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Region VII Workforce Development Board Manual

Workforce Innovation and Opportunity Act (WIOA)
Manual

(October 1, 2020)

Prepared By:

Region VII Workforce Development Board

Preface

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. The passage of WIOA provides new authorizing legislation for programs previously authorized under the Workforce Investment Act (WIA). The WIOA is landmark legislation designed to strengthen and improve our nation's public workforce system and help put Americans back to work. The WIOA presents an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through an integrated, job-driven public workforce system that links diverse talent to businesses through continuous improvement supported through evaluation, accountability, identification of best practices, and data-driven decision-making.

The revitalized workforce system under the WIOA will be characterized by three critical hallmarks of excellence:

- The needs of business and workers drive workforce solutions,
- One-Stop Centers provide excellent customer service to jobseekers and employers, and focus on continuous improvement, and
- The workforce system supports strong regional economies and plays an active role in community and workforce development.

In implementing the WIOA, key operational and governing principles are:

- a. States align programs and ensure integrated services through a unified strategic plan and shared governance.
- b. Workforce boards focus on strategy.
- c. States and local areas align workforce programs with regional economic development strategies.
- d. The One-Stop Center network and partner programs are organized to provide high-quality services to individuals and employers.
- e. States and local areas promote accountability and transparency, and data drives decisions and informs customer choice.

Taking these principles into account, the purpose of the WIOA Manual is to provide policy guidance and interpretation of Federal and State workforce laws. Procedural guidance is also provided to assure consistency. The manual is intended for use in conjunction with Federal and State laws and regulations. It is not intended to provide comprehensive, step-by-step direction; as such guidance may be developed at the local level. Every effort has been made to match this document to existing State and Federal policies and guidelines; however, if a conflict is identified, State and Federal policy should be followed first and foremost.

Staff should use this manual as a guide to provide clarity, information and resources, which can enhance and improve service delivery and performance at the local level. This document is a living document that will be updated and expanded as needed. An emphasis will be placed on highlighting best practices, specifically those from local WV Workforce Development Boards or regions bordering the State of West Virginia.

Using and Maintaining the WIOA Manual

Information identified as required on the One-Stop Management Information System also known as the Mid-Atlantic Career Consortium (MACC) is necessary for federal reports, eligibility determination, and for program management purposes. The MACC will print a completed registration upon request by local staff. Region VII WDB officials may design forms locally that capture the information for the required items in the MACC.

Definitions of terms will not be given each time they occur in the guide. Definitions are included in the Glossary Section of this manual. A list of commonly used acronyms has been provided as well.

A text version of the WIOA, applicable Training and Guidance Letters, Fact Sheets, and Notices of Proposed Rulemaking may be found at <http://www.doleta.gov/wioa/>.

Additionally, reference indications will not be spelled out each time they are used within this manual. The following abbreviations apply:

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The Workforce Investment Act (WIA) Public Law 105-220
WIA Regulations, 20 Code of Federal Regulation (CFR) Part 650 and Part 660
The Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128
WIOA Notices of Proposed Rulemaking
Workforce Investment Act Standardized Record Data
Training and Employment Information Notice
Training and Employment Guidance Letter
Training and Employment Notice
Job Training Partnership Act

Denoted As:

(WIA) or (Act)
(CFR) or (Reg.)
(WIOA) or (Act)
(NPRM)
(WIASRD)
(TEIN)
(TEGL)
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TEGL 19-14

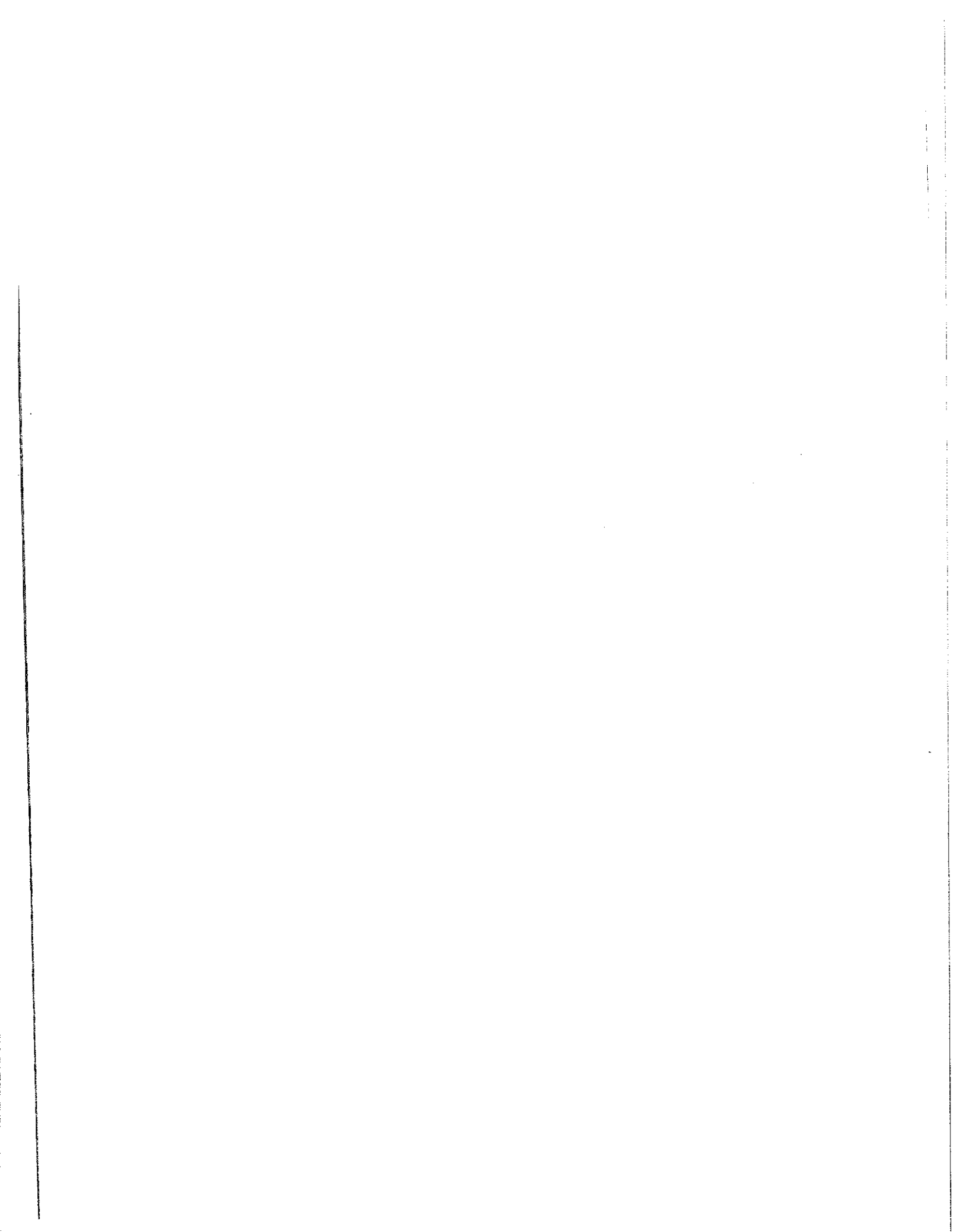
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Chapter 1: Overview

Section 1-1: Accessing an Intake System

Under the Workforce Investment Act (WIA) program, any customer could access self-service and/or informational core services without having to register. If a customer received assistance beyond self-service, the customer was required to be registered for a WIA program and meet the associated WIA eligibility requirements.

Under the Workforce Innovation and Opportunity Act (WIOA), the categories of core and intensive services under WIA have been consolidated into a single category of career services.

Section 1-2: WIOA Registration

Upon entering the One-Stop an individual is given a Partner Agency Referral Form (green sheet) in order to determine their primary needs for services. The intake worker/case manager interviewing the participant must assist the customer in completing the Partner Agency Referral Form (green sheet). All responses to questions on the Referral Form must be answered honestly by the customer. The Referral Form must reflect information as of the date the form is completed and must be signed and dated by both the customer and intake worker.

The WIOA addresses an important distinction between registration and participation – two separate actions in the process. Individuals who are primarily seeking information are not treated as participants and their self-service or information search requires no registration. When an individual seeks more than minimal assistance from staff in taking the next step towards self-sufficient employment, the person must be registered and eligibility must be determined.

Registration is defined as the point at which information that is used in performance begins to be collected. Registration is the process for collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application.

Participation is the point at which the individual has been determined eligible for program services and has received or is receiving a WIOA service, such as career services other than self-service or informational service and is the point at which an individual is to be included in performance calculations for the primary indicators of performance. Participation occurs after the registration process of collecting information to support an eligibility determination and begins when the individual receives a staff-assisted WIOA service, which does not include self-service or informational activities.

Section 1-3: WIOA Eligibility

Adults and dislocated workers who receive services funded under WIOA, other than self-service or informational activities, must be registered and must be a participant. Adults and dislocated workers, who have been determined eligible for a WIOA program, may receive career and training services. An Individual Service Strategy (ISS), also known as an

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Individual Employment Plan (IEP) is required for each adult and dislocated worker participant, (including those utilizing National Dislocated Worker Grants funding (NDWGs)), who receives individualized career and training services. Although the terms IEP and ISS were previously used interchangeably under WIA, under WIOA, the term IEP is used for adults and dislocated workers, and the term ISS is used specifically for youth.

For adults and dislocated workers, the IEP is an individualized career service that is jointly developed by the participant and the case manager. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve employment goals.

WIOA enhances the youth program design through an increased emphasis on individual participant needs by adding new components to the objective assessment and individual service strategy. WIOA incorporates career pathways as part of both the objective assessment and development of the ISS. In addition, the ISS must directly link to one or more of the performance indicators.

A youth who has been determined eligible under the WIOA may receive services and/or training. An objective assessment and ISS are required for each youth participant. The ISS is to be regularly updated as needed. Additionally, local youth programs should provide preparation for post-secondary education opportunities, linkages between academic and occupational learning, preparation for employment, and effective connections to intermediary organizations that provide strong links to the job market and employers, discussed further in Chapter 3.

Section 1-4: Transitioning from WIA to WIOA

On July 1, 2020, all WIA Title I participants (Adult, Dislocated Worker, and Youth) who were enrolled prior to July 1, 2020, must be transitioned (or "grandfathered") into WIOA, even if the participant would not otherwise be eligible for WIOA. Eligibility redetermination for participants already determined eligible and enrolled in WIA is not necessary. Furthermore, these participants must be allowed to complete their WIA services ("grandfathered services" specified in their Individual Service Strategy and/or Individual Employment Plan), regardless of whether the services are allowable under WIOA or not, as long as the WIA services were specified in the participants' Individual Service Strategies and/or Individual Employment Plans as of June 30, 2020.

All new eligibility determinations must be made under the WIOA framework for participants enrolling on or after July 1, 2020, and must follow all WIOA requirements. Participants enrolled on or after July 1, 2020, may only access services allowed under WIOA.

Section 1-5: Funding Sources/Programs

The purpose of reporting by funding source is to enable required accountability for funds appropriated for adults, dislocated workers, and youth, as identified by the WIOA. Requirements for coordination of WIOA training funds and other grant assistance limits training funds to participants who are unable to obtain grant assistance from other sources to pay the cost of training or require assistance beyond that available under grant assistance from other sources to pay the costs of training.

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To ensure WIOA participants have access to the maximum financial resources available for training and support services, service providers should encourage and assist participants, when appropriate, to apply for Pell Grants, other education-related forms of financial aid, and other sources of funds. Documentation of application for Pell Grants should be contained in the participant's file. If Pell Grants are not available, please include this information in the participant's case notes.

The WIOA funding source/programs screen, on the One-Stop Management Information System (MACC), collects information in two broad categories: one for the provision of services, and the other for partner services. Region VII WDBs should first indicate which WIOA funding sources are being used in the provision of services to the participant. One of the selections must be a valid funding source based on the program of registration. Second, Region VII WDB staff shall indicate other one-stop partner programs under which the WIOA participant is also receiving services. A resource plan will be developed for each participant that will identify and track the exact mix of funds planned to be used to pay for training and supportive services. Should future funding become available that is more appropriate and/or takes priority over original resource plan funds, the resource plan may be modified. Additionally, Region VII WDB staff must ensure that WIOA funds are not used to pay for training or services already covered by other sources.

Section 1-6: Maintenance of Adequate Information

Effective control and management of WIOA programs requires accurate and timely record keeping. Valid data provides necessary information to managers regarding the effectiveness of current programs and facilitates planning of future programs. The MACC is the state's recognized data system for WIOA performance, data validation, and participant information.

All information pertaining to WIOA participants, including activities, beginning and ending dates, participant status, and any other information required to be reported on the MACC for all participants who receive services from the Region VII WDB staff, must be entered in the MACC by Region VII WDB staff or One-Stop staff **prior to state mandated drug screening.**

As a reminder, the entry of participant information into another system is duplicative and is to be secondary to data entry into MACC.

As a measure of internal controls, the Region VII WDB staff must be contacted if a participant needs deleted from the MACC or extraordinary changes need to be made. The internal controls disallow the manipulation of data for performance or reporting benefit, limit the number of individuals with authority to delete registrations from MACC, and include a checks and balances process. Region VII WDB staff will submit such requests to the appropriate state MACC staff as needed. All requests for MACC case file revision must have the prior approval of the Region VII WDB Executive Director before being sent to the appropriate state MACC staff.

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The WIOA addresses an important distinction between registration and participation – two separate actions in the process. Individuals who are primarily seeking information are not treated as participants and their self-service or information search requires no registration. When an individual seeks more than minimal assistance from staff in taking the next step towards self-sufficient employment, the person must be registered and eligibility must be determined.

Registration is defined as the point at which information that is used in performance begins to be collected. Registration is the process for collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application.

Participation is the point at which the individual has been determined eligible for program services and has received or is receiving a WIOA service, such as career services other than self-service or informational service and is the point at which an individual is to be included in performance calculations for the primary indicators of performance. Participation occurs after the registration process of collecting information to support an eligibility determination and begins when the individual receives a staff-assisted WIOA service, which does not include self-service or informational activities.

Section 1-3: WIOA Eligibility

Adults and dislocated workers who receive services funded under WIOA, other than self-service or informational activities, must be registered and must be a participant. Adults and dislocated workers, who have been determined eligible for a WIOA program, may receive career and training services. An Individual Service Strategy (ISS), also known as an

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Individual Employment Plan (IEP) is required for each adult and dislocated worker participant, (including those utilizing National Dislocated Worker Grants funding (NDWGs)), who receives individualized career and training services. Although the terms IEP and ISS were previously used interchangeably under WIA, under WIOA, the term IEP is used for adults and dislocated workers, and the term ISS is used specifically for youth.

For adults and dislocated workers, the IEP is an individualized career service that is jointly developed by the participant and the case manager. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve employment goals.

WIOA enhances the youth program design through an increased emphasis on individual participant needs by adding new components to the objective assessment and individual service strategy. WIOA incorporates career pathways as part of both the objective assessment and development of the ISS. In addition, the ISS must directly link to one or more of the performance indicators.

A youth who has been determined eligible under the WIOA may receive services and/or training. An objective assessment and ISS are required for each youth participant. The ISS is to be regularly updated as needed. Additionally, local youth programs should provide preparation for post-secondary education opportunities, linkages between academic and occupational learning, preparation for employment, and effective connections to intermediary organizations that provide strong links to the job market and employers, discussed further in Chapter 3.

Section 1-4: Transitioning from WIA to WIOA

On July 1, 2020, all WIA Title I participants (Adult, Dislocated Worker, and Youth) who were enrolled prior to July 1, 2020, must be transitioned (or "grandfathered") into WIOA, even if the participant would not otherwise be eligible for WIOA. Eligibility redetermination for participants already determined eligible and enrolled in WIA is not necessary. Furthermore, these participants must be allowed to complete their WIA services ("grandfathered services" specified in their Individual Service Strategy and/or Individual Employment Plan), regardless of whether the services are allowable under WIOA or not, as long as the WIA services were specified in the participants' Individual Service Strategies and/or Individual Employment Plans as of June 30, 2020.

All new eligibility determinations must be made under the WIOA framework for participants enrolling on or after July 1, 2020, and must follow all WIOA requirements. Participants enrolled on or after July 1, 2020, may only access services allowed under WIOA.

Section 1-5: Funding Sources/Programs

The purpose of reporting by funding source is to enable required accountability for funds appropriated for adults, dislocated workers, and youth, as identified by the WIOA. Requirements for coordination of WIOA training funds and other grant assistance limits training funds to participants who are unable to obtain grant assistance from other sources to pay the cost of training or require assistance beyond that available under grant assistance from other sources to pay the costs of training.

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To ensure WIOA participants have access to the maximum financial resources available for training and support services, service providers should encourage and assist participants, when appropriate, to apply for Pell Grants, other education-related forms of financial aid, and other sources of funds. Documentation of application for Pell Grants should be contained in the participant's file. If Pell Grants are not available, please include this information in the participant's case notes.

The WIOA funding source/programs screen, on the One-Stop Management Information System (MACC), collects information in two broad categories: one for the provision of services, and the other for partner services. Region VII WDBs should first indicate which WIOA funding sources are being used in the provision of services to the participant. One of the selections must be a valid funding source based on the program of registration. Second, Region VII WDB staff shall indicate other one-stop partner programs under which the WIOA participant is also receiving services. A resource plan will be developed for each participant that will identify and track the exact mix of funds planned to be used to pay for training and supportive services. Should future funding become available that is more appropriate and/or takes priority over original resource plan funds, the resource plan may be modified. Additionally, Region VII WDB staff must ensure that WIOA funds are not used to pay for training or services already covered by other sources.

Section 1-6: Maintenance of Adequate Information

Effective control and management of WIOA programs requires accurate and timely record keeping. Valid data provides necessary information to managers regarding the effectiveness of current programs and facilitates planning of future programs. The MACC is the state's recognized data system for WIOA performance, data validation, and participant information.

All information pertaining to WIOA participants, including activities, beginning and ending dates, participant status, and any other information required to be reported on the MACC for all participants who receive services from the Region VII WDB staff, must be entered in the MACC by Region VII WDB staff or One-Stop staff **prior to state mandated drug screening.**

As a reminder, the entry of participant information into another system is duplicative and is to be secondary to data entry into MACC.

As a measure of internal controls, the Region VII WDB staff must be contacted if a participant needs deleted from the MACC or extraordinary changes need to be made. The internal controls disallow the manipulation of data for performance or reporting benefit, limit the number of individuals with authority to delete registrations from MACC, and include a checks and balances process. Region VII WDB staff will submit such requests to the appropriate state MACC staff as needed. All requests for MACC case file revision must have the prior approval of the Region VII WDB Executive Director before being sent to the appropriate state MACC staff.

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Section 1-7: Contents of the WIOA Participant File

Certain information is required by federal regulations and state policy for all WIOA program participants. The following information is required and must be maintained in a **hard copy format** in the permanent case file for each WIOA adult, dislocated worker, National Emergency Grant (NEG), National Dislocated Worker Grant (NDWG), and youth participant:

- A signed and dated copy of the WIOA Registration Form.
- Copies of documentation of eligibility and criteria used for verification of eligibility, unless the information can be retrieved electronically.
- A copy of Educational Functioning Level test scoring sheets that show the date, total score, and grade level equivalent for each test (TABE).
- Written notice of exit for an ineligible participant (if appropriate).
- Equal Opportunity is the Law statement signed by the participant or a signed acknowledgement that the participant received a copy of the statement.

The following information is not required to be maintained in a hard copy format in the permanent file for each WIOA participant, provided there is an **electronic format** that contains the information which is accessible for review:

- ISS/IEP, or Educational Development Plan
- Objective assessment results, including the name of the assessment instrument(s) utilized

It is recommended that a local procedure for a standardized file structure be implemented. Benefits of a standardized file structure include:

- Consistency among contractors
- Assistance in providing Priority of Service
- Established procedures for obtaining relevant documentation for WIOA eligibility
- Differentiation between eligibility and data validation
- Simplification of internal and external monitoring

References:

Notice of Proposed Rule Making (NPRM) 20 Code of Federal Regulation (CFR) 680.110(a)
NPRM 20 CFR 680.180
NPRM 20 CFR 380.230
NRPM 20 CFR 681.420
Training and Employment Guidance Letter (TEGL) 38-14

Chapter 2: Workforce Innovation and Opportunity Act (WIOA) Eligibility and Documentation

Section 2-1: WIOA Eligibility Determination

Eligibility for services relates to local determinations about the individual's need for and ability to benefit from services. A WIOA participant is an individual determined to be eligible to participate and who receives one or more WIOA-funded service(s) in a Region VII One-Stop Career Center.

The WIOA registration must reflect information as of the date the form is completed on the online MACC. The signature and date of the intake worker on the registration form means that the intake worker has reviewed the registration information, made a determination of eligibility, and indicated that the individual is eligible or ineligible.

The WIOA gives the state the authority to establish policies and procedures relating to verifying WIOA eligibility, as long as the policies and procedures are consistent with the WIOA, the WIOA regulations, and other federal statutes. The Region VII WDB must establish policies and procedures to verify and document participant eligibility for WIOA programs.

The Region VII WDB procedure for verifying and documenting eligibility shall identify acceptable eligibility documentation. All documentation must be retained in the participant's file.

A Federal Service and Programs Eligibility Matrix, developed by Social Policy Research Associates for the U.S. Department of Labor's (USDOL) Employment and Training Administration (ETA), includes detail on eligibility requirements and documentation for over 40 federal programs. The matrix can be sorted by 'age,' 'income,' and 'demographics'.

A link to download the matrix can be found on Workforce3One's website at:
<https://www.workforce3one.org/view/2001319241807319049/info>

While the matrix has not yet been updated for the WIOA, it still can serve as a useful reference for other federal programs.

References

Social Policy Research Associates' Eligibility Matrix

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Section 2-2: Implications of the United States vs. Windsor Decision on Eligibility and Services Provided under Workforce Grants Administered by the Employment and Training Administration (ETA)

Eligibility for WIOA Title I services incorporates the definition of family where low-income priority of service is a consideration. Consistent with ETA's policy, same sex spouses are included within the definition of family. Interpreting "husband" and "wife" as gender neutral in the definition of "family" could impact an individual's family income calculation.

The WIOA defines a "displaced homemaker" as an individual who has been providing unpaid services to family members in the home and who:

- (A) (i) Has been dependent on the income of another family member but is no longer supported by that income; or
- (ii) Is the dependent spouse of a member of the armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member; and
- (B) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

The definition is used in the WIOA Title I Adult and Dislocated Worker programs. Consistent with ETA's policy, both genders are included as "homemakers" and same-sex married couples are included within the word "family." Interpreting the word "family" in the term "family member" to include a same-sex spouse could result in previously non-qualifying individuals now qualifying as displaced homemakers.

Non-discrimination provisions that apply to the public workforce system prohibit discrimination on the basis of sex, among other bases. Although gender identity is not an explicitly protected basis under the applicable federal laws, discrimination based upon gender identity, gender expression, and sex stereotyping has been interpreted to be a form of prohibited sex discrimination, including under laws that apply to federally-assisted employment, training, and education programs and activities. One-Stop Career Centers should ensure that they are providing equal access to services.

References:

WIOA Section 3(15)
Training and Employment Guidance Letter (TEGL) 26-13
TEGL 37-14

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Section 2-3: WIOA Title I Adult Eligibility Requirements

To be eligible to participate in the WIOA Title I Adult program, that is, to receive **career services** and to meet the eligibility requirements for training services, the individual must:

- 1) Be a citizen of the United States or an eligible non-citizen, and
- 2) Be registered with selective service (if applicable), and
- 3) Be 18 years of age or older.

Under the WIOA Section 134(c)(3)(A), **training services** may be made available to employed and unemployed adults who are registered and meet the following additional requirements:

- a. One-Stop Career Center staff determines, after an interview, evaluation or assessment, and career planning the participant:
 - (1) Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher wages than wages from previous employment through career services;
 - (2) Is in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - (3) Has the skills and qualifications to participate successfully in training services.
- b. The participant has selected a program of training services that is **directly linked to the employment opportunities** in the local area or planning region, or in another area to which the individual is willing to relocate or commute to;
 - (1) In alignment with the WIOA key reform principles, and service requirements, statistical information on industry and occupational projections must be provided and given strong consideration when determining training. This would include the provision of accurate information relating to local, regional, and national labor market areas, including information relating to local USDOL identified regional **Demand Occupations** and the earnings and skill requirements for such occupations.
- c. The participant is unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or requires WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and

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- d. If training services are provided through the Adult program, the participant has been determined eligible in accordance with the state and local priority system, if any, in effect for adults under the WIOA.

An individual must, at minimum, receive either an interview, evaluation or assessment, and career planning or any other method through which the One-Stop Career Center staff can obtain enough information to make an eligibility determination to be eligible for training services. Where appropriate, a recent interview, evaluation or assessment may be used.

References:

WIOA Section 134(c)(3)(A) & (B)

Notice of Proposed Rulemaking (NPRM)

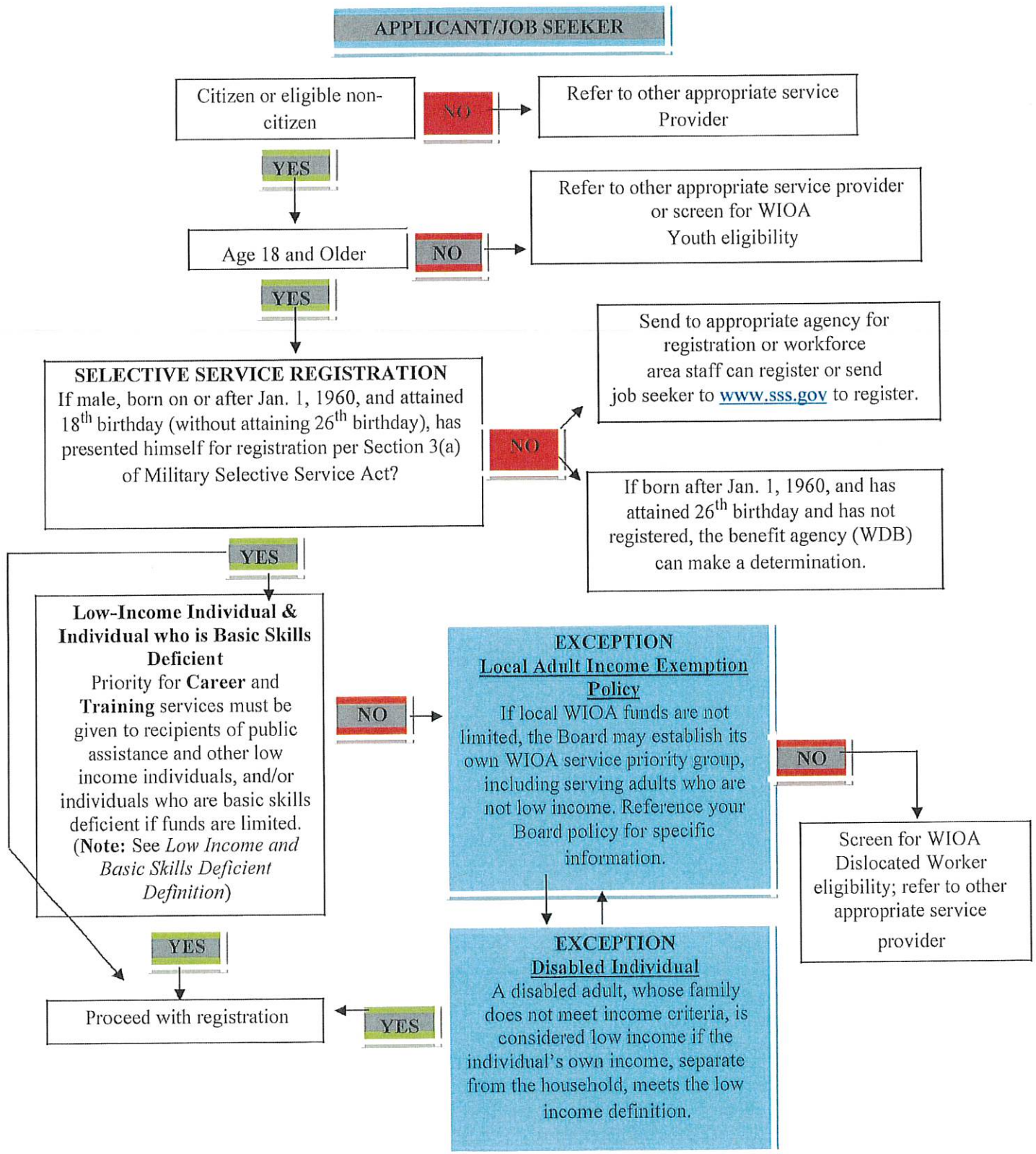
680.210 NPRM 680.220

NPRM 680.230

TEGL 11-11

Higher Education Act of 1965: http://legcounsel.house.gov/Comps/HEA65_CMD.pdf

WIOA ADULT Eligibility Flowchart



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Section 2-4: WIOA Title I Dislocated Worker Eligibility Requirements

To be eligible for participation in the WIOA Title I Dislocated Worker program, that is, to receive career services and to meet the eligibility requirements training services, the participant must:

- 1) Be a citizen of the United States or an eligible non-citizen; and
- 2) Be registered with selective service (if applicable); and meet the requirements of more than one of the following criteria:

(A) Has been terminated or laid off, or who has received a notice of termination or layoff from employment; -AND-

i. (I) Is eligible for or has exhausted entitlement to unemployment compensation; -OR-

ii. (II) Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop Center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under state unemployment compensation law; -AND-

iii. Is unlikely to return to a previous industry or occupation;

(B) i. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility, or enterprise; -OR-

ii. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; -OR-

iii. Is employed at a facility at which the employer has made a general announcement that such facility will close with no date given;*

** For purposes of eligibility to receive services other than training services, career services, or support services.*

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(C) Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(D) Is a displaced homemaker; -OR-

(E) i. Is the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member -OR-

ii. Is the spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty pursuant to a provision of law, a permanent change of station, or the service connected death or disability of the member -AND-

iii. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Exception for Receiving WIOA Dislocated Worker Services

A participant who is a citizen of the United States, or an eligible non-citizen, registered with selective service (if applicable), and employed at a facility for which the employer has made a general announcement that such facility will close, is eligible to receive services other than career services, training services, or supportive services.

To receive additional services, a copy of the public announcement such as a press release, Worker Adjustment and Retraining Notification (WARN), newspaper article, or other written notification issued to the general public by an employer that states that a specific facility will be closed and that the worker was employed at the facility when the announcement was made should be provided.

Under the WIOA Section 134(c)(3)(A), **training services** may be made available to employed and unemployed dislocated workers who are registered and meet the following additional requirements:

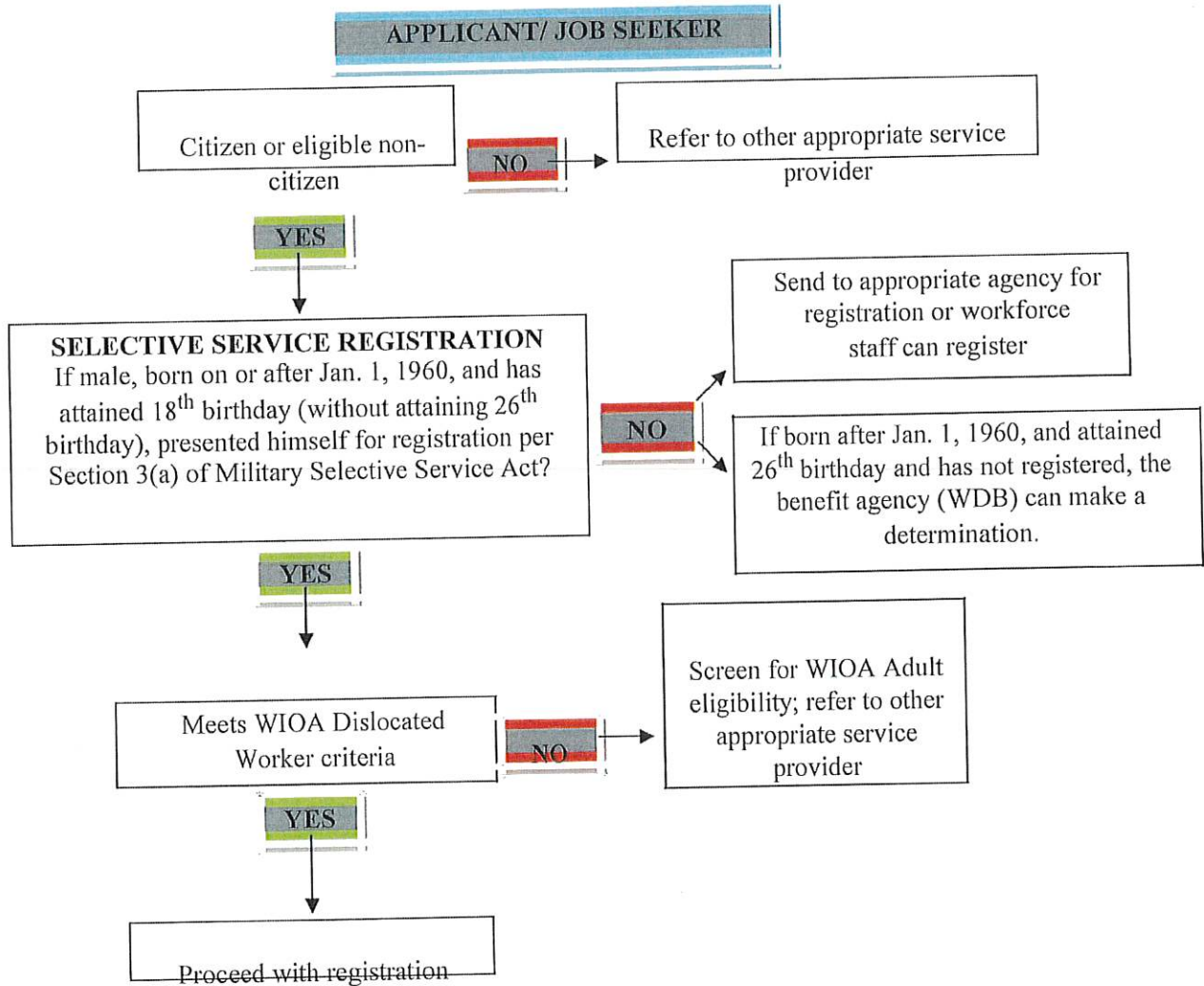
- a. One-Stop Career Center staff determines, after an interview, evaluation or assessment, and career planning the participant:
 - (1) Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher wages than wages from previous employment through career services;
 - (2) Is in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - (3) Has the skills and qualifications to participate successfully in training services.
- b. Has selected a program of training services that is **directly linked to the employment opportunities** in the local area or planning region, or in another area to which the individual is willing to relocate;
 - (1) In alignment with the WIOA key reform principals, and service requirements, statistical information on industry and occupational projections must be provided and given strong consideration when determining training. This would include the provision of accurate information relating to local, regional, and national labor market areas, including information relating to local Demand Occupations, and the earnings and skill requirements for such occupations.

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- c. Is unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or requires WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and

An individual must, at minimum, receive an interview or evaluation/assessment, and career planning or any other method through which the One-Stop Career Center staff can obtain enough information to make an eligibility determination to be eligible for training services. When appropriate, a recent interview, evaluation, or assessment, may be used.

WIOA DISLOCATED WORKER Eligibility Flowchart



DISLOCATED WORKER CRITERIA

- Terminated or Laid Off, or Have Received a Notice of Termination or Layoff
- Employed at a Facility at Which the Employer Has Made a General Announcement the Facility Will Close within 180 Days
- Self-Employed (Including Employment as a Farmer, a Rancher, or a Fisherman) But Unemployed as a Result of General Economic Conditions or Natural Disasters
- A Displaced Homemaker
- Spouse of Member of the Armed Forces on Active Duty

Note: List is incomplete. Please refer to the WIOA Proposed Regulations for the

complete list of criteria.

Note: WIOA does not impose age or income level standard criteria on dislocated workers.

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Veterans Priority of Service

Under WIOA, as was the case under the WIA, veterans receive priority of service in all USDOL-funded employment and training programs. The proposed WIOA regulations describe what is meant by “priority of service”, and is specific with guidance issued in Training and Employment Guidance Letter (TEGL) 22-04 that separating service members meet the eligibility requirements for Dislocated Worker activities.

The proposed regulations clarify that a notice of separation, a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation from the Armed Forces qualifies as a notice of termination or layoff required for the dislocated worker definition.

Military/Eligible Spouse

The WIOA expands the definition of displaced homemakers to include the dependent spouses of the Armed Forces on active duty to ensure they have access to WIOA Title I services. As outlined in TEGL 22-04, issued March 22, 2005, a military spouse who leaves his/her job to follow his/her spouse to a new duty assignment can be served with WIOA Dislocated Worker formula grant funds in certain circumstances. When the spouse is unable to continue an employment relationship due to the service member’s permanent change of military station, or the military spouse loses employment as a result of the spouse’s discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIOA definition of dislocated worker. Military spouses in such circumstances must still be determined to be “unlikely to return to a previous industry or occupation,” in order to qualify as a dislocated worker.

This guidance further clarifies that the spouse’s cessation of employment, due to the service member’s permanent change of military station or his/her discharge from the military, can also be considered to meet the “unlikely to return to a previous industry or occupation” criterion of the WIOA definition of dislocated worker outlined in the Act. This portion of the definition of a dislocated worker recognizes the breadth of job types and considers whether the individual is likely to return to either his/her prior industry or (*not “and”*) occupation. Furthermore, the phrase specifically uses the term “unlikely” to return; thus, the standard for determining the likelihood of return is not absolute, but rather a matter of judgment based on relevant circumstances. In the majority of cases, the circumstances in which a military spouse is required to leave a job/occupation as a result of the military member’s transfer does not position the spouse to return immediately to his/her previous occupation or industry, particularly at the same level for the following reasons:

- Spouses are generally not resuming employment with the same employer.
- Even if a spouse resumes employment with the same employer, the employment is in a new location, and occupations/jobs will generally not be the same structurally or organizationally as in the prior location.

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- When military spouses do obtain jobs in their new locations it is likely that as new employees they will start at lower levels of seniority than the levels of their positions in their prior locations.
- There is frequently a gap in employment as spouses make the move and search for new employment, which may lessen their likelihood of returning to the same level of occupation or type of job.

Based upon the totality of these circumstances, it would be reasonable for local areas to conclude that in the vast majority of cases a military spouse impacted by a service member's duty reassignment or discharge will meet the "unlikely to return to a previous industry or occupation" criterion and could thus be served as a dislocated worker under the WIOA Section 3(15). This allows WDBs to take full advantage of the flexibility provided under the dislocated worker definition to engage and serve military spouses in need of education, training, and career assistance. Workforce system leaders are also reminded of the broad flexibility provided by WIOA for local boards to establish policies and procedures for One-Stop staff to use in determining an individual's eligibility as a dislocated worker. These policies and procedures could take into account a broad variety of additional factors, including:

- The skills of the spouse, e.g., obsolete or inadequate skills to meet the advancing competency needs of the 21st century workforce and economy;
- The decline of the industry in which the spouse has prior work experience in the region to which the spouse has relocated; and
- An excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region.

Consistent with TEGL 26-13, the definition of "eligible spouse" includes same-sex spouses.

Exiting an Ineligible Participant

The possibility always exists that an ineligible individual may be enrolled as a participant. Circumstances may arise, such as the participant's failure to meet federally mandated responsibilities (i.e., Selective Service registration, authorization to work status, etc.), or discovery through the normal course of business practices (i.e., case management, monitoring reviews, etc.) necessitating immediate termination from the program.

Once it is established that a participant is ineligible, the participant must be notified. The Region VII WDB should then refer the participant to other services or community resources, as appropriate, and exit the participant from all WIOA activities in the MACC. The reason for termination becomes part of the former participant's permanent file. At minimum, the reason for termination must be notated in case notes.

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Unless there is evidence of deliberate misrepresentation by the applicant with the intention to defraud the program, the Region VII WDB is responsible for maintaining outreach, assessment, and eligibility determination system that is effective at identifying and documenting eligibility. The Region VII WDB may elect to initiate a procedure that is more structured, bearing in mind that "immediate action" and adherence to established WIOA eligibility/verification procedure is of utmost importance.

References:

WIOA Section 3(15)

WIOA Section 134(c)(3)(A) & (B)

NPRM 680.210

NPRM 680.220

NPRM 680.230

TEGL 11-11

Higher Education Act of 1965: http://legcounsel.house.gov/Comps/HEA65_CMD.pdf

Section 2-5: Record Retention Requirements

All participant records and supporting documentation must be in compliance with federal regulations pertaining to record retention requirements. The applicable regulations are accessible via the following link:

<http://www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2-vol1-sec200-333>

Also, reference current fiscal and administrative agent, Eastern West Virginia Community Action Agency, Inc., most recent fiscal policies for further instruction in regards to file retention.

References

WIOA Sections 3(16);

NPRM 680.660(a)

NPRM 680.660(d)

NPRM pages 20726-20727

101(d)(1) of Title 10, U.S.C.

Office of Management and Budget (OMB) Uniform Administrative Requirements 2

CFR 200.333

TEGLs 11-11, 22-04, and 26-13

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Section 2-6: Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker Registration

Purpose

The WIOA registration process is used to collect information required by federal regulations and to make a determination of eligibility for the WIOA Adult and Dislocated Worker programs. The registration and eligibility determination must be completed for any adult who is to receive WIOA supportive services or training services.

The participant signs a printout of the online form generated by the MACC.

The intake worker may complete all items on the form in a personal interview with the participant and then transfer the information to the web-based form. A personal interview with the participant by the intake worker is required for accurate reporting since the participant will not be familiar with the definitions used for many of the reporting items. Information requested is required of all participants.

Overview

The WIOA registration process begins with the MACC registration screen. The registration screen collects all information to meet Equal Opportunity (EO) requirements as required by WIOA. The registration screen also includes other common information, such as address and telephone numbers, which may be useful to the WDB.

The WDB must collect EO data for each individual who is interested in being considered for WIOA Title I financially-assisted aid, benefits, services or training, and who has signified that interest by submitting personal information in response to a request by the WDB.

The proposed WIOA rules describe nondiscrimination, equal opportunity and religious activities requirements that recipients, as defined in WIOA Section 188 and at 29 CFR Part 37, must adhere to when using WIOA Title I funds. WIOA did not change these requirements, so the requirements are the same as the WIA Regulations at 20 CFR 667.275.

Corrections or clarification to information completed by the registrant, when using the "hard copy" form, should show clearly that the case manager made the notations. In no instance should the case manager cross out or erase information provided by the registrant. The case manager is to note whatever additional/correct information is appropriate in the comment section of the registration form or through the case notes section of the MACC.

The WIOA registration must reflect information as of the date the registration form is completed. The signature of the case manager and the date on the form means that the case manager has reviewed the registration information and made an eligibility determination. Adult and Dislocated Worker files must contain determinations of the need for career and training services. These must be hard and electronic case files.

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Prudence requires the Region VII WDB to provide consistent guidance to One-Stop Career Center staff regarding WIOA registration and file maintenance. As additional federal TEGLs or state policies are issued, the Region VII WDB retains the right to amend or revoke current policies and procedures.

References: WIOA

Section 188

NPRM 683.285

29 Code of Federal Regulation (CFR) Part 37

WIA Regulations 667.275

CFR 37.4 Implementation of the Non-Discrimination and Equal Opportunity Provisions of the WIA: [http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?SID=fbad4ba6cc4e7e3b1dd71f7fb07f5689&node=29:1.1.1.1.31&rgn=div5)

[idx?SID=fbad4ba6cc4e7e3b1dd71f7fb07f5689&node=29:1.1.1.1.31&rgn=div5](http://www.ecfr.gov/cgi-bin/text-idx?SID=fbad4ba6cc4e7e3b1dd71f7fb07f5689&node=29:1.1.1.1.31&rgn=div5)

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Section 2-7: Documentary Evidence to Substantiate Program Eligibility

The Region VII WDB is required to verify eligibility through an examination of documents.

- For all three funding streams, physical evidence is required in participant files to minimize the risk of disallowed costs.
- Self-attestation is acceptable for some data elements, but it still must be recorded.
- The Region VII WDB may choose to implement a more restrictive documentation policy, but it should not be so restrictive as to create an unnecessary burden.

For all participants, the following items must be verified and documented:

- Age/Date of Birth
- Citizenship Status/Authorization to Work
- Selective Service Registration for Males
- Social Security Number

Additional documentation, as appropriate, is required for the following:

- Low Income Individual
- Family Income
- Cash Public Assistance
- Other Public Assistance (Food Assistance, Refugee Assistance, Social Security Income (SSI), and Social Security Disability Income (SSDI))
- Homeless Individual
- Foster Child
- Disabled Individual
- Dislocated Worker Criteria, including Date of Dislocation
- Termination/Layoff
- Plant Closure/Substantial Layoff
- Self-employed, but now Unemployed
- Displaced Homemaker

The federal Data Report and Validation System (DRVS) requires that the State of West Virginia (WorkForce WV) be able to verify a participant's information. In return, the State of West Virginia requires WDBs to be able to substantiate, with documentation, the participant's information. In the event information is not required by the federal government or the State of West Virginia, the decision whether or not to maintain such documentation in the participant's file is up to the local Workforce Development Board (WDB).

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In the event of Priority of Service, documentation of a participant's given priority should be kept in the individual's file.

Verification vs. Documentation:

Verification means to confirm an eligibility requirement through examination of official documents. Documentation means to maintain on file physical evidence which is obtained through the verification process, including written confirmation by an authorized agency or organization of one or more WIOA eligibility criteria, and which reflects the individual's status as of the date of registration for such eligibility criteria.

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Section 2-8: Adult and Dislocated Worker Registration and Documentation

Citizenship Status/Authorization to Work

Participation must be available to citizens and nationals; lawfully admitted permanent resident aliens, refugees, parolees; and other immigrants authorized by the Attorney General to work in the United States.

When an employer certifies the I-9 Form, the employer is attesting that the individual is eligible to work in the United States and that the documents presented appear to be genuine and relate to the individual.

Employers cannot specify which documents they will accept from an employee. The completion of, and the employer's certification of, the I-9 Form serves as verification of the individual's authorization to work in the United States.

The acceptable verification documents that satisfy List A (which establishes identity and employment eligibility) OR List B (establishes identity) AND List C (establishes employment eligibility) of the I-9 are presented to the employer and may be used as acceptable documentation for the Adult and Dislocated Worker programs.

Note: The I-9 Form may be particularly useful in determining eligibility for individuals enrolled in Incumbent Worker Training (IWT) activities.

For additional information regarding acceptable documents to satisfy Authorization to Work requirements, refer to the Immigration and Naturalization Service (INS) Employer Handbook, which can be found at: <http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>

When determining citizenship, individuals meeting the requirements set forth in TEGL 02-14 are granted relief under the Deferred Action for Childhood Arrivals (DACA) initiative with respect to employment authorization documents (employment authorization).

The WIOA Section 188(5) contains a specific nondiscrimination provision that provides that participation under the WIOA is available to citizens and nationals of the United States; lawfully admitted permanent resident aliens, refugees, parolees; and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization qualify under this provision as "immigrants authorized by the Attorney General to work in the United States." Therefore, DACA participants with employment authorization may access any WIOA services for which they would otherwise qualify. Appropriate documentation of employment authorization must include self-attestation, at a minimum.

The TEGL continues to apply to all programs under the WIOA, including Adult, Dislocated Worker, and Youth formula programs, National Dislocated Worker Grants, and Section 167 National Farm-Worker Jobs Programs. State Workforce Agencies and the WIOA grant recipients must have policies and procedures in place to ensure the provision of career and/or training services to DACA participants who have employment authorization. The appropriate

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method of verifying an applicant's employment authorization will depend upon the requirements and needs of the particular program, including but not limited to the:

- Nature of the benefits to be provided;
- Need for benefits to be provided on an expedited basis;
- Length of time during which benefits will be provided;
- Cost of providing the benefits;
- Length of time it will take to verify based on a particular method; and
- Cost of a particular method of verification.

DACA information and resources are available in English at <http://www.uscis.gov/childhoodarrivals> and Spanish at <http://www.uscis.gov/acciondiferida>

Selective Service

When disbursing WIOA services or benefits, the Region VII WDB has the responsibility for determining Selective Service status and eligibility for services or benefits on a case-by-case basis.

Every male citizen, and every other male residing in the United States, must register with the Selective Service System (SSS) between their 18th and 26th birth dates. Men born on or after January 1, 1960, are required to register with the Selective Service within 30 days of (i.e. within 30 days before or 30 days after) their 18th birthday. Further:

- Late registration is accepted by the Selective Service System.
- Registration can be completed at any classified U.S. Post Office during normal business hours.

This includes males who are:

- U.S. citizens;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers and refugees who take up residency in the U.S. before their 26th birthday; and/or
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending service academies;
- Disabled men who are continually confined to a residence, hospital, or institution; and/or
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

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For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of documentation include:
 - Date of entry stamp in his passport;
 - I-94 with date of entry stamp on it; or
 - Letter from the U.S. Citizenship and Immigration Services indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from ages 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the Selective Service registration requirement at www.sss.gov. The Selective Service System also has a quick reference chart showing who must register located at:

<http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>

- Registration for Selective Service can be accomplished in four ways:
 - Complete a form at the post office
 - Go to an armed forces recruiting station
 - Go online at internet site www.sss.gov, **OR**
 - By calling (847) 688-6888 between the hours of 9:00 a.m. to 4:30 p.m. Eastern Standard Time. Have the registrant's date of birth and social security number available.

Selective Service registration can be verified at the online site www.sss.gov. You will need the individual's name, date of birth, and social security number.

TEGL 11-11 requires that grantees, sub-grantees, or contractors must set a policy for potential participants who are males 26 years old or older that failed to register with the Selective Service. The policy may either: 1) Request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register; **or** 2) Initiate the process to determine if the potential participant's failure to register was knowing and willful without first requesting a Status Information Letter.

The Request for a Status Information Letter may be accessed at:

<http://www.sss.gov/PDFs/infoform.pdf>

As a reminder, Status Information Letters are not required of men born before 1960.

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Determining Knowing and Willful Failure to Register

The Region VII WDB requires all applicable individuals to register with Selective Service. If the individual was required, but failed, to register with the Selective Service as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive career services. The Region VII WDB may assist an individual with Selective Service registration. If the Region VII WDB determines that the individual's failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures.

Veterans Priority of Service

In general, a veteran is an individual who served in the active military, naval, or air service and was discharged or released from such service under conditions other than dishonorable. This may include National Guard or Military Reserve members who have been discharged from active duty service, but not necessarily from other reserve commitments such as training.

The workforce system and other program operators must enable veterans and eligible spouses to identify themselves at the point of entry to the system or program and veterans and eligible spouses must be given the opportunity to take full advantage of the priority. The status of a veteran or eligible spouse can be verified by referring to a variety of documents. Form DD-214 is the most common source of documentation used to determine veteran discharge status.

Veterans' priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under a qualified job training program. Veterans' preference applies to all USDOL-funded employment and training programs, not just when a local area is in limited funds status. Federal law requires that the individual receiving priority must first meet the program's existing eligibility requirements. TEGLs 10-09 and 22-04 provide guidance on implementing priority of service, including priority of service for veterans' spouses.

Eligible Spouses for Veterans' Priority of Service

Pursuant to 38 United States Code (U.S.C). 4215, all ETA workforce programs provide priority of service to veterans and certain spouses of veterans who qualify as "covered persons." A "covered person" is defined in 20 CFR 1010.110 as a "veteran or an eligible spouse." It further defines "eligible spouse" as the "spouse" of any of the following:

1. Any veteran who died of a service-connected disability;
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:

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- i. Missing in action;
 - ii. Captured in line of duty by a hostile force; or
 - iii. Forcibly detained or interned in line of duty by a foreign government or power.
3. Any veteran who has total disability status resulting from a service-connected disability, as evaluated by the Department of Veteran's Affairs;
 4. Any veteran who died while a disability was in existence.

The regulation does not further define "spouse." Consistent with the ETA's policy, workforce grantees are required to include as a "covered person" the same-sex spouse of a veteran who is in one of the categories as identified above.

Unemployed

At the time of application, the month, day, and year of the last day worked as well as the number of weeks the registrant has been unemployed in the immediate 26 weeks prior to application should be recorded.

When determining unemployed status, note the following situations:

- A full-time student who was available for work during this seven-day period may be classified as unemployed.
- Time spent in national guard, military, naval, or air force reserve activities are not to be counted as employment.
- A person who is working part-time is considered employed.
- A veteran who has not obtained permanent unsubsidized employment since being released from active duty shall be considered having met "unemployed" requirements regardless of the specific term of unemployment required.
- Persons institutionalized in a prison, jail, or similar correctional institution are to be considered "unemployed" only when such persons have a reasonable expectation of release within 12 months of enrollment in activities under the Act.
- Time spent in WIOA On-the-Job Training (OJT) and Work Experience is considered employment for application/reporting purposes. Time spent in classroom training services or holding may or may not be considered employment depending on the specific situation.
- A person may meet the "made specific efforts to find a job" provision of the definition of "unemployed" by seeking either part-time or full-time work.

Local Policies

Self-Sufficiency:

Services beyond self-service and informational services, such as career services, and, if

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appropriate, training services, may be provided to adults and dislocated workers who are unemployed or who are employed and need career and/or training services in order to retain employment that allows for self-sufficiency. Self-sufficiency is a goal that the workforce investment system helps clients achieve. It is a service requirement, not an employment outcome, and is only applicable for adults who are employed and wanting to receive services.

Self-Sufficiency is defined by the local area; however, the State will define the minimum level for self-sufficiency as employment that pays at least the lower living standard income level (LLSIL) for the most recent year. Local areas are permitted to define self-sufficiency at a higher income level than the state minimum, as long as supporting documentation is provided. Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the lay-off wage. Individuals with disabilities or other barriers to employment should be taken into account when setting self-sufficiency criteria.

Priority of Service:

The Region VII WDB establishes the criteria and the process by which priority of service will be applied. Priority for individualized career and training services must be given to recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient. It is not necessary to determine that an adult is eligible in accordance with the priority of service until it is determined that the individual is in need of individualized career or training services.

The statutory requirement applies to adult funds for individualized career and training services. Funds allocated for the Dislocated Worker program are not subject to this requirement.

Barriers to Employment:

Individuals with barriers to employment include individuals in one or more of the following categories, as prescribed by the WIOA Section 3(24).

1. Displaced homemakers;
2. Low-income individuals;
3. Indians, Alaska natives, and native Hawaiians;
4. Individuals with disabilities;
5. Older individuals (ages 55 or older);
6. Ex-offenders;
7. Homeless individuals;
8. Youth who are in or have aged out of the foster care system;
9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworkers;
11. Individuals within two years of exhausting lifetime eligibility under TANF (Part A of Title IV of the Social Security Act);
12. Single parents (including single pregnant women);
13. Long-term unemployed individuals;
14. Other groups as determined by the local area.

Additional Requirements for Dislocated Worker Registration and Documentation

Generally speaking, a dislocated worker is someone that loses their job through no fault of their own. However, an individual must fall into one of five categories in order to satisfy the definition. Once an individual is registered as a dislocated worker, the individual remains a dislocated worker until exited from the program, regardless of employment status or earnings during their participation. If a participant becomes self-employed in a full-time, permanent job that pays a wage defined by the local board as self-sufficient or leading to self-sufficiency, the participant may continue to be served in the program until he/she is formally exited.

For dislocated workers, documentation of the reason for dislocation is required.

Insufficient Earnings / Not Covered Under Unemployment Compensation Law:

The Region VII WDB will consider such individuals as WIOA Low-Income adults.

Unlikely to Return to a Previous Industry or Occupation:

Unlikely to return to a previous industry or occupation is one of the categories for dislocated worker eligibility. For purposes of WIOA Dislocated Worker program eligibility, previous industry/occupation relates directly to the job of dislocation, not the most recent job if it is considered stop-gap employment. Additionally, the USDOL has also allowed states to define stop-gap employment. Stop-gap/income maintenance employment could be defined as a job paying significantly less than the lay-off wage, paying significantly less than the self-sufficiency standard, paying a percentage that is significantly less than the negotiated performance goal, a job classified as temporary, etc.

Since unlikely to return has not been defined in the Act or proposed regulations, the USDOL has allowed states to make a determination of what constitutes unlikely to return. Local areas may define this term to assist staff in identifying dislocated workers. Any of the following considerations may be helpful in defining “unlikely to return.”

- Worked in a declining industry or occupation, as documented on state or locally-developed lists of such industries or occupations. Information is available from WorkForce WV at www.workforcewv.org. Lists may also be developed by an appropriate entity, such as a Chamber of Commerce, the local board, an economic development agency, a qualified consultant or educational entity, or other valid public use quality source of labor market information.
- Has a lack of job offers as documented by the local board or Unemployment Insurance staff, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation.
- Is insufficiently educated and/or does not have the necessary skills for re-entry into the former industry or occupation, as documented through the assessment of the individual’s educational achievement, testing or other suitable means.

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- Has physical or other problems which would preclude re-entry into the former industry or occupation, as documented by a physician or other professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).

Unlikely to return may be defined in terms of family, personal, or financial circumstances that may affect the likelihood of the individual's returning to his or her previous occupation or industry for employment. Local definitions need not be based solely on economic conditions and job availability.

For additional information about eligibility documentation requirements for both Adult and Dislocated Worker, refer to the WIOA Eligibility Checklist (Attachment 1).

Alternative Forms of Documentation

Telephone Verification:

Some eligibility criteria may be verified by telephone contacts with appropriate governmental agencies or verified by document inspection. The information obtained must be documented by recording the information on Region VII WDB standardized forms. The information recorded must be adequate to enable a monitor or auditor to trace back to the cognizant agency or document used. Telephone verification must include the name and title of the agency representative providing the verification information, along with the date and contact information.

Participant Statement:

For certain documents, a participant statement, also referred to as an applicant statement (self-attestation), may be used only after all practicable attempts to secure other documentation have failed. It is recommended that a written log be maintained of attempts made and the results (MACC case notes). Documented corroborative contact or a reliable witness attesting to the accuracy of the statement must support participant statements. The information obtained must be documented by recording the information on a standardized form. A corroborative contact or witness must be indicated on the statement. The corroboration may be via witness signature or a supporting telephone verification form. In those rare instances when a participant cannot obtain a satisfactory witness or provide a telephone contact, the participant must explain why such corroboration is not possible.

Copies of documents used to verify eligibility must be maintained in the participant's file.

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References:

WIOA Sections 3(24), 188 and 189

20 CFR 667.250, 1010.110

Military Selective Service Act (50 U.S.C. App. 453)

TEGLs 8-98, 4-89, 22-04, 10-09, 11-11, Change 2, 26-13, 02-14

Section 2-9: Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker: Title I-B Participation

Participant

The term “participant” means an individual who has registered under, and been determined to be, eligible to participate in and who is receiving services under a program authorized by the WIOA Title I. Participation commences on the first day, following determination of eligibility, on which the individual began receiving training or other services provided under the WIOA Title I.

Participant Status

All participant final status information is captured using the MACC. The purpose of the data collection is to record the WIOA participant’s status in the WIOA program(s). This includes future services, planned gaps, WIOA soft exit date, and other reporting information upon exiting the WIOA program(s). This information may include credential attainment, employer information, and school information.

WIOA Title I-B Participation

Participation includes participants served by one or more of the following WIOA Title I funds:

- a) Adult (Local) - Services to adults (age 18 and over) provided by local funds allocated to local areas under the WIOA
- b) Dislocated Worker (Local) - Services to dislocated workers provided by local funds allocated to local areas under the WIOA
- c) Youth (Local) - Services to youth provided by local funds allocated to local areas under the WIOA
- d) Youth (Statewide 10% activities)
- e) Displaced Homemaker (Statewide 10% activities)
- f) Incumbent Worker (Statewide 10% activities)
- g) Other (Statewide 10% activities)
- h) Rapid Response - An individual who participated in Rapid Response activities authorized under the WIOA. These activities could occur prior to or subsequent to registration.
- i) Rapid Response Additional Assistance - An individual who participated in a program funded by the State under the WIOA
- j) National Dislocated Worker Grant

WIOA Partner Program Participation

The reporting requirements are designed to provide the opportunity to track and report on services that the WIOA Title I-B participants receive from partner programs. While tracking and reporting services is optional, it can be advantageous because receipt of tracked partner services can be used to avoid ‘soft’ exits under the WIOA Title I-B participation.

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For example, an individual might be registered for the WIOA Title I-B and receive services and go on to receive adult literacy services from the WIOA Title II. If the WIOA Title II services are not tracked, the exit date occurs when the WIOA Title I-B services are finished. If the WIOA Title II services are tracked and reported, then:

- 1) The individual is defined as an exiter from the WIOA Title I-B if there are neither the WIOA Title I-B nor the WIOA Title II services for 90 days; and
- 2) The exit date is the last date on which either the WIOA Title I-B services or the WIOA Title II services were received.

Record only those programs that fund activities coordinated with the individual's WIOA Title I-B activities, possibly through formal co-enrollment, by inclusion in the individual's WIOA Individual Employment Plan (IEP) or through follow-up services. Do not report partner services that the individual obtains on his/her own or that are not coordinated with the individual's WIOA Title I-B activities.

The only partner services that can extend the exit date are those services that would extend the exit date if they were funded by the WIOA Title I-B. These include services that would qualify under the WIOA as individualized career or training services, or youth activities. They also include similar employment and training activities, such as Adult Literacy Training. They do not include services that provide income support (e.g., Food Stamps, Temporary Assistance for Needy Families (TANF) grants, and Unemployment Compensation).

Services should be recorded cumulatively. Partner services received before WIOA registration may be reported if known. Do not report sources that funded only services classified as informational or self-service.

The WIOA partner program participation includes individuals served by one of the following partner programs:

- a) Adult Education (WIOA Title II)
- b) Job Corps (under WIOA Title I-Subtitle C)
- c) Migrant and Seasonal Farm Worker Programs (WIOA Title I-Subtitle D, Section 167)
- d) Native American Programs (WIOA Title I-Subtitle D, Section 166)
- e) Veterans' Programs - Labor exchange services provided by Disabled Veterans Outreach Program (DVOP)/Local Veterans Employment Representative (LVER)
- f) Trade Adjustment Assistance (TAA)
- g) NAFTA-TAA
- h) Vocational Education - Vocational Education is described in the Carl Perkins Vocational and Applied Technical Education Act (20 U.S.C. 2471)
- i) Vocational Rehabilitation (WIOA Title IV)
- j) Wagner-Peyser Act

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- k) Employment and training programs carried out under the Community Services and Block Grant Act, 42 U.S.C. 9001 et seq.
- l) Employment and training programs carried out by the Department of Housing and Urban Development
- m) Other non-WIOA Programs: Any non-WIOA program not listed above that provided the individual with services authorized under the WIOA. The program must fund activities coordinated with the individual's WIOA Title I activities, possibly through formal co-enrollment, by inclusion in the individual's WIOA Individual Employment Plan (IEP), or through follow-up services.
- n) Title V Activities - Title V of the Older Americans Act of 1965
- o) Employment and training services related to Food Assistance (Stamps)

As a reminder, when partner services are tracked and reported, receipt of partner services can be counted just like the WIOA services when determining the exit date.

Planned Gap in Service

Participants may have a planned gap in service that prevents them from participation. A planned gap in service must be approved by the Region VII WDB. Participants who have a planned gap in service of greater than 90 days are not considered as exited if the gap in service is due to a delay before the beginning of training or a health/medical condition that prevents an individual from participating in services. In any instance of a planned gap of greater than 90 days, a waiver initiated by the case manager and approved by the One-Stop Director and Executive Director must be filed on behalf of the client.

There are two choices for entering a planned gap in service into the MACC:

1. "Health or Medical" is selected if the reason for the planned gap in service is a medical condition that prevents an individual from participating in services.
2. "Delay in Training Date" is selected if the reason for the planned gap in service is a delay in training.

The WDB will document any gap in service that occurs with a reason for the gap in service.

A participant receiving services must have an open activity demonstrating the type of services in use. Once a participant has not received any WIOA-funded or partner services for 90 days, except follow-up services, and there is no planned gap in service or the planned gap in service is for reasons other than those specified above, that participant is soft exited. The MACC will automatically terminate a participant who has not received any services for 90 days and there is no planned gap or scheduled service pending.

Special Case for Participants in a Reserve or National Guard Status

The WDBs have flexibility in determining whether to exit a participant in a Reserve/National Guard status who has been called to active duty and experiences gaps in service for more than 90 days.

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Participant Is Exited From Program:

Participants called to active duty have been issued orders telling them the expected time they will be in service. Therefore, based on the required active service time, the Region VII WDB may exit the participant and re-enroll him or her once the military obligation has been fulfilled. This alleviates the burden of states having to perform follow-up on the participant while allowing them, in some cases, to take credit for positive outcomes.

Participant Not Exited From Program:

The Region VII WDB may treat these participants in the same way as those who have a health or medical condition that prevents them from participating in services. In this instance, the WDB must document the gap in service with a note to the file indicating the individual will be on active duty and the expected return date. If possible, written documentation such as a copy of the call up notice, letter from employer, or Military Leave of Absence Record Form (DA Form 31) should be included in the file. Once the reservist returns from active duty, his/her original eligibility status will stand. However, if the individual was not determined eligible for career or training activities before his or her call to duty and subsequent circumstances would make him or her eligible, the new status will take precedence.

Upon a return from active duty, some reservists may need additional time before they are ready to resume job search or training activities. With documentation in the file, up to one year should be provided to the individual returning.

References:

NPRM Section 680.110

WIOA Title I-Subtitle C: Job Corps

WIOA Title I-Subtitle D, 167: Migrant and Seasonal Farm Worker Programs

WIOA Title I-Subtitle D, 166: Native American Programs

WIOA Title II: Adult Education

WIOA Title IV: Vocational Rehabilitation

WIOA Section 121(b)(1)(IX) or Workforce Investment Program WIOA Section 168: Labor exchange services provided by DVOP/LVER

20 U.S.C. 2471: Carl Perkins Vocational and Applied Technical Education

Act: <http://www.gpo.gov/fdsys/pkg/PLAW-105publ332/html/PLAW-105publ332.htm>

42 U.S.C. 9001 et seq.: Employment and training programs carried out under the Community Services and Block Grant Act: <http://www.gpo.gov/fdsys/granule/USCODE-1999-title42/USCODE-1999-title42-chap98-sec9001/content-detail.html>

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Section 2-10: WIOA Adult and Dislocated Worker Career Services, Training Services, and Follow-up Activities

The WIOA provides for:

1. Basic career services,
2. Individualized career services/case management,
3. Training services, and
4. Follow-up services.

All persons have access to employment-related information and self-service tools, without restrictions. Services that are not primarily informational and self-service require WIOA registration. Eligibility for career services and training also requires WIOA registration. Eligibility for career services is restricted to adults and dislocated workers who are unemployed or employed and in need of career or training services in order to obtain or retain employment that allows for self-sufficiency.

Self Service/Universal Access

There is universal access to services involving self-help. Unregistered services include self-help or other unassisted basic career services not tailored to specific needs or basic information, including:

- Self-service, including virtual services
- Facilitated self-help
- Job listings
- Labor Market Information (LMI)
- Labor exchange services, and
- Information about other services

Please note that the aforementioned Employment Services may also be included with basic career services if they are assisted basic career services or tailored to specific needs.

Basic Career Services

Basic career services must be made available and, at minimum, must include the following services, as is consistent with allowable program activities. Basic career services include:

- WIOA eligibility determination
- Outreach/intake (including worker profiling)
- Orientation to information and other services available through the One-Stop system
- Initial assessment of skill levels, including literacy, numeracy, and English Language proficiency, as well as aptitudes, abilities (including skill gaps), and supportive service needs
- Labor exchange services including:
 - Job search and placement assistance, and when needed by an individual, career counseling including provision of information on in-demand industry sectors and

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- occupations and provision of information on nontraditional employment
- Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the One-Stop delivery system
- Provision of referrals to and coordination of activities with other programs and services, including programs and services within the One-Stop delivery system and, when appropriate, other workforce development programs
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
 - Job vacancy listings in labor market areas
 - Information on job skills necessary to obtain the vacant jobs listed
 - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs
- Provision of performance information and program cost information on eligible providers of training services by program and type of providers
- Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's One-Stop delivery system
- Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including:
 - Child care
 - Child support
 - Medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program, benefits under SNAP, assistance through the earned income tax credit, and assistance under a State program for Temporary Assistance for Needy Families and other supportive services and transportation provided through that program
- Provision of information and assistance regarding filing claims for unemployment compensation, by which the One-Stop must provide meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation. "Meaningful assistance" means:
 - Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants, or
 - Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within reasonable time
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs (non-WIOA)

Individualized Career Services

Individualized career services must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These services include:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include:
 - Diagnostic testing and use of other assessment tools, and

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- In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals
- Development of an Individual Employment Plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including a list of, and information about, the eligible training providers
- Group counseling
- Individual counseling
- Career planning
- Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training
- Internships and paid or unpaid work experiences that are linked to careers; internships and work experiences may be arranged within the private for-profit sector, the non-profit sector, or the public sector
- Workforce preparation activities, including programs or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of post-secondary education, or training, or employment
- Financial literacy services, including services which
 - Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions
 - Support participants in learning, credit, debt, including student loans, consumer credit, credit cards, and teach participants about the significance of credit reports and credit scores, what their rights are regarding their credit and financial information, how to determine the accuracy of a credit report and how to correct inaccuracies, and how to improve or maintain good credit
 - Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities to make informed financial decisions
 - Educate participants about identity theft, ways to protect themselves from identity theft, and how to resolve cases of identity theft, and in other ways understand their rights and protections related to personal identity and financial data
 - Support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials
 - Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings, and
 - Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high-quality, age-appropriate, and relevant strategies and channels, including where possible, timely and customized information, guidance, tools, and instruction

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- Out of area job search assistance and relocation assistance
- Relocation assistance
- English Language acquisition and integrated education and training programs

Training Services

Training services are provided to equip individuals to enter the workforce and retain employment. Under WIA, participants were required to undergo a sequence of core and intensive services in order to receive training. The WIOA clarifies that there is no sequence of service requirements in order to receive training. Training is made available to individuals after an interview, assessment, or evaluation determines that the individual requires training to obtain employment or remain employed.

Training services may be made available to employed and unemployed adult and dislocated workers who:

- One-Stop Career Center Case Management staff determines, after an interview, evaluation, or assessment, and career planning are:
 - Unlikely or unable to retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - Have the skills and qualifications to participate in training services.
- The training must be directly linked to the employment opportunities either in the local area or planning region, or in another area to which the individual is willing to commute or relocate.
- The participant is unable to obtain grant assistance from other sources to pay for the training, including other grants such as State-funded training grants, Trade Adjustment Assistance, and Federal Pell grants, or requires assistance beyond that available from other sources to pay for the cost of training.

As a reminder, Priority of Service for training only applies to participants funded through the Adult program. It does not apply to the Dislocated Worker program.

Training services may include the following:

- Registered apprenticeships
- Occupational skills training, including training for nontraditional employment
- On-the-Job training
- Incumbent worker training
- Programs that combine workplace training with related instruction, which may include cooperative education programs
- Training programs operated by the private sector
- Skill upgrading and retraining
- Entrepreneurial training programs that assist qualified unemployed individuals who are

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- seriously interested in starting a business in West Virginia and becoming self-employed
- Transitional jobs training, which is:
 - Time-limited work experiences that are subsidized and are in the public, private, or non-profit sectors for individuals with barriers to employment who are chronically unemployed and/or have an inconsistent work history;
 - Are combined with comprehensive employment and support services; and
 - Are designed to assist individuals with barriers to employment to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry and retention into unsubsidized employment
- Job readiness training provided in combination with any of the aforementioned training services with the exception of registered apprenticeships
- Adult education and literacy activities, including activities of English language acquisition, and integrated education and training programs provided concurrently or in combination with any of the aforementioned training services, with the exception of registered apprenticeships and transitional jobs training
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training

In most circumstances, an individual will receive training services through an individual training account. The selection of a training program should be fully informed by the performance of relevant training providers and individuals must be provided with performance for all training providers who provide a relevant program. For additional information about eligible training providers, refer to Chapter 6: Training.

Follow-up Services

Follow-up services must be provided, as appropriate, including counseling regarding the workplace, for adults or dislocated workers placed in unsubsidized employment, for up to twelve months after the first day of employment. Please refer to Section 2-11 for additional information about follow-up services and case management.

Credential Documentation

The public workforce system plays a vital role in furthering access to credentials through its relationships with employers, labor, and industry organizations. Increasing credential attainment requires aligning state and local policies and service delivery models that support higher enrollments in credential-issuing training programs. As part of a demand-driven system, close coordination with local employers and training providers is required to identify and develop industry-recognized credentials for local, in-demand jobs. Attributes of career-enhancing credentials include industry-recognition, career-ladders, portability, and accreditation. For additional information about credentials, refer to Chapter 7: Credentials and USDOL TEGLs 15-10 and 17-05.

All data and methods to determine achievement of credentials must be documented. Computer records from automated record matching are considered a valid written record. A telephone response from the participant must be accompanied by a written document such as a certificate, degree, or other written documentation. Telephone verification with the certificate institution/entity that a person has attained the credential is also acceptable, but must also be documented.

A participant may only receive training from a school that has been certified to provide the training. The WDB can review certified schools and classes by going to the following internet site: <http://staff.workforcewv.org>.

Training must lead to an in-demand occupation, as defined by the local Workforce Development Board (WDB), and be completed within the time limits established by the WDB. The selection of a program of training services must be directly linked to employment opportunities either in the local area or in another area to which the individual is willing to relocate. The Region VII WDB will determine which in-demand occupations to invest their WIOA training dollars, based on their local/regional economy and on the WDB's in-demand occupations list.

For additional information about eligible training providers, refer to Chapter 6: Training.

Demand Occupations (Guideline Only)

It is important to understand the concepts of numeric growth, growth rate, growth/replacement ratios, wages, and other considerations when making informed occupational decisions.

Demand Occupations are primarily based on the long-term occupational projections, which cover a ten-year period. These lists include occupations created by changes in technology, society, or markets, as observed by the occupational projections. Demand Occupations may also be existing occupations that have been substantially modified by the same changes, and are increasing in employment, experiencing strong growth rates (as compared to just simply replacing an existing worker), have relatively high wages, and display characteristics that are common with current labor force trends.

The lists of Demand Occupations (<http://www.wvregion7wib.org>) alone might not give enough latitude in determining an occupation for a participant. In such a case, a three-step process can help eliminate unwanted occupations, but is by no means a method to determine an absolute list of occupations for a participant. Listed below is a process that will help generate a list of occupations that might be more suitable for an individual to consider.

Numerical Change

This first step refers to numerical growth or number of openings over the ten-year timeframe. Participants should look for an occupation that demonstrates above-average growth. While number of opportunities can be good, we need to be careful since it does nothing to address the relative stability and future prospects of an occupation; a good example is production occupations.

Rate of Change

In this second step, participants need to consider the rate at which an occupation changes over time. Again, participants should look for an occupation that expresses above-average growth rates. Sorting occupations by growth rates alone will undoubtedly yield occupations with small overall numbers too high on the list; however, this variable is still important because it addresses the relative stability of an occupation, which numeric change alone fails to do.

Growth & Replacement

Finally, job openings stem from both employment growth and replacement needs. Replacement needs arise as workers leave occupations. Some transfer to other occupations while others retire, return to school, or quit to assume household responsibilities. Growth plus replacement is an appropriate measure of minimum training needs for an occupation, and it is an appropriate measure of the number of available job openings. However, participants should look for occupations that demonstrate more growth than replacement.

So, to rectify the dilemma each indicator presents, participants should simply combine each indicator and look for occupations that do well in each of the three tests. Therefore, the participant can incorporate both growth (stability) and eliminate small less meaningful occupations. Intuitively, this makes sense, yet it is such a simple concept that would hopefully reduce confusion among career coaches and participants if the participant desires an occupation that is not on the list of Demand Occupations.

For veterans, a Civilian to Military Occupation Translator is available. The translator identifies relevant military experience by matching civilian job openings to military careers that use similar skills. The translator is available at:

<http://www.careeronestop.org/businesscenter/civilian-to-military/civilian-to-military-translator.aspx>.

References:

WIOA Section 134(c)(3)(D)

NPRM Section 680.120 & 680.210 through 230

TEGLs 17-05, 15-10

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Section 2-11: WIOA Adult and Dislocated Worker Follow-Up Services and Case Management

Follow-Up Services

Follow-up services must be provided, as appropriate, including counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment. While follow-up services must be made available, not all of the adults and dislocated workers who are registered and placed into unsubsidized employment will need or want such services. Also, the intensity of appropriate follow-up services may vary among different participants. Participants who have multiple employment barriers and limited work histories may be in need of significant follow-up services to ensure long-term success in the labor market. Other participants may identify an area of weakness in the training provided by the WIOA prior to placement that will affect their ability to progress further in their occupation or to retain their employment.

Follow-up services could include, but are not limited to:

- Additional career planning and counseling
- Contact with the participant's employer, including assistance with work-related problems that may arise
- Peer support groups
- Information about additional educational opportunities, and referral to supportive services available in the community
- Case management administrative follow-up

Follow-up services will be reviewed during the One-Stop Programmatic Reviews. Inadequate or insufficient follow-up services, inconsistent follow-up (i.e., only upon request), and follow-up services for less than a duration of 12 months will be documented as findings unless thoroughly deemed justifiable and documented.

Case Management

One of the eligibility criteria for adults and dislocated workers to receive training services is that, after an interview, evaluation or assessment, and case management, the participant has been determined to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services. The term "career planner," used in WIOA, replaces the term "case manager," used in WIA. The role of the career planner is to provide quality guidance and continuing case management. Locally, the Region VII WDB has adopted the term "career coach" to identify the staff members providing career planning and case management activities to our customers.

Case Management includes the development of an Individual Employment Plan (IEP) based on comprehensive assessments for every participant receiving career and/or training services. The IEP should identify employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve employment goals. The assessments should determine the person's job readiness, specific employment and training needs, specific

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strengths and deficiencies, the person's financial, social and/or supportive service needs, and should justify the services to be provided. Additionally, the assessment is an on-going activity that continues throughout a participant's relationship with the service provider and can include:

- Career services received
- Other fund sources investigated
- Other fund sources being accessed or combined with the WIOA Title I-B
- A comprehensive assessment that includes current skills and educational level and previously completed education and training
- Individual's ability to complete the course of training
- Cost and duration of the training
- Wage and wage progression expectations, and
- Employment opportunities that result in long-term job retention in the local labor market or an area to which the client is willing to relocate

Comprehensive assessment tests include:

- Adult Basic Learning Examination (ABLE)
- Comprehensive Adult Student Assessment System (CASAS)
- Test of Adult Basic Ed (TABE), and
- Wonderlic
- WorkKeys or other approved assessments

Individuals eligible for training services select a program after consultation with a career coach. Career coaches should encourage individuals to fully-utilize the information available on the Eligible Training Provider List (ETPL), provide additional information beyond the ETPL and other reports, assist individuals with doing their own research on programs or providers, and help individuals identify specific options and systematically compare them. Career coaches should monitor the individual's progress through the various levels of program services.

References:

WIOA Section 134(c)(2)(A)(xiii)
NPRM 680.180

Resources:

Effective case management – Key elements and practices from the field:

<http://www.mathematicampr.com/publications/pdfs/labor>

Skills Gap Road Map for Case Managers:

<https://effectivecasemanagement.workforce3one.org/view/2001304538228862676/info>

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Section 2-12: Case Notes, Support Services, and Individual Employment Plans (IEP)

Overview

The proposed WIOA rules explain that the IEP is an individualized career service, jointly developed by the participant and career coach. The IEP includes an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to obtain these goals and objectives. IEPs are one of the most effective ways to serve individuals with barriers to employment, and to coordinate the various services, including training services, they may need to overcome these barriers.

The IEP is the basis for the overall case management strategy. The career coach should utilize the IEP to update strategies and activities as they occur, and to document referral and contact information for services obtained from partner organizations. When reviewing the IEP, career coaches should document a participant's progress, activities completed, benchmarks reached, and any other accomplishments.

Additionally, the IEP should be:

- Developed in partnership with the participant;
- Used as a tool that can and will change over time, as necessary, to meet the needs of the individual;
- Used as a roadmap to achieve measurable and attainable short-term and long-term goals; and
- Designed to reflect the individual's interests and incorporate career planning.

The provision of services should be a result of, and consistent with, the customer's assessment and IEP. Having a well-developed IEP and related documentation is required and is a fundamental part of case management. Once an IEP is developed and approved, it should be used in the on-going process of monitoring and re-evaluating the participant's progress toward educational and occupational goals.

The IEP should be a "living document" and reviewed and updated as life changes occur, including the participant's interests and ambitions, as strategies are updated, as services are obtained from partner organizations, as activities are completed, and as goals are met and benchmarks are reached. The participant must receive a copy of the plan signed and dated by both the participant and career coach. When the plan is significantly modified, such as the addition or modification of information that may be used as data validation source documentation, a new copy should be signed and dated by both parties and provided to the participant.

Note: IEP's are subject to review during the One-Stop Programmatic Reviews. Lack of the above mentioned components and/or lack of proper revision will result in a finding.

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MACC Case Notes

Case notes refer to electronic statements by the career coach that identify, at a minimum, the following:

- A participant's status for a specific data element;
- The date on which the information was obtained; and
- The career coach who obtained the information.

The content of case notes should include information that accurately describes the services provided and the individual's experiences. Case notes should tell a story of the participant's journey through programs into self-sufficiency. They should document progress, identify barriers, describe the interaction between the participant and the career coach, provide a description of the assistance the career coach has provided, and show how barriers were overcome.

The Region VII WDB has developed a case note guidance/standard operating procedure, which ensures case noting are consistent and complete for participants in all programs.

Supportive Services & Needs-Related Payments

The WIOA allows for the provision of supportive services and needs-related payments (NRPs). Supportive services such as transportation, child care and dependent care, housing, and needs-related payments are necessary to enable an individual to participate in activities authorized and consistent with the provisions of the WIOA Title I- B. Supportive services may take the form of in-kind or cash assistance. The WDB supportive services are to be for actual costs up to an established limit.

As a reminder, supportive services are not entitlements and should be provided on the basis of a documented financial assessment, individual circumstances, the absence of other resources, and funding limits.

The WDB may elect to provide supportive services and NRPs. The WDB elects to provide supportive services to participants during program enrollment for career and training services under the following conditions:

1. Assistance follows written procedures to provide supportive services. The procedures include the conditions, amounts, duration, and documentation requirements for the provision of supportive services.
2. The procedure becomes part of the WDB's WIOA Adult and Dislocated Worker IEP.
3. The provision of supportive services is required to be documented in the participant's IEP. Whenever possible, actual receipts should be collected from the client.

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4. The written procedure ensures that acceptable accounting procedures are used in the provision of supportive services.
5. For additional detail, please consult the Region VII WDB Supportive Service Policy (<http://www.wvregion7wib.org>).

The decision to provide the WIOA supportive services and NRPs, as well as the method to determine the level and duration of assistance, rests with the Region VII Workforce Development Board. The WDB, in consultation with the One-Stop partners and other community service providers, have developed a policy on supportive services that ensures resource and service coordination in the local area. The policy addresses procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. The provision of accurate information about the availability of supportive services in the local area, as well as the referral to such activities, is one of the career services that must be available to Adults and Dislocated Workers through the One-Stop delivery system.

The NRPs are a stipend-form of assistance to adults or dislocated workers who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation so they can participate in training.

The Region VII WDB may elect to provide NRPs to participants in training activities:

1. WIOA needs-based payment must be in accordance with WIOA local, state, and federal regulations.
2. Ensure that the written NRP procedure becomes a part of the WDB's WIOA Adult and Dislocated Worker IEP.
3. Consistently apply the NRP formula or procedure to all eligible participants in a training activity, subject to the availability of funding and other conditions and priorities within the WDB.
4. Those participants receiving NRPs will have documented:
 - a. The determination of need,
 - b. The amount of each payment received, and
 - c. The time period covered by each payment.
5. Ensure that the NRPs do not extend beyond a participant's training period.

To receive NRPs, Adults must:

1. Be unemployed,
2. Not qualify for, or have ceased qualifying for, unemployment compensation; and
3. Be enrolled in training.

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To receive needs-related payments, Dislocated Workers must:

1. Be unemployed,
 - a. Have ceased to qualify for unemployment compensation or Trade Readjustment Allowances (TRA) under Trade Adjustment Assistance (TAA), and
 - b. Be unemployed and did not qualify for unemployment compensation or TRA under TAA or North America Free Trade Agreement (NAFTA) TAA.

The level of NRPs is determined as follows:

1. The payment level for adults must be established by the local board.
2. For dislocated workers, payments must not exceed the greater of either of the following levels:
 - a. For participants who were eligible for unemployment compensation as a result of the qualifying dislocation, the payment may not exceed the applicable weekly level of the unemployment compensation benefit, or
 - b. For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period. The weekly payment level must be adjusted to reflect changes in total family income as determined by local board policies.

References:

NPRM 680.180

NPRM 680.900

NPRM 680.930 & 680.940

WIOA Sections 3(59) and 134

Section 2-13: Exiting and Performance

Exit Reasons

To report an exit, use the reason that most accurately reflects why the participant is no longer in the WIOA program. Exit reasons include:

- Deceased – A participant who died during participation in a WIOA program(s).
- Institutionalized - The participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain in that institution for at least 90 days.
- Health/Medical - The participant is receiving medical treatment that precludes entry into unsubsidized employment or continued participation in the WIOA program(s). This does not include temporary conditions expected to last for less than 90 days.
- Family Care.
- Reservists Called to Active Duty - Reservist called to active duty who chose not to return to the WIOA program(s).
- Invalid Social Security Number.
- Employed - A participant who is placed in employment after participation in a WIOA program. Also, include entry into the Peace Corps, VISTA, and other National Service programs funded by the Federal Corporation for National and Community Service under the National and Community Service Trust Act of 1993. *(Examples are activities in the AmeriCorps and the National Civilian Community Corps programs.)*
- Self-Employed.
- Voluntary Exit.
- Involuntary Exit (Non-Compliance).
- Found Ineligible After Registration.
- Apprenticeship - Participant entered a qualified apprenticeship program.
- Military - Participant entered military service.
- Entered Advanced Training – (Youth Only). A youth (aged 14-18) participant who started to attend advanced training classes.
- Entered Post-Secondary Education – (Youth Only). A youth (aged 14-18) who started to attend post-secondary classes.
- Relocated to Mandated Program (Youth Only).
- Retired from Employment.
- Soft Exit. (All Activities)

System Exit

A system exit date occurs once a participant has not received any services funded by the program or partner program for 90 consecutive days, has no gap in service, and is not scheduled for future services. The date of exit is applied retroactively to the last day on which the individual received a service funded by the program or partner program. Examples of activities that do not extend the period of participation or delay program exit include follow-up services and any other required administrative case load management activities that involve regular contact with the participant or employer to obtain information regarding the participant's employment status, educational progress, or need for additional services.

One-Stop staff should document any gap in service that occurs with a reason for such a gap in service. Participants who have a planned gap in service of greater than 90 days should not be considered exited if the gap in service is due to a delay before the beginning of training or a health/medical condition that prevents an individual from participating in services. One-Stop staff should document any gap in service that occurs with a reason for such a gap in service.

Once a participant has not received any WIOA- funded or partner services for 90 days, except follow-up services, and there is no planned gap in service or the planned gap in service is for reasons other than those acceptable, that participant is exited. The MACC will automatically terminate a participant who has not received any services for 90 days and there is no planned gap or scheduled service pending.