

WORKFORCE INVESTMENT ACT OF 1998

ORIENTATION HANDBOOK

FOR THE

**NORTH DAKOTA WORKFORCE
DEVELOPMENT COUNCIL**

AND THE

**NORTH DAKOTA YOUTH
DEVELOPMENT COUNCIL**

WORKFORCE INVESTMENT ACT OF 1998

The Workforce Investment Act of 1998 (WIA) is a partnership between the private and public sectors. Together, we implement and develop employment preparation and training opportunities for our out-of-school and in-school youth, adults, and dislocated workers, leading to employment and economic independence.

North Dakota Workforce Development Council (NDWDC) and Youth Development Council members, who are appointed by the Governor, aid in planning how North Dakota can best fulfill the purposes of WIA around the state. Council members provide perspectives that impact both the program's operation and the people the programs serve in North Dakota. Councils engage in high level program monitoring in order to provide counsel on program activities.

The Workforce Development Council operates as the State and Single Local Workforce Investment Board under the Workforce Investment Act of 1998. The responsibilities of the Workforce Development Council are highlighted below.

This orientation handbook provides a brief overview of the basic functions of the Workforce Development and Youth Councils and roles of members. This handbook also briefly summarized the WIA Legislation itself.

An Overview

“The Workforce Investment Act of 1998 is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase the occupational skills attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.”

The program provides job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency. The program’s goal is to improve the quality of the workforce and enhance the productivity and competitiveness of the nation.

The Workforce Investment Act of 1998 provides the Governor with significant opportunity to lead a partnership of private sector employers and the state workforce system in addressing the problems of underemployment, skills gaps, and economic change in North Dakota.

WIA gives the Governor strategic responsibilities as the primary state entity and recipient of formula WIA Title I and Wagner-Peyser resources.

North Dakota is designated as a single state Workforce Investment Area. This means that based on population, North Dakota has one mandated Statewide Workforce Investment Board, which is the Workforce Development Council. WIA regulations require establishment of a local youth council, which in North Dakota is the statewide Youth Development Council.

Consistent with WIA, the Governor and NDWDC jointly establish basic relationships with the Workforce Investment Area grant recipient and administrative entity in carrying out the state’s responsibilities under WIA. The Governor has designated Job Service North Dakota as the state’s grant recipient.

The Governor and the Council jointly delegate the authority to operate Workforce Investment Act programs and carry out other responsibilities under WIA to the grant recipient and administrative entity and other sub-recipients, as appropriate.

Under WIA, the Governor assumes key oversight and management responsibilities. The Governor establishes state workforce development and workforce training system goals and objectives to guide statewide efforts and help local planning. The Governor also establishes and enforces criteria for the coordination of state and local activities with related employment, training, education, human services, and economic activities.

The Workforce Investment Act of 1998 has five titles:

- Title I - Workforce Investment Systems
- Title II - Adult Education and Literacy Act
- Title III - Workforce Investment Related Activities
- Title IV - Rehabilitation Act Amendments of 1998
- Title V - General Provisions

Title I - Workforce Investment System

Title I of WIA provides the overall framework and authorizes basic funding for the system of services to be developed under the Act. It sets forth the parameters of state and local workforce investment systems and provides the funding streams for services to youth, adults, and dislocated workers.

The six subtitles of Title I are:

Subtitle A – Workforce Investment Definitions

Subtitle B - Statewide and Local Workforce Investments Systems

Subtitle C – Job Corps

Subtitle D – National Programs

Subtitle E – Administration

Subtitle F – Repeals and Conforming Amendments

Title II - Adult Education and Family Literacy Act

Title II of WIA incorporates adult education and family literacy into the WIA and no longer is contained in the Elementary and Secondary Education Act. Funds are allocated to the states that in turn contract for local services.

Section 211(a) provides authority for an interagency transfer of funds (1.72%) for incentive grants as defined in Section 503 of WIA.

Title III - Workforce Investment Related Activities

Subtitle A – Wagner-Peyser Act

Governors are given more authority than they previously had to determine fund allocations.

Labor exchange activities (job search assistance) are now required to be part of the One-Stop System.

Subtitle B – Linkages with other programs

Linkages are established between the authorized programs under the Workforce Investment Act and several programs including:

Trade Adjustment Assistance Act and NAFTA – TAA
Veterans Employment Programs
Senior Community Service Employment Programs

The purpose of these linkages is to insure that recipients do not receive duplicative assistance and are moved back into the workforce effectively.

Subtitle C – Twenty-First Century Workforce Commission

The Commission studies matters relating to the Information Technology workforce in the United States.

Title IV - Rehabilitation Act Amendments of 1998

Reauthorizes the Rehabilitation Act of 1973 through fiscal year 2003.

The Rehabilitation Act requires states to give priority to persons with significant disabilities.

Requires the state Vocational Rehabilitation agency to enter into cooperative agreements with other programs that are part of the statewide workforce investment system. (Common intake and referral procedures, customer databases, resource information and human service hotlines, and inter-component staff training aimed at promoting participation by persons with disabilities in the workforce investment system and electronic linkages).

Title V - General Provisions

1. Unified State Plan
2. Definitions for Indicators of Performance
3. Incentive Grants
4. Privacy Provisions
5. Buy American Requirements
6. Transition Provisions
7. Effective Day

Unified State Plan (Section 501)

The Governor may develop and submit a Unified State Plan for two or more workforce activities. The Unified State Plan must cover at least one of four major workforce programs:

- 1) Secondary Vocational Education
- 2) Post-Secondary Vocational Education
- 3) Title I of the Act
- 4) Title II of the Act

The Unified State Plan must be subject to the requirements applicable to each State Plan provision set forth in each applicable federal statute that authorizes the program. If a state submits a Unified Plan, it will not be required to submit any other Plan for the particular program covered in the Unified Plan.

Definitions for Indicators of Performance (Section 502)

The definitions ensure nationwide comparability of performance data.

Incentive Grants (Section 503)

Authorizes the Secretary of Labor to award a grant to each state that exceeds the state projected performance for Title I, the adjusted levels of performance for Title II, and the levels of performance for vocational education programs, for the purpose of carrying out innovative programs.

Privacy Provisions (Section 504)

Nothing in the Act supersedes the privacy protection for parents and students under the Family Education Rights and Privacy Act of 1974.

Buy-American Requirements (Section 505)

Funds spent in compliance with Buy-American Act.

Transition Provisions (Section 506)

Secretary of Labor to take steps to provide for orderly transition from Job Training Partnership Act.

Effective Date (Section 507)

August 7, 1998

WORKFORCE INVESTMENT ACT GOVERNANCE

North Dakota's WIA Structure

WIA establishes that Local Workforce Investment Areas plan and deliver 'core,' 'intensive' and 'training' services in geographic areas consisting of a unit of general local government with a population of 500,000 or more.

The Governor was authorized to designate North Dakota as a single state local area.

The Governor has responsibility for the operation and implementation of the Workforce Incentive Act programs within the state. To assist the Governor with the day-to-day responsibilities of carrying out WIA, a state liaison is designated by the Governor. The Governor appoints members to the North Dakota Workforce Development Council (serving as the State Workforce Investment Board and the Local Workforce Investment Board) and to the North Dakota Youth Development Council. The Governor establishes statewide employment and training goals and enforces program coordination among government agencies.

North Dakota is operating under a Grandfather Provision allowing the North Dakota Workforce Development Council to assume the responsibilities of the State and Local Workforce Investment Boards under WIA. The Council provides additional opportunity for coordination at the state level.

North Dakota Workforce Development Council

This is a 25 member statewide advisory body appointed by the Governor. Under the Workforce Investment Act, the Council and the Governor are partners in planning, managing, and evaluating the statewide workforce delivery system.

The Council's responsibilities include:

Identifying, developing and recommending workforce policy and policy changes to federal state programs that will improve the effectiveness and efficiency of the state's workforce development system.

Reviewing and identifying the current and future economic development and human investment needs of the state and recommending steps for meeting those needs.

Developing a uniform set of objectives and measures for the effectiveness of the state's workforce development system and its various components.

Providing direction for a comprehensive workforce development strategic plan.

Identifying and developing recommended actions that will enhance and increase the capacity of the state's workforce development system.

Identifying and developing opportunities for collaboration and partnership between education, employment and supporting workforce development activities in the state.

Reviewing and approving Council operating budget.

Performing the duties and functions of state councils as prescribed under law relating to applicable Federal programs.

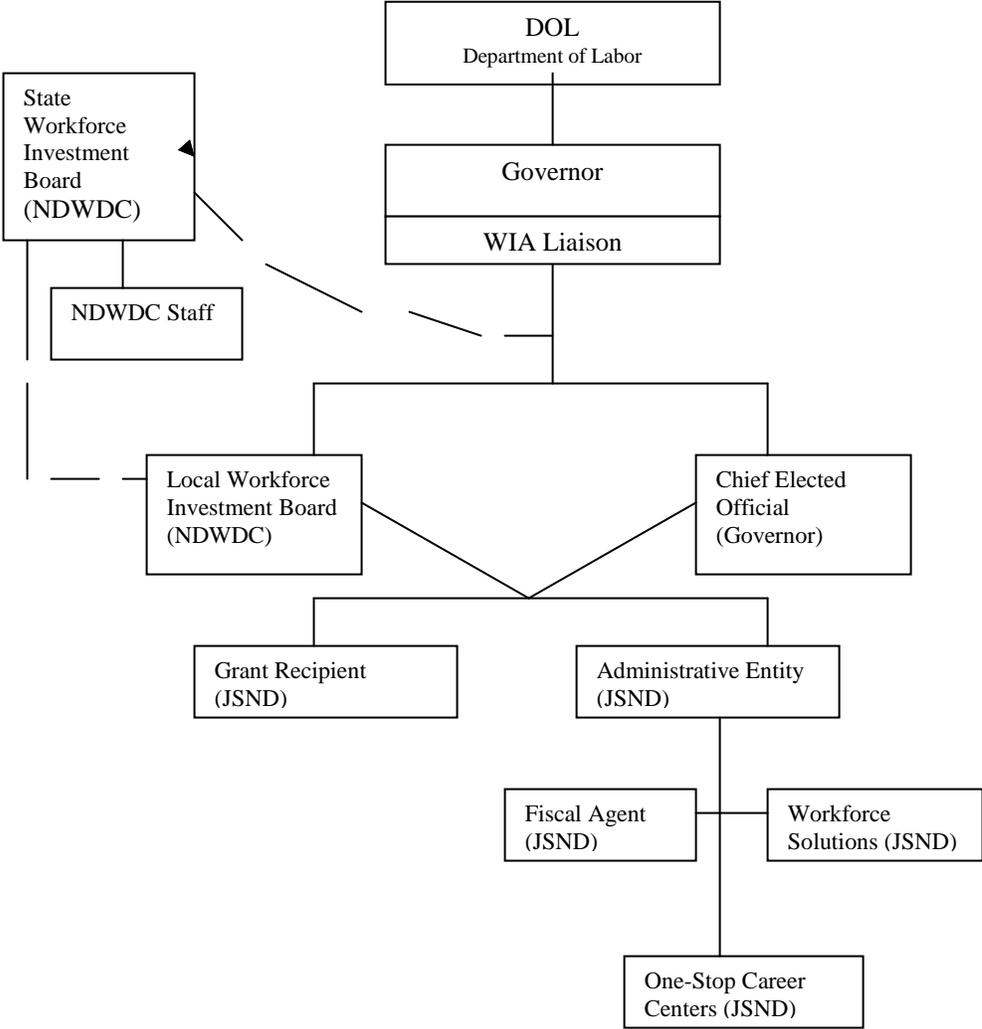
The Council is business led. The Chairperson is appointed from the private sector. Council membership includes 25 voting member representatives from:

- 9 Business
- 1 Local School Board
- 1 Secondary Education
- 1 Vocational & Technical Education
- 4 Organized Labor
- 2 Community Based Organizations
- 1 Post-Secondary Education
- Commissioner, ND Department of Commerce
- Executive Director, Job Service North Dakota
- Executive Director, ND Department of Human Services
- State Superintendent, ND Department of Public Instruction
- Chancellor, ND University System
- State Director, ND Department of Career & Technical Education

The Council has three Ex-Officio non-voting members:

- Director of the North Dakota Workforce Development Council
- Executive Director, ND Indian Affairs Commission
- Veterans Representative

STATE WIA STRUCTURE



NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL STANDING COMMITTEES

Three standing committees handle the Council's main business. Standing committee recommendations, actions, and operating procedures are presented to the Council for review and action.

The Executive Committee:

The Executive (Governance) Committee is a standing committee of the North Dakota Workforce Development Council, headed by the Council Chairperson, and is responsible for assisting the Council in carrying out the governance responsibilities related to clear strategic and policy direction, Council member development, and providing monitoring of the Council's and Executive Director's performance.

Members of the Executive (Governance) Committee are appointed to a three-year term by the North Dakota Workforce Development Council Chairperson. The Executive (Governance) Committee voting membership will include:

- Council Chairperson
- Council Vice-Chairperson
- State Agency Director Representative
- Private Sector Representative
- Organized Labor Representative
- The Council Director

Non-voting ex-officio membership will include:

- Chairperson - ND Youth Development Council
- Executive Director - Job Service North Dakota

Executive Committee Responsibilities:

- a. Propose an annual budget and work program (policy issues, special studies, or plans) to the Council.
- b. Establish the meeting agendas for the Council.
- c. Track all outstanding actions of the Council and recommend actions that would assure successful completion of all tasks and objectives.
- d. Appoint interim members to the Council and other subgroups until formal reappointments can be accomplished.
- e. Recommend policy positions for the Council's review and approval.

- f. Establish task groups when needed--design purpose and role, obtain and appoint members, designate chair, and establish operating parameters and completion time subject to approval of the Council.
- g. Draft the Council's Annual Report to the Governor for review and approval by the Council.
- h. Confer with the Governor on a periodic basis to determine outstanding issues and share information relevant to the workforce development vision, strategies, and Council's work plan.
- i. Prepare the annual performance appraisal of the Council Director. This appraisal will be reviewed and approved by the Governor or the Governor's designee.

The Planning Committee:

The Planning Committee is a standing committee of the NDWDC assisting the Council and Council staff in development of overall funding applications, planning goals, guidelines, and strategic plans.

Members are appointed to three year terms by the NDWDC Chairperson. Planning Committee membership will include:

- Private Sector (2 members)
- Labor Representative
- Community Based Organization
- Education
- Chairperson, ND Youth Development Council
- Vice-Chair, ND Youth Development Council

Planning Committee Responsibilities:

- a. Develop, in concert with all required partner programs as specified in the Act, the WIA Strategic Five-Year State Workforce Development Plan or Unified State Plan for utilization of the Title I adult, youth and dislocated worker funding allocation from the WIA. (The plan will be developed in accordance with the Act and guidance from the United States Department of Labor).
- b. Based on a workforce needs assessment, developed by the sub-recipient and accepted by the Council, will recommend prioritized plan goals, coordinating all WIA partner programs for the Governor's consideration.
- c. Recommend to the Council, goals for the development and continuous improvement of the statewide workforce delivery system to include development

of linkages to assure coordination and non-duplication among programs and activities.

- d. Provide recommendations for continuous improvement of comprehensive State workforce delivery system, including State adjusted levels of performance, to assess the effectiveness of workforce investment activities of the state.
- e. Recommend funding priorities for incentive grant funding.
- f. Prepare comment at least once annually on the reports required pursuant to Section 113 (b) (14) of the Carl D. Perkins Vocational and Applied Technology Education Act; and
- g. Recommend projects to the Council for governor's consideration for funding and provide recommendations to the Council on the use of the Governor's Set Aside Funds.

North Dakota Youth Development Council

Organized under Section 117 (h) of the Workforce Investment Act of 1998.

Members, Chair, and Vice-Chair are appointed to a three-year term by the Governor.

Membership to the NDYDC will come from the following groups:

- Representatives of youth service agencies, including juvenile justice and local law enforcement agencies.
- Representatives of local public housing authorities.
- Parents of eligible youth seeking assistance under WIA.
- Individuals, including former participants and representatives of organizations that have experience relating to youth activities.
- Representative of Job Corps.
- Representative of the Children's Services Coordinating Committee.
- Other individuals whom the Governor may deem appropriate.

Youth Development Council Responsibilities:

- a. Make recommendations to the North Dakota Workforce Development Council (NDWDC) on youth employment and training policy;
- b. The Youth Development Council assists the NDWDC with the oversight of youth services delivered under the Workforce Investment Act;
- c. Provide input and assist the North Dakota Workforce Development Council by developing the youth activities and services portion of the state unified plan;

- d. Recommending eligible providers of youth services to the NDWDC to be considered for grants or contracts on a competitive basis;
- e. Conducting oversight of eligible providers of youth services/activities;
- f. Coordinating youth activities authorized under the WIA; and
- g. Other duties as deemed appropriate by the Chair, NDWDC.

MAJOR FUNDING CATEGORIES UNDER THE WORKFORCE INVESTMENT ACT

The major funding stream under the Workforce Investment Act of 1998 is Title I. There are separate funding streams for youth, adults, and dislocated workers within Title I.

States receive allocation by formula.

Administrative/Fund Limits:

States:

No more than 5% of the total of each allocation may be used for administration.

Local Areas:

No more than 10% of the local area allocation for administration.

Statewide Activities:

Up to 15% WIA allocation may be used by the Governor to support statewide activities and an additional 25% from the Dislocated Worker funding stream to support statewide Rapid Response activities.

Required Statewide Activities:

- Rapid Response
- Disseminating list of eligible training providers
- Evaluations
- Incentive Grants
- Technical Assistance
- Fiscal/Management
- Assisting with the establishment of One-Stop Delivery System

Allowable Statewide Activities:

- Administration
- Capacity Building & Technical Assistance
- Research & Demonstrations
- Incumbent Worker Programs
- Support for Identification of Eligible Providers
- Innovative Displaced Homemaker & Nontraditional Employment Programs

NORTH DAKOTA'S WIA SERVICE DELIVERY SYSTEM

In North Dakota, basic WIA Core, Intensive and Training services are delivered by the One-Stop Career Centers (Job Service North Dakota) under the policy direction and oversight of the North Dakota Workforce Development Council. Since the Workforce Investment Act of 1998's inception, Job Service North Dakota has been the designated administrator and delivery agent for federally-funded job training programs and labor exchange services in the state.

Combined delivery of employment security and job training programs through Job Service North Dakota offices also helps WIA participants because they are exposed to more opportunities through Job Service North Dakota, and they stand a better chance of finding permanent, unsubsidized employment because of the number of jobs listed with Job Service North Dakota.

Related activities are delivered by the North Dakota Workforce Development system partners including ND Department of Career and Technical Education, ND Department of Public Instruction, ND Department of Human Services, ND Department of Commerce, Tribal WIA, Job Corps, and others.

Job Service North Dakota has a direct link with all approved training providers. All training is provided by approved training providers at local colleges or universities as well as private providers.

North Dakota has been largely successful in weaving the many threads of federal employment and training programs into a relatively seamless fabric of services.

The pervasive attitude among staff delivering services is that clients are individuals with individual needs resulting in services being tailored to individual clients rather than requiring clients to conform to a set of services.

Providing employers and job seekers to a single point of access to a comprehensive set of services reduces the complexities involved by customers in obtaining assistance and accessing services.

STAFF SUPPORT RESPONSIBILITIES

Council Staff Responsibilities to the Governor:

Advise the Governor on state employment and training activities.

Coordinate development of the State Plan for WIA Title I and Wagner-Peyser or Unified State Plan.

Assist in coordination of statewide WIA program with other employment and training programs.

Prepare annual report to the Governor.

Develop WIA policy for submittal to the Federal Department of Labor.

Recommend variations to performance goals to ensure system continuous improvement.

Review and comment on Carl Perkins Plan.

Review, comment, and make recommendations to the Governor, state legislature and state agencies on workforce issues, employment, and training programs.

Review and comment on proposed federal laws and regulations affecting employment and training programs in North Dakota.

Council Staff Responsibilities to the North Dakota Workforce Development Council:

Perform oversight and program compliance responsibilities.

Provide technical assistance.

Help develop research information to improve program coordination and planning.

Coordinate agendas and other arrangements for the Council and committee meetings.

Coordination of WIA Title I policy development with Job Service North Dakota.

Provide training to NDWDC and NDYDC members.

Job Service North Dakota Administrative Responsibilities:

Prepare and publish implementing instructions and internal policy; monitor program activity in One Stop Centers.

Design and maintain automated management information system for recording and reporting per program requirements.

Provide technical assistance and training to One-Stop Career Center staff and to One-Stop Delivery System staff.

Administer all aspects of Workforce Investment Act program delivery.

Job Service North Dakota One-Stop Career Centers Responsibilities:

Conduct outreach and identify potential participants.

Deliver WIA Core, Intensive and Training services to participants.

Provide assessment, testing, and counseling.

Develop individual employability plans.

Enroll individuals into appropriate activities.

Track enrollment, termination, and follow-up data on Management Information System.

Monitor participant's progress.

Assist participants in post-training job search efforts.