

Workforce Connections Programs, Services and Activities Eligibility for WIOA Title I Services	ADW-030-01
Policy Approved By: WC Executive Director Policy Adopted on: August 01, 2013	Revision No. 3 - Effective 07-01-2016

Purpose:

To establish policy and guidelines with respect to eligibility requirements for participation in programs funded in whole or in part under Title I of the Workforce Innovation and Opportunity Act (WIOA).

Background:

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

WIOA supports a more integrated, effective, job-driven workforce investment system that builds on proven practices such as sector strategies, career pathways, regional economic approaches, and work-based training. WIOA provides for a workforce system that is universally accessible, customer centered, and training that is job-driven.

Policy:

Eligibility criteria identify basic conditions that each and every individual must meet in a WIOA Title I Adult and Dislocated Worker funded program. Any individual applying to receive WIOA Title I services must first be registered and determined eligible. Participation will only occur after the collection of information to support eligibility determination is met and the registration process is complete. Providers of WIOA Title I services must have a written policy that aligns with the requirements of this policy.

Equal employment opportunity data must be collected on every individual applying for WIOA Title I financially assisted aid, benefits, services, or training.

For the rationale of registration process, information must be collected by implementing the following methods:

- a) Electronic data recorded in Workforce Connections (WC) MIS platform;
- b) Personal interview; and
- c) Individual written application.

This policy may be subject to revisions/updates as additional Federal statutes and regulations and/or State policy and guidelines are released.

References:

PL 113-128 WIOA [Secs. 3, 122, 134, 189, 194, 503] [20 CFR Part 678.430]; [20 CFR Part 680]; [20 CFR Part 683]; [TEGL 3-15]; [TEGL 10-09]; [TEGL 22-04]; [TEGL 39-11]; [TEGL 11-11 change No. 2], [SCP No. 1.6, 1.7]; [State TAG 15-3]

I. WIOA Title I Adults

To be eligible to receive career services as an **adult** in the adult and dislocated worker programs, an individual must be:

- A. 18 years of age or older; and
- B. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States; and
- C. In compliance with the Military Selective Service Act. This requirement applies to males 18 years of age or older who were born on or after January 1, 1960.

II. WIOA Title I Dislocated Worker

To be eligible to receive career services as a **dislocated worker** in the adult and dislocated worker programs, an individual must be:

- A. 18 years of age or older;
- B. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States;
- C. In compliance with the Military Selective Service Act. This requirement applies to males 18 years of age or older who were born on or after January 1, 1960; and meet the following definition: Dislocated Worker [WIOA PL 113-128 Sec. 3 (15)].
- D. The term "Dislocated Worker" means an individual who meets one of the following:
 - 1. Has been terminated or laid off, or who has received a notice of termination of layoff, from employment;
Is eligible for or has exhausted entitlement to unemployment compensation; or
Has been employed for a duration sufficient to demonstrate 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 is unlikely to return to a previous industry or occupation;
 - 2. 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;
Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services described in section 134(c)(3) of WIOA, career services described in section 134(c)(2)(A)(xii) of WIOA, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
 - 3. Was self-employed (including employment as a farmer, a rancher, or fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
 - 4. Is a displaced homemaker (see item E for definition); or
Is the spouse of a member of the Armed Forces on active duty (as defined in Sec. 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 is the spouse of the Armed Force on active duty and who meets the criteria described in Sec. 3 (16) (b) of WIOA.

State Requirement: The Qualifying Dislocation Date (QDD) must be within 36 months of the WIOA enrollment date with or without stop-gap employment. Support documentation must be collected to validate recorded information in MIS.

E. Displaced Homemaker:

The term "Displaced Homemaker" means an individual who has been providing unpaid services to family members in the home and who also meets one of the following:

1. Has been dependent on the income of another family member but is no longer supported by that income;
2. 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;
3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

III. Priority of Service for the Adult Program

- A. Sec. 134 (c) (3) (E) of WIOA establishes priority requirements with respect to funds allocated to a local area for adult employment and training activities. Under WIOA priority shall be given to: recipients of public assistance; other low income individuals; and individuals who are basic skills deficient in the provision of individualized career services.
- B. Priority of service must be established at the time of eligibility determination and will not change during the participation period. It is not necessary to determine that an adult is eligible consistent with the priority of service requirements if the adult is only seeking basic career services.
- C. WIOA priority of service provisions for adult funding does not negate the priority of service provided to veterans and eligible spouses. Veterans and eligible spouses will continue to receive priority of service among all eligible individuals, however, they must meet WIOA Title I program eligibility criteria. For example, in determining the priority of individuals, the order of priority will be as follows:
 1. Veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, are low-income individuals, or are basic skills deficient, would receive first priority of services provided with WIOA adult formula funds;
 2. Non-covered persons (individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds;
 3. Veterans and eligible spouses who are not included in WIOA's priority groups; and
 4. Non-covered persons outside the groups given priority under WIOA.
- D. The following matrix describes the order and rationale for prioritization based on the requirements of WIOA Sec. 134 (c) (3) (E), 20 CFR §680.600, 20 CFR §680.640, TEGL 3-15, TEGL 10-09, State TAG 15-3. For purposes of this section, the term "covered person(s)" refers to veterans and eligible spouses per priority of service for veterans.

Priority	Statutory Priority Group	Explanation	Priority Enrollments
First	<p>Covered persons (veterans and eligible spouses) who are:</p> <ul style="list-style-type: none"> • Low-income; or • Recipients of public assistance; or • Basic skills deficient. 	<p>Covered person who meets statutory criteria. <i>Individuals who meet both the veteran definition and additional priorities in this group are the highest priority for receipt of adult career and training services.</i></p>	<p>At least 40% of program enrollments</p>
Second	<p>Individuals (non-covered persons) who are:</p> <ul style="list-style-type: none"> • Low-income; or • Recipients of public assistance; or • Basic skills deficient. 	<p>The statutory priority criteria (low-income/public assistance/basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the statutory priority criteria. <i>Individuals who are NOT veterans, but meet the additional priorities in this group are the second highest priority for receipt of adult career and training services.</i></p>	
Third	<p>Covered persons (veterans and eligible spouses) who are not included in the first priority group.</p>	<p>Covered person in the third category (individuals who are not low-income/public assistance recipients/basic skills deficient). <i>Individuals who meet the criteria for an eligible veteran remain eligible for priority of services, in the third tier for receipt of adult career and training services.</i></p>	
Fourth	<p>Individuals (non-covered persons) who do not meet above priority groups criteria.</p> <p>This section outlines how adults may receive career and training services if they do not otherwise meet the priority group criteria above. Pursuant to Sec. 134 of WIOA, the SNWDA has developed local priorities and identified how adults who may not meet the priorities may be served.</p>	<p>Limitation on the number of adults enrolled in WIOA programs who are not low income individuals, public assistance recipients, or basic skills deficient.</p> <p>WC has established local priorities to identify non-covered persons that are likely to still have barriers to employment.</p> <p>Finally, WC has established that other Southern Nevada job seekers who are non-covered persons not meeting a WIOA priority or local priority may also be served in this group. Those enrollments shall not exceed more than 10% of total adult enrollments.</p>	<p>May not exceed 50% of program enrollments.</p> <p>Shall not exceed more than 10% of total program enrollments.</p>

IV. Priority of Service for Veterans

- A.** The Jobs for Veterans Act (JVA), **PL 107-288**, signed into law on November 7, 2002, requires that there be priority of service for veterans and eligible spouses in any workforce preparation, development, or delivery program of service directly funded in whole or in part by the U.S. Department of Labor [38 U.S.C. 4215]. The Priority of Service regulations, codified at [20 CFR 1010], were issued December 19, 2008 and require qualified job training programs to implement priority of service for veterans and eligible spouses, effective January 19, 2009. Additional guidance: [TEGL 10-09, VPL No. 07-09].
- B.** What it means to provide priority of service: 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 qualified job-training programs. Priority means that veterans and eligible spouses are entitled to precedence over non-covered persons for services. This means that a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resources are limited, then veteran or eligible spouse receives access to the service instead of or before the non-covered person.
- C.** Providers of WIOA Title I services must have policies and procedures in place to identify veterans and eligible spouses who are entitled to priority of service.

V. Selective Service Registration requirement for DOL-ETA funded programs:

- A.** Selective Service registration requirements. [TEGL No. 11-11 Change 1 and 2]
Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their birthday (i.e., 30 days before or 30 days after their 18th birthday), this includes males who are:
 - 1. Citizens of the U.S.;
 - 2. Non-citizen, 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
 - 3. Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For more information about the registration requirements visit www.sss.gov. The Selective Service System also provides a quick reference chart showing who must register located at: <http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.

- B.** Ensuring Selective Service compliance in the public workforce system:
In order to participate in a program established by or receiving assistance under Title I of WIOA, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirements.
- C.** Determining “knowing and willful failure to register”
If an individual was required to register with Selective Service but failed to do so the individual may only receive WIOA Title I funded services (e.g., individualized career services, training services) if they are able to provide evidence to establish that the failure to register with Selected Service was not knowing and willful.

Providers of WIOA Title I services are responsible for making proper assessment of the evidence provided by the individual and making determination whether the failure to register was a knowing and willful failure. The individual must provide as much evidence as possible to support his case.

VI. Definitions

For the purpose of this policy

A. Attachment to the workforce

Can be demonstrated by full time employment (30 hours per week or more) in the same or similar occupation, for at least one (1) year of three (3) years (36 months) immediately preceding the WIOA application. Verification of workforce attachment is only necessary when an applicant worked for an employer who was not covered under Unemployment Insurance (UI) or the applicant was not eligible for UI due to insufficient earnings.

B. Basic Skills Deficient [PL 113-128 WIOA Sec. 3 (5)]

WIOA defines "Basic Skills Deficient" as an individual:

1. 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
2. Who is a youth or adult, which 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.

When the priority of service determination is based on the "Basic Skills Deficient" criteria the program participant file must contain academic tests (including participant's name, date the test was administered, and test results).

C. English Language Learner [PL 113-128 WIOA Sec. 203 (7)]

The term "English language learner", when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and either:

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.

D. Homeless

Homeless individuals, as defined in Sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or homeless children and youths as defined in Sec. 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 Sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement. Lacks a fixed, regular, and adequate nighttime residence, this includes an individual who: 1) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, or campground due to a lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement; 2) has 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, such as a car, park, abandoned building, bus or train station, airport, or camping ground.

E. Individual with a Barrier to Employment [PL 113-128 Sec. 3(24)]

The term “individual with a barrier to employment” means a member of a one or more of the following populations:

1. Displaced homemakers;
2. Low-income individuals;
3. Indians, Alaska Natives, And Native Hawaiians, as such terms are defined in Sec. 166 of WIOA;
4. Individuals with disabilities, including youth who are individuals with disabilities;
5. Older individuals;
6. Ex-offenders;
7. Homeless individuals, as defined in Sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or homeless children and youths as defined in Sec. 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2));
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, as defined in Sec. 167 (i) of WIOA;
11. Individuals within two (2) years of exhausting lifetime eligibility under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.);
12. Single parents (including single pregnant women);
13. Long-term unemployed individuals.

F. Individual with Disabilities.

The Americans with Disabilities Act (ADA) defines an individual with disabilities as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

G. Low-Income Individual [PL 113-128 Sec. 3 (36)]

WIOA defines a “low-income individual” as an individual who:

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, 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 Assistance for Needy Families (TANF) program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the Supplemental Security Income (SSI) program established under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance¹;
2. Is in a family with total family income that does not exceed the higher of:
 - a) the poverty line; or
 - b) seventy percent of the lower living standard income level²;

¹ Public Assistance. The term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by a need or income test (e.g., TANF, Refugee Cash Assistance (RCA), etc.).

² Lower Living Standard Income Level (LLSIL). 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 [PL 113-128 Sec. 3 (36) (B)].

3. Is 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 under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2))) and item VI (D) of this policy;
4. 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.);
5. Is a foster child on behalf of whom State or local government payments are made; or is an individual with a disability whose own income meets the income requirement of clause (2), but who is a member of a family whose income does not meet this requirement.

H. Other Low-income Individuals

Established local criteria for providing priority of services to other individuals or specific groups within the SNWDA.

[20 CFR § 680.600]

An individual under this criteria may be one of the following:

1. Individuals with disabilities (must meet criteria set at [PL 113-128 Sec. 134 (c) (3) (E)]);
2. Offenders (must meet criteria set at [PL 113-128 Sec. 134 (c) (3) (E)]);
3. Older Individuals (55+) (must meet criteria set at [PL 113-128 Sec. 134 (c) (3) (E)]);
4. An individual whose earnings are below the State or local identified livable wages;
5. An individual who lacks basic and employability skills (without WIOA services participant is unlikely to secure employment):
 - a) Substance abuse and/or mental health;
 - b) An individual with a disabled child;
 - c) An individual with disabled parents;
 - d) An individual with limited education;
 - e) An individual who lacks work history (no less than two (2) years).

I. Offender [PL 113-128 Sec. 3 (38)]

WIOA defines an "offender" as an adult or juvenile:

1. Who is or has been subject to any stage of the criminal justice process, and for whom services under WIOA Title I may be beneficial; or
2. Who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

J. Older Individual [PL 113-128 Sec. 3 (39)]

WIOA defines "older individual" as an individual age 55 or older.

K. Poverty Guidelines

Poverty guidelines are a version of the Federal poverty measure issued annually by the Department of Health and Human Services (DHHS) in the Federal Register. The guidelines are used for administrative purposes such as determining financial eligibility for certain Federal funded programs.

L. Self-Employed

An applicant who was self-employed (includes farmers, ranchers, and fishermen) but is now unemployed due to general economic conditions in the community in which the individual resides or because of natural disasters. Business failure due to economic conditions can be demonstrated by the forced sale of a business, bankruptcy or foreclosure. State policy allows contributing family members to be served in this group. In order to qualify for the self-employed group, applicants must be able to demonstrate a successful self-employment connection followed by an involuntary separation due to economic conditions or natural disasters. Consequently, an applicant who voluntarily sells a business or leaves self-employment for personal reasons does not meet the criteria, neither does an applicant who states his/her business did not comply with Federal and State requirements (tax returns, quarterly reports, etc.) because the business seldom or never made a profit.

M. Significantly Reduced

As it relates to "displaced homemakers" If the household income is above the Federal poverty level, then a drop in income, to 150% or below the Federal poverty level, is considered a significant reduction. If the household income is currently at or below 150% of the Federal poverty level, then any drop in household income is considered significant (please refer to the Lower Level Income Standard Level (LLISL)).

N. Stop-gap Employment (State definition)

The State has defined stop-gap/income maintenance employment as a job:

1. Paying significantly less than the lay-off wage;
2. Paying significantly less than the LLISL self-sufficiency standard;
3. Paying a percentage that is significantly less than the negotiated performance goal; or
4. A job classified and documented as temporary in duration.

Qualifying stop-gap employment is that which falls within the 36 month period prior to enrollment. This employment, documented in the participant's work history, must be deemed eligible within one of the above parameters and documented clearly in case notes.

O. Substantial Layoff

Is defined as a reduction in force of at least 500 employees or at least 50 employees if they make up at least 33% of the workforce. This definition means a single site during a 30-day period and excludes employees working less than 20 hours per week.

P. Veteran

The term "veteran" means an individual who served in the active military service, and who was discharged or released from such service under conditions other than dishonorable.

RECENTLY SEPARATED VETERAN

The term "recently separated veteran" means any veteran who applies for participation under this title within 48 months after the discharge or release from active military service.

Returning military service members (non-retiree) and military spouses may also be eligible for **adult and dislocated worker** services. If they are established as eligible for WIOA Title I services and they meet the definition of veteran or military spouse, they **must** receive a **priority of service**, according to the Jobs for Veterans Act (PL 107-288 Title 38 Sec. 4215), over non-veterans.

Q. Underemployed (State definition)

Individuals who are underemployed may include the following:

1. Individuals employed less than full time employment;
2. Individuals who are employed in a position that is inadequate with respect to their skills and training;
3. Individuals who are employed who meet the definition of a low-income individual (item VI (G)); and
4. Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment;
5. Individuals who are underemployed and meet the definition of "low-income" or the definition of an individual with barrier to employment (item VI (E)) may receive individualized career services and training services under the adult program on a priority basis.

R. Unlikely to Return to Previous Industry or Occupation (State definition)

In order to be considered as unlikely to return to a previous industry or occupation, an individual must meet at least one of the following criteria documented appropriately in case notes in the MIS and/or hard file:

1. The individual worked in a declining industry or occupation, as documented on State or locally developed labor market statistic list of such industries or occupations;
2. The individual worked in an industry or occupation for which there are limited job orders at the time of eligibility determination;
3. The individual is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation, as documented through an intake orientation process or assessment of the client's educational achievement levels, or other suitable means;
4. The individual has had a lack of job offers as documented by the assigned career coach, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation;
5. The individual cannot return to their prior industry or occupation because a physical or other limitation, which would prevent reentry into the former industry or occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatrist social worker, chiropractor, etc.). In circumstances where support documentation is not available, an applicant self-attestation may be utilized to demonstrate unlikely to return to previous industry or occupation. Individuals who may have worked seasonally can be considered unlikely to work in a previous industry or occupation as a temporary or seasonal worker, for a variety of reasons such as:
 - a) Change in family situation that requires higher income;
 - b) Disability that precludes returning to the same industry or occupation;
 - c) Natural disaster that results in lost wages;
 - d) Loss of agricultural land;
 - e) Mechanization;
 - f) Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.
6. Individuals laid off on a temporary basis with a specific return date and/or determined by UI to be attached to an employer do meet the criteria of unlikely to return to work in a previous industry or occupation.

- VII. Handling and Protecting Personally Identifiable Information (PII)**
OMB defines PII as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information is linked or linkable to a specific individual. ³

Federal law, OMB guidance, and DOL/ETA policies required that PII and other sensitive information be protected.

Providers of WIOA Title I services are required to take proper measures to mitigate the risks associated with the collection, storage, and dissemination of sensitive data, including PII. The provider of WIOA Title I services shall ensure that any PII used during the performance of their sub-award has been obtained in conformity with applicable Federal and State laws governing the confidentiality of information.

Providers of WIOA Title I services must secure transmission of PII and sensitive data developed, obtained, or otherwise associated with DOL/ETA funds.

- VIII. Data Element Criteria and Source Support Documentation Requirements**
For performance accountability and reporting purposes, support documentation verifying the eligibility of a WIOA Title I funded program participants is required. Eligibility determination must be made at all times prior to enrollment in WIOA Title I funded programs and receipt of any service. Copies of all required records made by photocopying, or similar methods, may be substituted for the original records if they are preserved with integrity and are considered as admissible as evidence.

³ OMB Memorandum M-07-16, safeguarding against and responding to the breach of Personally Identifiable Information (05-22-2007), available at <http://www.whitehouse.gov/OMB/memoranda/fy2007/m07-16.pdf>

Support Documentation Requirements

Adult and Dislocated Worker

Data Element Criteria <i>(Verify each criterion unless specified otherwise)</i>	Acceptable Support Documentation <i>(Only one document per eligibility criterion is required)</i>
<p>Birth Date/Age Applicants must be 18 years or older at the time of registration to participate in this program.</p>	<ul style="list-style-type: none"> • Birth certificate • Form DD-214 "report of separation" • Driver's license • Federal, State or local government issued identification card • Hospital record of birth • Passport • Public assistance/social service record • School record • Telephone verification • Work permit
<p>U.S. Work Authorization Note: For changes to the list of acceptable identity and work authorization documents, go to: www.uscis.gov or www.uscis.gov/i-9Central</p>	<ul style="list-style-type: none"> • Verification document(s) that satisfy list A of the I-9 form 03-08-2013 N OMB No. 1615-0047 Expires 03-31-2016 • Verification document(s) that satisfy list B and C of the I-9 form 03/08/2013 N OMB No. 1615-0047 Expires 03-31-2016
<p>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 Sec. 3 of the Military Selective Service Act. Each male who turns 18 years of age during WIOA program participation must also submit evidence that he has complied with the requirements of the Military Selective Service Act.</p>	<ul style="list-style-type: none"> • Selective Service acknowledgement letter • Form DD-214 "report of separation" • Selective Service registration verification form, can be found at: www.sss.gov • Selective Service status information letter • Selective Service registration card • Selective Service registration record (form 3A) • Selective Service verification form • Stamped post office receipt of registration • Self-attestation – TEGL 11-11 Change 1 and 2

<p>Proof of residence within the Southern Nevada Workforce Development Area (SNWDA)</p>	<ul style="list-style-type: none"> • Copy of State of Nevada valid ID • Copy of State of Nevada valid driver's license • Copy of utility bill indicating program participant full name and address • Copy of lease agreement indicating program participant full name and address • Copy of any public assistance record indicating program participant full name and address • Copy of written statement from individual providing residence • Copy of letter from shelter • Copy of letter from social service agency
<p>Adult Only</p>	
<p>Data Element Criteria <i>(Verify each criterion unless specified otherwise)</i></p> <p>Recipient of Public Assistance</p>	<p>Acceptable Support Documentation <i>(Only one document per eligibility criterion is required)</i></p> <ul style="list-style-type: none"> • Copy of public assistance record (e.g., Food Stamps, TANF, SSDI, DHHS, etc.) dated within six (6) months of registration (must include program participant name, etc.) • Copy of public assistance check • Copy of Refugee Cash Assistance, (RCA) or refugee assistance records
<p>Basic Skills Deficient</p>	<ul style="list-style-type: none"> • School transcripts • Results of academic tests (e.g., CASAS, TABE, ESL test)
<p><i>(Left blank intentionally)</i></p>	

<p>Low Income</p>	<ul style="list-style-type: none"> • WC income calculation worksheet • Alimony agreement • Award letter from the veteran's administration • Compensation award letter • Court award letter • Cross match with public assistance database • Employer statement/contact • Pension statements • Family financial records • HUD verifications • Pay stubs • Bank statements • Public assistance records • Refugee assistance records • Social security benefits • SSDI • UI records
<p>Dislocated Worker</p>	
<p>Data Element Criteria <i>(Verify each criterion unless specified otherwise)</i></p>	<p>Acceptable Support Documentation <i>(Only one document per eligibility criterion is required)</i></p>
<p>Group A Terminated/Laid Off (including U.S. veterans and military spouses)</p>	
<p>Has been terminated or laid off, or has received a notice of termination or layoff, from employment</p>	<ul style="list-style-type: none"> • Documentation from dislocating employer • Unemployment Insurance (UI) records
<p><i>(Left blank intentionally)</i></p>	

<p>VETERANS ONLY Has been terminated or laid off (voluntary or involuntary honorable discharge falls within the scope of this Category); or When a military spouse loses employment because of the service members permanent change in station or discharge</p>	<ul style="list-style-type: none"> • DD 214 • NGB22 – National Guard Separation Report • Military orders • VA letter or records
<p>Is eligible for or has exhausted entitlement to unemployment compensation; or Has been employed for a duration sufficient to demonstrate 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</p>	<ul style="list-style-type: none"> • UI records (award letter for exhaustee, or denial based on insufficient earnings) • Profiled client referral form (DETR ESD letter – look for REA notes in NJCOS) • Pay stubs, employer letter, W2 records or tax returns to show recent attachment to workforce
<p>Is unlikely to return to a previous industry or occupation</p>	<ul style="list-style-type: none"> • Documenting exhaustion of UI benefits • DD 214 for separating military members • Labor market information – supply and demand report showing lack of availability • Unlikely to Return Affidavit
<p>NJCOS Notes</p>	<ul style="list-style-type: none"> • If participant has received notice, be sure to mark that in the Employment Status drop down • Verify work history and ensure that dislocating employer is listed with end date. Enter final date from employer notice as the end date for employment and date of dislocation
<p><i>(Left blank intentionally)</i></p>	

Group B	
Plant Closure/Substantial Layoff	
<p>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</p> <p>Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days</p> <p>NJCOS Notes</p>	<ul style="list-style-type: none"> • Employer notice/letter from company • Newspaper article • Employment Security division records, including WARN notice <ul style="list-style-type: none"> • If participant has received notice, mark that in the Employment Status drop down • Verify work history and ensure that dislocating employer is listed with end date. Enter final date from employer notice as the end date for employment and date of dislocation
Group C	
Self Employed	
<p>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</p> <p>NJCOS Notes</p>	<ul style="list-style-type: none"> • Records of business closure • Tax returns (recent) • Business license (surrender) • News article on the state of the business, local economy or natural disaster <ul style="list-style-type: none"> • Enter participant's company as last employer in work history, entering date of dislocation from source documentation or self-attestation on the Unlikely to Return Form
<p><i>(Left blank intentionally)</i></p>	

Group D	
Displaced Homemaker	
<p>Is a displaced homemaker</p>	<ul style="list-style-type: none"> • Tax returns • Social Security documents • Death notice • Legal separation • Divorce decree • Public assistance records • Layoff notice for wage earner • Wage earners UI award letter/record
Date of Dislocation – Required for all categories except Displaced Homemaker	
<p>Date of actual dislocation (last day of employment at the dislocating employer)</p>	<ul style="list-style-type: none"> • Employer verification • Notice of layoff • Rapid Response list or WARN notice • Self-attestation on the Unlikely to Return Affidavit • DD-214 • NGB22 – National Guard Separation Report • Military orders

Workforce Connections Programs, Services and Activities WIOA Title I Services	ADW-030-02
Supersedes Policy 3.1 dated October 09, 2012	Revision No. 2 – Effective 07-01-2016
Policy Approved By: WC Executive Director Policy Adopted on: August 01, 2013	

Purpose:

To establish policy and guidelines with respect to provision of services for programs funded in whole or in part under Title I of the Workforce Innovation and Opportunity Act (WIOA).

Background:

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

The Adult and Dislocated Worker (ADW) formula programs, in coordination with the Wagner-Peyser (WP) Employment Service (ES), are pivotal pieces of the One-Stop Delivery System (OSDS), which is the foundation of the Workforce Delivery System (WDS).

The ADW programs are required partners in the OSDS which provides universal access to career services to meet the diverse needs of adults and dislocated workers. WIOA offers an integrated and comprehensive range of services consisting of workforce development activities benefiting job seekers, employers and communities. WIOA provides for a workforce system that is universally accessible, customer centered, and training that is job driven.

Policy:

WIOA title I formula funds allocated to local areas for ADW programs must be used to provide career and training services through the OSDS. Local Workforce Development Boards (LWDB) determine the most appropriate mix of these services, but both types must be available for eligible adults and dislocated workers. Workforce Connections (WC) has established that program participants must be provided with individualized career services within five (5) days after eligibility determination/registration is made.

This policy may be subject to revisions/updates as additional Federal statutes and regulations and/or State policy and guidelines are released.

References:

PL 113 – 128 WIOA) [Secs. 3, 122, 134, 181, 189, 503]
[20 CFR Part 678]; [20 CFR Part 680]; [20 CFR Part 683]; [TEGL 3-14]; [TEGL 3-15];
[TEGL 15-10]; [TEGL 17-05]; [State TAG 15-3]

I. Participation

- A. To be eligible to participate in activities carried out under Title I of WIOA an individual must first be determined eligible and registration or formal enrollment needs to be completed. Initial assessment is a key component of the overall intake process and includes the initial determination of each individual's employability, aptitudes, abilities and interests through interview, and counseling.
- B. All program participants must have an initial assessment completed to evaluate skills, experience, needs and the appropriateness for services and capacity to benefit from services provided under WIOA Title I programs. Assessment is an ongoing process and shall not be viewed as a one-time event.
- C. The appropriateness of any services provided to an eligible program participant must be properly documented in the Individual Employment Plan (IEP) and/or Individual Service Strategy (ISS) and must show a clear linkage between the services provided and improvement in the program participant's employability or career objective goals.
- D. An IEP is required for all program participants prior to receiving individualized career services. The IEP is an ongoing strategy to identify employment goals, achievement objectives, and the appropriate combination of services for the program participant to obtain these goals and objectives.
- E. WC oversight staff approval is required prior to a determination and action that might affect denial of enrollment/services under programs funded by Title I of WIOA. Consistency and accuracy is imperative. Support documentation is required at all times.

II. General Provisions for Career Services

WIOA Title I authorizes "Career Services" for adults and dislocated workers. Career services must be made available through the Southern Nevada Workforce Development Area (SNWDA) to adults or dislocated workers. As identified in Sec. 134 (c) (2) career services may be provided in three different sets of activities: (1) **basic career services** that must be made available to all individuals seeking services in the One-Stop Delivery System (OSDS); (2) **individualized career services** that must be made available if deemed appropriate and considered to be necessary for WIOA Title I eligible adults and dislocated workers to obtain and retain employment; and (3) **follow up services** available to adult and dislocated workers after unsubsidized employment is attained.

A. Basic Career Services

Basic career services must be made available and, at a minimum, must include the following services consistent with allowable program activities and Federal cost principles. Basic career services do not require enrollment into the WIOA program.

Basic career services include:

1. Determination of whether the individual is eligible to receive assistance from the adult, dislocated workers, or youth program under WIOA Title I;
2. Outreach/intake (including worker profiling) and orientation to information and other services available through the one-stop delivery system;
3. Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs;

4. Labor exchange services including:
 - a) Job search and placement assistance, and when needed by an individual, career counseling including provision of information on in-demand industry sectors and occupations and provision of information on nontraditional employment; and
 - b) 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 OSDS;
5. Provision of referrals to and coordination of activities with other programs and services, including programs and services within the OSDS and, when appropriate, other workforce development programs;
6. 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:
 - a) Job vacancy listings in labor market areas;
 - b) Information on job skills necessary to obtain the vacant jobs listed;
 - c) Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
7. Provision of performance information and program cost information on eligible providers of training services by program and type of providers;
8. 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;
9. 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:
 - a) Child care;
 - b) Child support;
 - c) 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;
10. 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.
 - a) Meaningful assistance means:
 - 1) Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
 - 2) Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.
 - b) The cost associated in providing this assistance may be paid for by the State's unemployment insurance program, or the WIOA adult or dislocated worker programs, or some combination thereof;
11. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

Workforce Connections Provisions

1. Universal assessments may be accepted as the enrolling service if conducted within the preceding six (6) months.
2. If an individual is considered to be in need of enrollment for individualized career services, the initial assessment must be the enrolling service.
3. Program orientation is required for all WIOA Title I program participants.

B. Individualized Career Services

Individualized career services¹ must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These services include the following services, as consistent with program requirements and Federal cost principles. While individualized career services may be offered concurrently, WC requires that an IEP be developed for all individuals in need of individualized career services, and be done within five (5) business days of enrollment.

Individualized career services includes:

1. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include:
 - a) Diagnostic testing and use of other assessment tools; and
 - b) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
2. 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 his or her employment goals, including the list of, and information about, the eligible training providers;
3. Group counseling
4. Individual counseling
5. Career planning
6. Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance, and professional conduct services to individuals for unsubsidized employment or training;
 - a) WC authorizes short-term pre-vocational services that meet the below criteria and prepare program participants with the skills required to enter a career path in any of the industry sectors identified by the Governor as appropriate for consideration as a short-term pre-vocational services.
 - b) Short-term pre-vocational services are considered "**Individualized Career Services**" which develop learning skills to prepare an individual for **unsubsidized employment or training**. Short-term pre-vocational services include, but are not limited to:
 - 1) Learning skills;
 - 2) Communication skills;
 - 3) Interviewing skills;
 - 4) Punctuality;
 - 5) Professional conduct; and
 - 6) Personal maintenance skills;

¹ Priority of service must be established at the time of eligibility determination and will not change during the participation period. It is not necessary to determine that an adult is eligible in accordance with the WC established priority of service criteria until it is determined that the individual is in need of individualized career services.

- 7) Mathematic or language skills at the 12th grade level or lower;
 - 8) Basic computer and software application skills;
 - 9) Any training or class which completes a gap in baseline knowledge for a given industry sector as determined by comprehensive/specialized assessment and the program participant's IEP.
 - c) WC has established that, with the definition of short-term pre-vocational services, the major determinant for the award of pre-vocational services is:
 - 1) Cost of service not to exceed \$1,000;
 - 2) Duration of service not to exceed 40 hours;
 - 3) Services that will lead the program participant to enter into a career path; and
 - 4) Services that will enable a program participant to achieve employment goals.
 - d) WC staff may identify and determine unique exceptions to the above criteria. Request for special consideration and potential exception may be brought to WC staff in writing by the provider of WIOA Title I services. These exceptions will be evaluated and potentially granted on a case by case basis.
 - e) Consistent with WC established procurement standards for procurements over \$1,000, small purchase procedures must be used and three (3) or more documented quotes are required. Prices/quotes may be obtained from current price list, catalogs, real time internet research/information, or contact (e.g., fax, e-mail, in person) with potential vendors.
7. Internships and work experiences that are linked to career pathways, and linked to in-demand occupations within the LWDA.
 8. Workforce preparation activities, including programs or services that are designed to help a program participant acquire a combination of basic academic, critical thinking, digital literacy, and self-management skills, including developing competencies in using resources and information, working with others, understanding systems, and obtaining skills necessary to successfully transition to and completion of post-secondary education, training and employment.
 9. Financial literacy services, including services which:
 - a) Support the ability of participants to create household budgets, and make informed financial decisions about education, retirement, home ownership, or other savings goals;
 - b) Support program participants in learning how to manage spending, credit, and debt, including educational loans and consumer credit;
 - c) Support activities that increase awareness of the availability and significance of credit reports and credit scores in obtaining and maintaining good credit scores;
 - d) Support activities that increase program participant's ability to understand, evaluate, and compare financial products, services and opportunities, and 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.
 10. Out-of-area job search assistance and relocation assistance.
 11. English language acquisition and integrated education and training programs.

III. General Provisions for Training Services

Training services are a critical component to the employment success of program participants. Training services are provided to equip individuals to enter the workforce and retain employment. Training programs should be part of a continuum of education and training leading to credential attainment, full time employment, increase earnings, and career advancement.

A. Training services may include the following:

1. Occupational skills training, including training for non-traditional employment (ETPL required);
2. On-the-job training (OJT): training by an employer that is provided to a paid program 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% of the wage rate of the program participant, except as provided in Sec. 134 (c) (3) (H) of WOIA, for the extraordinary cost of providing the training and additional supervision related to the training;
 - c) Is limited in duration as appropriate to the occupation for which the program participant is being trained, taking into account the content of the training, the prior work experience of the program participant, and the IEP of the program participant, as appropriate.
3. Incumbent worker training conducted with a commitment by the employer to retain or avert the layoff of the incumbent worker(s);
4. Programs that combine workplace training with related instruction, which may include cooperative education programs (ETPL may be required);
5. Skill upgrading and retraining (ETPL may be required);
6. Entrepreneurial training;
7. Transitional jobs may include:
 - a) 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;
 - b) Are combined with comprehensive employment and support services;
 - c) Are designed to assist program participants with barriers to employment to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.
8. Job readiness training provided in combination with services described above (1-7);
9. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described above (1-7);
10. Customized training:
 - a) Conducted with a commitment by the employer to employ an individual upon successful completion of training;
 - b) Is designed to meet the special requirements of an employer (including a group of employers);
 - c) For which the employer pays for a significant cost of the training as determined by the LWDB.

- B. Moving from Individualized Career Services to Training Services**
After individuals are determined to be eligible, enrolled and determined to be in need of training services consistent with WIOA Sec. 134 (c) (3), and proper justification has been recorded and documented in the participant's IEP, the program participant may be placed in training services.
- C. Prior to approval of training services a program participant must receive, at a minimum:**
 - 1. Initial assessment to determine services need; and
 - 2. Completed IEP.
- D. Training services shall be provided through approved training providers listed on the Eligible Training Providers List (ETPL). The ETPL offers detailed information regarding training cost and duration, as well as available locations and contact information.**
- E. The selection of training services should be conducted in a manner that maximizes customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance within the LWDA.**

IV. Follow-up Services

- A. Follow-up services provide a continuing link between the program participant and the workforce system. These services allow service providers to assist with other services the program participant may need once he or she obtains employment, and should be more substantive than contacts to obtain reporting information. Appropriate follow-up services must be made available to a participant placed in unsubsidized employment for a minimum of 12 months following the participant's exit.**
- B. Follow-up services must be provided, as appropriate, including:**
 - 1. Counseling regarding the workplace;
 - 2. Supportive services to enable participants to participate in career services or training activities;
 - 3. Additional services may be provided with WC Program Manager prior approval.

Workforce Connections General Policies On the Job Training Program - OJT	ADW-030-04
Supersedes Policy 3.8 Dated May 11, 2012	Revision No.1 – Effective 07-01-2016
Policy Approved By: WC Executive Director Policy Adopted on: August 01, 2013	

Purpose:

To provide guidance on established standards for the provision of On-the-Job training (OJT) services to Workforce Innovation and Opportunity Act (WIOA) Title I eligible participants and employers.

Background:

OJT is a type of training that is provided by an employer to a participant. During the training, the participant is engaged in productive work in a job for which he or she is paid, and the training provides the knowledge or skills essential to the full and adequate performance of the job. The OJT is made available through a training program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in Sec. 134 (c) (3) (H) of WIOA, for the extraordinary cost of providing the training and additional supervision related to the training program. Both providers of OJT training and providers of services must be offering the highest quality training to WIOA Title I eligible participants. WIOA Title I OJT contracts must be continually monitored to ensure that OJTs provide participants with successful full time employment. It is important that OJTs provide participants with in-demand skills with opportunities for career advancement and employers with a skilled workforce.

Policy:

Workforce Connections (WC) has established that an OJT program is appropriate when the need for training has been identified in the Individual Employment Plan (IEP) wherein the participant's interests, abilities, and needs have been also identified. Therefore the following guidelines are designed to assist providers of WIOA Title I services in the planning and execution of an OJT training program. The guidelines will also assist in meeting local regulations which require that, to be permissible, costs incurred in the OJT training program must be necessary, reasonable and allowable. The OJT must lead to long-term employment with the involved employer.

Reference:

PL 113-128 WIOA [Secs. 3, 122, 134, 181, 189, 503]; [20 CFR Part 678]; [20 CFR Part 680]; [20 CFR Part 683]; [TEGL 3-15]; [TEGL 13-15]; [State TAG 15-3]; [SCP 1.14]; [SCP 3.6]

The OJT program is not a subsidy to employers for normal hiring. WIOA Title I funds should be used to pay for training activities, not placements and wage subsidies.

All information required by Federal, State, and local reporting requirements must be collected for each individual receiving this service. The appropriateness of any service provided to an eligible program participant should be documented in the IEP and should show a clear linkage between the provided service and potential improvement in the participant's employability or career objective goals.

I. General Provisions/Guidelines for On-the-Job Training (OJT).

A. On-the-Job training (OJT) as allowed by WIOA Title I is a viable training tool for eligible program participants. An OJT can be an effective tool in assisting WIOA Title I eligible participants in becoming gainfully employed after receiving individualized career services and who have been unsuccessful in finding employment. Since training is conducted at the work place the OJT is one of the most legitimate and successful forms of training.

B. General Guidelines

1. OJT programs shall only be approved for participants who have been properly assessed, who have at least received individualized career services, and where an individual employment plan has been developed with a career coach to identify and document participant skills, interests, need for training, and employment goals.
2. OJTs for employed individuals.
Individuals who are registered as employed and earning in excess of \$20.34 per hour are not eligible for OJT services in the Southern Nevada Workforce Development Area (SNWDA).
3. The case file must contain a determination of need for training services as identified in the IEP, where the participant and career coach will identify employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals.
4. OJTs are allowed for out-of-school youth ages 18-24 as long as the requirements of this policy are met. Prior to the approval of an OJT activity, the youth lacking his/her HSD, or its equivalent, must be enrolled in a program of education leading to the attainment of a secondary credential/certificate to run concurrently with the approved training activity. Adjusted diplomas are acceptable for youth with disabilities based on a prior determination of need or assessment of participant's individual educational goals or objectives. OJT activities must be clearly addressed in the participant's ISS.
5. OJT programs must be directly linked to in demand jobs or high growth industry sectors within the Southern Nevada Workforce Development Area (SNWDA) or in another area to which the participant is willing to relocate. In demand opportunities must be identified using Labor Market Information (LMI) resources.
6. OJT programs must be limited to the period of time required for a program participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the OJT contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the program participant, prior work experience, and the IEP and documented in detail on the skills gap analysis.

The skills gap analysis must also identify the O*Net job zone for the occupation for which the OJT is being developed. The O*Net job zone structure is a universal system that classifies occupations by how much education, related experience, and on-the-job training people need to do the work.

The SNWDA has set forth the following maximum limits for an OJT based on the O*Net job zone identified for the occupation:

Job Zone	Maximum of Training Hours	Amount of Training Required to Learn Skills
2	Up to 240	30 days
3	Up to 480	60 days
4	Up to 960	120 days
5	Up to 1440	180 days

Exceptions to the above established limits may be approved by WC Executive Director on a case by case review basis.

7. A comprehensive training plan must be developed prior to OJT program start. The description of training must indicate the occupational areas or skills the participant will be trained to perform, specific measurable objectives, and number of hours of training required to obtain those skills, and the criteria for measuring and monitoring the attainment of those skills. Once skills have been identified and a method for measuring them has been established, trainee progress can be determined.
8. Final evaluation must be completed by the OJT employer to evaluate the obtainment of the skills during the OJT program as outlined in the training plan. Additionally, the employer must evaluate whether the skill was met or not met at the completion of the OJT program. Both the trainee and the employer must acknowledge that the training took place, and the training program was completed.
9. Providers of WIOA Title I services must not contract with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work [WIOA Sec. 194 (4)].
The SNWDA defines a pattern of failing as:
 - a) The termination if two or more OJTs through no fault of the employee/trainee within a rolling twelve month period; or
 - b) The termination of two or more employees within the six months following the completion of the OJT activity.
 Providers of WIOA Title I services must report each failure to complete an OJT or to retain an OJT employee/trainee to their WC program manager through the designated reporting mechanism. This data will be used to develop and maintain a list of employers who have exhibited patterns of failure and distributed at least semi-annually to the providers of WIOA Title I services within the SNWDA.

10. Inappropriate OJT program includes, but is not limited to:
For the use of WIOA Title I funds, the following prohibitions apply or are deemed inappropriate training services. Placing participants in occupations: a) in lower wage industries where prior skills or training is not prerequisite for hire; b) with high labor turnover; c) deemed part-time or seasonal; d) with a substantial number of experienced and able workers who are presently unemployed; e) dependent on tips and/or commissions to equal the minimum wage; f) with low paying positions that offer no advancement opportunities; and g) with training activities that may be considered common or general onboarding practices and/or procedures.

II. OJT – The Employer:

The OJT is provided under an agreement with an employer in the public, private non-profit, or private sector. Prior to entering into an OJT contract with the employer, a pre-award assessment must be conducted to ensure that the employer meets the minimum standards and can provide both training and long-term employment to OJT participants.

The pre-screening and/or pre-award assessment must include, at a minimum:

A. Compliance:

1. Federal, State, and local regulations;
2. Fair Labor Standards Act of 1938;
3. Non-discrimination and equal opportunity provisions of WIOA and its associated regulations;
4. Americans with Disability Act;
5. Health and safety standards; and
6. State workers' compensation law requirements.

B. Assurances:

1. The employer verifies that WIOA funds will not be used to relocate operations in whole or part.
2. The employers verify that funds provided under Title I of WIOA will not be used for OJT programs for any business or part of a business that has relocated, until 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.
3. The company commits to providing long-term employment, at least six (6) months following the end date of the OJT program, for successful OJT trainees.
4. WIOA Title I funds will not be used to directly or indirectly assist, promote or deter union organizing.
5. OJT trainees will be provided with the same workers compensation, health insurance, unemployment insurance, retirement benefits, as regular, non-OJT employees.
6. OJT trainees are compensated at the same rates, including periodic increases, as non-OJT employees but, in no event, less than the highest minimum wage specified under the Fair Labor Standards Act of 1938.

7. The employer commits to conducting the necessary due diligence for all referred OJT participants. Such due diligence includes, but is not limited to, screening OJT candidates to the expectations and requirements of the employer prior to hiring.
8. A participant in a program activity authorized under Title I of WIOA must not displace (including partial displacement, such as a reduction on the hours of non-overtime work, wages or employment benefits) any currently employed employee (as of the date of the participation) 20 CFR 683.270 (a).
9. A program or activity authorized under Title I of WIOA must not impair existing contracts for services or collective bargaining agreements. When a program activity authorized under Title I of WIOA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins 20 CFR 683.270 (b).
10. A participant in a program or activity under Title I of WIOA may not be employed in or assigned to a job if: 1) any other individual is on layoff from the same or any substantially equivalent job; 2) the employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; or 3) the job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers 20 CFR 683.270 (c).
11. Regular employees and program participants alleging displacement may file a complaint under the applicable grievance procedures found at 20 CFR §683.600, WIOA sec. 181.

III. OJT – The Process

A. Pre-Award

An employer pre-award must be completed with the provider of WIOA Title I services and the employer prior to entering into a contract and pursuing OJT activities. WC will maintain pre-award assessments in a system directory for each program year; service providers must consult this directory prior to conducting a new assessment and must also submit newly conducted assessments to WC to be shared in this directory. If an assessment is on file, a new assessment is not needed; the service provider is responsible for obtaining and verifying the pre-award and maintaining it in the file as directed. WC will only maintain these assessments for the benefit of the system, but will not be screening them or requesting renewals for subsequent program years. Employers are subject to a pre-award assessment annually; assessments will be valid for the initial program year in which they were completed with new assessments needed for each subsequent program year (July to June).

The provider of WIOA Title I services representative should:

1. Give careful consideration when selecting a suitable employer for OJT, and
2. Conduct and confirm the assessment with the employer overview to confirm past placement success, retention and employee separations due to layoffs.
3. Ensure all employer assurances are met as well all requirements necessary to execute the master contract.

B. Master Contract

A master contract must be developed after the successful completion of a pre-award assessment. This contract outlines the general requirements of any OJT activity a provider of WIOA Title I services and employer initiate; the contract should be written to cover planned and projected activities, but may never be longer than one calendar year at a time and must expire on June 30th of each year to follow the program year framework.

1. The master contract must be completed in tandem with the employer and the provider of WIOA Title I services representative.
2. It is the responsibility of the provider of WIOA Title I services representative to review all OJT master contract general assurances with the employer.
3. Must be fully executed, and will not be considered valid unless it is properly signed and dated by both the employer and the provider of WIOA Title I services representative. A copy of the fully executed OJT contract must be part of each program participant's file who is trained under the terms of the contract.

C. Skills Gap Analysis

When a participant has been identified, the provider of WIOA Title I services must conduct a skills gap analysis in compliance with the general guidelines outlined herein.

1. The purpose of the skills gap analysis is to identify the specific required skills necessary for the eligible participant to be successful within the training activity.
2. The skills gap analysis must identify specific skills to be met at the end of the training activity. A job description may be used to identify the skills needed by the employer. An O*Net occupation profile must be used to determine the job zone and to explore additional skills that may be needed to be successful in this occupation; the O*Net occupation profile may replace or stand in for a job description in the event an employer does not already have one developed.
3. The skill gap analysis must be completed in partnership with the employer, but should be developed by the provider of WIOA Title I services representative.

D. Training Plan Development Implementation

Providers of WIOA Title I services must develop a training plan when the skills gap analysis is completed. The executed training plan becomes the individualized addendum to the master contract and fully authorizes the OJT activity.

1. The training plan will contain occupationally specific skills required for competency in the OJT occupation.
2. The training plan must note the necessary skills that require training from the skills gap analysis, and identify the initial skills level.
3. In order to best achieve the attainment of the required skills, the provider of WIOA Title I services representative and employer must determine the training method and the estimated number of hours noted on the job zone dictated by the occupation profile from O*Net and the skills gap analysis. Additionally, the provider of WIOA Title I services must complete the training plan by completing the:
 - a) Job zone maximum hours;
 - b) Start and end date of the training activity;
 - c) Hourly wage; and
 - d) Reimbursement rate and maximum reimbursement costs.

4. The training plan must be agreed upon by the WIOA eligible participant and the employer. An initial training plan presented to an employer may be negotiated to accommodate individual training plans and needs, but may never exceed the maximum period identified by the occupation's job zone.
5. The final, agreed upon training plan must be signed and dated, by all parties, to be considered valid. An OJT participant may not commence the employment and training until the training plan is fully executed.
6. In the event that the initial training plan does not provide enough time to successfully obtain the skills needed for the job, a revised training plan may be developed to accommodate additional training time. The revised training plan must include a progress update to record the participant's current status in the training, and outline the new training methods and timeframes. The total training time may not exceed the maximum period identified by the occupation's job zone.

E. OJT Closure – Reimbursement and Final Evaluation

Providers of WIOA Title I services must document the progress and closure of the training activity by obtaining routine progress updates, monthly invoices for reimbursement and a final evaluation at the end of the OJT activity.

1. Providers of WIOA Title I services must maintain communication with the employer and participant throughout the OJT. Providers of WIOA Title I services may obtain progress updates by conducting onsite employer visits, or conducting phone calls to the supervising employer and participant. Providers of WIOA Title I services may additionally communicate via email; however, verbal and onsite visits are encouraged as the primary contact vehicles. Contact is required at least every other week of a scheduled OJT activity.
2. Invoices must be submitted monthly by the employer for reimbursement, and must include back-up documentation to validate the request. Invoices must be legible, and properly signed by the employer. No corrections shall be made to the submitted invoice by the provider of WIOA Title I services representative.
 - a) OJT employers must submit timesheets and/or attendance records documenting training/work hours with each invoice. Value of total hours must match training/work hours, taking into consideration agreed percentage of reimbursement and hourly wage rate. All submitted paperwork must be legible and verifiable.
 - b) Payroll records must be submitted with each invoice, to validate that the participant has been paid for the training/work hours being invoiced.
 - c) The participant, employer and service provider must review and sign the invoice to verify its accuracy and confirm the training is taking place.
3. OJT trainees may work overtime for an employer as long as the trainee does not object, and provided they are compensated at the employer's usual rate. OJT participants may work overtime at the hourly wage stated on the training plan. Overtime rates at anything other than the agreed rate will not be reimbursed. Paid Federal or local holidays, recognized by the employer as being paid days off, are reimbursable. WC only reimburses the following paid Federal holidays: New Year's Day; Martin Luther King Jr.; President's Day; Memorial Day; Fourth of July; Labor Day; Nevada Day; Veterans Day; Thanksgiving; family day (day after Thanksgiving); and Christmas.

4. All documentation related to OJT contract reimbursement must become part of the program participant's file.
5. When a participant successfully completes an OJT, the employer will need to complete a final evaluation form to validate the training and retention of the trainee as a regular employee. The final evaluation must be completed and dated on the last day of the activity.

F. Support documentation required for the participant file:

1. Properly completed OJT pre-award assessment;
2. Copy of company's certificate of liability insurance – both commercial/industrial and workers' comp;
3. Copy of valid business license;
4. Master OJT contract;
5. Skills gap analysis;
6. Fully executed training plan;
7. Final evaluation;
8. Copy of job description and/or O*NET occupation profile;
9. Copy of employer invoices (legible copies);
10. Copy of timesheets/attendance records;
11. Copy of payroll records (legible copies); and
12. Copy of payment to employer for OJT program hours.

- G.** Currently WC has established a dollar amount cap for OJTs which is not to exceed \$10,000 (ten thousand dollars). Providers of WIOA Title I services are to base the amount of OJTs on each eligible program participant's needs and circumstances and the availability of program funds. Exceptions to the established cap may be requested. Approval may be granted by WC Executive Director based on an individual case review.

V. Reimbursement to Employer

- A.** Employers may be reimbursed up to 50 percent of the wage rate of an OJT program participant for the extraordinary costs associated with training and additional supervision related to the OJT. Otherwise a waiver must be in place.
- B.** Extraordinary costs associated with training of participants are usually understood to mean: a) more intensive supervision; b) above average material waste; c) abnormal wear on tools; d) down time; and e) lower rates of production.
- C.** Employers are not required to document such extraordinary costs.
- D. Established Cap Rate:**
1. A wage cap is an upper limit on the hourly wage rate that is eligible for reimbursement. A reimbursement rate, or reimbursement level, refers to the percentage of the OJT participant's hourly wage or wage cap that can be reimbursed to an employer. WC has established a wage cap for the provision of OJT programs at \$20.34 for the SNWDA.
 2. Providers of WIOA Title I services may enter into OJT contracts with employers who elect to pay OJT participants more than the established wage cap rate; however, the employer cannot receive an OJT reimbursement beyond the established capped level. Example: A participant enters into an OJT program as a registered nurse (RN) with a pay rate of \$30.00 per hour with an employer who qualifies for a 50%

reimbursement rate. The provider of WIOA Title I services will reimburse the established cap rate at 50% (\$20.34 per hour x 50% = \$10.17 per hour). The remaining \$19.83 per hour must be paid by the employer.

3. Consistent with Sec. 181 (a)(1)(A) of WIOA the employer is required to compensate OJT participants at the same rates as trainees or employees who are in similar occupations by the same employer and who have comparable training, experience, and skills. If a job pays less than the capped level for similar work, the OJT wages and training reimbursement should be based on this lesser level. The OJT employee should not be paid more because the WC capped rate makes available a higher reimbursement threshold.
4. Waiver related to the established cap rate:
 - a) Providers of WIOA Title I services wishing to request a waiver must submit a full waiver plan to WC for review and approval. The waiver request must be directed to WC program manager and must include the following:
 - 1) Date;
 - 2) Organization name and contact information;
 - 3) Provide narrative for the following elements:
 - i) Goals and expected programmatic outcomes of waiver;
 - ii) Number of individuals impacted by the waiver;
 - iii) Process for monitoring progress and implementation.
 - b) WC may request additional information if determined necessary to complete its review of waiver request.
 - c) Providers of WIOA Title I services will be notified in writing of WC decision to grant or deny the waiver request.

E. Payment

1. WC will process all payments related to OJTs. The provider of WIOA Title I services is required to submit the OJT "obligation form" at least two (2) days prior to the OJT start date to WC for payments to be authorized and processed. All liability will remain with the provider of WIOA Title I services for any payments determined to be disallowed for any reason. Any training payments made directly by the provider of WIOA Title I services may not be reimbursed.
2. For payment(s) to be processed, the following must be submitted by the provider of WIOA Title I services: a) OJT acknowledgement form; and b) invoice.
3. In the event an OJT program is developed for a new employer, the provider of WIOA Title I services is responsible for submitting the employer's W-9 form.
4. For the purpose of appropriate programmatic and fiscal management practices, the total training program cost must be obligated at the time the program participant is enrolled in the training program (not when an OJT is established or approved). The planning and/or approval of training activities alone do not constitute an obligation. This must be taken into consideration to ensure the most effective use of training funds.
5. No training cost shall be paid if an individual has started a training activity prior to enrollment in a WIOA Title I program unless prior written approval is obtained from WC.

Workforce Connections Program Services and Activities Work-Based Training	ADW-030-05
New	Effective 07-01-2016
Policy Approved By: WC Executive Director Policy Adopted on:	

Policy purpose:

To provide guidance on authorized program parameters for the provision of work-based training (WBT). Applicability under Title I of the Workforce Innovation and Opportunity Act (WIOA): Registered Apprenticeships (RA); Customized Training (CT); Incumbent Worker Training (IWT); and Transitional Jobs (TJs).

Background:

WBT activities are employer-driven with the goal of full time unsubsidized employment after participation. Generally, WBT involves a commitment by an employer or employers to fully employ successful participants after they have completed the training program. WBT can be an effective strategy that provides additional opportunities for program participants and employers in both finding high quality work and developing a high quality workforce. There is a wide variety of WBT models, each of these models can be effectively used to target different job seeker and employer needs. It is important that all models have a strong ability to provide program participants with in-demand skills with opportunities for career advancement, and employers with a skilled workforce.

WBT models shall provide new skills for the participant, exposure to new occupations and careers, and work experience that can be highlighted on a resume and may help move the unemployed worker into permanent employment with the employer providing training program.

Policy:

In compliance with Title I of WIOA and its associated regulations, the Southern Nevada Workforce Development Board (SNWDB)/Workforce Connections (WC), will provide WBT opportunities for eligible program participants. WC has established that WBT programs are permissible only when the need for services have been properly identified through initial assessment and properly recorded in the Individual Employment Plan (IEP). All WBT programs/activities must be approved by WC prior to the commencement of the training activity. Providers of WIOA Title I services shall develop and implement policies and procedures that align with the requirements of this policy.

References:

PL 113-128 WIOA Secs. 122, 134, 189, 503; [29 CFR Part 38]
TEGL 12-09; TEGL 3-15; [20 CFR §678.430]; [20 CFR §680.700 – §680.850]; [State TAG 15-3]

All information required by Federal, State, and local reporting requirements must be collected for each individual receiving services under WIOA Title I funded programs. The appropriateness of any services provided to an eligible program participant should be timely and accurately documented in the IEP and should show a clear linkage between the provided service and potential improvement in the participant's employability or career objective goals.

I. Work-Based Training (WBT)

WBT can be an effective training strategy that provides additional opportunities for participants and employers in both finding high quality work and developing a high quality workforce. Each of these work-based models can be effectively used to target different job seeker and employer needs.

A. Registered Apprenticeships (RA).

RA is an important component of potential training and employment services that the workforce system can provide to its customers. It is recommended to be used as a career pathway for job seekers and as a job-driven strategy for employers and industries.

WC is committed to support the integration of RA as an employment and training strategy/solution for the providers of WIOA Title I services. WC encourages its providers of WIOA Title I services to develop strategies that will sustain and support program participants' placement in RA. These strategies may include the following:

1. The development of an ITA for a program participant to receive RA training;
2. The development of an OJT contract with a RA program for training program participants. The OJT contracts are made with the employer, and RA generally involves both classroom and on-the-job instruction. The OJT contract may be made to support some or all of the OJT portion of the RA program;
3. A combination of an ITA to cover the classroom instruction along with an OJT contract to cover on-the-job portions of the RA; and
4. Incumbent worker training may be used for upskilling apprentices who already have an established working/training relationship with the RA program.

Pre-apprenticeships may be used to provide work experiences that can help program participants obtain skills needed to be placed into RA.

B. Incumbent Worker Training (IWT)

IWT provides both workers and employers with the opportunity to build and maintain a quality workforce.

1. IWT shall be designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.
2. IWT may be conducted at the business facility, the training provider's facility, or at a combination of sites.
3. The IWT shall be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.
4. Employer(s) must pay the non-Federal share of the cost of providing the training to their incumbent workers. Under Sec. 134 of WIOA, the minimum amount of employer share in the IWT depends in the size of the employer:
 - a) At least 10 percent of the cost, for employers with 50 or fewer employees;
 - b) At least 25 percent of the cost, for employers with 51 to 100 employees; and
 - c) At least 50 percent of the cost, for employers with more than 100 employees.
5. The following criteria must be taken into account prior to the approval of IWT:
 - a) The characteristics of the participants in the program;
 - b) The relationship of the training to the competitiveness of a participant and the employer;
 - c) The number of employees participating in the training program;
 - d) Wage and benefit level of participants (both pre- and post-participation);

- e) The employer must not have laid anyone off in the last 12 months to relocate to Nevada from another State; and
- f) Other training and advancement opportunities provided by the employer.

To receive incumbent worker funding under WIOA Title I an incumbent worker must have an employer-employee relationship, and an established employment history of at least six (6) months, with the employer. Incumbent workers are employed at the time of their participation, and the contract funds are paid to the employer for training provided to the incumbent worker either to avert a lay-off or otherwise retain employment.

An ideal IWT would be one where a participant acquires new skills allowing him or her to move into a higher skilled and higher paid job within the company, thus allowing the company to hire a job seeker to backfill the incumbent worker's position. The IWT training should, wherever possible, allow the participant to gain industry-recognized training experience, and ultimately should lead to an increase in wages.

C. Customized Training

1. **Defined:**
 - a) The training is designed to meet the special requirements of an employer (or group of employers).
 - b) The training is conducted with a commitment by the employer to employ, or in the case of incumbent workers continue to employ, trainees upon successful completion of the training program.
 - c) The employer pays no less than 50 percent of the cost of training program.
 - d) The training program takes place at the job site or off-site, and is conducted by either the employer or by trainers that have been retained by the employer.
2. **CT – Service Requirements**
 - a) Training services may be provided through community colleges, local area vocational/technical centers, State universities, or licensed and certified private institutions.
 - b) CT may be conducted at the business facility, the training provider's facility, or at a combination of sites.
 - c) Instructors can be either full or part-time educators, or professionals from the local business community.
3. **CT for an individual that is currently employed may be provided when:**
 - a) The individual is not earning a livable wage, as determined by WC; or
 - b) The training relates to the introduction of new technologies, new production or service procedures, or upgrade to new jobs that require additional skills, workplace literacy, or other appropriate training approved by WC.
 - c) The participant must have an employer-employee relationship, and an established employment history of at least six (6) months, with the employer.
4. **To determine the employer share the following needs to be evaluated:** Consistent with, and as determined by, WC in accordance with the factors identified in Sec. 3 (14) of WIOA.
 - a) Size of the employer;
 - b) Number of employees participating in training;
 - c) Wage and benefit level of those employees (at present and anticipated upon completion of the training); and
 - d) Relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities.

D. Transitional Jobs (TJs)

1. TJs are a new type of work-based training allowed under Title I of WIOA.
 - a) TJs are time-limited work experiences that are subsidized for individuals with barriers to employment who are **chronically unemployed** or have an inconsistent work history.
 - b) TJs can be effective solutions for individuals to gain necessary work experience that they would otherwise not be able to get through training or an OJT contract.
 - c) TJs may be in the public, private, or non-profit sectors.
 - d) The goal of TJs is to establish a work history for the individual, demonstrate work success, and develop the skills that lead to entry into and retention in unsubsidized employment.
 - e) TJs offer the opportunity for a program participant to earn a wage while learning the norms and behaviors of work, gaining on-the-job success, increasing stability at the job, and increasing soft and hard skills.
 - f) 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 employment with the employer after the work experience is complete.
 - g) TJs must be combined with individualized career services and supportive services.
2. An ideal TJ program would have the following goals:
 - a) Stabilize individuals and families with earned income;
 - b) Teach expectations of the workplace experientially;
 - c) Address barriers to employment;
 - d) Build a work history and references;
 - e) Provide skills and experience to transition into unsubsidized employment; and
 - f) Address employment retention.
3. Core components of TJs:
 - a) Orientation;
 - b) Job readiness;
 - c) Support services;
 - d) Real wage paid;
 - e) Linkage to education and/or training; and
 - f) Unsubsidized job placement and retention.
4. WC established criterion for program participant compensation.
 - a) Compensation: minimum wage \$8.25 per hour – a minimum of four (4) hours and no more than eight (8) per training day.
 - b) Timeframe: shall not exceed – 60 days (the number of days shall be determined based on assessment of skills development need).
 - c) Allowed supportive services: employment focused supportive services (e.g., transportation, child care, work related clothing).
 - d) The hourly rate cannot be more than that paid to any employee in the same or similar position.

5. TJs program models:
TJs placement may vary, depending on the type of TJ program. There are three (3) main program models: a) individual placement, work crews, and social enterprises. Regardless of the implemented program model, in each TJ program model the program participants must work with a mentor at the work site. Program staff must focus on determining the most feasible routes into unsubsidized employment for program participants.

II. WBT General Provisions

- A. Shall only be approved for participants who have been properly assessed, and where an individual employment plan has been developed with a career coach to identify and document participant skills, interests, need for training, and employment goals.
- B. Case file must contain a determination of need for the WBT services, as identified in the individual employment plan (IEP) where the participant and career coach will identify employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment and career objective goals.
- C. In determining the appropriateness of the need for WBT, consideration shall be given to the skill requirements of the occupation, employer requirements, the academic and occupational skill level of the program participant, prior work experience, and the IEP. Skills gap analysis is required.
- D. A comprehensive training plan must be developed prior to WBT program start. The description of training must indicate the occupational areas or skills the program participant will be trained to perform, specific measurable objectives (along with number of hours of training required to obtain those skills), and the criteria for measuring and monitoring the attainment of those skills. Once skills have been identified and a method for measuring them has been established, trainee progress can be determined.
- E. Providers of WIOA Title I services must not contract with an employer who has previously exhibited a pattern of failing to provide work-based program participants with continued long-term employment wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.
- F. WBT activities must be provided under an agreement with the employer. Prior to entering into an agreement with the employer, a pre-screening and/or pre-award assessment must be conducted to ensure that the employer meets the minimum standards and can provide both training and long-term employment to participants where applicable.
The pre-screening and/or pre-award assessment must include, at a minimum:
 1. Compliance:
 - a) Federal, State and local regulations;
 - b) Fair Labor Standards Act of 1938;
 - c) Non-discrimination and equal opportunity provisions of WIOA and its regulations;
 - d) Americans With Disabilities Act;
 - e) Health and safety standards; and

- f) State worker compensation law requirements.
2. **Assurances**
- a) The company has not exhibited a pattern of failing to provide WBT participants with continued long-term employment where applicable.
 - b) The company verifies that WIOA funds will not be used to relocate operations in whole or part.
 - c) The company has operated at current location for at least 120 days, or has planned a new or expanded operation within the local area.
 - d) The company commits to providing employment for successful trainees as applicable and appropriate.
 - e) WIOA training funds will not be used to directly or indirectly assist, promote or deter union organizing.
 - f) The company must furnish information, including the company's IRS identification number, State unemployment insurance account number, and proof that all trainees will be covered under workers' compensation.
 - g) The company must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation by any federal department or agency.
 - h) Trainees shall not displace (including partial displacement, such as a reduction of hours of non-overtime work, wages, or employment benefits) any current employee, as of the date of the training agreement or contract.
 - i) Training funds will not be approved for any company that has relocated until 120 days after the relocation, if that relocation resulted in the loss of employment for any employee at the previous location and the previous location was within the United States.
 - j) To verify that an establishment which is new or expanding is not relocating employment from another area, the pre-award review must include names under which the establishment does business, including predecessor and successors in interest; and the name, title, and address of the company's official certifying the information, and whether WIOA Title I assistance is sought in connection with past or impending job losses at other facilities, including a review of whether WARN notices relating to the employer have been filed.
- G. What safeguards are there to ensure that participants in WIOA Title I employment and training activities do not displace other employees?
- 1. A participant in a program activity authorized under Title I of WIOA must not displace (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed individual (as of the date of the participation).
 - 2. A program or activity authorized under Title I of WIOA must not impair existing contracts for services or collective bargaining agreements. When a program activity authorized under Title I of WIOA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.
 - 3. A participant in a program or activity under Title I of WIOA may not be employed in or assigned to a job if: 1) any other individual is on layoff from the same or any substantially equivalent job; 2) the employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA

- participant; 3) the job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.
4. Regular employees and program participants alleging displacement may file a complaint under the applicable and/or established grievance procedures.

H. WBT – The Agreement

1. Must be fully executed, and will not be considered valid unless it is properly signed and dated by both the employer and the provider of WIOA Title I services. A copy of the fully executed agreement must be part of the program participant file.
2. Required support documentation:
 - a) Properly completed pre-award assessment;
 - b) Copy of company's certificate of liability insurance – both commercial/industrial and workers' compensation;
 - c) Copy of valid business license;
 - d) Fully executed agreement between the provider of WIOA Title I services and the employer;
 - e) Skills gap analysis;
 - f) Fully executed training plan;
 - g) Copy of job description and/or O*NET occupation profile;
 - h) Copy of employer commitment to hire training program participant;
 - i) Copy of attendance records – signed by employer and WBT trainee (legible copies);
 - j) Copy of employer's invoices (legible copies); and
 - k) Copy of payment to employer for training hours.

I. WBT authorized program expenses CT & IWT only

1. Reimbursable training program expenses:
 - a) Authorized Federal share for the type of training program;
 - b) Delivery of training;
 - c) Textbooks and instructional materials/manuals;
2. Non-reimbursable training program expenses may include, but are not limited to, the following:
 - a) Instructors/trainers salaries for the actual time of instruction/training;
 - b) Curriculum development costs;
 - c) Training equipment;
 - d) Travel expenses for instructors/trainers; and
 - e) Purchase of capital equipment (production equipment).

J. Prior Approval

The following information must be provided to WC for WBT funding consideration under WIOA Title I programs.

1. Name and address of requesting organization, business, or agency.
2. Contact information, title, and telephone number, fax number and e-mail address.
3. Cost of the proposed training program:
 - a) Total cost of the training program;
 - b) Total WIOA Title I funds requested; and
 - c) Total employer contribution, describe in detail where applicable.
4. Description of proposed training program:
 - a) Need for training;
 - b) Occupational demand for trained individuals;

- c) Type of training to be provided;
 - d) Length of proposed training;
 - e) Location of training site;
 - f) Target group for training; and
 - g) Number of individuals to receive training.
5. Training plan:
- a) Objectives of the training program;
 - b) Specific skills to be learned;
 - c) Method of instruction; and
 - d) Measurement of objectives and skill attainment for trainees.
6. Employer involvement and commitment:
- a) Curriculum design meeting needs of the employer;
 - b) Written commitment of the employer to employ/retain WIOA participants who successfully complete the training program.
7. Budget:
- a) Provide a narrative explaining how the funds will be utilized;
 - b) Provide an itemized budget.

III. Occupational Eligibility

- A. WBT programs are allowable for occupations which are consistent with the participant's capabilities, are in-demand occupations which will lead to local employment opportunities enabling the participant to become economically self-sufficient, and which will contribute to the occupational development and upward mobility of the participant on a career pathway.
- B. Occupations under which individuals may not participate in WBT include, but are not limited to, the following:
- 1. Occupations depending on commission as the primary income source;
 - 2. Professional occupations for which the trainee already possesses a license (e.g., real estate agent, insurance agent);
 - 3. Occupations dependent on tips or gratuities as the primary income source;
 - 4. Occupations which provide for only temporary or intermittent employment;
 - 5. Occupations with high labor turnover;
 - 6. Occupations in lower wage industries where prior skill or training is not prerequisite for hiring;
 - 7. Occupations which lead to relocation of establishment from one area to another;
 - 8. Seasonal occupations; and
 - 9. Occupations with a substantial number of experienced and able workers who are presently unemployed.