



POLICY ISSUANCE 2015-01

Process for Policy Development | January 8, 2015

TO: Division of Workforce Development and Adult Learning (DWDAL) staff;
Local Workforce Investment Area (LWIA) directors;
Adult Education providers

FROM: Division of Workforce Development and Adult Learning
Maryland Department of Labor, Licensing and Regulation

SUBJECT: Process for Policy Development

PURPOSE: To provide direction and instruction on the process for developing and issuing DWDAL policies

ACTION: Local Workforce Investment Area (LWIA) directors, DWDAL administrators, and central office managers will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available [on the DLLR website](#).

EXPIRATION: N/A

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CANCELLATIONS

The following are hereby **cancelled, replaced, and archived** by this policy issuance:

- WIFI 01-99, Initiation of WIFI System, October 21, 1999;
- WIFI 05-04, Integration of ESFIs into WIFIs, February 2, 2005.

Archived policies are available at: <http://www.dlr.state.md.us/employment/>.

GENERAL INFORMATION

The Maryland Department of Labor, Licensing and Regulation (DLLR)'s Division of Workforce Development and Adult Learning (DWDAL) is charged with providing policy guidance to DWDAL staff, including staff within the Office of Workforce Development, Office of Adult Learning, Office of Workforce Information and Performance, the Office of Fiscal Administration, and the Office of Operations. DWDAL policies also provide State guidance to Adult Learning providers and Local Workforce Investment Area (LWIA) staff, including those working in the State's American Job Centers, correctional education providers and providers for Adult Education and Literacy Services.

DWDAL issues policy guidance, in the form of Policy Issuances, to ensure that consistent communication is provided in terms of division-wide expectation and requirements.

This Policy Issuance details the basic process for policy development in an effort of transparency and clarity. The Director of Policy must ensure that all DWDAL policies issued on or after January 9, 2015 are developed within the framework of this policy process. The Director of Policy must also ensure that all DWDAL policies are available on DWDAL's website at: <http://www.dllr.state.md.us/employment/>.

AUTHORITY

The DWDAL has been designated to act on behalf of the Governor as the oversight entity for the State of Maryland's workforce development and adult learning. As the designated oversight entity, DWDAL has the responsibility and authority on behalf of the Governor to write, modify, interpret or clarify policies or procedures, and to waive, for good cause, any parts of policy which are not required by law or regulation.

COMPLIANCE

DWDAL policy guidance must comply with Federal law, regulations, and guidance from the U.S Department of Labor (USDOL), the U.S. Department of Education (DoED) and other relevant Federal agencies, as well as State law, regulations and guidance. In the event of a conflict between State and Federal law, regulation or guidance regarding federal funds, federal law and regulation control.

The USDOL provides guidance to states via:

- ***Training and Employment Guidance Letters (TEGLs)*** - Used by USDOL-Employment and Training Administration (ETA) to transmit policy and operational guidance to the state and local workforce systems. Issued by Program Year (July 1 - June 30).
- ***Training and Employment Notices (TENs)*** - Used by USDOL-ETA to communicate announcements of meetings, publications, or general information. Issued by Program Year (July 1 - June 30).
- ***Unemployment Insurance Program Letters (UIPLs)*** - Used by USDOL-ETA for policy and guidance specific to the Unemployment Insurance (UI) program and workforce initiatives that involve the UI program. Issued by Federal Fiscal Year (October 1 - September 30).
- ***Veteran Program Letters (VPLs)*** - Used by USDOL-Veterans' Employment and Training Service (VETS) for policy and guidance related to employment services for veterans.

The DoED provides guidance to states via:

- ***Adult Education and Literacy Website*** – Used by the DoED’s Office of Career, Technical and Adult Education (OCTAE) to provide news and information on programs, initiatives, resources, newsletters and more. Website access is available: <http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/index.html>.
- ***Shop Talk*** – Bi-weekly conference calls used by OCTAE to discuss pertinent information.
- ***National Reporting System for Adult Education (NRS)*** – Developed by the DoED’s Division of Adult Education and Literacy (DAEL) and used as an outcome-based reporting system for State-administered, federally funded adult education programs. The NRS offers implementation guidelines and related documents to assist State and local education staff in managing reporting systems.
- ***DoED Law & Guidance Overview Website*** – Used by the DoED to distribute legislation, regulations, guidance, and other policy documents. Website access is available: <http://www2.ed.gov/policy/landing.jhtml?src=pn>.

POLICY COMPONENTS

DWDAL Policy Issuances provide DWDAL staff, service providers, and other readers with a comprehensive, consistent understanding of a given topic. A policy shall be composed of the following:

- Cover Sheet;
- Table of Contents;
- Cancellations;
- General Information;
- Topic Details;
- Performance Accountability;
- Reporting;
- Monitoring;
- References; and,
- Attachments.

COVER SHEET

The cover sheet outlines the policy's contents by providing basic information, which shall include:

- Subject;
- Date Issued;
- Expiration Date (when applicable);
- Purpose;
- Action that recipients should take; and,
- Contact Information for Inquiries.

All DWDAL policies must be signed by the DWDAL Assistant Secretary (or designee) before dissemination to authenticate the policy. The Director of Policy (or designee) should make a copy of the original, signed policy available upon request.

TABLE OF CONTENTS

The Table of Contents provides the reader with an overview of the policy. It allows for a more searchable document, as the reader can find a specific topic within a policy faster if he/she knows what it is that he/she is looking for within the document. The topics listed within the Table of Contents should coincide with page numbers.

CANCELLATIONS

The Cancellations section informs the reader when a policy is no longer valid. All readers must consider policies that are included in this section to be officially cancelled by the DWDAL.

GENERAL INFORMATION

The General Information section of the policy aims to provide the reader with a broader understanding of the policy's context. This section may provide an overview with basic information or historical context on the policy topic.

TOPIC DETAILS

This section is the crux of the policy, for it provides requirements and expectations that the policy should convey on a given topic. This part of the policy shall be broken down into multiple sections. The content is dependent on DWDAL's policy need. This component shall be as comprehensive and prescriptive as possible. If applicable, the DWDAL Director of Policy (or designee) must clearly define staff roles and expectations within this component.

PERFORMANCE ACCOUNTABILITY

If applicable, DWDAL policies shall provide guidance on expectations for performance. A policy could, for example, cover the expectations of program staff in terms of timely reporting and data entry.

If there is a need for procedural guidance, then the detailed procedures shall generally not be included within the body of the policy. Instead, applicable procedures shall be provided as an attachment to the policy. Detailed instructions on how to complete data entry or how to properly register a participant in a system (example: the Maryland Workforce Exchange) are important, but are not policy. A Policy Issuance shall reference procedure, and when applicable, should be provided as an attachment.

REPORTING

If applicable, DWDAL policies shall provide written expectations of fiscal and/or administrative reporting.

MONITORING

If applicable, DWDAL policies shall explain that Federal, State or other monitoring may occur.

REFERENCES

Policies must include references to any source documents, when applicable. By listing references, the writer acknowledges the work of others and provides the reader with important source information.

ATTACHMENTS

Attachments may provide examples of report templates, procedural information, and/or instructions for staff on data entry, fact sheets, or brochures. Any attachment to a policy shall be cited within the policy itself. Attachments are an extension of the policy, and therefore, any instructions provided to staff in the attachments must be followed.

POLICY PROCESS

DWDAL’s process for policy development must follow the steps below when applicable. The subsequent sections provide guidance for each step.

- Step A. Determine Need for Policy & Determine Type of Policy;
- Step B. Policy Session with Subject Matter Experts (SMEs);
- Step C. Policy Drafting;
- Step D. Review and Comment Period;
- Step E. Updates to Draft;
- Step F. Final Approval;
- Step G. Policy Dissemination; and,
- Step H. Policy Modification.

STEP A. DETERMINE NEED FOR POLICY & DETERMINE TYPE OF POLICY

It may be determined that there is a need for policy from either an internal source (example: program manager) or an external source (example: new USDOL guidance). Once a need for policy is determined, a decision must be made on whether the policy is internal to DLLR’s DWDAL or whether it is external and affects those outside of the agency, such as Local Workforce Investment Boards (LWIAs) or local providers of Adult Education and Literacy Services. A policy may be considered internal to DWDAL if it affects time sheets or human resources procedures.

Different types of DWDAL policies shall go through different processes for policy development, so long as it is determined to be suitable by the Director of Policy, in consultation with the DWDAL Assistant Secretary and the DWDAL Assistant Attorney General.

Once determined whether a policy is external or internal to DWDAL, the Director of Policy must determine whether the policy is “fast track” or whether the policy must go through the complete process for policy development. If unclear, the Assistant Attorney General for the division must make the final decision as to whether or not a policy is fast track.

“Fast Track” Policies

In general, “Fast Track” applies when the policy relates to a standard that is not subject to interpretation and could not be changed by public comment. If a policy is “Fast Track” it may omit the Review and Comment Period (Step D).

The most common example of a “Fast Track” policy involves Maryland’s Performance Goals for Workforce Investment Act (WIA) Title 1B Programs & Wagner-Peyser Act Funded Activities. Each year, after analyzing and proposing expected levels of upcoming performance to the USDOL, USDOL begins a negotiation process on these goals with states. Once a state and USDOL have successfully agreed upon performance levels, USDOL officially confirms the finalized performance levels and DWDAL issues a policy that provides the performance goal information. Because the performance goals are not up for interpretation or public comment, DWDAL does not require this type of policy to go through the complete process for policy development. **Note: most policies are not “Fast Track” policies and must go through the complete process for policy development that is prescribed within this policy.**

STEP B. POLICY SESSION WITH SUBJECT MATTER EXPERTS (SMEs)

Once determined that a policy must go through the complete process for policy development, the Director of Policy must convene a group of Subject Matter Experts (SMEs) for a Policy Session.

During a Policy Session, the Director of Policy must:

1. Explain the expectations of the process for policy development to the SME group;
2. Draft a policy outline to be used in the Policy Session, based on existing knowledge and research of the policy need;
3. Develop an action plan with the SMEs that:
 - Defines the responsibilities of each Policy Session member;
 - Determines the projected timeframe for the policy's dissemination;
 - Reaches agreed upon deadlines for completing deliverables, for which Policy Session members are responsible.

During the Policy Session, the Director of Policy must review, discuss and revise the policy outline with the SMEs. After the Policy Session, the Director of Policy must provide written verification to the SMEs of the agreed upon action plan. At this time, if deemed necessary, the Policy Director may schedule follow-up meetings with the SME group to reconvene at key phases of the process for policy development.

STEP C. POLICY DRAFTING

The Director of Policy, with the SMEs, must determine the precise drafting process for a specific policy during the initial Policy Session. The Director of Policy or a designated SME must draft portions of the policy according to the agreed upon outline and action plan. The Director of Policy must manage the process to make sure that deadlines are met. It may be acceptable to amend the timeline and/or outline as the process evolves. This must be determined by the Director of Policy, the SMEs and the Assistant Secretary, as appropriate.

STEP D. REVIEW AND COMMENT PERIOD

After the initial phase of policy drafting is complete, the Director of Policy (or designee) must disseminate the draft policy to key stakeholders for a Review and Comment Period. **The Review and Comment Period must provide stakeholders with a minimum of two weeks for comment and review of the policy.**

Due to the wide-variety of topics that may be covered by DWDAL policy issuances, the stakeholders to be included shall vary by policy. The Director of Policy, with SME and Assistant Secretary consultation, must determine which stakeholders to include in each policy's Review and Comment Period. When determining which stakeholders are appropriate to include, the Director of Policy must consider the following:

- Will this policy affect operations outside of DWDAL?
- Will this policy only affect processes internal to a unit, office, or division within DWDAL?

If a policy may affect operations outside of DWDAL, then the Director of Policy must disseminate to the appropriate stakeholders both within and outside of DWDAL. Stakeholders may include Local Workforce Investment Area (LWIA) Directors or service providers of Adult Learning programs.

Note: "Fast Track" policies may omit the Review and Comment Period.

Office of Workforce Development – Program Policies

The Director of Policy (or a designee) shall generally disseminate Office of Workforce Development program policies for review and comment to the following stakeholders:

- DWDAL Policy Committee members;
- Local Workforce Investment Area (LWIA) Directors;
- Labor Exchange Administrators (LEAs);
- Governor’s Workforce Investment Board (GWIB) Executive Director, who may disseminate for comment from board members as he/she sees fit; and
- Relevant USDOL administrators.

It is permissible for these stakeholders to solicit feedback from counterparts or designees as they see fit, as long as all feedback is provided to the Director of Policy (or designee) within the required timeframe.

STEP E. UPDATES TO DRAFT

It is the responsibility of the Director of Policy to manage the process for updating the draft policy, with the Policy Session SMEs, based on stakeholder feedback received during the Review and Comment Period. The Director of Policy must seek USDOL or legal guidance, when appropriate, to ensure compliance and to provide maximum clarity. The Director of Policy shall provide the Policy Session group with an updated action plan and timeframe for updating the draft. The process of updating a draft policy typically involves additional Policy Sessions with the SME group.

STEP F. FINAL APPROVAL

The Director of Policy (or designee) must disseminate the draft policy for final comment once the SME group is finished updating the draft. Policies must not be finalized for dissemination until approved, in writing, by the following DWDAL staff:

- Assistant Secretary;
- Assistant Attorney General; and,
- Director of Policy.

Final approval of a draft policy is at the discretion of the Assistant Secretary.

The following DWDAL and GWIB staff may also be required to provide written, final approval when deemed appropriate by the Assistant Secretary (or designee):

- Director of the Office for Fiscal Administration;
- Director of the Office for Workforce Development;
- Director of Adult Education and Literacy Services;
- Director of Correctional Education;
- Director of the Office for Workforce Information and Performance;
- Director of Operations; and/or,
- GWIB Executive Director.

The Assistant Secretary must sign the document's cover page to authenticate the document after receiving all written approvals of the final policy. The Director of Policy (or designee) shall make a copy of the original, signed policy available upon request.

STEP G. POLICY DISSEMINATION

The Director of Policy (or designee) must coordinate with DLLR's Webmaster to ensure that all authenticated DWDAL Policy Issuances are available on DLLR's website: <http://www.dllr.state.md.us/employment/mpi/>. The Director of Policy (or designee) shall make a copy of the original, signed policy available upon request.

The Director shall also disseminate all authenticated DWDAL Policy Issuances to DWDAL staff and appropriate stakeholders.

STEP H. POLICY MODIFICATION

When a policy needs to be updated, amended or cancelled, the Director of Policy must determine, with the Assistant Secretary and/or the Assistant Attorney General for the division, whether the policy should go through the complete process for policy development or whether the policy may be updated via the "fast track."

All modified policies must be cancelled and archived after they have been replaced with new Policy Issuances. DLLR's archived policies can be found online, at <http://www.dllr.state.md.us/employment/>.

If a policy has an expiration date, then it is unnecessary to cancel that policy, but it must be archived in a timely manner when appropriate.

ACCESS TO POLICY ISSUANCES

Access to current and archived Policy Issuances is available online at: <http://www.dllr.state.md.us/employment/>.

CURRENT POLICIES

The Director of Policy (or designee) must disseminate new Policy Issuances timely to DWDAL staff and relevant stakeholders. The Director of Policy (or designee) must also ensure that all current Policy Issuances are accessible online.

Directors, managers and supervisors must disseminate and review all relevant Policy Issuances with relevant staff in a timely manner. Directors, managers and supervisors must ensure that new staff receive all relevant Policy Issuance materials and are aware of how to access the policies on their own.

ARCHIVED POLICIES

Policy Issuances shall be archived when no longer in effect. This includes policies that have been cancelled or policies that have expired. Archived Policy Issuances shall be accessible online.