



**Division of Workforce
Development and Adult Learning
(DWDAL)**
Policy Issuance



PI 2025-05 Process for Policy Development | May 22, 2025

TO Division of Workforce Development and Adult Learning (DWDAL) staff

FROM DWDAL
Maryland Department of Labor (MD Labor)

SUBJECT DWDAL Process for Policy Development

PURPOSE To provide the process for policy development within the Maryland Department of Labor DWDAL.

ACTION Local Workforce Development Area (Local Area) Directors, American Job Center (AJC) Reemployment Program Directors, Adult Education program administrators, Division of Rehabilitation Services program staff, and central office managers will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available on the [MD Labor website](#).

EXPIRATION Until Cancelled.

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CANCELLATIONS

The following are hereby cancelled, replaced, and archived by this policy issuance:
Policy Issuance 2015-01, "Process for Policy Development," dated January 8, 2015.
Archived policies are available at <http://www.labor.maryland.gov/employment/mpi/>.

EXECUTIVE SUMMARY

The Maryland Department of Labor (MD Labor)'s Division of Workforce Development and Adult Learning (DWDAL) must issue policies on activities that support the development of programming that best serves Maryland jobseekers, particularly those with barriers to employment, and employers. Additionally, DWDAL must issue policies regarding eligibility, allowable activities, and application procedures for grant programs administered by DWDAL, among other items.

DWDAL intends for this policy to increase engagement and compliance among stakeholders, as well as provide transparency for the Division's policy process. DWDAL's mission is to improve the lives of all Marylanders by implementing innovative, responsive practices that nurture a skilled workforce, connect people to good jobs, and ensure businesses have the skilled workforce they need to compete in the global economy. DWDAL's policy process supports this mission by providing clear, inclusive, and transparent policy guidance that allows for effective implementation of the Division's activities.

This policy establishes three types of development processes:

1. Category 1 - Fast-Track;
2. Category 2 - Expedited; and,
3. Category 3 - Extensive Review.

Each category of policy has an independent timeline and drafting process, although all policies receive rigorous review and carry the same level of authority upon issuance. As applicable, the Division will ensure that a diverse group of Subject Matter Experts (SMEs), including members of Maryland State agencies as well as external stakeholders, are invited to provide feedback, comments, and guidance on the drafting of the policy document.

The Division regularly reviews active policies to ensure continued compliance and must update outdated policies as needed.

GENERAL INFORMATION

PURPOSE OF POLICY DEVELOPMENT

MD Labor's DWDAL is Maryland's leading entity for workforce development, adult learning, and correctional education. DWDAL is charged with providing policy guidance to State agencies and local service providers on activities that support the development of programming that best serves Maryland jobseekers, particularly those with barriers to employment, and employers. In certain instances, the Division may create joint-issuance policies in collaboration with other State agencies.

The following entities should anticipate receiving guidance through DWDAL's policy process. This list is non-exhaustive and other entities should expect to receive policy guidance as needed:

1. DWDAL's Office of the Assistant Secretary (OAS);
2. DWDAL's Office of Adult Education and Literacy Services (AELS);
3. DWDAL's Office of Correctional Education (OCE);
4. DWDAL's Office of Strategic Initiatives (OSI);
5. DWDAL's Office of Workforce Development (OWD);
6. Local Workforce Development Areas (Local Areas);
7. Local Adult Education providers;
8. American Job Center (AJC) staff; and,
9. Current and/or prospective grantees of MD Labor formula and/or competitive funding.

POLICY GUIDANCE FROM DWDAL

DWDAL provides policy guidance regarding federal law, regulations, and guidance from the U.S. Department of Labor (USDOL), the U.S. Department of Education (ED) and other relevant federal agencies. Specifically, DWDAL provides policy guidance on the following federal programming:

1. Title I Adult, Dislocated Worker, and Youth Services (Title I);
2. Title II Adult Education and Literacy Services (Title II);
3. Title III Employment Services (Title III, or Wagner-Peyser); and,
4. Title IV Vocational Rehabilitation Services.¹

DWDAL also issues policies related to ongoing federal guidance. This includes, but is not limited to:

1. USDOL Training and Employment Guidance Letters (TEGLs);

¹ Title IV Vocational Rehabilitation Services is overseen by the Maryland State Department of Education (MSDE). In instances where programming overlaps with DWDAL, the Division may create a joint-issuance with MSDE or provide guidance about Title IV programming within a DWDAL policy.

2. USDOL Training and Employment Notices (TENs);
3. USDOL Veterans' Program Letters (VPLs);
4. ED Office of Career, Technical, and Adult Education (OCTAE) Program Memorandums;
5. ED Rehabilitation Services Administration (RSA) Technical Assistance Circulars (TACs);
and,
6. ED RSA Policy Directives (PDs).

In addition to federal policy, DWDAL also provides guidance on relevant Maryland State law, regulations, and executive orders issued by the Governor of Maryland.

Lastly, DWDAL issues policies on grant programs administered by DWDAL. These include, but are not limited to:

1. Federal grants awarded to MD Labor;
2. State grants awarded to MD Labor;
3. Grant programs administered by MD Labor, but funded through WIOA Set-Aside allocations;² and,
4. State grant programs administered by MD Labor and funded through State resources.

DWDAL may provide policy guidance on additional topics as needed/at the discretion of the DWDAL Policy Director.

² Section 128(a) of WIOA allows up to 15 percent of funds allocated to the State, known as Governor's Set Aside funds, to be used at the discretion of the Governor to fund innovative, State-led job training initiatives.

POLICY WRITING PROCESS

DWDAL has three types of policy processes:

1. Category 1 - Fast-Track;
2. Category 2 - Expedited; and,
3. Category 3 - Extensive Review.

The three policy process categories refer to the length of time expected to write, review, and issue a specific policy. Once issued, all policies carry the same authority and provide the same binding guidance.

The DWDAL Policy Director, in consultation with relevant stakeholders, such as the DWDAL Assistant and Deputy Assistant Secretaries, determines which category applies based on the criteria outlined below.

A member of the DWDAL OAS Policy Unit will lead the drafting process for all DWDAL policies.

CATEGORY 1 - FAST-TRACK POLICIES

Fast-Track policies are documents that require issuance as soon as possible. The types of policies that may be considered for Category 1 development include, but are not limited to:

1. **Emergency provisions that require immediate guidance** - Examples of situations that may warrant an emergency provision include disasters similar to the collapse of the Francis Scott Key Bridge and the COVID-19 pandemic, among others. DWDAL may engage stakeholders in the development of these policies; however, given their emergency nature, stakeholder engagement may be limited.
2. **Grant efficiency updates** - There may be scenarios where grant programs that already have active policies require non-substantial³ updates, such as new reporting requirements, updated application materials, etc. These changes are intended to make accessing/utilizing grant funding simpler for prospective and current awardees. In cases where these changes are deemed non-substantial by the DWDAL Policy Director (in consultation with relevant DWDAL leadership), these policies will be placed into Category 1; and,
3. **Minor changes to existing policies** - These include correcting typos and grammatical errors, updating dates and timelines if there is a policy continuation, updating expired links, and adding in new federal or State guidance that has no significant impact on the policy itself.

³ DWDAL defines “non-substantial” as items that do not have a significant impact on stakeholders. For example, this includes typographical errors, grammatical errors, or citation issues, as well as programming changes that do not result in large operational shifts for stakeholders, such as application/reporting changes, certain updates to allowable activities, etc.

Fast Track policy development does not include convening a Subject Matter Expert (SME) group⁴ and there is no public comment process.⁵ Rather, they only go through the final, internal MD Labor approval process.⁶

Overall, DWDAL anticipates the policy process for Fast-Track policies to last 1-4 weeks.

CATEGORY 2 - EXPEDITED POLICIES

Expedited policies are policies that require more extensive stakeholder engagement than Category 1, but still have limited content for discussion overall. The types of policies that may be considered for Category 2 include, but are not limited to:

1. **Limited Implementation Flexibility** - Policies where the majority of the implementation requirements are pre-determined (either by federal rules, Maryland statute, etc.) and therefore DWDAL has minimal flexibility for implementation; and,
2. **Insignificant Updates** - Policy updates that require more substantial edits than the minor, indisputable changes highlighted in Category 1, but do not require significant modifications. For example, a grant-based policy where the allowable activities must be updated, but eligible entities and application procedures remain the same.

These policies must go through the following process:

1. DWDAL selects an SME group of relevant stakeholders.
2. The Policy Unit sends a draft of the policy to the SME group for feedback and edits. The Policy Unit must provide no less than 10 business days for the SME group to provide responses.
3. At the conclusion of the feedback period, the Policy Unit and SME group meet to discuss all comments submitted by the SME group. During this meeting, the group must decide how and whether the feedback should be incorporated into the policy draft.
4. Based on the determinations made during Step 3, the Policy Unit updates the draft document accordingly.
5. Once the draft policy has been updated, it must be submitted for public comment.
6. The Policy Unit collects all feedback received during the public comment period. If the Policy Unit receives significant or substantial comments, a second SME meeting *may* be scheduled to discuss any changes. In the event that the Policy Unit deems comments received are non-substantive (for example, typographical errors, citation requests, word choice clarification, etc.) or minor, the draft will be finalized and submitted for final approval.
7. After completing the final approval process, the policy is issued.

⁴ More information on SMEs can be found in the “SME Selection Process” section below.

⁵ More information on public comment can be found in the “Public Comment Process” section below.

⁶ More information on the final approval process can be found in the “Final Approval” section below.

Overall, DWDAL anticipates the policy process for Category 2-Expedited policies will last 6-8 weeks.

CATEGORY 3 - EXTENSIVE REVIEW POLICIES

Extensive Review policies are policies that have a significant number of decision points, a large impact on stakeholders, and/or more flexible implementation requirements. The types of policies that may be considered for Category 3 include, but are not limited to:

1. **Foundational Federal compliance policies** – Policies that provide significant guidance for federally-funded programming, such as WIOA Title I, II, III, or IV activities;
2. **Significant Impact on Service Providers** - Policies that will result in a significant shift in operational practices for service providers;
3. **Flexible Grant Programs** - Grant programs where DWDAL has flexibility for implementation practices; and,
4. **Significant Updates** - Active policies that require large overhauls.

These policies will go through the following process:

1. DWDAL selects an SME group of relevant stakeholders.
2. The Policy Unit develops an outline for the policy.
3. The Policy Unit schedules a meeting with the SME group to discuss the outline for the policy and any edits, changes, etc. that the group decides should be incorporated into the outline.
4. Based on the feedback on the outline from the first meeting, the Policy Unit sends a draft of the policy to the SME group for feedback and edits. The Policy Unit must provide no less than 10 business days for the SME group to provide responses.
5. At the conclusion of the feedback period, the Policy Unit and SME group meet to discuss all comments submitted by the SME group. During this meeting, the group must decide how and whether the feedback should be incorporated into the policy draft.
6. Based on the determinations made during Step 3, the Policy Unit updates the draft document accordingly.
7. Once the draft policy has been updated, it must be submitted for public comment.
8. The Policy Unit collects all feedback received during the public comment period. If the Policy Unit receives significant or substantial comments, a third SME meeting may be scheduled to discuss any changes that may need to be made to the policy. In the event that the Policy Unit deems comments received are non-substantive (for example, typographical errors, citation requests, word choice clarification, etc.) or minor, the policy draft will be finalized and submitted for final approval.
9. After completing the final approval process, the policy is issued.

NOTE: Additional meetings may be scheduled at any point during this process for continued feedback and discussion. This may include smaller workgroups on specific decision points, etc.

DWDAL anticipates the policy process for Extensive Review policies will last 12-14 weeks.

SME SELECTION PROCESS

DWDAL values diverse opinions when creating and implementing policies. SME groups allow the Division to understand the perspectives of a broad array of stakeholders and ensure that the final policy will be effective during implementation.

For policies that utilize an SME group, DWDAL must ensure that a diverse group of stakeholders are invited to participate. SME lists include a combination of MD Labor/DWDAL staff, as well as external stakeholders that may be impacted by the policy.

Standard MD Labor SME participants include, but are not limited to:

1. DWDAL Policy Unit;
2. DWDAL Assistant Secretary (or designee);
3. MD Labor Office of the Secretary Policy Director (or designee);
4. DWDAL Assistant Attorneys General; and,
5. Relevant DWDAL program staff.

DWDAL may invite the following types of external stakeholders to participate as SMEs. This list is non-exhaustive and other entities may be invited as needed:

1. Other State agency staff;
2. Maryland Workforce Association members;
3. Title II Adult Education providers;
4. Community Colleges;
5. Registered Apprenticeship Sponsors;
6. USDOL representatives;
7. Previous DWDAL grantees; and/or
8. Any other organization/service provider that may be impacted by the policy.

Within these external stakeholder groups, DWDAL must use best efforts to invite different entities, as able, to allow for multiple organizations of each type to participate.

For certain policies, DWDAL staff may work with partner organizations prior to the creation of a formal SME group to gain insights and perspectives on the early development of the policy.

Grant-Based Policies

DWDAL issues policies that provide information on eligibility, allowable activities, reporting and application procedures, among other items, for grant programs the Division administers. When selecting SMEs for these policies, DWDAL must ensure that there are no conflicts of interest for SMEs that may also apply for funding through the grant program. To participate as SMEs for these policies, organizations may be required to sign conflict of interest disclosures or agree to be ineligible to apply for funding for that specific grant program. Additionally, DWDAL must not include specific application materials or application scoring

rubrics within the policy; these documents are developed and distributed separately and confidentially from the policy process.

PUBLIC COMMENT PROCESS

Expedited and Extended Review policies must be submitted for public comment for a minimum of 10 business days. DWDAL must ensure that as many members of the public as possible are made aware of the policy and have the ability to submit comments. Comments must be submitted to a member of the DWDAL OAS Policy Unit. Distribution of the policy must include, but is not limited to:

1. Distribution via GovDelivery of the WIOA updates listserv;⁷
2. Sending to internal SME group members to distribute to their networks; and,
3. Distributing to other relevant external partners.

FINAL APPROVAL

Prior to issuance, each policy must go through the final approval process. This process involves MD Labor and DWDAL leadership reviewing and approving the final draft of the policy. The final approval review process must include the following individuals, at a minimum:

1. DWDAL Policy Director;
2. DWDAL Assistant Secretary (or designee);
3. DWDAL Assistant Attorneys General;
4. Relevant DWDAL program director(s); and,
5. Office of the Secretary Policy Director.

Once all entities have approved the final draft, DWDAL may issue the policy. Policy issuances must be distributed through the WIOA updates listserv and published on the MD Labor website.⁸ If the new policy is an update of an existing and active policy, DWDAL must cancel and archive the outdated version.

POLICY EXCEPTIONS

MD Labor may grant written exceptions to active policies for urgent and unforeseen circumstances. Written exceptions must clearly state the purpose of the exception, the content of the exception, and the duration that the exception is in effect. Written exceptions may only be granted by the following MD Labor staff:

1. MD Labor Secretary;
2. MD Labor Deputy Secretary;

⁷ As of the time of this issuance, the WIOA updates listserv has over 6,500 individuals. Individuals/ organizations may sign up for the listserv here:

https://public.govdelivery.com/accounts/MDDLRL/subscriber/new?gsp=MDDLRL_3.

⁸ DWDAL policy issuances may be found here: <https://labor.maryland.gov/employment/mpi/>.

3. DWDAL Assistant Secretary;
4. DWDAL Deputy Assistant Secretary; and,
5. DWDAL Policy Director.

POLICY REVIEW PROCESS

DWDAL must review all active policies to ensure continued compliance with State and federal laws, regulations, and guidance. This policy review process must occur at a minimum once every two calendar years. When conducting a review, DWDAL must look for:

1. Outdated or broken links;
2. Updated State or federal guidance;
3. Updated State or federal guidance that requires a modification to the policy contents;
4. Grant policies that would benefit from efficiency updates; and,
5. Expired policies that need to be archived.

Additionally, DWDAL may conduct policy reviews as needed to determine if immediate modifications are required based on new and/or amended State or federal law, regulation, or guidance, or upon receiving feedback about the need for grant modifications.

Policies flagged as requiring updates must begin their new policy process no later than 12 months after their review.

FAIR PRACTICES AND ACCESSIBILITY

It is MD Labor's policy that all persons have equal opportunity and access to services and facilities without regard to race, religion, color, sex (including pregnancy, childbirth and related medical conditions, transgender status, gender identity, and sexual orientation), marital status, genetic information, age, national origin or ancestry (including Limited English Proficiency), disability, veteran status, political affiliation or belief, for the beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA. Interested parties may refer to MD Labor's Nondiscrimination Plan⁹ and Language Access Plan¹⁰ for more information on accommodations and services.

⁹ MD Labor's Nondiscrimination Plan is available at the following link:

<http://www.labor.maryland.gov/employment/ndp/>.

¹⁰ The DWDAL and Division of Unemployment Insurance Language Access Plan is available at the following link: <http://www.labor.maryland.gov/employment/wioa-access.pdf>.

REFERENCES

LAW

- [Workforce Innovation and Opportunity Act](#) (WIOA), 29 U.S.C. § 3101 et. seq (2015);
- Md. Ann. Code, Labor and Emp. Art., Title 11, [Division of Workforce Development and Adult Learning](#).

REGULATION

- 2 CFR §§[200](#), [683](#) and [2900](#) – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 20 CFR Part 651, "[General Provisions Governing the Wagner-Peyser Act Employment Service](#);"
- [Employment and Training Administration, Workforce Innovation and Opportunity Act](#); Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (Aug. 19, 2016);
- 29 CFR Part 38 – "[Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act](#);"
- COMAR 09.33 et seq. [Job Service](#);
- COMAR 09.12.42 [Equal Employment Opportunity](#);
- COMAR .09.12.43 [Maryland Apprenticeship and Training](#); and,
- COMAR 09.37.01 et seq. [Workforce Development and Adult Learning](#).

OTHER RESOURCES

- [DWDAL Policy Issuance Page](#);
- [Language Access Plan](#);
- [Maryland Local Plans](#);
- [Maryland WIOA Combined State Plan](#);
- [MD Labor’s Non-Discrimination Plan](#).