

Pennsylvania Workforce System Policy Procedure Guide

Pennsylvania Department of Labor & Industry Bureau of Workforce
Development Administration

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Writing, Establishing and Maintaining State Workforce System Policy

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Writing, Establishing and Maintaining State Workforce System Policy

Introduction

Pennsylvania strives to develop and publish workforce system policy that helps local workforce development boards (LWDBs) and other workforce system partners effectively realize the state's workforce system mission: connect job seekers with the education and training they need to achieve career-focused employment that pays a family-sustaining wage and help businesses find and hire them. Policies are written to be clear and focused, while at the same time flexible enough to respond to all economic conditions and circumstances.

The state's workforce system policies are collaboratively written. To write and publish policy, the Pennsylvania Department of Labor & Industry (L&I) Bureau of Workforce Development Administration (BWDA) draws upon the expertise of colleagues – state agencies, state/local workforce development boards, stakeholder groups, professional associations, and others.

By articulating Pennsylvania's workforce system policy-writing processes in this guide, BWDA and its partners are documenting reliable, repeatable methods emphasizing good communication, earnest partnership, and a collective commitment to a workforce development system that prepares job seekers for the global, knowledge-based workplace. This guide, and the policy it supports, along with the associated style manual, have all been reviewed, revised and edited by many of BWDA's partners.

Workforce System Policy Life Cycle Overview

L&I and partners work together to write and manage workforce system policy – from initial planning to decommissioning obsolete policies. The following sequence is the typical life cycle:

1. Inception
2. Development and Review Team (DART) Initial Planning Session
3. Policy Memo
4. Policy Owner Initial Draft
5. DART Initial Draft Review
6. Policy Owner Revision
7. DART Revision Review
8. BWDA Policy & Planning Coordination Services Revision
9. Leadership Review
10. Public Comment & Response
11. Publication, Maintenance & Decommissioning

From beginning to end, L&I BWDA Policy & Planning Coordination Services shepherds policy drafts through the cycle, reviewing content at each step. This guide outlines each step in the process and identifies the people working toward a policy's completion.

Pennsylvania Workforce System Policy Inception

Pennsylvania writes and publishes workforce system policy to ensure state and local compliance with federal law and regulations, and to ensure all workforce system partners are accountable and have the tools necessary to execute their responsibilities under the Workforce Innovation and Opportunity Act (WIOA). State workforce system policies maintain continuity among all stakeholders while supporting efforts to achieve effective service delivery across Pennsylvania. Consistent with federal law, WIOA permits states to have some flexibility in their

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approach to program and service delivery, as each state has specific needs.

Compliance Driven

If Pennsylvania needs a workforce system policy specifically because WIOA requires it for compliance, L&I's BWDA may write a draft addressing those federal requirements, publish it briefly for public comment, consider the comments for any necessary revisions, then publish a final product. These types of policies are purely administrative, essentially documenting that Pennsylvania performs certain functions according to WIOA mandates. They are straightforward and uncontroversial, amounting to a published promise that Pennsylvania meets a program, performance, or other federal purpose or requirement.

Program Driven

Some policies are performance or program driven. Occasionally it's necessary for Pennsylvania to establish and exercise control over funding, eligibility, performance, or data-security standards. For example, this could happen if workforce system partners at the state-agency level, LWDB, or elsewhere identify a circumstance, opportunity, or need and suggest to L&I that an official policy be published to support the intended goal. BWDA has a staff-monitored e-mail resource account – RA-LI-BWDA-Policy@pa.gov – that all partners (e.g. LWDBs) and the public are welcome to use to communicate with the unit. Staff review all submissions to this resource account, contact workforce partners and coordinate efforts – among all relevant parties – to develop necessary policies whenever leadership determines it's warranted.

Strategy Driven

Finally, some policies are written and published to support programs and operations to fulfill a governor's vision for workforce development in Pennsylvania. While a policy of this type might be temporary, other policy changes may also be driven by economic conditions, statewide or national crisis or emerging technologies. Ultimately, this perpetuates change in program administration, strategy, operation, and service implementation.

Development and Review Team (DART) Initial Planning Session

Role & Requirements

However the need for a policy is identified, the policy initiator¹ communicates a proposal to BWDA's Policy & Planning Coordination Services unit to begin the policy development and review process.

The unit identifies all stakeholders needed to draft the initial policy and those responsible for its administration and for operationalizing it. Once done, the unit contacts subject matter experts (SMEs) to form a development and review team (DART). Policy DARTs develop, route, review, and revise workforce system policy. Membership is fluid, including policy managers and others according to policy need. BWDA Policy & Planning Coordination Services will also identify a policy owner².

Convened by BWDA's Policy & Planning Coordination Services Unit, DARTs consult with individuals or groups internal and external to L&I (e.g., LWDBs, another state agency, or association) to fulfill its role. A DART ensures that each policy is necessary, written clearly, includes all the required content, is implementable, is in the approved format, and does not conflict with other L&I workforce system policy. The DART advises and makes

¹ Policy initiators can be any state staff, state merit staff, bureau, division, unit or workforce system partner who identifies a workforce system issue and a corresponding policy proposal. Proposed workforce system policies do not all become workforce system policies.

² The office/unit/division of L&I responsible for creating, revising, and monitoring a workforce system policy and its operational procedures.

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recommendations to the deputy secretary for workforce development, Pennsylvania Workforce Development Board, L&I's Policy Office, and other workforce system partners as necessary. To ensure timely reviews, each DART meets as needed.

What Happens at the Initial Planning Session?

At an initial planning session, the DART develops policy priorities, including those required by law. The team considers the suggested or required policy's purpose, proposed content, and potential for implementation. During this meeting, the team analyzes the proposed policy and identifies challenges, possibilities, benefits, and drawbacks.

Policy Memo

When this analysis is done, the DART shares a policy memo detailing the proposal with L&I leadership, including the legal, policy, legislative, and communications offices, the Pennsylvania Workforce Development Board and the Governor's Policy Office. BWDA's Policy & Planning Coordination Services also shares the policy memo with the Pennsylvania Workforce Development Board's Workforce Development Interagency Workgroup to receive initial input, highlight any concerns, and identify key stakeholders who may want to provide initial feedback.

After reviewing any initial comments, the DART may conclude there is no justification present to warrant a revision or creation of policy. At this point, the action is considered resolved, a one-page overview of the decision is drafted and published internally, the policy initiator is informed of the DART decision, and the group disbands.

Policy Owner Initial Draft

Once a DART determines that a new policy is in order, the policy owner writes an initial draft, drawing on the expertise of L&I staff, state agency staff, partners, and other contributors as necessary. The initial draft also incorporates, as appropriate, preliminary comments from workforce system partners. An initial draft articulates the policy's purpose, audience, requirements, and other aspects in enough detail to contextualize and continue DART discussion of the document and its content. The initial draft includes citation of the appropriate law, regulations, guidance, or other sources necessary to support the policy and establish its effective implementation.

DARTs should strive to incorporate evaluation-related policy elements to ensure the use of evidence-based and data-driven practices, particularly related to determining the effectiveness of workforce programs, initiatives, services, and other activities. Evidence and data should also be used during six-month and one-year post-publication reviews for ensuring the ongoing applicability, functionality, and effectiveness of a policy as outlined in the *Publication, Maintenance & Decommissioning* section of this guide.

At any time while writing the initial draft, policy owners are invited to use BWDA Policy & Planning Coordination Services for help with research, organization, or any other technical support.

Generally, there is no deadline for the initial draft unless the policy is being written for compliance reasons and a hard and fast date is necessary. When complete, the policy owner should contact BWDA Policy & Planning Coordination Services to organize the draft's distribution and schedule the DART's review.

DART Initial Draft Review

DART members independently review the initial draft, taking into consideration any preliminary comments

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submitted. The initial draft is uploaded as a secure, shared, cloud-based file to document all changes, comments, and questions. This ensures that a DART's work is maintained in one place and in one file. This initial draft review is to ensure that all the policy's requirements, purpose, audience, content, and anything else discussed at the initial planning session are addressed in the initial draft. This review isn't for grammar, style, aesthetics, or personal preference. This review is to ensure the draft's alignment with the need and purpose decided by the DART.

The initial draft review should take no longer than one week.

Policy Owner Revision

After the initial draft review, the policy owner considers the DART's comments, questions, and edits and revises the initial draft.

The policy owner, with BWDA Policy & Planning Coordination Services' support, consults with the DART to engage partners, survey selected members of the policy's audience (if necessary), and analyze how DART contributions may or may not affect the policy's operationalization of practices, programs, and more.

DART Revision Review

DART members independently review the revised draft. The revised draft is maintained in a secure, shared, cloud-based folder to document all changes, comments and questions. This ensures that a DART's work is maintained in one place and in one file. This review ensures that the policy's content is accurate, appropriately resourced and cited.

Before its own review, BWDA Policy & Planning Coordination Services schedules a meeting with the policy owner and DART to review and discuss the content, organization, resources, references, changes and any other aspect of the policy. This ensures accuracy and applicability before routing the document to department leadership for review.

Again, this review is not for grammar, style, aesthetics, or personal preference. This review is to confirm the accuracy of the policy owner's work by incorporating and organizing all necessary pieces of the document.

The DART revision review process should take no longer than two weeks.

BWDA Policy & Planning Coordination Services Revision

After the revised draft is reviewed, BWDA Policy & Planning Coordination Services considers the comments, questions, and DART edits and reviews and revises the draft to refine language and grammar and to ensure that the document's style aligns with the template and *Workforce System Policy Style Manual*.

Leadership Review

The policy is now ready for leadership review. During this phase, a link to the cloud-based draft policy is sent to reviewers for their use. There are three levels of leadership review. When the review period closes at each level,

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the comments, questions, and edits are addressed by the policy owner and BWDA Policy & Planning Coordination Services before moving to the next leadership review level.

1. Supervisors, Division Chiefs, and Assistant Regional Directors (ARDs)

The draft policy is first sent to supervisors, chiefs, and ARDs identified by the DART as necessary reviewers. It is also shared with others at the same leadership level who may have any association with the policy's purpose, audience, and requirements. The period for this review is scheduled for one week. A longer term will be established if necessary.

2. Bureau Directors

The second phase of review is for bureau directors. The period for this review is scheduled for one week. A longer term will be established if necessary.

3. Deputy Secretary for Workforce Development, L&I Policy Office, Pennsylvania Workforce Development Board Staff, and L&I Office of Chief Counsel³

The draft policy, all attachments and supporting documents are provided to the deputy secretary for workforce development, the L&I Policy Office, staff to the Pennsylvania Workforce Development Board, and the L&I Office of Chief Counsel for review. This review is done to ensure compliance with the governor's priorities and relevant state and federal laws, regulations, and requirements.

The period for this review is scheduled for two weeks. A longer term will be established if necessary.

When these parties are satisfied with the policy content and execution, BWDA Policy & Planning Coordination Services initiates the public comment and review phase.

Public Comment & Response

BWDA Policy & Planning Coordination Services transmits the draft policy and any related guidance, manuals, or forms that must accompany it to the L&I Web Team for publication on www.dli.pa.gov for at least 30 days of public comment availability. As soon as the document is published and visible at www.dli.pa.gov, BWDA Policy & Planning Coordination Services notifies stakeholders by email, providing a link to the page where the public can view and download the draft. This page includes a description of the policy, its content, any necessary historical or contextual information, a timeline for the public review period, and a resource account where public comments can be sent.

At the public comment period's end, BWDA Policy & Planning Coordination Services asks the L&I Web Team to unpublish the document from the L&I website. BWDA Policy & Planning Coordination Services works with the policy owner, DART, any members of leadership, workforce system partners, and other relevant parties to draft responses to all comments, questions, and suggestions. The policy is revised as necessary, reviewed by leadership identified in steps 2 and 3 above, then republished as a final, finished policy going into effect on the date of publication (unless another effective date is specified in the policy).

³ In addition to reviewing the draft policy during this step, the L&I Office of Chief Counsel may be called upon at any point to examine the draft to ensure that changes occurring during leadership review have not compromised the policy relative to controlling regulations and the law. Any reviewing party has the authority to request additional review from the L&I Office of Chief Counsel at any time.

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Publication, Maintenance & Decommissioning

When the final policy is published, BWDA Policy & Planning Coordination Services notifies stakeholders that the policy is published and in effect.

Published policies are reviewed six months and one year after publication to ensure that all policy aspects are functioning as intended.

If revisions are necessary, the policy is revised in accordance with this policy.

At any time, clerical or administrative changes may be made to a policy and the policy republished if those changes do not affect requirements and processes articulated in the policy. This includes grammar, spelling, format, resource accounts, or other contact information.

Guidance related to policy may be amended without public comment. If guidance is changed, the appropriate stakeholders or audience will be notified when the amended guidance is published at www.dli.pa.gov.

Policies superseded by revisions or policies no longer applicable are decommissioned. These policies are unpublished from www.dli.pa.gov and replaced with the revision. Stakeholders and the policy audience are notified in accordance with this guide.

Resources

- Department of Labor & Industry Workforce System Policy on Policies
- Department of Labor & Industry Workforce System Policy Style Manual

Contact

Pennsylvania Department of Labor & Industry Bureau of Workforce Development Administration Policy & Planning Coordination Services RA-LI-BWDA-Policy@pa.gov.