



Technical Assistance Guide (T.A.G.) Workforce Innovation and Opportunity Act

Number: 15-3

Date: May 18, 2016

Subject: Workforce Innovation Opportunity Act (WIOA) Overview

Purpose:

To communicate an overview of legislation and proposed rules and as they apply to Nevada policy and law.

Scope:

The requirements in this TAG apply to Local Workforce Development Boards (Local Board) and their sub-recipients.

Effective Date:

This directive is effective upon its issuance.

REFERENCES:

WIOA Legislation, NPRMs covering WIOA Titles I-IV, Department of Labor (DOL) Training & Employment Notice (TEN) and Training & Employment Guidance Letter (TEGL), NJCOS WIA Data and Performance Desk Reference.

STATE-IMPOSED REQUIREMENTS:

As directed in State Compliance Policy (SCP) and as identified in this directive.

ACTION:

Bring this directive to the attention of all appropriate staff and all sub-recipients.

I. EXECUTIVE SUMMARY

The goal of the Workforce Innovation and Opportunity Act (WIOA) is to improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet skills requirements of employers, and enhance the productivity and competitiveness of the Nation. Staff should use this guide to provide clarity, information and resources, which can enhance and improve service delivery and performance at the local level.

In general, the majority of WIOA provisions become effective on July 1, 2015 with additional requirements set for July 1, 2016. Major changes addressed in this guidance document are:

WIOA Adult and Dislocated Worker Program Changes

Applicable to Both Programs

- Removes the sequence of services that was required under WIA. A participant may receive services in any order that is deemed appropriate, if he/she meets certain requirements.
- Combines Core and Intensive services into "Career Services".
- Allows service providers to provide services to employers.
- Permits coordination with outside agencies to provide comprehensive services to participants.

Applicable to WIOA Adult Program Only

- Adds individuals who are "basic skills deficient" to the list of participants who must be given priority of service.
- Requires that priority of service considerations be factored in at all times rather than implementing priority of service only when funds are limited.
- Considers families that have individuals receiving free or reduced lunch as "low income".
- Underemployed individuals who meet the definition of low income may receive career and training services on a priority basis. (TEGL 3-15)

Applicable to WIOA Dislocated Worker Program Only

- Adds two new categories of individuals who may be served as dislocated workers: (1) spouses of members of the military on active duty and (2) separated military members.
- Adds dependent spouses of members of the Armed Forces on active duty as a category of individuals who may be served displaced homemakers.
- Individuals who are determined eligible for the Dislocated Worker program who are

determined by State and local policies to be underemployed, may still be considered eligible for career and training services (TEGL 3-15)

WIOA Youth Program

- Raises the minimum percentage of funds required to be spent on out-of-school youth from 30 to 75 percent of youth allocations, minus administration costs.
- Requires local boards to spend at least 20 percent of youth funds on work experience.
- Adds five new program elements that are available to youth.
- Automatically deems youth living in a "high poverty area" as meeting any low-income eligibility requirement for participation in the youth program.
- Allows a local board to serve out-of-school youth who are not attending school but are required to attend school by making school attendance a priority and scheduling services outside of normal school hours.

II. INTRODUCTION

WIOA is comprehensive legislation that reaffirms, reforms, and modernizes the public workforce system, bringing together and enhancing several key employment, education, and training programs. WIOA provides resources, services, and leadership tools for the workforce system to help individuals find and maintain good jobs and improves employer prospects for success in the global marketplace. It ensures that the workforce system operates as a comprehensive, integrated and streamlined system to provide pathways to prosperity for those it serves and continuously improves the quality and performance of its services. The purposes of WIOA are to:

- increase, particularly for individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services needed to succeed in the labor market;
- support the alignment of workforce investment, education, and economic development systems for a comprehensive, accessible, and high-quality workforce development system;
- improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide individuals with the skills and credentials necessary to secure and advance in employment with family-sustaining wages, and to provide employers with the skilled workers needed to succeed in a global economy;
- promote improvement in the structure and delivery of services through the workforce development system to better address the educational and training needs of workers, job seekers, and employers;
- increase the prosperity of workers and employers; the economic growth of communities, regions, and states; and the global competitiveness of the United States; and
- provide workforce investment activities that increase participants' employment, retention, earnings, and attainment of recognized postsecondary credentials, and as a result, improve the quality of the workforce, reduce dependency on public assistance, increase economic self-sufficiency, meet the skills requirements of employers, and enhance the productivity and competitiveness of the nation.

The purpose of this interim document is to provide guidance regarding:

- Significant changes from the Workforce Investment Act (WIA) program that impact Title I program eligibility for the WIOA Title I Adult, Dislocated Worker, and Youth Programs
- Criteria and documentation sources for establishing WIOA Title 1 program eligibility; and
- Significant NJCOS changes.

The guidance in this document is based on an initial analysis of the WIOA legislation and the five notices of proposed rulemaking (NPRMs) covering WIOA Titles I-IV, published in the Federal Register on April 16, 2015. This guidance is subject to change as additional federal guidance on WIOA is released. Once the WIOA Proposed Rules are finalized, the information provided in this document will be incorporated into specific WIOA State Compliance Policies (SCP) as appropriate, additional Technical Assistance Guides (TAG), the NJCOS Data and Performance Desk Reference, and other relevant documents. Unless otherwise noted, and until SCP's can be updated, all other previous state publications still apply.

III. SERVICES FOR ADULTS AND DISLOCATED WORKERS

WIOA merges Core and Intensive services into one category – "Career Services."

WIOA removes the sequence of service requirements established under WIA. Under WIA, participants were required to undergo a sequence of Core and Intensive services in order to receive training. WIOA clarifies that there is no sequence of service requirement in order to receive training. However, proposed §680.220 states that, at minimum, to be eligible for training, an individual must receive either an interview, evaluation, or assessment and career planning or any other method through which the program can obtain enough information to make an eligibility determination for training services. Where appropriate, a recent interview, evaluation, or assessment may be used for the assessment purpose.

WIOA establishes two levels of employment and training services for adults and dislocated workers: career services and training services.

Career Services: Reference Attachment A

Career Services for adults and dislocated workers must be made available in each local workforce development area. There are three types of career services, as identified in §678.430 of the NPRMs:

- Basic career services;
- Individualized career services; and
- Follow-up services.

Basic Career Services

Basic career services must be made available and, at a minimum, must include the following services:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
- Outreach, intake (including worker profiling), and orientation to information and other services available through the local workforce system;
- Initial assessment of skills levels, including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and support service needs;
- Labor exchange services, including:
 - job search and placement assistance, and, when needed by an individual, career counseling, including the provision of information on nontraditional employment and in-demand industry sectors and occupations; and
 - appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services not traditionally offered through the local workforce system;
- Provision of referrals to and coordination of activities with other programs and services, including programs and services within the local workforce system and, when appropriate, other workforce development programs;
- Provision of workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas;
- Provision of performance information and program cost information on eligible providers of training services by program and provider type;

- Provision of information, in usable and understandable formats and languages, about how the Local Board is performing on local performance accountability measures, as well as any additional performance information relating to the local workforce system;
- Provision of information, in usable and understandable formats and languages, relating to the availability of support services or assistance, and appropriate referrals to those services and assistance;
- Provision of information and assistance regarding filing claims for unemployment compensation, by which the Local Board must provide assistance to individuals seeking such assistance.
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

Individualized Career Services

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

- Comprehensive and specialized assessments of the skills levels and service needs of adults and dislocated workers; Section 134(c)(2) and (c)(3) list the required local employment and training activities. To satisfy some of these requirements, the use of assessments is necessary. Presumably, to avoid duplication of services, WIOA contains a clause that allows the use of previous assessments from another education or training program. The previous assessments must be determined to be appropriate by the Local Board and must have been completed within the previous six months
- Development of an individual employment plan 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 regarding eligible training providers;
- Group counseling;
- Individual counseling;
- Career planning;
- Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
- Internships and work experience that are linked to careers;
- Workforce preparation activities;
- Financial literacy services as described in WIOA §129(b)(2)(D);
- Out-of-area job search and relocation assistance; and
- English language acquisition and integrated education and training programs.

Note: If the Career Services provided include services under Section 134(c)(2)(A)(xii) of WIOA, priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

Previous Assessments

WIOA allows the use of previous assessments for determining appropriate career and training services for participants. Local Boards should ensure the previous assessment contains current information and is no more than six months old.

Follow-Up Services

Follow-up services must be made available, as appropriate—including counseling regarding the workplace—for participants in adult or dislocated worker activities who are placed in unsubsidized employment for a minimum of 12 months after the first day of employment.

Training Services (new services are italicized)

WIOA is designed to increase participant access to training services. Training services are provided to equip individuals to enter the workforce and retain employment. Examples of training services include:

- occupational skills training, including training for nontraditional employment;
- on-the-job training (OJT), including registered apprenticeship;
- *incumbent worker training in accordance with WIOA §134(d)(4)*;
- workplace training and cooperative education programs;
- private sector training programs;
- skills upgrading and retraining;
- entrepreneurial training;
- *transitional jobs* in accordance with WIOA §134(d)(5);
- job readiness training provided in combination with other training described above;
- adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, in combination with training; and
- customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Eligibility for Training Services

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

- after a determination of need is made using an employment plan:
 - are unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - are in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - have the skills and qualifications to participate successfully in training services;
- have selected a program of training services, and as appropriate from the Eligible Training Provider List (ETPL), that is directly linked to:
 - occupations that have been targeted by the Local Board or state board, or are targeted occupations for another local workforce development area to which an adult or dislocated worker is willing to commute or relocate; or
 - occupations that have been determined on a case-by-case basis to have a high potential for sustained demand and growth in the workforce area, based on sufficient and verifiable documentation, in accordance with the Local Board's procedures; and
- Are unable to obtain grant assistance from other sources to pay the costs of such training and related support services, including such sources as state-funded training funds, Trade Adjustment Assistance (TAA), and federal Pell Grants or require WIOA assistance in addition to other sources of grant assistance, including federal Pell Grants.

Required and Permitted Activities

WIOA Title I adult and dislocated worker formula funds **must** be used to provide career and training services. Local Boards determine the most appropriate mix of these services, but both types must be available for eligible adults and dislocated workers. WIOA Title I funds **may** also be used to provide the additional services described below:

Job Seeker Services

- Customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans to navigate among multiple services and activities
- Training programs for displaced homemakers and for individuals training for nontraditional occupations (as defined in WIOA §3(37) as occupations or fields of work in which individuals of one gender comprise less than 25 percent of the individuals so employed), in conjunction with programs operated in the workforce area
- Work support activities for low-wage workers that will provide opportunities for these workers to retain or enhance employment

Work support activities may include any activities available under the WIOA adult and dislocated worker programs in coordination with activities and resources available through partner programs. These activities may be provided in a manner that enhances the worker's ability to participate, for example by providing activities during nontraditional hours or providing on-site child care.

- Support services, including needs-related payments.
Note: Local Boards must have a Support Services/needs-related written policy approved by their Board and in alignment with SCP, prior to providing these to participants. This must include type, limitations and proper file/MIS documentation.
- Transitional jobs, as described in WIOA §134(d)(5), to individuals with barriers to employment who are chronically unemployed or have an inconsistent work history (see below for definition)

Coordination Activities

- Employment and training activities in coordination with any of the following:
 - child support enforcement activities, as well as child support services and assistance activities, of the state and local agencies carrying out Part D of Title IV of the Social Security Act (42 USC 651, et seq.);
 - cooperative extension programs carried out by the US Department of Agriculture;
 - activities to facilitate remote access to services, including facilitating access through the use of technology
- Activities to:
 - improve coordination between workforce development and economic development and to promote entrepreneurial skills training and microenterprise services; and
 - improve services and linkages between the local workforce system and employers, including small employers
- Improving coordination between employment and training activities and programs carried out in the workforce area for individuals with disabilities

Definitions

- **Incumbent worker training:** WIOA Sec.134(d)(4) There must be an employer-employee relationship and an established employment history with the employer of six months or more. An incumbent worker does not necessarily have to meet the WIOA adult or dislocated worker eligibility. Incumbent worker training funds are paid to avert a lay-off or otherwise retain employment. Incumbent worker training must be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent workers trained. Local Boards must establish a non-federal reimbursement share for incumbent worker training, which must be based on such factors as the number of employees participating in the training, the wage and benefit levels of the employees, the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities. The non-Federal share shall not be less than 10% of the cost for employers with no more than 50 employees; 25% of the cost for employers with 50-100 employees, and 50% for employers with more than 100 employees. When re-released with confirmed WIOA regulation, SCP 1.19 will detail the necessary requirements.
- **Local Priority:** Local Boards need to define and have written policy and procedures, and define additional priorities above the federal definitions, approved by their Board for their local area. Priority of Service will be defined later in this document.
- **Self-sufficiency:** The Division plans to provide further guidance with a uniform, objective self-sufficiency definition. Until that guidance is issued, Local Boards should continue to use their current, local definition.
- **Transitional jobs:** Time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history; are combined with comprehensive employment and supportive services; and are designed to assist in establishing a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment. The local board may use not more than 10 percent of their combined non-administrative total of adult and dislocated worker allotments to provide transitional jobs.
- **Underemployed:** Local Boards need to define and have written policy and procedures approved by their Board for determining underemployment for both Adult and Dislocated Worker programs.

Documentation Requirements

- For all training services, the case file must contain a determination of the need for training services as determined through the interview, evaluation, or assessment, and career planning and training provider performance information.
- If career services are not provided before training, the case notes must document the circumstances that justified the determination to provide training without first providing career services.

IV. WIOA ADULT PROGRAM

While WIOA adult eligibility requirements remain mostly consistent with WIA, there are some significant changes to the service priority provisions. Consistent with WIA, priority for adult services must be given to recipients of public assistance and other low-income individuals, with added priority for individuals who are basic skills deficient. Under WIA, this priority applied only when adult funds were limited. Under WIOA, however, priority access to services by members of this group applies automatically. WIOA expands the definition of low-income individual to include individuals who receive or are eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act. Local Boards must have written policy and procedure, approved by their board, clearly addressing when and how this priority will be applied to the services offered through their programs. This policy must address when low income documentation is collected.

WIOA Adult Eligibility

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

- be 18 years of age or older;
- be a citizen or noncitizen authorized to work in the US; and
- meet Military Selective Service registration requirements (males only).

Service Priority for Individualized Career Services and Training Services

Individualized career services and training services must be given on a priority basis, regardless of funding levels, to:

- public assistance recipients, and/or low-income adults; and/or individuals who are basic skills deficient.

Veterans/eligible spouses continue to have priority of service for WIOA and other designated job training programs funded in whole or in part by the U.S. Department of Labor. Refer to *TEGL 4-15 and SCP* for further information on this requirement.

Participants who are not in a priority of service category but are actively enrolled in a career or training service should be allowed to complete the activity. It is not expected that non-priority service participants must give up their place to an individual who is in a priority of service category and just starting a career and/or training service.

Definitions

Basic Skills Deficient: Nevada has defined basic skills deficient as the same for adult and youth participants, namely, an individual that has English reading, writing, or computing skills at or below the 8th grade (8.9 or lower) level. It is expected that basic skills deficient will be determined using an objective, valid and reliable assessment, such as the Test for Adult Basic Education (TABE) or Comprehensive Adult Student Assessment System (CASAS).

Homeless: (a) Lacks a fixed, regular, and adequate nighttime residence; this includes an individual who: is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, trailer park, 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;
(b) 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;

Low-Income Individual: An individual who meets any *one* of the following criteria satisfies the low-income requirement for WIOA adult services:

- 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 SNAP, Temporary Assistance for Needy Families (TANF), or the Supplemental Security Income (SSI) program, or state or local income-based public assistance (Refer to SCP, *National School Lunch Program* for further guidance on public assistance);
- Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the current combined U.S. Department of Labor 70 percent Lower Living Standard (LLS) Income Level and U.S. Department of Health and Human Services (HHS) Poverty Guidelines (Refer to LLSIL memo release from DETR each year);
- Is a homeless individual as defined in §41403(6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in §725(2) of the McKinney-Vento Homeless Assistance Act ;
- In a family that receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
- Is a foster youth on behalf of whom state or local government payments are made; or
- Is an individual with a disability whose own income meets:
 - WIOA’s income requirements, even if the individual’s family income does not meet the income requirements; or
 - The income eligibility criteria for payments under any federal, state, or local public assistance program

Underemployed: Individuals who are underemployed may include: Individuals employed less than full-time who are seeking full-time employment; those who are employed in a position that is inadequate with respect to their skills and training; those who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and those who are employed, but whose current job’s earnings are not sufficient compared to their previous job’s earnings from their previous employment, per State and /or local policy. Individuals who are underemployed and meet the definition of low-income or the definition of an individual with a barrier to employment (WIOA sec 3(24) may receive career and training services under the Adult program on a priority basis per sections 8 of TEGL3-15.

NJCOS Changes

- A new data field has been added - *basic skills deficient found under Comp Assess/Education tabs and a free/reduced lunch field will be added at a later date.

Documentation Requirements

- If the priority of service determination is based on the basic skills deficient criteria, the participant file must contain academic tests (including the participant's name, date of test, and results)
- If the family, reference TAG 14-1 for the definition of family, qualifies as receiving free or reduced lunch, documentation from the school/ district must be obtained and placed in client file.
- Refer to the current SCP for documentation requirements for those eligibility criteria unchanged from WIA.

V. WIOA DISLOCATED WORKER PROGRAM

The WIOA dislocated worker program offers employment and training services for eligible workers who are unemployed through no fault of their own or who have received an official layoff notice. WIOA expands the definition of dislocated worker to include the spouse of an active military member who lost employment as a result of a permanent change in duty location or is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

WIOA Dislocated Worker Eligibility

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

- be a citizen or noncitizen authorized to work in the US;
- meet Military Selective Service registration requirements (males only); and
- Meet the definition of dislocated worker at WIOA §3(15).

Definition of Dislocated Worker

A dislocated worker is an individual who meets one of the following six criteria (in addition to the State criteria):

1. The individual:
 - has been terminated or laid off, or has received a notice of termination or 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's Unemployment Insurance law; **and**
 - Is unlikely to return to a previous industry or occupation. (see Definitions section)
2. The individual:
 - 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, career services, or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.
3. The individual 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. This includes individuals working as independent contractors or consultants but not technically employees of a firm.
4. The individual is a displaced homemaker.

5. The individual is the spouse of a member of the Armed Forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such members; or is the spouse of a member of the Armed Forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
6. The individual is a separated service member with a discharge other than dishonorable who has received a notice of separation from the Department of Defense and is unlikely to return to a previous industry or occupation. §680.660
 - UI-Eligible for or Exhausted
 - Not UI Eligible, but Sufficient Employment Duration

State Criteria: The Qualifying Dislocation Date (QDD) must be within 60 months of the WIOA enrollment date with or without stop-gap employment. Stop-gap employment is defined below. Documentation must be collected per SCP and placed in client file as well as match that recorded in NJCOS. Local Boards must have written policy and procedures to guide staff on this item of eligibility.

Definitions

Active duty: Full-time training duty, annual training duty, and attendance, while in active military service, at a school designated as a service school. This does not include full-time National Guard duty.

Call or order to active duty: Service member has received official notice of call to active duty.

Deployment: Pursuant to orders, the service member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible to spend off-duty time in housing in which the member resides when on garrison duty at the member's permanent duty station or homeport; or the Secretary of Defense may prescribe a revised definition of deployment

Displaced Homemaker: An individual who has been providing unpaid services to family members in the home and who: a) has been dependent on the income of another family member but is no longer supported by that income; or b) is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced (see definition below) because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member; and c) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Permanent change of station: Official relocation of an active duty military service member, along with any family members living with her or him, to a different duty location, such as a military base. (Refer to <https://www.dmdc.osd.mil/appj/scra/> to determine active duty status).

Service-connected death or disability of the service member: Such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty in the active military, naval, or air service.

Significantly reduced: (as it relates to displaced homemaker): If the household income is above **250% of the Federal Poverty Level**, then a drop in income, to 250% or below of the Federal Poverty Level, is considered a significant reduction. If the household income is currently at or below **250% of the Federal Poverty Level**, than any drop in household income is considered significant. (Refer to LLISL memo)

Stop-gap Employment: Stop-gap/income maintenance employment, is defined as a job paying significantly less than the lay-off wage, paying significantly less than the Lower Living Standard Income Level (LLISL) self-sufficiency standard, paying a percentage that is significantly less than the negotiated performance goal or a job classified and documented as temporary in duration. Qualifying Stop-gap employment is that which falls within the 60 month period prior to enrollment.

Underemployed: Individuals who are underemployed may include: Individuals employed less than full-time who are seeking full-time employment; those who are employed in a position that is inadequate with respect to their skills and training; those who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and those who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment, per State and /or local policy. Individuals who were determined eligible for the Dislocated Worker program who are determined, by State and/or local policies to be underemployed, may still be considered eligible for career and training services under this program per TEG3-15.

Unlikely to Return to a Previous Industry or Occupation: Unlikely to return to a previous industry or occupation is one of the categories for dislocated worker eligibility. For purposes of WIOA Dislocated Worker program eligibility, previous industry/occupation relates directly to the job of dislocation, not the most recent job if it is considered stop-gap employment. See definition above for stop-gap employment.

Note: Local Boards must define in their Dislocated Worker policy those who are Unlikely to Return to Previous Industry or Occupation, to assist staff in identifying appropriate Dislocated Workers.

NJCOS Changes

- In determining "Sufficient Employment Duration" the Work History Tab will be used under the Customer Detail in NJCOS.
- Federal Eligibility Criteria for displaced homemaker is revised to add being a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced because of the spouse's deployment, order of active duty, permanent change of station, or service connected death or disability. Use Displaced Homemaker under Reason For Leaving in the Work History Tab under Customer Detail, detail case note, file documentation required.
- Federal Eligibility Criteria is newly added: Spouse of a member of the Armed Forces on active duty who: a) has experienced a loss of employment as a result of relocation of the spouse's duty station; b) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. Data collection point to be determined (TBD). Detail case note, file documentation required.

- Federal Eligibility Criteria is newly added: A separated service member *with a discharge other than dishonorable, who has received a notice of separation from the Department of Defense* and is unlikely to return to a previous industry or occupation. §680.660. Use Transitional Veteran at Military Service at Add'l Info tab under the Customer Detail for those who received notice of separation and have not yet separated or their date of separation is in the future. Subject to the 60 month Qualifying Dislocation Date.

Documentation Requirements

- Notice of deployment, call or order to active duty or change of station; death certificate or self-attestation (service connected death or disability); pay stubs, tax returns, other documents to verify decrease in income
- Refer to the current SCP for documentation requirements for those eligibility criteria unchanged from WIA

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

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

Local Boards must have written policy and procedure as to Follow-up services. They could include, but are not limited to: Additional career planning and counseling, contact with the participant's employer, including assistance with work-related problems that may arise, peer support groups, information about additional educational opportunities, and referral to supportive services available in the community, case management administrative follow-up, other services as defined by the Local Boards.

VI. WIOA YOUTH PROGRAM

WIOA enacted a number of changes for the youth formula-funded program. The most significant change is the focus of resources to out-of-school youth (OSY). WIOA raises the minimum percentage of funds required to be spent on OSY from 30 percent to 75 percent. This intentional shift refocuses the program to serve OSY during a time when large numbers of youth and young adults are out-of-school and not connected to the labor force. Additionally, under WIOA, opportunities for work experience become an important element of the program. WIOA prioritizes work experience with the requirement that Local Boards must spend a minimum of 20 percent of youth funds on work experience.

WIOA also introduces five new program elements:

- financial literacy;
- entrepreneurial skills training;
- services that provide labor market and employment information about in-demand industry sectors or occupations available in the workforce areas;
- activities that help youth prepare for and transition to postsecondary education and training; and
- Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

WIOA enhances the youth program design through an increased emphasis on individual participant needs by adding new components to the objective assessment and Individual Service Strategy (ISS). WIOA incorporates career pathways as part of both the objective assessment and development of the individual service strategy. In addition, the individual service strategy must directly link to one or more of the performance indicators. The program design under WIOA also includes effective connections to employers, including small employers, in in-demand industry sectors and occupations. In addition, the local board has the discretion to implement a pay-for-performance contract strategy for the provision of the program elements for which the local board may reserve and not use more than 10 percent of the total funds allocated to the local area.

Additionally there is a new limitation in WIOA related to the “additional assistance” criterion that applies only to ISY. WIOA Section 129(a)(3)(B) states that in each local area, not more than 5 percent of the ISY assisted may be eligible based on paragraph (1)(C)(iv)(VII), which refers to the barrier for an ISY who requires additional assistance to complete an educational program or to secure or hold employment. States and local areas must ensure that in a given program year, no more than 5 percent of ISY enrolled in the program year are eligible only based on the “additional assistance” criterion.

WIOA, like WIA, maintains a 5 percent low-income eligibility exception where 5 percent of local area participants who ordinarily would need to be low-income do not need to meet the low-income provision. Under WIA, the 5 percent low-income exception was calculated based on 5 percent of all youth participants enrolled in a given program year. However, because not all OSY are required to be low-income, the 5 percent low-income exception under WIOA is calculated based on the 5 percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria.

Unlike under WIA or under the definition of an in-school youth (ISY) under WIOA, low income is not a requirement to meet eligibility for most categories of OSY under WIOA. However, low income is now a criterion for youth who need additional assistance to enter or complete an educational program or to obtain or retain employment. Also, WIOA has made youth with a disability a separate eligibility criterion, and has changed the age criterion for OSY eligibility to youth not younger than 16 and not older than 24 years at the time of enrollment. Additionally, WIOA includes a new OSY criterion: a youth who is within the age of compulsory school attendance but has not attended school for at least the most recent school year's calendar quarter.

Under Nevada Revised Statutes, NRS 392.040, "Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school." Additionally under NRS 392.070 a child must be excused when:(a) The child is enrolled in a private school pursuant to [NRS: CHAPTER 394 - PRIVATE EDUCATIONAL INSTITUTIONS AND ESTABLISHMENTS](#) NRS; or (b) A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with [NRS: CHAPTER 392 - PUPILS](#).

In order to comply with the State's compulsory attendance law, and WIOA's priority and non-interference requirement, youth at an age where they are required to attend school, do not have an exception to the regular school attendance as outlined in law, or have not graduated, may be served as an out-of-school youth, if the Local Board makes school attendance a priority and provides services outside of the regular school day.

Through the ISS, the Local Board makes school attendance a priority by providing services that direct a youth back to school. The first goal of the ISS must be to have the youth return to school. The local board can also provide services that encourage regular school attendance, such as counseling, tutoring, or exploring career options, as well as dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent.

Services provided to out-of-school youth must be provided outside of the regular school day for youth who are not 18 and have not graduated unless the service is returning to school. For purposes of compliance with the law, a regular school schedule is the days and times during which school is normally held as set by the school district board.

WIOA Youth Eligibility

To be eligible to receive WIOA youth services, an individual must:

- Be a citizen or noncitizen authorized to work in the United States;
- Meet Military Selective Service registration requirements (males only); and
- Be an ISY or OSY, as defined by WIOA §129(a)(1)(B)–(C).

In-School Youth (ISY)

An ISY is an individual who is:

- Not younger than 14 and not older than 21 years;
- Attending school (as defined by State law);
- Low-income, as defined by WIOA §3(36), or lives in a high poverty area; and

One or more of the following:

- Basic skills deficient
- An English language learner;
- An offender;
- A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under §477 of the Social Security Act (42 USC §677), or in an out-of-home placement;
- Pregnant or parenting;
- An individual with a Disability; or
- Requires additional assistance to enter or complete an educational program or to secure or hold employment (WIOA §3(27) and §129(a)(1)(C)). No more than 5 percent of ISY served in the workforce area may be deemed eligible because of the criteria described in this bullet.

Out-of-School Youth (OSY)

An OSY is an individual who is:

- Not younger than 16 and not older than 24 years;
- Not attending school (as defined by State law), other than adult education provided under Title II of WIOA, YouthBuild programs, and Job Corps programs; and

One or more of the following:

- A school dropout, does not include individuals who have dropped out of postsecondary education, as defined by the state (a youth attending an alternative school at the time of enrollment is not a considered a dropout);
- Within the age of compulsory school attendance (aged 6–18), but has not attended school for at least the most recent complete school year’s calendar quarter;
- A recipient of a secondary school diploma or its recognized equivalent who is a low- income individual and is either:
 - Basic skills deficient; or
 - An English language learner;
- Subject to the juvenile or adult justice system;
- A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under §477 of the Social Security Act (42 USC §677), or in an out-of-home placement;
- Pregnant or parenting;
- An individual with a Disability; or
- A low-income individual who requires additional assistance to enter or complete an educational program or to obtain or retain employment.

Youth Program Design

The design framework of local youth programs must:

- Provide for an objective assessment of each youth participant, including a review of the academic and occupational skill levels and service needs, for the purpose of identifying appropriate services and career pathways for participants and informing the individual service strategy. A new assessment of a participant is not required if the Local Board determines that it is appropriate to use a recent (within the previous six months) assessment of the participant conducted as part of another education or training program. **Note:** For purposes of the Literacy and Numeracy Gain performance measure (in effect until July 1, 2016), the prescribed tests are suggested as CASAS, TABE or their equivalents. Local Boards must have written policy and procedures directing acceptable tests and procedures.
- Develop, and update as needed, an individual service strategy for each youth participant that:

- is directly linked to one or more indicators of performance (as described in WIOA §116(b)(2)(A)(ii)) (**Note:** this will not be effective until Program Year 2016);
- identifies appropriate career pathways that include education and employment goals;
- considers career planning and the results of the objective assessment; and
- prescribes achievement objectives and services for the participant; and
- Provide case management of youth participants, including follow-up services.

Youth Program Elements; Reference Attachment B

Local Boards must ensure that **each** of the following 14 services are addressed in the ISS and are available, as appropriate, to youth participants. Local Boards must develop and publish service mapping, in each service area, that identifies agencies where Youth participants may be referred to receive guidance for any of the below items that the WIOA enrolling agency does not have the experience to provide. (New program elements are identified in italics.)

1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential
2. Alternative secondary school services, or dropout recovery services, as appropriate
3. Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:
 - Summer employment opportunities and other employment opportunities available throughout the school year;
 - Pre-apprenticeship programs—a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship programs;
 - Internships and job shadowing;
 - OJT opportunities, as defined in WIOA §3(44)
4. Occupational skills training, which includes priority consideration for training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the workforce area involved, if the Local Board determines that the programs meet the quality criteria described in WIOA §123. **Note:** Prior WIA regulations provided that Individual Training Accounts (ITAs) were not an authorized use of youth funds. However, the proposed regulations (681.550) allow ITAs for older, out-of-school youth aged 18 to 24.
5. *Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster*
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors
7. Support services, as defined in WIOA §3(59), which enable an individual to participate in WIOA activities. **Note:** Similar to the WIA program, incentive payments are allowable under the WIOA program. However, while incentive payments are allowable, the incentives must be

in compliance with the requirements in 2 CFR part 200. For example, Federal funds may not be spent on entertainment costs. Therefore, incentives may not include entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. Additionally, under 2 CFR part 200, there are requirements related to internal controls to safeguard cash which also apply to safeguarding of gift cards, which are essentially cash.

Local Boards must have written policy and procedures, approved by their Board, identifying Support Services and Incentive practices. These policies must include when the incentive is appropriate, state all regulatory requirements, and define caps for each instance.

8. Adult mentoring for a duration of at least 12 months that may occur both during and after program participation
9. Follow-up services for not fewer than 12 months after the completion of participation
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth
11. *Financial literacy education*
12. *Entrepreneurial skills training*
13. *Services that provide labor market and employment information about in-demand industry sectors or occupations available in the workforce area, such as career awareness, career counseling, and career exploration services*
14. *Activities that help youth prepare for and transition to postsecondary education and training*

Definitions

Activities to help youth transition to postsecondary education and training: Such activities could include: skill development and practice (time management, practice interviews, independent living, legal responsibilities after age of 18) and how to prepare for post-secondary education (applications, financial aid, scholarships)

Basic Skills Deficient: A youth who has English reading, writing, or computing skills at or below the 8th grade (8.9 or lower) level on a generally accepted standardized test.

Determination of School Status: Determination of whether a youth participant is an OSY or ISY is made at the time of program enrollment. Once the school status of a youth is determined, that school status remains the same throughout the youth's participation in the WIOA youth program for purposes of reporting against the OSY expenditure requirement.

Education offered concurrently with and in same context as workforce preparation: The three components of an integrated education and training program include: adult education and literacy activities, workforce preparation activities, and workforce training. Adult education and literacy activities are programs, activities, and services such as English language services to achieve

competence in reading, writing, speaking, and comprehension. Workforce preparation activities help individuals acquire a combination of basic academic, critical thinking, and digital literacy skills. They improve employability by improving self-management abilities, increasing ability to work with others, and develop other skills necessary for successful transition into post-secondary education, training, and employment.

English Language Learner: An individual who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English; or who lives in a family or community environment where a language other than English is the dominant language.

Entrepreneurial skills training: Training to provide the basics of starting and operating a small business.

Financial Literacy: Engaged in training to improve financial literacy or personal budgeting skills.

High Poverty Area: A youth living in a high poverty area automatically meets the low-income criterion. A high poverty area is a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 30 percent, as set every five years using American Community Survey 5-Year data.

Homeless: An individual who lacks a fixed, regular, and adequate nighttime residence; including:

- Is sharing 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 lack of alternative adequate accommodations;
- Is living in an emergency or transitional shelter;
- Is abandoned in a hospital; or
- Is awaiting foster care placement;

An individual who 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; or

Migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless because the children are living in circumstances described above.

Low-Income: An individual who meets any *one* of the following criteria satisfies the low-income requirement for WIOA youth services:

- 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 SNAP, TANF, or the Supplemental Security Income (SSI) program, or state or local income-based public assistance
- Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the current combined 70 percent Lower Living Standard Income Level and Health and Human Services Poverty Guidelines
- Is a homeless individual as defined in §41403(6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in §725(2) of the McKinney-Vento Homeless Assistance Act
- Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell

National School Lunch Act

- Is a foster youth on behalf of whom state or local government payments are made
- Is an individual with a disability whose own income meets:
 - WIOA's income requirements, even if the individual's family income does not meet the income requirements; or
 - the income eligibility criteria for payments under any federal, state, or local public assistance program

Low-Income exception: Of the youth with low income as a condition of eligibility (all In-School Youth and Out-of-School youth with a high school diploma or requires additional assistance) no more than 5% may be eligible if they meet the additional characteristic eligibility but do not meet the income eligibility.

Not attending school: The youth is at an age where they are required to attend school, do not have an exception to the regular school attendance as outlined in NRS, or have not graduated. However, the Local Board must make school attendance a priority and provide services outside of the regular school day. Through the Individual Service Strategy (ISS), the Local Board makes school attendance a priority by providing services that direct a youth back to school. The first goal of the ISS must be to have the youth return to school. The local board can also provide services that encourage regular school attendance, such as counseling, tutoring, or exploring career options.

Out of area job search & relocation assistance: Local Boards must have written policy and procedures, approved by their Board, to detail the allowable parameters of these services beyond what the State has required below:

- Out of Area Job Search- the total lifetime job search allowance paid to a participant may not exceed \$1500 and must be pre-approved by the Local Board as indicated by case note in the MIS system.
Payments- Travel; the lesser of the actual amount or the cost per mile as authorized under federal travel regulations. Lodging and Meals- the lesser of the actual amount or per diem as authorized under federal regulations.
- Relocation-must have a documented job offer. The total lifetime relocation allowance paid to a participant may not exceed \$1500 and must be pre-approved by the Local Board as indicated by case note in the MIS system.
Payments- Travel; the lesser of the actual amount or the cost per mile as authorized under federal travel regulations. Lodging and Meals- the lesser of the actual amount or per diem as authorized under federal regulations. Moving Expenses- equal to the lesser of three documented bids.

Out-of-home placement: Foster care, including family foster care, kinship care, treatment foster care, and residential and group care.

Requires additional assistance: The State has developed the following eligibility criteria for its definition of "A Youth Who Requires Additional Assistance to Enter or Complete an Educational Program, or to Secure or Hold Employment".

To qualify, NJCOS fields (where they exist), case notes (as appropriate) and case file must document one of the following:

1. Has repeated at least one secondary grade level or is one or more grade levels behind age appropriate level
2. Has a core GPA of less than 1.5 or is a postsecondary student deemed by a school official to be on academic probation
3. Is at least two semester/four quarter credits behind the rate required to graduate from high school for each year of secondary education
4. Has a family history of chronic unemployment (during the two years prior to application, family members were unemployed longer than employed)
5. Is an emancipated youth
6. Is a current or previous dropout or is deemed at risk of dropping out of school by a school official
7. Has been suspended two or more times from school or has been expelled
8. Has been referred to or is being treated by an agency for documented mental health issues or a substance abuse-related problem
9. Has experienced a recent traumatic event (within two years of application), is a victim of abuse, or resides in an abusive environment as documented by a school official or professional
10. Is a youth 16 years of age or older who has not held a job for longer than three months or is currently unemployed and lacks work readiness skills necessary to obtain and retain employment as documented on the youth objective assessment.

Section 477 of the Social Security Act (John H. Chafee Foster Care Independence Program):

States are provided flexible funding to design and conduct programs:

- To identify children likely to remain in foster care until age 18 and to help these children make transition to self-sufficiency by providing a variety of services
- To help children who are likely to remain in foster care until age 18 receive the education, training, and services necessary to obtain employment
- To help children who are likely to remain in foster care until age 18 prepare for and enter postsecondary training and education institutions
- To provide personal and emotional support to children aging out of foster care, through mentors and promotion of interactions with dedicated adults
- To provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency...
- To make available vouchers for education and training, including postsecondary training and education, to youths who have aged out of foster care
- To provide these services to children who, after attaining age 16, have left foster care for kinship guardianship or adoption.

Services that provide labor market and employment information: May include career awareness, career counseling, career exploration services or in-demand industry sectors or occupations available in local area.

NJCOS Changes

- Manage Customers – Date of Birth field has been revised to accept youth age eligibility of 14-24 years old.
- Manage Programs – Participation date field may be changed to “*participation date/enrollment” in the future.
- Some Data fields will be added to Manage Programs to capture out-of-school youth barriers, use

case notes and file documentation.

- Added the use of data field called "Limited English"
- Will add data field for "*Living in High Poverty Area"
- Will add data field "*Free/Reduced Lunch"
- Will add data field "*Aged out of foster care"
- New youth services types added to Services Tab
- Basic Skills Deficient is now a flag for Youth Eligibility and can be found under the Comp Assess tab Education and must be used when used as an eligibility item followed with a case note.
- Youth participants enrolled after July 1, 2015, DO NOT USE Lit/Num Testing pop-up in NJCOS. Use the comments tab in NJCOS to document test used, date, and scores.
- Youth participants who were enrolled and basic skills deficient pre-tested prior to July 1, 2015 and therefore grandfathered into WIOA, continue to use the Lit/Num Testing pop-up in NJCOS to record post-test data in order to receive appropriate performance recording.

Documentation Requirements

- If the youth qualifies as receiving free or reduced lunch, documentation from the school must be obtained and placed in the client file.
- Refer to the current SCP for documentation requirements for those eligibility criteria unchanged from WIA.
- Follow-Up; As described in TEGL 05-12, a follow-up service provides support and guidance after placement to facilitate: 1) sustained employment and educational achievement; 2) advancement along a job and/or educational ladder; and 3) personal development. While a follow-up service should include more than just a contact attempted or made for securing documentation for the case file in order to report a performance outcome, regular contact with the participant to ensure youth successfully continue in their placement of employment, or post-secondary education, may be a sufficient follow-up service as long as the case manager has assessed whether the participant needs anything beyond the regular contact and determined they do not need additional services.

In the event that for a period of no less than six months following exit a youth is unreachable, refuses to divulge information, or has relocated out of state with no intention of returning, follow-up contact attempts may cease. Local Boards must have policies and procedures documenting effective Follow-Up delivery and consistent follow-up services to youth.

Follow-up services will be reviewed during WIOA Programmatic Reviews. Inadequate or insufficient follow-up services, providing follow-up services inconsistently, *i.e.*, "only upon request," and providing follow-up services for less than a duration of 12 months will be noted as findings unless thoroughly deemed justifiable via documentation.

VII. ADMINISTRATIVE REQUIREMENTS

Incumbent worker programs: A local board may reserve and use not more than 20% of allocated funds to pay for the federal share of training for incumbent workers. In addition, the employer must pay for the non-Federal share of the cost of providing incumbent worker training. The local board shall establish the non-Federal share, taking into account several factors.

The 20% maximum is calculated based on non-administrative local area adult and dislocated worker funds.

Pay-for-Performance contract: A procurement strategy that uses pay-for-performance contracts in the provision of training services (described in section 134(c)(3) or activities described in section 129(c)(2), and includes:

- Contracts which specify a fixed amount that will be paid to an eligible service provider based on the achievement of specified levels of performance on the primary indicators of performance for target populations as identified by the local board, within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;
- A strategy for independently validating the achievement of the performance; and
- A description of how funds not paid to a provider because the achievement of performance did not occur will be reallocated

The 10% maximum is calculated based on non-administrative local area adult, dislocated worker and youth funds.

Program expenditures for In-School Youth: Decreased funding for ISY programs require Local Boards to identify existing resources throughout their communities that can provide services to ISY.

Program expenditures for Out-of-School Youth: WIOA increases the minimum OSY expenditure rate for youth formula-funded programs to 75 percent. Administrative costs are limited to 10 percent of local youth funds and are not subject to the 75 percent minimum OSY expenditure requirement.

Program expenditures for Youth Work Experience: Under WIOA, not less than 20 percent of local youth funds must be used to provide OSY and ISY with paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:

- Summer employment opportunities and other employment opportunities available throughout the school year;
- Pre-apprenticeship programs—a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship program;
- Internships and job shadowing;
- OJT opportunities, as defined in WIOA §3(44).

The 20 percent minimum is calculated based on non-administrative local area youth funds and is not applied separately for ISY and OSY.

Transitional jobs: Local Board can use up to 10% of allocated funds to provide transitional jobs. The 10% maximum is calculated based on the combined, non-administrative local area adult and dislocated worker funds. Prior to implementing a transitional jobs program, the local board must have an approved local policy.

NJCOS Reporting

WIA sunsets on June 30, 2015 and WIOA goes into effect on July 1, 2015. On July 1, 2015, all active WIA Title I participants (Adult, Dislocated Worker, and Youth) enrolled in a WIA Title I program prior to July 1, 2015, must be transitioned (or "grandfathered") into WIOA, even if the

participant would not otherwise be eligible for WIOA. An eligibility re-determination **should not** be completed for participants already determined eligible and enrolled under WIA.

Furthermore, these participants **must be allowed** to complete the WIA services ("grandfathered services") specified in their Employment Plan, regardless of whether the services are allowable under WIOA, as long as the WIA services were specified in participants' employment plans as of June 30, 2015.

Effective July 1, 2015, eligibility determinations for **new participants** must be made under WIOA and all other WIOA requirements must be followed. Participants enrolled on or after July 1, 2015, may only access services allowable under WIOA.

It is **not required** to manually close out WIA Title I services in NJCOS on June 30, 2015 and re-open them on July 1, 2015. However, with the transition to WIOA, it is a good opportunity to manually review each active WIA participant record to determine the appropriateness of either closing all services or carrying the participant forward into Program Year 2015

General

Funding Services – Actual costs must be used when funding a Training or Support Service in NJCOS at the Services Tab.

Planned End Date – Federal guidelines stipulate that “90 days without a service” constitutes an exit. Entering an extended Plan End Date beyond 90 days is not an acceptable practice.

The only services that can extend the exit date include services that would qualify under the WIOA as individualized career or training services, or youth activities that span over 90 days to complete. They also include similar employment and training activities from Partner Agencies such as Adult Literacy Training. They do not include services that provide income support (e.g., Food Stamps, Temporary Assistance for Needy Families (TANF) grants, and Unemployment Compensation).

Planned Gap in Service: Participants may have a planned gap in service that prevents them from participation. A planned gap in service must be approved by the Local Board as indicated by a case note in NJCOS. Participants who have a planned gap in service of greater than 90 days are not considered as exited if the gap in service is due to a delay before the beginning of training or a health/medical condition that prevents an individual from participating in services. Flexibility in determining whether to exit a participant in a Reserve/National Guard exits. Local Boards must have policy addressing this. Note: NJCOS has a hold button to stop the enrollment from exiting. See WIA Desk Guide for instructions. This should be used sparingly.

Pre-Apprenticeship Programs: The DOL defined a quality pre-apprenticeship program in the Training and Employment Notice (TEN) 13-12. Pre-apprenticeship is defined as a program, or set of strategies designed to prepare individuals to enter and succeed in a Registered Apprenticeship program and has a documented partnership with at least one, if not more, Registered Apprenticeship programs. YouthBuild and Job Corps often serve as pathways to Registered Apprenticeship programs and have a track record of successful apprenticeship placements because they have the elements of successful pre-apprenticeship programs. Reference current and soon to be updated WIOA SCP for details.

Registered Apprenticeships: Registered Apprenticeship is a national training system that combines

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

Please use the following additional reference materials:

NJCOS WIA Data and Performance Desk Reference Guide at;

http://detr.state.nv.us/workforce_investment_pages/NJCOS/NJCOS_Documents/WIA_Data_Performance_Desk_Reference/NJCOS_WIA_Data_Performance_Desk_Ref.pdf

State Compliance Policy at http://detr.state.nv.us/workforce_investment_pages/WIA_Policies.htm

WIA/WIOA Technical Assistance Guides (TAG's)

http://detr.state.nv.us/workforce_investment_pages/Technical_Assistance_Guides.htm

E-Benefits Federal website will allow a veteran to request and download their DD-214 and disability rating plus many other documents. After requesting the documents they are usually available for download within 8 hours. <https://eauth.va.gov/ebenefits/manage/documents>

WIOA Adult, Dislocated Worker and Youth Service Definition Crosswalk to NJCOS; Attached

Attachment A

<u>BASIC CAREER SERVICES</u>	<u>NJCOS SERVICE NAME</u>
<ul style="list-style-type: none"> • Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs; 	Initial Assessment Interview
<ul style="list-style-type: none"> • Outreach, intake (including identification through the state's Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits) , and orientation to information and other services available through the one-stop delivery system; 	Orientation UI Profiling "Automatically populated"
<ul style="list-style-type: none"> • Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs; 	Initial Assessment Interview
<ul style="list-style-type: none"> • Labor exchange services, including- 	Job Search & Placement Assistance
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Job search and placement assistance, and, when needed by an individual, career counseling, including- 	Job Search & Placement Assistance
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA); and, 	Job Search & Placement Assistance
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Provision of information on nontraditional employment (as defined in sec. 3(37) of WIOA); 	Job Search & Placement Assistance
<ul style="list-style-type: none"> • Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs; 	Initial Assessment Interview
<ul style="list-style-type: none"> • 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- 	Initial Assessment Interview
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Job vacancy listings in labor market areas; 	Initial Assessment Interview
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Information on job skills necessary to obtain the vacant jobs listed; and 	Initial Assessment Interview
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs; 	Initial Assessment Interview
<ul style="list-style-type: none"> • Provision of performance information and program cost information on eligible providers of training services by program and type of providers; 	Initial Assessment Interview
<ul style="list-style-type: none"> • Provision of information 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; 	Initial Assessment Interview

<ul style="list-style-type: none"> • Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development (HUD) 1 ; and assistance under a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program; 	Initial Assessment Interview
<ul style="list-style-type: none"> • Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA; and 	Pell Grant Applied or Info Provided
<ul style="list-style-type: none"> • Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim 	Initial Assessment Interview
<ul style="list-style-type: none"> • Meaningful assistance means providing assistance; 	Initial Assessment Interview
<ul style="list-style-type: none"> • On-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim 2, or 	Initial Assessment Interview
<ul style="list-style-type: none"> • By phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time; 	Initial Assessment Interview
<ul style="list-style-type: none"> • The costs associated in providing meaningful assistance may be paid for by the State's UI program, the WIOA Adult or Dislocated Worker programs, the Wagner-Peyser Employment Service, or some combination thereof these funding sources. 	Initial Assessment Interview
<u>INDIVIDUALIZED CAREER SERVICES</u>	
<ul style="list-style-type: none"> • Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include- <ul style="list-style-type: none"> • Diagnostic testing and use of other assessment tools; and • In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals; 	Counseling - Individual & Career Planning
<ul style="list-style-type: none"> • Development of an individual employment plan, 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, eligible training providers; 	Individual Employment Plan (IEP)
<ul style="list-style-type: none"> • Group and/or individual counseling and mentoring; 	Counseling - Group Sessions
<ul style="list-style-type: none"> • Career planning (e.g. case management); 	Counseling - Individual & Career Planning

<ul style="list-style-type: none"> • Short-term pre-vocational services, including development of leaning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre vocational services; 	Short-Term Pre-Vocational Skills
<ul style="list-style-type: none"> • Internships and work experiences that are linked to careers; 	Internships
<ul style="list-style-type: none"> • Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment; 	Basic/Life Skills
<ul style="list-style-type: none"> • Financial literacy services; 	Financial Literacy
<ul style="list-style-type: none"> • Out-of-area job search assistance and relocation assistance; and 	Relocation Assistance
<ul style="list-style-type: none"> • English language acquisition and integrated education and training programs. 	ABE or ESL in Combination with Training
<u>FOLLOW UP SERVICES</u>	
<p>Follow-up services must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the work place is an appropriate type of follow-up service. Follow-up services do not extend the date of exit in performance reporting.</p>	Service Type + Program Type = Follow-Up
<p>Transitioning to Career Services: All career services described above must be made available in one-stop centers beginning on July 1, 2015. There is no operational requirement that services must happen in a specific sequence, and any forms and collateral materials that reflect a sequence of service requirements must be updated beginning July 1, 2015. For reporting purposes, until reporting systems are in place to report career services, please report basic career services as core services, and individualized career services as intensive services.</p>	Being defined by DOL
<p>We will issue subsequent guidance on performance reporting for WIOA activities.</p>	
<u>TRAINING SERVICES</u>	
Entrepreneurial Skill Training	Entrepreneurial Skill Training
Registered Apprenticeship	Apprenticeship
Work Experience	Work Experience
On-the-Job Training	On the Job Training (OJT)
Customized Training	Customized Training
Incumbent Worker Training	*Incumbent Worker Training - Fund w/ Incumbent 20%

Customized Training	Customized Training
Occupational Skills Training	Occupational Skills Training
Transitional Jobs	Transitional Jobs: Work Based Training
Supportive Services may include, but are not limited to:	Other
• Transportation;	Transportation
• Child Care;	Child Care
• Dependent Care;	Dependent Care
• Housing; and	Housing
• Needs-Related Payments (available only to individuals enrolled in training services).	Needs Related Payments - For participants in Training

NJCOS SERVICES PER TEGL 23-14 YOUTH WIOA

<u>WIOA YOUTH SERVICES PER TEGL 23-14</u>	<u>NJCOS YOUTH SERVICES</u>
(1) Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized post-secondary credential;	Tutoring Study Skills Training
(2) Alternative secondary school services, or dropout recovery services, as appropriate;	Alternative Secondary School Services Assessment – Comprehensive and Specialized
(3) Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:	Work Experience
a. summer employment opportunities and other employment opportunities available throughout the school year;	Summer-Related Employment
b. pre-apprenticeship programs;	Pre-Apprenticeship
c. Internships	Internships
d. Job Shadowing	Job Shadowing
e. on-the-job training opportunities;	On the Job Training (OJT)
(4) Occupational skill training, which includes priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the Local Board determines that the programs meet the quality criteria described in WIOA sec. 123;	Occupations Skills Training
(5) Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;	Education Concurrent w/ Workforce Prep Activities
(6) Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;	Leadership Development Opportunities
(7) Supportive services;	Supportive Service-Other Supportive Service-Housing Supportive Service-Transportation Supportive Service-Child Care Supportive Service-Dependent Care
(8) Adult mentoring for a duration of at least 12 months that may occur both during and after program participation;	Mentoring
(9) Follow-up services for not less than 12 months after the completion of participation;	Service Type + Program Type = Follow-Up

(10) Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth;	Comprehensive Guidance and Counseling
(11) Financial literacy education;	Financial Literacy
(12) Entrepreneurial skills training;	Entrepreneurial Training
(13) Services that provide labor market and employment information about in- demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and	Comprehensive Guidance and Counseling
(14) Activities that help youth prepare for and transition to post-secondary education and training.	Comprehensive Guidance and Counseling