

Mass Workforce Issuance

100 DCS 18.101

Policy Information

To: Chief Elected Officials
Workforce Development Chairs
Workforce Development Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: April 23, 2015

Subject: **Instructions for Local Input: WIOA Notice of Proposed Rulemaking**

Purpose: The U.S. Department of Labor Employment and Training Administration (DOL/ETA) has posted the Workforce Innovation and Opportunity Act (WIOA) Notices of Proposed Rulemaking (NPRM) for public review and comment. This communication is to notify Local Workforce Development Boards, One-Stop Career Center Operators and other local workforce development partners of the process for the submission of local comments to be forwarded to U.S. DOL by the Executive Office of Labor and Workforce Development (EOLWD) on behalf of the Governor. The Department of Career Services (DCS) will collect, organize and prepare the comments from the Massachusetts workforce development system for submittal to U.S. DOL.

Background: On April 16, 2015, U.S. DOL released Training and Employment Notice (TEN) 29-14, Change 1, announcing the publication of the Notices of Proposed Rulemaking (NPRMs) in the Federal Register. The NPRMs are in five parts, each addressing different aspects of the law.

The NPRMs are subject to a review and comment period to provide the states with the opportunity to submit comments on the five proposed rules. Comments, both in support of the regulatory language and those that call attention to potential problems with the language are equally important. For example, NPRM language that supports a particular state's workforce development vision could be altered if a number of other states adversely comment on said language.

DCS will collect and organize input from the local workforce development system, compiling the collective input for Massachusetts in a single, comprehensive, non-duplicative document.

Action

Required: Please adhere to the following process for the submission of comments.

1. A template has been developed to facilitate submittal of comments to DCS. Please use ONLY the **WIOA NPRM Template** provided as an attachment to this issuance to submit your input.
2. Please review the draft Federal Regulations posted on the April 16th, 2015 Federal Register. Use only these source documents so that individual comments can be readily organized by page number and citation reference. The individual NPRM links are given below:
 - [Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provision](#)
 - [Workforce Innovation and Opportunity Act](#)
 - [Adult Education and Family Literacy Act \(AEFLA\)](#)
 - [State Vocational Rehabilitation Services program; State Supported Employment Services program; Limitations on Use of Subminimum Wage](#)
 - [Workforce Innovation and Opportunity Act, Miscellaneous Program Changes](#)
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3. Please review the attachment “*Tips for Submitting Effective Comments*” provided to assist in crafting comments on the NPRMs.
4. Please assign a **single point person** to collect local area or association comments.
5. That point person is to be identified in the WIOA NPRM Template and will be the single point of contact for questions or request for clarification from DCS staff.
6. Please enter all information into the appropriate column on the template, identifying:
 - a. Federal Register page number
 - b. Section (§)
 - c. The referenced WIOA text
 - d. Local commentary for the identified section
 - e. Submit template to WIOA@detma.org no later than May 12th

Please submit the completed WIOA NPRM Template to WIOA@detma.org no later than close of business, **May 12, 2015**. Only comments submitted on the attached template will be reviewed.

Note: this due date is driven by the requirement for states to provide comments to NASWA/NGA by May 18. DCS will provide immediate notification if there is an extension to this deadline.

Inquiries: Inquiries regarding this issuance can be made through the WIOA@detma.org mailbox.

Attachments: A. Regulations.gov – [Tips for Submitting Effective Comments](#)
B. WIOA NPRM Input Template

TIPS FOR SUBMITTING EFFECTIVE COMMENTS*

Overview

A comment can express simple support or dissent for a regulatory action. However, a constructive, information-rich comment that clearly communicates and supports its claims is more likely to have an impact on regulatory decision making.

These tips are meant to help the public submit comments that have an impact and help agency policy makers improve federal regulations.

Summary

- ✓ Read and understand the regulatory document you are commenting on
- ✓ Feel free to reach out to the agency with questions
- ✓ Be concise but support your claims
- ✓ Base your justification on sound reasoning, scientific evidence, and/or how you will be impacted
- ✓ Address trade-offs and opposing views in your comment
- ✓ There is no minimum or maximum length for an effective comment
- ✓ The comment process is not a vote – one well supported comment is often more influential than a thousand form letters

Detailed Recommendations

1. Comment periods close at 11:59 ET on the date comments are due - begin work well before the deadline.
2. Attempt to fully understand each issue; if you have questions or do not understand a part of the regulatory document, you may ask for help from the agency contact listed in the document.

Note: Although the agency contact can answer your questions about the document's meaning, official comments must be submitted through the comment form.

3. Clearly identify the issues within the regulatory action on which you are commenting. If you are commenting on a particular word, phrase or sentence, provide the page number, column, and paragraph citation from the federal register document.
 - a. If you chose to comment on the comments of others, identify such comments using their comment ID's before you respond to them.

4. If a rule raises many issues, do not feel obligated to comment on every one – select those issues that concern you the most, affect you the most, and/or you understand the best.
5. Agencies often ask specific questions or raise issues in rulemaking proposals on subjects where they are actively looking for more information. While they will still accept comments on any part of the proposed regulation, please keep these questions and issues in mind while formulating your comment.
6. Although agencies receive and appreciate all comments, constructive comments (either positive or negative) are the most likely to have an influence.
7. If you disagree with a proposed action, suggest an alternative (including not regulating at all) and include an explanation and/or analysis of how the alternative might meet the same objective or be more effective.
8. The comment process is not a vote. The government is attempting to formulate the best policy, so when crafting a comment it is important that you adequately explain the reasoning behind your position.
9. Identify credentials and experience that may distinguish your comments from others. If you are commenting in an area in which you have relevant personal or professional experience (i.e., scientist, attorney, fisherman, businessman, etc.) say so.
10. Agency reviewers look for sound science and reasoning in the comments they receive. When possible, support your comment with substantive data, facts, and/or expert opinions. You may also provide personal experience in your comment, as may be appropriate. By supporting your arguments well you are more likely to influence the agency decision making.
11. Consider including examples of how the proposed rule would impact you negatively or positively.
12. Comments on the economic effects of rules that include quantitative and qualitative data are especially helpful.
13. Include the pros and cons and trade-offs of your position and explain them. Consider other points of view, and respond to them with facts and sound reasoning.
14. Keep a copy of your comment in a separate file – this practice helps ensure that you will not lose your comment if you have a problem submitting it using the Regulations.gov web form.

Form Letters

Organizations often encourage their members to submit form letters designed to address issues common to their membership. Organizations including industry associations, labor unions, and conservation groups sometimes use form letters to voice their opposition or support of a proposed rule. Many in the public mistakenly believe that their submitted form letter constitutes a “vote” regarding the issues concerning them. Although public support or opposition may help guide important public policies, agencies make determinations for a proposed action based on sound reasoning and scientific evidence, not a majority of votes. A single, well-supported comment may carry more weight than a thousand form letters.

* Throughout this document, the term “*Comment*” is used in place of the more technically accurate term “*Public Submission*” in order to make the recommendations easier to read and understand.

Disclaimer: This document is intended to serve as a guide; it is not intended and should not be considered as legal advice. Please seek counsel from a lawyer if you have legal questions or concerns.

Attachment B

WIOA NPRM Local Area Input Template

Local Area:	
Contact Name:	
Affiliation/Agency:	
Phone:	
Email:	

Page#	Section	Reference Text	Comment
EXAMPLE: 20701	EXAMPLE: 679.150 or location on the page	Copy the WIOA text you are referencing here	What do you want to tell USDOL - A comment can express simple support or dissent for a regulatory action. However, a constructive, information-rich comment that clearly communicates and supports its claims is more likely to have an impact on regulatory decision making.