

WORKFORCE INVESTMENT ACT OF 1998

ORIENTATION HANDBOOK

FOR

NEW MEMBERS APPOINTED TO THE

**NORTH DAKOTA WORKFORCE
DEVELOPMENT COUNCIL**

AND THE

**NORTH DAKOTA YOUTH
DEVELOPMENT COUNCIL**

AUGUST 2005

WORKFORCE INVESTMENT ACT OF 1998

As a new member of the North Dakota Workforce Development Council, becoming familiar with the Workforce Investment Act of 1998 and its implementing regulations is critical.

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

North Dakota Workforce Development Council (NDWDC) members, who are appointed by the Governor, aid in planning how North Dakota can best fulfill the purposes of WIA around the state. You will help make decisions that impact both the program's operation and the people the programs serve in North Dakota. You will also help make important decisions on how North Dakota's limited workforce training resources are used.

The Council operates as the State and Local Workforce Investment Board under the Workforce Investment Act of 1998. The responsibilities of the State and Local Workforce Investment Board are highlighted in the following pages.

This orientation handbook gives you a brief overview of the basic functions of the Council and your role as a member of that body. This handbook also summarized the WIA Legislation itself.

Thank you for taking time to serve the people of North Dakota.

WORKFORCE INVESTMENT ACT OF 1998

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 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.

In addition, North Dakota is designated as a single state Workforce Investment Area. The Governor serves as the Chief Elected Official for both the State and the Local Workforce Investment Area.

Consistent with WIA, the Governor and NDWDC, the State and Local Workforce Investment Board, 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 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 is responsible for designating the local Workforce Investment Areas within North Dakota with advice from the Council. 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 which are summarized below:

- 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:

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.

North Dakota was a single state service delivery area under the Job Training Partnership Act as of July 1998. The Governor was authorized to designate the state as a single state local area for purposes of the Workforce Investment Act.

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:

Providing policy guidance for activities under WIA.

Selecting the WIA grant recipient and program providers.

Planning and monitoring for WIA.

Reviewing and approving the State's Unified Plan or State Plan for Title I of WIA and Wagner-Peyser.

Exercising oversight with respect to activity under WIA.

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

9 Business	4 Organized Labor
1 Local School Board	2 Community Based Organizations
1 Secondary Education	1 Post-Secondary Education
1 Vocational & Technical 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	

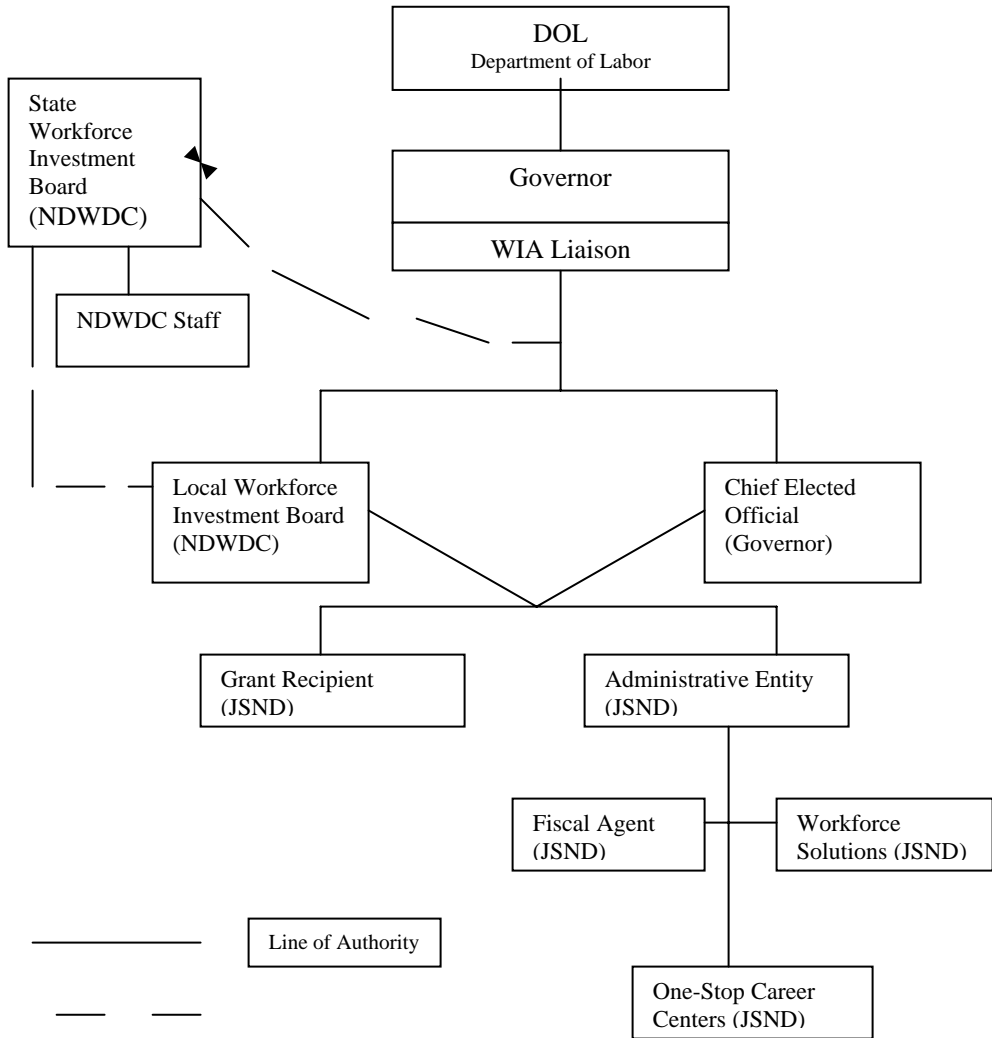
The Council has three Ex-Officio non-voting members:

Director of the North Dakota Workforce Development Council

Executive Director, ND Indian Affairs Commission

Chairperson, NDWDC Planning Committee

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

Responsibilities:

Propose an annual budget and work plan to the Council.

Develop a format to obtain detailed WIA funded programs, Financial Target Reports, and Status Reports providing clear accountability and performance results for WIA funded programs.

Develop the meeting agendas, action recommendations, and informational reports for the Council.

Recommend the creation and coordinate the work of other NDWDC standing committees.

Handle the Council's human resources for development of members.

Develop and provide orientation to new Council members.

Appoint mentors to assist new Council members with their orientation and training.

Involve the Council members in shaping important governance products such as values and vision statements.

Set Council performance targets and regularly monitor Council performance.

Performance Oversight (programmatic, financial, and administrative).

Strategic Planning (values, vision, strategic issues, strategic change).

Internal Operations (mission, annual operational priorities, annual operational goals, biennium budget).

External/stakeholder relations (Council image, external stakeholder relation strategies, and marketing strategies).

Track all outstanding actions of the Council and recommend actions that would assure successful completion of all tasks and objectives.

Recommend policy positions for the Council's review and approval.

Establish task groups when needed - define purpose and role, obtain and appoint members, designate chair, and establish operational parameters and completion time subject to approval of the Council.

Draft the Council's Annual Report to the Governor for review and approval by the Council.

Confer with the Governor on a periodic basis to determine outstanding issues and share information relevant to the Workforce Development Council's vision, strategies, and work plan.

Negotiate the Executive Director's performance targets and evaluate the Executive Director's performance.

Council Development and Support

Strategic Planning

Internal Operations

External/Stakeholder Relations

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

Goals:

Develop, in concert with all required partner programs as specified in the Act, the WIA Strategic State Plan for WIA Title and Wagner-Peyser or the Unified State Plan for Workforce Development.

Will prepare for the Governor's consideration, recommendations for overall goals for the plan, priorities for use of funds, and coordination of activities with all WIA partner programs.

Recommend to the Council goals for development of continuous improvement of the statewide workforce delivery system to include development of linkages to assure coordination and non-duplication among programs and activities.

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 in the state.

Recommend funding priorities for incentive grant awards.

Prepare comments at least annually on reports required pursuant to Section 113 (b) (14) of the Carl D. Perkins Vocational and Applied Technology Education Act, and;

Recommend projects to the Council for the Governor's consideration for funding and provide a recommendation 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.

Responsibilities:

Make recommendations to the NDWDC on youth employment and training policy.

Assists the NDWDC with the oversight of youth services.

Assists the NDWDC by developing the youth activities and services portion of the Unified State Plan.

Recommend eligible providers of youth services to the NDWDC to be considered for grants or contracts on a competitive basis.

Conduct oversight of eligible providers of youth services/activities.

Coordinate youth activities authorized under the WIA.

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.

Local Workforce Investment Boards receive allocation by formula.

Administrative/Fund Limits:

States:

5% of the total of each allocation for administration.

Local Areas:

10% of the local area allocation for administration.

Statewide Activities:

15% from each funding stream 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.

	Local Areas	State Set Aside	Rapid Response
Adult	85%	15%	
Youth	85%	15%	
Dislocated Worker	60%	15%	25%

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 & TA

Research & Demonstrations

Incumbent Worker Programs

Support for Identification of Eligible Providers

Innovative Displaced Homemaker & Nontraditional Employment Programs

WORKFORCE INVESTMENT ACT NORTH DAKOTA'S 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.

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.

The Governor, in agreement with the North Dakota Workforce Development Council, chose Job Service North Dakota as both the grant recipient and as the operator of most of the WIA programs in North Dakota. Job Service North Dakota is an umbrella agency responsible for the administration of the federally funded WIA programs, Unemployment Insurance, Wagner-Peyser, Senior Community Service Employment, Trade Adjustment Assistance and NAFTA-TAA, and state funded Workforce 20/20, and North Dakota New Jobs Training programs. Job Service North Dakota also administers under contract with the ND Department of Human Services the Jobs Opportunities and Basic Skills Training Program.

In North Dakota, job seekers can complete applications for work, be referred to jobs, file a claim for unemployment benefits, and complete an application for job training programs, at all One-Stop Career Centers or at any of the partner agencies sites.

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.

Since the Workforce Investment Act of 1998's inception, the North Dakota Workforce Development Council and the Governor as the chief elected official, have followed past tradition and selected Job Service North Dakota to administer and deliver federally-funded job training programs and services in the state.

The Council and state have consistently placed employment and training programs under one authority with the discretion of determining the best method of providing services. This integrated approach to service avoids duplication and provides better service to job seekers and the business community.

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 on-the-job training 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.

North Dakota's success:

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

Staff Responsibilities to the Governor:

Advise the Governor on state employment and training activities.

Write 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 guidance.

Recommend variations to performance goals to insure system continuous improvement.

Review and comment on Carl Perkins Plan.

Review, comment, and make recommendations to the Governor, state legislator 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.

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.

Develop WIA policy for Title I funds.

Provide training to NDWDC and NDYDC members.

Job Service North Dakota (Administrative Entity and Grant Recipient) Responsibilities:

Prepare and publish implementing instructions and internal policy.

Design and maintain automated Management Information System.

Provide Technical Assistance and Training to One-Stop Career Center staff and to One-Stop Delivery System staff.

Pay employers, schools, and participants.

Prepare contracts for service.

Monitor program delivery and contracts.

Fiscal, accounting, and reporting functions.

One-Stop Career Centers Responsibilities:

Conduct outreach and identify potential participants.

Deliver “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 OJT and classroom participant’s progress.

Find employment for WIA participants.