

PUBLIC LAW 105-220—AUG. 7, 1998

WORKFORCE INVESTMENT ACT OF 1998

(b) CONFORMING AMENDMENTS.—Section 508(b)(1) of the Unemployment Compensation Amendments of 1976 (42 U.S.C. 603a(b)(1)) is amended—

42 USC 655a.

(1) by striking “the third sentence of section 3(a)” and inserting “section 3(b)”; and

(2) by striking “49b(a)” and inserting “49b(b)”.

**SEC. 303. DESIGNATION OF STATE AGENCIES.**

Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c) is amended—

(1) by striking “, through its legislature,” and inserting “, pursuant to State statute,”;

(2) by inserting after “the provisions of this Act and” the following: “, in accordance with such State statute, the Governor shall”; and

(3) by striking “United States Employment Service” and inserting “Secretary”.

**SEC. 304. APPROPRIATIONS.**

Section 5(c) of the Wagner-Peyser Act (29 U.S.C. 49d(c)) is amended by striking paragraph (3).

**SEC. 305. DISPOSITION OF ALLOTTED FUNDS.**

Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) is amended—

(1) in subsection (b)(2), by striking “private industry council” and inserting “local workforce investment board”;

(2) in subsection (c)(2), by striking “any program under” and all that follows and inserting “any workforce investment activity carried out under the Workforce Investment Act of 1998.”;

(3) in subsection (d)—

(A) by striking “United States Employment Service” and inserting “Secretary”; and

(B) by striking “Job Training Partnership Act” and inserting “Workforce Investment Act of 1998”; and

(4) by adding at the end the following:

“(e) All job search, placement, recruitment, labor employment statistics, and other labor exchange services authorized under subsection (a) shall be provided, consistent with the other requirements of this Act, as part of the one-stop delivery system established by the State.”.

**SEC. 306. STATE PLANS.**

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended—

(1) in subsection (a) to read as follows:

“(a) Any State desiring to receive assistance under this Act shall submit to the Secretary, as part of the State plan submitted under section 112 of the Workforce Investment Act of 1998, detailed plans for carrying out the provisions of this Act within such State.”;

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b);

(4) by inserting after subsection (b) (as redesignated by paragraph (3)) the following:

“(c) The part of the State plan described in subsection (a) shall include the information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998.”;

(5) by redesignating subsection (e) as subsection (d); and  
 (6) in subsection (d) (as redesignated in paragraph (5)),  
 by striking “such plans” and inserting “such detailed plans”.

**SEC. 307. REPEAL OF FEDERAL ADVISORY COUNCIL.**

Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is amended—

- (1) by striking “11.” and all that follows through “(b) In” and inserting “11. In”; and
- (2) by striking “Director” and inserting “Secretary”.

**SEC. 308. REGULATIONS.**

Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k) is amended by striking “The Director, with the approval of the Secretary of Labor,” and inserting “The Secretary”.

**SEC. 309. EMPLOYMENT STATISTICS.**

The Wagner-Peyser Act is amended—

- (1) by redesignating section 15 (29 U.S.C. 49 note) as section 16; and
- (2) by inserting after section 14 (29 U.S.C. 49l-1) the following:

29 USC 49l-2.

**“SEC. 15. EMPLOYMENT STATISTICS.**

**“(a) SYSTEM CONTENT.—**

**“(1) IN GENERAL.—**The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide employment statistics system of employment statistics that includes—

**“(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—**

**“(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;**

**“(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;**

**“(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and**

**“(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;**

**“(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—**

**“(i) shall be current and comprehensive;**

**“(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and**

## § 652.213

### § 652.213 What information must a State include when the plan is modified?

A State must follow the instructions for modifying the strategic five-year plan in 20 CFR 661.230.

### § 652.214 How often may a State submit modifications to the plan?

A State may modify its plan, as often as needed, as changes occur in Federal or State law or policies, Statewide vision or strategy, or if changes in economic conditions occur.

### § 652.215 Do any provisions in WIA change the requirement that State merit-staff employees must deliver services provided under the Act?

No, the Secretary requires that labor exchange services provided under the authority of the Act, including services to veterans, be provided by State merit-staff employees. This interpretation is authorized by and consistent with the provisions in sections 3(a) and 5(b) of the Act and the Intergovernmental Personnel Act (42 U.S.C. 4701 *et seq.*). The Secretary has and has exercised the legal authority under section 3(a) of the Act to set additional staffing standards and requirements and to conduct demonstrations to ensure the effective delivery of services provided under the Act. No additional demonstrations will be authorized.

### § 652.216 May the One-Stop operator provide guidance to State merit-staff employees in accordance with the Act?

Yes, the One-Stop delivery system envisions a partnership in which Wagner-Peyser Act labor exchange services are coordinated with other activities provided by other partners in a One-Stop setting. As part of the local Memorandum of Understanding, the State agency, as a One-Stop partner, may agree to have staff receive guidance from the One-Stop operator regarding the provision of labor exchange services. Personnel matters, including compensation, personnel actions, terms and conditions of employment, performance appraisals, and accountability of State merit-staff employees funded under the Act, remain under the authority of the State agency. The

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guidance given to employees must be consistent with the provisions of the Act, the local Memorandum of Understanding, and applicable collective bargaining agreements.

## PART 653—SERVICES OF THE EMPLOYMENT SERVICE SYSTEM

### Subpart A—Basic Services of the Employment Service System [Reserved]

### Subpart B—Services for Migrant and Seasonal Farmworkers (MSFWs)

- Sec.
- 653.100 Purpose and scope of subpart.
  - 653.101 Provision of services to migrant and seasonal farmworkers (MSFWs).
  - 653.102 Job information.
  - 653.103 MSFW job applications.
  - 653.104 Services to MSFW family members, farm labor contractors, and crew members.
  - 653.105 Job applications at day-haul facilities.
  - 653.106 JS day-haul responsibilities.
  - 653.107 Outreach.
  - 653.108 State agency self-monitoring.
  - 653.109 Data collection.
  - 653.110 Disclosure of data.
  - 653.111 State agency staffing requirements.
  - 653.112 State agency program budget plans.
  - 653.113 Processing apparent violations.

### Subpart C—Services for Veterans [Reserved]

### Subpart D—Services to the Handicapped [Reserved]

### Subpart E—Support Services [Reserved]

### Subpart F—Agricultural Clearance Order Activity

- 653.500 Purpose and scope of subpart.
- 653.501 Requirements for accepting and processing clearance orders.
- 653.502 Changes in crop and recruitment situations.
- 653.503 Field checks.

AUTHORITY: 38 U.S.C. chapters 41 and 42; Wagner-Peyser Act, as amended, 29 U.S.C. 49 *et seq.*; sec. 104 of the Emergency Jobs and Unemployment Assistance Act of 1974 Pub. L. 93-567, 88 Stat. 1845, unless otherwise noted.

### Subpart A—Basic Services of the Employment Service System [Reserved]

(3) In each local workforce investment area, in at least one comprehensive physical center, staff funded under the Act must provide core and applicable intensive services including staff-assisted labor exchange services; and

(4) Those labor exchange services provided under the Act in a local workforce investment area must be described in the Memorandum of Understanding (MOU).

**§ 652.208 How are core services and intensive services related to the methods of service delivery described in § 652.207(b)(2)?**

Core services and intensive services may be delivered through any of the applicable three methods of service delivery described in § 652.207(b)(2). These methods are:

- (a) Self-service;
- (b) Facilitated self-help service; and
- (c) Staff-assisted service.

**§ 652.209 What are the requirements under the Act for providing reemployment services and other activities to referred UI claimants?**

(a) In accordance with section 3(c)(3) of the Act, the State agency, as part of the One-Stop delivery system, must provide reemployment services to UI claimants for whom such services are required as a condition for receipt of UI benefits. Services must be provided to the extent that funds are available and must be appropriate to the needs of UI claimants who are referred to reemployment services under any Federal or State UI law.

(b) The State agency must also provide other activities, including:

(1) Coordination of labor exchange services with the provision of UI eligibility services as required by section 5(b)(2) of the Act;

(2) Administration of the work test and provision of job finding and placement services as required by section 7(a)(3)(F) of the Act.

**§ 652.210 What are the Act's requirements for administration of the work test and assistance to UI claimants?**

(a) State UI law or rules establish the requirements under which UI claimants must register and search for work

in order to fulfill the UI work test requirements.

(b) Staff funded under the Act must assure that:

(1) UI claimants receive the full range of labor exchange services available under the Act that are necessary and appropriate to facilitate their earliest return to work;

(2) UI claimants requiring assistance in seeking work receive the necessary guidance and counseling to ensure they make a meaningful and realistic work search; and

(3) UI program staff receive information about UI claimants' ability or availability for work, or the suitability of work offered to them.

**§ 652.211 What are State planning requirements under the Act?**

The State agency designated to administer funds authorized under the Act must prepare for submission by the Governor, the portion of the five-year State Workforce Investment Plan describing the delivery of services provided under the Act in accordance with WIA regulations at 20 CFR 661.220. The State Plan must contain a detailed description of services that will be provided under the Act, which are adequate and reasonably appropriate for carrying out the provisions of the Act, including the requirements of section 8(b) of the Act.

**§ 652.212 When should a State submit modifications to the five-year plan?**

(a) A State may submit modifications to the five-year plan as necessary during the five-year period, and must do so in accordance with the same collaboration, notification, and other requirements that apply to the original plan. Modifications are likely to be needed to keep the strategic plan a viable and living document over its five-year life.

(b) That portion of the plan addressing the Act must be updated to reflect any reorganization of the State agency designated to deliver services under the Act, any change in service delivery strategy, any change in levels of performance when performance goals are not met, or any change in services delivered by State merit-staff employees.