



User Name: MELANIE DELGADO

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29 USCS § 3112

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§ 3112. Unified State plan

(a)Plan. For a State to be eligible to receive allotments for the core programs, the Governor shall submit to the Secretary of Labor for the approval process described under subsection (c)(2), a unified State plan. The unified State plan shall outline a 4-year strategy for the core programs of the State and meet the requirements of this section.

(b)Contents.

(1)Strategic planning elements. The unified State plan shall include strategic planning elements consisting of a strategic vision and goals for preparing an educated and skilled workforce, that include--

(A)an analysis of the economic conditions in the State, including--

(i)existing and emerging in-demand industry sectors and occupations; and

(ii)the employment needs of employers, including a description of the knowledge, skills, and abilities, needed in those industries and occupations;

(B)an analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State;

(C)an analysis of the workforce development activities (including education and training) in the State, including an analysis of the strengths and weaknesses of such activities, and the capacity of State entities to provide such activities, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State;

(D)a description of the State's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A) [[29 USCS § 3141\(b\)\(2\)\(A\)](#)], in order to support economic growth and economic self-sufficiency, and of how the State will assess the overall effectiveness of the workforce investment system in the State; and

(E)taking into account analyses described in subparagraphs (A) through (C), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (D).

(2)Operational planning elements.

(A)In general. The unified State plan shall include the operational planning elements contained in this paragraph, which shall support the strategy described in paragraph (1)(E), including a description of how the State board will implement the functions under section 101(d) [[29 USCS § 3111\(d\)](#)].

(B)Implementation of State strategy. The unified State plan shall describe how the lead State agency with responsibility for the administration of a core program will implement the strategy described in paragraph (1)(E), including a description of--

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(i) the activities that will be funded by the entities carrying out the respective core programs to implement the strategy and how such activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies;

(ii) how the activities described in clause (i) will be aligned with activities provided under employment, training, education, including career and technical education, and human services programs not covered by the plan, as appropriate, assuring coordination of, and avoiding duplication among, the activities referred to in this clause;

(iii) how the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services including supportive services, to individuals;

(iv) how the State's strategy will engage the State's community colleges and area career and technical education schools as partners in the workforce development system and enable the State to leverage other Federal, State, and local investments that have enhanced access to workforce development programs at those institutions;

(v) how the activities described in clause (i) will be coordinated with economic development strategies and activities in the State; and

(vi) how the State's strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

(C) State operating systems and policies. The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(E), including a description of--

(i) the State board, including the activities to assist members of the State board and the staff of such board in carrying out the functions of the State board effectively (but funds for such activities may not be used for long-distance travel expenses for training or development activities available locally or regionally);

(ii)

(I) how the respective core programs will be assessed each year, including an assessment of the quality, effectiveness, and improvement of programs (analyzed by local area, or by provider), based on State performance accountability measures described in section 116(b) [[29 USCS § 3141\(b\)](#)]; and

(II) how other one-stop partner programs will be assessed each year;

(iii) the results of an assessment of the effectiveness of the core programs and other one-stop partner programs during the preceding 2-year period;

(iv) the methods and factors the State will use in distributing funds under the core programs, in accordance with the provisions authorizing such distributions;

(v)

(I) how the lead State agencies with responsibility for the administration of the core programs will align and integrate available workforce and education data on core programs, unemployment insurance programs, and education through postsecondary education;

(II) how such agencies will use the workforce development system to assess the progress of participants that are exiting from core programs in entering, persisting in, and completing postsecondary education, or entering or remaining in employment; and

(III) the privacy safeguards incorporated in such system, including safeguards required by section 444 of the General Education Provisions Act ([20 U.S.C. 1232g](#)) and other applicable Federal laws;

(vi) how the State will implement the priority of service provisions for veterans in accordance with the requirements of [section 4215 of title 38, United States Code](#);

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(vii) how the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188 [[29 USCS § 3248](#)], if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12101](#) et seq.), regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities; and

(viii) such other operational planning elements as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for effective State operating systems and policies.

(D) Program-specific requirements. The unified State plan shall include--

(i) with respect to activities carried out under subtitle B [[29 USCS §§ 3151](#) et seq.], a description of--

(I) State policies or guidance, for the statewide workforce development system and for use of State funds for workforce investment activities;

(II) the local areas designated in the State, including the process used for designating local areas, and the process used for identifying any planning regions under section 106(a) [[29 USCS § 3121\(a\)](#)], including a description of how the State consulted with the local boards and chief elected officials in determining the planning regions;

(III) the appeals process referred to in section 106(b)(6) [[29 USCS § 3121\(b\)\(6\)](#)], relating to designation of local areas;

(IV) the appeals process referred to in section 121(h)(2)(E) [[29 USCS § 3151\(h\)\(2\)\(E\)](#)], relating to determinations for infrastructure funding; and

(V) with respect to youth workforce investment activities authorized in section 129 [[29 USCS § 3164](#)], information identifying the criteria to be used by local boards in awarding grants for youth workforce investment activities and describing how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii) [[29 USCS § 3141\(b\)\(2\)\(A\)\(ii\)](#)] in awarding such grants;

(ii) with respect to activities carried out under title II, a description of--

(I) how the eligible agency will, if applicable, align content standards for adult education with challenging State academic standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 6311\(b\)\(1\)](#));

(II) how the State will fund local activities using considerations specified in section 231(e) [[29 USCS § 3321\(e\)](#)] for--

(aa) activities under section 231(b) [[29 USCS § 3321\(b\)](#)];

(bb) programs for corrections education under section 225 [[29 USCS § 3305](#)];

(cc) programs for integrated English literacy and civics education under section 243 [[29 USCS § 3333](#)]; and

(dd) integrated education and training;

(III) how the State will use the funds to carry out activities under section 223 [[29 USCS § 3303](#)];

(IV) how the State will use the funds to carry out activities under section 243 [[29 USCS § 3333](#)];

(V) how the eligible agency will assess the quality of providers of adult education and literacy activities under title II [[29 USCS §§ 3271](#) et seq.] and take actions to improve such quality, including providing the activities described in section 223(a)(1)(B) [[29 USCS § 3303\(a\)\(1\)\(B\)](#)];

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(iii)with respect to programs carried out under 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](#)), the information described in section 101(a) of that Act ([29 U.S.C. 721\(a\)](#)); and

(iv)information on such additional specific requirements for a program referenced in any of clauses (i) through (iii) or the Wagner-Peyser Act ([29 U.S.C. 49](#) et seq.) as the Secretary of Labor determines to be necessary to administer that program but cannot reasonably be applied across all such programs.

(E)Assurances. The unified State plan shall include assurances--

(i)that the State has established a policy identifying circumstances that may present a conflict of interest for a State board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts;

(ii)that the State has established a policy to provide to the public (including individuals with disabilities) access to meetings of State boards and local boards, and information regarding activities of State boards and local boards, such as data on board membership and minutes;

(iii)

(I)that the lead State agencies with responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the unified State plan, and approved the elements as serving the needs of the populations served by such programs; and

(II)that the State obtained input into the development of the unified State plan and provided an opportunity for comment on the plan by representatives of local boards and chief elected officials, businesses, labor organizations, institutions of higher education, other primary stakeholders, and the general public and that the unified State plan is available and accessible to the general public;

(iv)that the State has established, in accordance with section 116(i) [[29 USCS § 3141\(i\)](#)], fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through allotments made for adult, dislocated worker, and youth programs to carry out workforce investment activities under chapters 2 and 3 of subtitle B [[29 USCS §§ 3161](#) et seq., [3171](#) et seq.];

(v)that the State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under section 184(a)(3) [[29 USCS § 3244\(a\)\(3\)](#)];

(vi)that the State has taken the appropriate action to be in compliance with section 188 [[29 USCS § 3248](#)], if applicable;

(vii)that the Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program;

(viii)that the eligible agency under title II [[29 USCS §§ 3271](#) et seq.] will--

(I)expend the funds appropriated to carry out that title only in a manner consistent with fiscal requirements under section 241(a) [[29 USCS § 3331\(a\)](#)] (regarding supplement and not supplant provisions); and

(II)ensure that there is at least 1 eligible provider serving each local area;

(ix)that the State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 116 [[29 USCS § 3141](#)], from funds made available through each of the core programs; and

(x)regarding such other matters as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for the administration of the core programs.

(3)Existing analysis. As appropriate, a State may use an existing analysis in order to carry out the requirements of paragraph (1) concerning an analysis.

(c) Plan submission and approval.

(1) Submission.

(A) Initial plan. The initial unified State plan under this section (after the date of enactment of the Workforce Innovation and Opportunity Act [enacted July 22, 2014]) shall be submitted 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 this Act [enacted July 22, 2014].

(B) Subsequent plans. Except as provided in subparagraph (A), a unified State plan shall be submitted to the Secretary of Labor not later than 120 days prior to the end of the 4-year period covered by the preceding unified State plan.

(2) Submission and approval.

(A) Submission. In approving a unified State plan under this section, the Secretary shall submit the portion of the unified State plan covering a program or activity to the head of the Federal agency that administers the program or activity for the approval of such portion by such head.

(B) Approval. A unified State plan shall be subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval of the Commissioner of the Rehabilitation Services Administration for the portion of the plan described in subsection (b)(2)(D)(iii). The plan shall be considered to be approved at the end of the 90-day period beginning on the day the plan is submitted, unless the Secretary of Labor or the Secretary of Education makes a written determination, during the 90-day period, that the plan is inconsistent with the provisions of this section or the provisions authorizing the core programs, as appropriate.

(3) Modifications.

(A) Modifications. At the end of the first 2-year period of any 4-year unified State plan, the State board shall review the unified State plan, and the Governor shall submit modifications to the plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified State plan.

(B) Approval. A modified unified State plan submitted for the review required under subparagraph (A) shall be subject to the approval requirements described in paragraph (2). A Governor may submit a modified unified State plan at such other times as the Governor determines to be appropriate, and such modified unified State plan shall also be subject to the approval requirements described in paragraph (2).

(4) Early implementers. The Secretary of Labor, in conjunction with the Secretary of Education, shall establish a process for approving and may approve unified State plans that meet the requirements of this section and are submitted to cover periods commencing prior to the second full program year described in paragraph (1)(A).

History

(July 22, 2014, *P.L. 113-128*, Title I, Subtitle A, Ch. 1, § 102, *128 Stat. 1444*; May 22, 2015, *P.L. 114-18*, § 2(e)(1), *129 Stat. 213*.)

(As amended Dec. 10, 2015, *P.L. 114-95*, Title IX, Part B, § 9215(yyy)(2), *129 Stat. 2191*.)

Annotations

Notes

References in text:

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"This Act" referred to in the 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 May 22, 2015 (effective as if included in Act July 22, 2014, as provided by § 2(f) of Act May 22, 2015, which appears as a note to this section), in subsec. (b)(2)(D)(i)(III), substituted "section 106(b)(6)" for "section 106(b)(5)".

Act Dec. 10, 2015 (effective as provided by § 5 of such Act, which appears as [20 USCS § 6301](#) note), in subsec. (b)(2)(D)(ii)(I), substituted "with challenging State academic standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 6311\(b\)\(1\)](#))" for "with State-adopted challenging academic content standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 6311\(b\)\(1\)](#))".

Other provisions:

Effective date of May 22, 2015 amendments. Act May 22, 2015, *P.L. 114-18*, § 2(f), *129 Stat. 214*, provides: "The amendments made by this section [for full classification, consult USCS Tables volumes] shall take effect as if included in the Workforce Innovation and Opportunity Act [Act July 22, 2014, [P.L. 113-128](#)]."

Research References & Practice Aids

Code of Federal Regulations:

Employment and Training Administration, Department of Labor--Unified and combined state plans under Title I of the Workforce Innovation and Opportunity Act, [20 CFR 676.100](#) et seq.

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