

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA Performance
	CORRESPONDENCE SYMBOL OPDR/OWI
	DATE September 12, 2017

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 3-17 OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT (referred to as WIOA)

TO: STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
INNOVATION AND OPPORTUNITY ACT
STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS

FROM: BYRON ZUIDEMA
Deputy Assistant Secretary

SUBJECT: WIOA Annual Performance Report Submission

1. Purpose.

The U.S. Departments of Labor (DOL) and Education (ED) (collectively, Departments) are exercising their transition authority under section 503(a) of the Workforce Innovation and Opportunity Act (WIOA) to inform States that the Departments will consider Program Year (PY) 2016 WIOA Statewide and Local Performance Reports (form ETA-9169) submitted by October 16, 2017, as being timely. For all subsequent PYs, States must submit the WIOA Statewide and Local Performance Report by October 1 to be considered timely, pursuant to the “Workforce Innovation and Opportunity Act (WIOA) Performance Accountability, Information and Reporting System” information collection request (WIOA Joint Performance ICR).

The WIOA Joint Performance ICR, approved under OMB Control Number 1205-0526, contains the performance accountability reporting requirements for the core programs identified in WIOA and authorized under:

- WIOA title I and administered by DOL;
- the Adult Education and Family Literacy Act (AEFLA) program, authorized under WIOA title II and administered by ED;

RESCISSIONS None	EXPIRATION DATE Continuing
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- the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III and administered by DOL; and
- the Vocational Rehabilitation (VR) program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV and administered by ED.

2. **References.**

- Workforce Innovation and Opportunity Act, Pub. L. 113-128
- Workforce Innovation and Opportunity Act Performance Accountability, Information and Reporting System information collection request (WIOA Joint Performance ICR)

3. **Background.**

Section 116(d)(2) of WIOA requires each State to submit a State Performance Report annually. Consistent with the WIOA Joint Performance ICR, the due date for this report is October 1 of each year. If October 1 falls on a weekend or holiday, the report will be due on the next business day. As required by section 116(d) of WIOA, the report covers performance data from July 1 to June 30 of the current program year and the three preceding years. The Departments note that some State grantees have indicated that they may have challenges meeting the October 1 due date for the PY 2016 performance report because this will be the first performance report submitted under the new requirements of WIOA. Therefore, the Departments are exercising their transition authority under section 503(a) of WIOA to consider PY 2016 performance reports submitted by October 16, 2017, as timely. The Departments have decided that this one-time action is necessary to ensure a smooth transition from the reporting requirements of the Workforce Investment Act of 1998 (WIA) to those under WIOA.

Each State shall submit all WIOA performance reports, including: (1) the annual statewide reports; (2) as applicable, the local area performance reports; and (3) if available, links to the Eligible Training Provider reports, to its respective Federal agency for the core programs as follows:

- for titles I and III, the report shall be submitted to DOL's Employment and Training Administration, through the Workforce Integrated Performance System;
- for title II, the report shall be submitted to ED's Office of Career, Technical, and Adult Education (OCTAE); and
- for title IV, the report shall be submitted to ED's Rehabilitation Services Administration (RSA).

4. **Sanction Provisions.**

In accordance with section 116(f)(1)(B) of WIOA, for any State that fails to report by the due date, the Governor's reserve authorized under section 128 of WIOA shall be reduced by five (5) percent. However, the Departments are exercising their transition authority under section

503(a) of WIOA and will not be imposing sanctions for those States that are not able to submit a complete report by October 16, 2017, for the PY 2016 annual report because this will be the first performance report submitted under the new requirements of WIOA. The Departments' use of the transition authority with respect to the imposition of sanctions for States that fail to submit a complete report by October 16, 2017, does not mean that States do not have to submit the performance reports. Rather, the Departments' use of the transition authority ensures a smooth transition from the performance reporting requirements under WIA to those under WIOA.

5. Action Requested.

States are requested to distribute this information to the appropriate State and local staff.

6. Inquiries.

Questions and comments from DOL-funded grantees may be directed to the appropriate ETA Regional Office and Federal Project Officer. Questions and comments from ED-funded grantees may be directed to the appropriate RSA State Liaison or OCTAE Area Coordinator.