DEPARTMENT OF LABOR - Employment and Training Administration 20 CFR Parts 676, 677, and 678

DEPARTMENT OF EDUCATION - Office of Career, Technical, and Adult Education, Rehabilitation Services Administration 34 CFR Parts 361 and 463

Workforce Innovation and Opportunity Act: Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule

This Joint Final Rule begins with the preamble discussion in which the Departments respond to a summary of comments on various provisions of the rule with their current thinking when the rule was drafted. The Departments' responses to comments provide many useful insights on the decision making process used by the Departments to determine whether changes were to be made to the Joint Final Rule in response to comments on the Notice of Proposed Rulemaking, or NPRM. The preamble provides the context within which the decisions on the Final Rule were made, and contains useful information for stakeholders. It is organized by the following outline.

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- II. Acronyms and Abbreviations
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 - B. Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act (20 CFR part 677; 34 CFR part 361, subpart E; 34 CFR part 463, subpart I)
 - C. Description of the One-Stop System Under Title I of the Workforce Innovation and Opportunity Act (20 CFR part 678; 34 CFR part 361, subpart F; 34 CFR part 463, subpart J)
- V. Rulemaking Analyses and Notices
 - A. Executive Orders 12866 and 13563: Regulatory Planning and Review
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There are five Parts of the Joint Final Rule as follows:

- Part 676 Unified And Combined State Plans Under Title I Of The Workforce Innovation And Opportunity Act [**pp. 55796-55822 and 55997-56002**]
- Part 677 Performance Accountability Under Title I Of The Workforce Innovation And Opportunity Act (Subparts A-F) [pp.55822-55874 and 56002-56008]
- Part 678 Description Of The One-Stop Delivery System Under Title I Of The Workforce Innovation And Opportunity Act (Subparts A-G) [pp. 55874-55920 and 56008-560022]
- Part 361 State Vocational Rehabilitation Services Program Rehabilitation Services Administration of the Department of Education [**pp.55796-55920 and 55997-56022**]
 - Subpart D Unified and Combined State Plans Under Title I of the Workforce Innovation and Opportunity Act
 - Subpart E Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act
 - Subpart F Description of the One-Stop Delivery System Under Title I of the Workforce Innovation and Opportunity Act
- Part 463 Adult Education And Family Literacy Act Office of Career Technical and Adult Education Department of Education [pp.55796-55920 and 55997-56022]
 - Subpart H Unified and Combined State Plans Under Title I of the Workforce Innovation and Opportunity Act
 - Subpart I Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act
 - Subpart J Description of the One-Stop Delivery System Under Title I of the Workforce Innovation and Opportunity Act

Each of these five Parts has an outline of contents as follows.

DEPARTMENT OF LABOR 20 CFR Parts 676, 677, and 678

PART 676 – UNIFIED AND COMBINED STATE PLANS UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT [pp. 55997-56002]

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678.605	How is the one-stop operator selected?
678.610	When is the sole-source selection of one-stop operators appropriate, and how is it conducted?
678.615	May an entity currently serving as one-stop operator compete to be a one-stop operator under the procurement requirements of this subpart?
678.620	What is the one-stop operator's role?
678.625	Can a one-stop operator also be a service provider?
678.630	Can State merit staff still work in a one-stop center where the operator is not a
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678.731	What are the steps to determine the amount to be paid under the State one-stop
	infrastructure funding mechanism?
678.735	How are infrastructure cost budgets for the one-stop centers in a local area
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678.736	How does the Governor establish a cost allocation methodology used to determine the one-stop partner programs' proportionate shares of infrastructure costs under the State one-stop infrastructure funding mechanism?
678.737	How are one-stop partner programs' proportionate shares of infrastructure costs determined under the State one-stop infrastructure funding mechanism?
678.738	How are statewide caps on the contributions for one-stop infrastructure funding determined in the State one-stop infrastructure funding mechanism?
678.740	What funds are used to pay for infrastructure costs in the State one-stop infrastructure funding mechanism?
678.745	What factors does the State Workforce Development Board use to develop the formula described in Workforce Innovation and Opportunity Act sec. 121(h)(3)(B), which is used by the Governor to determine the appropriate one-stop infrastructure budget for each local area operating under the State infrastructure funding mechanism, if no reasonably implementable locally negotiated budget exists?
678.750	When and how can a one-stop partner appeal a one-stop infrastructure amount designated by the State under the State infrastructure funding mechanism?
678.755	What are the required elements regarding infrastructure funding that must be included in the one-stop Memorandum of Understanding?
678.760	How do one-stop partners jointly fund other shared costs under the Memorandum of Understanding?

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678.800 How are one-stop centers and one-stop delivery systems certified for effectiveness, physical and programmatic accessibility, and continuous improvement?

Subpart G – Common Identifier [p.56022]

DEPARTMENT OF EDUCATION 34 CFR Parts 361 and 463

The following Parts were drafted by the Department of Education, as for reasons stated in the preamble, the Department of Education proposed to amend 34 CFR chapters III and IV as follows:

PART 361 – STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

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- 361.100 What are the purposes of the Unified and Combined State Plans?
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361.110	What are the program-specific requirements in the Unified State Plan for the adult, dislocated worker, and youth programs authorized under Workforce Innovation and Opportunity Act title I?
361.115	What are the program-specific requirements in the Unified State Plan for the Adult Education and Family Literacy Act program authorized under Workforce
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361.120	What are the program-specific requirements in the Unified State Plan for the
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361.125	What are the program-specific requirements in the Unified State Plan for the State
	Vocational Rehabilitation program authorized under title I of the Rehabilitation
	Act of 1973, as amended by Workforce Innovation and Opportunity Act title IV?
361.130	What is the development, submission, and approval process of the Unified State
	Plan?
361.135	What are the requirements for modification of the Unified State Plan?
361.140	What are the general requirements for submitting a Combined State Plan?
361.143	What is the development, submission, and approval process of the Combined
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361.160	What information is required for State performance reports?
361.165	May a State establish additional indicators of performance?
361.170	How are State levels of performance for primary indicators established?
361.175	What responsibility do States have to use quarterly wage record information for performance accountability?
361.180	When is a State subject to a financial sanction under the Workforce Innovation and Opportunity Act?
361.185	When are sanctions applied for a State's failure to submit an annual performance report?
361.190	When are sanctions applied for failure to achieve adjusted levels of performance?
361.195	What should States expect when a sanction is applied to the Governor's Reserve Allotment?
361.200	What other administrative actions will be applied to States' performance requirements?
361.205	What performance indicators apply to local areas and what information must be included in local area performance reports?
361.210	How are local performance levels established?
361.215	Under what circumstances are local areas eligible for State Incentive Grants?

361.220	Under what circumstances may a corrective action or sanction be applied to local areas for poor performance?
361.225	Under what circumstances may local areas appeal a reorganization plan?
361.230	What information is required for the eligible training provider performance reports?
361.235	What are the reporting requirements for individual records for core Workforce Innovation and Opportunity Act (WIOA) title I programs; the Wagner-Peyser Act Employment Service program, as amended by WIOA title III; and the Vocational Rehabilitation program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV?
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361.310	What is an affiliated site and what must be provided there?
361.315	Can a stand-alone Wagner-Peyser Act Employment Service office be designated as an affiliated one-stop site?
361.320	Are there any requirements for networks of eligible one-stop partners or specialized centers?
361.400	Who are the required one-stop partners?
361.405	Is Temporary Assistance for Needy Families a required one-stop partner?
361.410	What other entities may serve as one-stop partners?
361.415	What entity serves as the one-stop partner for a particular program in the local area?
361.420	What are the roles and responsibilities of the required one-stop partners?
361.425	What are the applicable career services that must be provided through the one- stop delivery system by required one-stop partners?
361.430	What are career services?
361.435	What are the business services provided through the one-stop delivery system, and how are they provided?
361.440	When may a fee be charged for the business services in this subpart?
361.500	What is the Memorandum of Understanding for the one-stop delivery system and what must be included in the Memorandum of Understanding?
361.505	Is there a single Memorandum of Understanding for the local area, or must there be different Memoranda of Understanding between the Local Workforce Development Board and each partner?
361.510	How must the Memorandum of Understanding be negotiated?
361.600	Who may operate one-stop centers?
361.605	How is the one-stop operator selected?
361.610	When is the sole-source selection of one-stop operators appropriate, and how is it conducted?

361.615	May an antity currently serving as one stop operator compate to be a one stop
301.013	May an entity currently serving as one-stop operator compete to be a one-stop operator under the procurement requirements of this subpart?
361.620	What is the one-stop operator's role?
361.625	Can a one-stop operator also be a service provider?
361.630	Can State merit staff still work in a one-stop center where the operator is not a
501.050	governmental entity?
361.635	What is the effective date of the provisions of this subpart?
361.700	What are the one-stop infrastructure costs?
361.705	What guidance must the Governor issue regarding one-stop infrastructure
501.705	funding?
361.710	How are infrastructure costs funded?
361.715	How are one-stop infrastructure costs funded in the local funding mechanism?
361.720	What funds are used to pay for infrastructure costs in the local one-stop
	infrastructure funding mechanism?
361.725	What happens if consensus on infrastructure funding is not reached at the local
	level between the Local Workforce Development Board, chief elected officials,
	and one-stop partners?
361.730	What is the State one-stop infrastructure funding mechanism?
361.731	What are the steps to determine the amount to be paid under the State one-stop
	infrastructure funding mechanism?
361.735	How are infrastructure cost budgets for the one-stop centers in a local area
	determined in the State one-stop infrastructure funding mechanism?
361.736	How does the Governor establish a cost allocation methodology used to determine
	the one-stop partner programs' proportionate shares of infrastructure costs under
	the State one-stop infrastructure funding mechanism?
361.737	How are one-stop partner programs' proportionate shares of infrastructure costs
	determined under the State one-stop infrastructure funding mechanism?
361.738	How are statewide caps on the contributions for one-stop infrastructure funding
	determined in the State one-stop infrastructure funding mechanism?
361.740	What funds are used to pay for infrastructure costs in the State one-stop
	infrastructure funding mechanism?
361.745	What factors does the State Workforce Development Board use to develop the
	formula described in Workforce Innovation and Opportunity Act sec.
	121(h)(3)(B), which is used by the Governor to determine the appropriate one-
	stop infrastructure budget for each local area operating under the State
	infrastructure funding mechanism, if no reasonably implementable locally
	negotiated budget exists?
361.750	When and how can a one-stop partner appeal a one-stop infrastructure amount
	designated by the State under the State infrastructure funding mechanism?
361.755	What are the required elements regarding infrastructure funding that must be
	included in the one-stop Memorandum of Understanding?
361.760	How do one-stop partners jointly fund other shared costs under the Memorandum
	of Understanding?
361.800	How are one-stop centers and one-stop delivery systems certified for
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	improvement?

361.900 What is the common identifier to be used by each one-stop delivery system?

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463.105 What are the general requirements for the Unified State Plan?

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- 463.115 What are the program-specific requirements in the Unified State Plan for the Adult Education and Family Literacy Act program authorized under Workforce Innovation and Opportunity Act title II?
- 463.120 What are the program-specific requirements in the Unified State Plan for the Employment Service program authorized under the Wagner-Peyser Act, as amended by Workforce Innovation and Opportunity Act title III?
- 463.125 What are the program-specific requirements in the Unified State Plan for the State Vocational Rehabilitation program authorized under title I of the Rehabilitation Act of 1973, as amended by Workforce Innovation and Opportunity Act title IV?
- 463.130 What is the development, submission, and approval process of the Unified State Plan?
- 463.135 What are the requirements for modification of the Unified State Plan?
- 463.140 What are the general requirements for submitting a Combined State Plan?
- 463.143 What is the development, submission, and approval process of the Combined State Plan?
- 463.145 What are the requirements for modifications of the Combined State Plan?

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463.150	What definitions apply to Workforce Innovation and Opportunity Act performance accountability provisions?
463.155	What are the primary indicators of performance under the Workforce Innovation and Opportunity Act?
463.160	What information is required for State performance reports?
463.165	May a State establish additional indicators of performance?
463.170	How are State levels of performance for primary indicators established?
463.175	What responsibility do States have to use quarterly wage record information for performance accountability?
463.180	When is a State subject to a financial sanction under the Workforce Innovation and Opportunity Act?
463.185	When are sanctions applied for a State's failure to submit an annual performance report?

463.190 When are sanctions applied for failure to achieve adjusted levels of performance?

463.195	What should States expect when a sanction is applied to the Governor's Reserve Allotment?
463.200	What other administrative actions will be applied to States' performance requirements?
463.205	What performance indicators apply to local areas and what information must be included in local area performance reports?
463.210	How are local performance levels established?
463.215	Under what circumstances are local areas eligible for State Incentive Grants?
463.220	Under what circumstances may a corrective action or sanction be applied to local areas for poor performance?
463.225	Under what circumstances may local areas appeal a reorganization plan?
463.230	What information is required for the eligible training provider performance reports?
463.235	What are the reporting requirements for individual records for core Workforce Innovation and Opportunity Act (WIOA) title I programs; the Wagner-Peyser Act Employment Service program, as amended by WIOA title III; and the Vocational Rehabilitation program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV?
463.240	What are the requirements for data validation of State annual performance reports?

Subpart J – Description of the One-Stop Delivery System Under Title I of the Workforce Innovation and Opportunity Act [pp.56057-56070]

463.300	What is the one-stop delivery system?
463.305	What is a comprehensive one-stop center and what must be provided there?
463.310	What is an affiliated site and what must be provided there?
463.315	Can a stand-alone Wagner-Peyser Act Employment Service office be designated as an affiliated one-stop site?
463.320	Are there any requirements for networks of eligible one-stop partners or specialized centers?
463.400	Who are the required one-stop partners?
463.405	Is Temporary Assistance for Needy Families a required one-stop partner?
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463.420	What are the roles and responsibilities of the required one-stop partners?
463.425	What are the applicable career services that must be provided through the one- stop delivery system by required one-stop partners?
463.430	What are career services?
463.435	What are the business services provided through the one-stop delivery system, and how are they provided?
463.440	When may a fee be charged for the business services in this subpart?
463.500	What is the Memorandum of Understanding for the one-stop delivery system and what must be included in the Memorandum of Understanding?

463.505	Is there a single Memorandum of Understanding for the local area, or must there be different Memoranda of Understanding between the Local Workforce
462 510	Development Board and each partner?
463.510	How must the Memorandum of Understanding be negotiated?
463.600	Who may operate one-stop centers?
463.605	How is the one-stop operator selected?
463.610	When is the sole-source selection of one-stop operators appropriate, and how is it conducted?
463.615	May an entity currently serving as one-stop operator compete to be a one-stop operator under the procurement requirements of this subpart?
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463.625	Can a one-stop operator also be a service provider?
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463.715	How are one-stop infrastructure costs funded in the local funding mechanism?
463.720	What funds are used to pay for infrastructure costs in the local one-stop
	infrastructure funding mechanism?
463.725	What happens if consensus on infrastructure funding is not reached at the local level between the Local Workforce Development Board, chief elected officials, and one-stop partners?
463.730	What is the State one-stop infrastructure funding mechanism?
463.731	What are the steps to determine the amount to be paid under the State one-stop
	infrastructure funding mechanism?
463.735	How are infrastructure cost budgets for the one-stop centers in a local area determined in the State one-stop infrastructure funding mechanism?
463.736	How does the Governor establish a cost allocation methodology used to determine the one-stop partner programs' proportionate shares of infrastructure costs under the State one-stop infrastructure funding mechanism?
463.737	How are one-stop partner programs' proportionate shares of infrastructure costs determined under the State one-stop infrastructure funding mechanism?
463.738	How are statewide caps on the contributions for one-stop infrastructure funding determined in the State one-stop infrastructure funding mechanism?
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	formula described in Workforce Innovation and Opportunity Act sec.
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	stop infrastructure budget for each local area operating under the State
	infrastructure funding mechanism, if no reasonably implementable locally
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	designated by the State under the State infrastructure funding mechanism?
463.755	What are the required elements regarding infrastructure funding that must be
	included in the one-stop Memorandum of Understanding?
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	of Understanding?
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	effectiveness, physical and programmatic accessibility, and continuous
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