



National Coalition for Literacy

11 November 2022

The Honorable Marty Walsh
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

The Honorable Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

RE: RIN 1205-AC01—Notice of Proposed Rulemaking, 87 FR 56318
Docket No. ETA-2022-0006

Dear Secretary Walsh and Secretary Cardona:

As executive director of the National Coalition for Literacy (NCL), a membership coalition of organizations advancing adult education, I write on behalf of the NCL Board to thank you for the opportunity to comment on the Department of Labor and Department of Education's (DOL/ED) proposed rule on performance indicators for demonstrating the effectiveness of the Workforce Innovation and Opportunity Act (WIOA) system in serving employers. NCL's perspectives on the piloting process for approaches to determining effectiveness and on the potential effects of the proposed Retention with the Same Employer performance indicator are detailed in two sections below.

Comprehensiveness of Piloting Process

NCL applauds DOL/ED's decision to pilot three performance indicators and to allow States to propose their own innovative indicators as ways of determining the best approach to measuring WIOA's effectiveness in serving employers. NCL believes that testing new measures is the best way to learn the advantages and shortcomings of a proposed indicator. However, NCL is not confident that the field has had sufficient time to test the metrics or pilot new ones, because disruptions such as the COVID-19 pandemic have limited States' ability to innovate and opportunities to gather data. An extension of the pilot period would give States more flexibility and time to propose alternative measures that could better capture how effectively the WIOA system serves employers, particularly in the current economic environment where employers are seeking talent across all industries and offering signing bonuses, higher salaries, and other benefits. Such an extension would provide a more comprehensive and justifiable rationale for the choice of measure of effectiveness, and would also better inform the process of WIOA reauthorization in the 118th Congress. Therefore, NCL requests that DOL/ED extend the pilot period for another two years to allow for continued innovation, and that DOL/ED encourage States to propose additional innovative indicators that better capture the vision of an education and workforce training system that prepares workers for in-demand, well-paying careers.

Potential Effects of Proposed Rule

Adult education is part of the WIOA system. Adult education programs help workers secure the education and training they need to obtain jobs and move into careers that improve their lives and those of their families. When WIOA was first authorized, then-Vice President Biden’s “Ready to Work” report noted that a job-driven training agenda works to help “job seekers prepare for in-demand jobs and careers.” To function effectively, the training and education provided through WIOA must empower workers to move between jobs and between employers as they pursue better opportunities throughout the course of their careers. This, in fact, is the very heart of the holistic WIOA vision—to move away from “train and pray” and labor exchange to a career pathway system that continually advances people in their education and employment.

The performance indicator proposed by DOL and ED to measure effectiveness in serving employers, which is based solely on employer retention, runs counter to this career-driven vision. Adopting this measure for WIOA will discourage employers from supporting and offering education and training that would enhance workers’ ability to change jobs and employers as they pursue career opportunities. This metric will instead reward programs that place individuals in jobs where they do not have mobility, and it will punish programs that give individuals the skills and knowledge to pursue career paths. It will disincentivize the sharing of better job placements by programs, one-stop centers, and career navigators because employer retention numbers will decrease if program participants make a change for the better that involves moving from one employer to another. For these reasons, NCL members are concerned that adopting this metric will move the WIOA system back in time to its predecessor, the Workforce Investment Act (WIA), in which job placement rather than career mobility was the goal of the system.

NCL appreciates DOL/ED’s recognition of these potential limitations of the Retention with the Same Employer performance indicator, and acknowledges the value of using measures that reduce reporting burdens for both States and employers. However, relying exclusively on data from wage records will result in an incomplete picture of the effectiveness of the WIOA system in serving employers, because doing so will obscure the ways that WIOA programs serve employers by developing employees with the skills to respond flexibly and creatively to emerging workplace changes and challenges, whether with the same employer or a different one. NCL therefore encourages the Departments to allow additional time for States to identify and test ways of coordinating wage records across employers in ways that reflect career progression rather than merely employee retention.

NCL shares the Departments’ view that a WIOA system that provides individuals with in-demand, relevant skills will benefit individuals, employers, and the nation and will strengthen the economy for years to come. Thank you for your consideration of this request, and we look forward to continuing to work with you to increase the system’s effectiveness as it moves through reauthorization and into the future.

Sincerely,

Deborah Kennedy

Deborah Kennedy
Executive Director