



Workforce Innovation and Opportunity Act (WIOA)
Standard Operating Procedures
for the
Region VII Workforce Development Board
(Revised: July 1, 2026)

Prepared by:

Region VII Workforce Development Board

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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 Standard Operating Procedures (SOPs) is to provide policy guidance, interpretation of Federal and State workforce laws, and provide a framework for practical implementation of the services and provisions supported by WIOA. Procedural guidance is also provided to assure consistency. The SOPs are 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 continuously developed. 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 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

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or regions bordering the State of West Virginia.

Using and Maintaining the Standard Operating Procedures

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:

Reference

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)
(TEN)
(JTPA)

Revised and/or additional chapters, sections and pages will be issued as necessary. Pages are numbered sequentially within each chapter.

The manual should be kept on hand in a loose-leaf notebook or binder so that changes, additions and deletions can easily be made.

Note: Dates noted as "date issued" and "supersedes" refer to issuances of this manual and are not effective dates of regulations, policies, and income levels.

References:

TEGL 19-14

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www.wvregion7workforce.org for additional local policies, forms, and contracts

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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

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 WDB 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.

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.

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.

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- 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

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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

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.

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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

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.

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- 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
- 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

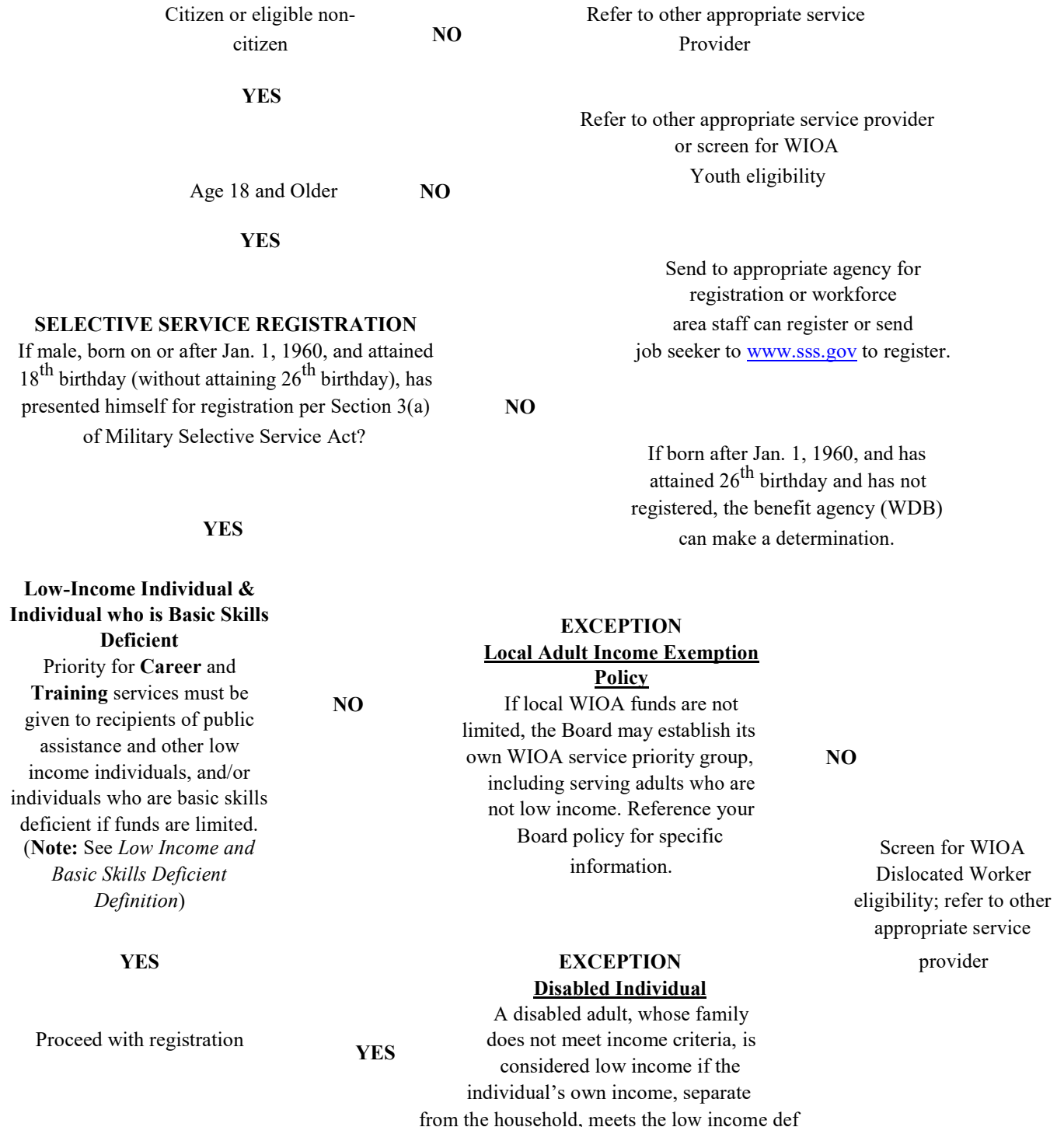
TEGL 11-11

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

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WIOA ADULT Eligibility Flowchart

APPLICANT/JOB SEEKER



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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

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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;

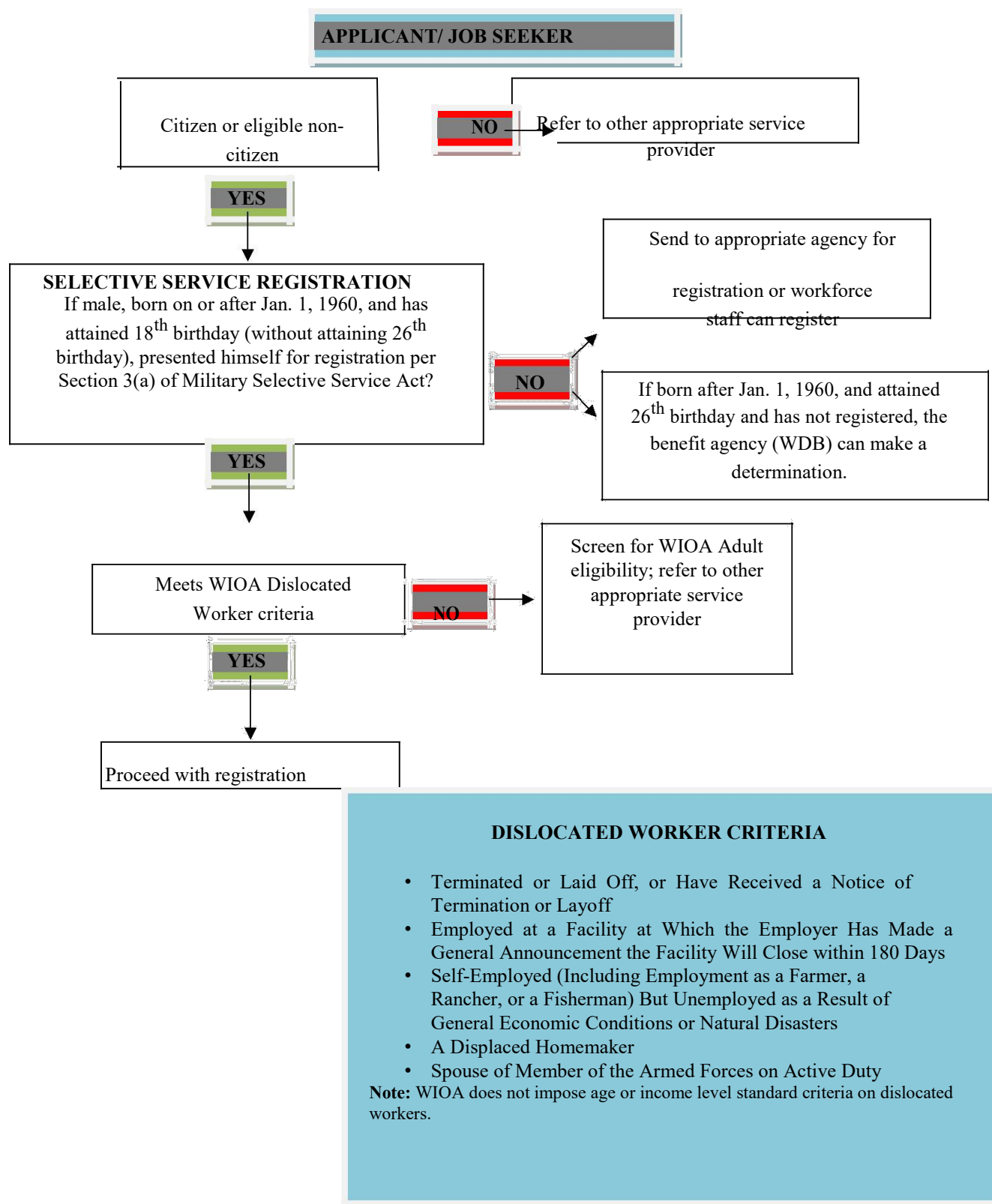
(1) In alignment with the WIOA key reform principals, and service requirements, statistical information on industry and occupational projections must be provided and given strong consideration when determining training. This would include the provision of accurate information relating to local, regional, and national labor market areas, including information relating to local Demand Occupations, and the earnings and skill requirements for such occupations.

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.

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WIOA DISLOCATED WORKER Eligibility Flowchart



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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.
- 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

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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.

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

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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 Panhandle Instructional Cooperative, Inc., for most recent fiscal policies or 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

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

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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.

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-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).

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

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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.

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.

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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

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

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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. TEGs 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.

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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

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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.

For example, an individual might be registered for the WIOA Title I-B and receive services and

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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)

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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
 - 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

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- 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
- 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.

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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

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.

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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.

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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, 15-1

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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.

To receive needs-related payments, Dislocated Workers must:

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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

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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)

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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.

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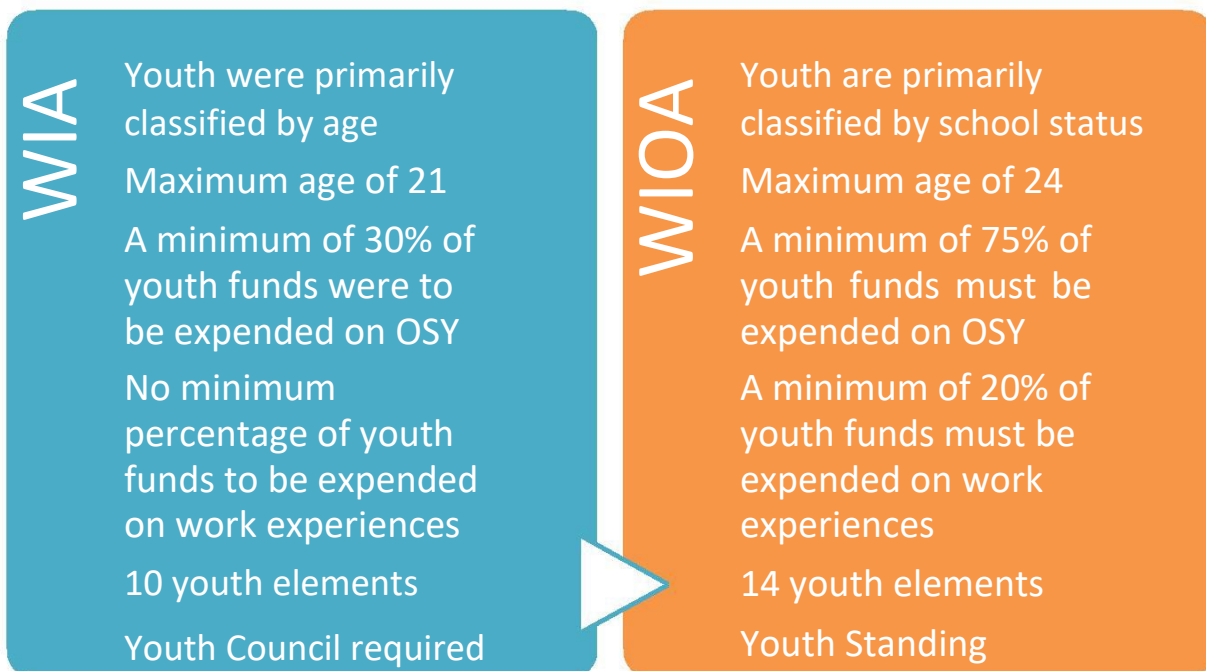
Chapter 3: WIOA Youth

Overview

The purpose of the Workforce Innovation and Opportunity Act (WIOA) youth services is to assist young people, ages 14-24, who face significant barriers to success in the labor market, by providing resources and support to overcome those barriers and successfully transition to self-sufficient adulthood.

The WIOA outlines a broader youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school youth (OSY). WIOA affirms the U.S. Department of Labor's (USDOL's) commitment to provide high-quality services for all youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in post-secondary education, or a Registered Apprenticeship. All of the Department's youth-serving programs continue to promote evidence-based strategies to assist in achieving high levels of performance, accountability, and quality in preparing young people for the workforce.

The transition from the Workforce Investment Act (WIA) to WIOA includes notable changes to youth programming, such as, but not limited to:



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The WIOA funding enables the delivery of a comprehensive array of youth services that prepare youth for post-secondary educational and employment opportunities, attainment of educational and/or skills training credentials, and obtainment of employment with career opportunities. This is accomplished by assessing the participant's skills, interests, needs and personal goals; creating customized service plans in collaboration with the participant; and expanding the participant's connection to and understanding of the local economy, educational opportunities, and available community services. This process is organized and coordinated around 14 WIOA Youth program elements, which **must be made available** to every participant.

Make available means that each Workforce Development Board (WDB) must ensure that **all** 14 program elements are available in **all** areas served. While this does not mean that an individual service provider must deliver all 14 elements, they must identify partnerships to ensure availability by referral. Local areas have the discretion to determine which specific services a youth will receive based upon the youth's informal interview, objective assessment, and individual service strategy (ISS).

WIOA Youth Program Elements

The 14 program elements include the original 10 program elements under WIA, which have been consolidated to nine elements as the summer employment opportunities program element is now a sub-element under paid and unpaid work experiences, and five new program elements. The five new program elements are: financial literacy education; entrepreneurial skills training; services that provide labor market and employment information about in-demand industry sectors or occupations available in the local areas; activities that help youth prepare for, and transition to, post-secondary education and training; and education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. These elements are starred in the comprehensive list below.

The 14 youth program elements under WIOA section 129(c)(2) are:

- (1) Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized post-secondary credential;
- (2) Alternative secondary school services, or dropout recovery services, as appropriate;
- (3) Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:
 - (i) summer employment opportunities and other employment opportunities available throughout the school year;
 - (ii) pre-apprenticeship programs;
 - (iii) internships and job shadowing; and
 - (iv) on-the-job training opportunities;
- (4) Occupational skill training, which includes priority consideration for training programs

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that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the local board determines that the programs meet the quality criteria described in WIOA Section 123;

- (5) *Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- (6) Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;
- (7) Supportive services;
- (8) Adult mentoring for a duration of at least 12 months that may occur both during and after program participation;
- (9) Follow-up services for not less than 12 months after the completion of participation;
- (10) Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth;
- (11) *Financial literacy education;
- (12) *Entrepreneurial skills training;
- (13) *Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- (14) *Activities that help youth prepare for, and transition to, post-secondary education and training.

Education Offered Concurrently with and in the Same Context as Workforce Preparation

The three components of an integrated education and training program include: adult education and literacy activities, workforce preparation activities, and workforce training. Adult education and literacy activities are programs, activities, and services, such as English language services, to achieve competence in reading, writing, speaking, and comprehension. Workforce preparation activities help individuals acquire a combination of basic academic, critical thinking, and digital literacy skills. They improve employability by improving self-management abilities, increasing ability to work with others, and develop other skills necessary for successful transition into post-secondary education, training, and employment.

Activities to Help Youth Transition to Postsecondary Education and Training

Such activities could include: skill development and practice, such as time management, mock interviews, independent living, or legal responsibilities after the age of 18, and how to prepare for post-secondary education, such as applications, financial aid, scholarship application, etc.

Procurement and Providers

The local board must identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis, based on the recommendation of the youth standing committee, if they choose to establish a standing youth committee and assign it that function. If such a committee is not established for the local area, this responsibility falls to the local board.

Where the local board determines there is an insufficient number of eligible providers of youth workforce investment activities in the local area, such as a rural area, the local board may award grants or contracts on a sole source basis.

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The requirement that eligible providers of youth services be selected by awarding a grant or contract on a competitive basis does not apply to the design framework services when these services are more appropriately provided by the grant recipient/fiscal agent. Design framework services include intake, objective assessments and the development of individual service strategy, case management, and follow-up services.

The Workforce Development Agency (WDA) has determined that three of the 14 required services, per WIOA Section 129(c)(2) and NPRM Section 681.460, may be directly provided by the grant recipient/fiscal agent. These services include:

- Follow-up services for not less than 12 months after the completion of participation, as provided in § 681.580; and
- Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- Supportive services, including the services listed in § 681.570.

Program Design

Local communities provide youth activities and services in partnership with the WIOA One-Stop system and under the direction of the local Workforce Investment Boards.

Funds shall be used to carry out, for eligible youth, programs that –

- Provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs of the participant;
- Develop service strategies for each participant that shall identify an employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant;
- Provide:
 - activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized post-secondary credential;
 - preparation for post-secondary educational and training opportunities;
 - strong linkages between academic instruction and occupational education that lead to the attainment of recognized post-secondary credentials;
 - preparation for unsubsidized employment opportunities, in appropriate cases; and
 - effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets.

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References:

WIOA Sections 123 and 129(c)(2)

Training and Employment Guidance letter (TEGL) 9 -00 23-

14 NPRM Sections 681.310, 681.400 681.420, 681.460

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Section 3-1: Developing Partnerships, Outreach, and Recruitment

Partnerships

Strong partnerships help to leverage resources and increase opportunities for youth. They can enhance the ability of workforce investment areas to access information and data, improve services, and increase efficiencies with regard to recruitment processes, referrals, and case management. Creating strong partnerships is critical to providing the most effective, targeted, and appropriate services for youth to maintain progress along a successful career pathway.

The intent of the WIOA is not necessarily to use WIOA Youth funds for every youth element; rather, the WIOA Youth program is intended to act as an intermediary, partnering with various publicly and privately funded organizations to ensure that all 14 youth program elements are available to all youth participants. Local grant recipients can rely on partner programs to provide some of the elements if such services are available for all eligible youth in the local area. If an activity is not funded with the WIOA Title I funds, the local area must ensure that those activities are closely connected and coordinated with the WIOA system. Ongoing relationships should be established with providers of non-WIOA funded activities either through coordinated case management strategies, memorandums of understanding, or an alternate, similar method.

Outreach and Recruitment

Outreach and recruitment are vital components of a successful WIOA Youth program. The objective is to connect youth most in need to the array of services that the WIOA has to offer.

Recruitment factors to consider include:

- Where do you find youth in your local community? Where do they “hang out?”
- How do youth workers, counselors, and others identify potential youth participants?
- Where and to whom do referrals go?
- What marketing materials do you use to recruit youth? Are they current?

Partners who may assist with recruitment efforts include:

- | | |
|-----------------------------|---------------------------------------|
| • Faith-based organizations | • Public housing authorities |
| • Schools | • Education agencies |
| • Social service agencies | • Job Corps representatives |
| • Non-profit organizations | • Mentoring organizations |
| • Juvenile institutions | • Other community-based organizations |
| • Homeless shelters | |
| • Food pantries | |

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Outreach and recruitment ideas include:

- Use radio, TV, and print media to promote the value and positive outcomes of the WIOA services;
- Involve previous youth participants who can positively speak about programs as peer advocates and recruiters;
- Offer incentives for recruiting youth;
- Hold youth-specific orientation events that promote the benefits of participation, such as
 - Summer and year-round employment opportunities
 - Free tutoring
 - Supportive services
 - Fun activities and other unique opportunities;
- Involve local community leaders;
- Emphasize appeal, value, and uniqueness of the WIOA services;
- Use social media tools, such as Facebook and Twitter, to reach out to youth.

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Orientation

The WIOA orientation should provide a complete overview of the WIOA program, opportunities provided, overview of training programs, eligibility requirements, and application methods. Following orientation, interested youth are to be scheduled for an intake appointment to determine if they are eligible and suitable for services.

While not required, it is a best practice to offer **youth -specific** orientations. This allows for in-depth coverage of youth specific programs, but also allows for the content to be modified to better meet the physical, educational, and emotional developmental state of young adults.

Orientation is the ideal time to inform youth of required documentation for eligibility determination.

References

TEGL 33-12 and 05-14

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Section 3-2: WIOA Youth Eligibility and Suitability

Eligibility

The WIOA Registration Form is used to collect information required by federal regulations and to make a determination of eligibility and suitability for the WIOA Youth program. The registration and eligibility determination process must be completed for any youth who is to receive any WIOA services.

A sample eligibility checklist may be found in Attachment 2.

Following verification of school status, age, and citizenship, as identified in the WIOA Section 188(a)(5), eligibility determination includes the following steps:

1. Determining income eligibility, where applicable;
2. Determining barriers;
3. Ensuring selective service registration, if applicable; and
4. Identifying basic skill deficiencies.

Unlike under WIA or under the definition of an in-school youth, low income is not a requirement to meet eligibility for most categories of OSY under the WIOA.

Nondiscrimination

To determine program eligibility and/or meet federal reporting requirements, the WDB, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, genetic information, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

Non-discrimination provisions that apply to the public Workforce System prohibit discrimination under the basis of sex, among other basis. 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.

Determination of Out-of-School and In-School Youth

Once the determination of out-of-school or in-school is made, the classification stays with the participant during the period of participation. For example, if an individual enrolls as a high school student, they are an ISY during their period of participation, even after graduating high school.

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Out-of-School Expenditure Requirement

The WIOA increases the minimum OSY expenditure rate for the youth formula-funded program from 30 percent under the WIA to 75 percent under the WIOA. State and local areas must work toward spending 75 percent of Program Year (PY) 2020 funds on OSY. The OSY expenditure rate is calculated for local area funds after subtracting the funds spent on administrative costs. If the 75 percent requirement for their 2020 funds is not met, there must be demonstrated progress toward meeting the 75 percent OSY minimum expenditure rate through increased expenditures on OSY compared to the previous year.

For the PY 2014 WIA youth allotment, including unobligated PY 2014 funds carried over to PY 2020, the 30 percent OSY expenditure minimum will still apply. Consistent with that 30 percent requirement, state and local areas may choose to use most of the remaining PY 2014 funds for services to ISY, in order to assist them in successfully completing the program, while focusing PY 2020 funds on OSY, consistent with the minimum 75 percent expenditure requirement on OSY.

The increased expenditures must be a minimum increase of 10 percentage points compared to the previous year and no lower than a 50 percent OSY expenditure rate.

Step 1: Income Eligibility

A youth is income eligible, as applicable, for youth services if he/she is:

- i. Receiving, or is a member of a family that receives, or was determined eligible to receive income-based public support within the prior six months;
- ii. A member of a family that lives at 100 percent or less of the poverty threshold or at 70 percent or less of the lower living standard income level;
- iii. Receiving, or is a member of a family that receives, or was determined eligible to receive, food stamps within the prior six months;
- iv. Homeless;
- v. Receiving, or is eligible to receive a free or reduced price lunch;
- vi. A foster child;
- vii. An individual with a disability whose own income meets the income requirement of clause ii, but who is a member of a family whose income does not meet this requirement; and/or
- viii. Living in a high-poverty area.

Five Percent Income Exception

Up to five percent of covered individuals served by WIOA Youth programs may be individuals who do not meet the income criteria for eligible youth, as long as all other eligibility criteria are met. The five percent is calculated based on all youth served in the WIOA local youth program in a given PY.

Local policy is to dictate whether case managers may seek approval for use of the five percent allowance.

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The term
“covered
individual”
means:

- an in-school youth; or
- an out-of-school youth who is low income -AND-
- is a recipient of a secondary school diploma or its recognized equivalent –AND-
- basic skills deficient, or
- an English language learner; -OR-
- requires additional assistance to enter or complete an

Free or Reduced Lunch

If the youth qualifies as receiving free or reduced lunch, documentation from the school must be obtained.

High Poverty Area

In order to maintain consistency across the country, the USDOL has proposed that a high-poverty area be defined as a Census tract; a set of contiguous Census tracts; Indian Reservation, tribal land, or Native Alaskan Village; or a county that has a poverty rate of at least 30 percent as set every five years using American Community Survey five-year data.

http://www.census.gov/acs/www/data_documentation/data_main/

See Chapter 5 for additional information on income eligibility and the revised definition of family.

Step 2: Barrier Determination

Barriers differ slightly for OSY and ISY. Youth who are income eligible must have at least one of the following barriers:

OSY must be facing one or more of the following barriers:

- (I) A school dropout.
- (II) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.
- (III) A recipient of a secondary school diploma, or its recognized equivalent, who is a low income individual and is—
 - (aa) basic skills deficient; or
 - (bb) an English language learner.
- (IV) An individual who is subject to the juvenile or adult justice system.
- (V) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), a homeless child or youth (as defined in

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section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(VI) An individual who is pregnant or parenting.

(VII) A youth who is an individual with a disability.

(VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

ISY must be facing one or more of the following barriers:

(I) Basic skills deficient.

(II) An English language learner.

(III) An offender.

(IV) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(V) Pregnant or parenting.

(VI) A youth who is an individual with a disability.

(VII) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

Please Note: Youth who are homeschooled or virtual learners are ISY.

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Individual who Requires Additional Assistance

Examples of individuals who require additional assistance may include individuals who:

- Youth in a situation of domestic violence
- Youth with a history of substance abuse
- Youth that lacks occupational goals/skills
- Youth that has a poor work/no work history
- Youth that has been actively seeking employment for at least 12 months, but remains unemployed
- Youth that is gang involved or at-risk of gang involvement
- Youth that has limited English proficiency
- Migrant youth
- Youth residing in a household where at least one family member living at the same residence has received public assistance in the last six months.

For additional details and information, please refer to the Region VII WDB WIOA Youth Additional Assistance Policy (<http://www.wvregion7wib.org>).

Step 3: Selective Service Registration Verification

Males age 18 or older must be registered with the Selective Service in order to be eligible for WIOA Youth services. In order to maintain eligibility for the WIOA services, a male participant who turns age 18 while participating in the program must be registered for Selective Service by the 30th day after their 18th birthday. Please refer to the Adult/Dislocated Worker (DW) Eligibility Section in Chapter 2, which provides additional information regarding Selective Service requirements and verification.

Step 4: Determining Basic Skills Deficiency

Low educational functioning levels can be a significant barrier to educational and/or employment success, thus all participants must be assessed to determine any basic skills deficiencies. WIOA aligns the prior definitions of “Deficient in Basic Literacy Skills” and “Basic Skills Deficient” by now defining the singular term ‘Basic Skills Deficient’ as an individual—

(A) who is a youth, that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

Part A of the basic skills deficiency definition is identified by an assessment score at or below grade level 8.9. Part B of the definition, which reads “a youth who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society,” must to be locally defined.

WDBs must use valid and reliable assessment instruments, as found in Section 3-5, and provide reasonable accommodations to youth with disabilities in the assessment process in making this determination.

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If appropriate, steps to improve educational functioning should be included in the participant's ISS.

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 a standardized form. 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:

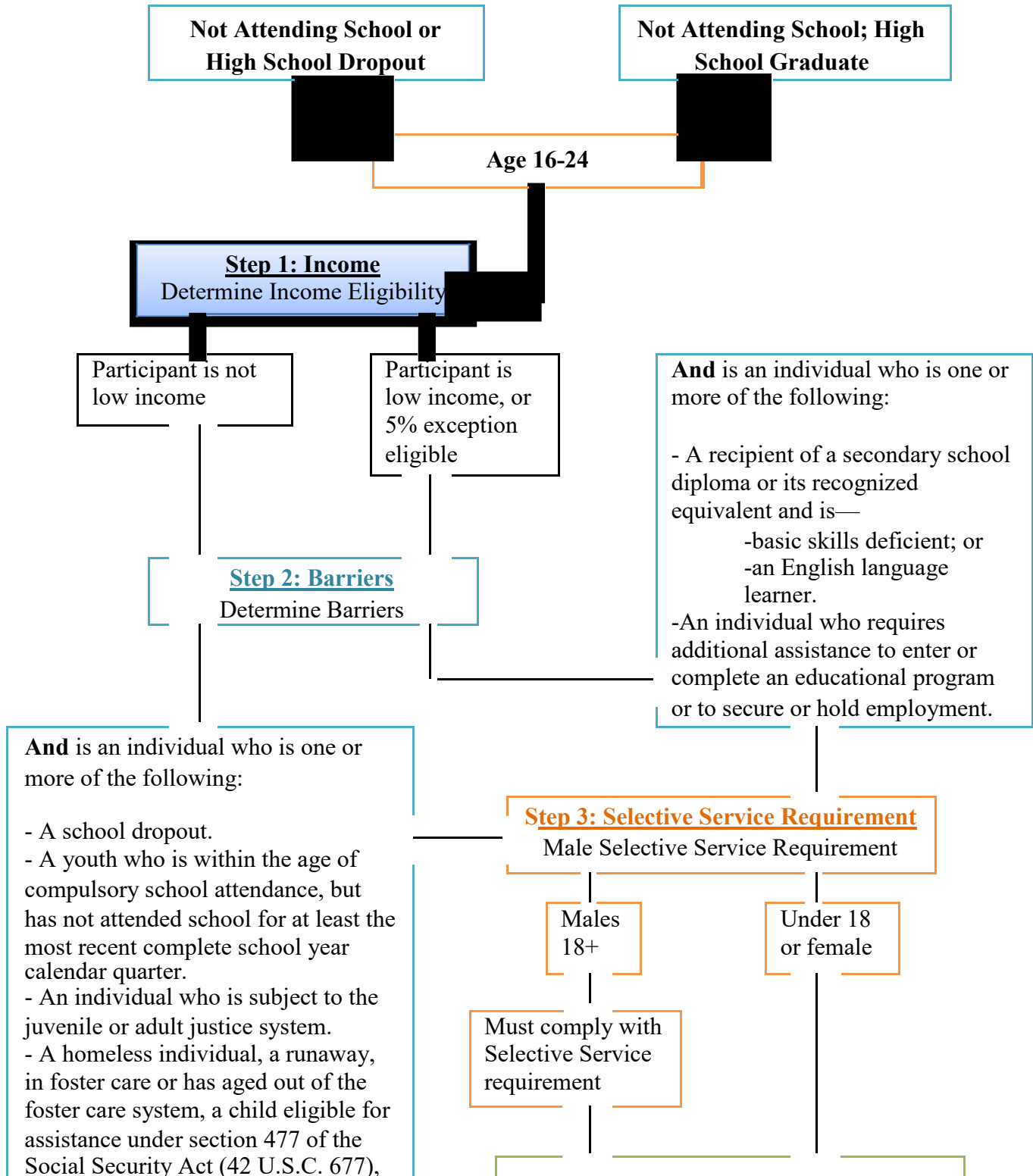
For certain documents, a participant statement, also referred to as an applicant statement, may be used only after all practicable attempts to secure other documentation have failed. It is recommended that a written log be maintained of attempts made and the results. Documented corroborative contact, or a reliable witness attesting to the accuracy of the statement, must support participant statements. A corroborative contact or witness must be indicated on the statement. The corroboration may be via witness signature or a supporting telephone verification. 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.

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Submitting regular case notes into the MACC is an imperative part of effective case management. Case notes also play a vital role in the documentation required by local, state, and federal regulatory bodies governing WIOA programs.

Copies of documents used to verify eligibility must be maintained in permanent participant file.

WIOA OSY Eligibility Flowchart



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or in an out-of-home placement.

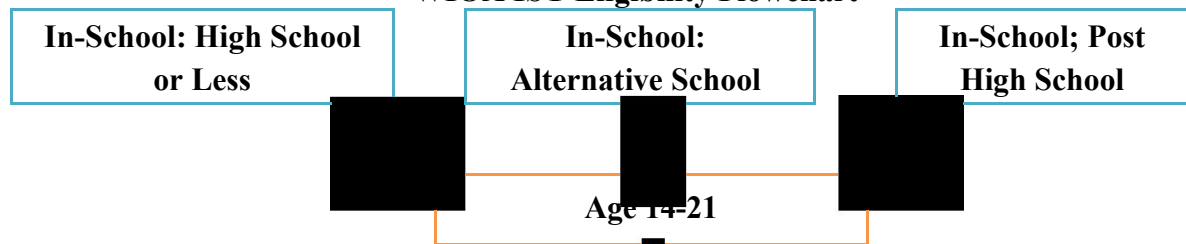
- An individual who is pregnant or parenting.
- A youth who is an individual with a disability.

Step 4: Determine Basic Skills Deficiency

If appropriate, steps to improve educational functioning should be included in the participant's individual service strategy (ISS)

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WIOA ISY Eligibility Flowchart



Step 1: Income
Determine Income Eligibility

Participant is
low income

Participant is
not low income

5% income exception

Step 2: Barriers
Determine Barriers

And is an individual who is one or more of the following:

- Basic skills deficient.
- An English language learner.
- An offender.
- A homeless individual, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
- Pregnant or parenting.
- A youth who is an individual with a disability.
- An individual who requires additional assistance to complete an educational program or to

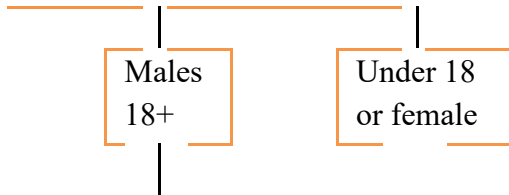
secure or hold employment.

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Must comply with
Selective Service
requirement

Step 3: Selective Service Requirement

Male Selective Service Requirement



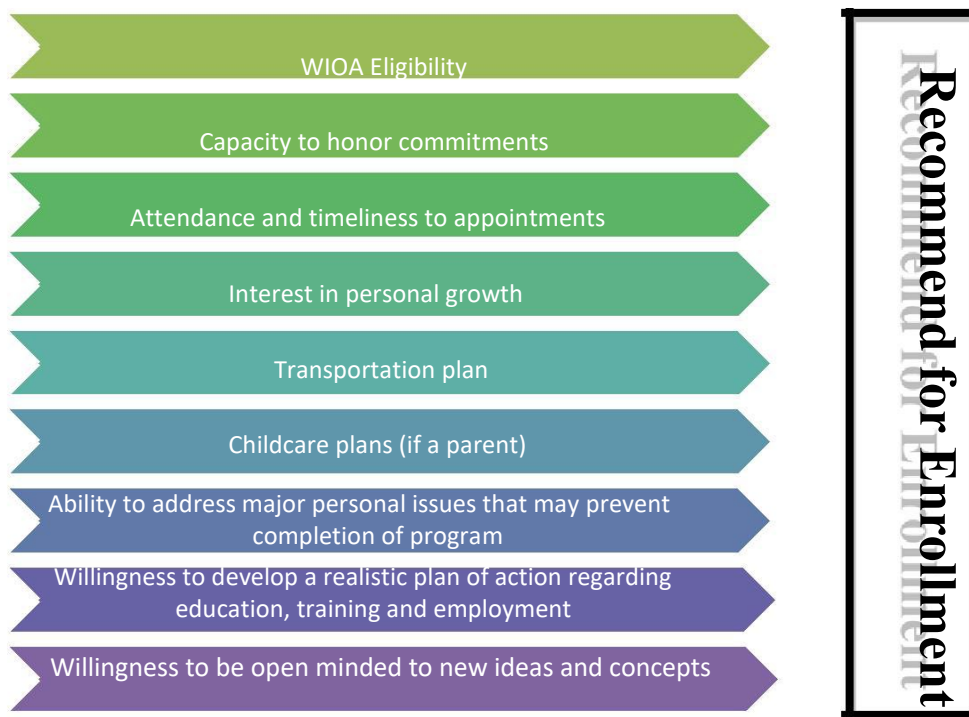
Step 4: Determine Basic Skills Deficiency

If appropriate, steps to improve educational functioning should be included in the participant's individual service strategy (ISS).

Suitability determination is one of the most important factors in ensuring the overall success of the participant and program as a whole. The goal is to select youth who need assistance in overcoming employment and educational barriers, yet who are motivated and committed to putting forth the effort to improve their situation.

Best Practice:

WIOA Youth Suitability Rubric, provided by Macomb/St. Clair Michigan Works!



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References

The WIOA Sections 129(a)(1)(B)(iii) and (a)(3)(B), 129(c)(5); 188(a)(5)
NPRM 681.290 681.250 681.260 681.300 681.410
TEGLs; 11-11; 33-12; 02-14, 05-14, 23-14 and 37-14
MCL 380.1561

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Section 3-3: Intake

The WIOA participant registration process is used to collect information required by federal regulations and to make a determination of eligibility, as outlined in Section 3-2, for the WIOA Youth program. A WIOA registration and eligibility and suitability determination must be completed for any youth who is to receive any WIOA service.

Pre-Registration

The WIOA registration process begins with pre-registration. The pre-registration process collects all information to meet Equal Opportunity (EO) requirements as stated in the WIOA, Section 188, and 29 Code of Federal Regulations (CFR) Part 37; and includes collection and data entry of other essential information, such as address and telephone numbers.

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

Registration

An informal interview with the participant should be conducted by the intake worker to collect information on income, living situation, education level, and reason for visiting the WDB. Intake worker assistance to guarantee accurate reporting is strongly encouraged while the participant fills out the registration form, since the participant will not be familiar with the definitions used for many of the reporting items. The case manager will assist the participant to complete all applicable items on the form prior to the transfer of information to the web-based form.

Other Responsible Adult

For purposes of authorizing a minor to participate in the WIOA programs, the signature of a parent, guardian, or other responsible adult is required. Local areas **may define in policy** "other responsible adult" in order to enroll minors with the authorization of individuals other than a parent or legal guardian.

The definition of "other responsible adult" may include:

- A relative with whom the individual resides;
- An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency;
- An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they could not get a parent's or guardian's signature authorizing participation), for example, a clergy person, a school teacher or other school official, a probation or other officer of the court, a foster parent;
- A representative of an agency which provided support services to the individual and who is

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aware of the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation), for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official; or

- Other responsible adults determined by the local board as appropriate to authorize the individual's participation.

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 by the addition of the intake worker’s signature and date on which the change was made. The intake worker may wish to use a different color pen, etc.

In no instance should the intake worker cross out or erase information provided by the registrant. The case manager is to note which additional/correct information is appropriate in the **Comments Section** of the registration form. For instances when self-attestation is applicable, the participant must make, sign, and date the correction.

The Electronic Participant Management Information Guide is designed to assist One-Stop staff in filling out the web-based registration form, and may be found at <https://staff.workforcewv.org>.

Co-Enrollment

A determination should be made as to whether or not the participant’s needs would be best met by simultaneous enrollment in both the WIOA Youth and WIOA Adult programs. To qualify for co-enrollment, the participant must be between the ages of 18-24 and meet all eligibility requirements of both programs. The Region VII WDB may create additional directives and policies regarding co-enrollment.

Additionally, many disconnected youth age 16 to 24 meet eligibility requirements for both the WIOA Title I youth activities and the WIOA Title II Adult Education. Co-enrollment between these two programs can be very beneficial to disconnected youth as they can receive work experience and occupational skills through Title I funding and literacy skills through Title II funding. Because the eligibility for Title II is similar to that for an OSY under Title I, an individual who is not enrolled or required to be enrolled in secondary school under State law, can be considered to be already enrolled in Title II as an OSY for purposes of Title I WIOA Youth eligibility.

Non-eligible Youth

Non-eligible youth should be referred to other services offered by other community-based organizations in accordance with the individual’s needs.

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Referrals

In addition to existing partnerships, this link provides an interactive mapping tool to locate federally supported youth programs in your community:

<http://www.findyouthinfo.gov/maps/map-my-community>.

Search by key word and full address or zip code and click Find Programs. If programs are found, the location is marked on the map. Click on the marker to see the program title, CFDA number, department, funding agency, recipient name and full address. Results can be filtered by topic and sponsoring federal department.

Topics include:

- Afterschool
- Bullying
- Community Development
- Disabilities
- Education, Training and Employment
- Health and Nutrition
- Homelessness and Housing
- Mental Health
- Mentoring
- Parenting
- Positive Youth Development
- Substance Abuse
- Transition-Age Youth
- Violence and Victimization

Sponsoring departments include:

- Department of Agriculture
- Department of Defense
- Department of Education
- Department of Health and Human Services
- Department of Homeland Security
- Department of Housing and Urban Dev.
- Department of Justice
- Department of Labor
- Department of Interior
- Department of Transportation
- Social Security Administration

References

WIOA Section 188

NPRM Sections 681.420, 681.440

Standard Operating Procedures

Section 3-4: Case Management

Case management is the foundation of service delivery in the workforce development system. Effective case management practices include the development of ISSs (See Section 3-6), follow-up services (See Section 3-9), and case note and file maintenance. A successful case management approach includes assessing and interpreting needs; developing strategies to help reach educational, training, and employment goals; providing tools and resources to help overcome personal barriers; documenting youth participation, referral outcomes, service decisions, summaries of one-on-one meetings, and achievements; and providing follow-up services. Case management provides an opportunity for staff to build a working relationship with the participant and with key organizations in order to assist youth in meeting their objectives.

Case File Management

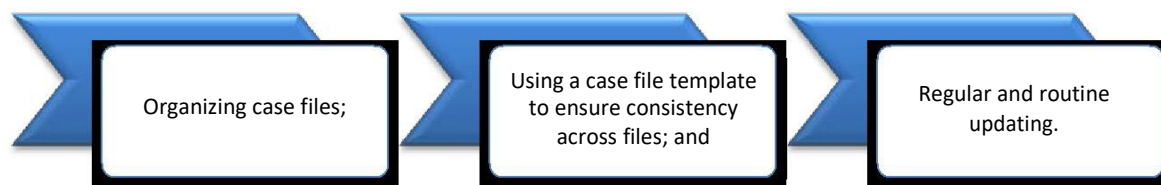
Each WIOA Youth participant shall have a case file with detailed information on basic and occupational skills, work experience, interests, supportive service needs, assessment results, eligibility documentation, case notes documenting active case management and follow-up, including how service decisions are made, and other information that will help create a strategy for success. Thorough case file maintenance and documentation by case notes are essential to the effective provision of case management, as they assist with managing and supporting participants' progress.

Following the USDOL Employment and Training Administration's (ETA) monitoring reviews, conducted in 2011, 2012, and 2013, reviews reported several types of issues with case file documentation and practices. These issues included incomplete case notes, poor case file maintenance where required documentation was missing, case files not updated and/or not matching information entered into MACC, and extended gaps in time for documenting updates, including updating the ISS. WDB monitoring has confirmed these concerns.

In accordance with TEGL 3-03, Change 1, grantees must collect and store specific source documentation to enable the validation of data elements related to eligibility, services received, and outcome information that is used to calculate and support the validity of performance outcomes reported to the ETA. Required documentation must be kept in case files, particularly for eligibility documentation, such as verification of date of birth, assessment of basic skills, scores for pre- and post-tests, income verification, signatures from the youth and/or parent, guardian, or other responsible adult of minor participants, and contact information.

Standard Operating Procedures

Proper case file maintenance includes:



The Region VII WDB and WorkForce West Virginia has developed procedures regarding case file maintenance (see WorkForce West Virginia Data Validation handbook for more details). Regular in-house monitoring and regular random selection file reviews are tools utilized by the WDB to ensure high quality case files. The WDB has a common file format. ***The case notes being generated in the MACC must also be printed and stored in the permanent file.***

Case Notes

Comprehensive case notes help plan, implement, and evaluate services. More importantly, case notes should tell the detailed story of the participant from intake through follow-up.

Case notes refer statements by the case manager that identify, at a minimum, the following:

- 1) A participant's status;
- 2) The date on which the information was obtained; and
- 3) The case manager who obtained the information.

Again, the case notes being generated in the MACC must also be printed and stored in the permanent file.

All participants are required to meet with a case manager. The case manager should use case notes to document the outcome of the informal interview and objective assessment. The case manager and the participant should collaboratively develop the ISS and determine both short and long-term goals as well as action steps the participant will take.

Case Managers

The case manager is expected to:

- Develop ongoing relationships with their participants and act as a resource;
- As appropriate, be in communication with a staff member trained in career counseling services;
- Develop a relationship with adult education instructors where appropriate and possible;
- Guide the participant in understanding and acting on their ISS; and

Standard Operating Procedures

- Document case management, as it is vital to quality service.

Participants should see the same case manager for check-ins and return visits until the participant exits the system.

The participant should be notified in the event that the case manager changes and offered an opportunity for an introductory meeting with the new case manager as soon as mutually convenient.

References

TEGLs 03-03, Change 1; 5-12; 33-12, and 05-14

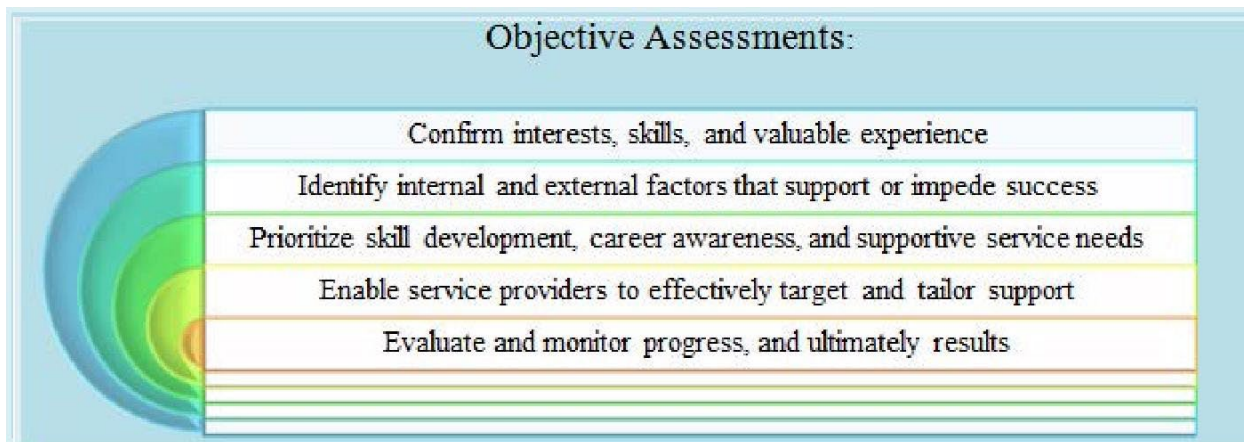
Standard Operating Procedures

Section 3-5: Objective Assessment

All youth participants are to be provided an objective assessment that assesses educational functioning levels, as well as identifies individual strengths and barriers, goals, interests, hard and soft skills, and need for supportive services. The objective assessment process includes a review of basic and occupational skills, prior work experience, educational attainment level, employability potential and developmental needs.

The objective assessment:

- Is an ongoing process and should not be viewed as a one-time event.
- Should include interviews, career guidance instruments, basic skills assessments, and observations.
- Can provide insight and guidance to both the case manager and the participant during development of the ISS.



Determining Educational Functioning Level (EFL)

The WIOA requires all eligible youth to be provided with an objective assessment which includes a review of academic skill levels.

If a youth has been assessed for basic skills deficiency in the previous six months, staff may use those results in lieu of re-testing; however, the results of the alternate test must be verifiable and documented. In addition, the same test format must be available and administered for post-testing at a later date.

Reasonable accommodations must be provided, as applicable, when assessing youth with disabilities.

As a reminder, frontline staff must keep a copy of the test scoring sheet in the participant file. In addition to the participant's name, per TEGL 46-11, the test score sheet must show the date of the test, total scores, and grade levels. Case notes should also detail the participant's progress.

Standard Operating Procedures

Pre-Testing

The Region VII WDB must administer one of the following assessments:

1. Test for Adult Basic Education (TABE);
2. Comprehensive Adult Student Assessment System (CASAS);
3. Wonderlic General Assessment of Instructional Needs (GAIN); or
4. ACT WorkKeys.

If the participant computes or solves problems, reads, writes, or speaks English at or below the 8th grade level, the participant is determined to be basic skills deficient and will require post-testing. Participants who are determined not to be basic skills deficient, based on pre-test results, are excluded from post-testing requirements. Participants determined to be basic skills deficient will be referred to ABE for remedial education and tutoring.

Scale Score Conversions to Educational Functioning Levels

EDUCATIONAL FUNCTIONING LEVEL	Basic Skills Deficient	Grade Level	Test Benchmarks						
			TABE			CASAS		GAIN	
			Reading	Math	Language	Reading/ Math	Writing	English	Math
Beginning ABE Literacy	Basic Skills Deficient	0-1.9	<368	<314	<390	<201	<201	200-406	200-314
Beginning Basic Education		2.0-3.9	368-460	314-441	390-490	201-210	201-210	407-525	315-522
Low Intermediate Basic Education		4.0 – 5.9	461-517	442-505	491-523	211-220	211-220	526-661	523-669
High Intermediate Basic Education		6.0-8.9	518-566	506-565	524-559	221-235	221-235	662-746	670-775
Low Adult Secondary Education	Not Basic Skills Deficient	9.0-10.9	567-595	566-594	560-585	236-245	236-245	747-870	776-854
High Adult Secondary Education		11 - 12.	>595	>594	>585	>245	>245	871-1000	855-1000

National Reporting System Guidelines may be found at:

http://www.nrsweb.org/foundations/implementation_guidelines.aspx

Post-Testing

Basic skills deficient participants who receive services for more than one year must be post-tested prior to the participant's anniversary date (the date of the first youth program service) of each year, through year three of participation.

The ETA and WDB monitoring review reports included findings demonstrating that many ISSs lacked documentation of objective assessment results and failed to incorporate assessment results into the ISS.

Standard Operating Procedures

References

The WIOA Section 129(c)(1)(A)

NPRM 681.290

TEGLs 17-05; 17-05, Change 2; 18-11; 20-11; and 33-12, 46-11

Standard Operating Procedures

Section 3-6: Individual Service Strategy (ISS)

The WIOA calls for the youth population to be intimately involved in the design and implementation of services so the youth voice is represented and their needs are being met. Having a well-developed ISS and related documentation is a vital part of case management and is required by DOL regulations. As outlined in the WIOA Section 129 (c)(1)(B), the ISS represents an individual plan for each young person and includes: 1) an employment goal; 2) appropriate achievement objectives, including educational goals; and 3) appropriate services that take into account information learned from the objective assessment. The ISS is a detailed, unique, individual strategy for each participant that is the basis for the overall case management strategy.

The ISS shall be a living document, to be reviewed and updated on an ongoing basis. The case manager should use the ISS to update strategies and activities as they occur and/or as life changes require, and to document referral and contact information for services obtained from partner organizations.

When reviewing the ISS, case managers shall document a participant's progress, activities completed, benchmarks reached, and any other accomplishments. Additionally, the ISS shall be developed, and modified in partnership with the participant, and shall document achievements in measurable and attainable short-term and long-term goals that both reflect the young person's interests and incorporate career pathway planning.

The ETA and WorkForce West Virginia monitoring reviews have found that the Youth files often lack a fully-developed ISS for participants. Furthermore, in many cases, ISSs were found to be inadequately developed and incomplete. In addition to not incorporating comprehensive assessment results, many did not reflect a career goal, were not developed for each participant, did not document remediated barriers, and/or did not match service provisions.

ISSs are subject to review during the One-Stop Reviews by WDB staff. Lack of the abovementioned components and/or lack of proper revision will result in a finding.

The participant must receive a copy of the plan signed and dated by both the participant and case manager. 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.

WIOA calls for customer-focused services based on the needs of the individual participant. This includes the creation of career pathways for youth in all Title I youth programs, including a connection to career pathways as part of a youth's ISS in the Youth formula-funded program.

Standard Operating Procedures

Credentials

Appropriate credentials to be obtained shall be included in the participant's ISS. As stated above, the participant's progress and achievements must be updated in the ISS and case notes, as appropriate.

Additional information regarding credentials may be found in Chapter 8.

Supportive Services

Supportive services may be provided to address identified needs that may interfere with the participant's ability to successfully participate in the WIOA program or interrupt their attachment to the workforce. These services may be addressed whenever the need is identified, whether at initial assessment or at any time during participation in the WIOA program. The participant's ISS and case notes should always reflect a clear picture of circumstances and services provided. Supportive services may be delivered while a participant is enrolled in one or more of the 14 required program elements, including while an exited participant is eligible for follow-up services. Supportive services may be provided only after it has been determined that the services are *necessary* for participation in program activities.

When considering the necessity of providing a supportive service, providers shall make a determination of which services are reasonably required for each individual participant based on his/her unique needs, as identified through the participant assessment process. Supportive services may be provided to participants as follow-up services only, as documented in his or her ISS.

Supportive services for youth may include the following:

- a. Linkages to community services;
- b. Assistance with transportation;
- c. Assistance with child care and dependent care;
- d. Assistance with housing;
- e. Needs-related payments;
- f. Assistance with educational testing;
- g. Reasonable accommodations for youth with disabilities;
- h. Referrals to health care; and
- i. Assistance with uniforms or other appropriate work attire and work-related tools,

WIOA lists two supportive services that were not included in WIA

- Needs-related payments
- Assistance with educational testing and accommodations

The need for and provision of, or referral to these services should be documented in the ISS.

The decision to provide supportive services, as well as the method to determine the level and duration of assistance, rests with the Region VII WDB and current Youth Provider.

Standard Operating Procedures

References

The WIOA Sections 129(c)(1)(B) and (c)(2)(G)
NPRM 681.570
TEGLs 33-12 and 05-1

Standard Operating Procedures

Section 3-7: WIA Goals and WIOA Activities

WIA Youth Goals

Setting goals was an essential part of developing an ISS in the WIA Youth program. Learning how to set goals enabled youth to make effective use of the WIA program and services and, ultimately, to set goals for themselves as they pursue adult responsibilities, such as completing their education, finding employment, and becoming good citizens.

WIOA performance will not be implemented until **July 1, 2016**. The Region VII WDB must continue to track skill attainment goals and the literacy/numeracy measure until ETA issues further guidance on performance and reporting. There are no changes related to performance tracking on July 1, 2020.

For a carry-in youth participant aged 14-18, and any appropriately assessed out-of-school youth who needs to attain basic skills, work readiness skills, or occupational skills, a minimum number of one and a maximum number of three goals must be set per registration year, until new performance requirements take effect on July 1, 2016. Goals must be attainable within one year or less. Subsequent goals are to be entered on or before the anniversary date of the enrollment each year of participation. Goals must be attained on or before the participant's anniversary date (i.e., the set date plus 365 days) in order to be considered "achieved." A maximum of three goals can be recorded by the system. Any additional goals set during the registration year will not count towards the WIA performance measures. Any goal not achieved at time of exit from the WIA is reported as a goal not attained.

As a reminder, basic skills deficient youth must have a basic skills goal set as their first goal in the

Basic Skill Goals

Basic skill goals reflect a measurable increase in basic education skills including reading, math computation, writing, speaking, listening, problem-solving, reasoning, and capacity to use these skills.

Occupational Skill Goals

Occupational skill goals include performing actual tasks and technical functions required by certain occupations at entry, immediate, or advanced levels.

For example:

- Safety procedures;
- Clean-up routines;
- Work-related terminology; or
- Use of tools and equipment.

Work Readiness Skill Goals

Work readiness skill goals include:

- World of work awareness;
- Labor market information;
- Occupational information;
- Values clarification;
- Personal understanding;
- Decision making;
- Job search awareness; and
- Daily living skills.

Standard Operating Procedures

WIOA Activities

The WIOA youth can be enrolled in several different activities, as appropriate, following the determination of their needs as identified during intake and the development of the ISS. Each activity involves the collection of information unique to that activity. There are five categories of youth activities found in the MACC, including:

- | | |
|----------------------------------|--|
| 1. Education Services; | 4. Leadership Development Opportunities; |
| 2. Work Experiences; | and |
| 3. Additional Support for Youth; | 5. Follow-up Services. |

The previous summer youth employment activity has been combined with employment service activity. Both are now found under the title of work experiences.

Work Experience Requirement

Under WIOA, work experience becomes the most important of the program elements.

Local Youth programs must use not less than 20 percent of the funds allocated to the local area to provide youth participants, both ISY and OSY, with paid and unpaid work experiences. In order to ensure that the local WIOA Youth programs meet this requirement, the USDOL has proposed that the local WIOA Youth programs track program funds spent on paid and unpaid work experiences, and report such expenditures as part of the local WIOA Youth financial reporting. Program expenditures on the work experience program element include wages as well as staffing costs for the development and management of work experiences.

Similar to the 75 percent OSY expenditure requirement, local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. The work experience expenditure rate is calculated for local area funds after subtracting out funds spent on administrative costs, and is calculated based on remaining total local area youth funds rather than calculated separately for ISY and OSY.

Unlike WIA, the WIOA does not discourage the use of on-the-job training as a work experience for youth.

Self-Service Activities

Unlike the WIA, there is no self-service concept for the WIOA Youth program. Every individual receiving services under the WIOA Youth program must meet ISY or OSY eligibility criteria and formally enroll in the program.

Open Activities

The Region VII WDB should develop a schedule of review of participant activities to ensure that open activities are appropriate for the current needs of each participant. The WDB may benefit from available queries, provided by the MACC and Evaluation Section of the WDA, to identify activities that have been open for excessive periods of time.

Standard Operating Procedures

References

WIOA 129(c)(4)

NPRM 681.310 681.590 681.600

Section 3-8: Case Closures and Exits

Case Closures

When a participant no longer requires services and case management because he/she has entered employment or education, become disabled or otherwise incapable of working, or the participant voluntarily opts out of service, the participant's case should be formally closed. Case closure is a case management process and is not terminology used in the WIOA law. Case closure should not be confused with Exit, which is federally defined and structured. The decision to close the case should be documented accordingly in the case notes.

While a participant's case may be closed because the participant entered employment or education, the participant may not be ready for exit and follow-up services. Ideally, each youth should remain a program participant long enough to be stable in a job or post-secondary education.

Exits

When to formally close a case - A good rule of thumb is that youth can be considered stable if they continue to be successful after 6-8 weeks on the job or the second quarter or semester in post-secondary education or advanced training.

Participants should be notified that their cases are being transitioned and for what reason, along with information on the type and frequency of follow-up contact to expect. The term 'exit' is not mandatory and may be found abrasive. Instead, you may wish to explain to the youth that they are transitioning to another phase of service where they will become more and more independent, but that you are still there to help them if they need it and will be in contact.

A case note should be made indicating the formal closure of the case and the reason, i.e., no longer in need of, or able to benefit from services, lack of participation, or customer requested exit.

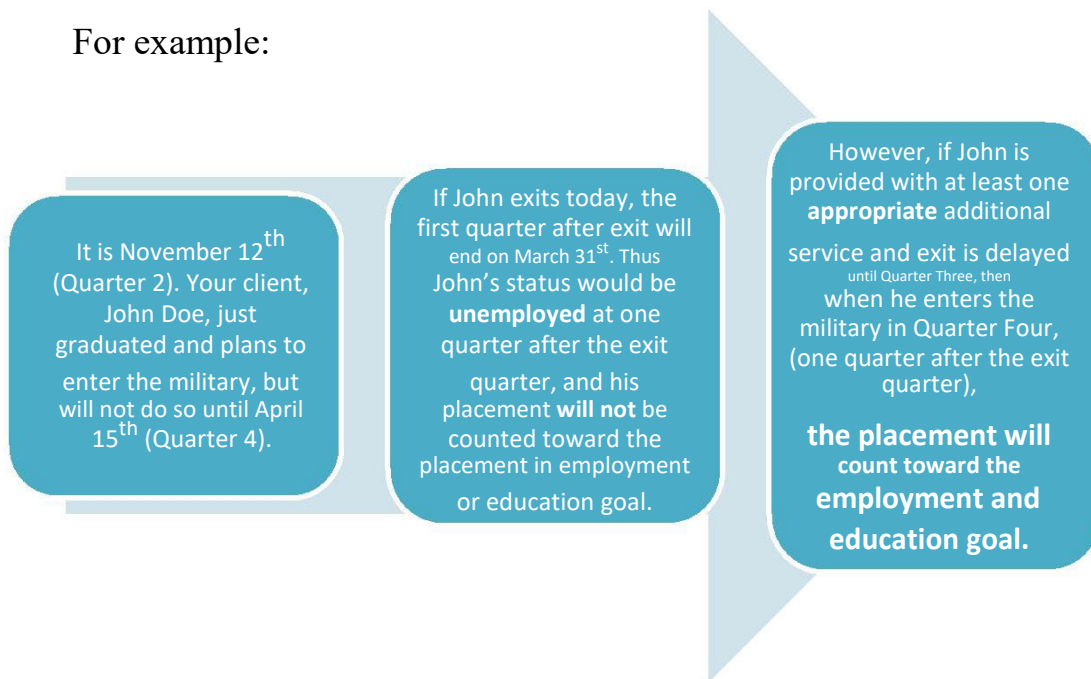
A participant will automatically exit the program when they have not received the WIOA services for 90 consecutive days. The exit date is the last date of service with no other services planned. The only way to prevent a system exit is to provide a service before the 90th day after the last service. This service **must** be appropriate for the participant.

Managing Exits for Performance

To ensure that performance will be credited, the case manager should consider a participant's status at the time of exit, as well as the anticipated future status in related performance quarters.

Standard Operating Procedures

For example:



Please Note: The above scenario applies to current performance reporting requirements, which will change to the second quarter after the quarter of exit as of July 1, 2016.

Mismanagement of Exits

Once a participant has not received any services funded by the program, or a partner program, for 90 consecutive calendar 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 a 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. Prolonging exit due to the inability to contact a participant is inappropriate.

Proper management of exits will be determined by the Region VII WDB Youth Coordinator.

Prematurely Exiting Youth

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The USDOL's monitoring of local areas commonly found that youth were exited before successfully completing the program due to artificial time constraints, or the ending of youth service provider contracts. In order to ensure that youth are not prematurely exited from the WIOA Youth program, the USDOL has proposed that Youth programs serve participants for the amount of time necessary to ensure they are successfully prepared to enter post-secondary

education and/or unsubsidized employment. While there is no minimum or maximum time a youth can participate in the WIOA youth program, programs must link program participation to a participant's ISS and not the timing of youth service provider contracts or PYs.

The USDOL recognizes that states and local areas may still be serving large numbers of ISY as they transition into WIOA on July 1, 2020. It is critical that local areas not prematurely exit ISY from the program due to the shift in emphasis under WIOA to OSY. At the same time, new enrollments must reflect the shift in emphasis to OSY programs. As previously stated, ISY and OSY expenditure rates are tracked and reported based on a specific program year's allotment.

States and local areas must carefully plan the services and referrals necessary to successfully serve the remaining ISY while beginning to shift the WIOA funds to serving more OSY. As fewer resources under WIOA will be devoted to ISY, local boards and youth committees need to identify existing resources throughout their communities that can provide services to ISY. In addition, local boards and youth committees may consider strategies for serving ISY that cost less and reach more students, such as providing labor market and employment information as well as exposure to the world of work through career awareness, employer presentations, and employer visits.

State and local WDB leadership is important to ensure this shift in target population is both complete and also balances the needs of youth currently in the program, particularly ISY, as they complete their participation. Outreach, contracting, and service strategies are examples of the approaches that should be carefully considered and planned as part of the transition.

References

TEGL 17-05 and 23-14
NPRM 681.450

Standard Operating Procedures

Section 3-9: Follow-Up

All youth must receive some form of follow-up services for not less than 12 months after the completion of participation. Follow-up services may be provided beyond 12 months at the State or local board's discretion. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

As described in TEGL 05-12, a follow-up service provides support and guidance after placement to facilitate: 1) sustained employment and educational achievement; 2) advancement along a job and/or educational ladder; and 3) personal development.

Examples of follow-up services for youth include:

- (1) The leadership development and supportive service activities listed in §§ 681.520 and 681.570;
- (2) Regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise;
- (3) Assistance in securing better paying jobs, career pathway development, and further education or training;
- (4) Work-related peer support groups;
- (5) Adult mentoring; and/or
- (6) Services necessary to ensure the success of youth participants in employment and/or post-secondary education.

While a follow-up service should include more than just a contact attempted or made for securing documentation for the case file in order to report a performance outcome, regular contact with the participant to ensure youth successfully continue in their placement of employment, or post-secondary education, may be a sufficient follow-up service as long as the case manager has assessed whether the participant needs anything beyond the regular contact and determined they do not need additional services.

In order for the Region VII WDB to maintain a high performing youth program, coordination between the Youth Provider, case managers, and WDB staff is imperative. While the Youth Provider and staff provide the case management and effectively operate the day-to-day activities the WDB staff will serve to provide guidance through registrations, exits, and fiscal oversight as well as compliance with all state and federal laws.

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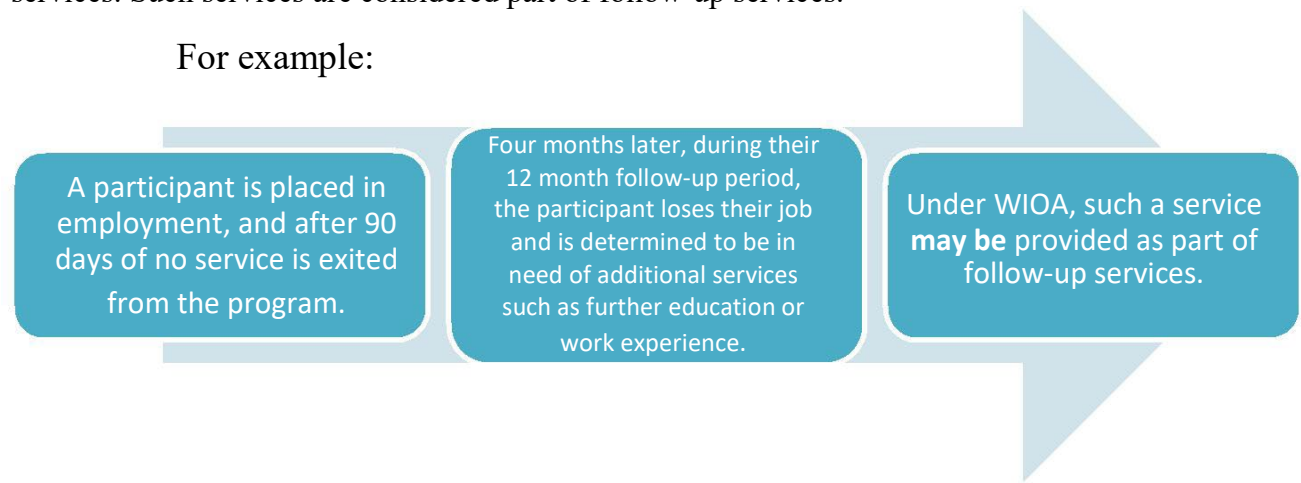
In the event that for a period of no less than six months following exit a youth is unreachable, refuses to divulge information, or has relocated out of state with no intention of returning, follow-up contact attempts may cease. At the end of six months, a letter should be sent to the last known address of the participant. If there is still no contact, the Region VII WDB Youth Coordinator must be contacted. At this point, the participant may be exited or at the discretion of the Region VII WDB Youth Coordinator alternative means i.e., social media, may be used.

As discussed in NPRM 681.580, the type of follow-up services provided is based on the needs of the participant. Any WIOA Youth service is allowable as a follow-up service if it is determined an individual needs such a service.

Supportive services or incentives tied to a goal in the youth's ISS may be allowable expenses after exit.

As long as the participant is still in his/her follow-up services period, there is no need to re-enroll a participant in the WIOA Youth program following exit in order to receive further services. Such services are considered part of follow-up services.

For example:



It is inappropriate to limit youth follow-up to activities such as:

- Monthly phone calls to check if the youth is still working or still in school;
- Mail/E-mail to check if the youth is still working or still in school; or
- Letters to inquire about status.

Monthly follow-up entries, as entered in the MACC, must be detailed.

Standard Operating Procedures

Follow-up services will be reviewed during WIOA One-Stop Reviews. Inadequate or insufficient follow-up services, providing follow-up services inconsistently, *i.e.*, “only upon request,” and providing follow-up services for less than a duration of 12 months will be noted as findings unless thoroughly deemed justifiable via documentation. **Please note that all MACC entries and paper documents/forms must be filled out accurately and completely.**

References

The WIOA Section 129(c)(2)(I)

NPRM 681.580

TEGLs 09-00; 30-10; 05-12; and 33-12; 05-14

Section 3-10: Additional Youth Resources

Bringing Students Back to the Center:

The Department of Education released this guide in November 2014, to help school and community leaders address the challenges of dropout recovery and establish or strengthen their own re-engagement efforts. It was written to provide useful information to school and district level leaders, civic leaders, and state policy makers, as well as other potential drivers and partners in re-engagement initiatives. It includes information on: establishing the need for re-engagement support, understanding disconnected youth and their needs, defining a re-engagement center and its key functions and determining the range of existing models and their operation. Please visit: <http://www2.ed.gov/programs/dropout/re-engagement-guide121914.pdf>.

Career Pathways: The WIOA defines Career Pathways, in part, as a combination of rigorous and high-quality education, training, and other services that aligns with the skill needs of industries in the economy of the state or regional economy involved, and prepares an individual to be successful in any of a full range of secondary or post-secondary education options, including Registered Apprenticeship. To learn more about Career Pathways, please visit: <https://learnwork.workforce3one.org/>.

Employment and Training Administration at the United States Department of Labor

For general information on the WIOA and other related resources regarding USDOL, visit <http://www.doleta.gov/>

Find Youth Info-USDOL:

The USDOL’s Find Youth Info website has information on various topics relating to youth, such as strategic plans for youth, mentoring, youth development, transition age youth, and service learning. Furthermore, you can also search various federal links on topics that relate to youth. For more information on Find Youth Info, visit <http://www.findyouthinfo.gov/>.

Improving Demand-Driven Services and Performance: Toolkit for Effective Front-Line Services to Youth:

The toolkit was created to assist this program with improving case management, recruitment, intake, follow-up services, and developing individual service strategies.

To view the toolkit, visit http://www.doleta.gov/youth_services/Toolkit-improve.cfm.

Pre-Apprenticeship Programs: The DOL defined a quality pre-apprenticeship program in the

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Training and Employment Notice (TEN) 13-12. Pre-apprenticeship is defined as a program, or set of strategies designed to prepare individuals to enter and succeed in a Registered Apprenticeship program and has a documented partnership with at least one, if not more, Registered Apprenticeship programs. YouthBuild and Job Corps often serve as pathways to Registered Apprenticeship programs and have a track record of successful apprenticeship placements because they have the elements of successful pre-apprenticeship programs. For more information, see: http://wdr.doleta.gov/directives/attach/TEN/TEN_13-12.pdf.

Soft Skills to Pay the Bills: Mastering Soft Skills for Workplace Success

The USDOL Office of Disability Employment Policy published the curriculum in 2012. The curriculum focuses on teaching “soft” or workforce readiness skills in both in-school and out-of-school environments. For more information, visit <http://www.dol.gov/odep/topics/youth/softskills/>. Please note interview skill/resume writing workshops are conducted monthly at each One-Stop Career Center. Youth registrants are encouraged to participate.

The Casey Family Programs Foundation:

A number of online tools are available to assess interests, abilities, career maturity, or work readiness skills. For more information, visit <http://casey.org/Resources/Tools/>.

The WIOA Youth Resources:

To learn about Titles I and III of the WIOA, as well as access additional WIOA resources and updates go to: <http://www.doleta.gov/wioa/> and click on WIOA 101 webcast series, WIOA overview, and other resources displayed on this page.

Webinars

Enough Is Known for Action Briefing and Webinar Series: On November 13, 2014, the Department of Labor and Brandeis Center for Youth and Communities hosted the “Enough is Known for Action: Ready to Employ, Educate, and Support Youth” **briefing**. Panelists from six communities addressed how results-oriented partnerships involving government, business, nonprofits, public schools, post-secondary institutions and intermediaries employ, educate, and support youth by leveraging resources – including those made available through the passage of WIOA. To learn more, please visit: <http://cyc.brandeis.edu/Employ-educate-support-youth/EnoughisKnownforAction.html>. The **webinar series** informs and inspires the youth community so they are positioned for action now in anticipation of the WIOA implementation. The webinars on OSY are available for viewing at: <https://www.workforce3one.org/view/5001501350570154610/info>

The Key to Effective Case Management for Youth: Linking Assessment to Service Delivery

This webinar shares the following tips: constructing an ISS based on assessed needs; planning and implementing services for a young person; and providing regular, updated case notes that accurately describe each youth’s progression. To view the webinar, visit <https://www.workforce3one.org/view/5001331641439184103/info>.

Standard Operating Procedures

Chapter 4: Career Preparation and Inspiration Initiatives

Section 4-1: Career Exploration

Introduction

Career Exploration introduces young adults, parents, and teachers to available career paths in their region by offering a behind-the-scenes look into in-demand businesses and industries. Career Exploration provides real-time information regarding employer, education, and training requirements necessary to secure employment. Impacts include relationship building, establishing a talent pipeline, talent retention, and the opportunity to see real life application of coursework.

Criteria

1. Local in-demand industries are targeted. These industries will be identified by region;
2. Tours are to be conducted on-site at the employer's business, or at a simulated workplace where the employer provides hands-on experience;
3. An overview of the industry and key positions in demand are to be provided;
4. The educational requirements for key positions in demand (credential, apprenticeship, two or four-year degree, etc.) are to be provided;
5. The experience is to highlight "an average day on the job;" and
6. Potential should exist for job shadowing, internships, and/or other work experiences with participating employers.
7. The Region VII WDB will use a combination of virtual career exploration activities (http://www.O*NET.org and <http://www.mycareeronestop.org>) and whenever possible on-site visits.

Partner Roles

1. The Region VII WDB: Facilitate relationship building between educational partners and businesses;
2. Businesses: Define roles, skills, and training expectations via short presentations and hands-on experiences; and
3. Educational Partners: Arrange transportation, monitor student safety and behavior, and encourage engagement and open communication.

Post-secondary partners often participate to provide information about the availability of corresponding education and training programs.

The Region VII WDB will identify additional partners, such as regional career liaisons, as appropriate. The Region VII WDB recognizes career exploration as a pivotal component to comprehensive case management services. It is the expectation that career exploration activities will be offered to our clients whenever our career coaches deem appropriate.

Chapter 5: Income and Family

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Section 5-1: Income Levels for Low-Income Status

Title I of the Workforce Innovation and Opportunity Act (WIOA) requires the U.S. Secretary of Labor to update and publish the Lower Living Standard Income Level (LLSIL) tables annually, for uses described in the law, including determining eligibility for youth. WIOA defines the term “low-income individual” as one who qualifies under various criteria, including an individual who received income for a six-month period that does not exceed the higher level of the poverty line or 125 percent of the LLSIL.

Low-Income

- Low-income has a statutory definition, as stated in the WIOA Section 3(36)(A) – based on poverty level or Lower Living Standard Income Level (LLSIL).
- Low-income status is irrelevant for Dislocated Worker eligibility. A minimum of ninety-five percent of the WIOA Youth must meet low-income standards.

There are six different categories of low-income:

1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, cash payments under a federal, state, or local income-based public assistance program:
 - a. Temporary Assistance to Needy Families (TANF)
 - b. Social Security Income (SSI)
 - c. Refugee Assistance
 - d. Social Security Disability Insurance (SSDI)
 - e. Supplemental Nutrition Assistance Program (SNAP)
2. Received an income, or is a member of a family that received a total family income for the six-month period prior to application for the program which, in relation to family size, does not exceed the higher of the poverty level (for the equivalent period of time) or 125 percent of the LLSIL for the period. Documentation should be provided for each applicable inclusive income source received by the applicant and each family member for the six-months preceding the determination date. It is necessary to verify family size when utilizing family income eligibility. This may require establishing that the family is living in a single residence.
3. Receives, or is eligible to receive free, or reduced price, lunch under the National School Lunch Act.
4. Qualifies as a homeless individual.
5. Is a foster child on behalf of whom State or local government payments are made.
6. Is an individual with a disability whose own income meets the income requirements

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described for a family size of one, but who is a member of a family whose income does not meet such requirements.

The Region VII WDB staff shall use the appropriate income and poverty levels, per the poverty guidelines updated periodically in the *Federal Register* by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2), to determine the reference guideline for income levels for low-income status.

NOTE: *For a particular family size, the level provided is either 125 percent of LLSIL or the poverty level, whichever is the greater of the two figures.*

References

WIOA Section 3(36)(A);

NPRM 685.360

Federal Registry for LLSIL: <http://www.gpoaccess.gov/fr/index.html>

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Section 5-2: Family

To determine low-income status and family size, per Training and Employment Guidance Letter (TEGL) 26-13, the definition of family is used. The definition of family is two or more persons related by blood, marriage, or decree of court who are living in a single residence and are included in one or more of the following categories:

1. A husband, wife, and dependent children
2. A parent(s) or guardian(s) and dependent children
3. A husband and wife

The issue of guardianship concerning dependent children may be determined by a decree of court or may be determined by a State or Federal agency which has established or assumed guardianship.

Although the definition of “family” uses the terms “husband” and “wife,” the Employment and Training Administration interprets these terms as gender neutral, based on the U.S. Supreme Court’s recent decision in *United States v. Windsor*. Consistent with Employment Training Administration’s policy to recognize same-sex marriage, same-sex spouses are included within the WIOA’s definition of “family.”

A person not meeting the definition of family is considered to be an individual (often known as a family of one). Additionally, a person with a disability shall be considered a family of one.

As a reminder, the revised definition of “husband” and “wife” as gender neutral in the definition of “family” could impact an individual’s family income calculation.

Family Income

Includes all income actually received by the members of the registrant's family during the income determination period six months prior to application. Only the income for individuals included in the registrant's family size is considered when determining family income. In addition, the income of these family members is only to be counted during the periods persons are actually members of the registrant's family unit.

When a registrant indicates an absence of income or other means of support for the income determination period, an explanation of how the person supported him/herself must be included in the comment section of the WIOA Registration Form.

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Inclusions and Exclusions

Inclusions

The following are examples of family income that are included:

1. Gross Wages and Salary - The total money received (amount paid before deductions) from work performed as an employee including:
 - a) Gross wages and salaries
 - b) Tips
 - c) Commissions
 - d) Piece rate payments
 - e) Cash bonuses
 - f) Vacation pay (this includes Armed Forces terminal leave pay)
 - g) Income earned through the senior community service employment program
2. Net Self-Employment Income - Net income (gross receipts, minus operating expenses) from a business firm, farm, or other enterprise (including odd jobs), in which a person is engaged on his/her own account. If net self-employment income reflects a deficit amount, income from the source is to be considered "-0-" when calculating family income. Self-employed includes a farmer, rancher, fisherman, professional person, independent trades person, and other business people.
 - a) Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, veteran's payments, and training stipends
 - b) Alimony
 - c) Military family allotments, excluding allotments for active duty, or other regular support from an absent family member or someone not living in the household
 - d) Pensions whether private, including employer contributing 401(k), or government employee (including military retirement pay)
 - e) Regular insurance or annuity payments
 - f) College or university grants, fellowships, scholarships, and assistantships
 - g) Dividends, interest, net rental income, net royalties, and periodic receipts from estates or trusts
 - h) Net gambling or lottery winnings
 - i) WIOA On-the-Job Training payments

In programs that require income-based eligibility to receive services, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) or Vocational Rehabilitation disability, or other related VA programs are not considered as income when determining low-income status. Generally, this means many separating service members may qualify for the WIOA Adult program because it provides priority for low-income individuals, and military earnings are not to be considered income for this purpose.

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Exclusions

Exclusions from Family Income Include:

- a) Unemployment compensation
- b) Severance pay
- c) Child support payments
- d) Welfare payments (including Temporary Assistance for Needy Families, Supplemental Security Income, Food Assistance Employment and Training Program, and Refugee Assistance)
- e) Capital gains
- f) Foster child care payments
- g) Any assets drawn down as withdrawals from a bank, an employee exclusive 401(k), the sale of property, a house, or a car
- h) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury
- i) Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps, school meals, and housing assistance
- j) Pay or allowances received while on Active Military Duty (38 U.S.C. 2013)
- k) Pell grants
- l) Education assistance and compensation payments to veterans and other eligible persons under Title 38, United States Code, Chapter 11, Compensation for Service Connected Disability or Death, Chapter 13, Dependence and Indemnity Compensation for Service Connected Death, Chapter 31, Vocational Rehabilitation, Chapter 34, Veterans' Education Assistance, Chapter 35, War Orphans' and Widows' Educational Assistance, and Chapter 36, Administration of Educational Benefits (38 U.S.C. 2013)
- m) Allowances, earnings, and payments to individuals participating in programs under the WIOA shall not be considered as income for the purposes of determining eligibility for the WIOA
- n) Earned Income Credit
- o) Educational financial assistance received under Title IV of the Higher Education Act (20 U.S.C. 1087)
- p) Needs-based scholarships
- q) Old Age, Survivors and Disability Insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402)
- r) Adoption subsidies

For all other sources of income, please refer to <http://www.irs.gov/> to research income inclusions versus exclusions.

References

NPRM 680.640

JTPA 626.5

TEIN 35-93

TEGL 26-13

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Family Size	Non-Metropolitan (70% LLSI)	Metropolitan (70% LLSI)	Berkeley and Jefferson Counties (70% LLSI)	125% Poverty Guideline
1	\$15,960.00	\$15,960.00	\$15,960.00	\$19,995.00
2	\$21,640.00	\$21,640.00	\$24,456.00	\$27,050.00
3	\$27,320.00	\$27,978.00	\$33,568.00	\$34,150.00
4	\$33,386.00	\$34,542.00	\$41,434.00	\$41,732.00
5	\$39,399.00	\$40,767.00	\$48,903.00	\$49,249.00
6	\$46,076.00	\$47,680.00	\$57,191.00	\$57,595.00
Per additional member over 6	+\$6,677.00	+\$6,913.00	+\$8,288.00	

The Region VII WDB utilizes 125% Poverty Guideline for eligibility and priority of services. The more inclusive of the two, Lower Living Standard Income Levels and 125% Poverty Guidelines, will be used when determining low-income Adult and Youth eligibility.

Effective Dates

- Poverty Income Guidelines are issued every year in January.
- 70 percent LLSIL is issued every year in June.

Chapter 6: Training

Section 6-1: Overview

Training services are provided to equip individuals to enter the workforce and retain employment. Under the Workforce Innovation and Opportunity Act (WIOA), a program of training services includes a structured regimen that leads to specific outcomes. A program of training services is one or more courses or classes, or a structured regimen that leads to:

- (a) A recognized post-secondary credential, secondary school diploma, or its equivalent;
- (b) Employment; or
- (c) Measurable skill gains toward such a credential or employment.

Training services are available for individuals who after an interview, evaluation or assessment and case management are determined to be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone. The participant must be determined to be in need of training services and possess the skills and qualifications to successfully participate in the selected program. Please refer to the WIOA Manual Chapter 2, Sections 2-3 and 2-4, for additional information about determination of the need for training.

The WIOA lists training services. The list is not all-inclusive and additional training services may be provided. Training services may include, for example, occupational skills training, On-the-Job Training (OJT), registered apprenticeship which incorporates both OJT and classroom training, incumbent worker training, pre-apprenticeship training, workplace training with

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related instruction, training programs offered by the private sector, skill upgrading and retraining, entrepreneurial training, and transitional jobs.

Some participants may need additional services to assist their vocational training, such as job readiness training, literacy activities including English language training, and customized training. The WIOA training services must be provided when other sources of grant assistance are unavailable to the individual.

References:

NPRM 680.210

NPRM 680.420

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Section 6-2: Work-Based Training Services

Work-Based Training is employer driven with the goal of unsubsidized employment after participation. Generally, such work-based trainings involve a commitment by an employer or employers to fully employ successful participants after they have completed the program. Work-Based Training can be an effective training strategy that can provide additional opportunities for participants and employers in both finding high-quality work and in developing a high-quality workforce. Customized training, OJTs, incumbent worker training, transitional jobs, and registered apprenticeships are all identified as work-based training services. Each of these work-based training models can be effectively used to target different jobseeker and employer needs.

Customized Training

Customized training is designed to provide local areas with the flexibility to ensure that training meets the unique needs of jobseekers and employers or groups of employers. Customized training is to be used to meet the special requirements of an employer or group of employers and conducted with a commitment by the employer to employ all individuals upon successful completion of training.

Employers may pay a portion of the training costs, as determined by the local board, taking into account the size of the employer and other factors that may include the number of employees participating in training; the wage and benefit levels of the employees (at present and anticipated upon completion of the training); the relation of the training to the competitiveness of the participant; and other employer-provided training and advancement opportunities.

For employed workers to qualify for customized training, the employee must not be earning a self-sufficient wage as determined by local board policy, and the aforementioned requirements must be met. The training must incorporate new technologies, processes, or procedures, skills upgrades, workplace literacy, or other appropriate purposes as identified by the local board.

The Region VII WDB has a local customized training policy for the execution of customized training contracts. The policy is included in the WDB's WIOA Comprehensive Plan. Since "significant portion of the training costs" is not identified under the WIOA, the Region VII WDB will be allowed to locally define "significant portion" as part of their local customized training policy.

Local customized training policies and contracts will be reviewed during WIOA Programmatic Reviews.

On-the-Job Training (OJT)

On-the-Job Training (OJT) is primarily designed to provide a participant with the knowledge and

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skills necessary for the full performance of the job. OJT is a critical tool that can help jobseekers enter into successful employment. The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that:

1. Provides knowledge or skills essential to the full and adequate performance of the job;
2. Provides reimbursement to the employer of up to a percentage of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training; and
3. Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

The Region VII WDB has a local OJT policy for the execution of OJT contracts. The policy is included in the WDB’s WIOA Comprehensive Plan. Local OJT policies and contracts will continue to be reviewed during WIOA Programmatic Reviews.

Participant Eligibility

Prior to approving an OJT, the WDB must assess the potential participant to ensure suitability for the training. The assessment, at a minimum, shall include the relevant occupation’s specific skill requirements, the participant’s academic and occupational skill level, prior work experience and the Individual Employment Plan (IEP) or Individual Service Strategy (ISS). The IEP must reference the lack of skills and the need for OJT. The results of the assessment will be used, in part, to determine the appropriateness of and suitability for the OJT, along with determining the duration of the training.

Employer Eligibility

OJT is provided under an agreement with an employer in the public, private non-profit or private sector. Prior to entering into an OJT agreement with an employer, the Region VII WDB shall conduct a pre-screening to ensure that the employer meets the minimum standards and can provide both training and long-term employment to an OJT participant.

The Region VII WDB may not enter into an OJT contract with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment. Training positions covered by an OJT contract must not have been created by the displacement of employed workers in the same or similar position.

The Region VII WDB may not enter into an OJT contract with employers who have relocated their business or part of their business from any location in the United States, in the past 120 days, that has resulted in any employee losing his or her job at the original location.

Employers must offer wages, benefits, and working conditions that are equal to those provided to regular employees who have worked for a similar length of time and are doing the same type of work. The employer must comply with all applicable federal, state, and local laws and regulations providing safe and clean working conditions.

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If a union is present at the worksite, a union concurrence is required as part of the contract.

The WDB will target priority industries identified by local consistent with a demand-driven workforce system. Occupations targeted for OJT will encompass industries that are exhibiting patterns of growth in the local region. Targeted outreach will occur within these industries through the Sector Strategies initiative developed by the WDB and the local community & technical colleges.

OJT and Staffing Agencies

Many job openings are filled by “host employers” using staffing or personnel agencies. Staffing agencies are usually the employer of record. They provide pay and benefits and are responsible for payroll taxes and workers’ compensation. The host employer is usually responsible for providing the work and work space. Training can be the responsibility of the host employer, the staffing agency, or both.

When formula WIOA funds are used for an employment situation involving a staffing agency, several factors must be considered prior to approving OJT funding:

- **Turnover Pattern.** Is there a good chance of long-term, continued employment at the worksite? Are new hires commonly let go just prior to the transition to employment by the host employer? Turnover patterns can be estimated based upon past experience at the worksite and based on a pre-award review with the host employer and staffing agency. If “yes” is the answer for the first question and “no” for the second, the local area should proceed as defined in local policy.
- **Pay and Benefits.** The pay rate must meet state and local requirements. Benefits must be the same for similarly employed individuals.
- **Documentation.** Whenever a staffing agency is involved, both the host employer and the staffing agency must sign off on all OJT documentation. Meeting OJT obligations is a dual responsibility of the host employer and the staffing agency.
- **The Reimbursement Check.** It is critical to reimburse only for the extraordinary costs of training. Therefore, the reimbursement must be made to the host employer, not the staffing agency. Further information on reimbursement is detailed below.

OJT and Employed Workers

An OJT contract may be written for eligible employed workers when the following circumstances are met:

- The employee is not earning a self-sufficient wage, as determined by local board policy;
- Requirements in Section 683.700 of the WIOA proposed rules are met; and

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- OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to a new job that requires additional skills, workplace literacy, or other appropriate purposes as identified by the local board.

Employer Reimbursement

Payments to employers are deemed to be compensation for the extraordinary costs associated with training participants and potentially lower productivity of the participation while in the OJT. Employers are not required to document such extraordinary costs. However, they are understood to include costs resulting from:

- More intensive supervision;
- Above average material waste;
- Abnormal wear on tools;
- Down time; and
- Lower rates of production.

The reimbursement is not a wage subsidy. Expectations are that the participant will continue working even after the payments to the employer end and that the participant will continue to receive compensation and benefits commensurate with the job performance.

Reimbursement to employers shall be managed by an invoice system that clearly documents the number of hours worked each day by the participant and rate of pay for the time period. Invoices must be signed by both the participant and the employer or only by the employer if accompanying documentation (timesheets/time cards) is signed by the participant. Reimbursement is for straight time worked and must not include overtime pay, holiday, sick pay, or commissions.

Reimbursements are limited to 50 percent of the wage rate of an OJT participant.

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Local areas may decide that the reimbursement, or a portion of the reimbursement, will be withheld and dispensed upon retention. Local policy clearly states the requirements for reimbursement and any exceptions to such (i.e., if the trainee quits or is fired for just cause). OJT reimbursements cannot exceed the amount obligated in the training plan, or any subsequent modifications.

OJT Contract

The OJT contract may be viewed as two parts. The two parts can be approached as separate documents or combined as one. The first part of the OJT contract sets the ground rules for OJT with an employer and functions as a nonfinancial agreement between the employer and the Region VII WDB. The terms and conditions that govern the OJT experience along with the following are written into this part of the contract. The following assurances must be included in the OJT contracts:

- Name of the business, including predecessors and successors;
- Name, address and title of the company official certifying the information; and
- Verification that there were no past/impending job losses at any other facilities due to relocation, prior to 120 days at the present location.

The second part of the OJT contract is the training plan, outlining the planned training activities to be accomplished during the training period. This constitutes a financial obligation between the service provider and the employer, and authorizes the reimbursement of the agreed upon amount upon successful completion of the training plan period and the retention period.

The training plan portion of the contract must be a formal and written program of the structured job training, which will provide participants with an orderly combination of instruction in work maturity skills, general employment competencies and occupationally specific skills that will enable the participant to work toward self-sufficiency. OJT providers can use the U.S. Department of Labor's Occupational Information Network (O*NET) and/or a company job description as a basis to begin listing skills or tasks. Each skill description should be concise and comprehensive, and ensure the individual tasks are measurable and observable.

The O*NET is accessible at <http://online.onetcenter.org>.

OJT contracts must be limited in duration to the time necessary for the participant to become proficient in the occupation for which they are receiving the OJT training. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, level of difficulty, and the participant's IEP or ISS. The level of difficulty is determined from an assessment of the job description. For example, if the job requires the repair of machinery, a determination needs to be made of tools needed, the precision needed to use the tools successfully, skills needed to diagnose problems, and the training needed to successfully

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disassemble and reassemble parts. The O*NET is a useful resource to use in determining the length of training; however, the O*NET should not be relied upon exclusively at the risk of overlooking the needs, skills, and abilities of the participant and the needs of the employer.

The training plan becomes the work statement of the contract and should be followed as a guide when delivering training. The training plan is also useful for determining whether the services contracted for are delivered. Local areas will include in their policy a way to identify skills needed for the job, how the skills gap is determined, and a method for measuring that the skills have been acquired so that trainees' progress can be determined.

At the end of the training period, the training plan should be used to document the participant's skills gains. An OJT is considered successful when the participant has sufficiently learned the skills included in the plan in order to retain employment.

The training plan must include the following:

- Trainee information: Name, contact information and a unique identifying number for the participant;
 - Employer information: Name and contact information;
 - OJT information: Starting and ending dates, wage rate, and reimbursement rate;
 - Occupational information: Job title and description, O*NET code, and number of hours per week;
 - Job skills: Skills necessary to perform the job and the trainee's proficiency level for each of these skills;
 - Training information: List of specific skills or tasks the employer agrees to provide to the participant, estimated training hours for each, and acknowledgment of the skills obtained; and
-
- Signatures and Dates: Signatures of the trainee, the employer, and the service provider.

The Region VII WDB's payment terms are inserted into the OJT contract. Payment terms are clear and concise as to the terms of reimbursement. The OJT contract must be signed by representative(s) of the local WDB, the employer, and, if applicable, the staffing agency that may be the trainee's employer of record.

Modifications to the training plan may be executed as needed. The most common modifications are changing the training plan or extending the training period due to changing work conditions, the trainee requiring new work duties, or a change in position.

Any dispute that involves a WIOA-funded OJT must be addressed by following a local area's complaint procedures. These procedures will be shared with the employer at the time the OJT requirements are reviewed.

Workforce Development Agency (WDA) Programmatic Monitoring

The Region VII WDB will monitor local OJT policy, OJT contracts and participant files as

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part of the WIOA programmatic monitoring reviews. Key monitoring issues include verification and documentation that:

- The need for training was based on the assessment and IEP or ISS;
- The training was provided to the participant to increase skill level;
- The length of the OJT was reasonable;
- The employer reimbursement rate complied with policy; and
- Other applicable OJT rules and requirements (participant and employer eligibility) were followed.

OJT Quality Assurance and Monitoring:

Monitoring is the responsibility of both the State and the Region VII WDB. Monitoring at the local level will include oversight of the participant training and the corresponding employer payroll records.

Every OJT worksite should be regularly visited. The first visit should occur prior to the execution of the OJT contract. At this time, the OJT employer information can be gathered and the OJT requirements understood. The worksite should also be visited near the completion of training to ensure that the training has been successfully delivered and wage records can be verified. The local area may wish to include information received from the participant as part of the review process.

OJT and Registered Apprenticeships

There is no Federal prohibition on using both Individual Training Account (ITA) and OJT funds when placing participants into a registered apprenticeship program. To ensure that local areas have the maximum flexibility in serving participants and supporting their placement into registered apprenticeship programs, OJT contracts may be written with registered apprenticeship programs or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship program, consistent with the requirements under the NPRM, Section 680.700. Since registered apprenticeship programs vary in length, the OJT may support the entire duration of training while other means support the beginning of the registered apprenticeship training. Depending on the length of the registered apprenticeship and the State and local OJT policies, these funds may cover some or all of the registered apprenticeship training.

Best Practices

- OJT Outreach
Outreach for OJT can occur at both the state and local levels, and to both employers and jobseekers. Information about OJT should be integrated into the local WDB's business and jobseeker services functions. Objectives for outreach are defined regionally and are suited to the local employment conditions. The overarching goal is to train local jobseekers for employment in high-growth industry sectors or occupations within a

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demand-driven system.

Outreach is done directly or indirectly. Outreach to employers includes face-to-face contacts, mailings (such as introductory letters, notes of appreciation, newsletters), involvement with local economic developers, Chambers of Commerce, press releases, networking with other agencies, and speaking to civic organizations. Outreach is not mandated, but is viewed as a necessary piece of a successful OJT plan or strategy.

- Gathering Employer Information

Creating an Employer Information Form is helpful in conducting a guided interview to gather necessary information. The following provides best practices on “how to” gather the information:

- The OJT representative (WDB staff, Business Services Representative, etc.,) should take both the OJT Employer Information Form and other OJT informational forms (agreement requirements, sample contract, etc.), to the first visit with an employer. If the employer is interested in the program, these documents can be signed by the employer and the OJT representative on-site.
 - At the same time the Employer Information Form is completed, the OJT representative should also review the OJT requirements with the employer. These two completed and signed forms should start an employer master file with the Region VII WDB.
 - The employer information discussion should consider each employer’s circumstances. For example, relocation may not necessarily be discussed with a locally-owned motel that has been at the same location for fifteen years and is filling a vacancy caused by normal attrition. However, relocation should be discussed in depth with a national firm with many subsidiaries that are relocating in the area.
 - The Employer Information Form should be updated when the business is sold or transferred, when any other major changes affect training, hiring, or job retention occur, and at least once a year from the date of first issuance.
- “Blanket” OJT Agreements
A “blanket” OJT agreement is a non-financial agreement and contains all common OJT rules and requirements, and sets the stage for the approval, one by one, of individual OJT training plans. This approach radically decreases employer paperwork. Care should be taken to ensure that:
 - OJT training plans are adjusted, based upon each trainee’s prior related skills and experience and the specific job in which training is taking place,
 - The trainee is WIOA-eligible and registered into the formula funding stream that will pay for the training,

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- Training using the OJT approach is justified by the IEP, ISS, or training plan in the trainee's file, and
- If a union is present, a letter of concurrence shall be obtained. The letter will be valid throughout the agreement period.

Generally, blanket OJT agreements may be valid for up to one year and cover all training plans approved with the employer prior to the OJT agreement's end date.

Incumbent Worker Training Programs

Incumbent worker training is designed to ensure that employees of a company are able to gain the skills necessary to retain employment or avert a layoff, and must increase both the participant's and a company's competitiveness. An ideal incumbent worker training is one where a participant acquires new skills allowing the participant to move into a higher skilled and higher paid job within the company, thus allowing the company to hire a jobseeker to backfill the incumbent worker's position. Incumbent worker training is designed to meet the special requirements of an employer (including a group of employers in partnership with other entities) to retain a skilled workforce, or to avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.

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To qualify as an incumbent worker, the incumbent worker needs to be employed, meet the Fair Labor Standards Act requirements for an employer-employee relationship, and have an established employment history with the employer for six months or more. An Incumbent Worker does not necessarily have to meet eligibility requirements for career and training services for adults and dislocated workers under the WIOA.

The employer, or group of employers, must pay for a portion of the cost of providing the training to incumbent workers. The portion of the training cost is the non-federal share of the cost of providing the training.

The Region VII WDB will develop a local Incumbent Worker Training (IWT) policy in congruence with state and federal regulations. The policy will be included in the WDB's WIOA Comprehensive Plan. **When the IWT policy is adopted by the Region VII WDB, said policy will be included as an attachment to this document.**

The local policy will include a description of local and/or regional layoff aversion strategy(ies) being utilized including:

1. Strategies and services employed by the local area. Examples may include:
 - Establishing an early warning network,
 - Economic trend monitoring,
 - Asset mapping,
 - Prefeasibility studies, and
 - Succession planning.
2. How the local Workforce Development Board (WDB) will employ IWT as part of its demand-driven strategy?
3. How the local WDB will ensure that IWT directly provides skill attainment activities for the participating workers.
4. Identification of any locally defined "at risk" indicators.

The local WDB must use the following criteria when deciding on utilizing funds for incumbent worker training with the employer:

- The characteristics of the participants in the program;
- The relationship of the training to the competitiveness of a participant and the employer; and
- Other factors the local board determines appropriate, including the number of employees trained, wages and benefits including post training increases, and the existence of other training opportunities provided by the employer.

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Employers are required to contribute their share of the training costs, using the following sliding scale:

- No less than 10 percent of the cost for employers with 50 or fewer employees,
- No less than 25 percent of the cost for employers with 51 to 100 employees, and
- No less than 50 percent of the cost for employers with more than 100 employees.

Calculation of the non-federal share of the training cost may include the wages paid by the employer to a worker while the worker is attending a training program. The employer share may be cash or in-kind, fairly evaluated.

Local policies and contracts for incumbent worker training will be reviewed during WIOA Programmatic Reviews.

IWT Participant Data Reporting Requirements:

The Region VII WDB is required to report performance outcomes for any incumbent worker participant in the Workforce Investment Act Standardized Record Data (WIASRD) system and the Mid-Atlantic Career Consortium (MACC):

- All participants in IWT projects, regardless of the fund source, must be reported in the MACC.
- Incumbent worker participants are subject to selection for the federally mandated data validation. Therefore, all eligibility documentation requirements apply to incumbent workers.

Refer to *Section 6-4: Layoff Aversion* and Attachment 4 for additional information about layoff aversion.

Registered Apprenticeship

Registered Apprenticeship is a national training system that combines paid learning on-the-job and related technical and theoretical instruction in a skilled occupation. Like stand-alone OJT, Registered Apprenticeship is an important component of education and training services that the workforce system can provide to its customers, and should be used as a strategy to train and employ jobseekers. Registered Apprenticeships offer jobseekers immediate employment opportunities that usually pay higher wages and offer continued career growth.

Certifications earned through Registered Apprenticeship programs are recognized nationwide as portable industry credentials. The primary apprenticeship certification is a certificate of completion, awarded at the end of the apprenticeship. Many programs also offer interim credentials and training certificates based on a competency model that leads to a Certificate of Completion.

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The Registered Apprenticeship opportunities can and should be integrated throughout the workforce system as a means of leveraging resources to better serve regional needs. Strategies for collaboration and integration could:

- Include apprenticeship training as a workforce strategy in the WIOA regional and local plans as a workforce solution for growing skills in targeted industry sectors.
- Engage businesses through encouraging the development of new apprenticeship programs as a solution to meet business customer needs, integrating apprenticeship programming into strategies for talent development, and linking apprenticeship programs to other economic development entities and school district administration, alternative education programs, adult basic education programs, prisons, and city, county, and state governments.
- The WIOA and proposed regulations explicitly provide for flexibility in determining Registered Apprenticeships training programs as initially eligible providers of ITA services. Eligible training provider application procedures for Registered Apprenticeship programs are streamlined, since they are not required to undergo the standard State agency review process.
- At the One-Stop Career Center level, a range of programmatic and operational activities can support integrated and coordinated functions, such as through coordinated education and career guidance strategies, service delivery design, and coordination of the development of pre-apprenticeship programs with community-based organizations committed to providing work-based experiences.
- Collaboration with apprenticeship can be further enhanced through the development of policies that facilitate and encourage partnership and exploration of opportunities for leveraging existing workforce system funds with other funding sources to support and advance apprenticeship models.

Individual Training Accounts (ITAs) may be used to support the related instruction portion (e.g. classroom and distance learning portion) of their Registered Apprenticeship training. Registered Apprenticeships automatically qualify to be on a State's eligible training provider list. ITAs support consumer choice in the selection of training providers, empowering apprentices and pre-apprentices to make informed education and career decisions. ITAs are only available to eligible individuals who are unable to obtain grant assistance from other sources to pay for education and training, such as Trade Adjustment Assistance (TAA) or Pell Grants.

For eligible participants, local WIOA Adult and Dislocated Worker funds may be used for:

- Pre-apprenticeship training, such as remediation and/or basic job skills training, to prepare an individual for a Registered Apprenticeship program;
- Case management, prior to, and during a Registered Apprenticeship program;

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- On-the-Job Training, in the form of employer reimbursement for the extraordinary costs of training;
- Related training instruction in the form of tuition assistance, books, supplies, etc., when the training provider is on the approved list of eligible training providers;
- Supportive services, including transportation and child care assistance, and
- Follow-up services.

Under WIOA, limited exceptions allow local areas to provide training through a contract for services rather than ITAs. These exceptions include work-based training programs such as OJT, customized training, incumbent worker training, or transitional employment, and in instances where the local board determines that it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations. Registered Apprenticeship programs remain on the eligible training provider list as long as they remain registered, and are not subject to the same performance reporting requirements as other training programs, thereby streamlining requirements and facilitating the design and delivery of work-based training opportunities.

Customized Training Models

When working with employers, local areas may find it valuable to utilize customized training to subsidize the classroom training portion of an apprenticeship model. For example, a WDB could offer a particular course of training for apprenticeship sponsors in a targeted sector, such as advanced manufacturing, or linked courses of training across connected industry sectors, such as construction and transportation.

Under WIOA, both potential new hires and incumbent employees may participate in customized training. WIOA-funded customized training models offer several operational advantages that facilitate their use in the Registered Apprenticeship context. For small and medium-sized employers, customized training provides a flexible model for assisting them in expanding their talent pool and upgrading skill levels of current employees.

On-the-Job Training (OJT)

OJT can be a useful training methodology for employers wishing to upgrade skills of new hires and incumbent workers and keep workplaces current with evolving skill and technologies. Like customized training models, OJT may provide apprenticeship sponsors with a talent development strategy that supports apprentices increasing mastery of technical skills. Furthermore, because the content of OJT is largely designed by employers, the workforce system may find this training model is an attractive tool for increasing and expanding its partnership with the Registered Apprenticeship program.

Apprenticeship strategies offer local areas the opportunity to enhance performance, as it is a proven model for effectively educating and training workers, promoting retention, and advancing

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apprentices' careers and earnings.

Transitional Jobs

Transitional jobs are a way for adults and dislocated workers with barriers to employment, who are experiencing chronic unemployment or have an inconsistent work history, to develop a work history and basic skills essential to keeping a job. Transitional jobs are time-limited, subsidized employment in the public, private, or non-profit sectors. Comprehensive career and supportive services must be made available to transitional jobs participants. Transitional jobs can be effective solutions for individuals to gain the necessary work experience that they would otherwise not be able to get through training or an OJT. The goal is to establish a work history for the individual, demonstrate work success, and develop skills that lead to entry into unsubsidized employment. The difference between a transitional job and an OJT contract is that in a transitional job there is no expectation that the individual will continue his or her hire with the employer after the work experience is complete.

Local areas may use up to 10 percent of their combined total adult and dislocated worker allotments for transitional jobs.

References:

NRPM 680.140
NPRM 680.200 through 680.230
NPRM 680.320
NPRM 680.420
NPRM 680.530
NRPM 680.700 through 680.850
WIOA Sections 122, 123, and 134(d)(5)
TEGL 02-07
TEGL 30-09

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Section 6-3: Work-Based Training - Requirements and Restrictions

WIOA states that work-based training funds (OJT, customized training, incumbent worker training, transitional jobs, and registered apprenticeships) **must not** be used, or proposed to be used, for:

Encouraging Business Relocation

- The encouragement or inducement of a business or part of a business, to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location.
- Customized training, skill training, OJT, incumbent worker training, transitional employment, or company specific assessments of job applicants or employees of any business, or part of a business, that has relocated from any location in the United States, until the company has operated at that location for 120 days, if the relocation has resulted in any employee losing his or her job at the original location.
- Pre-award review. To verify that a business establishment which is new or expanding is not, in fact, relocating employment from another area. Standardized pre-award review criteria developed by the state must be completed and documented jointly, by the local area and the business establishment, as a prerequisite to WIOA assistance.
 - The review must include names under which the establishment does business, including predecessors and successors in interest; name, title, and address of the company official certifying the information; and whether WIOA assistance is sought in connection with past or impending job losses at other facilities, including a review of whether Worker Adjustment and Retraining Notice (WARN) letters relating to the employer have been filed.
 - The review may include consultations with labor organizations and others in the affected local area(s).
- Contracts shall not be entered into with employers who have received payments under previous contracts, and have exhibited a pattern of failing to provide participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level, and to the same extent, as other employees working a similar length of time and doing the same type of work.
- No person or organization may charge an individual a fee for placement or referral of the individual in, or to, a workforce investment activity.

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Promoting or Deterring Union Organizing Activities

- Work-based training funds are prohibited for assisting, promoting, or deterring union organizing activities.

Impairment of Contracts

- Work-based training activities shall not impair an existing contract for services or collective bargaining agreement. The activity(ies) cannot be inconsistent or undertaken with the terms of a collective bargaining agreement, without written concurrence of the labor organization and the employer.

Applying of Participants

Individuals employed in activities under Title I of the WIOA:

- Must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly compensated in similar occupations by the same employer who have similar training, experience and skills. Such rates must be in accordance with applicable law, but may not be less than the higher of the rate specified in sec. 6(a)(1) of the Fair Labor Standards Act of 1938, or the applicable state or local minimum wage law.
- Must be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.
- Allowances, earnings, and payments to individuals participating in programs under Title I of WIOA are not considered as income for purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any federal or federally-assisted program based on need, other than as provided under the Social Security Act.
- Must not be sued to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce delivery system.

Displacement

A participant in a program or activity shall not displace (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee as of the date of participation.

Health and Safety Standards

Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants engaged in programs and activities under Title I of the WIOA.

To the extent that State workers' compensation law applies, workers' compensation must be

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provided to participants in programs and activities under Title I of the WIOA on the same basis as the compensation is provided to other individuals in the state under similar employment.

If a State's workers' compensation law applies to a participant in work experience, workers' compensation benefits must be available for injuries suffered by the participant in such work experience. If a State's workers' compensation law does not apply to a participant in work experience, insurance coverage must be secured for injuries suffered by the participant in the course of such work experience.

References:

NPRM 683.260

NPRM 683.280

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Section 6-4: Layoff Aversion

Some individuals may need assistance to maintain or retain a good job by enhancing their skills or learning new technologies and procedures in an ever changing economic environment. Without appropriate training that allows existing workers to gain the necessary skills to operate new processes or technologies, employers may find it necessary to lay off workers with obsolete skills. Layoff aversion is one of the functions of the workforce system.

Layoff aversion consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. Layoff aversion activities may include:

- Providing assistance to employers in managing reductions in force, which may include early identification of firms at risk of layoffs, assessment of needs of and options for at-risk firms, and the delivery of services to address these needs as provided by WIOA.
- Ongoing engagement, partnership, and relationship-building activities with businesses in the community, in order to create an environment for successful layoff aversion efforts and to enable the provision of assistance to dislocated workers in obtaining re-employment as soon as possible.
- Funding feasibility studies to determine if a company's operations may be sustained through a buyout or other means to avoid or minimize layoffs.
- Developing and managing incumbent worker training programs or other worker up-skilling approaches.
- Connecting companies to:
 - Short-time compensation or other programs designed to prevent layoffs or quickly re-employ dislocated workers available under Unemployment Insurance programs,
 - Establish linkages with economic development activities at the Federal, State, and local levels, including Federal Department of Commerce programs and available State and local business retention and expansion activities,
 - Partner or contract with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure impacts of services delivered,
 - Conduct analysis of the suppliers of an affected company to assess their risks and vulnerabilities from potential closing or shift in production of their major customer,
 - Engage in proactive measures to identify opportunities for potential economic

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transition and training needs in growing industry sectors or expanding businesses, and

- Connect businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate rapid reemployment.

The Region VII WDB will develop a policy for layoff aversion. When the layoff aversion policy is adopted by the Region VII WDB, said policy will be attached to this document. The layoff aversion policy will be included in the regional WIOA Comprehensive Plan. Local policies related to layoff aversion will be reviewed during WIOA Programmatic Reviews.

References:

NRPM 680.320

TEGL 30-09

USDOL ETA Rapid Response Layoff Aversion Guide

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Section 6-5: Other Training Services

Pre-Apprenticeship Training

For workers who may not have the fundamental skills to succeed in a Registered Apprenticeship program and youth who are exploring career options, pre-apprenticeship training programs act as a bridge. These training programs, which are operated by education, community or faith-based organizations, can help apprenticeship candidates decide on an occupational track, develop foundational skills, and improve productivity once employed. Pre-apprenticeship programs operate an approved plan under which candidates participate in a short, intensified training period in a school or training center, with the intent to place them into Registered Apprenticeships upon completion or soon after completion of the program.

Pre-apprenticeship describes a program or set of strategies designed to prepare individuals to enter and succeed in a Registered Apprenticeship program, and has a documented partnership with at least one, if not more, Registered Apprenticeship program(s). A quality pre-apprenticeship program is one that incorporates the following elements:

- Training and curriculum based on industry standards and approved by the documented Registered Apprenticeship partner(s) that will prepare individuals with the skills and competencies needed to enter one or more Registered Apprenticeship program(s).
- Strategies that increase Registered Apprenticeship opportunities for under-represented, disadvantaged or low-skilled individuals, such that upon completion they will meet the entry requirements, gain consideration, and be prepared for success in one or more Registered Apprenticeship program(s).
- Access to appropriated support services.
- The use of the Registered Apprenticeship program as a preferred means for employers to develop a skilled workforce and to create career opportunities.
- Meaningful hands-on training that accurately simulates the industry and occupational conditions of the partnering Registered Apprenticeship sponsor(s), while observing proper supervision and safety protocols.
- Facilitated entry and/or articulation.

Pre-apprenticeships may be used to provide work experiences that can help participants obtain the skills needed to be placed into a Registered Apprenticeship. Pre-apprenticeship programs provide training to increase math, literacy, and other vocational skills needed to gain entry to a Registered Apprenticeship program. A pre-apprenticeship program, funded with an ITA, must have at least one apprenticeship partner; such pre-apprenticeship programs must possess, or develop, a strong record of enrolling their pre-apprenticeship graduates into a Registered Apprenticeship program. Pre-apprenticeship programs must be on the State's eligible training provider list in order for participants to utilize an Individual Training Account (ITA).

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Pre-apprenticeship programs are added to the list of work experiences for youth under the WIOA. Local youth programs must coordinate pre-apprenticeship programs to the maximum extent feasible with Registered Apprenticeship programs, and require at least one documented partnership with a Registered Apprenticeship program. Quality pre-apprenticeship programs play a valuable role in preparing entrants for a Registered Apprenticeship and contribute to the development of a diverse and skilled workforce. Pre-apprenticeship programs can be adapted to meet the needs of participants, the various employers and sponsors they serve, and the specific employment opportunities available in the local market. Pre-apprenticeship training programs have successfully demonstrated that obstacles, such as low math skills, poor work habits, lack of access to transportation, and the lack of knowledge of sector opportunities can be overcome when coordinated training and support are provided.

As a reminder, pre-apprenticeship is not just a youth program strategy but is also an effective strategy for participants in the WIOA Adult program.

Workplace Training with Related Instruction (Non-regulatory definition)

Workplace training is designed to enable participants to gain exposure to the working world and its requirements and help acquire personal attributes, industry-defined skill standards, and knowledge needed to obtain a job and advancement in employment. Workplace training may include cooperative education programs.

Skill Upgrading and Re-training (Non-regulatory definition)

Skills upgrading and retraining is defined as training that will upgrade current skills of the participant and which may also include retraining in a new area.

Entrepreneurial Training (Non-regulatory definition)

Entrepreneurial training programs assist qualified, unemployed individuals who are seriously interested in starting a business in West Virginia and becoming self-employed.

The workforce system promotes entrepreneurship and small business development primarily by providing self-employment assistance to workforce system customers. The Employment and Training Administration encourages the workforce system to integrate entrepreneurship activities into the system's broader workforce development efforts.

Increasingly, entrepreneurship and small business development have been identified as an important employment option for populations that have barriers to employment. For those unemployed workers who are likely to return to their industry as the economy recovers, entrepreneurship may offer an income stream to support a family during the interim. Self-employment may offer individuals with disabilities greater workplace flexibility and income opportunities. Similarly, individuals in rural areas may have geographic and transportation barriers, or may have to travel outside of the region for employment. Entrepreneurship can allow individuals to work locally, even at home. Youth may also benefit from the leadership and

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financial management skills provided by entrepreneurship work experience, particularly in a tight labor market where traditional jobs for youth are scarce.

Self-employment training programs and providers of these programs can and should be included on the Career Education Consumer Report (CECR). Local programs also are able to make entrepreneurship experiences available to youth. One of the required youth program elements is entrepreneurship.

The One-Stop Career Centers in Region VII partner with the Small Business Development Centers to provide comprehensive guidance to future entrepreneurs.

Job Readiness Training (Non-regulatory definition)

Job readiness training provides, through classroom lecture and discussion, the development of the same set of skills and understanding to be acquired through work experience. It is generally offered as a pre-vocational “world-of-work” skills training that may include showing up on time, workplace attitudes and behaviors.

Job readiness training may be provided in combination with pre-apprenticeship training, workplace training with related instruction, training programs operated by the private sector, skill upgrading and retraining, and entrepreneurial training. Job readiness training as a stand-alone activity is considered a “career service.”

Training Programs Operated by the Private Sector (Non-regulatory definition)

Training programs operated by the private sector, which may include but are not limited to, programs that combine workplace training with related instruction, including cooperative education programs.

Cooperative Education Program (Non-regulatory definition)

Cooperative education is a method of combining classroom-based education with practical work experience. A cooperative education experience, commonly known as a “co-op,” may provide academic credit for structured job experience in the individual’s major field of study or career focus.

Adult Education and Literacy Activities (Non-regulatory definition)

The term “Adult education and literacy activities” means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English acquisition activities, integrated English literacy and civics education, workplace preparation activities, or integrated education and training.

Adult education and literacy activities comprise services or instruction below the post-secondary level for individuals who have attained 16-years of age and are not enrolled, or required to, be enrolled in secondary school by state law. The participant:

- a. lacks sufficient mastery of basic educational skills to enable the individual to function

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- effectively in the family or in society,
- b. does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education, or
- c. is unable to speak, read, or write the English language.

Literacy means an individual's ability to read, write, and speak in English, compute, and solve problems at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

The term "Literacy Activities" refers to the acquisition of knowledge, skills, and competencies as a result of teaching an individual the ability to read, write, and speak English, compute, and solve problems at levels of proficiency necessary to function on the job, in the family of the individual, and in society. Literacy activities are related to basic workforce readiness; commonly defined as workforce literacy. Workforce literacy classes attempt to replicate the environment encountered in the workplace by using work relevant materials in contextual instruction.

Workplace literacy service means "literacy services that are offered for the purpose of improving the productivity of the workforce through the improvement of literacy skills." Workforce technical, occupational, or vocational skills are not equivalent to basic literacy skills. These sets of skills are different in scope and require instructional approach to lead to student outcomes.

Occupational Skills Training

Occupational skills training was not previously defined under the WIA. Occupational skills training under the WIOA is defined as an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. The WIOA requires local areas to give priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industries or occupations in the local area.

When seeking occupational skills training for a participant, local areas must first seek training programs that lead to recognized post-secondary credentials in in-demand industries or occupations and only if none are available should they refer a participant to a training program that does not lead to a recognized post-secondary credential. The training must be outcome oriented and focused on an occupational goal specified in the participant's individual employment plan or individual service strategy and that it be of sufficient duration to impart the skills needed to meet that occupational goal, and result in the attainment of a recognized post-secondary credential. In all cases, local areas must ensure the training program meets the quality standards in WIOA Section 123.

Distance Learning

Distance learning is education in which students take academic courses by accessing information and communicating with the instructor over a computer network.

Distance learning is also referred to as technology-based learning. Technology-based learning is an umbrella term, which encompasses related terms such as on-line learning, Web-based learning

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(which only includes learning that occurs via the Internet), CD's and DVD's, and computer-based learning (by which learning through the use of dedicated personal computers is meant). Distance learning is via audio and video conferencing, Internet bulletin boards, chat rooms, Webcasts, simulations, gaming, and a variety of mobile operations such as podcasting.

While distance learning is not identified as a type of training activity under the WIOA, the Proposed § 682.210(m) allows for States to utilize technology to allow for remote access to training services provided through the One-Stop delivery system. USDOL recognizes that there are many different means by which individuals may get training, and that the use of technology may be particularly helpful to participants in rural areas. USDOL encourages states to develop and build upon strategies that enable jobseekers to connect with the workforce system remotely.

References:

NPRM 681.330(a)

NPRM 681.460

NPRM 681.480

NPRM 682.210

TEN 13-12

TEGL 12-10

TEGL 17-07

WIOA Sections 123, 129(c)(2), 171(b)(10), 203(2)

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Section 6-6: Individual Training Accounts (ITAs)

There are some circumstances where mechanisms other than ITAs may be used to provide training services. Contracts for services may be used instead of ITAs when:

- The training services provided are OJT, customized training, incumbent worker training, or transitional jobs.
- When the local board determines there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs. The local plan must describe the process to be used in selecting the training providers under a contract for services, and the process must include a public comment period for interested providers for at least 30 days.
- When the local board determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization, or another private organization, to serve individuals with barriers to employment. The local board must develop the criteria to be used in determining demonstrated effectiveness, particularly as it applies to employment to be served. The criteria may include financial stability of the organization, demonstrated performance, and how the specific program relates to the workforce investment needs identified in the local plan.
- When the local board determines that it is most appropriate that contracting with an institution of higher education, or other eligible provider of training services, will facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit consumer choice.
- When the local board is considering entering into a pay-for-performance contract.

Registered Apprenticeship programs automatically qualify to be on the list of eligible training providers as long as the Registered Apprenticeship program remains registered. ITAs can be used to support pre-apprenticeship training, training tuition for a Registered Apprenticeship program to the training provider, and work-based training options.

As a reminder, WDA Policy Issuance 13-05 provides additional information about the State's Eligible Training Provider List.

References:

WDA Policy Issuance 13-05

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Chapter 7: Performance and Accountability

Section 7-1: Common Measures

In coordination with federal agencies, West Virginia has adopted uniform evaluation metrics, called "Common Measures," for U.S. Department of Labor (USDOL) funded job training and employment programs. Common Measures are an integral part of the Employment and Training Administration's (ETA) performance accountability system. The Common Measures are intended to institute uniform definitions for performance, and are applied to all USDOL programs administered by the Region VII WDB.

The implementation of common performance measures across West Virginia's job training and employment programs has enhanced the ability to assess the effectiveness and impact of the workforce investment system, including the performance of the system in serving individuals facing significant barriers to employment.

Multiple sets of performance measures have burdened states and grantees, as they are required to report performance outcomes based on varying definitions and methodologies. By minimizing the different reporting and performance requirements, common performance measures facilitate the integration of service delivery and break down barriers to cooperation among programs.

With Common Measures, the Mid-Atlantic Career Consortium (MACC) automatically creates registrations in other USDOL-funded programs as a result of participation in one USDOL-funded program. For example, when we put a new participant in Wagner-Peyser (W-P), the system will create a new pre-registration in the Workforce Investment Act (WIA) (where the One-Stop Center is funded by W-P and the WIA). The pre-WIOA is only a participant count; it does not count toward WIOA performance. Only when the WIOA pre-registration is replaced by a full WIOA registration and the customer is put into a specific WIOA program (with an appropriate funding source) does this become WIOA performance participation.

The same occurs for WIOA programs and the Trade Adjustment Assistance (TAA) program. When you create a new participant in one of these programs, the system will create a new participant in W-P, again where the One-Stop Center is funded by W-P and the WIOA. Under Common Measures, the USDOL feels that customers should be served by the workforce system, not just by individual programs. If a location is funded by more than one program, the participant is registered in all of these programs so as to reflect the use of the workforce investment system. So, if the participant is active in one program, the USDOL wants the participant to be active in other programs as well.

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Exits

Under Common Measures, the MACC exits all participant records. The Exit will occur 90 days after the last activity has ended in all the USDOL-funded programs the participant is registered in and where there are no gaps or future services planned.

As a reminder, for concurrently enrolled participants, all records will have the same exit date.

MACC Exit Reports notify the Region VII WDB of the participants who are expected to exit from the system if no action is taken to change the participant's activities.

Exclusions from Common Measures

Occasionally, circumstances arise that are beyond the control of both the participant and the program and are expected to last for an undetermined period beyond 90 days. A participant in any of the following categories, either at the time of exit or during the three quarter measurement period following the exit quarter, may be excluded from Common Measures.

1. 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.

This does not apply to:

- a) Individuals with disabilities residing in institutions, nursing homes, or other residential environments;
- b) Individuals participating in the Responsible Reintegration of Youth Offenders program; and
- c) Individuals participating in the Prisoner Reentry Initiative.

2. Health/Medical or Family Care

The participant is receiving medical treatment or providing care for a family member with a health/medical condition that precludes entry into unsubsidized employment or continued participation into the program. This does not include temporary conditions or situations expected to last for less than 90 days.

3. Deceased

4. Reserve Forces Called to Active Duty

The participant is a member of the National Guard or a Military Reserve unit and is called to active duty for at least 90 days.

5. Relocated to a Mandated Program (For Youth Participants Only)

The participant is in the foster care system or another mandated (residential or non-residential) program and has moved from the area as part of such a program. This does not include relocation to a Job Corps center.

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6. Invalid or Missing Social Security Number

Because the measures require grantees to match personally identifiable client records with wages and other administrative data in order to obtain outcome information, grantees may exclude from all the measures those participants who do not voluntarily disclose a valid social security number.

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

The 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 WDB may exit the participant and re-enroll him/her once the military obligation has been fulfilled. This will alleviate the burden of states having to perform follow-up on the participant while allowing them, in some cases, to take credit for positive outcomes.

The Participant Is Not Exited from Program: The 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 intensive or training activities before his/her call to duty and subsequent circumstances would make him/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.

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Section 7-2: Performance Measures

Section 136 of the WIOA specifies performance measures for states and local areas as the current standard of successful achievement of a performance measure to qualify for incentive funding. Performance is evaluated annually, and attainment of 90 percent or more of the negotiated level for each and all of the performance measures establishes the minimum criteria for incentive funding eligibility. The Region VII WDB must achieve at least 90 percent of its planned performance for each and all performance measures to qualify for incentive grant eligibility. The Region VII WDB must exceed their planned level of performance in order to share in any funding.

The following statutory WIOA performance measures are the criteria used to evaluate attainment of the WDB (and State) performance in order to qualify for incentive funding for a program year:

	• Entered Employment Rate (2nd Quarter after Exit) • Employment Rate (4th Quarter after Exit) • Median Earnings • Attainment of Credential Rate
	• Entered Employment Rate (2nd Quarter after Exit) • Employment Rate (4th quarter after Exit) • Median Earnings • Attainment of Credential Rate
	• Entered Employment Rate (2nd quarter after Exit) • Employment Rate (4th quarter after Exit) • Median Earnings • Attainment of Credential Rate
	• Skill Attainment Rate • Diploma or Equivalent Rate • Retention Rate
	• Measurable Skills Gain • Effectiveness in Serving Employers

The performance level necessary for a local area to become eligible to receive an incentive award is established for each performance measure, subject to negotiation between the state and the WDB.

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Actual local performance is determined as a percent of the negotiated performance

level for each performance measure. The degree by which actual performance meets, exceeds, or falls below the planned performance level, as expressed by the percent, determines successful, or unsuccessful, performance.

For WIOA programs, the minimum acceptable performance is 90 percent of the negotiated level of performance. Performance on an individual measure will be interpreted based on the position of the outcome relative to the negotiated performance using Exceeds, Meets, Meets with Incentive, Meets with No Incentive, and Fails criteria defined as follows:

- **Exceeds** – when the actual performance achieved against an individual performance measure is in excess of 100 percent of the negotiated level of performance for the measure;
- **Meets** – when the actual performance achieved against an individual performance measure falls in the range of 90 to 100 percent of the negotiated level of performance for the measure;
- **Meets with No Incentive** – when the actual performance achieved against an individual performance measure falls within the range of 80 to 89 percent of the negotiated level of performance for the measure; and
- **Fails** – when the actual performance achieved against an individual performance measure is less than 90 percent of the negotiated level of performance.

References

The WIA Section 136

20 CFR Part 666

TEGLs 11-01, Change 1; 17-05, and 09-07

Section 7-3: Revising Levels of Performance

Negotiated Performance Levels

States are required to achieve negotiated levels of performance for Adult, Dislocated Worker, and Youth programs, as well as customer satisfaction measures under the WIOA. Since State performance is the sum of local area performance, the Region VII WDB is required to achieve their performance levels for the State to meet its performance levels. If the State determines that its required performance levels were set too high, the State may request a reduction based on guidelines established in TEGL 11-01, Change 1. This also applies to local areas if circumstances warrant such a request. Requests will be evaluated on a case-by-case basis.

All renegotiation requests will be reviewed and analyzed based on past, current, and future trends in factors affecting performance. The WDB will also weigh the impact of requested local changes on State negotiated performance levels. If requests for revision in local performance levels result in a need for the State to submit a request to the USDOL for a revision to the State

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performance levels, the WDB will submit its request to the USDOL using the Region VII WDB's information to the extent possible to justify the State's request. In this situation, the WDB will not take final action on the Region VII WDB's request until it is notified and assesses implications of decisions on the State request by the USDOL.

When WorkForce WV notifies the Region VII WDB of final action on their performance renegotiation request, it will also inform the WDB of process/timetable changes to the modification policy should they be needed to address approved performance level revisions. The WDB must incorporate performance level revisions approved by WorkForce WV into the local WIOA comprehensive plan.

As part of the request for a performance renegotiation, the WDB must state why adjustments to the performance goal(s) are necessary and how such adjustments will not negatively impact the ability of the WDB to effectively deliver workforce development services to individuals' eligible for and in need of those services. Consistent with the provisions of the WIOA Section 126(c)(3), the renegotiations will take into account the specific economic, demographic, and other characteristics of the populations to be served in the local area.

In order to renegotiate local WIOA levels of performance, the WDB must submit a written request with supporting documentation consistent with TEGL 11-01, Change 1.

- Each local area seeking a revision must develop and submit a written request to WorkForce WV by the end of the third quarter of each program year. This will allow time for the State to combine all requests and to negotiate with the USDOL.
- The request must articulate an unanticipated circumstance. Each local area must describe the nature of the problem or mitigating circumstance, including a description of when the unanticipated circumstance occurred and its duration or expected duration.
- The unanticipated circumstance must impact one or more factors. Evidence of an actual change is required. The performance measure(s) affected by the request must be modified.
- The stated variations from expected outcomes must be linked to the stated significant changes in factors. Sufficient and appropriate documentation to explain and justify the proposed revision requires a:
 - A description of the approach used to determine revised levels of performance,
 - A description of the data sources used to demonstrate change in the factors, and
 - The computations for the revised performance levels included in the request.

Requests for renegotiation, consistent with the aforementioned, should be submitted to the WorkForce WV to the attention of the WIOA Title I Section Manager.

Sanctions for Failure to Meet Negotiated Performance Levels

The value of implementing the common performance measures is the ability to describe, in a similar manner, the core purposes of the workforce system: how many people attain jobs (entered employment), how many stayed employed (retention), and how much do people finding

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employment earn (median earnings). By minimizing different reporting and performance requirements, common performance measures contribute to facilitating the integration of service delivery, reducing barriers to cooperation among programs, and enhancing the ability to assess the effectiveness and impact of the workforce investment system.

Any local area that fails to meet the negotiated level of performance for at least one performance indicator listed above shall receive technical assistance. Failure to meet a local performance measure is defined as failing to achieve at least 90 percent of the negotiated level for a particular standard. The WDB's final program year performance is published in the WIOA Annual Report each October.

Any local area that fails to achieve at least 90 percent of the negotiated level of performance for a specific indicator for two consecutive years shall be required to submit a corrective action plan. The Region VII WDB Executive Director, Workforce Development Board (WDB) Chairs, and Chief Elected Officials will be notified when a performance standard(s) is failed. The WDB officials are required to submit corrective action plans within six weeks of notification that a performance standard has been failed for the second year in a row.

The WDB's corrective action plan must address why the WDB has failed the measure(s) and outline specific steps that will be taken to help ensure the measure(s) is met the following year. The WDB may wish to address program design, goals, or service strategies that may inhibit performance, including reporting problems, and appropriate technical assistance to improve such services, including continuous monitoring of the performance measures. A timeline outlining the steps to be taken must also be submitted.

Once a corrective action plan is submitted, it is reviewed and a determination is made regarding its effectiveness in addressing the failed measure(s). If a corrective action plan is deemed acceptable, the WDB will be notified to proceed with the indicated actions. WorkForce WV will continue to monitor the WDB's progress throughout the year.

If a corrective action plan does not effectively identify and address the performance measure(s) in a manner likely to ensure future success in meeting the negotiated level for the measure(s), or a response is not submitted within the required timeframe, the WDB will be notified. WorkForce WV will then begin to take the appropriate steps to address and resolve the deficiencies.

Subsequently, the following steps could be taken:

- Prohibit the use of eligible providers and service center partners identified as achieving a poor level of performance;
- Decertify the local WDB and require that a new local board be appointed pursuant to a reorganization plan, as developed by the governor;
- Appoint an existing WDB, currently demonstrating successful performance and operating in close proximity to the local area in question, to administer agency operations; and/or
- Other actions the State determines are appropriate.

A local area that is subject to a reorganization plan for failure to meet a local performance

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measure(s) for two consecutive years may, no later than 30 days after receiving a notice of the reorganization plan, appeal to the governor to rescind or revise such plan. The governor will make a final decision no later than 30 days after receipt of such appeal.

References

The WIA Section 136

20 CFR Part 666

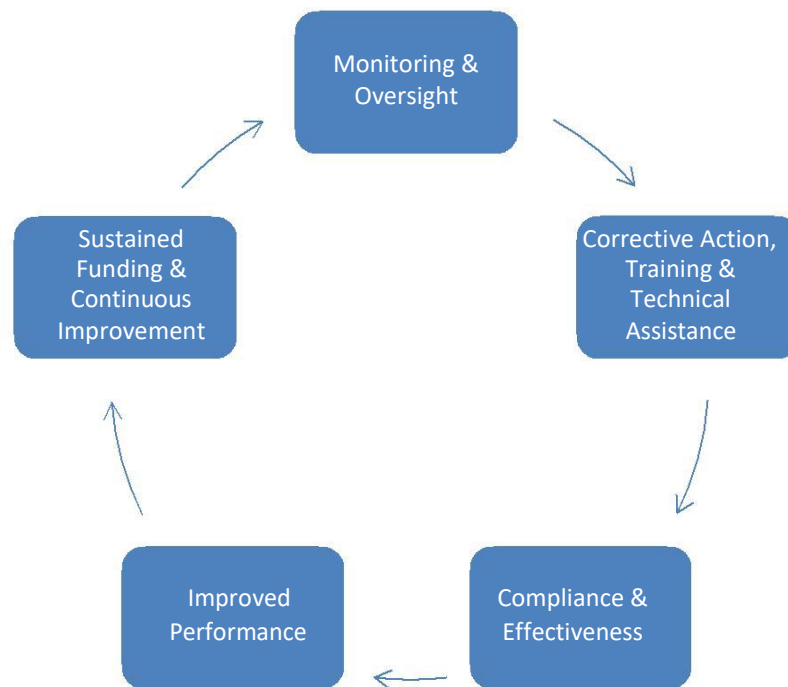
TEGLs 11-01, Change 1; 17-05; and 09-07

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Section 7-4: WDB Oversight

Introduction

Ensuring compliance and driving performance excellence across the WorkForce WV system is a primary goal of WIOA Title I Section. The strategy to achieving this goal relies upon effective grant monitoring and oversight activities. These activities may identify the need for corrective action as well as technical assistance and training. Such activities also provide the opportunity to learn about and share innovative strategies and practices. This vision aligns (although with fewer steps) with what the USDOL/ETA has referred to as “the grants management cycle.” Visually, it can be depicted as:



On-Site Monitoring

The purpose of on-site monitoring is to verify and expand upon the knowledge of the Region VII WDB’s governance, operations, and performance that has already been established through initial, quarterly, and on-demand monitoring and oversight activities. Monitoring also attempts to assess the effectiveness of the WDB structure and operations, as well as alignment with the overall vision for the state workforce system as defined by WorkForce West Virginia’s Workforce Development Council as well as the USDOL’s national goals for the system. On-site monitoring provides a window to the structure, staffing, and service design and delivery that results in the numbers and narrative included in quarterly and annual reports. On-site monitoring is critical to ensuring compliance with required provisions, determining effectiveness of program implementation, and capturing innovation that can drive continuous improvement across the system.

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Section 7-5: Performance Accountability

The WDB is required to have a comprehensive plan to guide its work. The comprehensive plan identifies project goals, activity levels, spending targets, and time frames that are directly linked to achieving grant goals. The plan is required to address performance accountability. The comprehensive plan may be kept on file locally, but must be available at the request of the WIOA Title I staff for review when on-site monitoring is conducted.

Accountability for performance includes four areas:

- Meeting operational goals such as planned service level and expenditure targets,
- Meeting performance outcome goals,
- Managing sub-recipient and contractor performance, and
- Using performance data for continuous improvement.

The WDB Operational Goals and Utilization of Available Funds

The comprehensive plan should be used as a tool to measure planned versus actual activity as a means of tracking progress toward goal achievement, planned performance outcomes, and to ensure that the WDB spending is occurring at a rate consistent with the amounts budgeted in order to fully utilize all grant funds by the end of the grant period.

Meeting Performance Outcome Goals

The WIOA Section 136 requires establishment of a performance accountability system to assess the effectiveness of states and local areas in achieving continuous improvement of workforce investment activities in order to optimize the return on investment of federal funds in statewide and local workforce investment activities. Local levels of performance are based on the State's adjusted performance levels. In determination of local levels, specific economic, demographic, and other characteristics of the populations to be served should be taken into account. Additional indicators of performance (if any) may also be established at the State or local level.

Core indicators of performance are described in Section 7-3 of this Chapter.

Managing Sub-Recipient/Contractor Performance

The WDB must hold sub-recipients and contractors accountable for achieving performance goals. Sub-recipient and contractor agreements must contain clear, specific, and measurable performance goals. Sub-recipients are to be held accountable for actual versus planned accomplishments related to performance goals. Agreements should contain provisions requiring corrective action when performance is not being met.

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Regular monitoring should be conducted to ensure compliance with federal, state, and local requirements and policy. Monitoring tools and procedures should be developed and used to monitor all elements of the local plan against performance objectives and compliance with grant requirements. Procedures should be comprehensive enough to ensure compliance.

Performance Data for Continuous Improvement

The WDB will use relevant and objective data to assess the quality of service delivery and to make adjustments to program operations. The WDB will conduct a formal analysis to assess service delivery.

References:

The WIOA Section 136

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Chapter 8: Credentials

Section 8-1: Credential Attainment

Purpose

Under the Workforce Innovation and Opportunity Act (WIOA), the term “Recognized Postsecondary Credential” means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

Credentials are designed to equip individuals to enter or re-enter employment, retain employment, or advance into better employment. Training and Employment Guidance Letter (TEGL) 15-10 established “credential” as the umbrella term encompassing post-secondary degrees, diplomas, GEDs, licenses, and industry-recognized certifications. A credential must be awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are generally based on standards developed or endorsed by employers.

Figure 1. Credential Examples

1. Educational diplomas, certificates and degrees	2. Registered apprenticeship certificates	3. Occupational skills licenses	4. Industry-recognized or professional association certification; also known as personnel certifications	5. Other certificates of skill completion
Issued by an educational institution, which is most often the designer of the credential and the developer of the associated curriculum.	Issued by the federal government. These certificates signify completion of—or interim steps within—registered apprenticeship programs. These certificates may also be issued by a state apprenticeship office, if applicable.	Typically, but not always, awarded by state government agencies. Licenses are required by law/regulation to practice in a particular occupation. Licenses make up the majority of credentials in the U.S.	Issued by third-party, non-governmental organizations based on standards set to demonstrate professional qualifications/competencies.	A broad and less defined category that tends to focus on credentials that capture narrow competencies.

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Public and Private Credential Issuing Entities

There is a wide array of credentialing organizations nationwide. In general, they can be lumped into three categories: (1) government, (2) educational institutions, and (3) businesses, non-educational profits and industry associations.

Organizations and institutions that award industry-recognized credentials include:

- A state educational agency or a state agency responsible for administering vocational and technical education within a state.
- An institution of higher education described in Section 102 of the Higher Education Act that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs.
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, or a National Institute for Metalworking Skills, Inc. Machining Level I credential) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, Certified Novell Engineer, or a Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills and abilities.
- Employment and Training Administration's Office of Apprenticeship or a State Apprenticeship Agency.
- A public regulatory agency, upon an individual's fulfillment of educational, work experience or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license or a state licensed asbestos inspector).
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.
- Job Corps centers that issue certificates.
- An institution of higher education which is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes.

All Region VII approved Training Providers must first be approved through the MACC and by WorkForce West Virginia. NO EXCEPTIONS!

References

TEGL 15-10

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Section 8-2: High Quality Credentialing

State and federal policymakers have developed a number of different criteria for determining the quality of credentials, customized to the needs of their constituents or regions. The United States Department of Labor standard includes four qualities to look for in a credential:

Figure 2. Four Qualities to Look for in a Credential

1. Industry-Recognized	2. Portable	3. Third Party Validated/Accredited	4. Stackable
Either created or endorsed by industry, a nationally-recognized industry association or organization that represents a large portion of the industry with clear preference among local employers and regional training programs. A credential that is sought or accepted by companies within the industry for hiring or recruitment. Includes credentials from vendors, e.g., Microsoft.	Recognized and accepted in settings other than in which it was earned: • In other geographic locations • At other educational institutions • By other industries • By other companies Recognized broadly (not only locally), among both employers and educational institutions, for the purposes of further education leading to additional advanced certificates.	Credentials are held to a higher standard of quality when they are accredited, for much the same reasons that the federal government requires third-party accreditation of colleges to be financial aid eligible. There are two main organizations that do this work- the American National Standards Institute and the Institute for Credentialing Excellence. These agencies focus primarily on validating that the assessments used in the credentialing process accurately assess the skills and experiences that are preferably embedded within the credential.	A credential that is a part of a sequence of credentials that can be accumulated over time to build an individual's qualifications and help them move along a career path to different and potentially higher-paying jobs. In the most basic sense, this refers to the career pathways concept that credentials should be linked, with lower-level content stacking to upper-level content, allowing an individual to earn further education and progress to higher paying jobs over time. Examples include a diploma or GED, or associate's, bachelor's, and master's degrees.
<u>References</u> TEGL 15-10			

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Section 8-3: Frequently Asked Questions

Q: Do Workforce Development Board (WDB) approved credentials, including the National Career Readiness Certificate (NCRC), count as a credential?

A: No. As of Program Year 2020, with the implementation of WIOA, no WDB approved credentials will count toward positive performance calculations, even if there is local policy stating otherwise. Further, WDB approved credentials will not be found as acceptable source documentation during Data Validation reviews covering Program Year 2020 and forward. This includes the NCRC. Given that Data Validation reviews cover former participants, WorkForce West Virginia will not be penalized for WDB approved credentials that meet the requirements as stated in TEGL 15-10, and were attained prior to the implementation of the WIOA.

Q: Does completion of On-the-Job Training (OJT) count as a credential?

A: Completion of an OJT does not automatically count as a credential. If, however, the individual receives an industry-recognized certificate demonstrating attainment of technical or occupational skills as a result of the OJT, that certificate will count.

Q: Can a certificate of attendance or a sign-in sheet be used to verify a credential?

A: Because skills gained must be measurable, a certificate of attendance or sign in sheet does not verify credential attainment.

Q: Does a ServSafe, Cardiopulmonary Resuscitation (CPR) certificate, or Occupational Safety and Health Administration (OSHA) certificate count as a credential?

A: No. While ServSafe, CPR, or OSHA training may provide benefit to participants as they begin to gain general knowledge about occupations and occupational standards, participants are unlikely to gain employment or advance within an occupation based solely upon receiving a ServSafe, CPR, or OSHA certificate. For all participants enrolled as of November 19, 2014, the initial effective date of the WIA manual, CPR and OSHA certificates may not be reported as credentials. For those participants enrolled in WIOA, ServSafe certificates may not be reported as credentials.

Q: What if a participant successfully completes a college degree in August, but the university only issues diplomas in December and May?

A: The student's transcript will list the date of degree attainment as a date in August following completion of courses. This is the preferred method of reporting for these participants. Should the transcript not be available; or, in a rare event, list the date of attainment as the next mass graduation date (December), the local WDB has two options:

- 1) Provide the participant with an appropriate additional service to extend enrollment to ensure the credential is in the file and entered in the One-Stop Management Information System (MACC) prior to exit; or
- 2) Exit the participant with a MACC reminder set to obtain verification from the participant following the issuance of the official degree. Enter the attainment and the

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date of attainment (the date on the degree). The credential must be received prior to the third quarter following the quarter of exit to count toward performance measures.

Q: Can I use an unofficial GED transcript to verify credential attainment?

A: No. The unofficial transcript does not have the date of attainment, which is the date that the State of West Virginia verifies and issues the official certificate.

References

TEGLs 15-10 and 06-14

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Chapter 9: Rapid Response

Section 9-1: Introduction and Overview

Introduction

The purpose of Rapid Response is to promote economic recovery and vitality by developing an ongoing, comprehensive approach to identifying, planning for and responding to layoffs and dislocations and preventing or minimizing their impacts on workers, businesses and communities. Rapid Response is a primary gateway to the workforce system for both dislocated workers and employers and is a component of a demand-driven system.

Successful Rapid Response programs are flexible, agile and focused on promptly delivering comprehensive solutions to businesses and workers in transition. Rapid Response, when operated successfully, delivers on the promises that the workforce system makes to businesses, workers and communities—to provide economically valuable solutions to businesses and critically important services to workers at the time when they are most needed.

To ensure high quality and maximum effectiveness, successful Rapid Response strategies must include at least the following:

- Convening, Facilitating and Brokering Connections, Networks and Partners
 - Effective Rapid Response networks develop and maintain a comprehensive set of partnerships
 - Effective Rapid Response and layoff aversion occur where strong, diverse partnerships exist with:
 - Economic Development
 - Education Providers
 - Business Associations
 - Other State and Local Governmental Organizations
- Strategic Planning, Data Gathering and Analysis Designed to Prepare for, Anticipate and Manage Economic Transition
 - Effective Rapid Response networks have access to real-time information on layoffs and growth, as well as information on available skilled workers for growing companies
 - Effective Rapid Response networks develop early warning networks and systems to understand economic transition trends within industries, communities, or at specific employers, and plan strategies for intervention when necessary and appropriate
 - Strategic planning and data gathering and analysis are not only a function of Rapid Response, but of the local area's larger demand-driven system
- Informational and Direct Reemployment Services for Workers
 - Local areas should provide the widest array of services possible based on the needs of the workers and the employer
 - Provision of information and access to unemployment compensation benefits and

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programs, comprehensive One-Stop services, and employment and training activities (including information on the Trade Adjustment Assistance Program, Pell Grants, the GI Bill and other Resources) should be present in strategies

- Solutions for Businesses in Transition; Growth and Decline
 - Rapid Response is a business service that builds and maintains relationships with employers across the business cycle
 - Rapid Response is more than a single, on-site visit in response to a Worker Adjustment Retraining Notification (WARN) Act notice

Rapid Response in a Demand-Driven System

The planning and information gathering necessary for effective Rapid Response also establishes an awareness of and familiarity with the talent needs of a region, and allows the workforce system the ability to strategically meet the needs of both hiring employers, and those facing layoffs. Providing an environment to engage industry leadership on a broad range of workforce issues facilitates the identification of necessary resources. Convening employers, and when appropriate, partners and other resources, allows comprehensive dialogue between employers and training institutions, resulting in collaborative problem-solving; creating unique approaches to career pathways; addressing curriculum strategies and ultimately enhancing competitiveness and reducing the potential for future layoffs.

In a demand-driven system, employer engagement results in:

- Employers identifying industry demand and vacancies
- Employers providing direct input into the design of educational program offerings that directly respond to industry identified demand and curriculum addresses occupational skill requirements (work-based learning)
- State and local services and programs align with industry's need for workers and skills
- The State's eligible training provider list includes programs representing high-demand occupations based on input from employers

The overarching objective is to adapt the workforce system to help ensure the production of workers with skills and competencies that align better with industry, and thus increase employment and retention. Pre-existing relationships can build the trust needed to share information and to create a dialogue with employers to encourage them to seek assistance before it is too late. Economic and market intelligence gathering is more robust if there are positive working relationships with business and industry groups that are developed outside of specific dislocations. Employers should be comfortable approaching the workforce system when they are looking for new workers, seeking assistance to avert a layoff, and helping their workers transition to a new job in the event they have to end their local operation. Therefore, it is critical to develop a long-term strategy to engage employers and develop a relationship with them both to earn their trust and to ensure that they understand the full range of business solutions offered through the local workforce system, including but not limited to, Rapid Response.

Thus, the state's Sector Strategy approach, which focuses on aligning efforts – initiatives, programs, and funding - around priority clusters for a demand-driven workforce system, helps facilitate such employer engagement. Through extensive labor market research, the Workforce

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Development Board (WDB) has initially identified four priority clusters including; energy, healthcare, information technology, and advanced manufacturing and is driving workforce development efforts toward meeting the skill needs within these clusters. This approach is in partnership with employers, WorkForce West Virginia, the state Community and Technical College system, local economic development entities, local education and training providers, and statewide trade associations. A key activity of the Sector Strategy approach is the convening of groups of employers to identify and develop solutions to address workforce needs along the entire business cycle continuum.

Sector Strategies seek to:

- Implement an employer-based demand-driven system for workforce development using an industry cluster approach
- Take the industry cluster approach to statewide scale
- Increase employer-sponsored training
- Obtain accurate data on jobs in-demand and skill gaps
- Establish a Strategic Training Fund to sustain the demand-driven workforce system to better address skill gaps

Section 9-2: Process and Procedures for Responding to Notifications of Plant Closures and Layoffs

Responding to WARN or other dislocation event

The Workforce Innovation and Opportunity Act (WIOA) holds states responsible for the provision of Rapid Response services. The WDB maintains responsibility for ensuring compliance with federal and state requirements, implementation of program initiatives, and providing support, guidance, technical assistance and financial resources to the local service delivery areas. As such, the WDB WIOA Title I Section will remain the state's designated recipient of WARNs to fulfill its statutory requirements. However, it is the expectation that the WDB and WorkForce West Virginia, along with other key partners, will act in coordination during all layoffs in a particular region regardless of the size of the event.

Each WDB must identify a lead Rapid Response staff person to ensure that all Rapid Response partners are included in the Rapid Response process. Because of the uniqueness of each event and the necessity of WorkForce West Virginia to sustain established relationships, the WDB recognizes that flexibility is key. The following provides guidance on response:

Receipt of Notification

Notification (whether a WARN, a substantial layoff, or smaller event) comes through various channels to the WDB, WorkForce West Virginia and even other partners. The important factors

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in the response process are making all partners aware of the notice, immediate contact with the company, and gathering information to disseminate for planning of services.

- When WDB WIOA Rapid Response staff or WorkForce West Virginia staff receives information regarding the event, they should immediately contact the other to start the response process.
 - A mutual determination should be made as to who will contact the employer. Whomever contacts the employer should attempt to secure the following information:
 - Company Name (including address and telephone number)
 - Company Contact Name and Title
 - Description of the business, including North American Industry Classification System (NAICS) code
 - Type of dislocation (Mass Layoff or Plant Closure)
 - Notification type (WARN, news article, letter, phone call, other)
 - Number of impacted workers and total workers at the facility
 - Brief description of impacted employee skill sets and corresponding occupations that can be linked to a Standardized Occupational Classification code.
 - Identification of potential days and times for a Rapid Response meeting and/or Worker Orientation
 - A determination should be made as to what other partners need to be notified and how they will take part in the process. Other partners may include:
 - Unemployment Insurance (UI)
 - Job Service
 - Division of Rehabilitation Services (DRS)
 - Department of Human Services
 - Union Official
 - The lead contact will be responsible for the timely dissemination of information to other partners and key stakeholders to ensure accurate and up-to-date information is available and communicated.
 - When a meeting date is determined (whether for Rapid Response or for a Worker Orientation) the WDB will ensure coordination of UI representation.

Rapid Response and Worker Orientation Meetings

- Rapid Response (RR) Meeting
 - The initial Rapid Response (leadership) meeting should include WorkForce West Virginia staff and the WIOA Rapid Response staff and other local partners as necessary, company officials and employee representation (union or other). The meeting is intended to discuss business services and solutions that may avert or lessen the impact of the

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layoff. Each partner has a role in the meeting that adds value to the process as a whole. A Rapid Response meeting should include:

- The opportunity to gather information regarding the layoff, timelines, and demographic information and skill sets of the affected workers;
- Dissemination of information to assist both the business and worker through the transition to reemployment.
- Worker Orientation (WO)
 - WOs are scheduled to provide information on available services to the impacted employees. The WO should be tailored to the specific needs of each unique group of affected workers. Standard practice at a WO includes:
 - Other partners from the local One-Stop Service Centers and community agencies presenting information and providing informational materials
 - The meeting may not always follow a Rapid Response (leadership) meeting due to timing of the layoff or lack of cooperation from an employer.

Inability to Schedule a Rapid Response or Worker Orientation Meeting

Scheduling a meeting is not always feasible. Workers may be laid off prior to the Rapid Response Team being notified, the employer does not want a meeting, timing of events does not allow for the process to play out, or other reasons may come into play. Because information and data are always helpful in determining strategy for delivery of services, the appropriate Rapid Response staff, or other Business Solution Professionals, Business Service Teams, etc.) should attempt to obtain the information in the Rapid Response Data Form to be shared with the Rapid Response Team and arrange for One-Stop and partner services information to be distributed to the impacted employees.

The RR Data Form should be used when a business closes without prior notification. The WorkForce West Virginia or WDB Rapid Response staff should complete, to the best of their ability, and email to their WIOA Rapid Response Coordinator. The information from the RR Data Form, along with the Dislocated Worker Survey data is used to:

- Keep WorkForce West Virginia fully informed of dislocation events and their potential impact on local communities;
- Respond to Legislative and other inquiries;
- Enable the WDB to make informed budgetary decisions with respect to allocation of State Adjustment Grants (SAGs) and WIOA discretionary funding.

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Section 9-3: Enhancing Your Rapid Response System

Additional Tools for a Robust Rapid Response System

- Early Warning Systems as part of a Layoff Aversion Policy

Early warning systems are necessary to ensure a timely response to worker dislocations. Layoffs can be identified in a variety of ways, including but not limited to; discussions with employer representatives or employee meetings with organized labor, increased Unemployment Insurance claims, press attention, a WARN Act notice or Trade Act petition. Systems should be in place to regularly and proactively monitor all of these notification channels.

Proactive systems rely on good intelligence. Their value to economic development efforts can be increased by providing ready access to information regarding available talent. States and local areas gain a competitive advantage when they can leverage accurate information about national and regional economic trends, current and long-range labor market information, new business development and impending layoffs, regional assets, services, and education and training resources. Rapid Response providers can gather information from published data and information sources, but an active communication network should be integrated into a stakeholder network.

Please note that currently congruent with WorkForce West Virginia Rapid Response policy, any layoff event of fifty (50) or more persons requires the state agency to take the lead. In the event of a layoff with forty-nine (49) or less persons, the Region VII WDB will take the lead in coordinating Rapid Response efforts and services. Unless specifically requested by the employer, the Region VII WDB does not typically provide Rapid Response services in instances when less than twenty (20) persons are affected.

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- State Adjustment Grants (SAG)

Rapid Response funds may be reserved for the Governor's discretionary use under the WIOA. Discretionary Rapid Response funds, and SAGs, may be used for statewide Rapid Response activities to provide additional assistance to local areas that experience mass layoffs, plant closings, or other events that precipitate increases in the number of individuals seeking dislocated worker services. Activities funded by these grants must be consistent with the WIOA Dislocated Worker (DW) guidelines.

SAGs are to support significant dislocation events with temporary time-limited funding. These funds are not intended to replenish general formula shortfalls or fluctuations in annual allocations. Rather, they support services for those dislocation events that have been reported and documented at the state level.

Typically, SAGs will not be awarded in the first quarter of the program year. However, requests submitted during the first quarter will be evaluated on a case-by-case basis. WorkForce West Virginia will award SAG funding using the following criteria:

- Prior year expenditures and draw-downs of WIOA Adult and DW funding
- Current year WIOA Adult and DW expenditures and draw-downs
- Amount of WIOA Adult and DW prior year funds carried into the current Program Year
- Current and prior year WIOA performance measure outcomes
- Prior year Data Validation outcomes
- Analysis of prior SAGs comparing planned participants and activities provided to actual participants and activities
- Assurance that the funding will be expended by the end of the current Program Year
- Current and prior National Emergency Grant expenditures and enrollments

As data assists in planning and strategizing for delivery of services, participants served with SAG funding will be identified and tracked in the One-Stop Management System (MACC). A unique identifier will be provided when SAG funding is awarded. The award letter will include specific MACC instructions.

All reporting of fiscal expenditures of SAG funds must be reported to WorkForce West Virginia on a quarterly basis. All quarterly financial expenditure reports are due to the WorkForce West Virginia no later than the 15th calendar day after the end of the calendar quarter. In the event that the due date falls on a weekend or state government holiday, the report is due on the last business

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day prior to the 15th. Submit reports to the Mid-Atlantic Career Consortium (MACC) at: <http://www.workforcewv.org>. If there are any questions, please call Mr. Brock Jarrett at (304) 558-7024.

If the Region VII WDB should require additional Rapid Response funding, such requests shall be submitted by e-mail to the attention of their WIOA Rapid Response Coordinator or other designated state official. Questions regarding SAG requests, use of funds, strategies for affected worker or any other process questions should be directed to the state WIOA RR Coordinator.

- Dislocated Worker Survey

Obtaining additional federal funding for employment and training programs through the United States Department of Labor (USDOL), such as National Dislocated Worker Grants (NDWGs), is contingent on West Virginia's ability to substantiate need for such funds. Accurate data from the affected dislocated worker population is a critical component for pursuing NDWGs, including the planned participant count, as well as demographic information such as: income status, employment background, education and skills acquired, future career plans, job search needs, job readiness and desire for additional training.

WorkForce West Virginia has developed a Dislocated Worker Survey (DWS) to assist in gathering data for a specific dislocation. The DWS aggregate data is used to produce a "labor shed snapshot" that is shared with the local boards and partners. Completed DWS results will assist in the application for a NDWG, comparison of dislocation events, and allow for examination of trends by region or industry.

The DWS is available in hard copy only at this time. Please contact your regional WIOA RR Coordinator to receive surveys and set up a process to collect the data and return for processing.

- National Dislocated Worker Grant (NDWG)

NDWGs are discretionary funding awarded by the Secretary of Labor to serve dislocated workers and other eligible individuals affected by major economic dislocations, emergencies or disasters.

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Early assessment of the needs and interests of affected workers, through such methods such as Rapid Response activities including the DWS, allows the WDB to have a better understanding of the needs and interests of the impacted workers.

WorkForce West Virginia will work with a local area to determine if applying for a NDWG is the appropriate action to secure additional funding to service the affected workers. Please contact your regional WIOA RR Coordinator for further information.

References:

WIOA Section 134 (a)(2)(A)

TEGL 31-11, 32-11

Notice of Proposed Rule Making (NPRM) 682.300 – 682.370

Attachment 01: Adult & Dislocated Workers Eligibility Checklist

Note: Some acceptable source documents for eligibility may not be acceptable as source documents for Data Validation purposes.

ADULT AND DISLOCATED WORKERS	
GENERAL ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
BIRTH DATE/AGE Note: Applicants must be age 18 or older at the time of registration to participate in this program.	• Baptismal or Church Record (If Date of Birth is Shown) • Birth Certificate • DD-214 Form (Report of Transfer or Discharge) • Driver's License • Federal, State or Local Government Issued Identification Card • Hospital Record of Birth (If Full Name is shown) • Passport • Public Assistance/Social Service Records • School Records/Identification Card • Work Permit
U.S. WORK AUTHORIZATION Note: For changes to the list of acceptable identity and work authorization documents since the November 1991 revision of the INS Form I-9, go to: http://www.uscis.gov/graphics/formsfee/forms/i-9.htm .	• One Verification Source From List A of the I-9 Form OR • One Verification Source from List B AND One Verification Source From List C of the I-9 Form
SELECTIVE SERVICE REGISTRANT Note: Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with Section 3 of the Military Selective Service Act. Each male who turns 18 years of age during the WIOA participation must also submit evidence that he has complied with the requirements of the Military Selective Service Act.	• Acknowledgement Letter • Form DD-214 • Screen printout of the Selective Service Verification Internet site: www.sss.gov • Selective Service Status Information Letter² • Selective Service Registration Card • Selective Service Registration Record (Form 3A) • Selective Service Verification Form • Stamped Post Office Receipt of Registration

¹ Men who separate from active military duty for any reason before they turn age 26 must register for Selective Service. See "Who Must Register" chart at www.sss.gov/must.htm for specific military-related requirements.

² Since January 1995, the Selective Service System has been issuing "status information letters" in lieu of previous system of "advisory opinion letter."

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DISLOCATED WORKERS	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP A–Terminated/Laid Off	
(A) i. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; AND	•Worker Adjustment and Retraining Notification Act (WARN) notice •Photocopy of a printed media article or announcement describing the layoff. The photocopy must include the name of the medium in which published and the date of publication •Employer or union representative letter or Statement •Applicant Statement
(ii) (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 a State unemployment compensation law; AND	•Unemployment Insurance records •Statement by an Unemployment Insurance Representative •Pay check stubs •W-2 and/or Tax Returns •Unemployment Insurance records •Statement by the employer or union representative
(iii) Is unlikely to return to a previous industry or occupation.	•Worked in a declining industry or occupation as documented on a state or local/regional labor market information list •Documented lack of job offers or rejection letters from employers in the prior industry or occupation

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DISLOCATED WORKERS (continued)	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP A–Terminated/Laid Off (continued)	
(iii) [continued] Is unlikely to return to a previous industry or occupation.	•Applicant Statement •Internet site, such as Talent Connect that indicates lack of industry/occupation availability •Screen print of local or regional Labor Market Information screen that indicates lack of industry/occupation availability •Doctor statement indicating applicant's inability to return to previous industry/occupation due to physical limitations •Vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations
ELIGIBILITY GROUP B–Plant Closure/Substantial Layoff	
(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; Note: In the case of downsizing or workforce reduction when it is unclear which employees will be affected; a layoff notice is appropriate. OR	•Closure or substantial layoff: •Bankruptcy documents, if declared under <i>Chapter 7</i>, Title 11 U.S.C. Notice of foreclosure, or a similar document, provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication •Statement from the employer or union representative •Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual •Copy of a valid WARN notice provided by the employer or authorized representative •Telephone Verification •Applicant Statement Notice of Layoff or Laid-off: •Copy of other specific notice to employee of intent to lay-off •Employer or union representative letter or statement

DISLOCATED WORKERS (continued)

ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP B—Plant Closure/Substantial Layoff (continued)	
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) For purposes of eligibility to receive services other than career or training services, or support services, is employed at a facility at which the employer has made a general announcement that such facility will close, with no date given.	•Bankruptcy documents, if declared under <i>Chapter 7</i>, Title 11, U.S.C. Notice of Foreclosure or a similar document provided by a financial institution, when such document clearly shows that a closure or mass layoff will occur as a result of its issuance •Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication •Statement from the employer or union representative •Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual
ELIGIBILITY GROUP C—Self-employed	
(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.	•Bankruptcy documents listing both the name of the business and the applicant's name •Business License •Copy of a Completed Federal Income Tax Return (Schedule SE) for the most recent tax year •Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication •Copy of Articles of Incorporation for the business listing the applicant as a principal •Applicant Statement
ELIGIBILITY GROUP D—Displaced Homemaker	
5. Is a displaced homemaker. OR	•Pay Stubs or Records •Court Records •Divorce Papers •Bank Records •Notice of Eligibility and Benefits from a Public Assistance Agency •Spouse's Layoff Notice •Spouse's Disability Check •Spouse's Death Notice •Employer Verification •Verification of Job search

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•Applicant Statement

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DISLOCATED WORKERS (continued)	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP E—Spouse of a Member of the Armed Forces	
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.	

MISCELLANEOUS CRITERIA	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
ADULT PROGRAM PRIORITY	
The definition of low-income individual applies to the priority to serve low-income adults and eligible youth.	

VETERANS' PRIORITY OF SERVICE

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A veteran/covered person, as defined in Section 4215 of the Jobs for Veterans Act, is entitled to priority of service under the WIOA Title I programs, e.g., Adult, Youth and Dislocated Worker.	•DD 214 •Veterans Administration Letter or Records
NOT EMPLOYED	
Use WIASRD, Item 115 definition.	•Applicant Statement
UNDEREMPLOYED	
Applies to adult, dislocated worker, and youth.	•Employment Specialist or Case Manager's Determination •Telephone Verification •Applicant Statement

Attachment 02: Youth Eligibility Checklist

Note: Some acceptable source documents for eligibility may not be acceptable as source documents for Data Validation purposes.

YOUTH	
GENERAL ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
School Status	• Applicable records from education institution (GED certificate, diploma, attendance record, transcripts, drop out letter, school documentation) • WIA intake or registration form • State MIS • Self-attestation
The general eligibility criteria for youth are the same as for adults and dislocated workers: • Birth Date/Age; • U.S. Immigration and Naturalization Service, Work Authorization, and Selective Service Registration.	See adult and dislocated worker general eligibility criteria
ECONOMIC ELIGIBILITY CRITERIA (Only one economic eligibility criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
CASH PUBLIC ASSISTANCE Note: The applicant receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program.	• Authorization to Receive Cash Public Assistance • Public Assistance Check • Public Assistance Identification Card Showing Cash Grant Status • Public Assistance Records/Printout • Refugee Assistance Records/Printout • Signed Statement from Health & Welfare • Telephone Verification
FAMILY INCOME Note: Documentation should be provided for each applicable inclusive income source received by the applicant and each family member for the six-month income period immediately preceding the determination date. It is necessary to verify family size when utilizing family income eligibility. An applicant who claims little or no income must submit a statement that little or no income was received during the past six months, and that he/she was not employed for that period.	• Accountant Statement • Alimony Agreement • Award Letter from Veterans Administration • Bank Statements (Direct Deposit) • Compensation Award Letter • Court Award Letter • Employer Statement • Farm or Business Financial Records • Housing Authority Verification • Pay Stubs • Pension Statement • Public Assistance Records • Applicant Statement • Quarterly Estimated Tax for Self-employed Persons (Schedule C) • Social Security Benefits Records • Telephone Verification with Employer • Unemployment Insurance Documents and/or Printout

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YOUTH (continued)

ECONOMIC ELIGIBILITY CRITERIA

(Only one economic eligibility criterion in the left column need be verified)

ACCEPTABLE DOCUMENTATION

(Only one document from this column per eligibility criterion is required)

FAMILY SIZE/ INDIVIDUAL STATUS

Note: In addition to documentation of family size, additional documentation may be required to establish that the family is living in a single residence. Persons ordinarily included in the definition of family, but claiming to be no longer dependent, must attest to their individual status. The head of household in which that person resides, if possible, should corroborate such statement. Individual must also show source of support.

Note: A social security card is invalid if not signed by the number holder, unless health or age prevent signature.

- Lease
- Telephone Verification
- Birth/Baptismal Certificates or Church/Hospital Records of Birth
- Decree of Court
- Divorce Decree
- Social Security Cards
- Alien Registration Cards
- Landlord Statement
- Marriage Certificate
- Medical Card
- Public Assistance/Social Service Agency Records
- Written Statement from a 24-Hour Care Facility or Institution (e.g. Mental, Prison)
- Most Recent Tax Return Supported by IRS Documents (e.g. Form Letter 1722)
- Applicant Statement

FOOD STAMPS

Note: The documentation listed must show that the applicant is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

- Authorization to Obtain Food Stamps
- Food Stamp Card with Current Date
- Food Stamp Receipt
- Postmarked Food Stamp Mailer with Applicable Name and Address
- Statement from County Welfare Office
- Public Assistance Records/Printout
- Telephone Verification with County Welfare Office

FOSTER CHILD

Note: Must be a foster child for which State or local government payments are made on his/her behalf.

- Court Records/Documentation
- County Welfare Office Records/Statement
- Medical Card
- Telephone Verification
- Verification of Payments Made on Behalf of the Child
- Written Statement from Cognizant Agency

HOMELESS

- Applicant Statement
- Statement from a Social Service Agency
- Statement from an Individual Providing Temporary Residence
- Statement from Shelter
- Telephone Verification

INDIVIDUALS WITH DISABILITIES

Note: Disability status as well as income must be verified. An individual with a disability shall be considered a family of one for eligibility purposes.

- Letter from Drug or Alcohol Rehabilitation Agency
- Medical Records
- Observable Condition
- Physician's Statement
- Psychiatrist or Psychologist Diagnosis/Statement
- Rehabilitation Evaluation
- School Official Statement
- Sheltered Workshop Certification
- Social Security Administration Disability Records
- Social Service Records/Referral

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- Veterans Administration Letter/Records
 - Vocational Rehabilitation Letter/Statement
 - Workers Compensation Records/Statement
 - Telephone Verification
 - Applicant Statement
-

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YOUTH (continued)	
ADDITIONAL REQUIREMENTS (Only one eligibility criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
BASIC LITERACY SKILLS DEFICIENT	Locally defined, may include: – Standardized Test – School Records
ENGLISH LANGUAGE LEARNER An eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and— (A) whose native language is a language other than English; or (B) who lives in a family or community environment where a language other than English is the dominant language.	- Case Notes - Applicant Statement
FOSTER CHILD Note: Must be a foster child for which State or local government payments are made on his/her behalf.	- Court Records/Documentation - County Welfare Office Records/Statement - Medical Card - Telephone Verification - Verification of Payments Made on Behalf of the Child - Written Statement from Cognizant Agency
HOMELESS OR RUNAWAY	- Applicant Statement - Statement from a Social Service Agency - Statement from an Individual Providing Temporary Residence - Statement from Shelter - Telephone Verification
OFFENDER	- Documentation from juvenile or adult criminal justice system - Documented phone call with court or probation representatives - WIA intake or registration form - Self-attestation
PREGNANT OR PARENTING	- Copy of child's birth certificate - Baptismal record - Observation of pregnancy status - Doctor's note confirming pregnancy - Self- attestation
SCHOOL DROPOUT or HAS NOT ATTENDED PREVIOUS CALENDAR QUARTER	- School Statement/Records - Applicant Statement

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Attachment 03: Region VII WDB Case Note Guidance

Youth

Listed below are examples of case notes from the intake process and case notes for registrations, activities, exit and follow-up procedures that should be entered in the One-Stop Management Information System (MACC). The sole purpose of case notes is to tell a narrative (a detailed story) of each participant that you are working with so that another employee, supervisor, or WorkForce West Virginia is able to understand the student's history of participation from barriers, actions, activities, follow through, etc. through the case note narrative. Case notes should always be truths and not reflect any personal opinions. Observations and behavior can be case noted in MACC. Case notes must be entered upon every point of contact with a participant. Every point of contact is defined as all correspondences with the participant, such as: emails, phone calls, letters, and mail outs to the students. Case notes should always be entered immediately and the subject should also be distinguishable such as Objective Assessment, Follow-up, Goal Attainment, etc.

During the intake process, note (notes may vary depending on individual):

- If client is an in-school or out-of-school youth, and if they are employed, have previous work experience, household income, and family size.
- What eligibility documentation is missing, if any.
- What type of services are they most interested in.
- If, and how, are they at risk of dropping out.
- Barriers identified.
- Recommendations on next steps that will occur to get participant engaged along with a planned next date and time to meet.

“If it’s not in MACC, it didn’t happen”

Case Notes

Case notes are a very important aspect of our job, and Career Managers (CMs) and Career Coaches (CCs) are required to update participant case notes at every point of contact with every WIOA Youth. Case notes must document all of the following:

1. Objective assessment and eligibility determination;
2. Goal development and monitored progress toward attainment of that goal. The goal attainment date must match case note date;
3. Referrals to 14 elements available during participation and who is providing the services. Monitor progress in 14 element activities;
4. Waivers (all waivers requested and approved);
5. All changes to the participant's training (program switch, attending two schools, etc.);
6. Dropped out of training with reason. Explain what you will be using as a credential;
7. Completed training and degree or certification attained, including the date in case notes; and

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8. All check requests and payments made charged under the Individual Training Account (ITA).

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Objective Assessment Case Notes: Each client receives an objective assessment of academic levels, skill levels, and service needs. The assessment shall, at a minimum, include a review of occupational skills, prior work experience, employability, interest, aptitudes, supportive service needs, and developmental needs.

Program Participation Case Notes: A client's participation begins after he/she is determined eligible and receives a service funded by the program. This is known as the participation date and must be case noted. The participation date must be case noted. Any activity provided under any of the 14 required program elements for youth initiates participation. The length of a youth's participation should be appropriate to his/her needs, as identified through an objective assessment and as documented in the Individual Service Strategy (ISS).

Skill Attainment Goal Set Date: The date the skill attainment goal is set. For the first skill goal set for younger youth this will be the participation date. All subsequent goals set will be the date they were actually set. At least one goal must be set within one month of registration. A basic skills goal must be set if youth is basic skills deficient.

Skill Attainment Goals: Goals must be measurable, based on the objective assessment and documented in the ISS. Participants are involved in identifying and setting their skill attainment goals so that they clearly understand the reason for the goal and the relationship of the goal to their education and career goals. Tracking their progress towards the attainment of their goal should be included in case notes. If a goal is not attained within 365 days from the set day, it will be counted as not attained. If a participant is exited before the goal is attained, it is count as not attained. The date of attainment, along with explanation of the tool used to assess attainment, must be accurately documented in case notes.

Work Experience Case Notes: Work experience is designed as a planned, structured learning experience that takes place in the workplace for a limited period of time. The intent of work experience is to provide youth with opportunities for career exploration, skill development and to enhance their work readiness skills in preparation for employment and not to benefit the employer. The modified DACUM skill identification process will be used for all occupations selected for work experience. It is competency based skills training and documentation of progress must be recorded in case notes. Initial placement indicating the job-site and supervisor along with supports provided must be documented. Every 30 days the contractor shall review and document the progress of year round work experience participants. Case notes need to indicate the assessment that determined that the youth was lacking in employability skills.

Summer Employment Opportunities (SEO): SEO's consist of subsidized employment directly linked to academic and occupational learning experiences. The opportunity should help youth practice academic skills as they are used in the workplace and to gain basic occupational skills needed for employment in that career field. Employment must, to the extent possible, be linked to the career and employment goal as stated in the youth's ISS. Case notes must document worksite placement and supervisor as well as incorporate the above components which validate the choice of worksite. Documentation of the training plan would serve as validation. Activities that provide linkages to academic and occupational skills training must be case noted.

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Case Management Case Notes: Case management is the provision of a client-centered approach in the delivery of services designed, 1) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using computer based technology, and 2) to provide employment and career counseling during program participant and after. In addition, case management includes broader functions like facilitation, communication, and coordination to ensure that each youth receives one on one contact and guidance as needed to participate in and benefit from the activities set forth in the ISS. All case management activities must be documented in case notes.

Supportive Service Case Notes: A supportive service is assistance that is necessary to enable eligible youth who cannot afford to pay for such assistance and who are unable to obtain supportive services through other programs to participate in authorized Workforce Innovation Opportunity Act (WIOA) activities. For youth participants such activities must correspond to the 14 WIOA elements for youth programs. Supportive services enable the participant to remain in or to gain employment, stay in training or successfully complete program participation, and are provided on an individual case-by-case basis. Case notes must include what is needed, the barrier it's resolving, the lack of assistance available from other entities, and the participant's inability to pay for the support.

Incentive Payment Case Notes: Incentive payments are funds paid to participants based on attendance, successful performance, or completion of a WIOA activity that leads to attainment of a goal as identified in the participant's ISS. Such payments are intended to motivate, encourage participant to remain in the activity or to reward good performance. Document in case notes all incentive payments.

Exit Process

All exits do occur at the end of each quarter (September, December, March, and June) beginning on the 20th of the month. Participant should be stable in employment, post-secondary education, or training.

CMs will have the week before the exit period to contact all of their participants and collect all employment or post-secondary exit information, enter case notes, and review exit files to ensure that all data element documents have been collected and are located in the participant's file. CMs will review MACC to ensure that all fields are coded correctly, ISSs are updated and all activities ended. CMs will work with all partner agencies (ex: Adult WIOA) to ensure that all exits will occur concurrently. CMs will work with the participant to develop and document a meaningful follow-up plan.

Exits are submitted to the program coordinator at the end of the quarter on and after the 20th of the month. No exits will be approved after the last day of the exit quarter. All exits must be entered in MACC in the status screen no later than the last day of the month.

CMs will complete all exit forms and input the exit in case notes (A detailed case note such as place of employment or post-secondary institution, number of hours working, wage, and

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position), close out action plans and activities, enter credential, and submit a follow-up action plan.

Once approved, the Region VII WDB Youth Coordinator will input the exit in the MACC status screen and enter the follow-up plan in the ISS if necessary.

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Follow-Up

Follow-up services are activities after completion of participation to monitor a youth's success during their transition to employment and further education, and to provide assistance as needed for a successful transition. The type of services provided and the duration of services must be determined based on the needs of the individual.

Completion of participation is determined retroactively; after 90 days without provision of a WIOA youth service or partner service, the date of the last service becomes the exit date. Supportive services and case management activities do not extend participation if they are the only services provided. Any expenses allowable during participation (supportive services and incentives) are also allowable during follow-up and should be documented in case notes and the ISS.

Follow-up is entered under the OUTCOMES section of the MACC.

Follow-up is completed quarterly during the 1st through the 4th quarters after exit.

During a follow-up, if a CM determines the participant is not transitioning well and in need of services to maintain employment or stay in training, they should immediately begin working with them to regain stability.

We will need "Supplemental Data" for follow-up. Secure documentation in the file and enter in Comments Section of Status and Outcomes Screens, as well as **Case Notes** for each quarter. (Documentation may include check stubs or employer verification, email...)

When follow-up contact is made, inquiries on employer, wage, hours, position, address, phone and other contact numbers, and name changes should be updated and recorded in case notes and the Outcomes Screen in MACC. Contact with a youth's employer or advisor should only be made with youth's express knowledge and permission.

The youth does not have to be employed by the same employer they were exited with. If the employer changes the new information should be recorded by entering it under the appropriate quarter on the Outcomes Screen. Documentation is also required in Case Notes as well.

Enter follow-up under appropriate quarter.

After the 4th quarter, follow-up is completed, the file can be put into storage, and the participant name should then be removed from your caseload list. Exit files will be kept in storage and must be retained for a certain period of time (up to seven years.)

All files should be reviewed again for accuracy in all areas (eligibility documentation, ISS/action plan, case notes) before going into storage. Write the exit date in bold on the outside of the file, upper left corner. Submit to supervisor for final review. Fiscal Year must be identified on the boxes and also be in alphabetical order.

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Region VII WDB Adult/Dislocated Worker (DW)

Listed below are examples of case notes from the intake process (which may be hand written notes) and case notes for registrations, training/intensive services, and exit and follow-up procedures that should be entered in MACC. The sole purpose of case notes is to tell a narrative (a detailed story) of each participant that you are working with so that another employee, supervisor, or WorkForce West Virginia is able to understand the participant's history of participation from barriers, actions, activities, and follow through, etcetera, and from the case note narrative. Case notes should always be truths and not reflect personal opinions. Observations and behavior can be case noted in MACC. Case notes must be entered upon every point of contact with a participant. Every point of contact is defined as all correspondence with the participant, including: email, phone call, letters, and mail outs to the participant. Case notes should always be entered immediately and the subject should also be distinguishable, such as Individual Training Account (ITA) payments, ITA check requests, supportive service requests, supportive service payments, behavior during a workshop, and follow-up, etc.

During the intake process, the following is case noted (case notes may vary depending on individual):

- If the participant is employed or unemployed, household income and family size;
- What eligibility documentation is missing;
- The type of training services or other services the participant is interested in, if any;
- The job search skills that the participant would like to work on, or the types of skills that are lacking;
- The identified barriers and the workshops that the participant may be encouraged to participate in;
- If recommendations are given and/or the participant is referred to training, or to Job Service; and
- Instructions on the next steps that are given to the participant along with a date and time to meet with a Training Provider or Job Service is also included as a component.

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Training Case Notes

Case notes are a very important aspect of our services to participants and CMs are required to update participant's case notes at every point of contact with a participant. Case notes must document all of the following:

1. Pre-training case notes (where the participant is at in the process of gathering their training information);
2. Wait-listed information (if the participant has to be wait-listed);
3. Approval of a training, including the type of program (area of study), the degree type, and the anticipated end date of training;
4. Waivers (all waivers requested and approved);
5. All changes to the participant training (a program switch, attending two schools, etc.);
6. Dropped out of training with reason including an explanation about what will be used as a credential;
7. Completion of training and indicating the degree or certification attained, including the date attained; and
8. All check requests and payments charged under the ITA.

Exit Process

All exits will occur at the end of each quarter (September, December, March, and June) beginning on the 20th of the month.

Career Coaches will have the week before the exit period to contact all of their participants and collect all participants' employment exit information, enter case notes, and review exit files to ensure that all data elements have been collected and are located in the participants' files. CCs will review the MACC to ensure that all fields are coded correctly. CCs will work with all partner agencies (Trade Adjustment Assistance (TAA), Youth, and Veterans Services) to ensure that all exits will occur concurrently.

Exits will be submitted to the WIOA Supervisor/One-Stop Director at the end of the quarter (mentioned above) on and after the 20th of the month. No exits will be approved after the 30th or 31st day of the exit quarter. All exits must be entered in MACC in the status screen no later than 30th or 31st day of the month.

Career Coaches will complete all exit forms, detail the exit in case notes, close out all action plans and activities, and ensure that the training has been closed and that the credential has been updated and entered in the status screen if the participant had training. Details in the exit case note include the place of employment, the number of hours working, wage, and position. The file will then be submitted to the supervisor for approval. Once approved, the Career Coaches will input the exit in the MACC status screen.

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EXIT / FOLLOW-UP – Region VII WDB

*****NOTE:** If an activity involves another agency/program (i.e. TAA, Youth, Veterans Services), you must coordinate with the other agency/program prior to starting the exit process.

FOLLOW-UP

Follow-up is entered under the OUTCOME section of the MACC.

Follow-up is completed quarterly during the 1st through the 4th Quarters after exit.

During a follow-up, if a Career Coach determines the participant is in need of services or finds that they are no longer employed, the Career Coach should assist the participant in need of services to maintain employment or immediately begin working with the participant to re-gain employment.

A participant is not re-registered while still in follow-up and is not eligible for funding or the entering of new activities, unless documented and subsequently approved via a Region VII WDB waiver.

Remember, “Supplemental Data” is required for follow-up. Secure documentation in the file and enter in Comments Section of Status and Outcomes Screens, as well as in case notes for each quarter. (Documentation may include check stubs or employer verification, email, etc.).

When follow-up contact is made, inquiries on employer, wage, hours, position, address, phone, and contact numbers, even name changes should be updated and recorded in case notes and the outcomes screen in the MACC.

The participant does not have to be employed by the same employer they were exited with. If the employer changes, the new employer information should be recorded by entering it under the appropriate quarter in the Outcome Section of the MACC. Documentation is also required in case notes as well.

Enter follow-up under appropriate quarter.

After the 4th quarter follow-up is completed, the file can be put into storage and the participant’s name should then be removed from the caseload list. Exited files will be kept in storage and must be retained for a certain period of time (up to seven years.)

All files should be reviewed again for accuracy in all areas (eligibility documentation, ITA or supportive services documentation, IEP/Action Plan, Case Notes) before going into storage. Write the exit date in bold on the outside of the file, upper left corner. Submit to supervisor for final review. Fiscal Year must be identified on the boxes and the files should also be placed in alphabetical order.

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Attachment 04: Layoff Aversion Guide



Layoff Aversion Guide

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Some individuals may need assistance to maintain or retain a good job by enhancing their skills or learning new technologies and procedures in an ever changing economic environment. Without appropriate training that allows existing workers to gain the necessary skills to operate new processes or technologies, employers may find it necessary to layoff workers with obsolete skills. Layoff aversion is one of the functions of the workforce system.

Layoff aversion is the prevention or minimizing of unemployment for employees of companies that have announced layoffs, or are struggling and at risk, for layoffs. Layoff aversion focuses on saving jobs, putting people back to work, shortening the length of layoff, and revitalizing communities.

The overall goal of layoff aversion is to save jobs. A workforce's knowledge and skills are the core drivers of economic competitiveness. Implementation of programs and policies to develop the workforce, investment of limited resources, and arrangement of service delivery to continually improve employee skills is paramount.

Companies and corporations make business decisions daily that affect employment, sales, suppliers, customers, vendors, and ultimately communities. Local Workforce Development Boards (WDBs) have the unique opportunity to implement proactive programs, thereby saving jobs and helping their communities grow and prosper. Documented layoff aversion strategies, including Incumbent Worker Training (IWT) may be used to serve communities.

This guide provides a definition of layoff aversion, the benefits of averting layoffs, information on identifying layoff risks, guidance on the allowable application of the Workforce Innovation and Opportunity Act (WIOA) funds to conduct layoff aversion services, including IWT with an approved project plan when using local Adult and/or Dislocated Worker (DW) funds.

Definition of Layoff Aversion

A layoff is averted when:

1. A worker's job is saved with an existing employer that is at risk of downsizing, relocating or closing; or
2. A worker at risk of dislocation transitions to a different job with the same employer or a new job with a different employer and experiences no or a minimal spell of unemployment.

Benefits of Layoff Aversion

The costs of Unemployment Insurance (UI) benefits alone constitute a substantial motivator for the implementation of layoff aversion strategies throughout the state, but there are many additional benefits that accrue to workers, employers, taxpayers, and communities when layoffs are averted.

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For workers, the loss of income and benefits associated with unemployment can be financially devastating and risks the well-being of the worker's family.

For employers, retaining a known reliable worker can save costs associated with severance; costs associated with having unfilled, vacant job openings; costs associated with recruiting and orienting a new employee with requisite skills to the procedures, culture, and systems of the company; and intangible costs, such as avoiding lower overall company morale for the remaining workers.

For taxpayers, averting layoffs saves outlays from unemployment funds and other taxpayer-funded services that the unemployed worker may draw.

Finally, for communities, averting layoffs is far less disruptive and costly compared to providing emergency food and health services to financially strained families, and the loss of property taxes associated with high home foreclosure rates.

Layoff aversion strategies authorized under the WIOA can be effective tools to assist employers in developing the skilled workforce necessary to:

- Adapt to the changing economy
- Stay in business; and
- Retain employees.

Additional benefits of a layoff aversion strategy include:

- Retaining jobs in the economy;
- Retaining critical industries in the region;
- Promoting new industry-sector growth strategies; and
- Promoting improved coordination between State agencies, WDBs, economic development, and other public and private partnerships.

Layoff Aversion Strategies and Services

There are a wide variety of approaches and strategies available to assist with layoff aversion, including early identification of at risk companies, assessing the needs of such companies, and delivering services to address risk factors.

Layoff aversion is an ongoing effort, not a one-time event. Layoff aversion activities should be conducted as local economies are contracting and expanding.

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Establishing Early Warning Networks

Early warning is a multi-stakeholder approach to identifying companies at risk early enough to be able to mount an effective layoff aversion strategy. WorkForce West Virginia should establish an early warning system to identify and track vulnerable firms and industrial sectors that might benefit from layoff aversion strategies. Early warning systems include early warning networks and community partners such as local unions, state and local economic development organizations, locally elected officials, chambers of commerce, utility companies, banks, industry groups and other institutions. Monitoring industry economic health is an essential component of a successful layoff aversion strategy and assists in providing services earlier in the continuum.

The following chart provides a checklist of early warning signs.

Early Warning Checklist: Causation Factors and Warning Signs			
<u>Facility:</u>	<u>Market:</u>	<u>Community:</u>	<u>Organization (Cont.):</u>
• Obsolete physical plant • Outmoded operating procedure(s) • Lack of spare parts • Machinery old and outdated • Speed-ups lead to older worker layoffs • Repairs not made • Inefficient production processes • Equipment not up to quality standards • Environmental problems • Facility in a rural or suburban area that is gentrifying	• Demand or sales declines • Products, processes of services become obsolete due to technological innovation • Increased domestic or foreign competition • Changes in State/national taxation, regulation, monetary policies • Change in international relations (markets or supplier/customers) • Inventory stagnant • Loss of market share • Industry sector declines	• Lack of access to raw materials, energy, products and services • Lack of skills in local Workforce • Lack of quality or availability of land or Infrastructure • Local/State tax or regulatory policies • Lack of Transportation • High insurances rates • Poor access to trucking/rail/water/air • Utility rates high, or lack of energy Available <u>Organization:</u> • Managers, skilled workers or machinery moved to new plant • New plant is opened in low-cost location • Research and development are cut Back • Fewer product lines	• Parent corporation has major problems • Corporate merger acquisition creates excess capacity • Change in profit, market targets or distribution systems • Local subsidiary is milked for other investment • Hours and overtime eliminated • Managers replaced frequently • Irregular work or production schedules • Lack of workforce training, upgrading or training cutbacks • Sales staff/marketing cuts • Aging owner(s) • Shifts reduced • Increase in subcontractors, temporary workers • Lack of management and engineering

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		Produced	talent
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Economic Trend Monitoring Activities

Economic trend monitoring is used to analyze industry trends within a region. That is, whether a particular industry is growing, stable, or declining. Monitoring trends and understanding the early warning indicators can buy time to develop an alternative to job loss. The function of trend monitoring is to identify firms at risk of leaving, or closing, prior to actual decisions by companies to shut down or relocate.

Local areas should develop collaborative partnerships with organizations and intermediaries to assist with economic trend monitoring activities and identifying appropriate interventions. There is a wide array of data that can be useful in monitoring and analyzing industry trends.

Examples include:

Labor Market Information Sources	
• Labor force and unemployment data • Employment data by industry and occupation and projected employment in these categories • Population and related demographic data	• Local economic trends and characteristics, including cost of living information • Occupational data by gender and race • Occupational wage rates and earnings data by industry and geographical area
Other Sources	
• <i>Dun & Bradstreet (D&B)</i> reporting stressed firms and industries. The <i>D&B Alert</i> tracks sudden changes in firms • <i>Moody's Industrial Manual</i> and <i>Standard and Poor's</i> provide basic information on major companies, such as facilities by location, and company performance data • <i>U.S. Industrial Outlook</i>, published by the Department of Commerce analyzes current and forecast trends for US industries by the 4-digit SIC code • WARN mass layoff notices	• Trade Act petition information • Public loan defaults often mirrored by bank and other financing problems • Layoff data from unemployment filings showing inordinate patterns of layoffs in a sector or firm • Utility company reports of usage drops • Customer and supplier knowledge • Major business magazines, regional business journals, or local and regional newspapers capture changes in management or markets; strengths and weaknesses of products; legal, labor and compliance issues, etc.

Understanding the factors that influence the decisions to remain or to relocate can assist with identifying services to provide within a region. Factors influencing business decisions to remain or relocate include:

Factors influencing Business Decisions to Remain or Relocate	
• Diversity of cost and availability of housing • Quality and cost of education and training • Quality and price of governmental services • Availability and cost of land and buildings • Safety • Proximity to robust sales market	• Proximity to supply networks and raw materials

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- Overall quality of the Community
 - Proximity to freeway corridors/transportation networks
 - Availability of appropriately skilled labor at the “right price”
 - Capacity and cost of public utilities
 - Proximity to governmental facilities, universities, community colleges and other institutions
 - Availability of public subsidies and tax advantages
-

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Consideration of Layoff Aversion Services

Layoff aversion strategies might not be a fit for every employer. Industry sectors whose strength has the most significant impact on the future of the regional workforce are the most appropriate targets for layoff aversion efforts.

For example, efforts may focus on:

- Industries paying family sustaining wages and benefits and offer job and training ladders for low-income populations;
- Industries that create greater economic spin-off activity;
- Industries that drive productivity gains in the economy and provide customers for technology advances;
- Industries that offer diversification of the economy;
- Industries that provide a foundation for new industry clusters; and
- A combination of industries that provide the greatest positive impact for the region.

Delivery of Services to Address Layoff Aversion

Layoff aversion services include, but are not limited to:

- Asset Mapping,
- Prefeasibility studies,
- Employee Buyouts,
- IWT programs, and
- Succession Planning.

Asset Mapping

Asset mapping identifies resources in the community and provides the Region VII WDB with an inventory of key resources in their local service delivery area. Key resources include entities that provide business services that align with an employer's future goals and focus on business retention, offering a broad base of advice and coaching on profitability, operations, and financing. The Region VII WDB must ensure that these resources are tapped only when it is determined that an employer targeted for assistance is in need of such services, at which time the Region VII WDB can facilitate a connection to provide the employer with contact information.

An asset mapping list includes entities with which the Region VII WDB already has relationships, such as local government; chambers of commerce; local, regional, or state economic development entities; local banks, and utility companies. Once core partners have been established and confidentiality agreements are in place, the partners can leverage other

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resources, whether public or private, to help the employer recover.

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Additional resources include:

- Local elected officials
- Two and Four-Year Colleges and Universities
- Labor and Management Associations
- Telecommunications/Media Companies
- Accounting and Law Firms
- Investment Banks
- Community-Based Organizations, and
- Other State Agencies

Prefeasibility Studies

The Region VII WDB may devise and oversee development of prefeasibility studies for the aversion of closures. Prefeasibility studies provide objective evidence as to the likelihood of an employer remaining operational or having workers explore the purchase of the company and continue its operation. The Region VII WDB must ensure the confidentiality of information collected in developing a prefeasibility study, and involve labor and management, if applicable, in the process.

Typical prefeasibility studies assess the employer's business operations in the following areas:

- Organizational Structure
- Market
- Operations/Manufacturing
- Financial
- Legal, and
- Conclusions and Methodology

A study can also serve a number of important functions, such as providing objective evidence for the likelihood of business retention or expediting worker commitment to seeking new employment. If the report confirms that there are no alternatives to closure, such information may provide "closure" to workers who might have unrealistically hoped the plant could remain in operation.

The Region VII WDB may use outside entities to conduct prefeasibility studies, but must be cognizant of cost and consider requiring that an employer match resources in the form of money or time, which provides a good barometer of an employer's willingness to follow recommendations made by the outside entity and to comply with other programmatic requirements.

Prefeasibility studies can assess the viability of a company or group to purchase the plant and keep it in operation. When the initiative to purchase the company comes from employees, (unions representing employees, or management groups representing the larger workforce) the

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employee buyout process should be an organized effort, with a well-established buyout committee.

Using Incumbent Worker Training for Layoff Aversion

The Region VII WDB may use the following considerations (assessments) to determine whether the proposed IWT is averting a layoff and whether the training itself is appropriate:

Employer and Worker Assessments

The company remains open, but it is phasing out a function which will lead to layoffs unless the workers can be retrained to perform new functions. For example, a large hospital that transitions from paper-based medical records to electronic medical records may need medical records staff with different or more advanced skills than the staff that handles the paper-based records. Unless these workers can be retrained in electronic records, the hospital may choose to layoff and hire other workers with the needed skills.

Assessments may determine:

- A worker's job has changing skill requirements as a result of external economic or market forces, significant changes in technology or operating processes, rapidly changing industry or occupational job requirements, or emergence of new products.
- Changing skill requirements are outside of normal skill growth and upkeep that would be provided by the employer.
- Training programs reasonably prepare workers to address these skill gaps.
- The employer demonstrates a commitment to retain employees or otherwise provide a tangible benefit to employees who receive IWT.
- Unless provided with training, the potentially laid-off worker does not have marketable, in-demand skills.
- New skills can be attained in a reasonable period of time.
- The worker has not received a formal layoff notice. (If a layoff notice is issued, such workers can be served with regular WIOA Adult or DW funds.)
- There exists a strong possibility of a job, either with the existing employer or a new employer, if the potentially laid-off worker attains new skills.

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Documenting “At risk”

The Region VII WDB must demonstrate that employers are “at risk” of downsizing or closing, or workers are “at risk” of dislocation prior to providing IWT. The term “at risk” means the possibility or potential of downsizing or closing exists within an industry or company.

Evidence that the employer or worker is “at risk” (a layoff could be avoided) justifies the appropriate use of local Adult and/or DW or State-level Rapid Response funds.

The most common “at risk” indicators include declining sales, supply chain issues, adverse industry or market trends, changes in management philosophy or ownership, and workers lacking in-demand skills. The following charts provide a more comprehensive list of “at risk” indicators, in four key areas.

Regional Community	
<u>Raw Materials/Transportation:</u> • Lack of access to raw materials • Lack of quality or availability of land or Infrastructure • Poor access to trucking, rail, water, or air <u>Workforce:</u> • Lack of skill in local talent pool/lack of in-demand skills • Lacking transportation • Inability to find skilled labor positions	<u>Changes in Land Use:</u> • Rising land prices due to commercial or residential development • Neighboring plants being sold and converted to non-manufacturing uses <u>Business Climate Complaints:</u> • Management complaints about taxes, energy prices, unions, poor workers • Indications that a company is looking for enterprise zone, tax breaks • High utility and insurance rates <u>Regulatory:</u> • Local/state tax or regulatory policies • Changes in state/national taxation, regulation, or monetary policies

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Industry	
<u>Market/Product Issues/Declining Sales:</u> • Products, processes of services become obsolete, due to technology innovations • Industry sector declines • Mature product • Demand or sales declines/loss of market share • Increased domestic or foreign competition, change in international relations (markets, suppliers, customers) • Three-year trend declines, worse than the rest of the industry • Loss of major customers • TAA certifications/ WARNs filed • Changes in state/national taxation, regulation, monetary policies • Supply chain problems • Stagnant inventory	<u>Labor Issues:</u> • Expired union contract or contentious labor/management relationships • Gradual corporate downsizing over time • Management asking for shorter or longer contracts than usual • Company offering to initiate severance pay clause

Company/Organization	
<u>Mismanagement/Management Instability:</u> • Managers, skilled workers or machinery moved to a new plant • Lack of management and engineering talent • New plant is opened in a low-cost location • Research and development are cut back • Fewer product lines produced/lack of new products compared to similar companies • Poor quality control, poor product design • Parent corporation has major problems • Corporate merger acquisition creates excess Capacity • Change in profit, market targets or distribution Systems • Local subsidiary is milked for other investment • Weak management practices • Nepotism, irregularities in promotions <u>Changes in Management Behavior:</u> • Increased labor relations problems • Relocation of top managers and corporate officers to another location <u>Workforce:</u> • Hours and overtime are eliminated • Irregular work or production schedules • Shift reductions/eliminations (Outside of seasonal or regularly planned reductions) • Managers replaced frequently • High turnover in plant manager, engineer, and labor relations positions	<u>Financial Problems/Disinvestment:</u> • Negative cash flow, accounts payable backlog • Overdue loans/liens • Profits used to improve or buy other plants • Lack of equipment and building maintenance • Excess dividends or payouts • Supplies arriving C.O.D. or shortages in supplies causing production snags • Paychecks bouncing • Changes in profit targets or distribution <u>Quality Problems:</u> • High number of returns • Customer complaints • Increasing costs <u>Supply Chain Issues:</u> • Loss of longstanding supplier/contract/relationships • Competing supply chains <u>Duplicate Capacity:</u> • Twin plant with the ability to make the same or related product • Outsourcing of least skilled work • Other corporate facility producing the same product in another area <u>Ownership Problems:</u> • No successor for aging or sick owner(s) • Change of ownership/new investment strategy • Ownership by a non-local conglomerate

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Company/Organization	
<u>Workforce (continued):</u> • Lack of workforce training, upgrading, or training cutbacks • Sales/marketing staff cut • Increase in subcontractors, leasing agencies, or temporary workers • Poor treatment of workforce by corporate parent or poor managers	<u>Inadequate research and development:</u> • Lack of new products • Losing product design and quality to other companies • Lack of research to cut energy costs, overhead, and inventory

Facility/Infrastructure	
<u>Building & Equipment:</u> • Obsolete physical plant • Outmoded operating procedures • Lack of spare parts • Outdated/old machinery • Speedups lead to older worker layoffs • Repairs not made • Inefficient productions processes • Equipment not up to quality standards • Environmental problems • Facility is in a metropolitan or suburban area that is gentrifying <u>Removal of Equipment:</u> • Equipment moved to a twin plant or sold to a Competitor • Loss of key equipment or minor pieces	<u>Facilities/Transport Issues:</u> • Lease of property, expiring lease • Obsolete or land-locked facility • Location in a problem neighborhood • Complaint about inadequate regional transportation system <u>Unidentified visitors and/or cosmetic improvements:</u> • Equipment or building being surveyed or appraised • Cosmetic improvements such as office spruce-up, landscaping • Consultants or other visitors the owners will not identify

The Region VII WDB in conjunction with local economic development agencies as well as key state officials remain poised to identify potential layoff situations, and may establish additional indicators for identifying companies at risk for layoff. Layoff aversion may begin as soon as an employer becomes aware of threats and opportunities that impact profitability or provide opportunities for growth.

IWT is an appropriate use of workforce funds to avert layoffs, mitigate their impacts, and maintain jobs if the Region VII WDB identifies and documents at least one indicator from any of the four categories listed above. When identifying a potential risk(s), company sales alone may not accurately reflect the true financial stability of the organization. Given the recent recession that gripped the entire country and the slow economic rebound occurring in some pockets of the economy, it is possible for a company to begin showing signs of growth or expansion and still face barriers that threaten its continued financial well-being.

Requirement that IWT Be Limited to Skill Attainment Activities

IWT is restricted to skill attainment activities. Skill attainment activities for incumbent workers are defined as: *Skills that directly benefit the worker(s) receiving the training by making them*

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more qualified in their field of employment and/or provide new skills for new product lines or processes that avert layoffs.

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The following criteria apply with regard to IWT skills attainment:

- 1) An individual is in an employment relationship with a participating employer or group of participating employers in a targeted sector utilizing IWT to upgrade the skills of their workers; and
- 2) An individual is receiving upgraded skills training:
 - a. To increase his or her skills in an occupation in which the individual already is an incumbent; or
 - b. To prepare for entry into a new occupation within the targeted workforce (i.e., the workforce of the participating employer or a group of employers).

Skill attainment refers to IWT that develops skills that directly benefit the workers receiving the training and contribute to a company's competitiveness and productivity, thereby averting layoffs.

Targeting and Aligning Layoff Aversion IWT within a Demand-Driven Strategy

Demand-driven strategies target industries based on an area's perceived comparative advantages and create relationships with key stakeholders in those industries. Ideally, demand-driven strategies help industries by improving operations, as well as enhancing industry development. Currently, many demand-driven programs identify shortages of skilled workers as a major impediment to growth.

Providing IWT is one of the most common strategies employed by practitioners to assist companies in regaining economic health. Small to mid-sized companies or businesses unable to provide resources toward training required as a result of technology or workforce change(s) may become vulnerable or "at-risk." Demand-driven strategies can provide the linkages with, and resources to assist with job retention and layoff aversion efforts. Partners include community based organizations, economic developers, rapid response staff, financial institutions, chambers of commerce, educational institutions, and trade organizations, councils, or associations.

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Attachment 28: Terms and Definitions

Included are definitions for eligibility and reporting items. Major references are included as a part of the stated definition. If no references are noted, information has been gathered from several sources, with no one source quoted.

References used are as follows:

Reference:

Denoted As:

The Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128, July 2014	(Act)
WIA Regulations, 20 CFR Part 650 and Part 660	(Reg.)
Workforce Investment Act Standardized Record Data	(WIASRD)
Training and Employment Information Notice	(TEIN)
Training and Employment Notice	(TEN)
Training and Employment Guidance Letter	(TEGL)
Job Training Partnership Act	(JTPA)

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Terms and Definitions

ADMINISTRATIVE COSTS. (Act Section 3[1]) —The term “administrative costs” means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.

ADULT. (Act Section 3[2]) —Except as otherwise specified in section 132, the term “adult” means an individual who is age 18 or older.

ADULT EDUCATION. (Act Section 203[1]) —The terms “adult education” means academic instruction and education services below the postsecondary level that increase an individual’s ability to—

- (A) read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
- (B) transition to postsecondary education and training; and
- (C) obtain employment.

ADULT EDUCATION AND LITERACY ACTIVITIES. (Act Section 203[2]) — The term “adult education and literacy activities” means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.

AMERICAN JOB CENTERS (AJCs).

See One-Stop Center.

AREA CAREER AND TECHNICAL EDUCATION SCHOOL. (Act Section 3[4]) —The term “area career and technical education school” has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302). H. R. 803—6

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BASIC SKILLS DEFICIENT. (Act Section 3[5]). —The term “basic skills deficient” means, with respect to an individual—

(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

BASIC SKILLS GOAL. (TEGL 17-05, Attachment B)

A measurable increase in basic education skills including reading comprehension, math computation, writing, speaking, listening, problem solving, reasoning, and the capacity to use these skills.

(Note: This term applies to statutory youth measures only; it does not apply to the common measures).

CAREER AND TECHNICAL EDUCATION. (Act Section 3[6]) —The term “career and technical education” has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

CAREER PATHWAY. (Act Section 3[7]; TEGL 23-14) —The term “career pathway” means a combination of rigorous and high-quality education, training, and other services that—

(A) aligns with the skill needs of industries in the economy of the state or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);

(C) includes counseling to support an individual in achieving the individual’s education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and

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(G) helps an individual enter or advance within a specific occupation or occupational cluster.

CAREER PLANNING. (Act Section 3[8]) —The term “career planning” means the provision of a client-centered approach in the delivery of services, designed—

(A) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and

(B) to provide job, education, and career counseling, as appropriate during program participation and after job placement.

CASE NOTE. (TEGL 6-14)

Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the case manager who obtained the information.

CERTIFICATE. (WIASRD Item #668, TEGL 17-05, Attachment B)

A certificate is awarded in recognition of an individual's attainment of measurable technical or occupational skills or other post-secondary degree/diploma necessary to gain employment or advance within an occupation. These technical or occupational skills are based on standards developed or endorsed by employers. Certificates awarded by workforce investment boards are not included in this definition. Work readiness certificates are also not included in this definition.

A certificate is awarded in recognition of an individual's attainment of technical or occupational skills by:

1. A state educational agency or a state agency responsible for administering vocational and technical education within a state.
2. An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs.
3. A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or a product manufacturer or developer (e.g., Microsoft Certified Database

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Administrator, Certified Novell Engineer, and Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills, and abilities.

4. A registered apprenticeship program.
5. A public regulatory agency, upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration's aviation mechanic certification, state certified asbestos inspector).
6. A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.
7. Job Corps centers that issue certificates.
8. An institution of higher education, which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes.

CHIEF ELECTED OFFICIAL. (Act Section 3[9]) —The term “chief elected official” means—

(A) the chief elected executive officer of a unit of general local government in a local area; and

(B) in a case in which a local area includes more than one unit of general local government, the individuals H. R. 803—7 designated under the agreement described in section 107(c)(1)(B).

CHIEF LOCAL ELECTED OFFICIAL. (TEGL 27-14)

See Chief Elected Official.

CLASSROOM TRAINING. (Non-Regulatory Definition)

Academic and/or occupational training conducted in an institutional setting or through distance learning using technology. Effective classroom training will provide linkages between academic and occupational learning.

COMMUNITY-BASED ORGANIZATION. (Act Section 3[10]) —The term “community-based organization” means a private nonprofit organization (which may include a faith-based organization), that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

COMPETITIVE INTEGRATED EMPLOYMENT. (Act Section 3[11]) —The term “competitive integrated employment” has the meaning given the term in

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section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705), for individuals with disabilities.

COMPREHENSIVE ASSESSMENT. (Non-Regulatory Definition)

A specialized evaluation, including diagnostic testing, the use of other assessment tools, and in-depth interviewing and evaluation to identify the interests, skill levels, abilities, barriers, and service needs of individuals. The comprehensive assessment of each applicant's basic skills, occupational skills, educational background, prior work experience, employability, career aptitude and interests, and the need for supportive services.

CONTRACTOR. (2 CFR 200.23)

Contractor means an entity that receives a contract as defined in *200.22 Contract (see below).

**Contract* means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in this part does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or sub award.

(Note: Contractor has replaced the term vendor)

COOPERATIVE EDUCATION PROGRAM. (Non-Regulatory Definition) Cooperative education is a method of combining classroom-based education with practical work experience. A cooperative education experience, commonly known as a "co-op", may provide academic credit for structured job experience in the individual's major field of study or career focus.

CORE PROGRAM. (Act Section 3[12]) —The term “core programs” means a program authorized under a core program provision.

CORE PROGRAM PROVISION. (Act Section 3[13]) —The term “core program provision” means—

- (A) chapters 2 and 3 of subtitle B of title I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);
- (B) title II (relating to adult education and literacy activities);
- (C) sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (relating to employment services); and
- (D) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741) (relating to vocational rehabilitation services).

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CREDENTIAL. (TEGLs 15-10 and 17-05)

A credential is awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation.

(Note: Work readiness credentials and those awarded by workforce investment boards are not included in this definition.)

Within the context of workforce development generally, the term “credential” refers to an attestation of qualification or competence issued to an individual by a third party, (such as an educational institution or industry, or occupational certifying organization) with the relevant authority or assumed competence to issue such a credential. “Credential” is the umbrella term encompassing post-secondary degrees, diplomas, licenses, certificates, and certifications.

A credential is a nationally recognized degree or certificate or state/locally recognized credential. Credentials include, but are not limited to, a high school diploma, General Equivalency Diploma, or other recognized equivalents, post-secondary degrees/certificates, recognized skill standards, and licensure or industry recognized credentials. States should use all state education agency recognized credentials. In addition, states should work with local workforce investment boards to encourage certificates to recognize successful completion of the training services that are designed to equip individuals to enter or reenter employment, retain employment, or advance into better employment.

CROSS-MATCH. (TEGL 6-14)

A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of an Social Security Number (SSN) in a non-WIA database is not sufficient evidence. For example, Temporary Assistance to Needy Families (TANF) participation can be determined by a cross-match with the State's public assistance database. It is not sufficient to find that the sampled SSN is present in the public assistance database; validators must also find supporting information such as dates of participation and services rendered.

CUSTOMIZED TRAINING. (Act Section 3[14]) —The term “customized training” means training—

- (A) that is designed to meet the specific requirements of an employer (including a group of employers);
- (B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and
- (C) for which the employer pays—

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- (i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and
- (ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the state, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

DATE OF EXIT. (TEGL 17-05, Attachment B)

Represents the last day on which the individual received a service funded by the program or a partner program (see definition of “exit”).

DATE OF PARTICIPATION. (TEGL 17-05, Attachment B)

Represents the first day, following a determination of eligibility, (if required), that the individual begins receiving a service funded by the program (see definition of participant).

DIPLOMA. (TEGL 17-05, Attachment B)

The term “diploma” means any credential that the state education agency accepts as equivalent to a high school diploma. The term “diploma” also includes post-secondary degrees including Associate’s Degrees (AA and AS) and Bachelor’s Degrees (BA and BS).

DISABILITY.

See Individual with a Disability.

DISLOCATED WORKER. (Act Section 3[15]) —The term “dislocated worker” means an individual who—

- (A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment; H. R. 803—8
- (ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or (II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

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- (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;
- (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) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- (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 (as defined in section 101(d)(1) of title 10, United States Code), 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 who meets the criteria described in paragraph (16)(B).

DISPLACED HOMEMAKER. (Act Section 3[16]) —The term “displaced homemaker” means 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 (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and
- (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. H. R. 803—9

DISTANCE LEARNING. (TEGL 17-07)

Distance learning is education in which students take academic courses by accessing information and communicating with the instructor asynchronously over a computer network.

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Distance learning is also referred to as technology-based learning. Technology-based learning is an umbrella term, which encompasses related terms such as on-line learning, Web-based learning (which only includes learning that occurs via the Internet), CD's and DVD's, and computer based learning (by which learning through the use of dedicated personal computers is meant). Learning is via electronic technology, including the internet, intranet sites, satellite broadcasts, audio and video conferencing, Internet bulletin boards, chat rooms, Webcasts, simulations, gaming, and a variety of mobile operations such as podcasting.

DROPOUT.

See School Dropout.

ECONOMIC DEVELOPMENT AGENCY. (Act Section 3[17]) —The term “economic development agency” includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

EDUCATIONAL GAIN. (TEGL 17-05, Attachment B)

At post-test, the participant completes or advances one or more educational functioning levels from the starting level measured on entry into the program (pre-test).

EDUCATION STATUS.

See School Status at Participation

ELIGIBLE PROVIDER. (Draft reg. 680.410)

Eligible providers of training services are entities that are eligible to receive the WIOA title I–B funds, according to criteria and procedures established by the Governor in accordance with the WIOA sec. 122(b) for adult and dislocated worker participants who enroll in training services.

Potential providers may include:

- (1) Institutions of higher education that provide a program which leads to a recognized post-secondary credential;
 - (2) Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 *et seq.*);
 - (3) Other public or private providers of a program of training services, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training; and
 - (4) Local Boards, if they meet the conditions of the WIOA sec. 107(g)(1).
- (b) In order to provide training services, a provider must meet the requirements of this part and the WIOA sec. 122.

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(1) The requirements of this part apply to the use of the WIOA title I–B adult and dislocated worker funds to provide training:

(i) To individuals using individual training accounts to access training through the eligible training provider list; and

(ii) To individuals for training provided through the exceptions to individual training accounts described at §§ 680.320 and 680.530. Training services under the WIOA title I–B may be provided through a contract for services rather than Individual Training Accounts under conditions identified in the WIOA sec. 134(c)(3)(G). These exceptions include: on-the-job training, customized training, incumbent worker training or transitional employment; instances where the Local Board determines there are insufficient number of eligible providers of training services in the local area; where the Local Board determines an exception is necessary to meet the needs of individuals with barriers to employment (including assisting individuals with disabilities or adults in need of adult education and literacy services); where the Local Board determines that it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations (where the contract does not limit customer choice); and, for pay-for-performance contracts.

(2) The requirements of this part apply to all entities providing training to adult and dislocated workers, with specific exceptions for entities that carry out registered apprenticeship programs, as described in § 680.470.

ELIGIBLE YOUTH. (Act Section 3[18]) —Except as provided in subtitles C and D of title I, the term “eligible youth” means an in-school youth or out-of-school youth.

EMPLOYMENT AND TRAINING ACTIVITY. (Act Section 3[19]) —The term “employment and training activity” means an activity described in section 134 that is carried out for an adult or dislocated worker.

EMPLOYMENT STATUS AT THE DATE OF PARTICIPATION. (TEGL 6-14)

Employed:

The participant is a person who either:

1. Did any work as a paid employee;
2. Did any work at all in his or her own business, profession, or farm;
3. Worked as an unpaid worker in an enterprise operated by a member of the family; or
4. Is one who was not working, but has a job or business from which he or she

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was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

Employed but Received a Notice of Termination or Military Separation The participant has received:

1. A WARN, or other notice that the facility or enterprise will close; or
2. Is a transitioning service member.

Not employed:

1. If the participant does not meet one of the condition described above.

(Note: Employment Status at Participation is also referred to as Employed at the Date of Participation.)

ENGLISH LANGUAGE ACQUISITION PROGRAM. (Act Section 3[20]) — The term “English language acquisition program” has the meaning given the term in section 203.

ENGLISH LANGUAGE LEARNER. (Act Section 3[21]) —The term “English language learner” has the meaning given the term in section 203.

ENTERED ADVANCED TRAINING/PLACEMENT - POST-SECONDARY EDUCATION (Youth). (TEGLs 15-10 and 17-05, Attachment B)

Advanced Training is an occupational skills employment/training program, not funded under Title I of the WIA, which does not duplicate training received under Title I. It includes only training outside of the One-Stop, WIA, and partner system (i.e., training following exit). It includes training in the Post-Secondary Education Category.

(Note: This term applies to the current WIA younger youth measures only; it does not apply to the common measures.)

Post-Secondary Education is a program at an accredited degree-granting institution that leads to an academic degree (e.g., A.A., A.S., B.A., B.S.). Programs offered by degree-granting institutions that do not lead to an academic degree (e.g., certificate programs) do not count as a placement in post-secondary education, but may count as a placement in “advanced training/occupational skills training.”

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ENTERED TRAINING-RELATED EMPLOYMENT. (WIASRD Item # 604)

Training-related employment is employment in which the individual uses a substantial portion of the skills taught in the training received by the participant. This information can be based on any job and only applies to adults, dislocated workers, and older youth who entered employment in the quarter after the exit quarter.

Training -related employment may be determined by any appropriate method or methods including:

1. Comparing the occupational code with the training activity/job;
2. Comparing the industry of employment with the training occupation;
3. Other appropriate methods.

ENTREPRENEURIAL TRAINING. (Non-Regulatory Definition) Entrepreneurial training programs assist qualified unemployed individuals who are seriously interested in starting a business in Michigan and becoming self-employed.

(Note: For additional information, refer to TEGL 17-05.)

ETHNICITY. (WIASRD Items # 104 through 110)

Hispanic or Latino – The participant is a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin (including Spain), regardless of race.

American Indian or Alaskan Native – The participant indicates that he/she is a person having origins in any of the original peoples of North America and South America (including Central America) and who maintains cultural identification through tribal affiliation or community recognition.

Asian – The participant indicates that he/she is a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent (e.g., India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan). This area includes, for example, Cambodia, China, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American – The participant indicates that he/she is a person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander – The participant indicates he/she is a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or Other Pacific Islands.

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White – The participant indicates that he/she is a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

EXIT. (TEGL 17-05, Attachment B)

The term “program exit” means a participant does not receive a service funded by the program or funded by a partner program for 90 consecutive calendar days and is not scheduled for future services. The exit date is the last date of services.

EXIT DATE. (TEGL 17-05)

The last date WIA Title I or partner services, excluding follow-up services, were received by the participant.

Once a participant has not received services funded by the program or a partner program for 90 consecutive calendar 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. If the participant receives services from multiple programs, the states and grantees may use the last or most recent date of service as the “date of exit” for use in reporting on the measures in each program.

(Note: For exceptions to the program exit definition, refer to the definition for Gap in Service.)

EXIT QUARTER. (TEGL 17-05)

Represents the calendar quarter in which the date of exit is recorded for the individual.

FAMILY. (TEGL 26-13)

The term “family” means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

1. husband, wife, and dependent children
2. parent or guardian and dependent children
3. husband and wife

Although the WIA’s definition of “family” uses the terms “husband” and “wife,” the Employment and Training Administration interprets these terms as gender neutral, based on the U.S. Supreme Court’s recent decision in *United States v. Windsor*. Consistent with ETA’s policy to recognize same-sex marriage, same-sex spouses are included within the WIA’s definition of “family.”

A person not meeting the definition of family is considered to be an individual

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(often known as a family of one). A person with a disability shall be considered a family of one.

FAMILY INCOME. (Non-Regulatory Definition)

Includes all income actually received by the members of the registrant's family during the income determination period within six months prior to application. Only the income for individuals included in the registrant's family size is considered when determining family income. In addition, the income of these family members is only to be counted during the periods persons are actually members of the registrant's family unit.

(Note: Interpretation of “husband” and “wife” as gender neutral in the WIA’s definition of “family” could impact an individual’s family income calculation.)

FOOD ASSISTANCE (Stamp) RECIPIENT. (WIASRD Item # 121 – Other Public Assistance Recipient)

An individual who is a member of a household that receives (or has been determined within the 6-month period prior to registration for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977.

For purposes of determining eligibility, a food stamp recipient is considered low income.

FOSTER CARE. (45 CFR 1355.20)

Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child in foster care is in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching payments that are being made.

FOSTER CHILD. (WIASRD Element # 131)

The participant is a person who is currently in foster care or has been in the foster care system at any time during his or her lifetime.

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GAP IN SERVICE. (TEGL 17-05)

A participant should not be considered as exited if there is a gap in service of greater than 90 days in one of the following circumstances:

1. Delay before the beginning of training;
2. Health/medical condition or providing care for a family member with a health/medical condition; and
3. Temporary move from the area that prevents the individual from participating in services, including National Guard or other related military service.

GOVERNOR. (Act Section 3[22]) —The term “Governor” means the chief executive of a state or an outlying area.

GRANT/GRANT AGREEMENT. (Draft reg. 200.51)

A legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 U.S.C. 6302, 6304:

- (a) Is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (see 31 U.S.C. 6101(3)); and not to acquire property or services for the Federal awarding agency or pass-through entity’s direct benefit or use;
- (b) Is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.
- (c) Does not include an agreement that provides only:
 - (1) Direct United States Government cash assistance to an individual;
 - (2) A subsidy;
 - (3) A loan;
 - (4) A loan guarantee; or
 - (5) Insurance.

GRANTEE. (2 CFR 200.51)

The definition of “grantee” refers to a recipient of funds under a grant or grant agreement. Grantees are also referred to as recipients in these regulations.

GROUP COUNSELING. (Non-Regulatory Definition)

Where staff and employers identify specific behaviors associated with obtaining and retaining employment. Group Counseling can also be conducted for supportive

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service needs, particularly in layoff situations where large numbers of people need to receive information.

HOMELESS INDIVIDUAL and/or RUNAWAY YOUTH. (Act Section 171(b)[4]) —The term “homeless individual” means a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e– 2(6))) or a homeless child or youth (as defined in *Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).

*Section 725(2): The term homeless children and youths' —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes —

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

INCUMBENT WORKER TRAINING. (Draft Reg. 682.3209(b)[4]), TEGL 30-09)

Incumbent worker training is designed to meet the special requirements of an employer (including a group of employers in partnership with other entities) to retain a skilled workforce or to avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.

IN-DEMAND INDUSTRY SECTOR OR OCCUPATION. (Act Section 3[23])

— (A) IN GENERAL.—The term “in-demand industry sector or occupation” means—

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- (i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
- (ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.

(B) DETERMINATION.—The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the state board or local board, as appropriate, using state and regional business and labor market projections, including the use of labor market information.

INDIVIDUAL EMPLOYMENT PLAN (IEP). (Draft reg. 680.180)

An individual employment plan is an individualized career service, as described in 678.430(b), jointly developed by the participant and career planner, that may be appropriate for an individual. The plan 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. Individual employment plans 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.

(Note: the terms Individual Employment Plan (IEP) and Individual Service Strategy (ISS) are used interchangeably.)

INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY. (WIASRD Item #116) The term “individual of limited English proficiency” means an adult or out-of- school youth who has limited ability in speaking, reading, writing or understanding the English language and:

1. whose native language is a language other than English; or
2. who lives in a family or community environment where a language other than English is the dominant language.

INDIVIDUAL SERVICE STRATEGY (ISS). (Non-Regulatory Definition)

The WDA policy requires the preparation of an Individual Service Strategy (ISS) for WIOA participants. The electronic ISS sets forth a mutually developed plan between a participant and the WDB worker. The purpose of the ISS is to address barriers and assist the participant in achieving employment/training goals. This verifies the participant is aware of and understands the details of the mutually developed ISS. Final approval rests with the WDB worker. It is recommended

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the consultations be held in -person, with the participant; however, they may take place over the telephone or through the use of other alternative communication methods. An acknowledgement copy of the ISS should be provided to the participant.

The ISS should complement a comprehensive assessment completed for each participant, which assesses each participant's basic skills, occupational skills, educational background, prior work experience, employability, career aptitude and interests, and the need for supportive services. (The comprehensive assessment may include diagnostic testing.)

There is no requirement to maintain a hard copy formatted ISS in the participant's file. However, if a hardcopy is maintained, it is recommended the ISS contain signatures of both a Region VII WDB Case Manager and the participant. The ISS must be continuously updated via case notes reflecting all changes in services received, and records/documents kept. Additionally, the MACC must accurately reflect when participants meet goals and objectives of the plan(s), or as changes occur to stated goals and objectives.

INDIVIDUAL TRAINING ACCOUNT (ITA). (Draft reg. 680.600)

Training service for eligible individuals are typically provided by training providers who receive payment for their services through an Individual Training Account (ITA). The ITA is a payment agreement established on behalf of a participant with a training provider. WIOA title I adult and dislocated workers purchase training services from eligible providers they select in consultation with the case manager, which includes discussion of quality and performance information on the available training providers. Payments from ITAs may be made in a variety of ways, including the electronic transfer of funds through financial institutions, vouchers, or other appropriate methods. Payments may also be made incrementally, *e.g.*, through payment of a portion of the costs at different points in the training course.

INDIVIDUAL WITH A BARRIER TO EMPLOYMENT. (Act Section 3[24]) — The term “individual with a barrier to employment” means a member of one or more of the following populations:

- (A) Displaced homemakers.
- (B) Low-income individuals.
- (C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.

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- (D) Individuals with disabilities, including youth who are individuals with disabilities.
- (E) Older individuals.
- (F) Ex-offenders.
- (G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as H. R. 803—10 defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).
- (H) Youth who are in or have aged out of the foster care system.
- (I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- (J) Eligible migrant and seasonal farm workers, as defined in section 167(i).
- (K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- (L) Single parents (including single pregnant women).
- (M) Long-term unemployed individuals.
- (N) Such other groups as the Governor involved determines to have barriers to employment.

INDIVIDUAL WITH A DISABILITY. (Act Section 3[25]) —

- (A) **IN GENERAL.**—The term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).
- (B) **INDIVIDUALS WITH DISABILITIES.**—The term “individuals with disabilities” means more than 1 individual with a disability.

INDUSTRY OR SECTOR PARTNERSHIP. (Act Section 3[26]) —The term “industry or sector partnership” means a workforce collaborative, convened by or acting in partnership with a state board or local board, that—

- (A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—
 - (i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;
 - (ii) One or more representatives of a recognized state labor organization or central labor council, or another labor representative, as appropriate; and
 - (iii) One or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and
- (B) may include representatives of—
 - (i) State or local government;

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- (ii) State or local economic development agencies;
- (iii) State boards or local boards, as appropriate;
- (iv) a state workforce agency or other entity providing employment services;
- (v) other State or local agencies;
- (vi) business or trade associations;
- (vii) economic development organizations;
- (viii) nonprofit organizations, community-based organizations, or intermediaries;
- (ix) philanthropic organizations;
- (x) industry associations; and H. R. 803—11
- (xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

INDUSTRY-RECOGNIZED CREDENTIAL. (TEGL 15-10)

An industry-recognized credential is one that either is developed and offered by, or endorsed by a nationally-recognized industry association or organization representing a sizeable portion of the industry sector, or a credential that is sought or accepted by companies within the industry sector for purposes of hiring or recruitment which may include credentials from vendors of certain products. Consumer should be aware that in some industry sectors there may be more than one major industry association and that they may endorse or promote different credentials, and that the credentials that are sought by individual companies in an industry can vary by geographic region, by company size, or based on what product or equipment the company uses and needs workers to be able to operate. This is merely to point out that there may not be a single readily identifiable national credential for all industry sectors or occupations. There are multiple industry associations, and there are multiple product vendors that offer personnel certifications. The workforce investment system operating in a local area needs to interface with employers to determine what credentials are in demand by local employers that are hiring.

IN-SCHOOL YOUTH. (Act Section 3[27]) —The term “in-school youth” means a youth described in section 129(a)(1)(C). The term “in-school youth” means an individual who is—

- (i) attending school (as defined by State law);
- (ii) not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;
- (iii) a low-income individual; and
- (iv) one or more of the following:
 - (I) Basic skills deficient.
 - (II) An English language learner.
 - (III) An offender.

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(IV) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(V) Pregnant or parenting.

(VI) A youth who is an individual with a disability.

(VII) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

INSTITUTION OF HIGHER EDUCATION. (Act Section 3[28]) —The term “institution of higher education” has the meaning given the term in section 101, and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(a)(1)).

INTEGRATED EDUCATION AND TRAINING. (Act Section 203[11]) —The term “integrated education and training” means a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

INTERIM EMPLOYMENT.

See the term “Stop-Gap Employment.”

JOB READINESS TRAINING. (Non-Regulatory Definition)

Job readiness training provides, through classroom lecture and role play, the development of the same set of skills and understanding to be acquired through work experience. It is generally offered as pre-vocational world-of-work skills that may include showing up on time, and work place attitudes and behaviors. Job readiness training usually does not include an associated work component, but it may.

LABOR FEDERATION. (20 CFR 660.300)

Labor federation means an alliance of two or more organized labor unions for the purpose of mutual support and action.

(Note: The proposed definition remains unchanged from the definition used in the regulations under WIA at 20 CFR 660.300.)

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LABOR MARKET AREA. (Act Section 3[30]) —The term “labor market area” means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

LAST EXPECTED SERVICE. (TEGL 17-05, Attachment B)

Occurs when the participant completes the activities outlined in his or her service strategy or service plan and there are no additional services expected other than supportive or follow-up services. Last expected service may also occur in situations where the participant voluntarily or involuntarily discontinues his or her participation in services outlined in the service plan.

LAST EXPECTED SERVICE DATE. (TEGL 17-05, Attachment B)

The date used to determine when a participant becomes a part of the sampling frame for the customer satisfaction survey. In many instances, this date will be the same as the exit date. In situations where a case was ended, reopened within 90 days of the original closure date, and then ended again, the date used to determine inclusion in the sampling frame is the initial last expected service date. This date is also the date that triggers follow-up services as long as no additional services are provided (other than supportive or follow-up services) 90 days following this date.

LAYOFF AVERSION. (TEGL 12-0)

A layoff is averted when:

1. A worker’s job is saved with an existing employer that is at risk of downsizing, relocating, or closing; or
2. A worker at risk of dislocation transitions to a different job with the same employer or a new job with a different employer and experiences no or a minimal spell of unemployment.

LITERACY. (Act Section 3[31]) —The term “literacy” has the meaning given the term in section 203.

LITERACY ACTIVITIES. (Non-Regulatory Definition)

Related to basic workforce readiness; what the WIOA defines as workplace literacy is commonly referred to as workforce literacy. Workforce literacy classes attempt to replicate the environment encountered in the workplace by using work relevant materials in contextual instruction. The term “workplace literacy services” as defined by the WIOA, means “literacy services that are offered for the

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purpose of improving the productivity of the workforce through the improvement of literacy skills.” Literacy means “an individual’s ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.” Workforce technical, occupational, or vocational skills are not equivalent to basic literacy skills. These sets of skills are different in scope and require a different instructional approach to lead to student outcomes.

LITERACY TRAINING. (Non-Regulatory Definition)

The term “Literacy Training” refers to the acquisition of knowledge, skills, and competencies as a result of teaching an individual to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

LOCAL AREA. (Act Section 3[32]) —The term “local area” means a local workforce investment area designated under section 106, subject to sections 106(c)(3)(A), 107(c)(4)(B)(i), and 189(i).

LOCAL BOARD. (Act Section 3[33]) —The term “local board” means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i).

LOCAL EDUCATIONAL AGENCY. (Act Section 3[34]) —The term “local educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

LOCAL PLAN. (Act Section 3[35]) —The term “local plan” means a plan submitted under section 108, subject to section 106(c)(3)(B).

LOWER LIVING STANDARD INCOME LEVEL. (Act Section 3[36][b]) —The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

LOW-INCOME INDIVIDUAL. (Act Section 3[36]) —

(A) IN GENERAL.—The term “low-income individual” means an individual who—
(i) receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary

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assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 H. R. 803—12 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

(B) LOWER LIVING STANDARD INCOME LEVEL.—The term “lower living standard income level” means that income level (adjusted for regional, metro-politan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

MEMORANDUM OF UNDERSTANDING (MOU). (Draft reg. 361.500)

The MOU is the product of local discussion and negotiation, and is an agreement developed and executed between the Local Board, with the agreement of the chief elected official and the one-stop partners, relating to the operation of the one-stop delivery system in the local area. Two or more local areas in a region may develop a single joint MOU, if they are in a region that has submitted a regional plan under sec. 106 of the WIOA.

MIGRANT/SEASON FARMWORKERS. (Draft reg. 585.110)

Eligible migrant farmworker - means an eligible seasonal farmworker as defined in WIOA sec. 167(i)(3) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and dependents of the migrant farmworker, as described in WIOA 167(i)(2).

Eligible migrant and seasonal farmworker - means an eligible migrant farmworker or an eligible seasonal farmworker, also referred to in this regulation as an “*eligible MSFW*,” as defined in WIOA sec. 167(i).

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Eligible MSFW youth - means an eligible MSFW aged 14–24 who is individually eligible or is a dependent of an eligible MSFW.

MSFW youth - is a subset of the term *eligible MSFW* defined in this section.

Eligible seasonal farmworker - means a low-income individual who for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and faces multiple barriers to economic self-sufficiency; and dependents of the seasonal farmworker as described in the WIOA 167(i)(3).

MINIMUM WAGE. (Non-Regulatory Definition)

Payment of wages meeting the requirements of the Fair Labor Standards Act or the West Virginia Minimum Wage Law.

NEEDS-RELATED PAYMENTS. (Draft reg. 680.930)

Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs-related payments a participant must be enrolled in training.

NONTRADITIONAL EMPLOYMENT. (Act Section 3[37]) —The term “nontraditional employment” refers to occupations or fields of work, for which individuals from the gender involved comprise less than 25 percent of the individuals employed in each such occupation or field of work.

NOT EMPLOYED AT THE DATE OF PARTICIPATION (at Registration). (TEGL 17-05, Attachment B)

An individual is also considered not employed at the date of participation when he/she:

1. did no work at all as a paid employee on the date participation occurs;
2. has received a notice of termination of employment or the employer has issued a WARN or other notice that the facility or enterprise will close; or
3. is a transitioning service member.

OBLIGATIONS. (2 CFR 200.71)

When used in connection with a non-Federal entity’s utilization of funds

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under a Federal award, *obligations* means orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

OCCUPATIONAL SKILLS GOAL. (TEGL 17-05, Attachment B)

A measurable increase in primary occupational skills encompassing the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Secondary occupational skills entail familiarity with and use of set-up procedures, safety measures, work -related terminology, record keeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

(Note: This term applies to the current WIA statutory youth measures only; it does not apply to common measures.)

OCCUPATIONAL SKILLS TRAINING. (Draft reg. 681.540)

The Department defines occupational skills training as an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Local areas must give priority consideration to training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area.

OFFENDER. (Act Section 3[38]) —The term “offender” means an adult or juvenile—

(A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or

(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

OLDER INDIVIDUAL. (Act Section 3[39]) —The term “older individual” means an individual age 55 or older.

ONE-STOP CENTER. (Act Section 3[40]) —The term “one-stop center” means a site described in section 121(e)(2).

(Note: This term is also referred to as American Job Center.)

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ONE-STOP DELIVERY SYSTEM. (Act Section 121(e); Draft reg. 361.300) The term “one-stop delivery system” means a one-stop delivery system described in Section 121(e) of the Workforce Innovation and Opportunity Act of 2014. The one-stop delivery system brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that enhances access to the programs’ services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers.

ONE-STOP OPERATOR. (Act Section 3[41]) —The term “one-stop operator” means one or more entities designated or certified under section 121(d).

ONE-STOP PARTNER. (Act Section 3[42]) —The term “one-stop partner” means—
(A) an entity described in section 121(b)(1); and
(B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.

ONE-STOP PARTNER PROGRAM. (Act Section 3[43]) —The term “one-stop partner program” means a program or activities described in section 121(b) of a one-stop partner.

ON-THE-JOB TRAINING. (Act Section 3[44]) —The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

- (A) provides knowledge or skills essential to the full and adequate performance of the job;
- (B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and
- (C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

OUTLYING AREA. (Act Section 3[45]) —The term “outlying area” means—
(A) American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands; and

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(B) the Republic of Palau, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under this Act.

OUT-OF-SCHOOL YOUTH. (Act Section 3[46]) —The term “out-of-school youth” means a youth described in section 129(a)(1)(B).

The term “out-of-school youth” means an individual who is—

- (i) not attending any school (as defined under State law);
- (ii) not younger than age 16 or older than age 24; and
- (iii) one or more of the following:

(I) A school dropout.

(II) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter. (III) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—H. R. 803—
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(aa) basic skills deficient; or

(bb) an English language learner.

(IV) An individual who is subject to the juvenile or adult justice system.

(V) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(VI) An individual who is pregnant or parenting. (VII) A youth who is an individual with a disability.

(VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

PARTICIPANT. (Draft reg. 677.150(a); TEGL 17-05, Attachment B)

A reportable individual who has received staff -assisted services after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

(1) For the Vocational Rehabilitation

(VR) program, a Participant is an individual who has an approved and signed Individualized Plan for Employment (IPE) and has begun to receive services.

(2) The following individuals are not Participants:

- (i) Individuals who have not completed at least 12 contact hours in the Adult Education and Family Literacy Act (AEFLA) program;
- (ii) Individuals who only use the self-service system; and

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- (iii) Individuals who only receive information services or activities.
- (3) Programs must include participants in their performance calculations.

PARTICIPANT QUARTER. (TEGL 17-05, Attachment B)

Represents the calendar quarter in which the date of participation is recorded for the individual.

PAY-FOR-PERFORMANCE CONTRACT STRATEGY. (Act Section 3[47]) — The term “pay-for-performance contract strategy” means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) or activities described in section 129(c)(2), and includes—

- (A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training; (B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and
- (C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 189(g)(4).

“PERFORMED SUCCESSFULLY”. (Draft reg. 679.260; TEGL 27-14)

For the purpose of initial local area designation, the term “performed successfully” means that the local area met or exceeded the levels of performance the Governor negotiated with Local Board and chief elected official under the WIA sec. 136(c) for the last two full program years before the enactment of the WIOA, and that the local area has not failed any individual measure for the last two consecutive program years before the enactment of the WIOA.

- (1) The terms “met or exceeded” and “failure” must be defined by the Governor consistent with how those terms were defined at the time the performance levels were negotiated.
- (2) When designating local areas, the Governor may not retroactively apply any higher WIOA threshold to performance negotiated and achieved under the WIA.
- (b) For the purpose of determining subsequent local area designation, the term “performed successfully” means that the local area met or exceeded the levels of

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performance the Governor negotiated with Local Board and chief elected official for core indicators of performance described under the WIA sec. 136(c) or the WIOA sec. 116(b)(2)(A), as appropriate, and in accordance with a State-established definition, provided in the State Plan, of met or exceeded performance.

PHYSICAL LOCATION. (TEGL 17-05, Attachment B)

A physical location means a designated One-Stop Career Center, an affiliated One-Stop partner site, including a technologically linked access point, where services and activities funded by the program are available, or other specialized centers and sites designed to address special customer needs, such as company work sites for dislocated workers.

PLANNING REGION. (Act Section 3[48]) —The term “planning region” means a region described in subparagraph (B) or (C) of section 106(a)(2), subject to section 107(c)(4)(B)(i).

POST-SECONDARY EDUCATION. (TEGL 17-05, Attachment B)

A program at an accredited degree-granting institution that leads to an academic degree (e.g., A.A., A.S., B.A., B.S.). Programs offered by degree-granting institutions that do not lead to an academic degree (e.g., certificate programs) do not count as placement in post-secondary education, but may count as a placement in advanced training/occupational skills training.

See Entered Advanced Training.

POST-SECONDARY EDUCATIONAL INSTITUTION. (TEGL 17-05, Attachment B)

The term “post-secondary educational institution” means an institution of higher education, as defined in Section 481 of the Higher Education Act of 1965.

1. An institution of higher education that provides not less than a two-year program of instruction that is acceptable for credit toward a bachelor’s degree;
2. A tribally controlled community college; or
3. A nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

POST-TEST. (TEGL 17-05, Attachment B)

A test administered to a participant at regular intervals during the program.

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POVERTY LINE. (Act Section 3[49]) —The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

PRE-TEST. (TEGL 17-05, Attachment B)

A test used to assess a participant’s basic literacy skills, which is administered to a participant up to six months prior to the date of participation, if such pre-test scores are available, or within 60 days following the date of participation.

PREGNANT OR PARENTING YOUTH. (WIASRD Item # 127)

The participant is a person who is either under 22 years of age and who is pregnant, or an individual (male or female) who is providing custodial care for one or more dependents under age 18.

PUBLIC ASSISTANCE. (Act Section 3[50]) —The term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

QUALIFIED APPRENTICESHIP. (TEGL 17-05, Attachment B)

A program approved and recorded by the ETA Bureau of Apprenticeship and Training or by a recognized State Apprenticeship Agency or council. Approval is by certified registration or other appropriate written credential.

RACE.

Please refer to the definition for Ethnicity.

RAPID RESPONSE ACTIVITY. (Act Section 3[51]) —The term “rapid response activity” means an activity provided by a State, or by an entity H. R. 803—14 designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

(A) the establishment of onsite contact with employers and employee representatives—

(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

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- (B) the provision of information on and access to available employment and training activities;
- (C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;
- (D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and
- (E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to state economic development assistance.

RECIPIENT. (2 CFR 200.86)

A non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include sub recipients.

RECOGNIZED POSTSECONDARY CREDENTIAL. (Act Section 3[52]) —The term “recognized postsecondary credential” means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or Federal Government, or an associate or baccalaureate degree.

REGION. (Act Section 3[53]) —The term “region”, used without further description, means a region identified under section 106(a), subject to section 107(c)(4)(B)(i) and except as provided in section 106(b)(1)(B)(ii).

REGISTER. (Draft reg. Section IV)

The *(proposed)* definition of “register” means the point at which an individual seeks more than minimal assistance from staff in taking the next step towards self-sufficient employment. This is also when information that is used in performance information begins to be collected. At a minimum, individuals must provide identifying information to be registered.

REGISTERED APPRENTICESHIP PROGRAM. (Act Section 171(b)[10]) —The term “registered apprenticeship program” means an apprenticeship program—
(A) registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and
(B) that meets such other criteria as may be established by the Secretary under this section.

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Registered Apprenticeship is a national training system that combines paid learning on-the-job and related technical and theoretical instruction in a skilled occupation. Like stand-alone OJT, Registered Apprenticeship is an important component of education and training services that the workforce system can provide to its customers, and should be used as a strategy to train and employ job seekers. Registered Apprenticeships offer job seekers immediate employment opportunities that usually pay higher wages and offer continued career growth.

REGISTRATION DATE. (Non-Regulatory Definition)

All youth must be registered to receive any WIOA Title I services.

Adults and dislocated workers must be registered when they start to receive the WIOA Title I services that are not informational or self-service. Core services that do not involve a significant amount of staff time or resources and/or are primarily for the purpose of providing information should be considered as self-service or informational and registration is not required. Examples of core services requiring registration:

staff assisted job search and placement assistance, including career counseling

staff assisted job referrals (such as testing and background checks)

staff assisted job development (working with employer and job-seeker)

staff assisted workshops and job clubs

REMEDIAL TRAINING. (Non-Regulatory Definition)

Training that is necessary to raise a participant's job skill level so the participant can qualify for certain vocational skills training or help them achieve employment. There are various types of remedial training which may be required or taken in conjunction with some type of occupational training. Types of remedial training may include:

GED

Developmental Math, Reading and English as a

Second Language

REPORTABLE INDIVIDUAL. (Draft reg. 677.150[b])

An individual who has taken action that demonstrates intent to use program services and who meets specific reporting criteria of the core program, including:

- (1) Individuals who provide identifying information;
- (2) Individuals who only use the self service system; and
- (3) Individuals who only receive information on services or activities.

SCHOOL DROPOUT. (Act Section 3[54]) —The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

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SCHOOL STATUS AT EXIT. (WIASRD Data Element #153) School

Status at Exit applies any of the following conditions:

The participant:

1. Has not received a secondary school diploma or its recognized equivalent and is attending any secondary school (including elementary, intermediate, junior high school, whether full or part-time), or is between school terms and intends to return to school;
2. Has not received a secondary-school diploma or its recognized equivalent and is attending an alternative course of study approved by the local educational agency whether full or part-time;
3. Has received a secondary school diploma or its recognized equivalent and is attending a post-secondary school or program (whether full or part-time), or is between school terms and intends to return to school;
4. Is no longer attending any school and has not received a secondary school diploma or its recognized equivalent; or
5. Is not attending any school and has either graduated from high school or holds a GED.

Also include successful completion of an IEP for youth with disabilities.

(Note: Applies to WIA Younger Youth.)

SCHOOL STATUS AT PARTICIPATION. (WIASRD Item # 129) The

following categories apply to school status at participation:

In-school, High School or Less: If the individual has not received a secondary school diploma or its recognized equivalent and is attending any secondary school (including elementary, intermediate, junior high school, whether full or part-time), or is between school terms and intends to return to school.

In-school, Alternative School: If the individual has not received a secondary school diploma or its recognized equivalent and is attending an alternative high school or an alternative course of study approved by the local educational agency whether full or part-time.

In-school, post High School: If the individual has received a secondary school diploma or its recognized equivalent and is attending a post-secondary school or program (whether full or part-time), or is between school terms and intends to return to school.

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Not attending school; High School dropout: If the individual is no longer attending any school and has not received a secondary school diploma or its recognized equivalent.

Not attending school; High School Graduate: If the individual is not attending any school and has either graduated from high school or holds a General Equivalency Diploma (GED).

(Note: This is also referred to as Education Status or Education Status at Participation.)

SECONDARY SCHOOL. (Act Section 3[55]) —The term “secondary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SELF-ATTESTATION/PARTICIPANT STATEMENT. (TEGL 6-14) Self-Attestation: Self-attestation (also referred to as a participant statement) occurs when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status.

The key elements for self-attestation are: (a) the participant identifying his or her status for permitted elements and (b) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the state management information system, with an online signature.

SELF-CERTIFICATION. (Draft reg. 675.300)

An individual’s signed attestation that the information they submit to demonstrate eligibility for a program under title I of WIOA is true and accurate.

SELF-SUFFICIENCY. (Non-Regulatory Definition)

Able to provide for oneself without the help of others; independent.

SHORT-TERM PRE-VOCATIONAL SKILLS. (Non-Regulatory Definition) Such skills as communication and interviewing, professional conduct, and other services appropriate in preparing individuals for employment or training.

The USDOL considers pre-vocational skills training as an intensive service.

Standard Operating Procedures

SINGLE PARENT. (Non-Regulatory Definition)

The participant is a single, separated, divorced or widowed individual who has primary responsibility for one or more dependent children under age 18.

SKILLS UPGRADE TRAINING. (Non-Regulatory Definition)

Training that will upgrade current skills of the participant or may also include retraining in a new area.

START DATE. (Non-Regulatory Definition)

For purposes of reporting the participant's WIA activities, this date indicates the month, day, and year the participant actually begins the WIA activity.

STAKEHOLDER ENGAGEMENT. (TEGL 05-14; TEGL 06-14)

Input from state and local workforce leaders and practitioners, workforce system partners, customers, as well as other stakeholders.

STATE. (Act Section 3[56]) —The term “State” means each of the several states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

STATE BOARD. (Act Section 3[57]) —The term “State board” means a state workforce development board established under section 101.

STATE MIS. (TEGL 6-14)

Unless otherwise noted, state MIS refers to specific, detailed information that is stored in the state’s information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable source documentation in and of itself. For example, state MIS is an acceptable source of documentation for date of first training service. To be an acceptable source to validate date of first training service, in addition to the date of first training, the state MIS should have information about the type of training and the organization that provided the training. Locating this detailed information represents a deeper level of inquiry than the appearance of a date in the state MIS and makes it unnecessary for such states to validate this data element in local offices.

STATE PLAN. (Act Section 3[58]) —The term “State Plan”, used without further description, means a unified State Plan under section 102 or a combined State Plan under section 103.

Standard Operating Procedures

STOP-GAP EMPLOYMENT. (Non-Regulatory Definition)

Stop-gap employment is also referred to as Interim Employment. Stop-gap employment is employment for income maintenance prior to and/or during participation in intensive or training services with the intention of ending such employment with entry into permanent, unsubsidized employment. Stop-gap employment can be full or part-time employment. Refer to the Region VII WDB Work Experience/Internship Policy for WIOA Dislocated Workers and WIOA Adults.

SUBAWARD. (Draft reg. 675.300)

See subgrant.

SUBGRANT. (Draft reg. 675.300)

Subgrant or subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass through entity considers a contract.

SUBRECIPIENT. (Draft reg. 675.300)

A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

SUBSIDIZED EMPLOYMENT (Non-Regulatory Definition)

Subsidized employment is subsidized by state or federal funds.

(Note: On -the-Job Training (OJT) is a reportable training activity, rather than subsidized employment.)

Standard Operating Procedures

SUPPLEMENTAL SECURITY INCOME (SSI). (WIASRD Data Element # 121) The individual is a person who is receiving or has received SSI under Title XVI of the Social Security Act and/or SSDI under Title XIX of the Social Security Act in the last six months prior to participation in the program.

Individuals who are in financial need, 65 years of age or older, or needy people of any age who are blind or disabled (including children) may be eligible for SSI. SSI is paid out of Title XVI of the Social Security Act.

To qualify for SSI payments because of blindness, a person must have central visual acuity of 20/200, or less, in the better eye, with the use of a corrective lens, or visual field restriction of 20 degrees or less.

SSI payments for disability (SSDI) may be made if an individual is unable to engage in substantial, gainful activity because of a physical or mental impairment, which can be expected to result in death or which has lasted (or is expected to last) for 12 months or longer.

(Note: Supplemental Security Income (SSI) is considered Public Assistance.)

SUPPORTIVE SERVICES. (Act Section 3[59]) —The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act. H. R. 803—15

“SUSTAINED FISCAL INTEGRITY”. (Draft Reg. 679.260; TEGL 27-14)

For the purpose of determining initial and subsequent local area designation under § 679.250(a) and (c), the term “sustained fiscal integrity” means that the Secretary has not made a formal determination that either the grant recipient or the administrative entity of the area mis-expended funds due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration for the two-year period preceding the determination.

TECHNOLOGY-BASED LEARNING. (Non-Regulatory Definition)

Please refer to the definition of Distance Learning.

TRAINING PROGRAMS OPERATED BY THE PRIVATE SECTOR. (Non-Regulatory Definition)

Training programs operated by the private sector, which may include, but are not limited to, programs that combine workplace training with related instruction, including cooperative education programs.

Standard Operating Procedures

TRAINING SERVICES. (Act Section 3[60]) —The term “training services” means services described in section 134(c)(3).

TRANSITIONAL JOBS. (Act Section 134(d)[5])

Transitional jobs are a way for adults and dislocated workers with barriers to employment who are experiencing chronic unemployment or have an inconsistent work history to develop a work history and basic skills essential to keeping a job. Transitional jobs are time-limited subsidized employment in the public, private, or non-profit sectors. Transitional jobs can be effective solutions for individuals to gain the necessary work experience that they would otherwise not be able to get through training or an OJT. The goal is to establish a work history for the individual, demonstrate work success, and develop skills that lead to entry into unsubsidized employment. The difference between a transitional job and an OJT contract is that in a transitional job, there is no expectation that the individual will continue his or her hire with the employer after the work experience is complete. Refer to the Region VII WDB Work Experience/Internship Policy for WIOA Dislocated Workers and WIOA Adults.

TRANSITIONING SERVICE MEMBER. (TEGL 17-05, Attachment B)

A service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation.

“UNCOVERED” UI EMPLOYMENT. (TEGL 7-99)

While the majority of employment in a state's workforce will be "covered" in the UI wage records, certain types of employers and employees are excluded by federal standards or are not covered under a state's UI law. "Uncovered" employment typically includes federal employment, postal service, military, railroad, self-employment, some agricultural employment, and employment where earnings are primarily based on commission. Flexibility exists in methods used to obtain information on participants in "uncovered" employment. Examples include:

1. Case management, follow-up services, and surveys of participants to determine that the participant is employed; **OR**
2. Record sharing and/or automated record matching with other employment and administrative databases to determine employment. These databases include, but are not limited to, the Office of Personnel Management (Federal Career Service); United States Postal Service; Railroad Retirement System; State Department of Revenue or Tax (State income tax for self-reported occupations); U.S. Department of Defense; and Government Employment Records (state government, local government, judicial employment, public school employment, etc.).

Standard Operating Procedures

UNDEREMPLOYED. (Draft reg. 684.130)

Underemployed means an individual who is working part-time but desires full-time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement.

UNEMPLOYED INDIVIDUAL. (Act Section 3[61]) —The term “unemployed individual” means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

UNEMPLOYMENT COMPENSATION PROGRAMS. (WIASRD Item # 118)

An eligible unemployment compensation claimant is an individual who has been determined to be monetarily eligible for benefit payments under one or more state or federal unemployment compensation programs, and whose benefit year or compensation, by reason of an extended duration period, has not ended and who has not exhausted his/her benefit rights.

- Eligible claimant referred by Worker Profile Reemployment System (WPRS)
- Eligible claimant not referred by WPRS
- Exhaustee (The individual has exhausted unemployment compensation benefits.)
- Neither claimant nor exhaustee

UNIT OF GENERAL LOCAL GOVERNMENT. (Act Section 3[62]) —The term “unit of general local government” means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

UNOBLIGATED BALANCE. (2 CFR 200.98)

The amount of funds under a Federal award that the non-Federal entity has not obligated. The amount is computed by subtracting the cumulative amount of the non-Federal entity's unliquidated obligations and expenditures of funds under the Federal award from the cumulative amount of the funds that the Federal awarding agency or pass-through entity authorized the non-Federal entity to obligate.

VENDOR.

See contractor.

Standard Operating Procedures

VETERAN; RELATED DEFINITION. (Act Section 3[63]) —

(A) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(B) RECENTLY SEPARATED VETERAN.—The term “recently separated veteran” means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.

VOCATIONAL REHABILITATION PROGRAM. (Act Section 3[64]) —The term “vocational rehabilitation program” means a program authorized under a provision covered under paragraph (13)(D).

WORK EXPERIENCE. (Draft reg. 680.170 [Adult/DW]; 681.600 [Youth]) Adult/DW: For the purposes of the WIOA sec. 134(c)(2)(A)(xii)(VII), internships or work experiences are a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. Refer to the Region VII WDB Work Experience/Internship Policy for WIOA Dislocated Workers and WIOA Adults.

Youth: Work experiences are a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work experiences provide the youth participant with opportunities for career exploration and skill development. Refer to the Region VII WDB Work Experience Policy for WIOA Youth.

WORK READINESS SKILLS GOAL (Youth). (TEGL 17-05, Attachment B) A measurable increase in work readiness skills, including world-of-work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques (resumes, interviews, applications, and follow-up letters). They also include positive work habits, attitudes, and behaviors such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability involved in maintaining a job.

Standard Operating Procedures

WORKFORCE DEVELOPMENT ACTIVITY. (Act Section 3[65]) —The term “workforce development activity” means an activity carried out through a workforce development program.

WORKFORCE DEVELOPMENT PROGRAM. (Act Section 3[66]) —The term “workforce development program” means a program made available through a workforce development system.

WORKFORCE DEVELOPMENT SYSTEM. (Act Section 3[67]) —The term “workforce development system” means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a state board or local board.

WORKFORCE INVESTMENT ACTIVITY. (Act Section 3[68]) —The term “workforce investment activity” means an employment and training activity, and a youth workforce investment activity.

WORKFORCE PREPARATION ACTIVITIES. (Act Section 3[69]) —The term “workforce preparation activities” has the meaning given the term in section 203.

WORKPLACE LEARNING ADVISOR. (Act Section 3[70]) —The term “workplace learning advisor” means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

WORKPLACE TRAINING. (Non-Regulatory Definition)

Training which is designed to enable participants to gain exposure to the working world and its requirements and help acquire personal attributes, industry defined skill standards and knowledge needed to obtain a job and advancement in employment, which may include cooperative education programs.

YOUTH NEEDS ADDITIONAL ASSISTANCE. (WIASRD Data Element # 129)

The participant is a person who is between the ages of 14 and 24, and requires additional assistance to complete an educational program, or to secure and hold employment as defined by the state or local policy. Refer to the Region VII WDB Youth That Needs Additional Assistance Policy.

YOUTH WORKFORCE INVESTMENT ACTIVITY. (Act Section 3[71]) — The term “youth workforce investment activity” means an activity described in section 129 that is carried out for eligible youth (or as described in section 129(a)(3)(A)).