

April 16, 2012

The Honorable John P. Kline, Chairman  
House Education and the Workforce Committee  
2181 Rayburn House Office Building  
Washington, DC 20515

The Honorable George Miller, Ranking Minority Member  
House Education and the Workforce Committee  
2181 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Kline and Ranking Minority Member Miller:

The Education and Workforce Committee has scheduled a hearing for this week on the “Workforce Investment Improvement Act of 2012,” (H.R. 4297) and the AFL-CIO and the undersigned labor organizations write to express our strong opposition to H.R. 4297. H.R. 4297 will have major implications on the quality of services being delivered to WIA eligible participants, as well as the overall accountability of the system to disadvantaged persons, dislocated workers, young people, and other populations whose livelihoods have been severely impacted by the Great Recession and continued mass unemployment.

More than ever, securing the future for working families and rebuilding the middle class in our country depends on having access to training, education and skill upgrading, and then receiving the guidance necessary to obtain good jobs that pay well and have family-sustaining benefits and clear career pathways. It must be the primary task of our nation’s workforce development system to respond to the economic challenges faced by different groups of unemployed, low-wage and disadvantaged workers, and to do so in a manner that preserves the integrity of the system and provides a voice for workers in the WIA system of workforce investment boards and One-Stop Career Centers. To work effectively, the WIA system must deliver widely available services, be publicly administered, and ensure that particular populations receive services customized to their needs.

HR 4297 would unwisely consolidate categorical programs and combine funding streams into a single Workforce Investment Fund that would give states wide discretion to pick and choose eligible groups of participants according to the ideological predispositions of their Governors. Such consolidation of WIA programs would eliminate the targeting of resources to workers and communities where the needs are greatest. In turn, a single fund of this type would make programs more vulnerable to funding cuts and pit one group of workers against another in competition for limited resources. In particular, it is essential that the funding stream for dislocated workers be separate and that rapid response continues to be a mandated state activity

for which states have adequate resources. Dislocated workers, unemployed persons who have been displaced due to mass layoffs and plant closings, require customized services that build upon their extended work histories and provide the necessary skill training to lead them to comparable employment in their previous industries, or enables them to transfer their skills to new and emerging employment opportunities. The extreme provisions of HR 4297 will inevitably lead to fewer services for dislocated workers and the degradation of services to Native Americans, migrant and seasonal farmworkers, ex-offenders, refugees, older Americans, disadvantaged youth in Job Corps centers, and other deserving groups. Such consolidation of funding streams will undermine the accountability of the entire WIA system, enabling states to manipulate their resources in a manner that will result in the neglect of populations with the greatest needs.

When considering legislation to modernize the federal workforce development system, the U.S. Congress should take action that respects and promotes the full participation of all stakeholders – labor, employers, educators, community groups, and youth organizations – in the planning, design and implementation of programs. Unions and joint labor-management training partnerships have long been beneficial partners in the makeup of skill training institutions, contributing more than \$1.5 billion to the nation’s economy each year. Substantial union involvement in the governance structures of the federal workforce development system is a long-established and widely accepted practice, stretching back to the composition of Private Industry Councils under the Job Training Partnership Act of 1982.

Organized labor brings a vitally important perspective to workforce and economic development programs at all levels of government and the private sector. Union members are experts in their industries and play a critical role in promoting economic success and career advancement among incumbent workers, job seekers and youth. And in industries such as construction, unions as referral agents or intermediaries in the labor market are often in a much better position than individual employers to know where current and emerging demand will lead workers to employment. As a result, in the construction industry, the best and by far the largest share of training and workforce development occurs in a joint labor-management environment where responsibility is shared equally between labor and management. Between 2002 and 2011, more than 429,000 apprentices received skill training from joint labor-management programs in this industry alone.

Organized labor must be fully represented on WIA boards so that the voices of workers are heard in the decisions that profoundly affect their careers. Such full representation is in accord with the policies of states such as California, where 15 percent of the local boards must be composed of representatives of labor organizations nominated by local labor councils. The wholesale elimination of the mandate for labor representation on state and local boards, as proposed in H.R. 4297, is counterproductive given the strong track record of many of the unions in sponsoring and providing high quality job training. Such a move would undermine the accountability of the entire WIA system and damage its standing in the nation’s public policy discourse.

We also oppose the elimination of the Wagner-Peyser Employment Services, as proposed in H.R. 4297. Such proposals usually are justified on the grounds that there is duplication between its functions and those of WIA. However, this view ignores the fact that the Wagner-Peyser system is charged with other duties that are only tangentially related to WIA, such as the certification of the use of foreign labor by employers, and the strong financial and structural relationship between the Employment Service and the State unemployment insurance systems. Financed primarily by the Federal UI trust fund, the Employment Service enforces the UI work test, a key feature of determining ongoing eligibility for UI benefits and, in times of high unemployment, states often reassign Employment Service workers to help with the legally complex function of processing UI claims.

The statewide and public structure of the Employment Service also provides a useful complement to the much more localized and privatized WIA structure. As a statewide entity, the employment service agency has flexibility to work more easily on a regional and interstate basis and to respond quickly to emergencies by shifting staff from one part of the state to another. Its statewide information system, which has become a central component of state, regional and local economic development strategies, avoids costly duplication of multiple local information systems and the hoarding of job orders by local areas. Accountability is facilitated by the fact that the staff located throughout a state is part of a single personnel system in which hiring is based on a uniform standard of competence and skill requirements in order to provide impartial and unbiased service delivery.

The future prosperity and well-being of our society depends upon creating good, family-sustaining jobs and maintaining a world-class workforce that is composed of healthy, highly skilled, and well-educated workers. To meet the challenges of a changing labor market in a globalized economy, our nation needs a cohesive national strategy that links substantial investment in job creation to an improved educational system and greater resources directed towards basic skills instruction, skill upgrading, on-the-job training, and joint labor-management and registered apprenticeship programs.

The wholesale devolution of power over the WIA system to the states, along with the extreme requirements in H.R. 4297 that would hand over control of state and local Workforce Investment Boards to the corporate sector, detracts from our nation's quest to attain competitive advantage in the international economy. Granting more power to the 1% to dictate the career opportunities of unemployed, low-income, and disadvantaged persons does not serve the public interest.

We call upon the U.S. Congress to maintain our nation's commitment to a publicly-operated workforce development system that features balanced representation among all stakeholders who are currently involved in workforce investment boards. The system must place a greater emphasis on providing the sort of skill training that will place participants on the road to high-skill jobs with clear opportunities for future career advancement. That system would benefit greatly from the introduction of regional service strategies in which boards work with labor, business, community, the Employment Services, and labor-management sector

partnerships to identify the growing, high-skill sectors of the regional economy and ensure that workers are prepared for those job opportunities. Boards should also devote greater resources to working with their labor, business and community partners to avert layoffs by advising firms about the options available to maintain employment.

America is searching for national leadership and a way forward toward a better future. We must craft a comprehensive approach to workforce development and the bipartisan political support to back up that commitment.

Sincerely,

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)  
American Federation of State, County and Municipal Employees (AFSCME)  
American Federation of Teachers (AFT)  
Building and Construction Trades Department, AFL-CIO, (BCTD)  
International Association of Machinists and Aerospace Workers (IAMAW)  
International Union of Operating Engineers (IUOE)  
International Union of Painters and Allied Trades (IUPAT)  
National Education Association (NEA)  
Service Employees International Union (SEIU)  
United Autoworkers (UAW)  
United Steelworkers (USW)