates of colleges and universities located in the state and subsequently provide them with information on job opportunities in Indiana.

LA H 741: Creates the Louisiana Workforce Investment Council and specifies its duties and membership to comply with WIOA. Includes the submission of a state plan for workforce development. Requires that of the council members who represent business and industry, one must be female and two must represent minority owned businesses. The council must recommend designated workforce development areas, and these areas must appoint local workforce development boards. Specifies membership and duties.

MA H 3650: Requires representatives to be appointed to one stop career centers in each region to facilitate career and job training services and ensure compliance with WIOA.

MI S 133: Appropriates funds for the Talent Investment Agency. Defines the fiscal and programmatic expectations of the Agency.

NV A 485: Revises the duties of the director of the Office of Science Innovation and Technology and modifies the membership and requirements of the Advisory Council of Science, Technology, engineering and Mathematics. Makes the advisory council permanent.

NY S 2000: Requires the state’s workforce investment board to assist the governor in developing workforce programs and identifying workforce development activities to be funded with state funds. Allocates funding for the administration and operation of employment and training programs in compliance with WIOA.

NY A 3003: Appropriates more than $20 million in federal funds for various WIOA grants and programs.

OH H 64: Directs a number of changes to workforce development efforts. Requires the Ohio Department of Jobs and Family services to administer WIOA in 2016 and 2017. Also requires recipients of vocational rehabilitation services to create an account with OhioMeansJobs to facilitate job seeking opportunities.
OK S 612: Modifies membership and duties of the Governor’s Council for Workforce and Economic Development and brings the council to comply with WIOA.

OR S 686: Makes a technical change to include people enrolled in alternative education programs to be considered out-of-school youth to comply with WIOA.

OR H 2408: Changes the name of the Department of Community Colleges and Workforce Development to the Office of Community Colleges and Workforce Development. Transfers authority to spend unexpended balances to the Higher Education Coordinating Commission.

TN S 104: Updates references from WIOA in state law. Prohibits discrimination by appointing authorities in the Department of Labor and workforce development programs to include discrimination on the base of sex or disabilities.

TX S 208: Transfers the primary responsibility of vocational rehabilitation programs from the Rehabilitation Council to the Texas Workforce Commission. Specifies expectations for these programs and requires the submission of a transition plan. Creates a Legislative Oversight Committee comprised of four members appointed from each legislative chamber and three members of the public appointed by the governor.

TX H 3685: Clarifies the employment status for people involved in a rehabilitative work-training program for the purposes of compensation.

VA S 1002: Encourages local workforce investment boards to implement pay-for-performance incentives for rapid reemployment services as an alternative model for traditional programs. Authorizes local boards to allocate funds for these programs as authorized under WIOA.

VA S 1372 and VA H 1986: Makes several changes to the Virginia Board of Workforce Development. Requires quarterly meetings and establishes a full-time director position. Requires each agency administering any publicly funded career and technical education and workforce development program to submit to the governor and the board an annual report detailing the program’s performance against state-level metrics. Requires each local workforce development board to develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways and career readiness skills development.

VA H 1523: Creates the Virginia Workforce Network to coordinate and consolidate workforce development programs and information across the state. Amends and reenacts guidelines and role of the Virginia Board of Workforce Development in compliance with WIOA.

General/Other

MD H 942: Establishes the Apprenticeship Maryland, a pilot program that works with business and industry leaders, and local school districts to place high school students in year-long apprenticeship programs accompanied with classroom instruction. This program will be evaluated for effectiveness after two years.

MN H 3 a: Increases annual appropriations for workforce development by $9 million dollars for 2016 for programs that target underserved populations, such as, workforce development for high risk youth, dislocated and underemployed adults, and people living with disabilities and mental illness.

MT S 163: Creates and specifies the terms and expectations of the private sector business training program, which provides grants to new or innovative business for skill based training for employees in new jobs.
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