



June 21, 2022

Heidi Casta, Acting Administrator
Office of Policy Development and Research
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue NW, Room N-5641
Washington, DC 20210

Submitted via regulations.gov.

Re: Wagner-Peyser Act Staffing, ETA-2022-0003, RIN 1205-AC02

The Massachusetts Workforce Association (MWA) is a statewide membership association that leads, advocates, and convenes on behalf of the state's workforce development system. MWA provides a unified voice for the state's regionally-led workforce development system to ensure it is responsive to the dynamic demands of businesses, job seekers, incumbent workers, and youth throughout the Commonwealth.

MWA submits these comments to support the request that the Department elect "Alternative 1" under the NPRM and return to the pre 2020 Wagner-Peyser Act regulations, maintaining the exceptions for the demonstration states of Colorado, Massachusetts, and Michigan.

The Commonwealth of Massachusetts has operated the Wagner-Peyser Act Employment Services (ES) program under a limited exemption (demonstration project) model which was authorized by DOL in the early 1990s. The Massachusetts model permits ES staffing flexibility in four of its sixteen workforce areas: (1) Boston; (2) Greater Brockton; (3) Metro North; and (4) Hampden County, which collectively comprise 189 communities representing 37% of the Commonwealth's population. These workforce areas provide the same level of quality and consistency to the delivery of ES services as the other twelve local areas that utilize the merit-staffing model. The exemption has also allowed for the appropriate amount of flexibility between local and state staffing models to ensure that the needs of the customers, both jobseekers and employers, are met. However, in its latest NPRM, DOL seeks to eliminate this flexibility and impact service delivery in the Commonwealth.

Federal/State/Local Partnership Undermined With This Proposal

The congressional and practical intent of the Workforce Innovation and Opportunity Act (WIOA) as it was passed in 2014 was to better align and streamline workforce development service and delivery. That alignment leads to better program integration across the spectrum of workforce programs including Wagner Peyser, WIOA (Titles I and II), SNAP, TANF, and TAA, among others. In



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addition, local flexibility in staffing models has helped to achieve many of the objectives identified by WIOA and DOL, including:

- Development of industry/sector partnerships and career pathways;
- Greater employer engagement for sector-based training;
- Additional services for targeted populations of disadvantaged youth, veterans, homeless, individuals with disabilities;
- Coordination with other federal workforce development programs to increase alignment and improve outcomes; and
- Effective and customized staffing arrangements to meet the needs of jobseekers and employers.

DOL's unilateral decision to change the current staffing model that is deployed in Massachusetts disregards the benefits above and threatens to severely impact services to employers and jobseekers in four regions in Massachusetts. While we appreciate a need to balance the federal/state/local partnerships established by WIOA, this strict federal mandate undermines that balance without actually achieving any of the proposed benefits outlined in the NPRM.

Employment Services Staff Sharing during UI Surges

The main rationale for the DOL proposal is *'that alignment of ES and UI staffing, which would allow ES staff to respond to surges of demand in UI, is more important than the efficiencies that flexibility may promote.'*

The COVID-19 pandemic created a health and economic crisis across the world. The effects across the UI system with historic and overwhelming demand are well-documented. Justifying this proposal by relying on potential benefits during a public health crisis should not compromise ES which also saw increased demand during these events. Implementing a strict federal staffing mandate is not the only way to achieve the stated goal of improving UI service during emergencies. In addition, during the pandemic local MassHire Career Center staff (both merit and non-merit) were only able to pivot to the UI system as it was a public health crisis and MassHire Career Centers were physically closed to the public. During a normal recession/periods of high UI demand, MassHire Career Centers are too inundated with customers, needing both employment and basic UI assistance, to redeploy any staff to the UI system.

During the height of the COVID-19 pandemic in 2020 and 2021 in Massachusetts, the current ES delivery model in the four demonstration areas as well as the twelve other areas seamlessly pivoted to provide essential services to UI claimants, job seekers, and businesses. This approach in providing meaningful access to UI increased staff capacity to handle large volumes of customer questions with regard to UI. It was also done in partnership between state and local entities regardless of local staffing models. The DOL proposal creates an unnecessary binary choice for state and local agencies when it comes to staffing. While the workforce system supports a fully functioning UI benefit process, it also must prioritize customer needs for



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additional re-employment, training, and career services to reduce the time individuals remain unemployed.

Another important factor for consideration is the different eligibility criteria between UI and ES. Potentially reducing staff for ES will disproportionately impact those who are underemployed or not eligible for UI benefits like opportunity youth, veterans, women, and others. As an organization that supports DOL's Equity Action Plan, we raise this as this NPRM could negatively impact the objectives included in the plan.

Conclusion

On behalf of our members, we submit these comments to support the request that the Department elect "Alternative 1" under the NPRM and return to the pre 2020 Wagner-Peyser Act regulations and maintain the exceptions for the demonstration states of Massachusetts, Colorado, and Michigan. We appreciate the opportunity to provide these comments.

Sincerely,

Tonja Mettlach
Executive Director
Massachusetts Workforce Association