



NATIONAL IMMIGRATION FORUM

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The Office of Information and Regulatory Affairs
Attn: OMB Desk Officer for DOL-ETA
Office of Management and Budget
Room 10235
725 17th Street, NW
Washington, DC 20503

Comments on Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act (OMB Control Number: 1205-0522)

The National Immigration Forum respectfully submits the following comments to the Office of Management and Budget regarding the Workforce Innovation and Opportunity Act (WIOA) Unified and Combined State Plan Requirements in response to the proposed information collection request (ICR) published on December 23, 2015. The Forum is one of the leading immigrant advocacy organizations in the country, with a mission to advocate for the value of immigrants and immigration to the nation. The Forum builds broad coalitions, including with businesses, and develops policy recommendations and programs that strive to provide new Americans with the opportunities, skills, and status that they need to reach their full potential.

States must pay particular attention to improving the skills of individuals with barriers to employment while developing and implementing its vision for an integrated publicly-funded workforce system that meets the needs of employers. By statute, the definition of individuals with barriers to employment is broad and includes individuals who have low levels of literacy, are English language learners, or are basic skills deficient – many of these individuals are immigrant job seekers.

We appreciate the consideration that was given to our comments to the initial ICR published on August 5, 2015. Under the revised ICR, States must specifically address how they will meet the employment and training needs of individuals with barriers to employment, including immigrant job seekers. We strongly support these changes, which include: requiring States to describe how their one-stop systems will meet the needs of individuals who have limited English proficiency (Section III(b)(9)); to discuss how they will implement and monitor the priority for career and training services under the title I adult formula program for individuals who are basic skills deficient (Section VI(b)(4)); and to include entities that provide services to individuals with barriers to employment in the development of the state plan (Section V(4)(a)).

Additionally, other changes require States to consider, as appropriate, how their core WIOA programs are aligned and coordinated with educational institutions, community- and faith-based organizations, and human services organizations – entities which have experience and expertise in serving individuals with barriers to employment.

Please find our comments to the revised ICR below.

- *Priority for Career and Training Services Under the Title I Adult Formula Program for Individuals Who Are Basic Skills Deficient* –The statutory definition of basic skills deficient includes those youth or adults where “the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.” As such, this new WIOA requirement will affect service provision for limited English proficient immigrant job seekers at the One-Stop Career Centers.

We originally recommended that States be required to make their policies publically available. We understand that the Department of Labor considers the policy to be made publically available when the state plan itself is made available for public comment. However, job seekers who are affected by this new policy, as well as local community- and faith-based organizations, human services organizations, and other one-stop partners that serve these individuals, may not know to review the state plan for this policy. As such, to promote further transparency, the Department of Labor should provide subregulatory guidance and technical assistance encouraging states and local areas to make this policy publically available at One-Stop Career Centers. Doing so would enable job seekers who qualify for this priority of service to understand the full range of priorities and services that are available to them, and help realize the Departments’ vision for a customer-focused one-stop delivery system.

One important technical clarification is that the ICR refers to this policy as “the priority for public assistance recipients, other low-income individuals, **or** individuals who are basic skills deficient” (emphasis added) at Section VI- Adult, Dislocated Worker, and Youth Activities Under Title IB (b)(4) and Assurance #1. However, Section 134(c)(3)(E) of WIOA reads in part, “...priority shall be given to recipients of public assistance, other low-income individuals, **and** individuals who are basic skills deficient...” (emphasis added).

The Department of Labor should update all references to this policy in the ICR to reflect the language in the statute. All state plans should describe how they will implement and monitor this priority for all three prioritized populations. Allowing states to describe implementation for only one of the populations may lead local areas or one-stop providers to incorrectly believe the priority applies to only the one population addressed in the state plan, which would be in direct conflict with the statute.

- *Integrated English Language and Civics Education (IEL/CE) Program* – We support the changes related to the IEL/CE program which now require States to assure that they are meeting the program design requirements as specified in section 243(c)(1) and (2) of WIOA, instead of describing how they will do so (Section VI - Adult Education and Family Literacy Program). While the frequently asked questions published by the Department of Education on January 11, 2016 were helpful, we reiterate our comment that program operators need flexibility to determine the appropriate services to meet the

needs of individual participants. For example, program participants may already be employed and not in need of additional workforce preparation or training to obtain employment. Specifically, the Department of Education should provide flexibility in program design and performance calculations so that entities operating IEL/CE programs under section 243 can serve those immigrants who would benefit (and whose careers would benefit) from integrated civics and English programs but who may not need workforce preparation activities or training as defined by statute and the proposed regulations. Further, the Departments of Labor and Education should jointly issue subregulatory guidance and technical assistance regarding how section 243 IEL/CE programs can “integrate with the workforce development system and its functions to carry out the activities” of the IEL/CE programs, as noted in Section 243(c)(2) of WIOA. Effective partnerships between section 243 IEL/CE program operators and title I programs can help these programs meet the requirement for the delivery of IEL/CE activities in combination with integrated education and training activities.