

Attachment I

Region VII Workforce Development Board Supportive Service Policy

SUPPORTIVE SERVICE POLICY

Effective Date: March 17, 2022

BACKGROUND:

The Workforce Innovation and Opportunity Act, in Section 129 and 134, defines supportive services as: "services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under this title, consistent with the provisions of this title." While this definition contains some illustrative examples, such examples are not intended to comprise an exhaustive or exclusive list of such services. Under WIOA, rules governing the permissible and/or mandatory provision of supportive services vary by funding stream (adult, dislocated worker, and youth).

POLICY:

Supportive services are one mechanism available to assist individuals to participate in WIOA program services and/or activities to secure and retain employment. Supportive services are not a participant entitlement. Registration, pursuant to the provisions of the WIOA, is an absolute prerequisite to the provision of supportive services.

For adult and dislocated worker participants under WIOA Title I-B, supportive services may be provided, within the constraints established by the Workforce Innovation and Opportunity Act and regulations, to participants in need of financial assistance when:

- 1) the participant is receiving WIOA Title I-B intensive or training services; and
- 2) is regularly attending classes while demonstrating satisfactory progress;
- 3) a 2.0 GPA per semester is required if the participant is enrolled in an applicable training program;
- 4) supportive services are necessary to enable participation in career or training services; and
- 5) the participant is unable to obtain similar services from another source.

Service providers must establish internal controls that result in equitable treatment, maximize allocations, and ensure coordination with, and referral of participants and applications to, other community resources.

For WIOA Title I-B youth participants, supportive services are among the fourteen required program elements and must be available to all registered participants.

As a part of assessment, program staff will determine a participant's need for supportive services and appropriate resources. The employment plan must document supportive services needed to address barriers to an individual's employment goals and how they will be accessed. Alternatives to WIOA-funded supportive services will be sought prior to providing supportive services with WIOA funds.

For the purpose of categorizing and defining participant supportive service limitations, the Region VII WDB recognizes the following three types of support:

1. Employability and/or Emergency Assistance

A participant may receive Employability and Emergency Assistance during program participation, provided that the support is determined necessary to: a) facilitate or continue participation; b) maintain or increase employability; and/or c) assist with meeting emergency needs. When emergency assistance is provided, there must be a reasonable expectation that the assistance will resolve the situation; for example, if rent is paid for one month, there must be a reasonable expectation that the individual will obtain the resources to pay rent for the following months. Assistance may include, but is not limited to, clothing, food, and housing assistance; grooming supplies/services; personal vehicle repair/maintenance; and medical, dental, and optical services.

In most instances, it is desirable for the supportive service payment to be issued to the party providing the supportive service, rather than to the participant. When participants receive cash payments for employability and emergency assistance, receipts may be required to verify that the payments were used for their intended purpose.

Maximum of \$5000 issued per participant

2. Child Care Assistance

Child care assistance is a supportive service provided to participants if it is determined that without it a participant will not be able to participate or transition to employment. Participants will be encouraged to make child care arrangements that they can afford when supportive services terminate.

Childcare assistance may be provided to participants with children twelve years of age or younger. Payment will be based on participant attendance; the applicable rate will be paid for each day of participation. Travel time may be added to the actual hours of participation, when necessary. If the participant is absent, childcare assistance will not be paid.

Childcare assistance may be provided as a reimbursement to the participant or a direct payment to a licensed child care provider. Childcare assistance will not be provided when a competent adult (over the age of 18 years) residing at the same address as the participant is available to provide childcare.

Childcare assistance will be provided at no more than the rate charged by the provider subject to the following maximum rates. These rates are established as maximums, which should be reduced to reflect the participant's circumstances, estimated needs, and other sources of support. Child/dependent care services shall be paid to a licensed vendor unless the vendor is providing services in the participant's home. Exceptions can be made if it is clearly demonstrated that such care is not readily available due to the child's/parent's age or special needs or in instances when there is no appropriate care available in the area. Such exceptions are intended as a temporary measure to allow the participant to engage in program activities until acceptable care can be found.

Maximum of \$5000 issued per participant

Maximum of \$25 issued per participant per day

Requests for childcare payments will coincide with the submission of attendance reports. Program staff will review and endorse timesheets to verify the accuracy of the participant's request for childcare payments for training and work-based activities.

3. Transportation/Meals Assistance

The Eastern Panhandle is a mix of rural and suburban environments. This causes a variety of transportation problems for participants who do not own a vehicle or must travel great distances to and from work or training.

Region VII WDB may provide transportation assistance in the form of bus passes, trip tickets, or a gasoline allowance. Participants will be encouraged to use public transportation when available except when doing so will create costlier problems or major inconveniences. Gasoline vouchers will be used in lieu of direct payment to the participant, except when doing so will create costlier problems or major inconveniences.

Region VII WDB recognizes that some trainings/services may require a participant to provide meals for him/herself during the course of the day or evening.

For the aforementioned reasons listed above Region VII WDB allows participants with a demonstrated need to be issued \$25 per day for transportation/meals.

Maximum of \$5000 issued per participant

Maximum of \$25 issued per participant per day

In order for eligible participants to receive the above supportive service payments he/she must have turned in an approved timesheet signed by his/her instructor.

LIMITATIONS AND GUIDELINES

The following guidelines are provided to assist in administering Supportive Services:

- A. Region VII WDB may provide Supportive Services Payments up to \$5000 per participant per twelve months. For participants who are co-enrolled (Adult and Dislocated Worker, Adult and Youth, etc.), the maximum amount remains \$5000.
- B. Daily supportive service payments must not exceed \$40 per day without prior approval from the Region VII WDB Executive Director. Approval will be based on documentation demonstrating a need for Employability and/or Emergency Assistance.
- C. An amount above \$5000 a waiver request must be submitted to the Region VII WDB Executive Director.
- D. Participant files must adequately document that all supportive services are allowable, reasonable, justified, and not otherwise available to the participant and show evidence of collaboration, when feasible. Assessment of the participant's need for supportive services must also be documented in MACC case notes.
- E. Supportive Services cannot be expended before a participant is registered.
- F. Supportive Service Payments will be issued every two weeks on the Friday closest to the 1st and 15th of the month.
- G. Timesheets are due Friday before payments are processed.
- H. Timesheets must be signed by the participant, the instructor and the WIOA Career Coach.

- I. The WIOA Career Coach will scan the timesheets to the WDB office for final approval and processing.
- J. Participants submitting timesheets late will have his/her payments processed in the next payment period. Participants will have three business days past the Friday due date to submit timesheets. If timesheets are submitted more than three business days late they will **NOT** be accepted and payment will **NOT** be issued.
- K. Supportive-Service payments will not be reissued to clients without just cause. No Supportive-Service payments shall be reissued after forty-five (45) days.
- L. Supportive-Service payments will be managed by the Region VII Workforce Development Board.
- M. In the event fraudulent activity is discovered, all payments to the fraudulent party will cease and all funds paid will be recovered. All cases of fraud or suspected fraud will be forwarded to the appropriate legal authorities for prosecution. Supportive-Service Payments have been classified as non-taxable income by the I.R.S.
- N. Any questions or concerns should be addressed to:

Region VII WDB
Ms. Stacy Swick, Compliance Director
151 Robert C. Byrd Industrial Park Road Suite 2
Moorefield, WV 26836

Right to Reduce or Eliminate Supportive Services:

The Region VII WDB reserves the right to reduce or eliminate WIOA-funded supportive services in the event funding is reduced or other budgetary constraints exist. In such circumstances, the Region VII WDB would work to determine equitable measures to effect the reduction or elimination, including sufficient prior notice for participants. In no event would a reduction or elimination of WIOA-funded supportive services be retroactive.

SUPPORTIVE SERVICES WAIVER PROCESS:

In some unique circumstances, Region VII WDB may be unable to obtain receipts for goods or services. In such circumstances, staff shall investigate the circumstances and document in writing his/her findings and what, if any, corrective action is taken.

On an individual basis, limitations for supportive services may be waived by the Region VII WDB Executive Director or his/her designee. Consideration of waiver requests shall ensure to the extent possible that similarly-situated participants receive similar payments. Copies of the approved waiver documenting the extraordinary circumstances that exist/existed will be maintained in the participant's master record and in the fiscal records.

Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

Expiration: Effective until rescinded, in writing, by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director



Date



Layne Diehl, Chairperson Region VII WDB



Date

Attachment J

**Region VII Workforce Development Board
Low Income for Eligibility Policy**

**REGION VII LOW INCOME ELIGIBILITY FOR WORKFORCE INNOVATION AND OPPORTUNITY
ACT (WIOA) SERVICES POLICY**

Effective Date: September 19, 2019

Background: The Workforce Innovation and Opportunity Act of 2014, Section 3(36)(A) and Section 3(36)(B). To provide guidance on the use of the value tables when determining eligibility for youth and adult job seekers for WIOA services. The procedures include references to value tables that are published annually and provide the Local Workforce Development Boards with the necessary figures to make such determinations. The tables are transmitted to the WDBs through an annual notice.

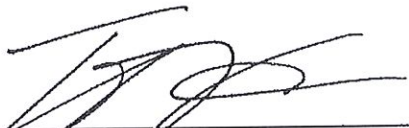
Action: The "Region VII Low Income Eligibility for Workforce Innovation and Opportunity Act (WIOA) Services Policy" will replace the "Self-sufficiency Income Guidelines Policy," dated July 7, 2004. This policy will be used to identify income based eligibility for WIOA Adult and WIOA Youth customers in Region VII. The standard for income eligibility will be 125% of the federal poverty guidelines or 70% of the Lower-Living Standard Income Level (LLSIL), whichever is greater.

Policy: The Region VII Workforce Development Board will utilize 125% of Federal Poverty Guidelines and 70% of LLSIL when determining income based eligibility for WIOA Adult or WIOA Youth services. A Low Income Individual is one who qualifies under various criteria, including an individual who received income for a six-month period that does not exceed the 125% of federal poverty level guidelines. The policy covers all needs related payments, supportive service payments, stipends, training funds, or any other monies designated on behalf of eligible low income WIOA Adult or WIOA Youth customers. The Region's designations are accepted by the Department of Labor and Workforce West Virginia based on consistency with the Workforce Innovation and Opportunity Act and WIOA regulations. As policy, the 125% of federal poverty guidelines will be the standard when determining WIOA Adult and WIOA Youth income eligibility in Region VII, except for families of three or more in Berkeley or Jefferson County. In this instance the 70% of the LLSIL will be used for determining WIOA eligibility.

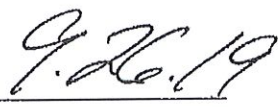
Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

Questions: Questions concerning this policy should be directed to the WDB Staff by calling (304) 530-5258.


Expiration Date: Effective until rescinded or modified in writing by the Region VII Workforce Development Board.



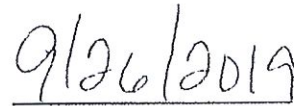
T.J. Van Meter, Executive Director



Date



Layne Diehl, Chairperson Region VII WDB



Date

Attachment K

**Region VII Workforce Development Board
WIOA Youth Additional Assistance Policy**

WIOA YOUTH ADDITIONAL ASSISTANCE POLICY

Effective Date: September 19, 2019

Background: Under the WIOA law, as defined in section 681.200 (c)(8), either the State or the local level may establish definitions and eligibility documentation requirements for the "requires additional assistance to complete an educational program, or to secure and hold employment." In cases where the State Board establishes State policy on this criterion, the State Board must include the definition in the State Plan. In cases where the State Board does not establish a policy, the Local Board must establish a policy in their local plan if using this criterion.

The Workforce Innovation and Opportunity Act of 2014 provides for employment and training programs for Out-of-School Youth ages 16-24 that are not attending school and meet at least one mandated barrier to training or employment. For a youth to qualify for services using the criterion "Is an individual who requires additional assistance to complete an education program, or to secure and hold employment, one of the following must be met:

- A. Youth in a situation of domestic violence
- B. Youth with a history of substance abuse
- C. Youth that lacks occupational goals/skills
- D. Youth that has a poor work/no work history
- E. Youth that has been actively seeking employment for at least 2 months, but remains unemployed
- F. Youth that is gang involved or at-risk of gang involvement
- G. Youth that has limited English proficiency
- H. Migrant Youth
- I. Youth residing in a household where at least one family member living at the same residence has received public assistance in the last six months

Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

Expiration: Effective until rescinded, in writing, by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director

9.26.19

Date



Layne Diehl Chairperson Region VII WDB

9/26/2019

Date

Attachment L

Region VII Workforce Development Board Individual Training Account (ITA) Policy

INDIVIDUAL TRAINING ACCOUNT (ITA) POLICY

Effective Date: December 16, 2021

Background: The Workforce Innovation and Opportunity Act of 2014, Sections 122 and 134(d)(4)(g)(1) and 20 CFR 680.300-680.340 provides for the establishment of an Individual Training Account (ITA) on behalf of an eligible participant to finance approved training services.

The Act establishes the Individual Training Account (ITA) as one of the primary methods for WIOA-eligible participants to access needed training services. The local Workforce Development Board will identify and approve regionally-eligible training providers and programs who have submitted an initial or renewal application via the Mid-Atlantic Career Consortia (MACC) computer system and been granted State approval. The Region VII WDB will distribute information concerning approved training providers and programs to the WIOA Career Coaches at both One Stops on a quarterly basis. Eligible participants will have full access to this information and will select a training program and provider in a manner consistent with the principle of informed customer choice.

Policy: The Region VII Workforce Development Board may provide training services to eligible Workforce Innovation and Opportunity Act participants according to the following local provisions, subject to availability of funding:

- a. **Customer Need/Ability to Benefit.** The customer must be unable to obtain employment leading to self-sufficiency with existing skills. Customer must have minimum scores of at least a 9.0 grade equivalent on the Reading and Math sections of a regional, state, or nationally recognized standardized test. The customer must meet any additional requirements imposed by the training provider in order to be eligible for an Individual Training Account (ITA). Any exceptions to these requirements must be approved on a case-by-case basis by the WDB Executive Director. Training services are not an entitlement. The Career Coach recommends a participant for Training services by submitting an ITA application to the WDB regional office. The regional office has the authority to approve or deny the application. If an ITA application is denied, the customer may request a review by the local One Stop Consortium. If the Consortium upholds the decision of the WDB regional office, the customer has the right to file a grievance according to the published procedure.
- b. **Eligibility Determination.** Eligibility for services will be determined by the WIOA Career Coach utilizing the Mid-Atlantic Career Consortium (MACC) computer system and WIOA law. The career coach will also determine appropriate enrollment (e.g. Adult, Dislocated Worker, Set-Aside) and copies of all supporting documentation will be kept in the customer's

file at the service location. The Region VII Workforce Development Board reserves the right to delete, add or modify forms as deemed necessary to collect, organize, and store information relevant to the determination of eligibility for services.

- c. **Case Management.** The Career Coach's role is to provide information, guidance, assistance, and support to the participant before, during, and after training and to act as a liaison between the participant, the training provider, partner agencies, and the WDB. Career Coaches will be required to contact participants enrolled in training programs on a monthly basis to monitor participant progress and address any barriers to success that may arise and must document these contacts in MACC. Career Coaches will make referrals to partner agencies as appropriate to support participant success by addressing needs beyond the scope of the ITA. Upon completion of training, the Career Coach will continue to provide intensive case management services until the participant is exit-ready (typically, the point of employment). Post-exit, the Career Coach will review the former participant's status according to mandated time frames.
- d. **Individual Employment Plan (IEP).** As outlined in the Workforce Innovation and Opportunity Act of 2014, The Individual Employment Plan (IEP) is a "plan for success" developed by the participant and the Career Coach that identifies the participant's employment goal. The IEP identifies customer strengths or barriers to employment and training. IEP outlines training services deemed necessary to attain the employment goal. All services received by the individual will be documented in the MACC system.
- e. **Participant Application for Training.** Each applicant for an ITA must complete the Participant ITA Application Form. The purpose of this application is to assist the participant in making an informed decision regarding the selection of a training program and training provider by providing a realistic "snap shot" of labor market conditions, including availability of employment in the participant's local area and typical earnings.
- f. **Individual Training Account.** The Region VII WDB has authorized a maximum of \$6,000 for a period of training up to twelve months in duration, to be applied to tuition, fees, books, supplies, tools and other training-related expenses invoiced directly by the training provider. All ITA participants will be required to provide documentation that they have completed a FAFSA if their selection training program is PELL-eligible and any grants awarded will be used before WIOA funds are applied. No payments will be made for training costs incurred prior to the approval of the ITA and the complete ITA File must be received by designated WDB staff at least ten business days prior to the training program start date.
- g. **Participants Memorandum of Understanding.** Each eligible WIOA participant receiving WIOA-funded training services will be required to enter into a Memorandum of Understanding (MOU) with the Region VII Workforce Development Board, prior to approval of any WIOA-funded training. Any breach by the participant of any of the conditions

established in the MOU can be cause for the WDB to rescind the funding for the participant's ITA.

- h. **Region VII Workforce Development Board Staff Responsibilities.** Workforce Development Board staff will provide the necessary support through policy and procedural development, technical assistance, and monitoring of training providers to ensure compliance with the Workforce Innovation and Opportunity Act of 2014. The Region VII WDB staff will review all State-approved training programs. Only programs with linkages to local regional demand occupations from accredited institutions will be approved for participants. Designated WDB staff will review each submitted ITA file, make a determination as to whether or not the ITA will be approved and issue a determination letter to the training provider, the participant, and the Career Coach.
- i. **Region VII Demand Occupations.** The WDB utilizes a demand occupation forecast published by WORKFORCE West Virginia, which is updated annually. The WDB will consider other occupations not listed on the Demand Occupation list when a school, employer, job seeker, economic development agency, or other entity can provide written evidence that such an occupation is in demand. The WDB will review the information and issue a decision approving or denying the occupation based on the evidence provider, or on O*Net justification.
- j. **Training Provider Responsibilities.** Region VII approved training providers must have a current Training Provider Memorandum of Understanding (MOU) on file with the WDB.
- k. **Management Information System (MIS) Forms.** The training provider is responsible for the completion and submission of forms used to track individual movement through WIOA-funded training. These forms will be used to report training enrollment, completion, exit and follow-up action for each WIOA training participant. Completed forms will be submitted to the administrative offices of the WDB, to the attention of the designated staff person. Submission of such forms in a timely manner is crucial to document the success of the training program and the training provider. This data provides the basis for computation of regional performance data used by the U.S. Department of Labor, WORKFORCE West Virginia, and the WDB to gauge training effectiveness and success. Failure to meet established local regional performance measures, whether through erroneous reporting, untimely reporting, or program failure, could result in future fiscal sanctions imposed by the Department of Labor or WORKFORCE West Virginia.
- l. **Follow-up Services.** Follow-up services will be conducted for approximately one year after exit from the program in order to capture performance criteria for the Department of Labor. This service will capture the documentation required for the Outcomes Page in MACC, to include any credentials earned; job placement and job retention information, per the guidelines set forth in the Federal Regulations and the Common Measures performance requirements.

Revisions: As new regulations from the United States Department of Labor are received that pertain to this policy, those changes will be made accordingly by use of Policy Revisions. It is the Policy of the Region VII Workforce Development Board to adhere to all directives received from the US Department of Labor and the WORKFORCE West Virginia Office.

Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

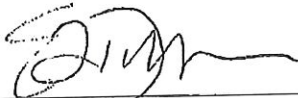
Expiration Date: Effective until rescinded or modified in writing by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director

12-16-21

Date



Layne Diehl, Chairperson Region VII WDB

12/16/21

Date

Attachment M

Region VII Workforce Development Board Monitoring Policy

MONITORING POLICY

Effective Date: September 19, 2019

Background: Policy established herein results from guidance contained in WIOA Section 183.

The local WDB is required to conduct regular monitoring and oversight of their own activities and those activities of their sub-recipients in order to:

- A. Determine the expenditures are made against the cost categories and within the cost limitations specified by the WDB, WorkForce West Virginia, and the ACT;
- B. Determine whether there is compliance with administrative and programmatic provisions of contracts, Memorandums of Understanding, local policies, WorkForce West Virginia policies, and the ACT; and
- C. Provide technical assistance as needed and appropriate.
- D. Routine Equal Opportunity monitoring of service providers will be conducted by the respective WDB EO Officer no less than once a year.

The obligation to conduct monitoring and oversight activities requires recipients and sub-recipients to perform certain actions, including but not limited to:

- A. Developing monitoring tools and a schedule for on-site visits;
- B. Developing monitoring reports, requesting corrective action, conducting follow-up, and imposing sanctions (where permissible and appropriate); and
- C. Reviewing previous monitoring reports and other documentation as appropriate as part of monitoring and oversight responsibilities; and
- D. Provide training and assist agencies in developing corrective action plans to meet any deficient requirements.

Should applications of the WDB monitoring policy reveal issues requiring resolution the WDB will require prompt written corrective action to remedy any cited violation of the standards set forth in the local, state, and Federal regulations. If corrective action is requested and not implemented, the WDB may impose sanctions as prescribed by local, state, or Federal regulations.

In order to comply with the requirements of WIOA, the WDB has developed this monitoring protocol and tools contained herein to be used in reviewing all WIOA funded activities and/or sub-recipients.

Definition:

A sub-recipient shall be defined as follows:

A non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program but does not include an individual who is a beneficiary of such a

program. A sub-recipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

Policy: The staff of the Region VII Workforce Development Board (WDB), as the appropriate administrative entity for the WDB and the Local Elected Officials, will conduct comprehensive on-site reviews of all WIOA funded sub-recipients no less than twice annually during each program year. Visits in local areas may include, but are not limited to, on-site reviews of training providers, comprehensive One-Stop Career Centers, and satellite centers, sub-recipients of WDB funds, and other locations or entities as deemed necessary and appropriate by the WDB. Resolution of any compliance issues shall be in accordance with the provisions of the Act, its regulations, and other applicable local and state laws or regulations.

Additional reviews will be conducted by the WDB as deemed necessary and appropriate. These additional reviews may include, but are not limited to, additional comprehensive on-site reviews, special on-site reviews to address specific issues or concerns, and paperwork reviews ("desk audits") of appropriate reports, documents, or other written or recorded materials.

For purpose of conducting its comprehensive on-site reviews, the WDB will utilize the attached monitoring tools. The attached instruments may be modified as needed by the WDB at any time, and may be used in whole or in part for the purpose of monitoring any WDB sub-recipient (including training providers). WIOA funded agencies are encouraged to utilize the tools contained herein to conduct self-analysis.

Scheduling: The WDB Director or designated representative will initially contact the agency for tentative monitoring dates. Once dates have been agreed upon by both agencies, a formal letter will be submitted to the agency addressing the upcoming monitoring. At this time, the agency director may request a review of any issue (s) not addressed in the attached monitoring instruments. This request must be in writing from the agency director to the WDB Director.

Confirmation: The agency director will receive written or electronic confirmation of the selected date, time, and location for commencement of the review. The same communication will include a request for documents to be provided to the WDB prior to the review (if any) and timelines for submission of such information. If applicable, the communication will confirm the agency director's request for review of any issue (s) outside the scope of the monitoring tools.

Review Team Composition: Where practicable, the WDB monitoring teams will consist of at least two WDB staff members. Local board members and Local Elected Officials may supplement the monitoring team. The WDB reserves the right to alter the configuration of the review team and the review time as deemed necessary and appropriate by the lead WDB review team leader.

Entrance Interview: On-site reviews will commence with an entrance interview between the monitoring team, the agency director or designee and any other local representatives deemed appropriate by the agency. The interview will include:

1. The lead reviewer's introduction of the review team, the scope of the review, and the estimated timeframe for completion;
2. Designation by the agency director or designee of local staff or representatives to serve as points of contact for the issues to be reviewed;
3. Arrangements for review of agency sub-recipients (if applicable); and
4. Questions, comments, or clarifications regarding the review.

The Review: On-site review will utilize, in whole or in part, the attached monitoring tools and other tools, as needed. Other issues regarding the review follow:

1. The review team will review previous reports, audits, etc. prior to commencement of the on-site review, including a review of previous findings and corrective actions (where applicable). A review will be made to determine if previous cited findings have been remedied.
2. During the review, issues that could be cited in a report will be noted to appropriate agency representatives and every possible opportunity given for correction prior to the conclusion of the review. If corrections are made and deemed acceptable, the WDB (at its discretion) may elect to omit the issue from the formal report, or report the issue with a notation that corrective action has already occurred and no further action is needed.
3. The review team will have access to and the right to copy any and all documents or records pertinent to awards of funds made by the WDB or other WIOA-related issues. No original documents will be removed from the review site unless approved by the appropriate local representative or permitted by legal authorization.

Exit Conference: On-site visits will conclude with an exit conference between the review team, the agency director or designee, and any other local representative deemed appropriate by the WDB. The conference will be led by the Team Leader and will include:

1. A review of findings;
2. A review of the timeframe for issuing a formal report on the review; and
3. Questions, comments, or clarifications of the review and its findings.

It should be noted that during the review, at the exit conference, and prior to the issuance of the formal report on the visit, the agency will have the opportunity to offer responses to all findings, including provision of documents as necessary or requested by the WDB. The WDB may conduct additional follow-up visits or utilize other means of review in response to information provided by the agency prior to the issuance of a formal report.

Prior to issuing a formal report, the WDB will not make public any findings without first notifying the agency director. Information regarding the reviews and findings will be made public in accordance with applicable federal, state, and local privacy laws.

Formal Report: The WDB will issue a written formal report regarding comprehensive on-site reviews within 30 calendar days of the date of the exit conference. The report will be addressed to the agency director, or designee. The report will clearly distinguish between *findings* (issues of non-compliance with the Act, its regulations, or other applicable laws or regulations) and *observations* (suggestions or recommendations for process improvement). Those items considered findings may or may not involve issues of costs that are questioned or recommended for disallowance. Findings are subject to corrective actions to be submitted, in writing, to the WDB. Where applicable, the report will provide references to the appropriate statute, regulation, policy, etc. that forms the basis for each finding.

Issue Resolution/Corrective Action: Where costs are questioned or recommended for disallowance, the agency will be notified of the process for addressing the resolution of such issues. Where corrective action is deemed necessary, the agency will be notified of the need to provide a Corrective Action Plan (CAP). The agency will have 30 calendar days from receipt of the CAP notification to submit such a plan. The CAP shall be signed by the agency director or designee, addressed to the WDB Director, and contains at least the following:

1. Document the entire finding as cited in the formal monitoring report;
2. An assessment of the current situation, including any actions already taken to address the problem;
3. A plan describing, in detail, the actions to be taken to correct the problem at issue;
4. A timetable for actions to be taken, including dates by which certain levels of progress will be achieved; and
5. A plan describing how reoccurrence of the cited deficiency will not occur in the future.

WDB staff will review the CAP, with recommendations regarding acceptance or rejection to be made to the WDB Director or other entity charged with acceptance/rejection of such plans. WDB staff will work with the agency and its staff to rectify issues preventing acceptance of the CAP. Upon acceptance of the plan, follow-up will occur as needed to review progress and provide technical assistance toward fulfillment of the CAP. Follow-up may be on-site or by other means as deemed necessary and appropriate by the WDB.

WDB staff will make every effort to work with the agency staff during each of the monitoring process, from scheduling on-site visits to addressing any and all corrective action/issue resolution situations. WDB staff is available to provide technical assistance whenever possible, whether related to monitoring issues or on other WIOA topics. The assistance of WDB staff will therefore be available during the development of CAPs by agencies prior to their submission to the WDB for approval as previously outlined in this policy. Requests for WDB staff technical assistance, outside the range of a formal monitoring, should be submitted in writing to the WDB Director. Staff will provide a briefing with recommendations to the WDB's Performance Measure Committee prior to issuance of a monitoring report to an agency. The committee can make further comments in the report.

Sanctions: In the event of the failure or non-implementation of CAPs during a negotiated timeframe, the WDB staff will make recommendations to the Region VII Workforce Development Board regarding the use of sanctions as permitted by the local WDB, WorkForce West Virginia, or WIOA. In the event sanctions are issued, the agency receiving such sanction will be given an opportunity to appeal the sanctions based on the WDB's

formal grievance policy. Sanctions can include the cancellation of contracts, recapture of funding, repayment of disallowed costs, and debarment from future WIOA activities.


Action: Agencies receiving WIOA funds should take whatever action is necessary to comply with this policy, including but not limited to designing and/or implementing appropriate local monitoring programs and protocols.

This policy should be placed with other policies promulgated by the WDB and/or its predecessors in the binder or other filing mechanism used to maintain an updated collection of local WDB policy issuances.


Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.


Expiration: Effective until rescinded, in writing, by the Region VII Workforce Development Board.



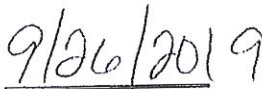
T.J. Van Meter, Executive Director



Date



Layne Diehl, Chairperson Region VII WDB



Date

Attachment N

Region VII Workforce Development Board Grievance Policy

Grievance and Complaint Policy and Procedures

Effective Date: September 19, 2019

Purpose:

This document establishes the policy of West Virginia on the development, maintenance and implementation of programmatic grievance and complaint procedures. This policy and related procedures covers complaints alleging noncriminal violations of the requirements of Workforce Innovation and Opportunity Act (WIOA) in the operation of local WIOA programs and activities, and transmits policy governing WIOA Title I related grievance and complaint procedures at the local and State level.

Scope:

Title 20 Code of Federal Regulations (CFR) Subpart F Section 683.600 requires that Local Workforce Development Boards (LWDB) and sub-recipients of WIOA Title I grant funds comply with the grievance and complaint provisions of the WIOA. This policy applies to programmatic grievances and complaints pursuant to WIOA Section 181(c) and does not address the procedures for processing complaints alleging discrimination under WIOA Section 188 and/or Title 29 Code of Federal Regulations (CFR) Part 37. Information and complaints involving allegations of fraud, abuse, or other criminal activity must be reported directly to U.S. Department of Labor's (DOL) Office of Inspector General.

REFERENCES:

WIOA Section 181 (c)
Title 20 CFR Part 683.600
Title 29 CFR Part 37

FILING INSTRUCTIONS:

This policy implements the requirements of WIOA Section 181(c) and 20 CFR Part 683.600. Retain this policy until further notice.

BACKGROUND:

Title 20 CFR Section 683.600 requires each LWDB, State, and direct recipient of funds under Title I of WIOA to establish and maintain a procedure for grievances and complaints from participants and other interested parties affected by the local workforce development system, including One-Stop partners, service providers, and the statewide workforce development programs.

POLICY:

Definitions:

Complainant means any participant or other personally interested or personally affected party alleging a non-criminal violation of the requirements of WIOA.

Complaint file is a file that is maintained in a central location within each office which includes a hard copy of each complaint filed along with pertinent documentation.

Days means consecutive calendar days, including weekends and holidays.

Grievance or complaint means a written expression by a party alleging a violation of WIOA, regulations promulgated under WIOA, recipient grants, sub-agreements, or other specific agreements under WIOA. All complaints, amendments, and withdrawals shall be in writing. This policy is intended to resolve matters which concern actions arising in connection with the WIOA Title I grant program.

Hearing Officer means a party who shall preside at a hearing on a grievance or complaint. The WDB Compliance Director will serve as the Hearing Officer.

Local Workforce Development Board includes the Local Workforce Development Area's/Region's administrative entity and any sub-recipients to which the administrative entity has delegated the complaint and grievance resolution process.

Participant means an individual who has been determined to be eligible to participate in, and who is receiving services under, a program authorized by WIOA.

Participant case file means either a hard copy or an electronic file.

Recipient means an entity to which a WIOA grant is awarded directly from DOL to carry out a program under Title I of WIOA. The State is the recipient of funds awarded under WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), and 132(b)(2)(B).

Sub-recipient means an entity to which a sub-grant is awarded and which is accountable to the recipient (or higher tier sub-recipient) for the use of the funds provided.

Policy:

It is the policy of the State of West Virginia that:

The principles and procedures set forth in Policy 3-17 shall be used by all West Virginia LWDBs in the development of local-level grievance and hearing procedures; and

The principles and procedures set forth in Policy 3-17 shall govern the treatment and handling of all grievances or complaints in connection with all WIOA Title I grant programs and activities conducted by the State, or pursuant (directly or indirectly) to sub-grants from the State.

The State Workforce Development Board (SWDB) concurs with this policy and has approved the local policy and procedures contained in this document.

Procedures:

I. GENERAL PRINCIPLES AND REQUIREMENTS

These procedures will guide the receipt, hearing, and resolution of non-criminal grievances and complaints relating to WIOA Title I grant programs and activities that are funded with WIOA Title I grant monies provided to the LWDB by the State. These procedures will be available for use by all individuals and entities, including WIOA Title I grant participants, LWDB staff, sub-recipients of the LWDB, and other interested parties. Local procedures must include "a process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties so provides." [Title 20 CFR Section 683.600(c)(3)]. Additionally, all LWDB's and sub-recipients of WIOA Title I grant funds must make reasonable efforts to assure that information about the content of the grievance and complaint procedures will be understood by affected participants and individuals, including youth and those who are limited English-speaking individuals.

Such efforts must comply with the language requirements of Title 29 CFR Section 37.35.

At all levels of the grievance or complaint process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing.

Grievances or complaints must be filed within *30 days* of the alleged violation. All grievances or complaints, amendments, and withdrawals must be in writing. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal, or discrimination.

II. LOCAL GRIEVANCE AND COMPLAINT PROCEDURES

Pursuant to Title 20 CFR Sections 683.600 through 683.610, the State Workforce Development Board (SWDB) has established this procedure for resolving grievances and complaints alleging a violation of WIOA Title I, regulations, grants, or other agreements under WIOA. The following outlines the procedures for resolving issues arising in connection with WIOA Title I grant programs operated by the administrative entity for the LWDB and its sub-recipients. Any participant or other interested party adversely affected by a decision or action by the local workforce development system, including decisions by One-Stop

partners and services providers, has the right to file a grievance or complaint with the LWDB.

A. Notice to Affected Parties

Initial and continuing notice of the local grievance and complaint procedures and instructions on how to file a complaint must be:

Posted in a public location and be made available to any interested parties and members of the public.

Made available to each participant. A copy of the written description of the local grievance and complaint procedure shall include (1) Notification that the participant has the right to file a grievance or complaint at any time within *30 days* of the alleged violation; (2) Instructions and timeline for filing a grievance or complaint; and (3) Notification that the participant has the right to receive technical assistance. Such information shall be modified, as needed, whenever the procedures are changed.

The LWDB has the responsibility to provide technical assistance to the complainants, including those grievances or complaints against the LWDB. Such technical assistance includes providing instructions on how to file a grievance or complaint, providing relevant copies of documents such as the Act, regulations, local rules, contracts, etc., and providing clarifications and interpretations of relevant provisions. This requirement shall not be interpreted as requiring the LWDB to violate rules of confidentiality.

B. Form and Filing of Grievance or Complaint

The official filing date of the grievance or complaint is the date the written grievance or complaint is received by the LWDB, its service providers, One-Stop partners, or sub-recipients. The filing of the grievance or complaint will be considered a request for a hearing, and the LWDB shall issue a written decision within 60 days for the filing of the grievance or complaint.

The grievance or complaint must be writing, signed, and dated. For resolution purposes, the WDB requires that the following information be obtained or provided for all complaints:

Full name, telephone number, and mailing address of the complainant;

Full name, telephone number, and mailing address of the respondent;

A clear and concise statement of the facts and dates describing the alleged violation;

The provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated;

Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the law, regulations, or contract; and

The remedy sought by the complainant.

The absence of any of the requested information shall not be a basis for dismissing the grievance or complaint.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the time of the hearing. The 30 day time period in which a grievance or complaint may be filed is not extended for grievances or complaints that are refiled with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision. The LWDB shall send a copy of the grievance or complaint to the respondent.

C. Informal Resolution

The LWDB shall notify the complainant and the respondent of the opportunity for an informal resolution. Respondents must make good faith efforts to resolve all grievances or complaints prior to the scheduled hearing. Failure on the part of either party in the grievance or complaint to exert good faith efforts shall not constitute a basis for dismissing the grievance or complaint, nor shall this be considered to be a part of the facts to be judged in the resolution process. Where a complaint alleges a violation of WIOA Title I, grant or any agreements under WIOA, the LWDB must assure that every grievance or complaint not resolved informally or not withdrawn is given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.

When the complaint has been resolved through the informal resolution process, the LWDB shall attempt to contact the complainant and have him or her provide a written withdrawal of the complaint within 10 days of the receipt of the notice of resolution or impasse where a complainant decides not to proceed to an administrative hearing. The LWDB shall maintain copies of correspondence in the local office complaint file.

D. Notice of Hearing

Hearings on any grievance or complaint shall be conducted within 30 days of filing of a grievance or complaint. The complainant and the respondent must be notified in writing of the hearing 10 days prior to the date of the hearing. The 10-day notice may be shortened with the written consent of

both parties. The hearing notice shall be in writing and contain the following information:

The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed.
The date, time, and place of the hearing before an impartial hearing officer.

A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.

The name, address, and telephone number of the contact person issuing the notice.

E. Conduct of Hearings

An impartial hearing officer shall conduct the hearing. The LWDB will seek impartial hearing officers from among the staff of legal offices or personnel departments of municipalities or counties that will not be directly affected by, or will not implement the final resolution of, a specific grievance or complaint.

The hearing will be conducted in an informal manner with strict rules of evidence not being applicable and according to the procedures established by the LWDB. Both parties will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to examine records and documents relevant to the issues; and the right to be represented. The hearing will be recorded electronically or by a court reporter.

F. Decision

Not later than 60 days after the filing of the grievance or complaint, the hearing officer shall mail a written decision to both parties by first class mail. The hearing officer's decision shall contain the following information:

The names of the parties involved;

A statement of the alleged violation(s) and issues related to the alleged violation;

A statement of the facts;

The hearing officer's decision and the reasons for the decision;

A statement of corrective action or remedies for violations, if any, to be taken; and

Notice of the right of either party to request a review of the decision by the State Review Panel within 10 days of the receipt of the decision.

G. Appeal

If a complainant does not receive a decision at the LWDB level within 60 days of the filing of the grievance or complaint, or receives an adverse decision, the complainant then has the right to file an appeal with the State.

The complainant may request a State hearing by submitting a written notice of appeal to:

WorkForce West Virginia
Deputy Executive Director, Federal Programs
112 California Avenue, Room 613
Charleston, WV 25305

III. STATE-LEVEL GRIEVANCE AND COMPLAINT PROCEDURES

Title 20 CFR Section 683.600(d) requires the State to provide a process for dealing with grievances and complaints from participants or interested parties affected by the statewide workforce development programs, resolving appeals of decisions issued at the LWDB level, remanding grievances and complaints related to the local WIOA Title I programs to the LWDB grievance process, and affording an opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

In cases where the State has imposed either administrative or financial/monetary sanction(s) resulting from monitoring, investigations, or audits, the complainant may file an appeal with the State through the procedures established in their Audit Resolution guidance.

A. State-Level Informal Resolution and Hearing Procedures

All complaints of noncriminal violations of the requirements of WIOA by the State, or complaints by individuals or interested parties affected by the statewide workforce development program shall be filed in writing with the Deputy Executive Director of Federal Programs, WorkForce West Virginia. All requests for State hearings shall include the same basic elements necessary for local level hearings. These are:

Full name, telephone number, and mailing address of the complainant;

Full name, telephone number, and mailing address of the respondent;

A clear and concise statement of the facts and dates describing the alleged violation;

The provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated;

Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract; and

The remedy sought by the complainant.

Upon receipt of the request for a State hearing, the Deputy Executive Director of Federal Programs or his/her designee shall review the grievance or complaint and shall provide an opportunity for an informal resolution. The Deputy Executive Director of Federal Programs shall notify the complainant and the respondent within 10 days of receipt of the grievance or complaint and proceed with the informal resolution process. If the State cannot resolve the grievance or complaint informally, then a hearing will be held.

Hearings on any grievance or complaint shall be conducted within 30 days of the filing of a grievance or complaint. The complainant and the respondent shall be notified in writing of the hearing 10 days prior to the date of hearing. The hearing notice shall advise the following:

The date, time, and place of the hearing before an impartial hearing officer.

The pertinent sections of the WIOA or any other federal regulations involved.

A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.

The name, address, and telephone number of the contact person issuing the notice.

B. Appeals of LWDB Decisions or Requests for WFWV Review

1. A complainant may file a request for review with WFWV if no decision has been issued at the LWDB level within the 60-day time limit. A complainant may file an appeal if the LWDB has issued an adverse decision. The request for a WFWV review or appeal shall be filed or

postmarked (if mailed) within 10 days from the date on which the complainant received an adverse decision from LWDB or 15 days from:

The date on which a complainant should have received a decision regarding a locally filed complaint, which is defined as five days from the date the decision was due, or

2. All requests for review or appeals shall include the following:

The full name, telephone number, and mailing address of the complainant;

The full name, telephone number, and mailing address of the LWDB;

A statement of the basis of the request or appeal; and

Copies of relevant documents, such as the complaint filed at the LWDB and the local decision, if any.

3. WFWV shall request the record of the hearing from the LWDB and shall review the record. WFWV shall notify the concerned parties and the LWDB by first class mail, certified with a return receipt, of the following information at least 10 days before a scheduled hearing:

The date of the notice, name of the complainant, and the name of the party against whom the complaint is filed.

The date, time, and place of the hearing before a hearing officer.

A statement of the alleged violations. This statement shall accurately reflect the content of the complaint as submitted by the complainant.

The name, address, and telephone number of the contact person issuing the notice.

C. Hearing

1. The WFWV hearing shall be conducted in an informal manner with strict rules of evidence not being applicable. Both parties shall have the right to present written and/or oral testimony under oath and arguments; the right to call and question witnesses; the right to request and examine records and documents relevant to the issues, and the right to be represented. The hearing shall be recorded.

2. The WFWV hearing officer shall be an Administrative Law Judge (ALJ).

D. Referral of Local Grievances or Complaints

Grievances or complaints filed directly with the State related to the local WIOA programs will be remanded to the LWDB grievance process in accordance with LWDB Grievance and Complaint Procedures.

E. Remedies

1. Remedies that may be imposed for a violation of any requirement under WIOA Title I shall be limited to:

Suspension or termination of payments under WIOA Title I;

Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I;

Reinstatement, where applicable, of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and

- Where appropriate, to other equitable relief.

2. Nothing in paragraph 1 shall be construed to prohibit a complainant from pursuing a remedy authorized under another federal, State, or local law for a violation of WIOA Title I.

F. Federal-Level Appeal Process

Under Title 20 CFR Section 683.610(a)(1), if the State or Local Workforce Development Board has not issued a decision within the required 60-day time limit, the complainant can file an appeal to the Secretary of Labor. The appeal must be filed with the Secretary of Labor no later than 120 days of the filing of the grievance or complaint with the State, or the filing of the appeal of a local grievance or complaint with the State.

In cases where a decision has been reached and the State issued an adverse decision, the complainant can file an appeal to the Secretary of Labor within 60 days of the receipt of the decision being appealed.

The request for appeal must be submitted by certified mail, return receipt to:

Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210
Attention: ASET

A copy of the appeal must be simultaneously provided to the Region 2 ETA Regional Administrator, U.S. Department of Labor—Employment and Training Administration, Suite 825 East, The Curtis Center, 170

South Independence Mall West, Philadelphia, PA 19106 and the
opposing party.

ACTION:

All recipients and sub-recipients of WIOA Title I funding through the Workforce Development Board of West Virginia shall utilize the grievance and complaint procedures specified in this policy or ensure that any policies or procedures established by the recipient or sub-recipient are in accordance with these requirements.

Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

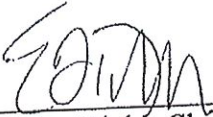
Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

Expiration: Effective until rescinded, in writing, by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director

9.26.19
Date



Layne Diehl, Chairperson Region VII WDB

9/26/2019
Date

Attachment O

Region VII Workforce Development Board EO Discrimination Complaint Policy and Procedures

**Equal Opportunity Discrimination Complaint Policy and Procedures
Workforce Innovation and Opportunity Act
Region 7 Workforce Development Board**

GENERAL PROVISIONS

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), and the implementing regulations at 29 CFR Part 37, prohibits discrimination because of race, color, religion, sex, national origin, age, disability or political affiliation or belief, in both participation and employment. The WIOA nondiscrimination regulations prohibit discrimination in all aspects of the administration, management, and operation of WIOA programs and activities. The State of West Virginia has adopted the following procedures for processing complaints alleging violations of the nondiscrimination and equal opportunity provisions in a WIOA Title I-financially assisted program or activity.

DEFINITIONS

Beneficiary – Individual or individuals intended by Congress to receive (and benefit from) aid, benefits, services, or training from a recipient of Federal financial assistance under a program or activity established by Federal statute.

CRC – U.S. Department of Labor / Office of Assistant Secretary for Administration and Management / *Civil Rights Center*.

Complainant – Individual filing discrimination complaint based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, on the basis of either citizenship as a lawfully admitted immigrant authorized to work in the United States, or participation in a WIOA Title I financially assistance program or activity.

Federal Financial Assistance – Refers to more than just dollars and cents. It can include nonmonetary forms of assistance, such as the provision of personnel at the grantmaking/recipient agency's expense, or the grant or donation of property, among other things.

Mediation – A process of alternative dispute resolution whereby negotiation of issues are facilitated by a neutral party. It is a voluntary and confidential process, and can result in a binding agreement.

Recipient – Any entity that receives financial assistance under WIOA Title I, either directly from the US Department of Labor or through the Governor or another recipient. American Job Center Partners are considered recipients to the extent that they participate in the one-stop delivery system.

Respondent – A grant applicant or recipient against whom a complaint has been filed under the nondiscrimination and equal opportunity provisions of WIOA.

BACKGROUND

This policy is intended to ensure that the Workforce Development Boards (WDBs) and other grant recipients/program providers implement complaint policies and procedures in compliance with guidelines provided by the Director, Civil Rights Center, U.S. Department of Labor (CRC), regarding the nondiscrimination/equal opportunity provisions of Title I of the Workforce Innovation and Opportunity Act (WIOA).

Section 188 of Title I of WIOA prohibits discrimination on the basis of: race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, on the basis of either citizenship as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity. Each Workforce Development Area has designated a Local Equal Opportunity Officer who is responsible for adopting and publishing policies and complaint procedures, and ensuring compliance. A recipient/program provider must provide initial and continued notice that it does not discriminate on any prohibited ground. A copy of the "Equal Opportunity is the Law" notice is provided to each participant and made a part of each participant's file per the regulations. If a complaint is filed, a copy of this Equal Opportunity (EO) Discrimination Complaint Processing Policy and Procedures is to be provided to the complainant.

POLICY AND PROCEDURE

Discrimination Complaint and Filing

All grant recipients/program providers under Title I of WIOA are responsible for complying with the discrimination complaint procedures consistent with 29 CFR Part 37, as outlined in this policy: Any person who believes that he or she, or any specific class of individuals, has been or is being subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA Title I, has the right to file a complaint within one hundred and eighty (180) calendar days of the alleged discrimination. The filing period may be extended for good cause in some limited circumstances. However, only the Director of CRC may extend the filing time.

Receipt of Complaint

A complainant must file a complaint within 180 days of the alleged act(s) of discrimination. If the complainant elects to file with an employee in a WorkForce West Virginia American Job Center, that employee will immediately accept the complaint and forward the complaint to the WorkForce West Virginia EO Officer. The complainant may file with WorkForce West Virginia or the Department of Labor, Director, Civil Rights Center (Federal). Filing a complaint with WorkForce West Virginia does not affect a complainant's right to file a complaint with the Civil Rights Center if he or she is not satisfied with the resolution provided by WorkForce West Virginia. The WorkForce West Virginia EO Officer is responsible for determining if the complaint is covered by 29 CFR Part 37, and for resolving jurisdictional issues, if any. Complaints may be submitted to:

STATE

Nicolas Allen, Acting EO Officer
 WorkForce West Virginia
 Equal Opportunity Office
 1900 Kanawha Blvd., E
 Charleston, WV 25305
 Phone: (304) 558-1600
 WV Relay 7-1-1
WorkForceEO@wv.org

FEDERAL

Naomi M. Berry-Perez, Director
 U.S. Department of Labor
 Civil Rights Center (CRC)
 200 Constitution Avenue
 Room N-4123
 Washington, DC 20210
 Phone: (202) 693-6502
 TDD: (202) 693-6515

Forms Used to File Complaint

State- An individual may file a complaint at the state level by completing and submitting the WorkForce West Virginia Discrimination Complaint Form which may be obtained from any local Workforce Development Board, WorkForce West Virginia American Job Center, or the WorkForce West Virginia Equal Opportunity Officer. The choice whether to use mediation or the customary investigative process rests with the complainant. The Mediation process is outlined in the section, "Mediation", discussed later in this policy. *(EDITOR NOTE: access to form and procedures will be incorporated on the WFWV website that is currently being updated)*

Federal – An individual may file a complaint by completing and submitting the Civil Rights Center's Complaint Information and Privacy Act Consent Forms, which may be obtained from the WorkForce West Virginia Equal Opportunity Office, or from the U.S. Department of Labor's Civil Rights Center website at <http://www.dol.gov/oasam/programs/crc/external-enforcement-complaints.htm>.

The complaint document must contain the following information: Complainant's name and address, or other means by which the complainant can be contacted; Identification of individual(s) or organization(s) responsible for the alleged discrimination; and a description of the complainant's allegations, which must include enough details to determine:

- Recipient's jurisdiction of the complaint.
- If the complaint was filed timely (within 180 days).
- Specific prohibited bases of the alleged discrimination (i.e., race, sex, etc.).
- Apparent merit of the complaint.
- Complainant's or authorized representative's signature.

Right to Representation – Both the complainant and respondent have the right to be represented by an attorney or other individual of their choice. The complainant will be offered the option to participate in mediation, or follow the customary state level complaint process. Any person

electing to file at the state level shall allow WorkForce West Virginia 90 days (from the date of receipt) of complaint to process the complaint.

If it is determined that the recipient does not have jurisdiction over a complaint, the complainant will be notified in writing by the EO Officer of WorkForce West Virginia of one or more of the following reasons:

- The basis for the complaint is not covered by the prohibitions set forth by 29 CFR Part 37.
- The complaint was not filed within the prescribed 180 days of the alleged violation.
- The complaint is against an entity that is not a recipient of WIOA Title I financial assistance as defined under 29 CFR Part 37.

If the recipient does have jurisdiction, the WorkForce West Virginia EO Officer will provide written notice to the complainant within 10 working days from the date of receipt of complaint. The written notice will contain the following:

- 1) Acknowledgment that the complaint has been received, and that the Respondent was been notified that a complaint has been filed.
- 2) Notice that complainant has the right to be represented in complaint process.
- 3) A written statement of the issue(s) provided by the complainant, including a statement as to whether the recipient will accept or reject the issues, and the reasons for rejection.
- 4) A period of fact finding or investigation of the circumstances underlying the complaint, which may take about 20 working days.
- 5) A brochure explaining the mediation process will be attached. The option to mediate rests with the complainant. The complainant will be requested to notify the WorkForce West Virginia EO Officer within 5 days of receipt of the written notice if he/she wishes to participate in mediation. If the complainant elects mediation, the process outlined below, captioned "Mediation", shall be followed.
- 6) Respondent will be notified that a complaint alleging discrimination has been filed and is being processed. A summary of the complaint and a notice that retaliation is against the law will be provided to respondent. The respondent will be also be notified if mediation has been chosen by the complainant as a means of resolution.

- 7) If, at the end of the 90 days, WorkForce West Virginia has not completed its fact finding or investigation, or failed to issue a Notice of Final Action, the complainant or his/her representative may, within 30 days of the expiration of the 90 days period, file a complaint with the Civil Rights Center.
- 8) Notice that if the Notice of Final Action is issued during the 90-day period, and the complainant is dissatisfied with the decision, the complainant has a right to file a complaint with the Civil Rights Center, within 30 days of the date on which the complainant receives the Notice of Final Action.

Mediation

The choice whether to use mediation or the customary investigative process rests with the complainant. If the complainant chooses mediation the respondent will be notified. WorkForce West Virginia mediation procedures are as follows:

- 1) If mediation is elected, the WorkForce West Virginia EO Officer will notify the mediator within 2 days of the receipt of the Mediation Election Form. The session will begin no later than 15 calendar days after the mediator is notified.
- 2) Parties will receive notice of where and when the mediation will be conducted.
- 3) Two (2) calendar days will be allowed for the mediation session to achieve a resolution. If the parties do not reach an agreement within the two-day mediation session, a notice will be issued within 15 calendar days from the end of the two-day mediation session, outlining the facts or circumstances relevant to the attempt to settle the issues. Notice will be given that the complaint has been referred for investigation.
- 4) If mediation was used successfully, a description of the resolution will be provided. A copy of the Settlement Agreement will be provided to the complainant and respondent within 15 days from the conclusion of the mediation session and the agreement will contain the following:

Signatures of mediator, complainant and respondent.

Description of the settlement of the issues.

Future responsibilities of both parties.

Notice of rights, to both complainant and respondent, that if either party to the agreement breaches the agreement, then the non-breaching party may file a complaint with the CRC within 30 days of the learning the agreement was breached.

- 5) If the parties do not reach an agreement under mediation, the complaint will be referred for investigation.

Breach of Settlement Agreement

A party to any agreement reached under mediation may file a complaint with the Civil Rights Center in the event the agreement is breached.

The non-breaching party may file a complaint with the Civil Rights Center within 30 days of the date on which the non-breaching party learns of the alleged breach.

If the Civil Rights Center determines that the respondent has breached the agreement, the complainant may file a complaint with the Civil Rights Center based upon his or her original allegations and the Civil Rights Center will waive the time deadline for filing such a complaint.

Notice of Final Action

The complainant shall allow WorkForce West Virginia 90 days from the date the complaint was received to process the complaint and issue a written Notice of Final Action. The complainant and respondent will be notified of the decision. The following will be covered in the notice:

- 1) An explanation of each issue that was accepted for investigation and the resolution.
- 2) The respondent will be notified if action needs to be taken, what that action is, and when that action needs to be completed.
- 3) If the Notice of Final Action is issued during the 90-day period, and the complainant is dissatisfied with the decision, the complainant, or his or her representative, has a right to file a complaint with the Civil Rights Center within 30 days of the date on which the complainant receives the Notice of Final Action. Only the Director of the Civil Rights Center may extend the 30-day time limit for good cause shown. The complainant has the burden of proving, to the Director, Civil Rights Center, that the time limit should be extended.
- 4) If, at the end of the 90 days, WorkForce West Virginia has not completed its processing of the complaint or failed to issue a Notice of Final Action, WorkForce West Virginia will notify the complainant, or his or her representative, that the processing of their complaint is not completed. WorkForce West Virginia will advise the complainant of their right to file with the CRC within 30 days of the expiration of the 90-day period. In other words the complaint must be filed with the Civil Rights Center within 120 days of the date on which WorkForce West Virginia received the complaint.

**STATE OF WEST VIRGINIA
WORKFORCE INNOVATION AND OPPORTUNITY ACT
DISCRIMINATION COMPLAINT FORM**

This form is to be used by persons alleging discrimination prohibited by the Workforce Innovation and Opportunity Act and administered by the State of West Virginia.

1. Name and address of complainant

Telephone Number _____
2. Name and address of respondent

Telephone Number _____
3. Name, Address and Telephone Number of Agency/Service Provider/Employer
Name: _____ Telephone Number _____
Address: _____

4. Which of the following best describes why you believe you were discriminated against.

<input type="checkbox"/> Age	<input type="checkbox"/> Race	<input type="checkbox"/> Disability	<input type="checkbox"/> Political Affiliation	<input type="checkbox"/> Citizenship
<input type="checkbox"/> Sex	<input type="checkbox"/> Color	<input type="checkbox"/> Religion	<input type="checkbox"/> National Origin	<input type="checkbox"/> Retaliation
5. To the best of your knowledge which program was involved?

<input type="checkbox"/> Unemployment Compensation	<input type="checkbox"/> Workforce Innovation & Opportunity Act
<input type="checkbox"/> Employment Service	<input type="checkbox"/> Wagner-Peyser <input type="checkbox"/> Other _____
6. On what date(s) did the alleged discrimination take place? _____ If there was continuing discrimination indicate the date(s) of the most recent act(s). _____
(Department of Labor regulations require that complaints of discrimination must be filed with 180 days of the alleged discrimination)
7. Explain, as briefly and clearly as you can what happened and how you believe you were discriminated against. Be sure to include how you believe you were treated differently than other persons under the same situation. (If necessary, attach additional sheets) Also attach any written documentation pertaining to this matter.

8. Why do you believe these events occurred?

9. Please list any persons (witnesses, employees, supervisors or others) you believe had direct knowledge of your allegation that we may contact for additional information to support or clarify your complaint.

Name

Address

Telephone Number

10. What remedies do you seek?

11. Have you filed a complaint on this matter with any of the following?

☐ Civil Rights Division, U.S. Dept. of Justice

☐ WV Human Rights Commission

☐ Civil Rights Center, U.S. Dept. of Labor

☐ Federal or State Court

☐ U.S. Equal Employment Opportunity Commission

12. For each item checked in #11 above, please provide the following information:

Court or Agency _____

Case Or Docket Number _____

Date(s) Filed _____ Trial/Hearing Date _____

Name of Investigator _____

Status of Case _____

13. Do you have an attorney or other representation? ☐ Yes ☐ No If yes, please provide the name, address and telephone number _____

I attest that the information provided is true and accurate to the best of my knowledge.

Signature of Complainant or Representative

Date Signed

Any questions should be directed to:

Nicholas Allen, Acting EO Officer
WorkForce West Virginia
Equal Opportunity Office
1900 Kanawha Blvd., E.
Charleston, West Virginia 25305
Telephone: (304) 558-1600
WV Relay 7-1-1
WorkforceEO@wv.gov

If you elect to file your complaint with WorkForce West Virginia you must wait until WorkForce West Virginia issues a decision, or until 90 days have passed, whichever is sooner, before filing with the US Department of Labor, Civil Rights Center (CRC), 200 Constitution Avenue, NW, Room N-4123, Washington DC 20210. If WorkForce West Virginia has not provided you with a written decision within 90 days of the filing of the complaint, you need not wait for a decision to be issued, but may file a complaint with the CRC within 30 days of the expiration of the 90-day period. If you are dissatisfied with the resolution of your complaint, you may file a complaint with the CRC. Such complaints must be filed within 30 days of the date you received notice of the resolution.

Attachment P

Region VII Workforce Development Board On-the-Job Training (OJT) Policy

ON-THE-JOB TRAINING (OJT) POLICY

Effective Date: September 19, 2019

Background: On-the-Job Training will be conducted under the purview of Sections 122 of the Workforce Innovation and Opportunity Act of 2014; and the Region VII Workforce Development Plan.

The Workforce Innovation and Opportunity Act (WIOA) of 2014 allow local regions to provide contracted On-the-Job Training services to regional employers. The Purpose of OJT is to help employers reduce the cost of training new employees.

Policy: The Region VII Workforce Development Board (WDB) will offer On-the-Job Training to those eligible participants who are not able to find employment after receiving Career services. OJT can also be provided in conjunction with an Individual Training Account (ITA) or Customized Training if classroom training is necessary in order to meet the employer's needs.

- a. On-the-Job Training is defined as training delivered by an employer for an individual who does not, at the start of training, meet the employer's skill levels. The OJT must provide occupational knowledge and/or skills essential to the full and adequate performance of the job and the trainee must work under direct supervision and guidance.
- b. The WDB will provide reimbursement to the employer of up to 50 percent of the OJT wage (excluding fringe costs and incentive costs) not to exceed \$6,000 per OJT customer. Reimbursement will be for the extraordinary costs of providing the training and additional supervision related to the training.
- c. OJT training will be limited in duration as appropriate to the occupation, but not to exceed six months. Trainees who have prior experience in the OJT skill area may have their training times adjusted accordingly. Experience and skill levels will be assessed and documented on the Individual Employment Plan (IEP) and in MACC.
- d. Training positions for commissioned salespersons, bartenders, waiter/waitress staff, seasonal workers and those paid on a piecework basis are not appropriate for OJT.
- e. OJT funded through the Adult program will give priority of service to eligible adults who are recipients of public assistance and other low-income individuals.
- f. Employer eligibility and responsibilities:
 - (1) The employer will be required to enter into a Memorandum of Understanding with the WDB that will outline the terms of the projected OJT program.

- (2) The WDB will not enter into an OJT contract with an employer who:
- has relocated to the region from another location in the United States within 120 days, if the relocation resulted in jobs lost by employees at the previous location;
 - currently has any employees in a lay-off status;
 - has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.
- (3) The employer must have a payroll system established where taxes and Social Security are withheld. Wages cannot depend on tips or commission.
- (4) OJT trainees will be on the same pay scale as regular employees with comparable training or experience, in accordance with State and Federal minimum wage guidelines.
- (5) OJT contracts where the employer operates under a collective bargaining agreement must pay the wages and benefits specified in the union agreement and the union must clear the job training prior to issuance of an OJT contract.
- (6) If the training is in an apprenticeship occupation, as determined by the Department of Labor's Bureau of Apprenticeship & Training, the employer must enter into an agreement to provide the approved apprenticeship training.
- (7) Trainees hired under OJT will be subject to the same personnel policies, rules and regulations, and accorded the same benefits as other employees in the company.
- (8) OJT Participants must work at least 32 hours per week and be considered full-time employees.
- (9) Upon successful completion of the OJT program, the employer agrees to retain the employee in a full-time capacity.
- (10) An OJT Close-Out Documentation Form, *Attachment (I)*, will be executed at the completion of the OJT.
- (11) At the end of 6 months of unsubsidized employment, and again at the end of 12 months of unsubsidized employment (from the time the OJT ends), the employer agrees to complete a follow-up questionnaire.
- (12) The employer agrees to interview pre-screened applicants referred by WIOA Career Coach, but an offer of employment is solely at the discretion of said employer.

Funding: Funding for OJT is contingent upon the availability of WIOA funds.

Cancellation: The OJT contract may be canceled at any time at the discretion of the Region VII Workforce Development Board.

/

Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

Expiration Date: Effective until rescinded or modified in writing by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director

9.26.19

Date



Layne Diehl, Chairperson Region VII WDB

9/26/2019

Date

Attachment Q

**Region VII Workforce Development Board
Youth Services Policy**

YOUTH SERVICES POLICY

Effective Date: September 19, 2019

Background: Youth Services will be administered under Sections 3, 107, 116, 123, and 129 of the Workforce Innovation and Opportunity Act of 2014 and the Region VII Workforce Development Plan.

The Workforce Innovation and Opportunity Act of 2014 allows the Region VII Workforce Development Board to provide contracted Youth Services to eligible regional youth. The purpose of Youth Services is to assist and support eligible youth in their pursuit of academic and employment success. The Region VII WDB has agreed to utilize its administrative and fiscal entity as its administration and coordination element for any Youth Services contract(s) with regional service provider(s). This policy follows very closely the guidance provided by both the U.S. Department of Labor and the Region VII Workforce Development Board Local Plan.

Policy: The Region VII Workforce Development Board (WDB) will offer Youth Services to eligible youth residing in the counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton, comprising Region VII. The Region VII WDB Youth Services Program will be delivered by a qualified, eligible Service Provider(s) selected by awarding a cash advancement and/or cost-reimbursable annual contract on a competitive basis in response to a public Request for Proposal (RFP). Existing contracts can be extended one (1) additional year up to (2) years subject to successful performance and funding availability.

A. *Eligibility Requirements*

The term "eligible youth" refers to an individual who:

1. Is at least 14 and no older than 24 (i.e. has not yet reached his/her 25th birthday); and
2. Is an individual with one or more of the following barriers:
 - a. Deficient in basic literacy skills
 - b. School dropout
 - c. Homeless, a runaway, or a foster child
 - d. Pregnant or a parent
 - e. An offender
 - f. An individual who requires additional assistance to complete an educational program, or to secure and hold employment

If the family of a disabled youth does not meet the income eligibility criteria, the disabled youth will be considered a low-income individual and will be eligible for Youth Services if the youth's own income:

1. Meets the income criteria established under WIOA; or

2. Meets the income eligibility criteria for cash payments under and federal, state, or local public assistance programs.

B. *In-School vs. Out-of-School Youth*

Eligible youth are subdivided into two categories: In-School Youth and Out-of-School Youth. The term "In-School Youth" refers to an eligible youth, who is enrolled in secondary school, including alternative schools, at the time of registration. An "Out-of-School Youth" is an eligible youth who is either: (1) a secondary school dropout (i.e. a youth who is not attending any school and who has not received a secondary school diploma or its recognized equivalent); or (2) an eligible youth who has either graduated from high school or holds a GED, but is either deficient in basic literacy skills, unemployed, or underemployed at the time of registration.

C. *Deficient in Basic Literacy Skills*

An Out-of-School Youth is considered to be "deficient in basic literacy skills" if he/she computes or solves problems, reads, writes, or speaks English at or below the 8th grade level on a generally accepted standardized test, e.g. the TABE or WorkKeys.

D. *Offender*

The term "offender" refers to an individual who:

1. Is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or
2. Require assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

E. *Requires additional assistance to complete an education program*

An In-School Youth may be considered to "require additional assistance to complete an education program" if that youth is performing academically at one or more grade levels below the grade level appropriate to his/her age, as documented by performance on a generally accepted standardized test, e.g. the SAT 9.

F. *Funding Requirements*

As stated in the Act, funding for eligible youth must:

1. Provide effective and comprehensive activities, which shall include a variety of options for improving educational and skill competencies and provide effective connections to employers;
2. Ensure on-going mentoring opportunities with adults committed to providing such opportunities;
3. Provide opportunities for training;
4. Provide continued supportive services;
5. Provide incentives for recognition and achievement; and
6. Provide opportunities for activities related to leadership, development, decision-making, citizenship, and community service.

G. *Program Design*

Fund allocated to Region VII to serve eligible youth shall be used to carry out programs that:

1. Provide an objective assessment of the academic levels, skill levels, and service needs of each participant including a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;
2. Develop a service strategy for each participant that identifies an employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services taking into account the assessment referenced above, except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program; and
3. Provide preparation for post-secondary educational opportunities, strong linkages between academic and occupational learning, preparation for unsubsidized employment opportunities, and effective connections to intermediaries with strong links to local and regional employers.

H. *Program Elements*

The Region VII Youth Services Program will make available the following fourteen elements and will offer them to eligible youth in accordance with each youth's Individual Service Strategy. It is not required that each youth receive services provided under all fourteen elements, but it is expected that each youth will receive services under at least two of the fourteen elements as part of their comprehensive plan. The fourteen service elements are:

1. Tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies;
2. Alternative secondary school services, as appropriate;
3. Summer employment opportunities that are directly linked to academic and occupational learning and paid and unpaid work experiences, including internships and job shadowing
4. Occupational skill training, as appropriate;
5. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors;
6. Supportive services
7. Adult mentoring for the period of participation and subsequent period, for a total of not less than 12 months;
8. Follow-up services for 12 months after the completion of participation; and
9. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.

10. Financial literacy education
11. Entrepreneurial skills training
12. Labor market and employment information services
13. Activities that prepare youth for transition to postsecondary education and training
14. Educated offered concurrently with and in the same context as workforce preparation

I. *Additional Program Requirements*

The Region VII WDB, acting through the Service Provider(s), shall ensure that each eligible youth receives information on the full range of appropriate services that are available through the local board or other eligible providers or one-stop partners, as well as referral to appropriate training and educational programs that have the capacity to serve the eligible youth on either a sequential or concurrent basis.

The contracted Youth Services Provider(s) shall ensure that an eligible youth who does not meet the enrollment requirements of a particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs that may meet the basic skills and training needs of the youth.

The Region VII Workforce Development Board shall ensure that parents, youth participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the youth program through participation in the Youth Committee.

J. *Priority of Service*

At a minimum, 75 percent of the total available funding shall be used to provide youth services to Out-of-School Youth

Youth with greater numbers of identified barriers to success shall have priority over youth with fewer identified barriers.

K. *Exceptions*

Not more than 5 percent of participants may be individuals, who do not meet the minimum income criteria for eligibility, if such individuals have any of the following barriers:

1. School dropout
2. Basic skills deficient
3. Educational attainment that is one or more grade levels below the grade level appropriate to their chronological age
4. Pregnant or parenting
5. Disabled, including a learning disability
6. Homeless or runaway youth
7. Offender
8. Other serious barriers to employment as they may be identified by the Region VII WDB, including, but not necessarily limited to, stated current or

past substance abuse, truancy, absence of positive adult role models, and diagnosed emotional disorders.

L. *Prohibitions*

No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.

All of the fund made available under this Act shall be used in accordance with the requirements of this Act. None of the funds made available under this Act may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-to-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.

No funds shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.

M. *Linkages*

The Youth Committee shall establish linkages with educational agencies responsible for services to participants as appropriate. WIOA Youth funds are not sufficient, nor are they intended, to fund all youth needs in the region. The WDB, the Youth Committee, and the Youth Service Provider must also seek partnerships with other youth-serving agencies to build a comprehensive youth service delivery system.

N. *Volunteers*

The Region VII Workforce Development Board shall make opportunities available for individuals who have successfully participated in the Youth Services Program to voluntarily assist current participants through mentoring, tutoring, and other activities.

O. *Performance Measures*

Program design must incorporate an awareness of WIOA performance measures. For younger youth, aged 14-17 years, the focus will be on:

1. Skill attainment
2. Staying in school and receiving a diploma or high school equivalent, and
3. Retention

NOTE: Actual WDB negotiated performance standards for Youth are outline in the Strategic Plan.

- **Skill attainment:** This measure pertains to goals set and attained in the course of a 12-month period.

- **Diploma/High School Equivalent:** This goal is considered to have been met if the youth has received a diploma or high school equivalent by the end of the 1st quarter after exit from the program.
- **Retention:** This is a measure of the youth's participation in a "qualifying activity" during the 4th quarter after exit.

For older youth, aged 18-24 years, the focus shifts to:

1. Entering employment
 2. Retaining employment
 3. Showing a positive earnings gain over time, and
 4. Attaining a recognized credential
- **Entered Employment:** This goal is met when a youth has entered employment by the end of the 2nd quarter after exit.
 - **Retention:** This measure whether an older youth who was employed in the 1st quarter after exit is employed at any time during the 4th quarter after exit.
 - **Earning Change:** This measures the change in earnings after WIOA participation by comparing earning for the 3rd and 4th quarters prior to registration with earnings from the 3rd and 4th quarters after exit.
 - **Credential:** This measures whether a youth received a credential prior to the end of the 3rd quarter after exit and is either employed or in post-secondary education or advanced training in the 2nd quarter after exit.

P. Service Provider Responsibilities

1. Eligible youth participants must be registered in the Mid-Atlantic Career Consortium (MACC) information management system prior to being placed in any service elements.
2. At their initial meeting with the Service Provider, youth will be given information concerning:
 - a. Equal Employment Opportunity
 - b. Civil Rights
 - c. Grievance Policy

Signed copies of the above will be placed in their permanent file. At this time, the youth (and parent, if under 18) will also sign a Release of Information form and the WIOA Pre-Registration form, with copies placed in the individual file. The Service Provider will deliver a copy of the WIOA Registration form to the Youth Coordinator within 7 days.

3. If an eligible Out-of-School youth is eighteen or over at the time of registration, the Service Provider staff will confer with the WDB Youth Coordinator who will determine if concurrent or sole enrollment in the Adult program is appropriate.
4. An Individual Service Strategy (ISS) will be developed for each youth with input from the youth (and parent(s) or guardian(s) when applicable). The

ISS must list all service elements, with dates of enrollment. For new registrants, the ISS must be completed within 30 days of registration. The original will be placed in the individual file with a copy forwarded to the Youth Coordinator within 7 days of completion.

5. The ISS will be reviewed quarterly and this review will be documented in case notes.
6. Any changes to the ISS will be forwarded to the Youth Coordinator within 7 days to permit timely entry into the MACC system.
7. The Service Provider will be responsible for marketing the Youth Services program to the targeted population.
8. All older youth, aged 18-24, without exception, will participate in a program that will lead to a credential applicable for the Credential measurement.
9. All youth program participants will sign a Memorandum of Understanding detailing their rights and responsibilities.
10. Any paid or unpaid work experiences, internships, job shadowing and/or summer employment opportunities will be relevant to the youth's stated employment goals as documented in the Individual Service Strategy.
11. Each youth will have a minimum of one up to a maximum of three goal(s) set per 12-month period. Care will be taken to ensure that these goals are both age-appropriate and attainable within the 12-month period.
12. If a youth is basic skills deficient, at least one of their goals will address that until such time as the deficiency no longer exists (as verified by the appropriate measurement instrument).
13. While the Service Provider will give priority of service to youth currently enrolled, on-going recruitment efforts should target possibly under-represented age ranges. The goal will be to have 25% of the total participants in each range: 14-15 year olds, 16-17 year olds, 18 year olds, and 19-24 year olds.
14. At least 75% of the total youth funding will be used to provide services/activities to Out-of-School youth.
15. The Service Provider will submit monthly reports, using forms provided by the WDB, to document both the number and category (In-School vs. Out-of-School) of youth served by county and the utilized service elements.
16. The Service Provider will submit cost reimbursable invoices on a monthly basis, with said invoices due on the last day of each month.
17. The Service Provider will be responsible for entering information into the Mid-Atlantic Career Consortium (MACC) computer system, including, but not necessarily limited to, individual development plans/goals and enrollment/completion dates for all assigned services including partner agencies.
18. The Service Provider will conduct face-to-face meetings with registered youth at least quarterly, with telephone contact required monthly during the "off" months.

Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

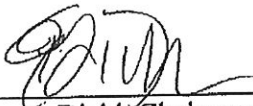
Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

Expiration Date: Effective until rescinded or modified in writing by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director

9.26.19
Date



Layne Diehl, Chairperson Region VII WDB

9/26/2019
Date

Attachment R

Region VII Workforce Development Board Transitional Jobs Policy

TRANSITIONAL JOBS POLICY

Effective Date: March 17, 2022

Background: The Region VII Workforce Development Board (WDB) views transitional jobs as instrumental for the purpose of employment and training services for adults and dislocated workers. Individuals completing transitional job programs are eligible to receive appropriate certificates of completion and possibly credentials. In Region VII, the transitional jobs program consists of three components: paid work experiences, classroom training, and supportive services.

Transitional jobs are defined as follows:

- A. **Transitional Jobs:** A planned, structured learning experience that takes place in a workplace for a limited period of time for those who have had little or no prior experience in the workplace. This may include a work study program which enriches the client's academic knowledge, job readiness skills and at the same time, offers "Real Time" experience in the workplace. Also, this may include a work study program which enriches the client's academic knowledge primarily in a specific skill. This training should also expose the clients to a specific career path.
- B. Adult and Dislocated Worker transitional jobs are considered to be a-WIOA career level service.

General Transitional Jobs Provisions: General provisions for determining the appropriateness of transitional job activities are intended for individuals who fit the following categories:

1. Have little or no prior experience in the workplace;
2. Have experienced difficulty in maintaining employment in the past due to barriers that can best be addressed and overcome through transitional job enrollment;
3. Have a need to experience the fundamentals of maintaining consistent employment.
4. In most cases, have little or no previous experience in new occupation of choice.
5. Can be placed at a worksite that will provide occupation specific knowledge and experience in their area of occupational choice toward meeting their specific career goals.
6. Dislocated Workers who have been recently dislocated from the employment that existed over a long period of time generally do not qualify for transitional job enrollment. All exceptions must have documented justification in the client's file.

7. The Region VII WDB may use up to 10 percent of its combined total of adult and dislocated worker allotments for transitional jobs.

General Provisions for Development of Transitional Job Agreements and/or Contracts:

- A. The intent of a transitional job activity is to obtain experience. It is not the intent for a transitional job employer to enter into a contract with the knowledge that the client will be hired at the conclusion of training. These types of arrangements would be more appropriate as On-The-Job Training.

Service providers should encourage an employer, when appropriate, to develop the experience/internship into an OJT and/or a permanent employment position.

- B. Care must be taken when documenting the justification for these activities. Participants' transitional job contract or agreements must indicate the following language:
1. Participants' assessments must establish that transitional job training is needed to prepare the individual for unsubsidized employment or career training.
 2. Participants' individual employment plans must identify their transitional job field of training, outlining goals and objectives with defined timelines and projected completion dates.
- C. Parameters for identifying required elements and development of transitional job agreements/contracts are as follows:
1. Transitional jobs may be paid or unpaid, as appropriate.
 2. Transitional jobs may be in the private for profit sector, the nonprofit sector, or the public sector.
 3. Labor standards apply in any transitional job where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.
 4. Transitional job clients cannot be placed in a job that may cause the displacement of a regular employee. Documented assurances that this will not occur must be part of the transitional job contract.
 5. Transitional jobs are for a limited time. The WDB has established the maximum period for transitional jobs not to exceed 3 months. Extensions to the WDB's time period must be submitted in writing to the WDB and approved by the WDB Executive Director and/or designee.

General Provisions for Contracting and/or Establishing Agreements with Transitional Jobs Employers:

A worksite agreement, or contract, must be in place prior to the client beginning this activity. The contract must include the following provisions, and a copy of the agreement must be maintained in the client file:

- A. Specific dates of enrollment in the transitional job activity (i.e., start date and end date);
- B. A complete job description, including specific skills to be obtained;
- C. A statement of hourly wage to be paid \$13.00 per hour, estimated total hours of enrollment, as well as total contract obligation;
- D. Signatures of service provider, employer, and client.

General Provisions for Transitional Jobs Attendance and Wages

Documentation of hours and wages must be maintained as follows:

- A. Transitional jobs shall never pay less than the State of West Virginia or local minimum wage laws.
- B. The WDB has determined that transitional job wages will not exceed \$13.00 per hour without WDB approval.
- C. Transitional jobs will be limited to 32 hours per week for adults. No allowances are made for holiday, overtime, or sick leave pay.
- D. Service providers are required to complete an IRS form W-4 for the client prior to the commencement of these activities. Federal income taxes must be withheld at an appropriate rate as determined by the client's W-4. A W-2 form shall be issued to work transitional job clients at the end of each calendar year.
- E. It is the service provider's responsibility and also a WDB requirement to maintain Worker's Compensation insurances for each transitional job client. Service providers shall not be allowed to provide this training for their participants if Worker's Compensation insurance has not been procured.
- F. Documented time spent, wages paid, and goals to be obtained must be part of a WIOA client's file.

Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

Expiration: Effective until rescinded, in writing, by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director

3/17/22

Date



Layne Diehl, Chairperson Region VII WDB

3/17/22

Date