



WORKFORCE INNOVATION AND OPPORTUNITY ACT

VIRGINIA WORKFORCE LETTER (VWL) No. 23-02

TO: Local Workforce Development Boards

FROM: Carrie Roth *Carrie Roth*
Commissioner, Virginia Works

SUBJECT: Performance Goal Negotiations Process

EFFECTIVE DATE: 5/22/2024

PURPOSE:

To inform Local Workforce Development Areas (LWDAs) of the guidelines for negotiating Workforce Innovation and Opportunity Act (WIOA) Title I performance levels.

REFERENCES:

TEGL 11-19, Change 1: Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs

WIOA Section 116, Performance Accountability System

WIOA Section 503, Transition Provisions

Government Performance and Results Act of 1993 (GPRA) (Public Law 103-62; 107 Stat. 285)

GPRA Modernization Act of 2010 (Public Law 111-352; 124 Stat. 3866)

WIOA Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions Final Rule, 20 CFR parts 676, 677, and 678 and 34 CFR parts 361 and 463

Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting (OMB No. 1205-0526)

DOL-only Performance Accountability, Information, and Reporting System (OMB No. 1205-0521)

Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act (OMB No. 1205-0522)

"A Methodology for Statistical Adjustment under WIOA" report (2016)

TEGL 10-16, Change 2: Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs

TEGL 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules

TEGL 03-17: WIOA Annual Performance Report Submission

TEN 24-23: Effectiveness in Serving Employers Final Rule Publication Notice

REVISIONS

Not Applicable

DEFINITIONS

- **Estimated levels of performance** are produced by the *local statistical adjustment model* prior to beginning the local negotiations process. *Estimated levels of performance* are considered, along with other factors, when determining negotiated levels of performance. Estimates are prepared separately for each core program and indicator.
- **Negotiated levels of performance** are the levels of performance for each of the primary indicators for each core program, agreed to by the state and the Local Workforce Development Board (LWDB). These levels must be incorporated into the Local Workforce Development Area Plan.
- **Adjusted levels of performance** are levels of performance determined by adjusting the *negotiated levels of performance* at the end of the program year to reflect actual characteristics of participants served and the actual economic conditions experienced, using the *local statistical adjustment model*.
- **Actual levels of performance** are the results reported for each of the primary indicators for each core program, by Local Workforce Development Area. *Actual levels of performance* will be compared to the *adjusted levels of performance* at the close of the program year to determine performance success or failure at the local level.

- **Local statistical adjustment model** is an objective regression model used to determine *the estimated levels of performance* and *adjusted levels of performance*. This local model was developed using a similar methodology to the statewide statistical adjustment model provided by the U.S. Department of Labor (DOL). Before the program year, the *local statistical adjustment model* determines *estimated levels of performance* that are used as a factor in the negotiations process. After the program year, the *statistical adjustment model* uses data on the actual economic conditions and characteristics of participants served in order to determine *adjusted levels of performance*. The economic and participant data used in the *local statistical adjustment model* are obtained from the U.S. Bureau of Labor Statistics and the Participant Individual Record Layout (PIRL). Variables were selected based on the DOL model.

BACKGROUND:

Section 116 of the WIOA specifies the core metrics that will be measured for the LWDB and the state. The following Primary Indicators of Performance are part of the performance accountability system under WIOA:

- The percentage of program participants who are in unsubsidized employment during the 2nd quarter after exit from the program (Adult and Dislocated Worker). For the Youth program, the percentage of program participants in education or training activities, or unsubsidized employment, during the 2nd quarter after exit.
- The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program (Adult and Dislocated Worker). For the Youth program, the percentage of program participants in education or training activities, or unsubsidized employment, during the 4th quarter after exit.
- The median earnings of program participants who are in unsubsidized employment in the 2nd quarter after exit from the program (Adult, Dislocated Worker, Youth).
- The percentage of program participants who attain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during program participation, or within 1 year after exit from the program (Adult, Dislocated Worker, Youth).
- The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment, and who are achieving measurable skill gains toward such a credential or employment (Adult, Dislocated Worker, Youth).
- The percentage of program participants who, during the program year, demonstrated a measurable skills gain.

- Effectiveness of the core programs in serving employers.

Section 116 (c) requires the state to negotiate performance levels for each indicator for the three core WIOA Title I programs (Adult, Dislocated Workers and Youth) with the LWDBs. Section 116 requires that a local statistical adjustment model be used in the performance negotiations process between the state and the LWDBs.

Effectiveness in Serving Employers is a statewide measure which will not be applied to the LWDA performance evaluation this performance cycle. This is expected to be applicable starting PY 2026.

See Attachment B indicating the Time Periods for Reporting Performance Information on the WIOA Annual Report that will be covered for applicable program year performance.

GUIDANCE:

The state's final performance levels negotiated with the U.S. DOL-ETA are included as Attachment A. As a next step, the state is required to negotiate performance levels with the local workforce development boards. The following is the performance negotiation process that the WIOA Title I Administrator will implement:

1. Provide the LWDBs with their proposed performance goals. As outlined in TEGL 11-19, these should be based on state negotiated levels of performance. Furthermore, TEGL 11-19 states that the following four factors must be considered in local negotiations: 1) negotiated levels of performance for other local areas; 2) estimated levels of performance produced by the local statistical adjustment model; 3) continuous improvement, and 4) goals established by the Government Performance and Results Act (GPRA) of 1993.
2. Distribute the local statistical adjustment model (created based on guidance provided by U.S. DOL-ETA) that is pre-populated with LWDA data. The local statistical adjustment model will be provided as an Excel spreadsheet that calculates estimated and adjusted performance for each LWDA using the required methodology. Estimated levels of performance produced by the statistical adjustment model will be used to inform the negotiations process prior to the performance period. Adjusted levels of performance produced by the statistical adjustment model will be used to evaluate success after the end of the performance period.
 - a. Each LWDB will receive an email from the WIOA Title I Workforce Performance and Evaluation Coordinator that will contain the local statistical adjustment model and instructions for using it.

3. Virginia will use the same thresholds for determining performance success or failure at the local level that U.S. DOL-ETA will use for state determinations. See TEGL 11-19 for guidance. Performance failure will be defined as follows:
 - a. An overall local program score that falls below 90% of the average of all individual indicator scores for a single core program.
 - b. An individual performance indicator score that falls below 50% of the adjusted level of performance.
4. If a local area fails to meet performance goals, they may receive the following sanctions and are required to complete the appropriate remedial actions based in the Sanctions and Appeals Policy:
 - a. Level 2 Sanction: Failure to meet adjusted levels of performance of programmatic or fiscal performance for the same performance measure under WIOA Title I formula funds for two consecutive years.
 - b. Level 3 Sanction: Failure to meet adjusted levels of performance of programmatic or fiscal performance for the same performance measure under WIOA Title I formula funds for three consecutive years.

Context—The negotiated (estimated) levels of performance are based on Virginia’s negotiated level of performance with DOLETA for state level performance. The performance levels will be adjusted once the actual data is reported at the end of the program year and will become the adjusted levels of performance. The adjusted levels of performance will be used to determine compliance.

5. If the LWDA agrees with the proposed performance levels, they shall submit in writing their acceptance of the proposed performance goals within 14 calendar days.
6. If the local area does not accept the proposed performance levels, the local area must provide alternative levels with a justification for the local proposed levels in writing by 14 calendar days. The justification should be submitted to the WIOA Title I Administrator at LWDBinquiries@viriniaworks.gov and should include the following:
 - a. The local economic conditions that are impacting the local area’s ability to meet the Virginia Works proposed levels.

- b. Demographics of participants being served by the local area, that are not represented in the local statistical adjustment model and describe the extent that these characteristics impact local performance.
 - c. The extent to which the locally proposed numbers assist the local area in meeting the goals established under the Government Performance and Results Act (GPRA).
 - d. Any additional information that the LWDB believes pertinent to support not accepting the proposed performance levels.
 - e. The locally proposed levels and justifications will be reviewed and a negotiation process will occur if necessary.
7. The Title I Administrator will issue the LWDB a letter indicating acceptance of negotiated performance levels. The LWDB shall include the negotiated performance goals in their WIOA LWDA Local Plans.

Virginia will consider and incorporate changes that come from DOL as appropriate.

The key dates in the Performance Negotiation Process are listed in Attachment C Timeline.

ACTION REQUIRED:

Each LWDB will be provided with the following:

- Proposed performance goals
- Local Area Tool
- Applicable Program Year WIOA performance data

LWDBs must submit in writing an acceptance or non-acceptance of the proposed performance goals by 3 p.m., 14 calendar days of the distribution of the proposed performance goals. An email addressed to the WIOA Title I Administrator indicating acceptance or non-acceptance must be sent to LWDBinquiries@virginiaworks.gov and the subject line should state applicable years "PY 2024 and PY 2025 WIOA Performance Goals". An email response will be sent within two (2) business days acknowledging receipt. If the LWDB does not accept the proposed performance goals, see Guidance, Section 6 of this VWL for additional information to include in the non-acceptance letter.

INQUIRIES:

Please submit inquiries regarding this VWL to:

Virginia Works

WIOA Title I Administrator

6606 W. Broad Street

Richmond, VA 23230

LWDBinquiries@viriniaworks.gov

Attachment A
Virginia Negotiated Performance Levels under the Workforce Innovation and
Opportunity Act
Program Years 2024 and 2025

WIOA Performance Measures	Virginia	
	Final Negotiated Goals	
	PY 2024	PY 2025
WIOA Adults		
Employment (Second Quarter after Exit)	82.0%	83.0%
Employment (Fourth Quarter after Exit)	80.0%	81.0%
Median Earnings	\$ 7,500.00	\$ 8,000.00
Credential Attainment Rate	75.0%	75.0%
Measurable Skill Gains	70.0%	71.0%
WIOA Dislocated Workers		
Employment (Second Quarter after Exit)	86.0%	86.0%
Employment (Fourth Quarter after Exit)	84.0%	85.0%
Median Earnings	\$ 9,500.00	\$ 10,000.00
Credential Attainment Rate	73.0%	74.0%
Measurable Skill Gains	67.0%	68.0%
WIOA Youth		
Employment (Second Quarter after Exit)	77.0%	78.0%
Employment (Fourth Quarter after Exit)	76.0%	77.0%
Median Earnings	\$ 4,500.00	\$ 4,700.00
Credential Attainment Rate	68.5%	68.5%
Measurable Skill Gains	67.0%	68.0%

Attachment B
WIOA PERIODS FOR REPORTING OUTCOMES
Time Periods for Reporting Performance Information on the WIOA Annual Report

Program Year 2024 Annual Report Report Due Date: October 1, 2025	
Number Served (Reportable Individual)	7/1/2024 to 6/30/2025
Number Exited (Reportable Individual)	4/1/2024 to 3/31/2025
Funds Expended	7/1/2024 to 6/30/2025
Number Served (Participants)	7/1/2024 to 6/30/2025
Number Exited (Participants)	4/1/2024 to 3/31/2025
Employment Rate Second Quarter after Exit	7/1/2023 to 6/30/2024
Employment Rate Fourth Quarter after Exit	1/1/2023 to 12/31/2023
Median Earnings Second Quarter after Exit	7/1/2023 to 6/30/2024
Credential Attainment Rate	1/1/2023 to 12/31/2023
Measurable Skill Gains	7/1/2024 to 6/30/2025
Effectiveness in Serving Employers	7/1/2024 to 6/30/2025
Veterans Priority of Service	7/1/2024 to 6/30/2025

Program Year 2025 Annual Report Report Due Date: October 1, 2026	
Number Served (Reportable Individual)	7/1/2025 to 6/30/2026
Number Exited (Reportable Individual)	4/1/2025 to 3/31/2026
Funds Expended	7/1/2025 to 6/30/2026
Number Served (Participants)	7/1/2025 to 6/30/2026
Number Exited (Participants)	4/1/2025 to 3/31/2026
Employment Rate Second Quarter after Exit	7/1/2024 to 6/30/2025
Employment Rate Fourth Quarter after Exit	1/1/2024 to 12/31/2024
Median Earnings Second Quarter after Exit	7/1/2024 to 6/30/2025
Credential Attainment Rate	1/1/2024 to 12/31/2024
Measurable Skill Gains	7/1/2025 to 6/30/2026
Effectiveness in Serving Employers	7/1/2025 to 6/30/2026
Veterans Priority of Service	7/1/2025 to 6/30/2026

Attachment C

Timeline

Date	Event
May 22, 2024	Issue VWL. Local WIOA Performance Negotiations with PY 2024 and PY 2025 performance goals negotiation process and timeline.
May 28, 2024	Distribute proposed performance goals to each LWDB.
June 11, 2024	Deadline to submit acceptance/non-acceptance of proposed performance goals.
June 12, 2024 – June 21, 2024	Review of LWDB Proposed Performance goals.
June 24, 2024 – July 19, 2024	Individual calls scheduled to negotiate local performance goals.
July 19, 2024	Performance goals negotiation process finalized, and acceptance letters distributed to the LWDBs.
July 31, 2024	Notify DOL-ETA that local performance goals negotiation process complete.