

Legislation to Action: A Data Driven Approach to State and Local In-Demand Occupations

Presented by the U.S. Department of Labor, Employment and Training Administration

Today's Objectives

CONTINUING the CONVERSATION
2017 WIOA National Convenings

- Learn how to go from complicated statutory language to sound methodology for in-demand occupations.
- Learn how state labor market information offices can partner with state and local workforce agencies.
- Learn how a local workforce board interprets state data to create a local high-demand list that drives decision-making in the region.

Today's Agenda

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- Adventure with WIOA and In-Demand Occupations
- Creating a Hot Jobs List
- Activity: Defining an In-Demand Jobs List

The Regulations

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- 20 CFR 678.430(a)(4)(ii) and (a)(6): Career Services provided to businesses, LMI for businesses https://www.govregs.com/regulations/title20_chapterV_part678_subpartB_section678.430
- 20 CFR 678.435: What are business services and how are they provided https://www.govregs.com/regulations/20/678.435
- 20 CFR 678.440: Fees for business services https://www.govregs.com/regulations/20/678.440
- 20 CFR 680.140(2)(i-iii): Services provided by Local WDBs to businesses https://www.govregs.com/regulations/20/680.140

Guidance & Specific TA

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WorkforceGPS: Data Driven In Demand Occupations

- Labor Market Planning for Data-Driven Results - Getting Outcomes that Change Labor Markets https://ion.workforcegps.org/resources/2016/02/08/21/53/Labor_Market_Planning_Data-Driven_Results_that_Change_LMs
- Occupational Training Leading to Credentials - the Success of Job-Driven Training https://ion.workforcegps.org/resources/2015/12/07/18/50/Occupational_Training_Credentials_and_ETPL_Provisions_in_WOIA
- Industry/Occupation Data https://ion.workforcegps.org/resources/browse?id=201F49E0526D465F8A8AD6CAA9C921A2

WIOA: An opportunity for state labor market information offices . . .

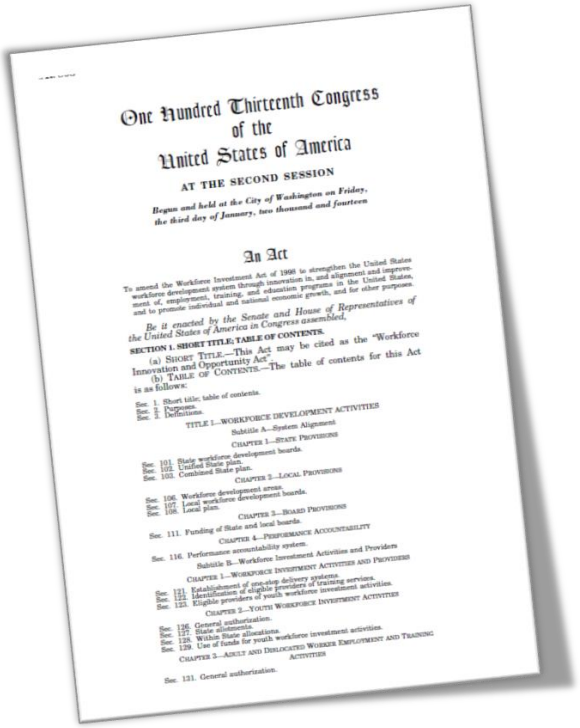
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As a state Labor Market Information (LMI) office, we believe WIOA represents a change not only for federal workforce policy, but also for offices like ours. And, we are taking advantage of this opportunity!

1. We will provide leadership and statutory interpretation regarding the Act, particularly sections related to workforce information.
2. We will ensure federal-state cooperative programs are producing the types of information required by the Act.
3. We will align our products and services to the information needs of our customers for successful implementation of the Act.

Leadership and Statutory Interpretation

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One Hundred Thirteenth Congress
of the
United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Friday, the third day of January, two thousand and fourteen

An Act

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Workforce Innovation and Opportunity Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.
TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES
Subtitle A—System Alignment
CHAPTER 1—STATE PROVISIONS
Sec. 101. State workforce development boards.
Sec. 102. Unified State plan.
Sec. 103. Combined State plan.
CHAPTER 2—LOCAL PROVISIONS
Sec. 106. Workforce development areas.
Sec. 107. Local workforce development boards.
Sec. 108. Local plan.
CHAPTER 3—BOARD PROVISIONS
Sec. 111. Funding of State and local boards.
CHAPTER 4—PERFORMANCE ACCOUNTABILITY
Sec. 116. Performance accountability system.
Subtitle B—Workforce Investment Activities and Providers
CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS
Sec. 121. Establishment of one-stop delivery systems.
Sec. 122. Identification of eligible providers of training services.
Sec. 123. Eligible providers of youth workforce investment activities.
CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES
Sec. 126. General authorization.
Sec. 127. State allotments.
Sec. 128. within State allocations.
Sec. 129. Use of funds for youth workforce investment activities.
CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES
Sec. 131. General authorization.

Leadership

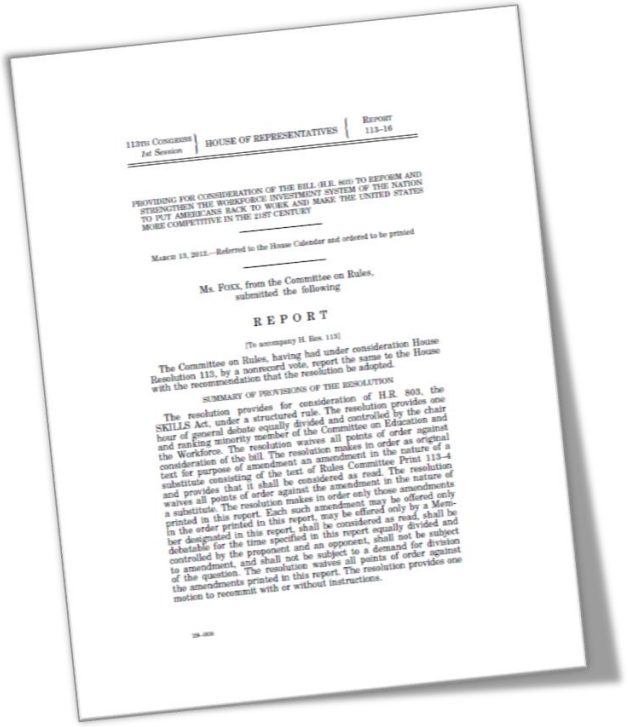
1. Unified State Plan
2. Regional / Local Plans
3. Successful Implementation

Statutory Interpretation

1. Intent
2. Purpose
3. Text

Resources for Statutory Interpretation

- Statute
- Legislative History
  - Congressional Record
  - Committee Reports
  - Hearings
- Proposed Rules
- Final Rules



113TH CONGRESS 1st Session | HOUSE OF REPRESENTATIVES | REPORT 113–16

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 803) TO REFORM AND STRENGTHEN THE WORKFORCE INVESTMENT SYSTEM OF THE NATION TO PUT AMERICANS BACK TO WORK AND MAKE THE UNITED STATES MORE COMPETITIVE IN THE 21ST CENTURY

MARCH 13, 2013.—Referred to the House Calendar and ordered to be printed

Ms. FOXX, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 113]

The Committee on Rules, having had under consideration House Resolution 113, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 803, the SKILLS Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–4 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Innovation & Opportunity Network
Implementing WIOA

WIOA: Purpose

Preamble – An Act "To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes."
128 STAT. 1425.

Our checklist for the interpretation of various provisions in WIOA . . .

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- Is the term defined in the text of the Act?
- Is the term defined in the definitions section of the Act?
- Is the term defined in the proposed / final rules?
- Is the term interpreted by courts?

If not, then . . .

- Interpret the term consistent with its plain meaning
- Interpret the term consistent with legislative intent
- Interpret the term consistent with legislative purpose
- Interpret the term consistent with legislative history

Example: "Individuals with Barriers to Employment"

- Recall, one purpose of WIOA is: "To increase, for individuals in the United States, particularly those individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market." 128 STAT 1428-29.
- So, who are those "individuals with barriers to employment"?

Individuals with Barriers to Employment

- According to the Act, the term "individual with a barrier to employment" means a member of 1 or more of the following populations . . .
  - "Displaced homemaker, low-Income individual, . . ., individuals with disabilities, older individuals, ex-offenders, homeless individuals, . . ., long-term unemployed . . ."
  - "Such other groups as the Governor involved determines to have barriers to employment." 128 STAT. 1433-34.

Individuals with Disabilities

According to the Act, the term "individuals with disabilities" means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990. 128 STAT. 1434.

The term "disability" means, with respect to an individual –

A. A physical or mental impairment that substantially limits one or more major life activities of such individual;

B. A record of such an impairment; or

C. Being regarded as having such an impairment (as described in paragraph (3)).

Note: See Americans with Disabilities Act of 1990 (42 U.S.C. 12102)

"In-Demand," and the determination of "In-Demand" industry sectors or occupations

- The term "In-Demand" appears 35 times in the Act, even more often in the legislative history, and appears throughout the final rules.
- 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." 128 STAT. 1433

Example: Section 102 and "In-Demand Occupations" in the Unified State Plan

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(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

Defining: "In-Demand"

- In-Demand – "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."
- **Note:** We found (at least) three more terms: "economic self-sufficiency," "opportunities for advancement," and "significant impact."

But, First . . . What is an "Occupation"

- Occupation – We believe this refers to Standard Occupational Classification (SOC) occupations.
- Since other parts of the Act specifically refer to "Occupational Clusters," we believe Congress intended this section to refer to regular occupations.
- **Note:** Alternative definitions may exist for occupation, but be careful!

Defining: "In-Demand"

- Economic Self-Sufficiency – We believe this refers to high-demand, high-wage positions.
  - **Question: How are you defining "economic self-sufficiency?**
- Opportunities for Advancement – We believe this means having a career pathway, since the concept is discussed in other parts of the Act.
- Significant Impact – We believe, among other things, this refers to the size of an occupation.

Defining: Existing and Emerging

- Existing – Given the purpose of the Act, we believe "existing" refers to current in-demand occupations.
- Emerging – Given the purpose of the Act, we believe "emerging" refers to future in-demand occupations.
- **Note:** Now, we must also define "current" and "future." And, we have data that can help!

Data Sources: Existing and Emerging In-Demand Occupations

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WIOA Term	Interpretation	Data	Source
"Existing" In-Demand	Current Demand	Short-Term Projections (2018) / "Real-Time" LMI	Employment Projections (EP) Program / Help Wanted Online Database
"Emerging" In-Demand	Future Demand	Long-Term Projections (2024)	Employment Projections (EP) Program
"High Wage"	Above Median Wage	Occupational Wages (2016)	Occupational Employment Statistics (OES)
"High Growth"	Above Average	Short-Term / Long-Term Projections	Employment Projections (EP) Program

Sample Methodology: "Existing" In Demand Occupations

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1. Eliminate occupations below some minimum employment level. ("significant impact" test)
2. Eliminate occupations showing below average growth over the short term. ("number of positions" test)
3. Eliminate occupations showing below average real-time online job advertisements. ("number of positions" test)
4. Eliminate occupations with an hourly wage below the statewide median. ("economic self-sufficiency" test)
5. Rank remaining occupations by short-term growth, real-time online job advertisements, and hourly wage.
6. Highlight occupations that have identified career pathway. ("opportunities for advancement" test)

Federal-State Cooperative Programs

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We believe that ensuring our federal-state cooperative programs are producing the types of information required by the Act is one of our central roles in WIOA implementation. As such, we have:

- Proposed production of 5-year industry and occupational projections through our Employment Projections (EP) program.
- Proposed production of population and labor force projections.
- Proposed federal-state cooperative program for Job Vacancy and Labor Turnover Survey (JOLTS) w/ Bureau of Labor Statistics.

The Next Step: Regional In-Demand Occupations

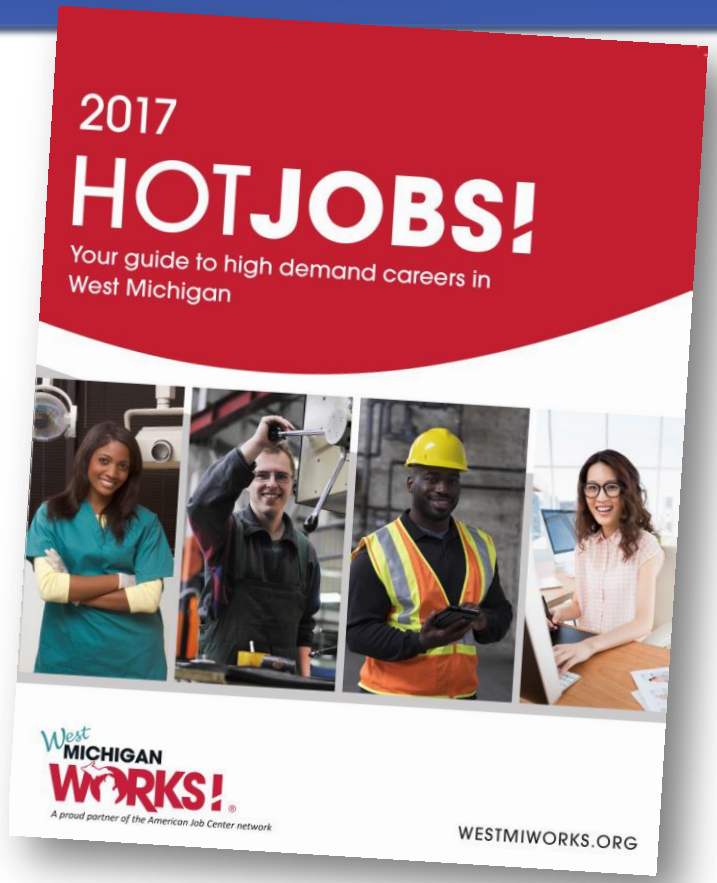
Working with our State Workforce Investment Board and regional partners (like West Michigan Works!):

1. We will provide regional data to workforce investment boards.
2. We will help build process for incorporating local intelligence / domain knowledge into in-demand analysis.

Creating a Local In-demand List

Creating the West Michigan Works! Hot Jobs List

- Methodology
- Who uses it and why
- Activity
- Considerations for future publications



Methodology

Compiling data

- MILMI
- EMSI
- Burning Glass







Methodology

Vetting the Data

- Michigan's Industry Cluster Approach: "…effective organizing framework for positively impacting economic and workforce development activities."
  - "Demand-driven"
  - Promotes in-depth industry knowledge
  - Allows for creative, comprehensive and collaborative approaches to addressing talent issues
  - Facilitates identification of non-traditional funding resources

Methodology

Vetting the Data

- Industry Councils

DISCOVER MANUFACTURING™

CONSTRUCTION WORKFORCE DEVELOPMENT ALLIANCE OF WEST MICHIGAN

wmihealthcareers

WEST MICHIGAN TECH TALENT

Methodology

Local Considerations

- High-demand industries
- Wage cutoff
- Regional vs. single county

Who & Why?

Who Uses the Hot Jobs List?

- Community colleges
- Community partners
- Job Seekers
- Workforce staff

"We appreciate the Hot Jobs List; its regional outlook matches our career placement region. We can be confident we're giving relevant information and guidance to students."

D. Rinsema-Sybenga
Muskegon Community College

Who & Why?

Why create a High-Demand list?

- Drive decision-making

Moving Forward

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Considerations for future publications

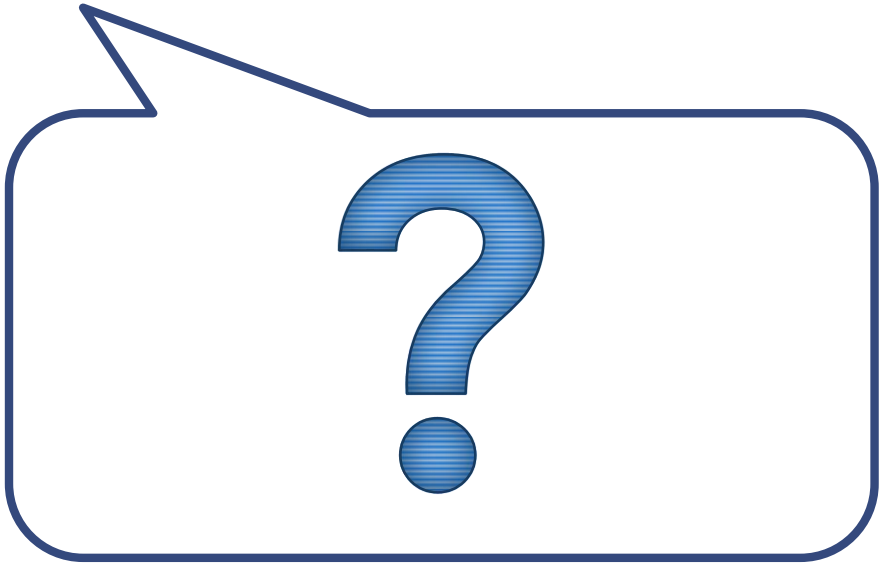
Activity: Defining an In-Demand Jobs List

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Using the data provided, work in your groups to begin to define an in-demand list for this local area. Use the guide below to begin discussing your methodology, questions, and decisions.

1. Look at the data provided. Is there any other information you'd like to know to make your decisions?
2. What will you use to determine your "cut off"? Number of openings historically? The projected growth rate? Wages? What else?
3. Will you do any additional vetting? What is it? Who do you want verifying your information?
4. What's your final list? How many are on it? How could you use this information?

Any Questions?



Resources

- MILMI: Michigan Bureau of Labor Market Information and Strategic Initiatives
- West Michigan Works!
- Bureau of Labor Statistics: Labor data for regions, states and local areas
- O*Net: "detailed descriptions of the world of work for use by job seekers, workforce development and HR professionals, students, researchers, and more!"
- LMI Institute: The Labor Market Information Institute is the pre-eminent resource for supporting the development, interpretation, and use of labor market information.
- Find your labor market information office

Contact Information

For questions regarding the information in presentation, send an email to*:

DOL.WIOA@dol.gov

*Please use Business Engagement as the subject line.

Thank you!