

NYATEP 2009 Spring Conference: "Timely, Targeted, Transparent – Investing in New York's Workforce"



May 18th through May 20th 2009 the [New York Association of Training & Employment Professionals \(NYATEP\)](#) along with [U.S. Department of Labor \(US DOL\)](#) and [New York State Department of Labor \(NY DOL\)](#) held a workforce conference that brought together workforce development practitioners from One-Stop Career Centers, local workforce investments boards (LWIBs), BOCES, Educational Opportunity Centers (EOC), community-based organizations, labor unions, Consortium for Worker Education (CWE), community colleges, and policymakers at the federal, State, and local levels to discuss:

- Regional and local initiatives that are occurring as a result of increased federal workforce appropriation funding through **Workforce Investment Act (WIA)** and the **American Recovery & Investment Act of 2009 (ARRA)**;
- Latest workforce development actions being taken at the national and state level;
- Potential challenges and barriers in the workforce development system; and,
- Workforce development best practices.

Federal Funding for Employment and Training Services: Workforce Investment Act (WIA) & The American Recovery & Investment Act of 2009 (ARRA)

FEDERAL WORKFORCE FUNDING

One of the central topics of discussion at the NYATEP conference was federal funding for employment and training services. Conference attendees discussed how under the current economic downturn workforce professionals have had to explore new opportunities to strengthen partnerships and invest in services to prepare workers for new and emerging opportunities as the economy recovers. During the conference the following points were discussed and explored:

- [A Weakened Workforce Development System](#) – A number of workforce professionals pointed out how years of federal under-funding by the previous federal administration coupled with the yearly rescission of federal workforce dollars has consequently resulted in the weakening of our workforce system. To illustrate this point some workforce professionals spoke about the following:
 - Reduction in workforce staff to assist and adequately assess workforce needs of One-Stop customers; and,

- Reduction in employment and training services, training slots, and support services offered to One-Stop customers.
- **Investing & Strengthening Our Workforce Development System** – Conference attendees were encouraged by the new administration’s support of the workforce development system. Attendees discussed how the President and Congress had decided to significantly increase federal appropriations for workforce development for **fiscal year 2009-10** in an effort to preserve and create jobs, promote the nation’s economic recovery, as well as provide expanded education and employment and training opportunities for the American workforce.
 - Although the funding under WIA for **program year 2009 (PY 2009 - July 1st, 2009 to June 30th, 2010)** for employment and training services is essentially flat funded, additional appropriations have been authorized for workforce development under the **American Recovery & Investment Act of 2009 (ARRA – Public Law 115-5)**.
 - Under ARRA (commonly referred to as the “Recovery Act” or “Stimulus Bill”) Congress has authorized:
 - **\$500 million** for **WIA Adult** program and services;
 - **\$1.25 billion** for **WIA Dislocated Worker** program and services; and,
 - **\$1.25 billion** for **WIA Youth** programs and services.
 - ARRA funds are intended to supplement WIA funding and to expand employment and training services offered through WIA One-Stop Career Centers.
 - New York’s allocation of workforce development funds under WIA and ARRA are listed below.

WIA: Federal Employment & Training Appropriations for Program Year 2009					
NY Youth Funding		NY Dislocated Worker Funding		NY Adult Funding	
\$55.6 million		\$63.5 million		\$54.9 million	
LWIA Total	\$47.3 million	LWIA	\$38.1 million	LWIA	\$46.6 million
Onondaga	\$1 million	Onondaga	\$860,167	Onondaga	\$877,068
ARRA: Federal Employment & Training Appropriations*					
NY Youth Funding		NY Dislocated Worker Funding		NY Adult Funding	
\$71.5 million		\$64.4 million		\$31.5 million	
LWIA Total	\$60.8 million	LWIA Total	\$39.8 million	LWIA Total	\$26.8 million
CNY Region	\$2.4 million	CNY Region	\$1.7 million	CNY Region	\$921,825
Onondaga	\$1.3 million	Onondaga	\$899,156	Onondaga	\$503,922

***Note:** ARRA appropriations will be available for expenditure from the date of enactment of the Recovery Act – **February 17, 2009 to June 30, 2011**. The expectation is that the bulk of the funds will be expended in the first year.

DELIVERY OF EMPLOYMENT & TRAINING SERVICES

Another key topic of discussion at the NYATEP conference was the delivery of workforce development services under WIA and the Recovery Act. With a new administration and new federal guidelines (under the reauthorized Trade Adjustment Assistance Act of 2009 and the Recovery Act of 2009) a number of workforce professionals sought further guidance and clarity on how employment and training funds were to be expended. In addition, conference attendees also expressed the following concerns:

- **Providing Workforce Services Under WIA & the Recovery Act** – The expansion of employment and training services and the large investment of federal workforce development funds presents some new challenges for workforce professionals at the State and local levels as we move forward into PY 2009. Central areas of concerns for conferences participants were as follows:
 - **Expanding Capacity** – The significant expansion of training provided to individuals is one of the principal goals for states and LWIAs under the Recovery Act (states and LWIAs are also expected to significantly expand critical support services that are often needed to access employment and training services). Under the Recovery Act USDOL expects states and LWIAs to double the number of people trained, particularly low skilled and low-income individuals. To achieve this goal a number of LWIAs and One-Stop Career Centers will have to build-up their capacity in order to properly address the workforce needs of their respective areas.
 - i. **Limited Staffing** – Under WIA, One-Stop Career Centers across the State are required to partner with State agencies and their respective local agencies (i.e., DOL, SED, Social Services, etc...) to deliver employment and training services within their community.¹ NY DOL cooperatively works with all LWIAs and co-locates DOL staff at One-Stop Career Centers to assist localities with the delivery employment and training services. As the demand for services has dramatically increased over the past year, the need for additional workforce professionals has become more acute.
 - Some conference attendees pointed out that the Governor’s decision to institute an agency wide hiring freeze in an effort to achieve fiscal savings for the State has inadvertently impacted some local One-Stop Career Centers who rely on DOL staff to deliver employment and training services within their region.
 - Although federal funds are available, the current hiring freeze has restricted NY DOL’s ability to hire additional staff to meet increased demand for employment and training services and/or replace individuals that have left due to retirement.
 - The hiring freeze has also affected other State agencies (i.e., SED) that have partnered with NY DOL under WIA to delivery employment and training services.
- **Shift Towards Developing More Career Pathway² Training Opportunities** – One of the key strategic goals of the Recovery Act is to provide workforce funding that will accelerate “transformational efforts” that improve the effectiveness of the public workforce system as well as create seamless career pathways for individuals (US DOL TEGL 14-08 Page 3). Under the Recovery local One-Stop Career Centers will have sufficient funds for support services (i.e., child care, books and supplies, transportation assistance, etc....) and needs-based payments

¹ **Note:** Under WIA key One-Stop partners involved in providing public workforce development services are mandated to come together to plan and coordinate their services. Moreover, key One-Stop Career partners are expected to contribute to the costs and maintenance of the One-Stop system.

² **Career Pathways** – Refers to employment and training opportunities that enable individuals to obtain skills and credentials over time – through the completion of succession of different publicly funded education and training programs. The Recovery Act encourages states to develop more robust career pathways that will enable individuals to continue working while using their new skills to advance to better-paying positions within a specific industry or occupation.

- Though conference attendees universally expressed support for developing more robust career pathways under the Recovery Act (which is short-term – funding expires June 30, 2011) there were some concerns about long-term funding commitment.

OTHER SIGNIFICANT TOPICS OF DISCUSSION

Conference attendees pointed out that as we move forward through this period of economic uncertainty there are a number of potential challenges and employment and training barriers that our workforce system must confront. Key areas of concerns are as follows:

- **Expanding Training Opportunities at Post-Secondary Institutions** – As LWIAs across the State work to significantly expand training opportunities some localities have had difficulty securing training courses at community colleges. Some conference attendants attributed this difficulty due to the fact that some community colleges only offer training classes on a semester basis.
 - Though semester based-course offerings are effective and practical in an educational setting, it can be problematic in a workforce setting where individuals need to receive training quickly and at various times frames throughout the year (support services such as UI payments that permit some individuals to take training courses are limited and finite).
- **Limited Green Collar Jobs Training Programs** – As the green-technology industry grows and influences traditional occupations and industries, a number of communities across the State are moving to make the necessary investments to create green collar jobs, upgrade incumbent worker skills, as well as train emerging and dislocated workers for these new jobs. Some areas around the State however, are having difficulty securing training opportunities.
 - Some conference attendees pointed out that the lack of or limited **Building Performance Institute (BPI)** accredited training programs (i.e., Building Analyst, Heating Professional, etc...) within their region is hindering their ability to provide new training opportunities in emerging green industries – particularly to low-income individuals.
 - Some conference attendees pointed out that some One-stop customers who lack transportation can't access training programs that require personal transportation.
- **Shift Away from Sequenced Service Delivery** – Current WIA legislation promotes local areas to sequence employment and training services to One-Stop customers, the Recovery Act shifts away from the work-first service delivery model. Under the work-first model the principal goal of the One-Stops is to find employment rather than provide training opportunities for One-Stop customers – this practice is commonly referred to as “**tiered or sequenced service delivery**”³.
 - Commonly, before providing “**intensive services**”⁴ One-Stop Career Centers throughout the State make a determination whether or not an individual is able to obtain employment

³ **Note:** Current WIA statutes attempt to promote system efficiency by establishing a hierarchy of 3 services – **core services** {lowest level of hierarchy}, **intensive services** {second level of hierarchy}, and **training services**. A definition of WIA core and intensive services is provided in the footnotes below on page 4. The third level of the hierarchy consists of generally longer-term skills building activities designed to provide participants with occupationally specific skills or credentials – training services include **on-the-job, classroom and occupational skills training**.

⁴ **WIA Intensive Services** – Traditional WIA intensive services at One-Stop Career Centers include but aren't limited to the following services: (i) career counseling; (ii) referral to training; (iii) support services; and, (iv) development of an individual service strategy after comprehensive skills assessment is conducted.

through “**core services**”⁵. However, the President and Congress through the Recovery Act provide new workforce development funding and guidelines in an effort to increase training opportunities for the American people.

Workforce Investment Act (WIA): Prospects for WIA Reauthorization & Funding

The reauthorization of WIA and Congressional funding for employment and training services was another key topic of discussion at the conference was. The discussion on WIA reauthorization and funding was led by **John Colbert, of USA Works!**⁶

KEY POLICY MAKERS

The key principals leading discussions on WIA reauthorization and funding are:

Senator Patty Murray (D-WA) – Chair of Employment & Workplace Safety Subcommittee on Health, Education, Labor & Pensions

Senator Tom Harkin (D-IA) – Chair of the Agriculture, Nutrition, & Forestry Committee

Senator Edward Kennedy (D-MA) – Chair of the Health, Education, Labor & Pension Committee

Senator Michael Enzi (R-WY) – Ranking Minority Member of the Health, Education, Labor & Pension Committee

House Rep. George Miller (D-CA) – Chair of the Education & Labor Committee

House Rep. Ruben Hinojosa (D-TX) – Chair of the Education, Lifelong Learning, & Competitiveness Subcommittee

House Rep. Howard McKeon (R-CA) – Ranking Member of Education and Labor Committee

Secretary Hilda Solis – U.S. Department of Labor Secretary

Jane Oates – Deputy Assistant USDOL Office of Employment & Training Administration

FEDERAL ACTION

Though the President has publicly stated a desire to craft and pass bi-partisan WIA reauthorization legislation by the end of the year, the White House doesn’t currently have all the key people in place to negotiate and deal with WIA reauthorization at this time. Moreover, the Administration is still in the process of formulating a White House position with respect to key priorities and core principles that should guide WIA reauthorization.

⁵ **WIA Core Services** – Traditional WIA core services at One-Stop Career Centers include but aren’t limited to the following services: (i) outreach, intake, and orientation to job information; (ii) job search assistance ranging from creating or assistance changing a resume to on-line job search; (iii) job placement assistance; (iv) brief career counseling; and, (v) assistance filing unemployment claims.

⁶ **USA Works!** – is a 501 (c)4 non-profit, advocacy organization whose principal goal is to obtain increased federal funding for local workforce investment areas.

General consensus of individuals in Washington, D.C. has been that the Administration and Congress will likely wait for data on expenditure of workforce Recovery Act funds before reauthorizing WIA. Some workforce advocates also believe that both the Administration and Congress will ultimately want to examine program performance data to determine what programs or components/philosophies (i.e., governance structure, enhanced emphasis on training etc...) need to be eliminated and or restructured.

WIA REAUTHORIZATION: CONGRESSIONAL ACTION & PRIORITIES

In November 2008, the Senate Health, Education, Labor & Pension Committee had preliminary discussions with advocacy groups and key stakeholders in the workforce development community to identify key priorities for WIA reauthorization. In the House, the House Education and Labor Committee has held three hearing to explore new workforce development innovations and best practices under WIA.

As discussions for WIA reauthorization progress both Senate and House leadership have identified key priorities and challenges for WIA reauthorization.

WIA REAUTHORIZATION: SENATE AND HOUSE PRIORITIES	
KEY PRIORITIES & ISSUES	CONGRESSIONAL ACTION
Bipartisanship Support	<p>Senate leadership wants to craft legislation that will garner some Republican support in order to prevent a filibuster.</p> <p>Some Washington insiders believe that Senate Democrats don't want a protracted battle over WIA reauthorization that will require a heavy expenditure of political capital. It is anticipated that a lot of resources and energy will be expended on passage of a healthcare reform bill.</p> <ul style="list-style-type: none"> ➤ Senate Position – The Senate wants to introduce a bill by early summer. ➤ House Position – Crafting a bipartisanship bill is less of a priority in the House due to their larger majority.
Governance Structure	<p>There are some concerns regarding the ability of state {SWIBs} and local boards {LWIBs} to function efficiently and effectively under existing WIA board membership requirements⁷.</p> <p>Proponents for governance restructuring contend that the large size of state and LWIBs has seriously constrained some board's ability to perform their duties.</p> <p>In an effort to give states and local areas the opportunity to reorganize their Boards to a more manageable and productive size, Congress has considered streamlining WIA board membership requirements – <u>new regulations would only require a minimum of one representative from each membership group.</u></p> <ul style="list-style-type: none"> ➤ New York – The New York State Workforce Investment Board has more than 26 members and some local boards around the State have 30 or more board

⁷ **WIA Board Membership Requirements** – Under WIA guidelines, states are required to have a State Workforce Board (SWIB) with a minimum of two representatives from each of the following membership groups: [\(i\) business;](#) [\(ii\) labor;](#) [\(iii\) educational institutions;](#) [\(iv\) youth stakeholder that works with youth;](#) and, [\(v\) community-based organizations.](#) The State WIB is responsible for designing a statewide plan and establishing program policy. WIA services are administered by Local Workforce Investment Areas (LWIAs). Currently, New York has 33 LWIAs. The Chief Elected Official (CEO) of each LWIA appoints a Local WIB with a local membership similar to the State WIB. The Local WIBs are responsible for developing and submitting local area plans to the State WIB, appointing local One-Stop operators, and selecting eligible organizations to provide services to youths, adults and dislocated workers.

	<p>members.</p> <ul style="list-style-type: none"> ➤ Senate Position – Senate leadership has indicated that it will likely retain the current governance structure. ➤ House Position – The House is considering various options for restructuring WIA’s current governance structure. Those policies range from: <ul style="list-style-type: none"> ○ Reducing the size of state and local workforce boards; to, ○ Providing WIA state and local boards’ greater flexibility to undertake more extensive policy-making activities.
<p>No Faith-Based Requirements</p>	<p>Under the previous administration Congressional Republicans attempted to insert a faith-based provision in WIA reauthorization bill language. The proposed provision would have allowed faith-based community-based organizations that receive federal funds to selectively hire staff.</p> <p>Consequently, such a provision would allow faith-based community organizations to take into account a potential applicant’s faith when hiring staff.</p> <ul style="list-style-type: none"> ➤ Senate Position – Senate leadership has indicated that a faith-based requirement will not be included in the Senate bill. ➤ House Position – House leadership has publicly stated that a faith-based requirement is a non-starter and will not be included in the House bill.
<p>Merit Staffing Requirement</p>	<p>Under Wagner-Peyser states are required to use merit staff employees (civil service employees) to deliver employment and training services funded by the Wagner-Pesyer Act.</p> <p>The previous administration attempted and failed to pass legislation that would have repealed state merit staff requirements – due primarily to strong Congressional Democratic opposition.</p> <ul style="list-style-type: none"> ○ The previous administration also attempted to circumnavigate Wagener-Peyser merit staff requirements by bloc-granting state employment & training funds. ○ A number of GOP members and state Governors support the elimination of merit staffing requirement provisions. <p>Labor unions and a number of workforce advocacy groups want the inclusion of strong merit staff requirement provisions in the Senate and House WIA reauthorization bills (under current WIA law there is no merit staff provision) in order to protect against future attempts to circumnavigate the law through the budgetary process.</p> <ul style="list-style-type: none"> ➤ Senate Position – Senate would like to draft a bipartisan bill that addresses both the concerns of opponents and proponents. In the event that a compromise can’t be reached the Senate has indicated that the Senate bill will probably not include a merit staff requirement provision – thereby maintaining the status quo. ➤ House Position – The House leadership generally supports a merit staffing requirement, however, there has been no specific commitment to a merit staffing provision in the House bill. <ul style="list-style-type: none"> ○ There has been some discussion to follow the model established under the Trade Adjustment & Assistance Act of 2009 – the proposal would give individual states the option to select whether or not to institute a merit staff system for Wagner-Peyser employment services.

<p>Increase Access to Training</p>	<p>A number of workforce advocates have pointed out that under WIA a smaller percentage of participants are receiving training than under its previous predecessor program, the Job Training Partnership Act (JTPA).</p> <p>Workforce advocates have attributed this decrease in training to a wide range of mandated activities (<u>such as tiered or sequenced employment and training service</u>) that must be provided with WIA funding – i.e., <u>administration, programs costs such as job search assistance, case management and supportive services, etc....</u></p> <ul style="list-style-type: none"> ➤ Senate Position – Though Senate has generally supported the idea of increased access to training no specific proposals have been put forth. ➤ House Position – House leadership has indicated support for a proposal that would require 60% of WIA funds to be allocated to training.
<p>Improve WIA Performance Data Reporting System</p>	<p>Most policymakers and workforce advocates have noted their dissatisfaction with the performance measures and data collected under the current system. Proponents for reform have specifically pointed the following areas of concern:</p> <ul style="list-style-type: none"> ○ Data is Not Comprehensive – States aren’t required to report all participants. Consequently, workforce advocates point-out that the data provided doesn’t provide a complete picture of the system’s outcomes. <ul style="list-style-type: none"> ▪ Current Law – <u>Under current law states are required to only report on WIA participants who receive “intensive services” or “intensive training services”.</u> ○ No Measure Assesses Overall One-Stop Performance –Proponents for WIA reform further point out that a significant amount of spending is invested in the One-Stop delivery infrastructure, yet no performance measures attempt to quantify the outcomes or effectiveness of this spending. <p>To address these concerns some workforce advocacy groups have suggested the following:</p> <ul style="list-style-type: none"> ○ <u>Require the adoption of sensible common measures across the federally funded programs with a workforce development goal; and,</u> ○ <u>Require WIA track its contributions (full or partial WIA assistance) to workers earning a skilled credential that lands them a skilled job over time – setting national goals will help assess how well WIA is preparing the U.S. workforce for the 21st global economy.</u> <ul style="list-style-type: none"> ➤ Senate Position – Senate has yet to publicly state a position on this issue. ➤ House Position – House has yet to publicly state a position on this issue.
<p>Sequence of Services</p>	<p>WIA “sequencing of service” requirements have been cited as one of the key contributing factors that have played a major role in the decline of training. Under such requirements, WIA participants must be unable to obtain or retain employment after core services before they can engage in intensive services before they can receive training</p> <ul style="list-style-type: none"> ➤ Senate & House Position – Though the Senate and House have yet to publicly state a position on this issue, both the Senate and the House supported provisions in the Recovery Act that shift employment and training service delivery away from the sequencing of service model established under WIA.