

Non-Substantiative Change Request

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

Expiration Date: 03/31/2027

Proposed Changes

The below updates are proposed in order to implement the requirements of Executive Order (EO)14151, *Ending Radical and Wasteful Government DEI Programs* to the subject Information Collection Request (ICR).

The Department of Labor (DOL) is currently updating this ICR as a part of a Notice of Proposed Rulemaking (NPRM) titled *Wagner-Peyser Act Employment Service Staffing* (RIN 1205-AC22). This rulemaking contains both substantive changes and the non-substantive changes referenced in this request. To comply with EO 14151, DOL requests permission from OMB to implement the NPRM's non-substantive changes as soon as possible. The submission of this ICR associated with the Final Rule will reflect this approval.

As outlined below, the proposed changes involve deleting statements or revising wording to remove DEI implications. Several other non-substantive changes are proposed for clarity of wording and to add statutory citations. Two proposed changes are deletions necessary to comply with ongoing litigation. Proposed non-substantive changes include:

Information Collection Element	Proposed Revision	Justification for revision
Overview: How State Plan Requirements Are Organized, paragraph 1	Delete outdated wording in Overview, page 3, which is informational only	Updated to reflect passage of time
Overview: How State Plan Requirements Are Organized, last paragraph	Changed language from “target populations” to “individuals with barriers to employment,” and updated related footnote. Deleted redundant sentence.	Updated language to align to statutory language with the same meaning and to streamline
Sec. I(a) WIOA State Plan Type and Executive Summary – Combined Plans	Removed ReXO as an optional combined plan partner.	While REO remains authorized under WIOA 169, the Second Chance Act was superseded by the First Step Act. Because neither First Step Act nor WIOA 169 are included in statutory State Plan requirements, we are deleting them here.
Sec II (Introductory Paragraph)	Removed reference to TEGL No. 35-14	Deleted reference to inactive guidance

Sec. II(a)(1)(B): Workforce Analysis	Removed the requirements to aggregate analysis and identify disparities in labor market participation and education outcomes by subpopulations.	Adjustments to ensure alignment to EO 14151 and more closely reflect statutory language
Sec. III(b)(5)(B): Distribution of Funds for Core Programs	Added quotations and statutory reference.	Added statutory reference to conform to inclusion of citations in A and C.
V. Common Assurances (11)	Revised for more precise language.	Edited for clarity, not meaning
Sec. VI(c)(2): Youth Program Requirements	Deleted “equitable”	Deleted language that did not align with statutory language and to align with EO 14151
Sec VI (Adult, Dislocated Worker, and Youth Activities under Title I-B)(e)(5) – Waiver Requests	Deleted “including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment”	Deleted to align with EO 14151 and to more closely reflect statutory language
Sec. VI-Title I-B Assurances (2)	Included more precise language to refer to eligible veterans with employment barriers.	Edited for clarity, not meaning
Sec. VI-Title I-B Assurances (8)	Deleted reference to “equitably throughout state...” and replaced with statutory language	Reworded to reflect statutory language and eliminate confusion regarding meaning of “equitably”
Sec VI- Wagner-Peyser (e)(4)(A) and (B)	Deleting overly long explanatory text otherwise available in regulation and guidance. Collection requirement itself is unchanged	Streamlined language to only reflect the collection requirement
Sec VI – Wagner-Peyser (e)(5)(B)	Replaced “advocacy groups” with stakeholders.	Minor clarifying language adjustment.
Sec VI- Wagner-Peyser Assurances (4)	Deletion	Deleted language to remove the appearance of conflict with litigation currently underway and court-ordered injunctions
Sec VI- Adult Education and Family Literacy Act Program (a)	Added statutory reference.	Minor clarifying language adjustment.
Sec VI- Adult Education and Family Literacy Act Program (c)	Added statutory reference.	Minor clarifying language adjustment.
Sec VI- Adult Education and Family	Added statutory reference.	Minor clarifying language adjustment.

Literacy Act Program (d)		
Sec VI- Adult Education and Family Literacy Act Program (e)	Added statutory reference.	Minor clarifying language adjustment.
Sec VI- Adult Education and Family Literacy Act Program (f)	Added statutory reference.	Minor clarifying language adjustment.
Section 472 of the General Education Provisions Act (GEPA)	Numerous deletions and edits which incorporate recent updates to form approved under OMB Control Number 1894-0005	Changes to align to another OMB approved collection

Purpose of Collection

The information collection implements Sections 102 and 103 of the Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128). WIOA requires that each State, at a minimum, submit a Unified State Plan as a condition of receiving funds for core programs subject to the Unified State Plan requirements. In the alternative, States may submit a Combined State Plan as a condition of receiving funds under certain named programs subject to the Combined State Plan provisions. See 29 U.S.C. §§ 3112 and 3113. The Unified or Combined State Plan requirements are designed to improve service integration and ensure that the publicly funded workforce system provides a range of employment, education, training, and related services and supports to help all jobseekers secure good-paying, competitive jobs while providing businesses with the skilled workers they need to compete in the global economy. To that end, the Unified or Combined State Plan would describe how the State will develop and implement a unified, integrated service delivery system rather than discuss the State's approach to operating each program individually.

Section 102(a) of WIOA requires each State, at a minimum, to submit a Unified State Plan that fosters strategic alignment of the core programs, which include the Adult, Dislocated Worker, and Youth programs (title I); the Adult Education and Family Literacy Act program (title II); the Wagner-Peyser program (title III); and the Vocational Rehabilitation program (title IV). In the alternative, Section 103 of WIOA permits a State to submit a Combined State Plan including the aforementioned core programs plus one or more of the optional Federal programs listed in Section 103(b). States choosing to submit a Combined State Plan, are required to incorporate all of the common planning elements required in the Unified State Plan, additional elements describing how the State will coordinate the optional programs with the core programs (WIOA Section 103(b)(3)), and elements required by the optional program(s) that are included in the Combined State Plan.

Once approved, a State's Combined State Plan meets the information collection requirements for the program-specific State plans for all optional programs that a State includes. If a Combined State Plan is approved, the State is not required to submit any other State plan to receive federal

funding for any optional program covered under that Combined State Plan (WIOA Section 103(b)(2)). If a State plans for an optional program changes from the one approved under the Combined State Plan, the State may have to submit additional plans to the appropriate Department—such additional plans will be counted under the optional programs' existing information collection requirements.

Note that some of the optional programs that a State may include in the Combined State Plan currently fulfill their program-specific State planning requirements through a broader information collection administered by the program's appropriate Department. For example, Section 103(b)(2) of WIOA specifically allows the employment and training activities carried out under the Community Services Block Grant (CSBG) Act administered by the Department of Health and Human Services (HHS) and employment and training activities under the Department of Housing and Urban Development (HUD) to be included in a WIOA Combined State Plan. However, for example, the existing CSBG information collection includes planning elements for the employment and training activities along with planning elements for other activities under CSBG. Therefore, if States choose to include programs such as these in the Combined State Plan, only the portion of the existing planning requirements that address the employment and training activities are included in the Combined State Plan (WIOA Section 103), and, States are still required to separately submit all other required elements of a complete CSBG State Plan directly to the Federal agency that administers the program.

The regulations that correspond to these information collection requirements are: 20 CFR Part 676 (WIOA Adult, Dislocated Worker, and Youth programs and Wagner-Peyser Act programs); 34 CFR Part 361, Subpart D (State Vocational Rehabilitation Services Program); and 34 CFR Part 463, Subpart H (Adult Education and Family Literacy Act programs).

Section 102(c)(1)(A) of WIOA states that States needed to submit their first Unified Plan to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after the date of enactment of WIOA, which was July 22, 2014. New plans are required every four years, with a modification update every two years. The next cycle of State Plan modifications will be required for submission in March 2026.