

**Workforce Innovation and Opportunity Act
Publication of Notices of Proposed Rulemaking
Frequently Asked Questions
April 16, 2015**

1. What is a Notice of Proposed Rulemaking (NPRM)?

A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include (at a minimum): A statement of the time, place, and nature of the public rulemaking proceeding, a reference to the legal authority under which the rule is proposed, and either the terms or substance of the proposed rule or a description of the subjects and issues involved. (Definition from RegInfo.gov)

2. How do I submit comments on the NPRM?

You may submit comments on the NPRM by using one of the following methods:

- For Joint-NPRM, please identify docket number ETA-2015-0002, for Regulatory Information Number (RIN) 1205-AB74 and/or 1830-AA21, by one of the following methods:
 - Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the Web site instructions for submitting comments.
 - Mail and hand delivery/courier: Written comments, disk, and CD-ROM submissions may be mailed to Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-5641, Washington, D.C. 20210.
- For the DOL only NPRM, please identify docket number ETA-2015-0001, for Regulatory Information Number (RIN) 1205-AB73, by one of the following methods:
 - Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the Web site instructions for submitting comments.
 - Mail and hand delivery/courier: Written comments, disk, and CD-ROM submissions may be mailed to Adele Gagliardi, Administrator, Office of Policy Development and

Research, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-5641, Washington, D.C. 20210.

All comments must be received on or before June 15, 2015.

3. Is there a deadline for submitting comments?

Yes. DOL must receive your NPRM comments on or before June 15, 2015.

4. How do I find the NPRM in www.regulations.gov?

There are several ways. To explore the options, go to <http://www.regulations.gov/#!help>

One method is to go to your internet browser and type: www.regulations.gov

Then, in the "Search" field type the Regulation Identifier Number (RIN)

For the Joint NPRM, go to: RIN 1205-AB74

For the DOL Only NPRM, go to: RIN 1205-AB73

Then, click the "Search" button or hit "Enter" on your keyboard. This will trigger a site search for relevant content.

On the Search Results page, the documents that are related to your search will be displayed.

5. How do I submit a comment?

As described on the [regulation.gov](http://www.regulation.gov) help page,

1. Find a document of interest.
2. Click a "Comment Now!" button on the Search Results page. You are taken to the Comment Form, "Your Information" screen.
3. Enter your comment. If you want to attach any files, click the "Choose file(s)" button. Be sure to complete any contact information fields that are required. Once you have completed this information click the "Continue" button.
4. Now you will see the "Your Preview" screen. This shows you how your comment will appear on Regulations.gov. Any contact information you provide that will appear on Regulations.gov is indicated as well as the information that will not appear. Once you have reviewed the information, you can either edit your comment further by clicking the "Edit" button at the bottom of the screen or submit your comment.

If you click the "Edit" button you will return to the "Your Information" screen, where you can modify the information you provided.

When you decide to submit your comment, you must first agree to the disclaimer and check the box. This will enable the "Submit Comment" button.

5. Once you have submitted your comment, "Your Receipt" is viewable. Be sure to save your comment tracking number in case you want to find your comment (i.e., Public Submission) once it is made viewable on Regulations.gov. Additionally, you can receive an emailed copy of your comment receipt by entering your email address in the field and clicking the "Email Receipt" button. When you have successfully emailed the comment receipt you will see the message "Your email receipt was sent successfully".

6. Check your inbox to ensure that you received your comment receipt.

The proposed rules

6. How many proposed rules are they and what do they cover?

There are five NPRMs, as follows:

- **Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provision**
This rule, jointly proposed by the U.S. Departments of Labor and Education, would strengthen the alignment of the workforce development system's six core programs administered by Labor and Education, by imposing requirements related to unified strategic planning at the state level, common performance accountability measures, and the one-stop delivery system.
 - **Workforce Innovation and Opportunity Act**
This rule, proposed by the U.S. Department of Labor, would implement changes to the adult, dislocated worker and youth formula programs; the state and local workforce development boards; the designation of regions and local areas; local plans; the one-stop system; national programs, including Job Corps, YouthBuild, Indian and Native American programs; and Migrant and Seasonal Farmworker programs. The proposed rules also would implement changes related to employment services and workforce and labor market information systems and requires the Secretary of Labor to establish a Workforce Information Advisory Council.
- Adult Education and Family Literacy Act (AEFLA)**
This rule, proposed by U.S. Department of Education, Office of Career, Technical and Adult Education, would implement changes to programs authorized under AEFLA, which is contained in title II of WIOA.

- **State Vocational Rehabilitation Services program; State Supported Employment Services program; Limitations on Use of Subminimum Wage**

This rule, proposed by the U.S. Department of Education, Office of Special Education and Rehabilitative Services, would implement changes authorized under the Rehabilitation Act of 1973, which is contained in title IV of WIOA, including changes to the State Vocational Rehabilitation Services program and the State Supported Employment Services program, as well as provisions in new Section 511 related to the Limitations on the Use of Subminimum Wages.

- **Workforce Innovation and Opportunity Act, Miscellaneous Program Changes**

This rule, proposed by the U.S. Department of Education, Office of Special Education and Rehabilitative Services, would implement changes to the other Rehabilitation Act programs administered by ED, including Client Assistance, American Indian Vocational Rehabilitation Services, Protection and Advocacy of Individual Rights, Independent Living Services for Older Individuals Who Are Blind programs, and the discretionary grant programs authorized under title III of the Rehabilitation Act.

Developing and issuing all five WIOA NPRMs in a coordinated manner reinforces WIOA's heightened emphasis on collaboration to ensure an integrated and seamless service delivery system for job seekers and employers.

7. Why are DOL and ED proposing a new joint rule?

DOL and ED are issuing a joint NPRM to comply with the statutory requirement to develop regulations implementing WIOA.

8. What are the key provisions of the joint NPRM?

Through the joint NPRM, DOL and ED propose to implement a number of improvements that WIOA makes to the public workforce system. Specifically, the proposed rule would:

- Ensure that federal core program education, employment and training services are coordinated and complementary by requiring a single, four-year Strategic State Plan for achieving the workforce goals of the State. Additionally, States may include, along with the core programs, collaborative planning with other Federal education and training programs specified in WIOA (generally, the One-Stop partners that are in addition to the core programs) to develop Combined State plans;
- Ensure that federal investments in education, employment and training programs are evidence-based, data-driven, and accountable to participants and taxpayers by establishing a common performance accountability system for the core programs and

requiring other authorized programs to report on the common performance indicators;
and

- Enhance services provided to all job seekers and employers through the American Job Center system by: requiring the co-location of Wagner-Peyser Employment Services; adding the Temporary Assistance for Needy Families as a required partner; providing for State-established certification to facilitate high-quality American Job Centers; requiring partners to dedicate funding for allowable infrastructure and other shared costs; and promoting the development of integrated intake, case management, and reporting systems.

9. What are the Highlights of the DOL-Only Proposed Rule?

Through the NPRM, DOL is proposing to implement a number of improvements that WIOA makes to the public workforce system and its delivery of services to all jobseekers, workers, and employers. Specifically, the proposed rule would:

- Streamline and strengthen the strategic roles of State and local workforce boards by reducing board size and adding functions that include strategies for meeting the needs of all jobseekers and employers;
- Foster regional collaboration by having local areas plan and coordinate service delivery within a region;
- Emphasize the use of career pathways and sector partnerships to promote employment in in-demand industries and occupations;
- Promote work-based training by authorizing local areas to provide incumbent worker training and transitional jobs, increasing the reimbursement to employers for on-the-job-training and customized training and by increasing linkages with Registered Apprentices;
- Increase flexibility by authorizing local areas to transfer up to 100 percent funding between Adult and Dislocated Worker programs; and
- Refocus the youth formula program to serve disconnected youth by requiring a minimum of 75 percent of funds are to be used for out-of-school youth compared to 30 percent under WIA.
- Increase transparency for jobseekers by requiring more information on training provider outcomes in employment and earnings.

10. Where can I find more information about the ED-only NPRMs for WIOA?

More information about the ED-only NPRMs for WIOA can be found on the following ED sites:

- [The Department of Education's Rehabilitation Services Administration - WIOA Resource Page](#)
- [The Department of Education's Office of Career, Technical, and Adult Education - WIOA Resource Page](#)