

1 **Wagner-Peyser Staffing Final Rule**  
2 **Discussion Paper**  
3

4 **Background**

5 On January 3, 2020, the US Department of Labor (DOL) published a final rule regarding  
6 Wagner-Peyser (WP) Act staffing flexibility. In a summary of the final rule action DOL noted  
7 that the issuance of the final rule is intended to give States increased flexibility in their  
8 administration of Employment Service (ES) activities funded under the WP Act. This flexibility  
9 includes the grants allocated to the States for the traditional labor exchange and related services,  
10 and for the foreign labor certification program, including the placement of employer job  
11 orders, inspection of housing for agricultural workers, and the administration of  
12 prevailing wage and practice surveys. The final rule is effective February 2, 2020.  
13

14 **Issue**

15 Prior to the issuance of this final rule, labor exchange services provided under the authority of  
16 the WP Act, were required to be provided by State merit-staff employees. As such, all WP Act  
17 funded staff in Texas providing ES activities are currently state merit staff. With the issuance of  
18 this final rule, states now have the flexibility to provide WP Act-funded activities through a  
19 variety of staffing models.  
20

21 **Decision Point**

22 Staff seeks direction on the appropriate actions to take in regard to the issuance of the WP Act  
23 final rule.