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**United States Code Service - Titles 1 through 54 TITLE 29. LABOR CHAPTER 32.
WORKFORCE INNOVATION AND OPPORTUNITY**

§ 3102. Definitions

In this Act, and the core program provisions that are not in this Act, except as otherwise expressly provided:

- (1)** Administrative costs. The term "administrative costs" means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I [29 USCS §§ 3151 et seq.] and recipients of awards under subtitles C and D of title I [29 USCS §§ 3191 et seq. and 3221 et seq.]), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.
- (2)** Adult. Except as otherwise specified in section 132 [29 USCS § 3172], the term "adult" means an individual who is age 18 or older.
- (3)** Adult education; adult education and literacy activities. The terms "adult education" and "adult education and literacy activities" have the meanings given the terms in section 203 [29 USCS § 3272].
- (4)** Area career and technical education school. The term "area career and technical education school" has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).
- (5)** Basic skills deficient. The term "basic skills deficient" means, with respect to an individual--
 - (A)** who is a youth, that the individual has English reading, writing, or computing skills at or below

the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that 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.

(6) Career and technical education. The term "career and technical education" has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 ([20 U.S.C. 2302](#)).

(7) Career pathway. The term "career pathway" means a combination of rigorous and high-quality education, training, and other services that--

(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; [29 U.S.C. 50](#) et seq.) (referred to individually in this Act as an "apprenticeship", except in section 171 [[29 USCS § 3226](#)]);

(C) includes counseling to support an individual in achieving the individual's education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

(G) helps an individual enter or advance within a specific occupation or occupational cluster.

(8) Career planning. The term "career planning" means the provision of a client-centered approach in the delivery of services, designed--

(A) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and

(B) to provide job, education, and career counseling, as appropriate during program participation and after job placement.

(9) Chief elected official. The term "chief elected official" means--

(A) the chief elected executive officer of a unit of general local government in a local area; and

(B) in a case in which a local area includes more than 1 unit of general local government, the individuals designated under the agreement described in section 107(c)(1)(B) [[29 USCS § 3122\(c\)\(1\)\(B\)](#)].

(10) Community-based organization. The term "community-based organization" means a private

nonprofit organization (which may include a faith-based organization), that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

(11) Competitive integrated employment. The term "competitive integrated employment" has the meaning given the term in section 7 of the Rehabilitation Act of 1973 ([29 U.S.C. 705](#)), for individuals with disabilities.

(12) Core program. The term "core programs" means a program authorized under a core program provision.

(13) Core program provision. The term "core program provision" means--

(A) chapters 2 and 3 of subtitle B of title I [[29 USCS §§ 3161](#) et seq. and [3171](#) et seq.] (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);

(B) title II [[29 USCS §§ 3271](#) et seq.] (relating to adult education and literacy activities);

(C) sections 1 through 13 of the Wagner-Peyser Act ([29 U.S.C. 49](#) et seq.) (relating to employment services); and

(D) title I of the Rehabilitation Act of 1973 ([29 U.S.C. 720](#) et seq.), other than section 112 or part C of that title ([29 U.S.C. 732, 741](#)) (relating to vocational rehabilitation services).

(14) Customized training. The term "customized training" means training--

(A) that is designed to meet the specific requirements of an employer (including a group of employers);

(B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

(C) for which the employer pays--

(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

(15) Dislocated worker. The term "dislocated worker" means an individual who--

(A)

(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(ii)

- (I)** is eligible for or has exhausted entitlement to unemployment compensation; or
 - (II)** has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e) [[29 USCS § 3151\(e\)](#)], attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and
 - (iii)** is unlikely to return to a previous industry or occupation;
- (B)**
- (i)** has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;
 - (ii)** is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
 - (iii)** for purposes of eligibility to receive services other than training services described in section 134(c)(3) [[29 USCS § 3174\(c\)\(3\)](#)], career services described in section 134(c)(2)(A)(xii) [[29 USCS § 3174\(c\)\(2\)\(A\)\(xii\)](#)], or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- (C)** was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
- (D)** is a displaced homemaker; or
- (E)**
- (i)** is the spouse of a member of the Armed Forces on active duty (as defined in [section 101\(d\)\(1\) of title 10, United States Code](#)), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
 - (ii)** is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).
- (16)** Displaced homemaker. The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who--
- (A)**
- (i)** has been dependent on the income of another family member but is no longer supported by that income; or
 - (ii)** is the dependent spouse of a member of the Armed Forces on active duty (as defined in [section 101\(d\)\(1\) of title 10, United States Code](#)) and whose family income is significantly reduced because of a deployment (as defined in [section 991\(b\) of title 10, United States Code](#), or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in [section 101\(a\)\(13\)\(B\) of title 10, United States Code](#), a permanent change of station, or the service-connected (as defined in [section 101\(16\) of title 38, United States Code](#)) death or disability of the member; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(17) Economic development agency. The term "economic development agency" includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

(18) Eligible youth. Except as provided in subtitles C and D of title I [[29 USCS §§ 3191 et seq.](#), [3221 et seq.](#)], the term "eligible youth" means an in-school youth or out-of-school youth.

(19) Employment and training activity. The term "employment and training activity" means an activity described in section 134 [[29 USCS § 3174](#)] that is carried out for an adult or dislocated worker.

(20) English language acquisition program. The term "English language acquisition program" has the meaning given the term in section 203 [[29 USCS § 3272](#)].

(21) English language learner. The term "English language learner" has the meaning given the term in section 203 [[29 USCS § 3272](#)].

(22) Governor. The term "Governor" means the chief executive of a State or an outlying area.

(23) In-demand industry sector or occupation.

(A) In general. The term "in-demand industry sector or occupation" means--

(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(B) Determination. The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

(24) Individual With a Barrier to Employment. The term "individual with a barrier to employment" means a member of 1 or more of the following populations:

(A) Displaced homemakers.

(B) Low-income individuals.

(C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166 [[29 USCS § 3221](#)].

(D) Individuals with disabilities, including youth who are individuals with disabilities.

(E) Older individuals.

(F) Ex-offenders.

(G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 ([42 U.S.C. 14043e-2\(6\)](#))), or homeless children and youths (as defined in section 725(2) of the

McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11434a\(2\)](#))).

(H) Youth who are in or have aged out of the foster care system.

(I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

(J) Eligible migrant and seasonal farmworkers, as defined in section 167(i) [[29 USCS § 3222\(i\)](#)].

(K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act ([42 U.S.C. 601](#) et seq.).

(L) Single parents (including single pregnant women).

(M) Long-term unemployed individuals.

(N) Such other groups as the Governor involved determines to have barriers to employment.

(25) Individual with a disability.

(A) In general. The term "individual with a disability" means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12102](#)).

(B) Individuals with disabilities. The term "individuals with disabilities" means more than 1 individual with a disability.

(26) Industry or sector partnership. The term "industry or sector partnership" means a workforce collaborative, convened by or acting in partnership with a State board or local board, that--

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership--

(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of--

(i) State or local government;

(ii) State or local economic development agencies;

(iii) State boards or local boards, as appropriate;

(iv) a State workforce agency or other entity providing employment services;

(v) other State or local agencies;

(vi) business or trade associations;

(vii) economic development organizations;

(viii) nonprofit organizations, community-based organizations, or intermediaries;

(ix) philanthropic organizations;

(x) industry associations; and

(xi) other organizations, as determined to be necessary by the members comprising the industry or

sector partnership.

(27) In-school youth. The term "in-school youth" means a youth described in section 129(a)(1)(C) [[29 USCS § 3164\(a\)\(1\)\(C\)](#)].

(28) Institution of higher education. The term "institution of higher education" has the meaning given the term in section 101 [[29 USCS § 3111](#)], and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 ([20 U.S.C. 1001, 1002\(a\)\(1\)](#)).

(29) Integrated education and training. The term "integrated education and training" has the meaning given the term in section 203 [[29 USCS § 3272](#)].

(30) Labor market area. The term "labor market area" means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(31) Literacy. The term "literacy" has the meaning given the term in section 203 [[29 USCS § 3272](#)].

(32) Local area. The term "local area" means a local workforce investment area designated under section 106 [[29 USCS § 3121](#)], subject to sections 106(c)(3)(A), 107(c)(4)(B)(i), and 189(i) [[29 USCS §§ 3121\(c\)\(3\)\(A\), 3122\(c\)\(4\)\(B\)\(1\), and 3249\(i\)](#)].

(33) Local board. The term "local board" means a local workforce development board established under section 107 [[29 USCS § 3122](#)], subject to section 107(c)(4)(B)(i) [[29 USCS § 3122\(c\)\(4\)\(B\)\(i\)](#)].

(34) Local educational agency. The term "local educational agency" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 [[20 USCS § 7801](#)].

(35) Local plan. The term "local plan" means a plan submitted under section 108 [[29 USCS § 3123](#)], subject to section 106(c)(3)(B) [[29 USCS § 3121\(c\)\(3\)\(B\)](#)].

(36) Low-income individual.

(A) In general. The term "low-income individual" means an individual who--

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 ([7 U.S.C. 2011 et seq.](#)), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act ([42 U.S.C. 601 et seq.](#)), or the supplemental security income program established under title XVI of the Social Security Act ([42 U.S.C. 1381 et seq.](#)), or State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of--

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 ([42 U.S.C. 14043e-2\(6\)](#))), or a homeless child or youth (as defined under section 725(2) of the

McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11434a\(2\)](#)));

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act ([42 U.S.C. 1751](#) et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

(B) Lower living standard income level. The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

(37) Nontraditional employment. The term "nontraditional employment" refers to occupations or fields of work, for which individuals from the gender involved comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(38) Offender. The term "offender" means an adult or juvenile--

(A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or

(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(39) Older individual. The term "older individual" means an individual age 55 or older.

(40) One-stop center. The term "one-stop center" means a site described in section 121(e)(2) [[29 USCS § 3151\(e\)\(2\)](#)].

(41) One-stop operator. The term "one-stop operator" means 1 or more entities designated or certified under section 121(d) [[29 USCS § 3151\(d\)](#)].

(42) One-stop partner. The term "one-stop partner" means--

(A) an entity described in section 121(b)(1) [[29 USCS § 3151\(b\)\(1\)](#)]; and

(B) an entity described in section 121(b)(2) [[29 USCS § 3151\(b\)\(2\)](#)] that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.

(43) One-stop partner program. The term "one-stop partner program" means a program or activities described in section 121(b) [[29 USCS § 3151\(b\)](#)] of a one-stop partner.

(44) On-the-job training. The term "on-the-job training" means training by an employer that is provided to a paid participant while engaged in productive work in a job that--

(A) provides knowledge or skills essential to the full and adequate performance of the job;

(B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H) [[29 USCS § 3174\(c\)\(3\)\(H\)](#)], for the extraordinary costs of providing the training and additional supervision related to the training; and

(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the

service strategy of the participant, as appropriate.

(45) Outlying area. The term "outlying area" means--

(A) American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands; and

(B) the Republic of Palau, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under this Act.

(46) Out-of-school youth. The term "out-of-school youth" means a youth described in section 129(a)(1)(B) [29 USCS § 3164(a)(1)(B)].

(47) Pay-for-performance contract strategy. The term "pay-for-performance contract strategy" means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) [29 USCS § 3174(c)(3)] or activities described in section 129(c)(2) [29 USCS § 3164(c)(2)], and includes--

(A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123 [29 USCS § 3152 or 3153], as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) [29 USCS § 3141(b)(2)(A)] for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;

(B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and

(C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 189(g)(4) [29 USCS § 3249(g)(4)].

(48) Planning region. The term "planning region" means a region described in subparagraph (B) or (C) of section 106(a)(2) [29 USCS § 3121(a)(2)], subject to section 107(c)(4)(B)(i) [29 USCS § 3122(c)(4)(B)(i)].

(49) Poverty line. The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(50) Public assistance. The term "public assistance" means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(51) Rapid response activity. The term "rapid response activity" means an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A) [29 USCS § 3174(a)(1)(A)], in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to

assist dislocated workers in obtaining reemployment as soon as possible, with services including--

(A) the establishment of onsite contact with employers and employee representatives--

(i) immediately after the State is notified of a current or projected permanent closure or mass layoff;
or

(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

(B) the provision of information on and access to available employment and training activities;

(C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;

(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

(52) Recognized postsecondary credential. The term "recognized postsecondary credential" means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

(53) Region. The term "region", used without further description, means a region identified under section 106(a) [29 USCS § 3121(a)], subject to section 107(c)(4)(B)(i) [29 USCS § 3122(c)(4)(B)(i)] and except as provided in section 106(b)(1)(B)(ii) [29 USCS § 3121(b)(1)(B)(ii)].

(54) School dropout. The term "school dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(55) Secondary school. The term "secondary school" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 [20 USCS § 7801].

(56) State. The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(57) State board. The term "State board" means a State workforce development board established under section 101 [29 USCS § 3111].

(58) State plan. The term "State plan", used without further description, means a unified State plan under section 102 [29 USCS § 3112] or a combined State plan under section 103 [29 USCS § 3113].

(59) Supportive services. The term "supportive services" means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act.

(60) Training services. The term "training services" means services described in section 134(c)(3) [29 USCS § 3174(c)(3)].

(61) Unemployed individual. The term "unemployed individual" means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau

of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(62) Unit of general local government. The term "unit of general local government" means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

(63) Veteran; related definition.

(A) Veteran. The term "veteran" has the meaning given the term in [section 101 of title 38, United States Code](#).

(B) Recently separated veteran. The term "recently separated veteran" means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.

(64) Vocational rehabilitation program. The term "vocational rehabilitation program" means a program authorized under a provision covered under paragraph (13)(D).

(65) Workforce development activity. The term "workforce development activity" means an activity carried out through a workforce development program.

(66) Workforce development program. The term "workforce development program" means a program made available through a workforce development system.

(67) Workforce development system. The term "workforce development system" means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local board.

(68) Workforce investment activity. The term "workforce investment activity" means an employment and training activity, and a youth workforce investment activity.

(69) Workforce preparation activities. The term "workforce preparation activities" has the meaning given the term in section 203 [[29 USCS § 3272](#)].

(70) Workplace learning advisor. The term "workplace learning advisor" means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

(71) Youth workforce investment activity. The term "youth workforce investment activity" means an activity described in section 129 [[29 USCS § 3164](#)] that is carried out for eligible youth (or as described in section 129(a)(3)(A) [[29 USCS § 3164\(a\)\(3\)\(A\)](#)]).

History

(July 22, 2014, [P.L. 113-128](#), § 3, [128 Stat. 1429](#).)

(As amended Dec. 10, 2015, [P.L. 114-95](#), Title IX, Part B, § 9215(yyy)(1), [129 Stat. 2191](#).)

▼ Annotations

Notes

References in text:

"This Act" referred to in this section, is Act July 22, 2014, [P.L. 113-128](#), [121 Stat. 1425](#), popularly known as the Workforce Innovation and Opportunity Act, which appears generally as [29 USCS §§ 3101](#) et seq. For full classification of such Act, consult USCS Tables volumes.

Effective date of section:

This section took effect on July 1, 2015, as provided by § 506 of Act July 22, 2014, [P.L. 113-128](#), which appears as [29 USCS § 3101](#) note.

Amendments:

2015 . Act Dec. 10, 2015 (effective as provided by § 5 of such Act, which appears as [20 USCS § 6301](#) note), in paras. (34) and (55), substituted "section 8101 of the Elementary and Secondary Education Act of 1965" for "section 9101 of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 7801](#))".

Case Notes

Workforce Investment Act, former [29 USCS § 2801](#), does not manifest Congress's expressed or implied intent to foreclose [42 USCS § 1983](#) claims; thus, employee alleging political discrimination was not required to exhaust administrative remedies with regard to § 1983 claims. [Ramos v Consorcio de la Montana \(2003, DC Puerto Rico\) 286 F Supp 2d 126](#).

City's complaint seeking to enjoin federal oversight of its Federal Workforce Investment Act (Act), former [29 USCS § 2801](#) et seq., program was dismissed because ordinary principles of exhaustion of administrative remedies required court to defer to administrative process that was already in motion; judicial review was authorized in court of appeals rather than district court under Act. [Municipality of San Juan v Human Res. Occupational Dev. Council \(2005, DC Puerto Rico\) 371 F Supp 2d 52](#).

Unpublished Opinions

Unpublished: Although Job Training Partnership Act (JTPA), [29 USCS §§ 1501](#) et seq., under which State received certain federal grants was repealed, nothing in repealing provision, Workforce Investment Act of 1998, former [29 USCS §§ 2801](#) et seq., released or extinguished any liability of State with regard to funds that it received under JTPA and, thus, pursuant to [1 USCS § 109](#), State was still subject to liability for mispending JTPA funds. [Fla. Agency for Workforce Innovation v United States Dep't of Labor \(2006, CA11\) 176 Fed Appx 85](#).

Research References & Practice Aids

Code of Federal Regulations:

Office of the Secretary of Labor--Implementation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act, [29 CFR 38.0](#) et seq.

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