

DOL Notice of Proposed Rulemaking, a Summary

The December 20, 2006, Federal Register includes a USDOL Notice of Proposed Rulemaking (NPRM) to implement several important changes to the Workforce Investment Act (WIA) and Wagner-Peyser Act Regulations in volume 20 of the Code of Federal Regulations (CFR).

The NPRM requests comments by February 20, 2007. The proposed changes are significant and includes policy revisions that could have a major impact on current programs and operations in states. I am sure that the "major impact" will be construed as a positive change by some and not-so-much by others. States are encouraged to take this opportunity to provide responses and input to ETA regarding these policy proposals.

Attached is a PDF copy of the December 20 Federal Register NPRM. Also attached is a Word document, which summarizes or outlines the major proposals contained in the NPRM. The summary is the result of a cursory review of the NPRM by NASWA staff and should not viewed as an official summary.

Some of the major changes are:

- 1). Requires ES offices to be located at, and fully integrated into, each comprehensive One-Stop Center.
- 2). Eliminates merit-system requirement for Wagner-Peyser staff.
- 3). State Board must include VR director.
- 4). Seeks comments on size of boards and representation.
- 5). Puts focus of State Board on system-wide leadership.
- 6). Provides options on time-lines for state and local plans.
- 7). Clarifies/eliminates requirement for sequence of services.
- 8). Eliminates time limits for ETPL eligibility, allowing more flexibility for governors regarding ETPLs.
- 9). Allows youth (16-17) to use ITAs.
- 10). Seeks input on what constitutes administrative costs.

The Latest:

The Senate yesterday approved (81-15) the spending bill (H.J. Res. 20) to fund federal government operations through September 30, 2007, one-day before the current continuing resolution was set to expire – President Bush is expected to immediately sign the legislation into law. The fiscal year 2007 spending bill approved by the Senate is identical to the bill approved (286-140) by the House on January 31.

Most notable to the workforce system is language included in the bill (page 21, final paragraph of posted pdf version) to prohibit the use of any funds in the bill or any other Act from implementing proposed regulations for the Workforce Investment Act (WIA), Employment Services (ES) and Trade Adjustment Assistance (TAA) programs until such time as Congress approves legislation to reauthorize these programs. According to discussions NASWA has had with Congressional staff, this legislative provision is intended to block the effort undertaken by the U.S. Department of Labor to effect workforce system policy through the regulatory process begun on December 20, 2006, via the Notice of Proposed Rulemaking (NPRM). A number of Congressional Members have expressed concern with the USDOL effort to alter policy in advance of the approval of reauthorizing legislation - Senators Kennedy (D-MA) and Murray (D-WA) sent a recent letter to Senate Appropriators requesting language restricting future USDOL regulatory effort in the spending bill. This letter is available on the Workforce ATM.