

repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Pub. L. 113-128, title V, §506, July 22, 2014, 128 Stat. 1703, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this Act, this Act [see Tables for classification], including the amendments made by this Act, shall take effect on the first day of the first full program year after the date of enactment of this Act [July 22, 2014].

“(b) APPLICATION DATE FOR WORKFORCE DEVELOPMENT PERFORMANCE ACCOUNTABILITY SYSTEM.—

“(1) IN GENERAL.—Section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871), as in effect on the day before the date of enactment of this Act, shall apply in lieu of section 116 of this Act [29 U.S.C. 3141], for the first full program year after the date of enactment of this Act.

“(2) SPECIAL PROVISIONS.—For purposes of the application described in paragraph (1)—

“(A) except as otherwise specified, a reference in section 136 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in such section or section 112 of such Act [29 U.S.C. 2822], shall be deemed to refer to the corresponding provision of this Act;

“(B) the terms ‘local area’, ‘local board’, ‘one-stop partner’, and ‘State board’ have the meanings given the terms in section 3 of this Act [29 U.S.C. 3102];

“(C) except as provided in subparagraph (B), terms used in such section 136 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801);

“(D) any agreement negotiated and reached under section 136(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(c)(2)) shall remain in effect, until a new agreement is so negotiated and reached, for that first full program year;

“(E) if a State or local area fails to meet levels of performance under subsection (g) or (h), respectively, of section 136 of the Workforce Investment Act of 1998 [29 U.S.C. 2871(g), (h)] during that first full program year, the sanctions provided under such subsection shall apply during the second full program year [probably means beginning July 1, 2016] after the date of enactment of this Act; and

“(F) the Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under section 136(g)(1)(B) of such Act (29 U.S.C. 2871(g)(1)(B)), to provide technical assistance as described in subsections (f)(1) and (g)(1) of section 116 of this Act [29 U.S.C. 3141(f)(1), (g)(1)], in lieu of incentive grants under section 503 of the Workforce Investment Act of 1998 (20 U.S.C. 9273) as provided in section 136(g)(2) of such Act (29 U.S.C. 2871(g)(2)).

“(c) APPLICATION DATE FOR STATE AND LOCAL PLAN PROVISIONS.—

“(1) IMPLEMENTATION.—Sections 112 and 118 of the Workforce Investment Act of 1998 (29 U.S.C. 2822, 2833), as in effect on the day before the date of enactment of this Act, shall apply to implementation of State and local plans, in lieu of sections 102 and 103, and section 108, respectively, of this Act [29 U.S.C. 3112, 3113, 3123], for the first full program year after the date of enactment of this Act.

“(2) SPECIAL PROVISIONS.—For purposes of the application described in paragraph (1)—

“(A) except as otherwise specified, a reference in section 112 or 118 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in or to either such section or to section 136 of such Act, shall be deemed to refer to the corresponding provision of this Act;

“(B) the terms ‘local area’, ‘local board’, ‘one-stop partner’, and ‘State board’ have the meanings given the terms in section 3 of this Act;

“(C) except as provided in subparagraph (B), terms used in such section 112 or 118 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801); and

“(D) section 112(b)(18)(D) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(18)(D)) shall not apply.

“(3) SUBMISSION.—Sections 102, 103, and 108 of this Act shall apply to plans for the second full program year after the date of enactment, including the development, submission, and approval of such plans during the first full program year after such date.

“(d) DISABILITY PROVISIONS.—Except as otherwise provided in title IV of this Act, title IV [see Tables for classification], and the amendments made by title IV, shall take effect on the date of enactment of this Act.”

[The first full program year after the date of enactment of Pub. L. 113-128, referred to in section 506 of Pub. L. 113-128, set out above, begins on July 1, 2015, based on section 189(g)(1)(A) of Pub. L. 113-128, which is classified to section 3249(g)(1)(A) of this title.]

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-18, §1, May 22, 2015, 129 Stat. 213, provided that: “This Act [amending sections 780, 3112, 3121, 3122, 3141, 3164, 3172, and 3174 of this title and enacting provisions set out as notes under sections 780 and 3112 of this title] may be cited as the ‘WIOA Technical Amendments Act.’”

SHORT TITLE

Pub. L. 113-128, §1(a), July 22, 2014, 128 Stat. 1425, provided that: “This Act [see Tables for classification] may be cited as the ‘Workforce Innovation and Opportunity Act.’”

Pub. L. 113-128, title II, §201, July 22, 2014, 128 Stat. 1608, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Adult Education and Family Literacy Act.’”

DECLARATION OF POLICY

Pub. L. 102-367, title I, §101(a), Sept. 7, 1992, 106 Stat. 1022, provided that: “In recognition of the training needs of low-income adults and youth, the Congress declares it to be the policy of the United States to—

“(1) provide financial assistance to States and local service delivery areas to meet the training needs of such low-income adults and youth, and to assist such individuals in obtaining unsubsidized employment;

“(2) increase the funds available for programs under title II of the Job Training Partnership Act ([former] 29 U.S.C. 1601 et seq.) by not less than 10 percent of the baseline each fiscal year to provide for growth in the percentage of eligible adults and youth served above the 5 percent of the eligible population that is currently served; and

“(3) encourage the provision of longer, more comprehensive, education, training, and employment services to the eligible population, which also requires increased funding in order to maintain current service levels.”

§ 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 part B of subchapter I and recipients of awards under parts C and D of subchapter I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of ad-

ministrative functions and in carrying out activities under subchapter 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 3172 of this title, 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 3272 of this title.

(4) Area career and technical education school

The term “area career and technical education school” has the meaning given the term in section 2302 of title 20.

(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 2302 of title 20.

(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 post-secondary 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 3226 of this title);

(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 post-secondary 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 3122(c)(1)(B) of this title.

(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) subparts 2 and 3 of part B of subchapter I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);

(B) subchapter II (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 3151(e) of this title, 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 3174(c)(3) of this title, career services described in section 3174(c)(2)(A)(xii) of this title, 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), 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) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10 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, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38) 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 parts C and D of subchapter I, 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 3174 of this title 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 3272 of this title.

(21) English language learner

The term “English language learner” has the meaning given the term in section 3272 of this title.

(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 3221 of this title.

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

(E) Older individuals.

(F) Ex-offenders.

(G) Homeless individuals (as defined in section 14043e-2(6) of title 42), or homeless children and youths (as defined in section 11434a(2) of title 42).

(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 3222(i) of this title.

(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 12102 of title 42.

(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 3164(a)(1)(C) of this title.

(28) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1001 of title 20, and subparagraphs (A) and (B) of section 1002(a)(1), of title 20.

(29) Integrated education and training

The term “integrated education and training” has the meaning given the term in section 3272 of this title.

(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 3272 of this title.

(32) Local area

The term “local area” means a local workforce investment area designated under section 3121 of this title, subject to sections 3121(c)(3)(A), 3122(c)(4)(B)(i), and 3249(i) of this title.

(33) Local board

The term “local board” means a local workforce development board established under section 3122 of this title, subject to section 3122(c)(4)(B)(i) of this title.

(34) Local educational agency

The term “local educational agency” has the meaning given the term in section 7801 of title 20.

(35) Local plan

The term “local plan” means a plan submitted under section 3123 of this title, subject to section 3121(c)(3)(B) of this title.

(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 14043e-2(6) of title 42), or a homeless child or youth (as defined under section 11434a(2) of title 42);

(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 3151(e)(2) of this title.

(41) One-stop operator

The term “one-stop operator” means 1 or more entities designated or certified under section 3151(d) of this title.

(42) One-stop partner

The term “one-stop partner” means—

(A) an entity described in section 3151(b)(1) of this title; and

(B) an entity described in section 3151(b)(2) of this title 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 3151(b) of this title 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 3174(c)(3)(H) of this title, 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 3164(a)(1)(B) of this title.

(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 3174(c)(3) of this title or activities described in section 3164(c)(2) of this title, 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 3152 or 3153 of this title, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 3141(b)(2)(A) of this title 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 3249(g)(4) of this title.

(48) Planning region

The term “planning region” means a region described in subparagraph (B) or (C) of section 3121(a)(2) of this title, subject to section 3122(c)(4)(B)(i) of this title.

(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 9902(2) of title 42) 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 3174(a)(1)(A) of this title, in the case of a permanent clo-

sure 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 3121(a) of this title, subject to section 3122(c)(4)(B)(i) of this title and except as provided in section 3121(b)(1)(B)(ii) of this title.

(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 7801 of title 20.

(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 3111 of this title.

(58) State plan

The term “State plan”, used without further description, means a unified State plan under

section 3112 of this title or a combined State plan under section 3113 of this title.

(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 3174(c)(3) of this title.

(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.

(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 3272 of this title.

(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 3164 of this title that is carried out for eligible youth (or as described in section 3164(a)(3)(A) of this title).

(Pub. L. 113–128, §3, July 22, 2014, 128 Stat. 1429; Pub. L. 114–95, title IX, §9215(yyy)(1), Dec. 10, 2015, 129 Stat. 2191.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The National Apprenticeship Act, referred to in par. (7)(B), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, which is classified generally to chapter 4C (§50 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 50 of this title and Tables.

The Wagner-Peyser Act, referred to in par. (13)(C), is act June 6, 1933, ch. 49, 48 Stat. 113, which is classified generally to chapter 4B (§49 et seq.) of this title. Sections 1 to 13 of the Act are classified to sections 49 to 49c, 49d, and 49e to 49f of this title, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 49 of this title and Tables.

The Rehabilitation Act of 1973, referred to in par. (13)(D), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355. Title I of the Act is classified generally to subchapter I (§720 et seq.) of chapter 16 of this title. Part C of title I of the Act is classified generally to part C (§741) of subchapter I of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

The Social Security Act, referred to in pars. (24)(K) and (36)(A)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. Title XVI of the Act is classified generally to subchapter XVI (§1381 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Food and Nutrition Act of 2008, referred to in par. (36)(A)(i), is Pub. L. 88–525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

The Richard B. Russell National School Lunch Act, referred to in par. (36)(A)(iv), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Wel-

fare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

AMENDMENTS

2015—Pars. (34), (55). Pub. L. 114-95 made technical amendments to references in original act which appear in text as references to section 7801 of title 20.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

SUBCHAPTER I—WORKFORCE DEVELOPMENT ACTIVITIES

PART A—SYSTEM ALIGNMENT

SUBPART 1—STATE PROVISIONS

§ 3111. State workforce development boards

(a) In general

The Governor of a State shall establish a State workforce development board to carry out the functions described in subsection (d).

(b) Membership

(1) In general

The State board shall include—

- (A) the Governor;
- (B) a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and
- (C) members appointed by the Governor, of which—

(i) a majority shall be representatives of businesses in the State, who—

(I) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in section 3122(b)(2)(A)(i) of this title;

(II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

(III) are appointed from among individuals nominated by State business organizations and business trade associations;

(ii) not less than 20 percent shall be representatives of the workforce within the State, who—

(I) shall include representatives of labor organizations, who have been nominated by State labor federations;

(II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;

(III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and

(IV) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; and

(iii) the balance—

(I) shall include representatives of government, who—

(aa) shall include the lead State officials with primary responsibility for the core programs; and

(bb) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and

(II) may include such other representatives and officials as the Governor may designate, such as—

(aa) the State agency officials from agencies that are one-stop partners not specified in subclause (I) (including additional one-stop partners whose programs are covered by the State plan, if any);

(bb) State agency officials responsible for economic development or juvenile justice programs in the State;

(cc) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 3221(b) of this title; and

(dd) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

(2) Diverse and distinct representation

The members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.

(3) No representation of multiple categories

No person shall serve as a member for more than 1 of—

(A) the category described in paragraph (1)(C)(i); or

(B) 1 category described in a subclause of clause (ii) or (iii) of paragraph (1)(C).

(c) Chairperson

The Governor shall select a chairperson for the State board from among the representatives described in subsection (b)(1)(C)(i).