

New Mexico Workforce Connection

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Operational guidance for WIOA title I supportive Services. Issue Date July 1, 2021.

Operational Guidance- Adult/DW Supportive Services Monetary Cap. All supportive services will be awarded to most in need low income participants. Coordinator & Director will determine what supportive services are permitted.

(1) Transportation, Commuting Assistance and Temporary Shelter

(a) Transportation assistance and commuting assistance

Transportation and commuting cost calculations will be based on the distance the participant is required to travel round trip from their residence to the training location.

Participants may be reimbursed at a rate of up to \$0.25 per mile based on map miles and payment must be supported by participant's attendance report. **Subcontractor has implemented guidance that this service will not be provided with adult funding. Subcontractor has implemented a \$500.00 limit per semester for DW funding.**

(b) Temporary Housing Assistance

I. Emergency Short Term Housing Assistance

WIOA allows for supportive services payments in emergency situations related to housing or rental assistance so long as the participant's name is on the lease and not providing assistance would hinder the individual's participation in or completion of the authorized WIOA activities. The file must contain documentation of the need that substantiates how the situation would hinder the participant's ability to complete training and how the situation will be rectified and that resources are not available from another source. Housing assistance requests would be submitted on the EAWDB HOUSING SUPPORTIVE SERVICES REQUEST FORM or its subsequent replacement or similar form. **Subcontractor has implemented guidance that this service will not be provided.**

II. Training Related Short term housing assistance

Short term housing assistance may be provided to individuals that are attending training more than 60 miles from their permanent residence. The amount paid to the participant shall not exceed the participant's balance of unmet need. **Subcontractor has implemented guidance that this service will not be provided with adult funding. Subcontractor has implemented a \$1,500.00 limit per semester for DW funding.**

(2) **Child Care**

(a) Child Care reimbursement eligibility: Childcare assistance may be provided to eligible participants who require such assistance to participate in a WIOA activity and whose need has been documented in their ISS. To qualify, participants must have legal responsibility or custody of the child(ren) twelve (12) years of age or younger (documentation of custody must be provided and maintained in the file), and must furnish documentation that other resources are not available (including family members).

(b) Exclusion:

Child care payment shall not be authorized when the Individual:

i. Is receiving 100% of needed child care payments from another Source (e.g. Children, Youth and Families or other local service provider, etc.),
or

ii. Is absent entirely or in part from his/her regularly scheduled training activity. This includes holidays, except in instances in which partial days of attendance in observance of a holiday or related events are approved or scheduled by the training provider.

(c) Child care reimbursements levels

Child care assistance is available for up to three (3) children. A maximum payment of up to ten dollars (\$10.00) per day per child and up to thirty dollars per day of attendance per household is allowable. The total cost shall not exceed one hundred fifty dollars (150.00) per week. For all child care reimbursement, the participant must submit a paid receipt either bi-weekly or monthly or there must be a written agreement by the child care provider to bill WIOA directly for service. In the presence of partial funding from another source WIOA will only pay the remaining balance.

CC's must verify and track the age and time limitations of the participant's child(ren).

Child care reimbursement shall be calculated based on the following:

i. Home child care

Individuals providing child care (other than family members) shall be eligible for a maximum payment of five dollars (\$5.00) per day per child up to fifteen dollars (\$15.00) per day and seventy-five dollars (\$75.00) per week.

ii. Certified day care providers (certified home day care)

For children placed with a certified day care provider reimbursement will be paid seven dollars (\$7.00) per day per child up to a maximum of twenty-one dollars (\$21.00) per day and one hundred five dollars (\$105.00) per week.

**A copy of the day care's certification must be submitted to the CC and maintained in the participant's file.

iii. Licensed Day Care Providers

For children placed with a certified day care provider the reimbursement amount will be up to ten dollars (\$10.00) per day up to a maximum of thirty dollars (\$30.00) per day and one hundred fifty (\$150.00) per week.

**A copy of the day care's license shall be provided to the CC and maintained in the participant's file.

Subcontractor has implemented guidance that this service will not be provided.

- (3) **Medical and Health Care Supportive Services.** Minor medical and health care services that may be provided include but are not limited to:
- Physical examinations;
 - Eye and/or ear examinations;
 - Filling of eyeglass prescriptions;
 - Purchase of hearing aids;
 - Purchase of orthopedic devices; and
 - Other minor medical or health care services not listed herein that are necessary for the individual to participate in the program. Contingent upon available funding, a one-time maximum of three hundred fifty dollars (\$350.00) for minor health or medical-care service may be provided to participants enrolled in a WIOA funded training activity that require such assistance to participate in the program. The participant must provide proof of need (statement from health care or medical practitioner). The participant shall only be eligible for this assistance if he/she cannot obtain such services from other available resources (i.e. One-Stop partners, local community health care programs, etc.). The participant's inability to obtain the service from other sources must be provided and maintained in the participant's file by the CC. The provider must agree to bill and accept payment for services from WIOA once services have been completed. The agreement must be documented in the

participant file. Payment for services shall be made directly to the vendor or provider upon receipt of billing. In order for a participant to receive reimbursement for these services he/she must submit a paid invoice/receipt from the medical provider must be submitted.

Subcontractor has implemented guidance that this service will not be provided.

(4) Group Supportive Services. Group supportive services may supplement supportive services provided to the individual, but such services must not be duplicative of services already provided (either paid through WIOA or other sources). Group supportive services are limited to safety equipment, work/training attire, transportation, meals and lodging for the target groups to be served in a specially designed program or project as approved by the local board, consistent with the local plan and in accordance with applicable RFP/Procurement procedures. The cost for such services must be reasonable and necessary as verified by the Service Provider. The participant file must contain documentation to substantiate the need in the participant file. **Subcontractor has implemented guidance that this service will not be provided.**

(5) Other Supportive Services per semester: Supportive services not listed above may be paid to allow a participant to participate in training or employment services. Such items include but are not limited to:

- Uniforms, tools or work attire for employment related activities.

\$500 Adult \$1,000 DW

- Safety equipment for employment related activities

\$500.00 Adult/DW

- Testing & Licensing Fees

\$1,500.00 Adult/DW

- Reasonable accommodations for individuals with disabilities

Subcontractor has resolved that this service will not have a maximum limit, but will be determined based on need. All amounts are contingent upon Director's approval.

- Legal aid services

Subcontractor has resolved that this service will not have a maximum limit, but will be determined based on need. All amounts are contingent upon Director's approval.

- Training related needs not provided by the training provider including but not limited to: book rentals, tools not available through the training provider, book purchases through sources other than the training provider and prerequisite drug screening for individuals accepted into a training program requiring drug testing.

Subcontractor has implemented a \$500.00 maximum limit per semester for this service.

Operational Guidance - Youth Supportive Services Monetary Cap

(1) Transportation, Commuting Assistance and Temporary Shelter

Transportation and commuting cost calculations will be based on the distance the participant is required to travel round trip from their residence to the training location.

Participants may be reimbursed at a rate of up to \$0.25 per mile based on map miles and payment must be supported by participant's attendance report. Subcontractor has implemented a \$200.00 weekly maximum limit for this service.

Bus passes can also be purchased on behalf of and issued to youth participating in training activities. Bus pass purchases must be supported by receipts for the purchase, signature by the youth for receipt of the pass and attendance records supporting usage. Subcontractor has implemented a \$75.00 monthly maximum limit for this service.

(b) Temporary Housing Assistance

III. Emergency Short Term Housing Assistance

WIOA allows for supportive services payments in emergency situations related to housing or rental assistance so long as the participant's name is on the lease and not providing assistance would hinder the individual's participation in or completion of the authorized WIOA activities. The file must contain documentation of the need that substantiates how the situation would hinder the participant's ability to complete training and how the situation will be rectified and that resources are not available from

another source. Housing assistance requests would be submitted on the EAWDB HOUSING SUPPORTIVE SERVICES REQUEST FORM or its subsequent replacement or similar form. **Subcontractor has implemented a \$2500.00 lifetime maximum limit for this service.**

IV. Training Related Short term housing assistance

Short term housing assistance may be provided to individuals that are attending training more than 60 miles from their permanent residence. The amount paid to the participant shall not exceed the participant's balance of unmet need. **Subcontractor has resolved that this service will not have a maximum limit, but will be determined based on need. All amounts are contingent upon Director's approval.**

(2) **Child Care**

- (d) Child Care reimbursement eligibility: Childcare assistance may be provided to eligible participants who require such assistance to participate in a WIOA activity and whose need has been documented in their ISS. To qualify, participants must have legal responsibility or custody of the child(ren) twelve (12) years of age or younger (documentation of custody must be provided and maintained in the file), and must furnish documentation that other resources are not available (including family members).
- (e) Exclusion:
Child care payment shall not be authorized when the Individual:
ii. Is receiving 100% of needed child care payments from another Source (e.g. Children, Youth and Families or other local service provider, etc.),
or
ii. Is absent entirely or in part from his/her regularly scheduled training activity. This includes holidays, except in instances in which partial days of attendance in observance of a holiday or related events are approved or scheduled by the training provider.
- (f) Child care reimbursements levels
Child care assistance is available for up to three (3) children. A maximum payment of up to ten dollars (\$10.00) per day per child and up to thirty dollars per day of attendance per household is allowable. The total cost shall not exceed one hundred fifty dollars (150.00) per week. For all child care reimbursement, the participant must submit a paid receipt either bi-weekly or monthly or there must be a written agreement by the child care provider to bill WIOA directly for

service. In the presence of partial funding from another source WIOA will only pay the remaining balance.

CC's must verify and track the age and time limitations of the participant's child(ren).

Child care reimbursement shall be calculated based on the following:

i. Home child care

Individuals providing child care (other than family members) shall be eligible for a maximum payment of five dollars (\$5.00) per day per child up to fifteen dollars (\$15.00) per day and seventy-five dollars (\$75.00) per week.

ii. Certified day care providers (certified home day care)

For children placed with a certified day care provider reimbursement will be paid seven dollars (\$7.00) per day per child up to a maximum of twenty-one dollars (\$21.00) per day and one hundred five dollars (\$105.00) per week.

**A copy of the day care's certification must be submitted to the CC and maintained in the participant's file.

iii. Licensed Day Care Providers

For children placed with a certified day care provider the reimbursement amount will be up to ten dollars (\$10.00) per day up to a maximum of thirty dollars (\$30.00) per day and one hundred fifty (\$150.00) per week.

**A copy of the day care's license shall be provided to the CC and maintained in the participant's file.

Subcontractor will observe the EAWDB maximums for this service as underlined above.

(3) **Medical and Health Care Supportive Services.** Minor medical and health care services that may be provided include but are not limited to:

- Physical examinations;
- Eye and/or ear examinations;
- Filling of eyeglass prescriptions;
- Purchase of hearing aids;
- Purchase of orthopedic devices; and
- Other minor medical or health care services not listed herein that are necessary for the individual to participate in the program. Contingent upon available funding, a one-time maximum of three hundred fifty dollars (\$350.00)

for minor health or medical-care service may be provided to participants enrolled in a WIOA funded training activity that require such assistance to participate in the program. The participant must provide proof of need (statement from health care or medical practitioner). The participant shall only be eligible for this assistance if he/she cannot obtain such services from other available resources (i.e. One-Stop partners, local community health care programs, etc.). The participant's inability to obtain the service from other sources must be provided and maintained in the participant's file by the CC. The provider must agree to bill and accept payment for services from WIOA once services have been completed. The agreement must be documented in the participant file. Payment for services shall be made directly to the vendor or provider upon receipt of billing. In order for a participant to receive reimbursement for these services he/she must submit a paid invoice/receipt from the medical provider must be submitted.

Subcontractor will observe the EAWDB maximums for this service of a one-time maximum of three hundred fifty dollars (\$350.00) for minor health or medical-care service.

(4) **Needs–Related Payments.** Needs-related payments provide financial assistance for enabling individuals to participate in training and are one of the supportive services authorized by WIOA and are subject to funding availability. Needs Related Payment assistance is subject to funding availability and shall not be provided to adults and dislocated workers when funding is limited and priority of service is in effect. Eligibility requirements for adults and dislocated workers to receive needs-related assistance are as follows [§CFR 680.950-680.990];

(a) Youth **must** be 18-24 years old at participation, out of school and:

(i) Be unemployed and;

- Not qualify for, or have ceased qualifying for, unemployment compensation and
- Be enrolled in a program of training services as specified under WIOA

(b) Determination of the level of needs-related payments §680.970

The level of needs related payments shall be determined as follows:

(i) For youth participants, payments must not exceed the greater of either of the following levels:

- The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or

- The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as determined by Local WDB policies. [WIOA sec. 134(e)(3)(C)] [CFR 680.970]. The EAWDB has determined that the adjustment will follow the UI guidelines of an additional \$25.00 per child per week up to two children for a maximum adjustment of \$50.00 per week.

(ii) Calculation – the calculation for the allowable amount of needs related payments to youth will follow the guidelines established for adults and dislocated workers in section [4(B)(5)(c.iii)] above.

- (5) Group Supportive Services. Group supportive services may supplement supportive services provided to the individual, but such services must not be duplicative of services already provided (either paid through WIOA or other sources). Group supportive services are limited to safety equipment, work/training attire, transportation, meals and lodging for the target groups to be served in a specially designed program or project as approved by the local board, consistent with the local plan and in accordance with applicable RFP/Procurement procedures. The cost for such services must be reasonable and necessary as verified by the Service Provider. The participant file must contain documentation to substantiate the need in the participant file. **Subcontractor has implemented a \$5000.00 maximum limit per contract for this service.**
- (6) Stipends: A stipend is a fixed and regular small payment such as an allowance. Reasonable stipends are allowable expenditures for work experience or other training activities for youth when the provision of stipend is included in the participant's individual service strategy. Only WIOA youth funds may be used to fund stipends and are subject to availability of funds. Such stipends are not considered income.

Service providers may pay stipends to participants for their successful participation in and completion of education or training services (except OJT). Stipends may not be less than the Federal or State minimum wage whichever is higher.

(a) Strategies that provide for the use of the stipend: Stipends can be beneficial in allowing youth to participate in work experience activities that gain work readiness skills, occupational skills and basic skills. This affords the youth the means of providing some self-support while gaining necessary skills for the workforce.

- (ii) (b) Only WIOA youth participating in training activities such as tutoring, WE, or classroom instruction are eligible for stipends. For example, youth attending tutoring to assist with the

successful completion of training activities. Youth that possess a high level of basic skills could be trained to provide tutoring to other youth through and enrolled in a leadership development activity and could receive a stipend for provision of tutoring under the guidance of trained instructors.

- (iii) Stipends are paid based on time participating (hours worked/trained) in the activity and must include a time sheet signed by the employer/trainer, youth and CC. Documents must be maintained in the file for documentation of amounts paid to the youth. The use of stipends must be approved by the youth contract manager or designee. The NMWCOS voucher approval will constitute the approval use of stipends.

Subcontractor has implemented a \$10,400.00 maximum limit per contract for this service. Contracts are not to exceed 1040 hours.

- (7) Incentives: Incentives are compensation in the form of cash, checks, gift cards, and nonmonetary gifts or vouchers provided to a customer in exchange for meeting specific goals and outcomes defined on the customers ISS. Incentives gives youth providers opportunities to improve employment, training, and education outcomes and must be tied directly to work experience, education or training. Incentives are a way to encourage workforce participants' participation or to reward participants for achieving specific elements defined in an ISS or IEP. Incentives cannot take the form of entertainment. Therefore, WIOA funds cannot be expended on incentives such as movie tickets, sporting event tickets, or gift cards to places whole purpose is for entertainment. The provider may leverage funds for incentives that WIOA cannot fund.

Incentives are not considered income but bonuses for meeting or exceeding employability or training goals that are established in writing in the individual employment plan.

The youth program manager must develop a plan for the use of incentives that provides guidance for staff on the approval process for Incentives and the equal availability for them.

Eligible achievement incentives include but are not limited to:

- Attainment of HSE or its equivalent. - **\$500**
- Career pathway exploration activities when tied directly to a job shadow or work experience. -**\$25**
- Complete basic, work readiness, or occupational skill attainment goals when tied directly to a work experience; **\$25**
- Completion of Post test indicating a skill level gain for MSG; **\$75.**

- Obtainment of unsubsidized employment;
- Attainment of a post-secondary credential (certificate, diploma, degree or occupational license); \$250 and
- Youth mentorship that results in the mentee receiving an achievement incentive. **One-half of the amount the mentee is eligible for up to the incentive limits.**

Subcontractor has implemented a \$500.00 maximum limit per contract for completion of the HSE diploma. Subcontractor has implemented a \$1000.00 maximum limit per contract for other incentive payments.

(8) Other Supportive Services: Supportive services not listed above may be paid to allow a participant to participate in training or employment services. Such items include but are not limited to:

- Uniforms, tools or work attire for employment related activities \$1500.00
- Safety equipment for employment related activities \$500.00
- Testing & Licensing Fees \$1500.00
- Reasonable accommodations for individuals with disabilities

Subcontractor has resolved that this service will not have a maximum limit, but will be determined based on need. All amounts are contingent upon Director's approval.

- Legal aid services

Subcontractor has resolved that this service will not have a maximum limit, but will be determined based on need. All amounts are contingent upon Director's approval.

- Training related needs not provided by the training provider including but not limited to: book rentals, tools not available through the training provider, book purchases through sources other than the training provider and prerequisite drug screening for individuals accepted into a training program requiring drug testing.

Subcontractor has implemented a \$5000.00 maximum limit per contract for this service.

EASTERN AREA WORKFORCE DEVELOPMENT BOARD

A Proud Partner of the American Job Center Network

Eastern Area Workforce Development Board

Workforce Innovation and Opportunity Act Policy 01-18 Youth Services

Effective Date: 10/01/18

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Revision Number: 1

Revision effective date: 8/17/2021

Approval Date: 8/17/2021

Contact Entity: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Title 1 of the Workforce Investment Opportunities Act (WIOA) of 2014 et.al; WIOA Regulations, TEGL 23-14; TEGL 21-16; Office of Management and Budget (OMB) cost principles codified in 2 CFR Part 220, Part 225 and Part 230; 20 CFR 681.430; 20 CFR 681.460; 20 CFR 681.600.

1. PURPOSE

This policy is to provide instruction and guidance on the provision and administration and reporting of WIOA youth services throughout the Eastern Area. It also serves to place the guidance for WIOA financial requirements regarding service delivery to out of school youth and the expenditure requirements for work experience in the direct context of service delivery.

2. BACKGROUND

The WIOA of 2014 established a high emphasis on prioritizing service delivery to individuals that are out of school and face challenges to successfully entering the workforce or higher education. The purpose of the legislation is to provide the structure and support to youth to facilitate a path of lifelong learning and career development opportunities.

3. DEFINITIONS: Reserved

4. ACTION

The WIOA requires that 14 mandatory service related elements be included and available in the structure and design of WIOA youth programs in local areas. It prioritizes that availability and provision of the services be targeted primarily on out of school youth and establishes a minimum amount of funding that must be spent on the delivery of work related activities. The WIOA outlines a broader youth vision that supports an integrated service delivery system.

A. Program Elements

The WIOA has identified that the following services be made available to all individuals participating in the WIOA youth program:

- (1) Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to the completion of the requirement for a high school diploma or its equivalent or for a recognized post-secondary credential. This service is recorded in the WCOS under activity code 406- Youth tutoring study skills training and instruction.

Such services focus on providing academic support, helping youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies. These services can be provided one on one, in a group setting, or through resources and workshops.

Secondary school dropout prevention strategies include services and activities that keep a young person in-school and engaged in a formal learning and/or training setting. Strategies include but are not limited to tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instructions.

- (2) Alternative secondary school services, or dropout recovery services, as appropriate. This service is recorded under WCOS activity number 415-Youth Alternative Secondary school service. Alternative secondary school services, such as basic education skills training, individualized academic instruction and ESL training are those that assist youth who have struggled in traditional secondary education. The goal is to help youth re-engage and persist in education that leads to the completion of a recognized high school equivalent.
- (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 activities:
 - (i) Summer employment opportunities and other employment opportunities available throughout the school year;
 - (ii) Pre-apprenticeship programs;
 - (iii) Internships and job shadowing; and
 - (iv) On the job training opportunities.

These services will be recorded under the WCOS activity codes listed below:

- 453-Youth paid/unpaid work experiences
- 408-Youth internships
- 409-Youth Job Shadowing
- 435-Youth OJT

20 CFR 681.600 defines work experience as a “planned, structured learning experience that takes place in a workplace for a limited period. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private or public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable law exists. Funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike or being locked out in the course of a labor dispute. Work experiences provide the participant with opportunities for career exploration and skill development. WIOA 20 CFR 681.590 requires that a minimum of 20 percent of local area funds for the Title I youth program be spent on Work experience. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum. Further information regarding this requirement will be provided in Section “C” of this document.

Work experiences must include academic and occupational education. The academic and occupational education component may occur concurrently or sequentially with the work experience. The academic and occupational education component refers to contextual learning that accompanies a work experience. It includes information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of several types of hospital occupations such as phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning about some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the

body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience.

- (4) Occupational skills training, which includes priority consideration for training programs that lead to recognized post-secondary credentials that align with demand industry sectors in the local area. This service is recorded in the WCOS under service codes:
- 440-Youth Non-ITA Occupational Skills training. This is used if the youth is enrolled in college for employment related training and WIOA is not assisting with funding.
 - 450-Youth Occupational Skills Training- This is if WIOA is assisting with the costs of training.

As stated in 20 CFR 681.540, occupational skills training is defined as an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. The local program must give priority consideration to training programs that lead to a recognized post-secondary credential that aligns with local demand occupations. The programs must:

- a) Be outcome oriented and focused on an occupational goal specified in the individualized Service Strategy (ISS);
- b) Be of sufficient duration to impart the skills needed to meet the occupational goal; and
- c) Lead to the attainment of a recognized postsecondary credential.

In addition, the training program must meet the quality standards outlined in WIOA section 123.

As discussed in 20 CFR § 681.550 "to enhance individual participant choice in education and training plans and provide flexibility to service providers, the Department allows WIOA Individual Training Accounts (ITAs) for OSY, ages 16 to 24, using WIOA youth funds, when appropriate." ITAs allow participants the opportunity to choose the training provider that best meets their needs. To receive funds from an ITA, the training provider must be on the Eligible Training Provider List as outlined in § 680.400 and 680.410.

ISY cannot use youth program funded ITAs. However, ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the young adult's individual needs, knowledge, skills, and interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program.

- (5) Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. This service is recorded under VOSS activity code 401-Youth Pre-Employment Training/Work Maturity. Need additional activity code

20 CFR 681.630 states that this program element reflects an integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway.

While programs developing basic academic skills, which are included as part of alternative secondary school services and dropout recovery services, workforce preparation activities that occur as part of a work experience, and occupational skills training can all occur separately and at different times this program element refers to the concurrent delivery of these services which make up an integrated education and training model.

- (6) Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors. This service will be recorded under WCOS activity code 410 – Leadership Development this activity is inactive.

These activities can include but are not limited to:

- a) Exposure to postsecondary educational possibilities;
- b) Community and service learning projects;
- c) Peer-centered activities; including peer mentoring and tutoring;
- d) Organizational and team work training, including team leadership training;
- e) Training in decision making, including prioritization and problem solving;
- f) Citizenship training, including life skills training such as parenting and work behavior training;
- g) Civic engagement activities which promote the quality of life in a community; and
- h) Other leadership activities that place youth in a leadership role such as serving on youth leadership committees such as a Standing youth committee.

- (7) Supportive Services as described in 20 CFR 681.570. This program element and its components are detailed in the EAWDB supportive services policy and as such are not further addressed in this document. These services will be recorded under the appropriate WCOS activity code from the list below:

- 455-Supportive service – transportation funded
- 456-Supportive Service – Medical funded
- 457-Supportive Service-Temporary Shelter Funded
- 458-Supportive Service-Other Funded
- 454 Supportive Service-Child/Care Dependent Care Funded

The need for Supportive services and the unavailability for support from other sources should be included in the Individual Service Strategy (see section B.4 below) within the part of the plan that the service relates to e.g. childcare for attendance in training or work related activities.

- (8) Adult mentoring for duration of at least 12 months that may occur both during and after program participation. This service is recorded in the WCOS under activity service code 411- Youth adult mentoring.

This element must be provided in a formal relationship between the participant and an adult mentor that includes structured activities where the mentor offers guidance, support and

encouragement to develop the competence and character of the mentee. While group and electronic mentoring are allowable as part of the service, at a minimum the local youth program must match the youth with an individual mentor with whom the youth interacts on a face to face basis. Mentoring may include workplace mentoring where the local program matches a participant with an employer or employee of a company. The local provider should ensure that appropriate processes are in place to adequately screen and select mentors.

- (9) Follow-up services for not less than 12 months after the completion of participation. These are recorded under in the follow-up section in the WCOS. 20 CFR 681.580 sites this element as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or education and training. The services may include regular contact with a participant’s employer, including assistance in addressing work-related problems that arise. Follow up services may begin immediately following the last expected date of service in the youth program or other DOL funded co-enrolled program when no future services are scheduled.

Follow up services may include:

- a) Supportive services;
- b) Adult mentoring;
- c) Financial literacy;
- d) Services that provide labor market information; and
- e) Activities that help the youth prepare for transition to postsecondary education and training.

Follow up services must be provided for a minimum of 12 months following exit unless the participant declines to receive follow-up services or the participant cannot be located or contacted.

When repeated (10 or more contact attempts in 2 consecutive quarters) contact by phone, email, alternate contacts and employer contact have repeatedly resulted in an inability to obtain any information regarding the youth’s needs or status or if the youth is repeatedly resistant to follow up service contact then the youth program staff may case note the attempts and provide whatever written documentation via upload to the management information system (MIS). No further follow up efforts will be required.

- (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. This service is recorded in the WCOS under activity service code 417- Youth comprehensive guidance and counseling. 20CFR 681.510 states that this element provides individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs as appropriate. The local youth program must coordinate with the organization providing the service to ensure continuity of service.

- (11) Financial Literacy education are services designed to increase the ability of the participant to manage their finances. These services are recorded in the WCOS under activity code 442- Financial literacy education and may include the following services/activities:
- a) Support the ability of the participants to create budgets, initiate checking and savings accounts and make informed financial decisions;
 - b) Support participants in learning how to effectively manage spending, credit and debt, including student loans, consumer credit and credit cards;
 - c) Teach participants about the significance of credit reports and credit scores, their rights regarding credit and financial information, how to identify and correct inaccuracies in their credit reports and how to improve or maintain good credit;
 - d) Support a participant's ability to understand, evaluate and compare financial products;
 - e) Educate participants about identify theft and in other ways understand their rights and protections related to personal identity;
 - f) Support activities that address the financial literacy needs of non-English speakers, including distribution of multilingual financial literacy and education materials;
 - g) Support activities that address the financial literacy needs of individuals with disabilities, including connecting them with benefits planning and work incentives counseling;
 - h) Provide financial education that is age appropriate, timely and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings.
 - i) Implement other approaches to help participants gain knowledge, skills and confidence to make informed financial decisions that contribute to financial health and stability.

- (12) Entrepreneurial skills training is addressed in CFR 681.560 which states this program element provides the basics of starting and operating a small business. These services are to be recorded in the WCOS under activity number 452-Youth Entrepreneurial Training-Funded.

Such training must develop skills associated with entrepreneurship. Such skills may include but are not limited to, the ability to:

- a) Take initiative;
- b) Creatively seek out and identify business opportunities;
- c) Develop budgets and forecast resource needs;
- d) Understand various options for acquiring capital and the trade-offs associated with each option; and
- e) Communicate effectively and market oneself and one's ideas.

More information on approaches to teaching this element may be found in TEGl 21-16

- (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 are addressed in 20 CFR 681.460 and 20 CFR 651.10. This service

is recorded in the WCOS under activity code 443-Services that provide LMI about in-demand industry sectors and occupations.

It is described as the body of knowledge that describes the relationship between labor supply and demand. These tools can help young adults make appropriate decisions about education and careers. LMI identifies in-demand industries and occupations and employment opportunities; and provides knowledge of job market expectations including education and skills requirements and potential earnings.

- (14) Activities that help youth prepare for and transition to post-secondary education and training are activities that help prepare youth for advancement to postsecondary education after attaining a diploma or its equivalent. These services are recorded in the WCOS system under activity code 444 Postsecondary and transition activities.

These services include exploring postsecondary education options including technical training schools, community colleges, 4-year colleges and universities and registered apprenticeship. Additional services include but are not limited to assisting youth to prepare for ACT/SAT testing, assisting with college admission paperwork and financial aid applications and connecting youth to postsecondary education programs.

B. Program Design

1. Program expenditures prior to participation:

There are limited instances where WIOA youth funds may be expended on costs related to individuals who are not yet participants in the WIOA youth program. Youth funds can be expended on outreach and recruitment or assessment for eligibility determination (such as assessing basic skills level) prior to eligibility determination, but they cannot be spent on youth program services, such as the 14 program elements.

2. Assessment Requirements:

The WIOA youth program design requires an objective assessment of academic levels, skill levels, and service needs of each participant, which includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs. Assessments must also consider a youth's strengths rather than just focusing on areas that need improvements. This process should include the identification of appropriate services for the youth and the program should work to assist the youth in identifying appropriate and desired career pathways.

As discussed in 20 CFR 681.290 "in assessing basic skills", local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. Local programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months.

In contrast to the initial assessment described above, if measuring basic skills gains under the measurable skills gains indicators, Local programs must use an approved assessment for both the pre and post test to determine an individual's educational functioning level.

3. Career Related Assessments

All youth, including youth with disabilities, can benefit from participation in career assessment activities, including but not limited to, assessments of prior work experience, employability, including, interests and aptitudes. Multiple assessment tools may be necessary since there is no standard approach that will work for all youth, including youth with disabilities. Career assessments help youth understand how a variety of their personal attributes (e.g., interests, values, preferences, motivations, aptitudes and skills) affect their potential success and satisfaction with different career options and work environments. Youth with disabilities may also need information on benefits planning, work place supports and accommodations, and may benefit from less formalized assessments such as discovery techniques. These assessments may be provided directly through WIOA youth program staff, and/or through referrals to national and community-based partners and resources. These processes should result in at a minimum basic career pathway interests and aptitudes that are included in their individual service strategy.

4. Individual Service strategy (ISS)

The information from the objective assessment should be included in the opening narrative case note and should include information regarding basic skills, background information, occupational skills, work history, employability, interests and needs. This is the information that is to be utilized in the development of the ISS. The plan must have at least one goal and a strategy that is linked to WIOA performance outcomes (See the EAWDB performance Technical Assistance Guide (TAG)). The ISS is a living document and should be updated as needs and abilities change or develop.

5. Serving 18-24 year old youth

As discussed in 20 CFR 681.430 individuals who meet the respective program eligibility requirements may participant in WIOA title I adult and youth programs concurrently. Such individuals must be eligible under the program eligibility criteria applicable to the services received.

As discussed in 20 CFR 681.430, if a young adult's needs can be best met by co-enrollment in the WIOA Title I youth and adult programs, subrecipients (Title I adult/Youth providers) must identify and track the funding streams which pay the costs of services provided to those individuals and ensure no duplication of services.

6. Out of school youth expenditure requirements

WIOA strongly prioritizes services to out of school youth for Title I youth funding. As a result, 75 percent of all Title I youth funds expended must be spent on out of school youth. Staff time charged to out of school youth will be cost allocated based on caseloads from the prior quarter. The percentage of each case manager’s time will be distributed to in/out of school funding based on the corresponding caseload percentages from the prior quarter. All direct service expenditures e.g. work experience, supportive services etc. will be charged to in/out of school based on the participant’s in/out of school status at enrollment.

Administrative staff time charged against youth funding will follow the board approved cost allocation plan that is also based on caseloads from the prior quarter.

C. Work Experience Expenditure Requirements

WIOA and 20 CFR 681.590 (a) require that a minimum of 20 percent of local area funds for the title I youth program be spent on work experience. As explained in 20 CFR 681.590 (b) local area administrative costs are not subject to the 20 percent requirement. TEGL 8-15 provides further discussion of allowable expenditure that may be counted toward the work experience expenditure requirement and articulates that program expenditures on this program element can be more than just wages paid to youth in work experience. Allowable work experience expenditures include the following:

- Wages/stipends paid for participation in a work experience
- Staff time working to identify and develop a work experience opportunity, including staff time spend working with employers to identify and develop the work experience;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluation the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of work experience; and
- Employability skills/job readiness training to prepare a youth for a work experience.

To provide a uniform procedure for charging program staff time to work experience, the EAWDB has determined that staff time charges will be based on the percentage of the staff caseload that are participating in work experience. The maximum amount of staff time that can be charged to work experience is 30%. Youth program staff time spent on Work Experience activities will be calculated separately for each case manager on a caseload allocation basis as listed below:

Percentage of entire caseload of participants in Work Experience	Percentage of total hours charged to Work Experience
0-25%	15%
26-50%	20%
51-75%	25%

76% - 100%	30%
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Example A:

Case Manager Josh Doe has 27 participants. 16 of these 27 are Work Experience participants. His caseload WE percentage is 59% therefore 25% of his total time may be charged to Work Experience.

Example B:

Case Manager Jane Doe has 13 participants. 2 of these 13 are Work Experience participants. His caseload WE percentage is 15% therefore 15% of his total time may be charged to Work Experience.

Example C:

Case Manager John Doe has 16 participants. None of these 16 are Work Experience participants. His caseload WE percentage is 15% therefore 15% of his total time may be charged to Work Experience.

Timely Determination: Youth staff Work Experience time will be determined quarterly at the end of each quarter.

Example: Caseload reports for each youth case manager showing total participants and Work Experience participants, if any, shall be run and the percentage of staff time to be charged determined and documented. This is the percentage of time charged for that case manager for the prior quarter (July 1-Sept 30).

Reporting: The charge of all Work Experience staff time should be included in the total Work Experience amount reported on the monthly cash request. All supporting documentation should be maintained by the service provider fiscal staff.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 01-19 Short Term Pre-Vocational Services and
Workforce Preparation Activities

Effective Date: 09/05/19

Revision Date: n/a

Revision Number: n/a

Revision effective Date: N/A

Approval Date: 09/17/2019

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

1. BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker funds in coordination with the Wagner-Peyser Employment Services are pivotal pieces of the one-stop delivery system, which is the foundation of the workforce system. The system provides access to services to enhance the employability of individuals and increase the skills of the workforce.

2. REFERENCES:

WIOA P.L. 111-340; TEGL 3-15; 34 CFR 463.34

3. DEFINITIONS:

Reserved

4. ACTION:

The Eastern Area Workforce Development Board (EAWDB) intends this policy to provide guidance to the system in the use of Title I Adult and Dislocated Worker funds to provide short-term prevocational services and workforce preparation activities to individuals that would benefit from them. Short-term prevocational training or workforce preparation activities can include training provided within the job center or may be training that is paid for through Title I adult and dislocated worker formula funding for Title I eligible individuals that through assessment have been identified to be in need of such services.

- a. Short term prevocational services are individualized career services under WIOA and are appropriate for an individual to obtain or retain employment if the objective assessment determines the individual(s) would benefit from these services. They are intended for individuals who lack occupational credentials/certifications and require short-term services to enhance and upgrade skills for employment. Individuals participating in short-term prevocational services will be enrolled in the New Mexico Workforce Connection Online System's (NMWCOS's) corresponding activity.

Short-term pre-vocational services can be utilized for the development of such things as:

- Learning skills;
- Communication skills;
- Interviewing skills;
- Punctuality;
- Personal maintenance skills; and
- Professional conduct to prepare individuals for unsubsidized employment.

- b. Workforce preparation activities are services that include activities, programs, or services designed to help an individual acquire a combination of basic academic skills; critical thinking skills, digital literacy skills, and self-management skills, including competencies in:
 - Utilizing resources;
 - Using information;
 - Working with others;
 - Understanding systems;

- Obtaining skills necessary for successful transition into and completion of post secondary education, training, or employment; and
- Other employability skills that increase an individual's preparation for the workforce.

Individuals participating in workforce preparation activities will be enrolled in the New Mexico Workforce Connection Online System's (NMWCOS's) corresponding activity.

5. DOCUMENTATION:

Individuals participating in short-term prevocational or workforce preparation activities must have met eligibility requirements for Title I services and through assessment be determined to be in need of such services to obtain, retain or improve employment. Such need as determined by the career coach should be recorded in the customer's individualized service strategy (ISS)/Individualized Employment Plan (IEP) The participant's electronic file must include documentation of eligibility, identification of need based on assessment and the plan. Assessment results may be recording in the plan, case notes or in the case of formalized assessments under the assessment tab in the NMWCOS.

Individuals that attend the training within the job center shall have the corresponding services recorded in the NMWCOS.

The forms for paid services to be utilized are the EAWDB 's individualized career services training agreements or its subsequent replacement. The agreement and supporting documents shall be uploaded to NMWCOS and the activity and voucher created.

6. PAYMENT

The financial claim for payment (FCP) shall be sent to the one stop office responsible for the participant(s). It shall be reviewed for accuracy and completeness and uploaded to the participant's electronic record and sent to the fiscal agent for payment. When processed the fiscal agent will change the status on the voucher to paid and record the payment. The payment shall be uploaded to the electronic record either by the fiscal agent or the field office.

7. SUPPORTING DOCUMENTATION

- EAWDB Individualized career services training agreement
- EAWDB Individualized career services training agreement modification (if applicable)
- EAWDB FCP and Payment documents

Eastern Area Workforce Development Board Workforce Innovation and Opportunity Act

POLICY 01-20 ADULT/DISLOCATED WORKER ELIGIBILITY

Effective Date: December 15, 2020

Rescission: EAWDB ELIGIBILITY TAG, December 15, 2020

Revision Date: 03/12/2021

Revision Number: 1

Revision effective Date: 03/16/2021

Approval Date: 03/16/2021

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

PURPOSE

To provide guidance to the subrecipient on the procedures to determine participant eligibility for Adult and Dislocated Workers under WIOA Title 1, Adult and Dislocated Worker training programs.

REFERENCE(S)

[Workforce Innovation and Opportunity Act of 2014](#), Section 1 134.

Workforce Innovation and Opportunity Final Rule August 19, 2016, 20 CFR 680.120, 680.130, and 680.210-220.

USDOL TEGLs 19-01 Change 1, 19-16

USDOL TEGL 23-19

USDOL TEGL 07-20

NMDWS Workforce Guidance Letter: DWS 20-001

BACKGROUND

Local boards are required to establish and formally approve a local policy for making eligibility determinations for the WIOA Adult/Dislocated Worker funding stream. Local board policy must also include guidance on the use of self-attestation as a last resort when other documentation cannot be found or accessed.

Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities to obtain or retain employment. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

In addition, eligibility criteria vary according to each type of career or training service, in accordance with sections 20 CFR 680.120, 680.130, and 680.210-220.

1. To be eligible to receive career services as an adult in the adult and dislocated worker programs, an individual must be 18 years of age or older and meet the criteria of section 680.120.
2. To be eligible for any dislocated worker program services, an eligible adult must meet the criteria of section 20 CFR 680.130.
3. Eligibility criteria for training services are found at sections 20 CFR 680.210 and 680.220.

WIOA ADULT ELIGIBILITY CRITERIA

Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from and need such opportunities to obtain or retain employment. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

WIOA emphasizes providing services to individuals with barriers to employment as defined in WIOA sec. 3(24), including some of the same populations that are to receive priority in the WIOA Adult program. Recipients of public assistance, individuals who are basic skills deficient, or those identified as being low-income represent some of the workforce system's most in need participants, and are the three priority groups that WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program.

At least 75 percent of WIOA participants receiving individualized career and training services in the Adult program must be from at least one of the following:

- Recipients of public assistance,
- Individuals who are basic skills deficient,
- Those who identified as being low-income

Each of the following eligibility elements must be documented for each participant **prior to the receipt of WIOA Title I services**. Required documentation must be obtained for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in the included attachment. Scanned documents stored must be stored in the electronic document management systems and must be legible.

- A. **Right to Work**— Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States as required in WIOA section 188 (a)(5). (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)

*Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver's license or ID not valid for public benefits. USDOL **TEGL 02-14** requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.*

Note: WIOA can pay for a picture ID or DL as a supportive service if the client is enrolled in the program. (Additional types of documentation that can be used to demonstrate citizenship are listed in the attached Documentation Checklist and must be maintained in the file until an ID or DL is obtained). A picture ID or DL must be obtained and uploaded to the electronic record within 30 days of the enrollment date. The subsequent document that was used to determine right to work and age must be deleted from the participants electronic file when the ID/DL is uploaded.

- B. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h).
- C. **Age** at application must be 18 or older.

*Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver's license or ID not valid for public benefits. USDOL **TEGL 02-14** requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.*

- D. Unemployed or employed and **in need of services in order to obtain or retain employment.**

Eligibility of Employed Workers

- A. An employed worker is an individual currently working who has been determined to be in need of services in order to obtain or retain employment that leads to self-sufficiency, in accordance with the locally established definition of that term. The EAWDB has adopted a level of \$31.21 per hour based on the NMDWS self-sufficiency guidelines.
- B. Staff is required to complete a WIOA application utilizing the electronic document management systems and verify that the worker meets all program eligibility criteria including right to work, selective service, and age.
- C. Employed workers must be given the same customer choice options as other WIOA participants (except for eligible employed workers who are enrolled in customized or incumbent worker training with their employers).
- D. Training must be provided in compliance with the Eligible Training Provider List and Individual Training Account (ITA) requirements unless it is customized training or On-the-Job Training.
- E. WIOA employed worker services primarily are provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.

ELIGIBILITY DOCUMENTATION REQUIREMENTS

DOCUMENTATION: Physical evidence, which is obtained during the verification process, is maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, or signed self-attestation forms. Documents must be stored in an electronic document management system. Subrecipients must ensure all information or documentation stored in an electronic document management system are uploaded in a timely manner to ensure record security. The crash of a computer system is not a valid excuse for loss of information.

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

SELF-ATTESTATION: Self-attestation occurs when a participant states his or her status for a specific data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements; and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature.

DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION

Self-attestation cannot be used to document the basic WIOA eligibility data elements of **right to work, selective service, and age** for services provided beyond staff assisted service with significant staff assistance. Documenting **eligibility requirements** with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. Case notes should document efforts made to obtain other sources and state why they were not available. Please review the most current or relevant Data Validation TEGL (23-19) to assist in determining when it is appropriate to use self-attestation; or consult with your local AE staff if the data element in question is not addressed in this policy. Local Boards may create their own self-attestation form; however, it must include all elements of the self-attestation form included in this policy.

DISLOCATED WORKER ELIGIBILITY

Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities to obtain or retain employment. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

Each of the following eligibility elements must be documented for each participant **prior to the receipt of WIOA Title I services**. Required documentation must be obtained for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in the included attachment. Scanned documents stored must be stored in the electronic document management systems and must be legible.

- A. **Right to Work**– Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States as required in WIOA section 188 (a)(5).
(Exception: Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)
- B. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of this STAG.
- C. **Age Note:** The Dislocated Worker program does not have an age requirement. An individual must meet the eligibility of WIOA section 3(15), which does not include age among its criteria.
- D. In addition to the basic WIOA eligibility criteria, staff making eligibility determinations must verify that the applicant qualifies under **one** of the following categories:
 1. **(a)** Has been terminated or laid off, or has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions); or,

- (b) 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 State unemployment compensation; and,
 - (c) Is unlikely to return to a previous industry or occupation.
2. (a) 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, military installation or enterprise; or,
 - (b) Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days, or,
 - (c) For purposes of eligibility to receive services other than training services, career services, 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 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;
 4. Is a displaced homemaker; or
 5. 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.

Eligibility of Employed Workers

- A. Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may also be served if the wage earned does not exceed the local criteria for self-sufficiency.
- B. Employed workers may be enrolled in the Dislocated Worker Program for career or supportive services (not training services) up to 180 days prior to the date of layoff if the worker can provide a copy (or the workforce region is able to obtain a copy) of the notice of layoff or the announcement of plant closure made by the employer that contains the date of the layoff or closure.
- C. Employed workers must be given the same customer choice options as other WIOA clients.
- D. Training must be provided in compliance with the Eligible Training Provider List and Individual Training Account (ITA) requirements unless it is an apprenticeship or On-the-Job Training.
- E. WIOA employed worker services primarily are provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.

Eligibility of Self-Employed Individuals as Dislocated Workers (Category 3)

For Dislocated worker program eligibility purposes, the EAWDB has identified these as operations likely to terminate as evidenced by one or more of the following conditions:

1. Business foreclosure or notice of intent to foreclose;
2. Inability to turn a profit during the preceding 12 months;
3. Entry into bankruptcy proceedings;
4. Inability to make four (4) payments on loans secured by tangible business assets resulting in a loss that directly affects closure;

5. Inability to obtain capital necessary to continue operations;
6. Debt-to-asset ratio is sufficiently high to indicate the likely insolvency of the farm, ranch or business; or
7. Other events indicated by likely insolvency of the farm, ranch or business.

SERVING SEPERATING MEMBERS AND MILITARY SPOUSES WITH DISLOCATED WORKER FUNDS

Under 20 CFR 608.660, service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for Ex-service members (UCX), generally qualify as dislocated workers. Dislocated Worker funds under title I can help separating service members to enter or reenter the civilian labor force. Generally, a separating service member needs a notice of separation, a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces, for reasons other than dishonorable. These documents meet the requirement that the individual has received a notice of termination or layoff, to meet the required dislocated worker definition.

In the case of separating service members, because they may be on a terminal leave from the military, it may make sense to begin providing basic career services while the service member may still be part of the Active Duty military, but has an imminent separation date. It is appropriate to provide career services to separating veteran's service members who will be imminently separating form the military, provided that their discharge will be anything other than dishonorable. Lastly, ETA policy generally dictates that a separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation in the military.

WIOA expands the definition of dislocated workers to allow military spouses who meet any of the following criteria to be eligible for WIOA-funded dislocated worker services. Military spouses are eligible who:

- Lost their job as a direct result of moving with their spouses to a new permanent duty location; or
- Area dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced, as determined by the state or local area, 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 service member ;or
- Are unemployed or underemployed and are experiencing difficulties in obtaining or upgrading employment.

ELIGIBILITY DOCUMENTATION REQUIREMENTS

DOCUMENTATION: Physical evidence, which is obtained during the verification process, is maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, or signed self-attestation forms. Documents must be stored in an electronic document management system. Subrecipients must ensure all information or documentation stored in an electronic document management system and uploaded in a timely manner to ensure record security. The crash of a computer system is not a valid excuse for loss of information.

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

SELF-ATTESTATION: Self-attestation occurs when a participant states his or her status for a data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements; and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature.

DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION

Self-attestation cannot be used to document the basic WIOA eligibility data elements of **right to work and selective service** for services provided beyond staff assisted core service with significant staff assistance. Documenting **eligibility requirements** with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. Please review the most current or relevant Data Validation TEGl to assist in determining when it is appropriate to use self-attestation; or consult with your local AE staff if the data element in question is not addressed in this STAG. Local Boards may create their own self-attestation form; however, it must include all elements of the self- attestation form included in this policy. All items for adult eligibility must be verified as well as the additional items identified below.

PRIORITY OF SERVICE

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, Workforce Connection Center (WCC) staff when using WIOA funds to provide individualized career services, training services or both, must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Individuals who are English language learners meet the criteria for “basic skills deficient” and must be included in the priority population for the Title I adult program. Under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area.

WIOA emphasizes providing services to individuals with barriers to employment as defined in WIOA sec. 3(24), including some of the same populations that are to receive priority in the WIOA Adult program. Recipients of public assistance, individuals who are basic skills deficient, or those identified as being low-income represent some of the workforce system’s most in need participants, and are the three priority groups that WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program. **At least 75 percent** of WIOA participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned above.

Across all titles, WIOA focuses on serving “individuals with barriers to employment” and seeks to ensure access to quality services for these populations. The priority populations under WIOA are:

Individuals with Barriers to Employment

The population included in the “individuals with barriers to employment” in WIOA sec 3(24) include:

- (a) Displaced Homemakers
- (b) Low-Income individuals
- (c) Indians, Alaska natives, and Native Hawaiians
- (d) Individuals with disabilities, including youth who are individuals with disabilities.
- (e) Older Individuals (age 55 and older)
- (f) Ex-offenders
- (g) Homeless individuals or homeless children and youths
- (h) Youth who are in, or have aged out of the foster care system;
- (i) Individuals who are:

- (1) English language learners
- (2) Individuals who have low levels of literacy (an individual is unable to compute or solve problems, or read, write or speak English at a level necessary to function on the job, or in the individual's family or in society); and
- (3) Individuals facing substantial cultural barriers
- (j) Eligible migrant and seasonal farmworkers
- (k) Individuals within two years of exhausting lifetime TANF eligibility
- (l) Single parents (including single pregnant women)
- (m) Long-term unemployed individuals (unemployed for 27 or more consecutive weeks); and
- (n) Such other groups as the Governor determines to have barriers to employment.

Veterans Priority

A veteran is defined as a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. Although veteran priority should not be confused with eligibility, subrecipient staff must verify veteran status when enrolling a veteran or qualifying spouse. Verification documents will be submitted as part of the applicant's enrollment packet and maintained in the participant's electronic file.

Veterans and eligible spouses covered by Public Law 107-288, continue to receive priority of service for all DOL funded job training programs. The veteran or covered person must otherwise meet the eligibility requirements for enrollment. For income-based eligibility determination and for determining priority of service, military pay or allowances paid while on active duty or paid by the Department of Veteran's Affairs (VA) for vocational rehabilitation, disability payments, or related VA funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes which is often referred to as "weekend" or "annual" training. Nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities.

A qualifying spouse is the spouse of any of the following:

- Any veteran who died of a service-connected disability; or,
- Any member of the Armed Forces who is listed in one of the following categories for at least 90 days: missing in action, captured in the line of duty, forcibly detained by a foreign government; or,
- Any veteran who has a total disability resulting from a service-connected disability; or,
- Any veteran who died while a disability was in existence.

Order of Priority

Priority of Service must always be given to covered persons (i.e. veterans and eligible spouses, including widows and widowers) regardless of whether or not the priority of service is in place. Priority of service is required for the provision of career services and training services, including individual training accounts, a veterans' priority as well as priority to public assistance recipients and low-income individuals required in WIOA regulations will be established as follows:

- First priority will be provided to recipients of public assistance, low-income or individuals who are basic skills deficient *who are also* veterans or eligible spouses of veterans.
- Second priority will be provided to recipients of public assistance, low-income, or individuals who are basic skills deficient *who are not* veterans or spouses of veterans.

- Third priority will be provided to veterans or eligible spouses of veterans who are not recipients of public assistance, low-income or basic skills deficient.
- Last priority will be provided to Adults in need of service who are not recipients of public assistance, not low- income or basic skills deficient.

Note: When past income is an eligibility determinant for training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.

Additionally, the WIOA Final Rule at 20 CFR 680.230, requires coordinated WIOA funded training with “other grant assistance”, such as Federal Pell Grants. However, VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran’s eligible spouse from receiving WIOA funded services, including training funds. Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday.) This includes males who are:

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

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

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

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

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

C. Non-U.S. male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at 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>.

Registration Requirements for Males Under 26

Before being enrolled in WIOA Title I-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.

Registration Requirements for Males 26 Years and Over

Before enrolling in WIOA Title I-funded services, all males, 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for Selective Service or who cannot provide any of the documentation listed above must obtain a *Status Information Letter* from Selective Service indicating whether he was required to register. The *Request for Status Information Letter* form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf> and the instructions can be accessed at <http://www.sss.gov/PDFs/instructions.pdf>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

If the *Status Information Letter* indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in services authorized or funded by Title I of WIOA. **If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIOA Title I-funded activities and services until it can be determined that his failure to register was not knowing and willful.** All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with the Selective Service, **the individual may only receive services if they establish by a preponderance of the evidence that the failure to register was not knowing and willful.** The local board, subrecipient, or contractor that enrolls individuals in WIOA Title I-funded activities, and is thereby authorized to approve the use of WIOA Title I grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered

sufficient evidence that his failure to register was not willful or knowing.

2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to local boards in making determinations in cases regarding willful and knowing failure to register.

To establish consistency regarding the implementation of the requirement, local boards should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was “knowing,” the authorized organization should consider:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful”, the authorized organization should consider:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

SELF SUFFICIENCY WAGE DETERMINATION

The term “self-sufficiency” in this policy only applies in the context of establishing eligibility for employed adults and employed dislocated workers to receive training services under WIOA. A determination that an employed adult or dislocated worker is in need of services to obtain or retain employment that leads to self-sufficiency is one of the criteria for the receipt of such services. This provision serves as a “limiter” in determining service eligibility for such employed workers, which helps ensure that services are provided to those employed adults or dislocated workers most-in-need of such services, such as individuals employed in low skill/low wage jobs and dislocated workers who may be working but who have not achieved self-sufficiency as defined by the Local Board. The local board has adopted the NMDWS State WIOA wage self-sufficiency guidance level of \$31.21 per hour for the eastern area in determining eligibility of employed workers. Self Sufficiency eligibility wage cannot be waived for any participant.

Local Boards must also develop a policy that sets the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must provide that self-sufficiency means employment that pays

at least the lower living standard income level, the special needs of individuals with disabilities or other barriers to employment should be considered when setting criteria to determine self-sufficiency. The EAWDB has identified this criterion to be an individual who is employed full time at 32 hours or more per week and is earning 125% of the LLSIL.

Exceptions

- Local Boards can determine the eligibility of an employed worker using the most current Lower Living Standard Income Level (LLSIL). If a worker's current pay rate is at or below 125% of the LLSIL, a determination shall be made that the individual does not meet the definition of "Employment Leading to Economic Self-Sufficiency".
- If the individual is an eligible Dislocated Worker, "self-sufficiency" shall be defined as full-time employment at a rate of pay equal to or greater than the pre-layoff wage rate – even if the pre-layoff wage was greater than the designated self-sufficiency wage.

Requirements for Documenting Self-Sufficiency

1. Information about the customer's current hourly wage must be recorded in the "Work History" portion of the State's management information system, including each of the following elements:
 - (a) Job Title;
 - (b) Employer Name;
 - (c) Dates of Employment: From / To (Month, Year);
 - (d) Wage;
 - (e) Wage Type (Hourly, Annual, Other); and
 - (f) Hours per Week.
2. Acceptable verification sources include:
 - (a) Copy of a recent paycheck or paystub;
 - (b) Employer letter or other document describing the customer's current wage

ATTACHMENT A -GLOSSARY

ACTIVE DUTY - means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

ADULT - Except as otherwise specified in WIOA section 132, the term “adult” means an individual who is age 18 or older.

APPLICANT - An individual who applies for training and/or services provided under WIOA through a WIOA grant recipient or sub-recipient.

BASIC SKILLS DEFICIENT - An individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society. This may also include lack of computer “literacy”

Document basic skills deficient with one of the following:

- Basic skills assessment questions or test results
- School records
- Referral or records from a Title II Adult Basic Education program
- Referral or records from an English Language Learner program

A youth 18 or older, who was determined basic skills deficient for the WIOA Youth Program, may be co-enrolled in the Adult Program without an eligibility redetermination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than 6 months prior to the date of co-enrollment.

For youth eligibility, this is defined as at or below the 8th grade level. In defining this for workforce basic skills proficiency it is defined as an individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society. WIOA affords local boards the flexibility to establish this definition for adults and dislocated workers. The eastern board has defined this as below gold level Career Readiness Certification Level (CRC) using WorkKeys or WorkKeys Curriculum test; below an educational functioning level (EFL) 6 on a standardized adult education assessment, English language learners, and college placement exams resulting in placement into remedial education. When determining basic skills deficiency for Adults/Dislocated workers or anyone that would be determined eligible for literacy services under the Adult education program see Attachment 4.

Note on Standardized Tests: When using formal assessment tests to determine basic skills deficient, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. In addition, if a standardized test is used to assess basic skills, the test should include reading, writing, or computing skills. Lacking soft skills or specific skills needed for a particular job may not be used to assess otherwise high-functioning individuals as basic skills deficient. As a result, tests such as Prove-It are generally not appropriate for determining basic skills deficient or computer literacy as they are focused on occupational skills rather than basic skills.

CASE NOTES - Electronic statements by the career coach that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the career coach who obtained the information.

CITIZENSHIP – Designation of an applicant as a citizen of the United States or a lawfully admitted permanent resident alien, lawfully admitted refugee or parolee, and other individuals authorized by the Attorney General to

work in the United States. If the applicant indicates that he/she is not a citizen or an “eligible non-citizen,” the applicant is ineligible for WIOA. (Per state statute, an Affidavit of Immigration Status shall be completed as part of the enrollment process for applicants 18 years or older, effective August 1, 2006).

CONTRACTED EMPLOYEES - Employees working within a set contract (not through a temporary agency) that ends on schedule, are not eligible for the WIOA Dislocated Worker program. If the job ends prior to the set contract end date and the applicant is not at fault for the separation, they are considered to have a job of dislocation.

DECLINING OCCUPATIONS - Declining industry or occupations are industries and occupations that are showing a decrease in demand. The growth projections are either negative or the occupation is not growing at the same rate of economic growth. This may include industries or occupations that were previously full time but due to economic conditions have largely transitioned to part time employment. With regards to furloughed workers that were previously employed full time the inability of the employer to provide full time employment, due to public health orders or governors orders, at call back would indicate a decline for the occupation.

DEPENDENT CHILD – A child, related by blood, marriage, or decree of court, living in a single residence with his/her parent(s) or guardian. When determining up to what age an out-of-school youth could be considered a dependent child of a parent or guardian, use the IRS definition of dependent. (See IRS Publication 501 – Exemption for Dependent)

Note: If a college student is not claimed as a dependent on anyone else’s tax return, they are NOT a dependent child

DISLOCATED WORKER- ELIGIBLE SPOUSE/VETERAN -

- A. The spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
- B. is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in the Displaced Homemaker Eligible Spouse definition below; **OR**
- C. Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce, are within 12 months of separating or 24 months of retirement, expect to be discharged with other than a dishonorable discharge, and are unlikely to return to a previous industry or occupation) as defined in TEG 22-04: “Serving Military Service”. Members. For this category the DD214 or separation orders may document both the layoff and UI eligible; **OR**
- D. Recently separated veterans who are within 48 months of discharge (other than dishonorable) or release from active military, naval, or air service. For this category, the DD214 may document both the layoff and UI eligible.

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

Note: alimony is not considered replacement for lost income

DISPLACED HOMEMAKER- ELIGIBLE SPOUSE - 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.

EARLY/FORCED RETIREMENT - Individuals who accept early or forced retirement as part of a reduction in force may be considered to have been terminated or laid off or received notice of termination or layoff as appropriate. These individuals would be eligible for the WIOA Dislocated Worker program if they retire as a result of a permanent closure of, or any substantial layoff at a plant, facility or enterprise.

ELIGIBLE FOR UNEMPLOYMENT INSURANCE (UI) COMPENSATION - Any individual who:

- (A) Is eligible for or has exhausted entitlement to unemployment compensation; or
- (B) Has been employed for a duration sufficient to demonstrate attachment to the workforce (has a history of working), 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.

ELIGIBLE MIGRANT FARMWORKER. —the term “eligible migrant farmworker” means—

- (A) an eligible seasonal farmworker described below whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and
- (B) a dependent of the farmworker described in (A).

ELIGIBLE SEASONAL FARMWORKER. —the term “eligible seasonal farmworker” means—

- (A) a low-income individual who—
 - (i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and
 - (ii) faces multiple barriers to economic self-sufficiency; and
- (B) a dependent of the person described in (A).

ENGLISH LANGUAGE LEARNER. —The term “English language learner” means an individual who has limited ability in reading, writing, speaking, or comprehending the English language, **AND**

- A. Whose native language is a language other than English; **OR**
- B. Who lives in a family or community environment where a language other than English is the dominant language.

Note: Individuals who are English language learners meet the criteria for basic skills deficient.

EXHAUSTED UI COMPENSATION - Has received all of the unemployment compensation benefits for which an individual has been determined eligible.

EX-OFFENDER – Any adult or juvenile who has been subject to any stage of the criminal justice process, for whom services may be beneficial; or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction. An Out-of-School Youth may have been subject to either the juvenile or adult justice system.

FAMILY – Two or more persons related by blood, marriage (common law or ceremonial), civil union, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A. A married couple and dependent children.
- B. A parent or guardian and dependent children.
- C. A married couple, meaning:

- A husband and wife; or
- Two individuals of the same sex, who are legally married, or in a civil union;

FAMILY INCOME – Family income includes total 6 months cash receipts before taxes (i.e. Gross wages) from all sources as defined in “Family” above, except:

- A. If the applicant reports little or no includable income, s/he shall indicate other resources relied upon for life support during the last six months on the Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.
- B. In addition, when a Federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for and the level of benefits received under any other federal statute, such income or payments shall be excluded in WIOA eligibility determinations.

INCOME (Includable):

- Money wages and salaries (gross wages) before any deductions;
- Net receipts from non-farm self-employment (receipts from a person’s own unincorporated business, professional enterprise, or partnership after deductions for business expense);
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
- Regular payments from Social Security, including SSDI (Social Security Disability Insurance), railroad retirement, strike benefits from union funds, worker’s compensation, training stipend, and death benefits
- Alimony;
- Military family allotments (including Hazardous Duty Incentive Pay) or other regular support from an absent family member or someone not living in the household;
- Pensions (retirements) whether private, government employee (including military retirement pay);
- Regular insurance or annuity payments;
- College or university grants, fellowships and assistantships;
- Dividends, interest, net rental income or royalties, periodic receipts from estates or trusts;
- Net gambling or lottery winnings.
- Unemployment compensation;
- Child support payments, including foster care child payments;
- Old-age survivors’ insurance benefits

INCOME (Excludable):

- Welfare payments (including Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA). (Note: General Assistance (GA) became obsolete with welfare reform, and is not an eligible category);
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants, Federal Supplemental Education Opportunity Grants and Federal Work Study. PLUS, Stafford and Perkins loans like any other kind of loan are debt and not income;
- Needs-based scholarship assistance; state & private grant aid;
- Military pay or allowances while the veteran or transitioning military member was on active military duty; and certain other veteran’s benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance;
- Capital gains;
- Any assets drawn down as withdrawals from a bank, sale of property, a house or a car;
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, USDA Food Stamps, school meals, and housing assistance;
- ALL WIOA payments, excluding OJT wages.

FARM/RANCH WORKER (applies to self-employed category) - A person who is self-employed or employed by another, on a farm or ranch which produces agricultural products and who receives at least 50% of their family or individual income from agricultural production.

FOSTER CARE YOUTH – A youth 14-18 years of age on whose behalf state or local government payments (excluding OASI) are made. This may include youth who have been made a ward of the state by a court, including those in the following categories:

- Youth in State institutions
- Youth in Community Group Homes
- Youth in Foster Homes

WIOA also defines a foster care youth as an individual in foster care, or who has aged out of the foster care system, or who has attained 16 years of age and left foster care for kinship, guardianship or adoption; 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. This definition encompasses youth who were formerly in foster care, but may have returned to their families before turning 18.

For Adults: an individual who was previously in foster care or aged out of foster care.

GENERAL ECONOMIC CONDITIONS - Conditions that cause an individual to lose a business include, but are not limited to:

- Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services; or
- Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services; or
- Substantial layoffs, or permanent closure(s) of one or more plants or facilities that support a significant portion of the State or local economy; or
- Depressed price(s) or market(s) for the article(s) produced by the self-employed individual.

HOMELESS PERSON – An individual who meets any of the following criteria:

(A) lacks a fixed, regular, and adequate nighttime residence ; this includes a participant 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;

(C) Is a migratory child who in the preceding 36 months was required to move from one school district to another due to changes in the parent’s or parent’s spouse’s seasonal employment in agriculture, dairy or fishing work; or

(D) is under 18 years of age and absents himself or herself from home or place of legal residence without the permission of his or her family (i.e. runaway youth)

EXCLUSION – The term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

A homeless individual who meets the above criteria is presumed to be low income for purposes of eligibility under the WIOA unless demonstrated otherwise. Refer to the Steward B. McKinney Assistance Act (PL100-77).

INDIVIDUAL – (Family of one) – A person not meeting the definition of family is considered to be an individual. Youth aged 18 years and older living with parents or other family member(s) shall document individual status by completing the Applicant Statement form verifying that status.

INDIVIDUAL WITH A BARRIER TO EMPLOYMENT - An individual who is a member of 1 or more of the following populations: Displaced homemakers; Low-income, Indians, Alaska Natives, and Native Hawaiians (as defined in section 166); Individuals with disabilities, including youth who are individuals with disabilities; Older individuals, Ex-offenders, Homeless (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinley-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))); Youth who are in or have aged out of the foster care system; Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers; Eligible migrant and seasonal farmworkers (as defined in section 167 (i); Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq); Long-term unemployed individuals; and Other groups the Governor involved determines to have barriers to employment.

INDIVIDUAL WITH A DISABILITY – the term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), as follows:

- A. **Disability:** The term “disability” means, with respect to an individual—
 - 1. a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - 2. a record of such an impairment; or
 - 3. being regarded as having such an impairment (as described in paragraph (3)).

- B. **Major life activities**
 - 1. **In general:** For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
 - 2. **Major bodily functions:** For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

- C. **Regarded as having such an impairment:** For purposes of paragraph (1)(C):
 - 1. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 - 2. Paragraph (1)(C) shall not apply to impairments that are transitory & minor. A transitory impairment has an actual or expected duration of 6 months or less.

Note: An Individual with a Disability may be eligible based on the family of one income guideline. New Mexico Workforce Connection On-line System (NMWCOS) data entry shall still include the accurate dollar amounts for individual 6 month and (estimated) family 6 month as well as the accurate number of family members. Do **not** leave the family 6-month income field blank and do not enter 01 for number in family unless the Individual with a Disability meets the criteria of an “Individual” as shown above. NMWCOS will use the fields necessary to figure the individual income for the Individual with a Disability.

JOB OF DISLOCATION - The economic dislocation of an individual as described in the WIOA Dislocated Worker program implies the existence of a job of dislocation. The job of dislocation is the job that qualifies the individual under one of the eligibility categories. Under the categories for Plant Closing/Substantial Layoff and Layoff/UI/Unlikely to Return, the job of dislocation is the job from which the applicant has been laid off. The general guideline for classifying the job of dislocation is interim jobs are considered to be temporary. For a self-employed individual, evidence that the business has been lost verifies a job of dislocation. The general guideline is to identify the job or pattern of jobs that defines the true job of dislocation. The job of dislocation should include the job title and the name of the business (or industry). Often, the variance in wages can help to distinguish the job of dislocation from other temporary employment. For a self-employed individual, evidence that the business has closed (or is in the process of closing) or business financial records show a major decline in profits can help verify the job of dislocation.

LIVING IN A SINGLE RESIDENCE

- A. Temporary, voluntary residence elsewhere – an individual is included in a single residence if they are temporarily and voluntarily living outside of the residence. This may include individuals attending school or college, or visiting relatives. It does not include involuntary temporary residence elsewhere (i.e. incarceration or placement as a result of a court order).
- B. Temporary, involuntary residence elsewhere – an individual is NOT included in a single residence if they are temporarily and involuntarily living outside of the residence. This may include individuals who are incarcerated or placed as a result of a court order.

Note: A person not meeting the definition of family is considered to be an individual (family of one). Individuals ordinarily included in the definition of family, but no longer claiming to be dependent shall complete an applicant statement attesting to individual status. Such statements should be corroborated by the head of household in which the individual resides. (S)He shall also show source of his/her support. The individual shall provide over 50% of his/her support to be considered a family of one. Income tax records are also a good source of documentation to support that the youth is not claimed by the parents. Youth aged 18 years and more, see “Individual” definition.

LONG TERM UNEMPLOYED INDIVIDUAL - (Bureau of Labor Statistics definition) – a person who has been unemployed for 27 or more consecutive weeks

LOW-INCOME INDIVIDUAL —The term “low-income individual” means an individual who—

- 1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP – food stamps) 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 program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or other federal, state or local income-based public assistance; or
- 2. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received Refugee Cash Assistance, LEAP, Section 8 Housing, or CCAP (Child Care Assistance Program) payments;
- 3. Is in a family with total family income that does not exceed the higher of—
 - a. the poverty line; or
 - b. 70 percent of the lower living standard income level; or
- 4. 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)); or

5. For Adults: Was previously a foster child (or aged out of the foster care system) on behalf of whom State or local government payments were made; or
6. Is an individual with a disability whose own income meets the income requirement of #2, but who is a member of a family whose income does not meet this requirement; or
7. 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.). For the Adult Program, this can be an individual 18-21 years old and still attending secondary school or the parent of an in-school youth who is eligible for the lunch program. (The Community/School/School District Eligibility Provision of the Act may **not** be utilized; only the individual eligibility provision may be used.)

NOTE: Use of item 7 for Adult Priority of Service is now approved. Per the USDOL ETA Only Final PIRL (Participant Individual Record Layout)

PIRL 802 – Low Income (WIOA)

The Department has determined that the parents of youth who are eligible to receive free and reduced price lunch are eligible to be served under the low income priority provisions in the Adult program. However, the Department has determined that the parents of a youth living in a high poverty area are NOT eligible to be served under the Adult low income priority.

8. Underemployed individuals who are employed full- or part-time may also be eligible for the Adult priority if they also meet the definition of a low-income individual.

Local boards may adopt a more stringent definition for “low-income” or include additional criteria (specifically for the purposes of determining Adult program priority) that may be applied to one or more of the low-income categories listed above and is consistent with local economic conditions and other criteria determined by the board.

A youth 18 or older, who was determined low-income for the WIOA Title I Youth Program, may be co-enrolled in the Title I Adult Program without an eligibility redetermination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than 6 months prior to the date of co-enrollment.

LOWER LIVING STANDARD INCOME LEVEL —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 of Labor in the Federal Register. (DWS issues annual memo)

NATURAL DISASTERS - Natural disasters that cause the unemployment of a self-employed individual include: hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, drought, fire, explosion, snow storm or other catastrophe.

OLDER INDIVIDUAL — The term “older individual” means an individual age 55 or older.

PARTICIPANT - (20 CFR 677.150) - is a reportable individual who has received services other than the services described in paragraph (a)(3) of this section, after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

PLANT CLOSING - The permanent shutdown of a plant, business or facility.

POVERTY LINE-The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved

PREVIOUS OCCUPATION/INDUSTRY - For the purposes of WIOA Dislocated Worker program eligibility, previous occupation or industry relates directly to the job of dislocation.

PRIMARY OCCUPATION-Occupation in which an individual has had most experience; and/or most training; and/or which the individual prefers; and/or one in which the individual has remained for an extended period without seeking more appropriate employment (new primary occupation).

PUBLIC ANNOUNCEMENT- The process by which a plant, facility, or enterprise makes the general public aware of its permanent closure. The announcement must include a projected closure date and be verifiable.

PUBLIC ASSISTANCE-The term “public assistance” means federal, state, or local government cash payments for which eligibility is determined by a needs or income test. (i.e. TANF, Refugee Cash Assistance, Supplemental Security Income, LEAP, Title 8 Housing, or CCAP – Child Care Assistance Program). **Note:** Supplemental Security Disability Income (SSDI) is not considered cash welfare and does not make a person automatically eligible for WIOA.

SELF-EMPLOYED- Any professional, independent trades person, or other businessperson who works for him/herself. Such a person may or may not be incorporated or in a limited partnership. A family member who provides professional services in the affected business of at least 15 hours per week and receives a salary or wage from the self-employed individual may also be considered to be a self-employed individual. Self-employed may also include employment as a farmer, rancher or fisherman.

SELF-ATTESTATION-Self-attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements; and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature and **may only be used as a last resort.**

SERVICE CONNECTED-means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval or air service

SINGLE PARENT – a single, separated, divorced or widowed individual who has responsibility for one or more dependent children under age 18, or a single pregnant woman

STOP – GAP EMPLOYED - The WIOA dislocated worker program regulations specify that an eligible dislocated worker remains eligible if, either prior to or during participation in a training program he/she accepts temporary employment for the purpose of income maintenance and with the intention of ending the temporary employment and entering permanent employment at the completion of training. The concept of "stop-gap" employment is intended to help define and clarify this type of temporary employment, and to help prevent arbitrary decisions of eligibility/ineligibility.

First, stop-gap employment may be applied to all dislocated workers, whatever their category of eligibility, whether plant closure/ substantial layoff, individual layoff, or other.

Second, it is clear that dislocated workers may accept stop-gap employment for a variety of reasons other than the maintenance of income during training; for example, many do not know at that point that training is

available. However, when learning that training is available, the applicant for WIOA dislocated worker retraining may then consider his/her employment temporary. In such cases, it is best to use the "rules of thumb" to determine if employment can be considered "stop-gap" when such an individual applies for the WIOA dislocated worker retraining: does it pay less than 80% of the earnings at dislocation, and/or does it require a far lesser skill level than the job of dislocation or is it out of the "primary" occupation, and/or does it offer less than 80% of the weekly hours of the job of dislocation (e.g. less than 32 hours compared to a previous 40 hours per week)?

Individuals who are **Underemployed** can be considered as having stop-gap employment.

Third, the employment should not constitute a new primary occupation for the dislocated worker. Some guidelines that may be helpful in determining this are:

- 1) Is there a demand in the area for the individual's previous occupation (making it likely that he/she would have returned to it if not interested in starting a new primary occupation);
- 2) Has the individual made verifiable efforts to seek more permanent and appropriate employment;
- 3) Does the individual need retraining in order to gain appropriate employment that is comparable to the job of dislocation in terms of skill level and earnings; and,
- 4) How long has the individual held the stop-gap employment (suggesting that a year or more in an occupation that is comparable in hours, skill, and pay to the job of dislocation is probably a new primary occupation, particularly if the individual has conducted no serious job search)? (See definition of Primary Occupation)

SUBSTANTIAL LAYOFF: A substantial layoff is any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment for at least 25 percent of the employees (excluding employees regularly working less than 20 hours per week).

NOTE: Permission to use a copy of the State Rapid Response report should be obtained from the local Rapid Response coordinator and/or a local supervisor to ensure the confidentiality of this document.

TEMPORARY EMPLOYEES: An applicant cannot be automatically disqualified for WIOA Dislocated Worker program enrollment because the job of dislocation was not considered a permanent position. An employee under a temporary contract or placed by a temporary employment agency with an employer may be made eligible under the same category as regular employees of the company (substantial layoff, plant closing). Temporary employees directly under contract with the company are considered eligible as are regular employees if their dislocation was caused by a layoff or closing. If the dislocation was not caused by a closing or substantial layoff, the applicant must be shown to be unlikely to return (UI or the temporary agency can confirm). However, temporary employees who are unemployed because the project or undertaking for which they were hired has been completed are not considered Dislocated Workers.

UNLIKELY TO RETURN TO PREVIOUS INDUSTRY OR OCCUPATION -

- Skill Oversupply - State or local supply of persons with the specific skills of the applicant exceeds current demand for those skills; or
- Obsolete Skills - Applicants can no longer meet the minimum requirements of jobs available in their occupation (e.g., clerical worker without word processing skills, etc.); or
- Only Stop-Gap Available - Jobs available to applicant would be temporary or substantially below applicant's accustomed skill, hour, or wage level (see stop-gap); or
- No Job Offers Received - Applicant has been available and looking for work for a number of weeks and has not received an offer for work; "number of weeks" might range from 6 to 12 weeks, depending upon the occupation, economy, and/or applicant's verified job search efforts; or
- Local Layoff Impact - A local plant or business closing or layoff has had a significant negative impact on the availability of jobs in the applicant's primary occupation and accustomed wage/hour/skill level; or
- Declining Occupation-Unemployed and their most recent job is on a declining occupation list as defined by the local board; or

- Physical Limitations or Disabilities - Newly acquired physical limitations or injuries occurring which limit the individual's ability to perform the job from which they were dislocated may make an individual unlikely to return to the previous occupation. Such individuals are eligible if they fit one of the categories of the WIOA Dislocated Worker program eligibility, but must have a doctor's release to work; or

UNDEREMPLOYED - is an individual who is:

- Employed less than full-time but is seeking full-time employment; or
- Employed in a position that is inadequate with respect to their skills and training; or
- Employed and meets the definition of low income; or
- Employed, but whose current job's earnings are not sufficient compared to their earnings from their job of dislocation.

ATTACHMENT B

ADULT ELIGIBILITY DOCUMENTATION

Eligibility	Required Documentation
<p>Right to Work in the US (1 is required)</p> <p>Note: a Document Inspection Form may be used for any of these required documents for this eligibility element.</p>	<p><input type="checkbox"/> Social Security Card AND Real ID compliant Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)</p> <p><input type="checkbox"/> U.S. Passport (unexpired or expired)</p> <p><input type="checkbox"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</p> <p><input type="checkbox"/> An unexpired foreign passport with a temporary I-551 stamp</p> <p><input type="checkbox"/> An unexpired Employment Authorization Document that contains a Photograph (Form I-766)</p> <p><input type="checkbox"/> An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</p> <p><input type="checkbox"/> Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)</p> <p><input type="checkbox"/> Certification of Birth Abroad (Form DS-1350) issued by the Department of</p> <p><input type="checkbox"/> DD-214, Report of Transfer or Discharge (if place of birth is shown)</p> <p><input type="checkbox"/> Hospital Record of Birth</p> <p><input type="checkbox"/> T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12)</p> <p><input type="checkbox"/> Naturalization Certification</p> <p><input type="checkbox"/> Certificate of Degree of Indian Blood</p> <p><input type="checkbox"/> Unexpired US Citizen ID card (Form I-197)</p> <p><input type="checkbox"/> Native American Tribal Document</p> <p><input type="checkbox"/> I-9 complete including signature by authorized employer or designee</p>
<p>Selective Service (1 is required for those required to register)</p>	<p><input type="checkbox"/> Screen printout of the On-line verification at www.sss.gov</p> <p><input type="checkbox"/> Acknowledgement Letter from Selective Service</p> <p><input type="checkbox"/> Selective Service Verification Form (For 3A)</p> <p><input type="checkbox"/> Selective Service Registration Card</p> <p><input type="checkbox"/> Stamped Post Office Receipt of Registration</p> <p><input type="checkbox"/> DD-214 - Certificate of Release or Discharge from Active Duty</p>
<p>Social Security Number (Not required for eligibility, but must be requested and validated. A Document Inspection Form may be used for any of these required</p>	<p><input type="checkbox"/> DD-214 - Certificate of Release or Discharge from Active Duty</p> <p><input type="checkbox"/> IRS Form Letter 1722</p> <p><input type="checkbox"/> Letter from Social Security Agency</p> <p><input type="checkbox"/> Pay Stub with Social Security number</p> <p><input type="checkbox"/> Social Security Benefits</p> <p><input type="checkbox"/> Social Security Card</p> <p><input type="checkbox"/> W-2 Form</p>

documents for this element.)	
Age (1 is required) (NOTE: Source documentation requirements differ based on the level of service received)	___ Baptismal Record ___ Birth Certificate ___ Driver's License ___ Federal, State or Local photo ID ___ DD 214 – Certification of Discharge or from Active Duty ___ Passport ___ Hospital Record of Birth ___ Public Assistance/Social Service Record ___ School Records or ID Card ___ Work Permit ___ Cross Match with Department of Vital Statistics ___ Tribal Records ___ Self-Attestation (Self-Service Only)
Priority of Service Low Income – Public Assistance Basic Skills Deficient	Low Income – Public Assistance ___ Pay stubs ___ Employer statement: written or telephone verification ___ Alimony agreement ___ Award letter from Veteran's Administration ___ Bank statements ___ Compensation award letter ___ Court award letter ___ Pension statement ___ Family or business financial records ___ Housing authority verification ___ Social Security benefits statement ___ Public assistance records ___ UI documents ___ Quarterly estimated tax (self-employed persons) ___ Self- attestation Basic Skills Deficient ___ Basic skills assessment questions or test results ___ Referral/records from Title II Adult Basic Ed Program ___ Referral/records from English Language Learner Program
Self Sufficiency (Employed Workers Only)	___ Copy of a recent paycheck or paystub ___ Employer letter or other document describing the customer's current wage rate

ATTACHMENT C

DISLOCATED WORKER ELIGIBILITY DOCUMENTATION

<p>Right to Work in the US (1 is required)</p> <p>Note: a Document Inspection Form may be used for any of these required documents for this eligibility element.</p> <p>Note: All documents should be unexpired</p>	<p><input type="checkbox"/> Social Security Card AND Real ID compliant Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)</p> <p><input type="checkbox"/> U.S. Passport (unexpired or expired)</p> <p><input type="checkbox"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</p> <p><input type="checkbox"/> An unexpired foreign passport with a temporary I-551 stamp</p> <p><input type="checkbox"/> An unexpired Employment Authorization Document that contains a Photograph (Form I-766)</p> <p><input type="checkbox"/> An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</p> <p><input type="checkbox"/> Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)</p> <p><input type="checkbox"/> Certification of Birth Abroad (Form DS-1350) issued by the Department of</p> <p><input type="checkbox"/> DD-214, Report of Transfer or Discharge (if place of birth is shown)</p> <p><input type="checkbox"/> Hospital Record of Birth</p> <p><input type="checkbox"/> T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12)</p> <p><input type="checkbox"/> Naturalization Certification</p> <p><input type="checkbox"/> Certificate of Degree of Indian Blood</p> <p><input type="checkbox"/> Unexpired US Citizen ID card (Form I-197)</p> <p><input type="checkbox"/> Native American Tribal Document</p> <p><input type="checkbox"/> I-9 complete including signature by authorized employer or designee</p>
<p>Selective Service (1 is required for those required to register)</p>	<p><input type="checkbox"/> Screen printout of the On-line verification at www.sss.gov</p> <p><input type="checkbox"/> Acknowledgement Letter from Selective Service</p> <p><input type="checkbox"/> Selective Service Verification Form</p> <p><input type="checkbox"/> Selective Service Registration Card</p> <p><input type="checkbox"/> Selective Service Advisory Opinion Letter</p> <p><input type="checkbox"/> Selective Service Registration Record (Form 3A)</p> <p><input type="checkbox"/> Selective Service Waiver Document (for veterans)</p> <p><input type="checkbox"/> Stamped Post Office Receipt of Registration</p>
<p>Social Security Number (Not required for eligibility)</p>	<p><input type="checkbox"/> DD-214 - Certificate of Discharge or Release from Active Duty</p> <p><input type="checkbox"/> IRS Form Letter 1722</p> <p><input type="checkbox"/> Letter from Social Security Agency</p> <p><input type="checkbox"/> Pay Stub with Social Security number</p>

<p>• Does not have to be signed.</p> <p>• SSN may be required for participation in paid work experiences, internships, or wage subsidy programs</p>	<p>___ Social Security Benefits ___ Social Security Card ___ W-2 Form</p>
<p>Age (1 is required for data validation purposes)</p> <p>(NOTE: Source documentation requirements differ based on the level of service received)</p>	<p>___ Baptismal Record ___ Birth Certificate ___ Driver's License ___ Federal, State or Local photo ID ___ DD 214 – Certification of Discharge or from Active Duty ___ Passport ___ Hospital Record of Birth ___ Public Assistance/Social Service Record ___ School Records or ID Card ___ Work Permit ___ Cross Match with Department of Vital Statistics ___ Tribal Records ___ Self-Attestation (Self-Service Only)</p>
<p>1. Layoff/UI/Unlikely to Return (Note: Honorable military discharge can count as a layoff, but the customer must also meet the other two criteria.) (Note: All three circumstances must be documented)</p>	<p>Layoff/UI:</p> <p>___ Letter from employer or documented telephone verification with date of dislocation ___ UI Notice of Decision with date of dislocation ___ Layoff or closure notice with date of dislocation ___ State Rapid Response Report ___ Public layoff notice with UI data cross-match and paystub with date of dislocation ___ Unemployment Insurance "Employment History" with date of dislocation ___ DD-214 Certificate of Discharge or Release from Active Duty</p> <p>Unlikely to Return:</p> <p>___ Skill Oversupply ___ Obsolete Skills ___ Only Stop-Gap Available ___ No Job Offers Received ___ Local Layoff Impact ___ Declining Occupation ___ Physical Limitations or Disabilities</p>

<p>_____ 2. Plant Closure, Substantial Layoff</p> <p>(Note: Two circumstances must be documented – the fact that the business closed or a substantial layoff occurred and that the applicant worked there.)</p>	<p>Self-Employed:</p> <p>___ Business License/Permit ___ Tax Records ___ Self-Employment Worksheet signed and attested ___ UI wage data screen</p> <p>Business Closed:</p> <p>___ Business closure notice ___ Tax records ___ Bankruptcy documentation ___ Lending Institution documentation ___ Financial statements from accountant</p> <p>Economic Conditions or Natural Disaster:</p> <p>___ Public notice ___ USDOL Advisory</p>
<p>_____ 4. Displaced Homemaker</p> <p>(Note: Two circumstances must be documented –1) The fact that the applicant was dependent on the income of a spouse and is no longer being supported by that income; and 2) the applicant is unemployed or underemployed.)</p>	<p>___ Cross Match with Public Assistance Records ___ Copy of Spouses Layoff Notice ___ Copy of Spouse’s Death Record ___ Copy of Spouse’s Permanent Change of State (PCS) Orders (for a military move or assignment) ___ Copy of Divorce Records ___ Copy of Bank Records (showing financial dependence on spouse, no spate individual income support, or no employment income earned) ___ UI wage data indicating no wages ___ Self-attestation</p>
<p>Spouse of a Veteran Dislocated Worker</p> <p>(Note: Two circumstances must be documented – 1) proof of marriage; and 2) that there was loss of employment or change in employment status</p>	<p>Marriage</p> <p>___ Marriage Certificate ___ Affidavit</p> <p>Loss of Employment or change in employment status</p> <p>___ Payroll documents ___ Copy of Spouse’s Permanent Change of State (PCS) Orders (for a military move or assignment) _____ Unemployment Insurance Records</p>

EASTERN AREA WORKFORCE DEVELOPMENT BOARD

A Proud Partner of the American Job Center Network

Eastern Area Workforce Development Board Workforce Innovation and Opportunity Act (WIOA)

Policy 02-18 Co-Enrollment

Effective Date: 09/18/18

Revision Date: N/A

Revision Number: N/A

Revision effective Date: N/A

Approval Date: 9/18/18

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA) §3(13)(A)-(D); WIOA §3(12); WIOA §3(67); WIOA §108 (b)(10); WIOA §108 (b)(21); WIOA §129 (c)(2); WIOA §134 (c)(F)(iv); WIOA §188(a)(2); WIOA §188 (a)(5); WIOA §189(h); WIOA §232; 20 CFR §679.560

1. BACKGROUND

One of the guiding principles of the Workforce Innovation and Opportunity Act (WIOA) is to streamline access to services to promote efficiency and optimize outcomes for both the partner programs and the system customers. The WIOA emphasizes the alignment of core programs, known as partner programs within the one stop delivery system. Access to resources such as training and support may be made available by agreement and coordination between the core programs. The goal of the Eastern Area Workforce Development Board (EAWDB) around co-enrollment is to provide access to the broadest array of services and resources possible to the residents of Eastern NM. This is necessary to create an effectively trained workforce that meets the needs of employers and support economic development efforts.

2. PURPOSE

This policy is to provide Guidance on participant co-enrollment across partner programs. The policy will address specific needs surrounding co-enrollment. Processes and procedures will be addressed in EAWDB Technical Assistance Guide 2-18 as they are developed.

The programs to be included in the establishment of co-enrollment processes include but are not limited to:

- Title I - Adult, Dislocated Worker (DW), and Youth
- Title II - Adult Education and Family Literacy Activities (AEFLA)
- Title III - Wagner-Peyser
- Title IV - Vocational Rehabilitation Service
- Title V – Job Corps

Co-Enrollment ensures that an individual receives, skills training, or other education to carry out their individualized employment plan (IEP) while providing needed support to reduce the probability of an individual not participating in services due to barriers (such as lack of transportation). Participants that are co-enrolled in multiple programs have additional resources that can be leveraged to increase the probability of achieving long-term success in the labor market.

3. DEFINITIONS

Co-Enrollment – Enrollment in two or more WIOA partner programs, and/or special grant programs.

Customer – An individual that is seeking services under any partner authorized under a WIOA partner program as part of the American Job Center System.

Internal Partner – A partner that is co-located in the Workforce Connection Center in the local community whether on a part time or full-time basis.

External Partner – A partner that has no physical presence with the WCC in the local community.

Participant – WIOA title I Adult, title I Dislocated Worker, title II, and title III programs, a participant is a reportable individual who has received services other than the services described in 20 CFR § 677.150(a)(3) (or 34 CFR § 463.150(a)(3), as applicable), after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

As set forth in more detail in section 677.150 (or 34 CFR § 463.150, as applicable), the following individuals are not participants:

- a. Individuals in an AEFLA program who have not completed at least 12 contact hours;
- b. Individuals who only use the self-service system; and
- c. Individuals who receive information-only services or activities, which provide readily available information that does not require an assessment by a staff member of the individual's skills, education, or career objectives.

For the title I Youth program, a participant is a reportable individual who has satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy, and received 1 of the 14 WIOA Youth program elements identified in sec. 129(c)(2) of WIOA.

For the title IV VR programs, a participant is a reportable individual who has applied and been determined eligible for services, has an approved and signed employment plan, and has begun to receive services under the plan.

4. ACTION

a. Coordination

To better serve the needs of customers and avoid duplication of services, co-enrollments will require a great deal of coordination across the partners of the American Job Center (AJC) system. It must be clear in co-enrollment situations what services are being provided and by whom.

b. Performance Measures

Co-enrolled customers count in the performance measurements for all grants they are enrolled in. Customers co-enrolled in Title I or Title III services will be reported through the New Mexico Workforce Connection Online System (NMWCOS) and performance information recorded there will be shared with external partners when requested.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
POLICY 02-20
YOUTH ELIGIBILITY

Effective Date: December 15, 2020

Rescission: EAWDB ELIGIBILITY TAG

Revision Date: N/A

Revision Number: N/A

Revision effective Date:

Approval Date: December 15, 2020

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-

2210.

PURPOSE

To provide guidance to the subrecipient on the procedures to determine participant eligibility for Youth under WIOA Title 1, Adult and Dislocated Worker training programs.

REFERENCE(S)

[Workforce Innovation and Opportunity Act of 2014](#), Section 1 134.

Workforce Innovation and Opportunity Final Rule August 19, 2016, 20 CFR 680 and 681

TEGL 21-16

TEGL 8-15

TEGL 23-14

TEGL 02-14

BACKGROUND

WIOA outlines a broader youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school (OSY). Local boards are required to establish and formally approve a local policy for making eligibility determinations for the WIOA Adult/Dislocated Worker funding stream. Local board policy must also include guidance on the use of self-attestation as a last resort when other documentation cannot be found or accessed. The local board is committed to implementing and overseeing the provision of high quality services for all youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in post-secondary education, or a Registered Apprenticeship.

The Youth Program delivers a comprehensive array of services that focus on assisting transitional youth ages 16-24, particularly youth who are disadvantaged and have one or more barriers to employment. The goal of the program is to prepare these youth for post-secondary education and employment opportunities, attain educational and/or training credentials, and secure employment that aligns with career pathways. Youth service providers support the 75 percent out-of-school youth and 20 percent work experience expenditure rate as required by WIOA.

Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

WIOA YOUTH ELIGIBILITY CRITERIA

Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in any WIOA Youth service, and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who may benefit from and who are most in need of such opportunities. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment and for whom WIOA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the WIOA program.

Each of the following eligibility elements must be documented for each participant **prior to the receipt of WIOA Title I services**. Required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in the included attachment. Scanned documents stored must be stored in the electronic document management systems and must be legible.

- A. **Right to Work** – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States as required in WIA section 188(a)(5). If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)

*Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver's license or ID not valid for public benefits. USDOL **TEGL 02-14** requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.*

Note: WIOA can pay for a picture ID or DL as a supportive service if the client is enrolled in the program. (Additional types of documentation that can be used to demonstrate citizenship are listed in the attached Documentation Checklist and must be maintained in the file until an ID or DL is obtained). A picture ID or DL must be obtained and uploaded to the electronic record within 30 days of the enrollment date. The subsequent document that was used to determine right to work and age must be deleted from the participants electronic file when the ID/DL is uploaded.

- B. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of this TAG.
- C. **Age** at application must be between the ages of 16 and 24.

*Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver's license or ID not valid for public benefits. USDOL **TEGL 02-14** requires that we serve these individuals even though they will not be able to demonstrate lawful*

presence. As a result, an Affidavit of Immigration is not required for eligibility.

In-School Youth Eligibility

In-School Youth means an individual who is attending school, not younger than age 14 (16 for the Eastern Board) or (unless an individual with a disability who is attending school under state law) older than age 21, low-income and one or more of the following barriers:

Barrier –

- A. Basic skills deficient;
- B. An English language learner;
- C. An offender;
- D. A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6)), 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 section 477, Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- E. Pregnant or parenting;
- F. A youth who is an individual with a disability;
Requires additional assistance to enter or complete an educational program or to secure or hold employment. (Because the State has chosen to not define “**additional assistance**” as relates to WIOA Youth program eligibility, each Local Board has the responsibility for determining its own definition of this eligibility category. The Eastern Board has defined this as: Any youth who meets any of the following criteria: a gifted student (as defined by New Mexico State Department of Education Regulations) who requires additional assistance to complete an educational program, or to secure and hold employment; a youth who’s family is dependent upon public assistance; a youth with poor work history as evidenced by the loss of and/or changing of jobs three or more times in a twelve month period; or a youth who is at risk of school and/or employment failure based on family/home factors, a youth with parents in the criminal justice system, family violence factors, behind graduation rate on credits, substance abuse by youth or family members, behind grade level, is a member of a household that has received public assistance in the last six months, is believed by school or public agency to be at risk, is/or was an ESL student, family history of seasonal or poor work history, referred by police or courts, has a history of or is at risk of gang involvement.

Additional Clarification [TEGL 21-16]. If a youth is enrolled in the WIOA program between high school graduation and postsecondary education, the youth is considered in-school if they are registered for credit bearing postsecondary education classes even if they have not yet begun classes at the time of enrollment.

LIMITATIONS

- The Eastern area WDB has determined that services to in-school youth will be limited to youth at least 16 years of age;
- Each local area: not more than 5 percent of the in-school youth assisted under this section may be eligible under “individual who requires additional assistance” to complete an educational program or to secure or hold employment. (WIOA and Sec 129(3)(B))

Exceptions:

- not more than 5 percent of the in-school individuals assisted be individuals that are not low-income. (WIOA and Sec 129(3)(A)(ii)). All 5% enrollments MUST be approved and tracked by AE staff. AE staff must case note the approval of the enrollment or any funds spent will be a disallowed cost.

- There is one exception to age eligibility for youth attending school. Youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as an ISY after the age of 21, if their state law allows youth with disabilities to be served by the K-12 system beyond the age of 21.

Out-of-School Youth Eligibility

Out-of-School Youth means an individual who is not attending any school, not younger than age 16 or older than 24; and has one or more of the following barriers:

Barrier –

- A. School dropout;
- B. Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
- C. Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner;
- D. Subject to the juvenile or adult justice system;
- E. A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6)), 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 section 477, Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- F. Pregnant or parenting;
- G. An individual with a disability; and
- H. Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Note: An individual who is out of school at the time of registration and subsequently placed in an alternative school may be considered an out-of-school youth.

Exceptions:

- Not more than 5 percent of the out-of-school individuals in the following categories be considered eligible and not meet the low-income criteria: a recipient of a secondary school diploma or its recognized equivalent who is low-income individual and is basic skills deficient; or an English language learner; a low-income individual but requires additional assistance to enter or complete educational program or to secure or hold employment may not be low income individuals. (WIOA and Sec 129(3)(A)(ii)). All 5% exceptions must have prior approval by the administrative entity.
- Youth attending High school equivalency programs that are funded by the public K-12 system that are classified by the school system as still enrolled in school are considered ISY.
- Homeschooling – Youth must be classified as ISY or OSY based on NM education’s determination of homeschool status.
- Any youth enrolled under any 5% exception MUST be approved by the board’s administrative staff. This approval must be noted by AE staff in the case notes. Any youth enrolled under a 5% exception without AE approval will result in disallowed costs.

Note: Individuals ages 18 through 24 may be eligible for both Adult and Youth programs if they meet the respective eligibility requirements for both programs.

ELIGIBILITY DOCUMENTATION REQUIREMENTS

DOCUMENTATION: Physical evidence, which is obtained during the verification process, is maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, or signed self-attestation forms. Documents must be stored in an electronic document management system. Subrecipients must ensure all information or documentation stored in an electronic document management system are uploaded in a timely manner to ensure record security. The crash of a computer system is not a valid excuse for

loss of information.

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

SELF-ATTESTATION: Self-attestation occurs when a participant states his or her status for a specific data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature.

DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION

Self-attestation cannot be used to document the basic WIOA eligibility data elements of **right to work, selective service, and age** for services provided beyond staff assisted service with significant staff assistance. Documenting **eligibility requirements** with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. Case notes should document efforts made to obtain other sources and state why they were not available. Please review the most current or relevant Data Validation TEGL (23-19) to assist in determining when it is appropriate to use self-attestation; or consult with your local AE staff if the data element in question is not addressed in this policy. Local Boards may create their own self-attestation form; however, it must include all elements of the self-attestation form included in this policy.

PRIORITY OF SERVICE

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, Workforce Connection Center (WCC) staff when using WIOA funds to provide individualized career services, training services or both, must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Individuals who are English language learners meet the criteria for “basic skills deficient” and must be included in the priority population for the Title I adult program. Under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area.

Across all titles, WIOA focuses on serving “individuals with barriers to employment” and seeks to ensure access to quality services for these populations. The priority populations under WIOA are:

Individuals with Barriers to Employment

The population included in the “individuals with barriers to employment” in WIOA sec 3(24) include:

- (a) Displaced Homemakers
- (b) Low-Income individuals
- (c) Indians, Alaska natives, and Native Hawaiians
- (d) Individuals with disabilities, including youth who are individuals with disabilities.
- (e) Older Individuals (age 55 and older)
- (f) Ex-offenders
- (g) Homeless individuals or homeless children and youths
- (h) Youth who are in, or have aged out of the foster care system;
- (i) Individuals who are:

- (1) English language learners
- (2) Individuals who have low levels of literacy (an individual is unable to compute or solve problems, or read, write or speak English at a level necessary to function on the job, or in the individual's family or in society); and
- (3) Individuals facing substantial cultural barriers
- (j) Eligible migrant and seasonal farmworkers
- (k) Individuals within two years of exhausting lifetime TANF eligibility
- (l) Single parents (including single pregnant women)
- (m) Long-term unemployed individuals (unemployed for 27 or more consecutive weeks); and
- (n) Such other groups as the Governor determines to have barriers to employment.

Veterans Priority

A veteran is defined as a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. Although veteran priority should not be confused with eligibility, subrecipient staff must verify veteran status when enrolling a veteran or qualifying spouse. Verification documents will be submitted as part of the applicant's enrollment packet and maintained in the participant's electronic file.

Veterans and eligible spouses covered by Public Law 107-288, continue to receive priority of service for all DOL funded job training programs. The veteran or covered person must otherwise meet the eligibility requirements for enrollment. For income-based eligibility determination and for determining priority of service, military pay or allowances paid while on active duty or paid by the Department of Veteran's Affairs (VA) for vocational rehabilitation, disability payments, or related VA funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes which is often referred to as "weekend" or "annual" training. Nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities.

A qualifying spouse is the spouse of any of the following:

- Any veteran who died of a service-connected disability; or,
- Any member of the Armed Forces who is listed in one of the following categories for at least 90 days: missing in action, captured in the line of duty, forcibly detained by a foreign government; or,
- Any veteran who has a total disability resulting from a service-connected disability; or,
- Any veteran who died while a disability was in existence.

Order of Priority

Priority must be applied in the following order:

1. First, to veterans, and eligible spouses who are also included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first-priority for services with WIOA.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for Adult formula funds.
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. Fourth, priority populations established by the Governor and/or Local WDB.

5. Last, to non-covered persons outside the groups given priority under WIOA.

Note: When past income is an eligibility determinant for training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.

Additionally, the WIOA Final Rule at 20 CFR 680.230, requires coordinated WIOA funded training with “other grant assistance”, such as Federal Pell Grants. However, VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran’s eligible spouse from receiving WIOA funded services, including training funds. Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday.) This includes males who are:

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

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

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

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

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

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the

registration requirements at 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>.

Registration Requirements for Males Under 26

Before being enrolled in WIOA Title I-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.

Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with the Selective Service, **the individual may only receive services if they establish by a preponderance of the evidence that the failure to register was not knowing and willful.** The local board, subrecipient, or contractor that enrolls individuals in WIOA Title I-funded activities, and is thereby authorized to approve the use of WIOA Title I grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to local boards in making determinations in cases regarding willful and knowing failure to register.

To establish consistency regarding the implementation of the requirement, local boards should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing," the authorized organization should consider:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was "willful", the authorized organization should consider:

- Was the failure to register done deliberately and intentionally?

- Did the individual have the mental capacity to choose whether to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual's failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

ATTACHMENT A -GLOSSARY

Local program staff making eligibility determinations for the Youth program should make use of the following definitions:

AGE OF COMPULSORY SCHOOL ATTENDANCE, BUT NOT ATTENDING [20CFR 681.210(c)(2)]: A youth of an age of compulsory attendance that has not attended school for at least the most recent school year calendar quarter.

APPLICANT: An individual who applies for training and/or services provided under WIOA through a WIOA grant recipient or sub-recipient.

DEPENDENT CHILD: A child, related by blood, marriage, or decree of court, living in a single residence with his/her parent(s) or guardian

BASIC SKILLS DEFICIENT: For youth eligibility, this is defined as at or below the 8th grade level. In defining this for workforce basic skills proficiency it is defined as an individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society. WIOA affords local boards the flexibility to establish this definition. The eastern board has defined this as below gold level Career Readiness Certification Level (CRC) or its equivalent on an adult education cross walk.

DEFICIENT IN BASIC LITERACY SKILLS: (For use in determining basic youth eligibility.) An individual who:

1. computes or solves problems, reads, writes, or speaks English at or below the eighth-grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test; or
2. is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

DROP OUT: A "school dropout" is defined in WIOA Section (3)(54) as an individual who is no longer attending any school and who has not received a secondary school diploma or its equivalent.

ENGLISH LANGUAGE LEARNER: An eligible individual who:

1. has limited ability in reading, writing, speaking, or comprehending the English language; and
2. whose native language is a language other than English; and
3. who lives in a family or community environment where a language other than English is the dominant language.

Note: When a federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments shall be excluded in WIOA eligibility determination. *Example:* adoption subsidies

Everything that is not listed as excluded from income above is included as income.

ENROLLED INDIVIDUAL: An individual is only considered to be an active participant when they have received all of the following:

- a. Documented eligibility assessment;
- b. Youth objective assessment (WCOS activity code 412);
- c. Youth development of Service strategies (IEP WCOS code 413); AND

- d. A recorded service that meets the definition of one of the fourteen program elements that has been recorded in the WCOS.

FAMILY: Two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- a. A husband, wife, and dependent children.
- b. A parent or guardian and dependent children.
- c. A husband and wife.

Note: Family size is determined based on those individuals meeting the above definition at time of application.

FAMILY INCOME: Family income includes total 6 months' cash receipts before taxes (i.e. Gross wages) from all sources as defined in "Family" above, except: If the applicant reports little or no includable income, s/he must indicate other resources relied upon for life support during the last six months on the Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.

FOSTER CHILD: A youth 14-18 years of age on whose behalf state or local government payments (excluding OASI) are made. This may include youth who have been made a ward of the state by a court, including those in the following categories:

- a. Youth in State Institutions
- b. Youth in Community Group Homes
- c. Youth in Foster Homes

Note: The EAWDB limits services to youth age 16 and over.

GUARDIAN: An individual related by blood, marriage, or decree of court, living in a single residence, where the parents are not present in the residence.

HOMELESS PERSON: An individual who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is

- a. a supervised publicly or privately operated shelter designed to provide temporary living accommodation (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
- b. an institution that provides a temporary residence for individuals intended to be institutionalized; or
- c. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. **EXCLUSION** – For purposes of WIOA, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law. A homeless individual who meets the above criteria is presumed to be economically disadvantaged for purposes of eligibility under the WIA unless demonstrated otherwise.

IN-SCHOOL YOUTH: Means a person age 14 through 21 (16 through 21 for the Eastern Area) who is attending school full time and who has not yet received a high school diploma or its equivalent (GED).

Note: The EAWDB restricts services to youth age 16 and above.

INCOME: Income from all sources including payments received for Unemployment Insurance and child support payments should be used in calculation of low-income status. However, there are instances where the youth's income is solely considered for eligibility determination. ISY with a disability can use their sole income for determination of low-income status. If an individual is not living in a single residence with other family members that individual is not a member of a family for the purposes of WIOA income calculations.

INDIVIDUAL: (Family of one) – A person not meeting the definition of family is considered to be an individual. Youth aged 18 years and older living with parents or other family member(s) must document individual status by completing the Self-Attestation form verifying that status.

INDIVIDUAL WITH DISABILITY: Any individual who has a physical or mental disability, which for such individual, constitutes or results in a substantial handicap to employment. Suggested definition for substantial disability to employment: a loss of occupational choice of a class or group of jobs due to the disability, i.e., significant diminishment of occupational choices. An Individual with a Disability may be eligible based on the family of one income guideline.

INDIVIDUAL WITH A DISABILITY: An individual with a disability as defined in the Americans with Disabilities Act of 1990, §3. [42 U.S.C. §12102] The individual:

- a. has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b. has a record of such an impairment; or
- c. is regarded as having such an impairment.

LOW-INCOME INDIVIDUAL: An individual who:

- receives or is a member of a family that receives or has received in the past six months, cash payments under a federal, state, or local income- based public assistance program;
- has received in the last six months, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
- received an income or is a member of a family that has received a total family income for the six-month period prior to application for the program that, in relation to family size, does not exceed the higher of:
 1. the poverty line, for an equivalent period; or
 2. 70 percent of the Lower Living Standard Income Level, for an equivalent period;
- qualifies as a homeless individual, as defined in the Stewart B. McKinney Homeless Assistance Act §103(a) and (c);
- 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 the requirements of (b) above, but who is a member of a family whose income does not meet such requirements. [WIOA §3(36)(A)]
- 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.); or
- A youth who lives in a high-poverty area.

REQUIRES ADDITIONAL ASSISTANCE: Any youth who meets any of the following criteria:

a gifted student (as defined by New Mexico State Department of Education Regulations) who requires additional assistance to complete an educational program, or to secure and hold employment; a youth who's family is dependent upon public assistance; a youth with poor work history as evidenced by the loss of and/or changing of jobs three or more times in a twelve month period; or a youth who is at risk of school and/or employment failure based on family/home factors, a youth with parents in the criminal justice system, family violence factors, behind graduation rate on credits, substance abuse by youth or family members, behind grade level, is a member of a household that has received public assistance in the last six months, is believed by

school or public agency to be at risk, is/or was an ESL student, family history of seasonal or poor work history, referred by police or courts, has a history of or is at risk of gang involvement.

STUDENT WITH A DISABILITY: An individual with a disability who:

1. is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)); or if the State involved elects to use a lower minimum age for receipt of pre-employment transition services under this Act, is not younger than that minimum age; and
2. is not older than 21 years of age; or if the State law for the State provides for a higher maximum age for receipt of services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), is not older than that maximum age; and
3. is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or is an individual with a disability, for purposes of section 504.

YOUTH WITH A DISABILITY: An individual with a disability who: is not younger than 16 years of age; and is not older than 24 years of age.

LIVING IN A SINGLE RESIDENCE:

- a. **Temporary, voluntary residence elsewhere** – an individual is included in a single residence if they are temporarily and voluntarily living outside of the residence. This may include individuals attending school or college, or visiting relatives. It does not include involuntary temporary residence elsewhere (i.e. incarceration or placement as a result of a court order). **Note:** If a college student is not claimed as a dependent on anyone else’s tax return, they are NOT a dependent child.
- b. **Temporary, involuntary residence elsewhere** – an individual is NOT included in a single residence if they are temporarily and involuntarily living outside of the residence. This may include individuals who are incarcerated or placed as a result of a court order. **Note:** A person not meeting the definition of family is an individual (family of one). Individuals ordinarily included in the definition of family, but no longer claiming to be dependent must complete an applicant statement attesting to individual status. Such statements should be corroborated by the head of household in which the individual resides. (S)He must also show source of his/her support. The individual must provide over 50% of his/her support to be considered a family of one. Income tax records are also a good source of documentation to support that the youth is not claimed by the parents. Youth aged 18 years and more, see “Individual” definition.

LOWER LIVING STANDARD INCOME LEVEL: the 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. Income levels for families of two or more are revised for the lower living standard income level from the U.S. Department of Labor Federal Register issued annually.

OFFENDER: Any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom services may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

PREGNANT OR PARENTING YOUTH: A youth who is 24 years of age or less at the time of application and who is

pregnant, or a male or female custodial or non-custodial.

POST SECONDARY EDUCATION: A program at an accredited degree-granting institution that leads to an academic degree beyond secondary education.

PUBLIC ASSISTANCE/CASH WELFARE PAYMENTS: Federal, State or local government cash welfare payments issued directly to the recipient for whom eligibility is determined by a needs or income test (i.e. TANF, Refugee Cash Assistance, and Supplemental Security Income). Note: Supplemental Security Disability Income (SSDI) is not considered cash welfare and does not make a person automatically eligible for WIOA.

RUN-AWAY YOUTH: A person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian.

SCHOOL DROPOUT: An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. A youth's dropout status is determined at the time of registration.

ATTACHMENT B

YOUTH ELIGIBILITY DOCUMENTATION

Eligibility	Required Documentation
<p>Right to Work in the US (1 is required)</p> <p>Note: A Document Inspection Form may be used for any of these required documents for this eligibility element.</p>	<p><input type="checkbox"/> Social Security Card AND Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)</p> <p><input type="checkbox"/> U.S. Passport (unexpired or expired)</p> <p><input type="checkbox"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</p> <p><input type="checkbox"/> An unexpired foreign passport with a temporary I-551 stamp</p> <p><input type="checkbox"/> An unexpired Employment Authorization Document that contains a Photograph (Form I-766)</p> <p><input type="checkbox"/> An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</p> <p><input type="checkbox"/> Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)</p> <p><input type="checkbox"/> Certification of Birth Abroad (Form FS-545) or Report of Birth (Form DS-1350) issued by the Department of State</p> <p><input type="checkbox"/> US Citizen ID card (Form I-197)</p> <p><input type="checkbox"/> Native American Tribal Document</p> <p><input type="checkbox"/> I-9 complete including signature by authorized employer or designee</p>
<p>Selective Service (1 is required for those required to register)</p>	<p><input type="checkbox"/> Screen printout of the On-line verification at www.sss.gov</p> <p><input type="checkbox"/> Acknowledgement Letter from Selective Service</p> <p><input type="checkbox"/> Selective Service Verification Form (For 3A)</p> <p><input type="checkbox"/> Selective Service Registration Card</p> <p><input type="checkbox"/> Stamped Post Office Receipt of Registration</p> <p><input type="checkbox"/> DD-214 "Report of Separation"</p>
<p>Social Security Number (Not required for eligibility but must be requested and validated. A Document Inspection Form may be used for any of these required documents for this eligibility element.)</p>	<p><input type="checkbox"/> DD-214, Report of Transfer or Discharge</p> <p><input type="checkbox"/> IRS Form Letter 1722</p> <p><input type="checkbox"/> Letter from Social Security Agency</p> <p><input type="checkbox"/> Pay Stub with Social Security number</p> <p><input type="checkbox"/> Social Security Benefits</p> <p><input type="checkbox"/> Social Security Card</p> <p><input type="checkbox"/> W-2 Form</p> <p><input type="checkbox"/> Declined; pseudo-SSN created</p>

Eligibility	Required Documentation
Age (1 is required)	<input type="checkbox"/> Baptismal Record <input type="checkbox"/> Birth Certificate (Document Inspection Form is not allowed) <input type="checkbox"/> Driver's License <input type="checkbox"/> Federal, State, or Local photo ID <input type="checkbox"/> DD-214 <input type="checkbox"/> Passport <input type="checkbox"/> Hospital record of birth <input type="checkbox"/> Public assistance/social service record <input type="checkbox"/> School records or ID card <input type="checkbox"/> Work permit <input type="checkbox"/> Cross match with Dept. of Vital Statistics <input type="checkbox"/> Tribal records
<input type="checkbox"/> In-School <input type="checkbox"/> Out-of-school	Educational Status: <input type="checkbox"/> School records <input type="checkbox"/> Self-attestation Deficient in basic literacy skills: <input type="checkbox"/> Standardized assessment test <input type="checkbox"/> School Records <input type="checkbox"/> Case Notes
Low Income (1 is required)	<input type="checkbox"/> Pay stubs <input type="checkbox"/> Employer statement: written or telephone verification <input type="checkbox"/> Alimony agreement <input type="checkbox"/> Award letter from Veteran's Administration <input type="checkbox"/> Bank statements <input type="checkbox"/> Compensation award letter <input type="checkbox"/> Court award letter <input type="checkbox"/> Pension statement <input type="checkbox"/> Family or business financial records <input type="checkbox"/> Free or reduced price school lunch verification <input type="checkbox"/> Housing authority verification <input type="checkbox"/> Social Security benefits statement <input type="checkbox"/> Public assistance records <input type="checkbox"/> UI documents <input type="checkbox"/> Quarterly estimated tax (self-employed persons) <input type="checkbox"/> Self-attestation (for out of school youth only. In school youth requires additional info.)

Disability	<input type="checkbox"/> Medical records <input type="checkbox"/> Letter from drug / alcohol rehabilitation agency <input type="checkbox"/> Case notes regarding an observable condition <input type="checkbox"/> Physician's statement <input type="checkbox"/> Psychiatrist's statement <input type="checkbox"/> Psychologist's diagnosis <input type="checkbox"/> Rehabilitation evaluation <input type="checkbox"/> School records <input type="checkbox"/> Sheltered workshop certification <input type="checkbox"/> Social Service records / referrals <input type="checkbox"/> Social Security Administration disability records <input type="checkbox"/> Veterans Administration letter / records (continued) <input type="checkbox"/> Vocational Rehabilitation letter <input type="checkbox"/> Worker's Compensation record
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Eligibility	Required Documentation
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<p>Barrier (1 or more required)</p>	<p>___ DEFICIENT IN BASIC LITERACY SKILLS Standardized assessment test (Excluding Work Keys) School records Case note (must describe how the case manager determined the participant meets the “Deficient in Basic Literacy Skills” definition)</p> <p>___ SCHOOL DROPOUT Case note WIOA application form</p> <p>___ HOMELESS/RUNAWAY Written statement from a shelter Written statement from social service agency Written statement from individual providing residence Self-attestation</p> <p>___ FOSTER CHILD Written confirmation from social services agency Case notes</p> <p>___ English Language learner Basic skills assessment reflecting low English levels in reading, writing or speaking and attestation for other native language speaker</p> <p>___ PREGNANT / PARENTING Baptismal record Doctor’s note Observation documented in case note Public Assistance Record Documentation from Partner Child’s birth certificate Self-attestation</p> <p>___ OFFENDER Juvenile/criminal justice document Telephone verification from juvenile / criminal justice representative WIA application form Self-attestation</p> <p>___ REQUIRES ADDITIONAL ASSISTANCE</p> <ul style="list-style-type: none"> • Documentation stating that the youth requires additional assistance and why; • Documentation that youth has had 3 or more jobs in the last 12 months; • Letter from a professional such as a counselor or teacher which states why the participant is at risk of failure; • Documentation of gang involvement; • Documentation of family violence; • Documentation of substance abuse on the part of the participant or parents; • Documentation reflecting that one or both parents is/are incarcerated • Documentation that the youth has been emancipated; • School records indicating the youth is/was an English as a Second Language (ESL) student. • Documentation that the youth receives or is a member of a family that receives cash assistance or food stamps in the twelve months prior to application. • Documentation that the youth has experienced recent traumatic events, are victims of abuse or reside in an abusive environment;
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Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act (WIOA)

Policy 03-18 ELECTRONIC RECORDS

Effective Date: 09/18/18

Revision Date: 06/16/20

Revision Number: 1

Revision effective Date: 06/16/20

Approval Date: 06/16/20

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

This guidance originates from multiple regulations related to government agencies' transition from paper to digital files. Among these are: The E-Government Act of 2002; Government Paperwork Elimination Act of 1998; Paperwork Reduction Act of 1995; TEGL 39-11; 34 CFR § 99.31; HIPM act of 1996; and WIOA § 185 Requires recipients of Title I funds to keep records that are sufficient to prepare reports and permit the tracing of expenditures to adequately ensure that funds have been lawfully spent.

1. PURPOSE

This document provides guidance for uniform, paperless documentation of electronic records including participant files and other documents along with instructions on protecting participant information. This guidance provides instruction for the collection, dissemination, storage, and protection of information contained within digital files.

2. BACKGROUND

The Eastern Area Workforce Development Board (EAWDB) has transitioned to paperless record keeping by using an electronic document imaging and storage system. The EAWDB elects to first utilize electronic documents and requires electronic verification of eligibility requirements. The New Mexico Workforce Connection Online System (NMWCOS) allows internal and external access to provide all servicing partners the means to efficiently administer services to their participants. The One-Stop Operator shall ensure that the use of paperwork is reduced to a minimum (WIOA Section 308[c][2][FJ][ii]). The electronic information will be made available to US Department of Labor or State auditor or monitor who needs access to carry out their official duties. Information will be made available by granting full access to the NMWCOS system.

3. ACTION

A. Electronic Document Submission and Signatures

In order to provide services to customers in the most efficient and effective means possible the EAWDB will accept electronic document submission and signatures. In order to provide the necessary requirements for protection of information and the integrity of the program electronic document submission and signatures should follow the guidelines established below.

i. Electronic Document Submission

Eligibility documents can be directly uploaded by the customer to secure platforms in any format accepted by the submission platform e.g. JPEG, PDF, TIF etc. However, documents stored in the WCOS system should be converted to a lower file size format such as PDF either prior to or after initial upload whenever possible.

a. Low Risk Documents

Contracts and similar program documents requiring signature contain no more Personally Identifiable Information (PII) than the participant name are considered low risk documents. Low risk documents may be routed for appropriate signatures via email, fax or other appropriate means.

b. High Risk Documents

Documents that contain FERPA or HIPAA protected information or more PII than a name e.g. date of birth or SSN are classified as high risk documents. High risk documents should be submitted transmitted through only secure methods to protect the customer's information. High risk

documents may be directly uploaded to secure platforms directly by the customer. Alternative methods for secure transmission of high-risk documents include but are not limited to:

- Screen captures gathered in a secure virtual environment;
- Pictures of required eligibility documents submitted securely (see email restrictions below);
- Fax of documents scheduled between the customer and center staff where the appropriate staff is standing by the fax machine ready to receive the documents;
- Scanned copies of documents uploaded through a secure platform;
- New and emerging secure technologies; and
- Password protected files submitted via email where the password is provided to the receiving staff via telephone or other secure contact and not via email;

High risk documents should be transmitted via email only as a last resort and then only as a password protected file. The password for the file **must not** be provided in the email transmitting the document.

ii. Electronic Signatures

Documents requiring signature that will be signed electronically must include attestation by the signatories that verifies the signatories recognizes they are submitting an electronic signature in lieu of an original signature the electronic signature is as binding as an original signature.

iii. **Medical Records**

Currently, medical records containing information protected under the HIPM Act of 1996 - such as health status, provision of health care, or payment for health care will be referenced in case notes as appropriate and maintained in a paper format to be made available as needed for monitoring and auditing purposes. The NMWCOS vendor is in the process of developing an enhancement to the document imaging module that will allow for suppression of sensitive documents that would only be accessible persons granted access to the documents through their security profile. When this becomes available the documents will be uploaded under the appropriate protocols for the module.

iv. **Data Validation**

The EAWDB is required to establish procedures to ensure the information contained in the WIOA federal reports is valid and reliable. Data validation is the process intended to review participant files for accuracy and compliance. Eligibility and verification documentation are reviewed in this process. Additionally, the EAWDB, in concert with the New Mexico Dept of Workforce Solutions, requires that the grant sub-recipients maintain appropriate participant documentation for data validation. The EAWDB requires these to be maintained in the document imaging module of the NMWCOS. This procedure eliminates the need for paper files to be provided by staff in the field, allowing the EAWDB monitoring staff, the NM DWS and US DOL to virtually validate supporting documentation. The EAWDB staff will work with provider staff to establish a process and guidance to ensure each provider has the tools necessary for compliance with the TEGL 39-11, Guidance on Handling and Protection of Personally Identifiable Information (PII) which specifically address the method for uploading and sharing of PII in information management systems.

v. **DOCUMENT DELETION**

Only under limited circumstances will documents be allowed to be deleted from an applicant's electronic file. The process for deleting a document will be performed by the EAWDB Program staff. Program staff should submit a request for the deletion along with the reason for the deletion. The EAWDB Program staff

reviews requests for deletion of documents and if determined appropriate, will perform the document deletion.

vi. RECORD MAINTENANCE

Subrecipients of WIOA funds shall keep records that are sufficient to permit the preparation of reports and to permit the tracking of funds to a level of expenditure adequate to ensure that the funds have not been spent on nonallowable activities. Although digital files are intended to replace paper documents, records must be maintained in a manner that enables staff to produce a tangible paper document in the event they are needed. Staff will maintain records in accordance with the EAWDB, USDOL, and NMDWS which requires the maintenance of records for a period of three (3) years after the last audit resolution. Typically, a period of five (5) years after exit will make all allowances necessary for this.

vii. CONFIDENTIALITY OF RECORDS

Data or information acquired by an agency under a confidentiality agreement, to be used exclusively for statistical and/or eligibility determination purposes, shall not be disclosed by an agency in identifiable form for any use other than that purpose statistical purpose. Use of this information is prohibited except with the informed consent of the respondent (Public Law 107-347 Title V Section 512[b][1]). Staff will have a release of information form signed and dated by the participant and the case manager. This form should state that the participant's information may be used for reporting purposes and service delivery design and that the participant's personal information will remain confidential, except as allowable under the release of information. The release form will be uploaded into the participant file the NMWCOS. This standardized form will be made available by the EAWDB staff and may be used as a stand-alone form or may be incorporated into other release forms used by the staff.

viii. FAMILY EDUCATIONAL RIGHTS AND PRIVACY

Educational records are covered under the Family Educational Rights and Privacy Act (FERPA), enacted in 1974. This federal law protects the privacy of student education records. Under this law, students have the right to control disclosure of their education records. Student's education records may be disclosed only with the parent or student's prior written consent, unless (34 CFR 99.31):

- The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests;
- A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party;
 - Performs an institutional service or function for which the agency or institution would otherwise use employees;
 - Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and is subject to the requirements of §99.33(a) governing the use and redisclosure of personally identifiable information from education records;
 - An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interest. An educational agency or institution that does not oversee physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement of this section; or

- The disclosure is, subject to the requirements of § 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

Participants who attend training through WIOA funded programs should sign and date a form authorizing the release of education records in order to obtain information or copies of certifications or diplomas from educational institutions for data validation and reporting purposes.

ix. LEGAL STATUS OF ELECTRONIC DOCUMENTS

Electronic records submitted or maintained in accordance with procedures developed under this policy, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

EASTERN AREA WORKFORCE DEVELOPMENT BOARD

A Proud Partner of the American Job Center Network

Eastern Area Workforce Development Board

Workforce Innovation and Opportunity Act Policy 3-20 Work Experience

Effective Date: December 15, 2020

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Revision effective Date:

Approval Date: 12/15/2020

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

WIOA §129(c)(4), 20 CFR §681.590, §681.600, & §681.610, TEGL 8-15, TEGL 21-16, EAWDB supportive services policy and youth program design TAG.

1. PURPOSE:

To provide information and direction for the service providers and Workforce Innovation and Opportunity Act (WIOA) career coaches on the requirements and delivery of work experience activities for youth.

2. BACKGROUND:

The WIOA prioritizes work experience as for youth enrolled in WIOA youth programs. It is a valued component of a holistic approach to building the skills a youth needs to be successful in the workforce.

3. Work Experience:

A. ACTIVITY REQUIREMENTS

A Work Experience is a planned, structured learning experience in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A Work Experience provides participants with opportunities for skill development and must include academic and occupational education concurrently or sequentially. A work experience is an opportunity to connect youth with a mentor in a career ladder of their interest and develop appropriate social and communication skills to make them a desired employee that is competitive in the labor market.

A Work Experience can include:

- Summer Employment Opportunities;
- Employment opportunities available throughout the year;
- Internships and job shadowing;
- Pre-Apprenticeship programs; and
- On-the-Job training opportunities— *WIOA Youth only, this is considered a “training service” for WIOA Adults or Dislocated Workers.*

The **academic and occupational component** of work experience refers to contextual learning that includes information needed to understand and work in specific industries or occupations and accompanies a work experience. This component may occur prior to, concurrently, or after the work experience and on or off the worksite. It can be provided by the employer or may be provided separately in the classroom or through other means.

i. Occupational Learning Component of Work Experience

This is learning tied to the occupations and industries and includes occupational exploration related to the work experience. Example: If a youth is working in a hospital,

the occupational learning could be about different types of jobs in a hospital e.g. phlebotomist, radiology tech, nurse, physical therapist, social worker etc., and the training requirements and average wages for those occupations.

ii. Academic Component of Work Experience

The academic component refers to the academic knowledge necessary to work in those occupations. Using the hospital example a phlebotomist would need to know certain things such as why blood type matters, what veins/arteries are best to draw blood from and a physical therapist would need to know the functions of tendons and ligament and the various names of the bones of the body.

B. EXPENDITURE REQUIREMENT

WIOA prioritizes work experience as a vital component of a youth program. As such it requires that a minimum of twenty percent (20%) of local funds must be spent on Work Experience activities. Program expenditures for this may include more than just the wages paid to the youth while they are participating in the activity. Allowable expenditures toward the work experience program element may include:

- Wages or stipends paid for participation in a work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- Classroom training or the required academic education component training that is directly related to the work experience;
- Employability skills or job readiness training to prepare a youth for work experience;
- Incentive payments tied to the successful completion of all work experience components; and
- Staff time spent on work experience activities:
 - ✓ Working to identify and develop work experience opportunities and develop the work experience;
 - ✓ Staff time spent working with employers to ensure a successful work experience e.g. training the worksite on the requirements and addressing tools for working with youth or the individual that will be assigned to the worksite;
 - ✓ Staff time spent evaluating the work experience; and
 - ✓ Staff time spent managing the work experience, e.g. attendance tracking, timesheet processes and reviewing evaluation and progress reports with the worksite and youth.

Note: Information on allowable staff time charges are included in section I of this document. Supportive services are a separate program activity and cannot be counted toward the work experience expenditure even if directly related to participation in the work experience activities.

C. DURATION

Paid and unpaid work experience training should be tied to the youth's employment goals included on their Individual Service Strategy (ISS). The duration of the work experience is based on the training plan developed between the youth, the employer and the career coach. Training

plans for the work experience must outline the skills to be developed (including soft skills as appropriate), provide an estimate of the required training time needed for the skill and must be completed on the EAWDB's Work Experience Training plan document or its subsequent replacement.

When determining the appropriate duration of the work experience the training plan should be based on the ONET standards for learning the skills required for the occupation in which the youth is placed and reviewed with the employer to ensure the training plan accurately depicts the skills to be developed. The maximum duration of a work experience will be tied directly to the SVP value for the corresponding or most closely related occupation and cannot exceed 1040 hours in the same occupation unless there are extenuating circumstances that necessitate additional time for the youth to learn the skills e.g. disability.

A youth can be placed on multiple work experiences if the youth is continuing to expand and develop their skills making them more employable. This must be addressed in the ISS and a new work experience agreement and training plan completed.

D. WAGES

A work experience may be paid or unpaid. The ISS must address the need and benefit associated with the work experience placement. A nonpaid work experience may be used to address specific challenges in the soft skills development of a youth e.g. reporting to work on time, appropriate workplace communication, hygiene etc. Work experience placements focused on gaining occupational skills should be paid work experiences even though they may also include addressing occupational skill development.

Wages for work experience activities on a worksite are compensated according to federal, state, or local minimum wage standards whichever is higher. Attendance records and progress reports are required for each period the youth is paid for. The service provider must have internal processes adequate to pay the youth in a timely manner. Youth that submit payroll information after the due date may be paid on the next payment processing date. Providers may also hold back the first attendance record for payment in the following process period to allow sufficient time for review and submission of documents.

E. STIPENDS & INCENTIVES

The intended use of stipends and/or incentives must be described in the participants ISS. Stipends may be paid for attendance and participation in allowable work-related activities listed in section 3.B. above (Expenditure Requirements). Stipends for these activities are applied to the required work experience expenditures. Tracking of time and progress for these activities must be maintained.

Incentives may be paid for the successful completion of work experience activities. Payment of the incentive is only allowable upon the completion and documentation of all the components of the work experience including the academic and occupational learning components. Incentives must comply with the stipend/incentive portion(s) of the EAWDB Supportive services policy or its subsequent replacement.

F. EMPLOYER ELIGIBILITY

Work Experience related placements may be within the private for-profit sector, the non-profit sector, or the public sector, ideally within a high priority or demand occupation or career ladder leading to a demand occupation.

Because the work experiences must be planned, structured learning experiences, the worksite hosting the work experience must designate an appropriate employee to provide supervision and feedback to the participant and career coach at regular intervals during the course of the training.

The employer is under no obligation to offer regular employment to the participant subsequent to the conclusion of the training, although the training is intended to provide employers with a pool of skilled applicants for the positions being trained during participation.

Participating employers must agree to cooperate with monitoring requirements as required by the WIOA. Labor standards apply to any work experience setting. Work experience and/or internships will not be made available to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

Work experience placements cannot be made in sectarian or marijuana related organizations. E.g. houses of worship, marijuana farms or marijuana distribution facilities.

G. WORKSITE AGREEMENTS (aka the work experience contract)

All work experiences sites must have a worksite agreement. Worksite employer orientation should include review the requirements of the worksite agreement. Each agreement must be signed by the worksite and the appropriate WIOA youth program personnel. The agreement should be maintained by both the worksite and the youth program as part of the participant electronic file. A worksite that hosts multiple youth in the course of the year need not complete a new agreement for each youth but must complete a new agreement annually. Career coaches must upload the current/active worksite agreement to all related participant files. The worksite agreement used should be the EAWDB worksite agreement or its subsequent replacement document.

Worksite agreements and orientation activities must occur prior to beginning work experience training. The worksite orientation need only be repeated for a worksite if the responsible parties at the worksite location have changed.

H. EVALUATION OF WORKSITES

Work experience activities should be evaluated by the youth program to ensure the activity is addressing the needs of the participant and is providing quality training and adequate supervision/direction to the participant.

Items to be evaluated include:

- Appropriateness of the placement for the participants;

- Quality of work experience in teaching good work habits or job skills;
- Quality of outcomes and other benefits to the participants; and,
- Adequacy of work site supervision in assuring compliance with fair labor stands and program goals.

The evaluations may be conducted through worksite visits, or video conferencing/ telephone interview with the employer that is conducted with or supported by interviewing of the participant.

State and local monitors may also request to interview youth and employers to evaluate the quality of the placement in accordance with monitoring policies.

I. CALCULATION OF STAFF TIME CHARGES AGAINST WORK EXPERIENCE

WIOA allows for staff time costs to be apportioned to the work experience expenditure requirement. Staff time spent on the following are allowable for application against work experience expenditures:

- ✓ Working to identify and develop work experience opportunities and develop the work experience;
- ✓ Staff time spend working with employers to ensure a successful work experience e.g. training the worksite on the requirements and addressing tools for working with youth or the individual that will be assigned to the worksite;
- ✓ Staff time spent evaluating the work experience; and
- ✓ Staff time spend managing the work experience, e.g. attendance tracking, timesheet processes and reviewing evaluation and progress reports with the worksite and youth.

The EAWDB has capped the maximum amount of staff time costs to be charged to the work experience activity at 30%. In order to simplify reporting requirements for EAWDB staff and youth providers the EAWDB has developed a Cost Allocation Plan (CAP) to create a methodology to apportion staff time against work related activities. Providers of youth services must track individuals participating in any work-related activity.

The formulation for the calculation of staff costs are based on the percentages of the caseloads involved in work experience activities.

Percentage of entire caseload in work related activities	Percentage of total staff time allowed to be charged against work experience
0-25%	15% of staff time
26-50%	20% of staff time
51-75%	25% of staff time
76-100%	30% of staff time

Activity reports from the WCOS system may be utilized to identify the percentage of caseload engaged in work related activities during the billing period.

Example:

The youth program has 100 participants and 56% were engaged in related work activities then 25% of the staff costs for the reporting period may be applied to the work experience.

The allowance for application of staff time is limited to staff directly engaged in the allowable activities and not to indirect staff or program managers.

J. BEST PRACTICES FOR YOUTH PROGRAMS IN ENGAGING YOUTH IN WORK EXPERIENCE

- Youth programs prepare youth for work experience through training and guidance in soft skills. Youth programs engage young adults in training or class activities that develop these soft skills. This may include learning about professional work culture, working in teams, interpersonal skills, critical thinking and problem solving, and communication.
- Youth programs may also train youth in technical skills or hard skills needed for specific career pathways or work settings. Youth will learn skills specific to an occupational sector.
- Program staff devote significant time to developing and maintaining relationships with employers. Dedicated staff may handle all aspects of employer relations from making the initial inquiry to responding to employer concerns during the work experience.
- Programs clearly communicate what is expected of employers, youth and families before the start of a work experience to include mentoring of the youth and providing feedback. Some programs address the importance of work in life, explain how the program helps provide opportunities for them to become successful when transitioning to employment, addresses employer expectations and appropriate workplace behaviors such as interacting with employers and other employees.
- Programs carefully match the participant to the work experience based on interests, skills and needs. Making the right match increases the success of the experience by ensuring the youth are motivated from the start to participate fully.
- Programs provide ongoing support to the youth and employers throughout the experience. To ensure a work experience is successful for everyone involved, programs maintain communication with the youth and the employer from the beginning to the end.
- Programs ensure that an employer is truly committed to investing time, energy and expertise in developing the emerging workforce.
- Work related activities involve a high level of learning.
- Programs visit the worksites while the youth are working demonstrating the commitment of the program to quality learning experiences for the youth.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
4-18 Policy Transitional Jobs

Effective Date: 9/18/18

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Contact Entity: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA), July 22, 2014: §108, §122, §134, §181 and §194; 2 CFR §200, et al, 20 CFR §80.760, §680.830, §680.840(n) and §683.200(g), TEN 17-16 .

1. PURPOSE:

To provide clarification for the Eastern Area Workforce Development Board's (EAWDB) WIOA subrecipients regarding classroom and work-based training options to eligible participants and employers. WIOA requires the local public workforce system to identify and promote evidence-based strategies for meeting needs of jobseekers facing barriers to employment. Transitional Jobs (TJ) is one evidence-based strategy for helping to meet this requirement. Under WIOA, the EAWDB can utilize up to 10 percent of Title I Adult and Dislocated Worker funds to implement Transitional Jobs programs for jobseekers who face barriers to employment and who are at-risk of experiencing chronic unemployment.

2. BACKGROUND:

WIOA statute defines Transitional Jobs as 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 inconsistent work history.

Transitional Jobs are combined with comprehensive career services and supportive services and are designed to assist the individuals in establishing a work history that will show success in the workplace and develop the skills that lead to entry into and retention in unsubsidized employment. Eligible participants will be paid at the same entry level rate paid to trainees or employees in the same or similar positions at the worksite.

3. DEFINITIONS:

- Transitional Job (TJ) – A type of work-experience offered as an individualized career service under WIOA. They are time-limited, wage-paid work experiences that are subsidized up to 100 percent. These jobs can be public, private, or nonprofit sector jobs and are only available for individuals with barriers to employment who are chronically unemployed or who have inconsistent work history, as determined by the EAWDB.
- Chronically unemployed – An individual is determined chronically unemployed when a pattern of long term unemployment (9 weeks or more) 3 or more times in a 2 year period or the individual has exhausted unemployment benefits.
- Inconsistent work history – An individual is determined to have an inconsistent work history when there are gaps in employment of three (3) months or more or exhibits a pattern of changing jobs as demonstrated by four (4) or more jobs in a two (2) year period.
- High Priority Occupation (HPO) – An in-demand occupation that has higher than entry level skill needs and is likely to provide self-sufficient wage. Statistical data, regional expertise, and workforce development area inputs are combined to determine whether an occupation meets the high priority criteria.
- Individual Employment Plan/Individualized Service Strategy (IEP/ISS)- An individualized career service that is developed jointly by the participant and the Career Development Specialist (CDS) or Career Coach. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve employment and training goals.

4. TARGET POPULATIONS

Potential targeted populations for the appropriate use of transitional jobs include but are not limited to:

- Long-term unemployed as defined above
- Ex-offenders
- Individuals who are currently receiving or have exhausted TANF benefits
- Individuals with disabilities

5. GENERAL WIOA PROGRAM REQUIREMENTS

Transitional jobs are designed to assist an individual in gaining skills and experience that leads to stable long-term employment and is provided as an individualized career service.

- Transitional Jobs must be combined with comprehensive career services and supportive services.
- Work- based training opportunities must be identified as an appropriate activity for program participants on their IEP/ISS Plan.
- IEP/ISS Plans will specify goals of the work-based training activity by:
 - a. Identifying purpose of the activity and
 - b. Expected outcomes
- Take place in a workplace for a limited period of a minimum of 8 weeks up to 26 weeks. The exact duration will be set as appropriate for the participant's employment goals, background and skill level as reflected in the individual employment plan.
- Provide at least 20 hours a week but no more than 40 hours a week.
- Help the participant gain the competencies and experience to meet local employer demands.
- Be related to a career choice and provide learning through work-based projects.
- Must be designed to establish a work history for the individual, demonstrate success in the workplace, and develop the skills that lead to entry and retention in unsubsidized employment.
- Pay at an hourly wage at the same rates as similarly situated employees or trainees, subject to the Fair Labor Standards Act, but must exceed the federal or state minimum wage whichever is higher.
- Per WIOA regulations (20 CFR 683.200(g)), "no individual may be placed in an employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual."

The Transitional Job will be guided by a Training Agreement, an agreement between the local New Mexico Workforce Connection office, the host employer, and the eligible WIOA participant, which will specify the occupational and employability competencies the participant will achieve in the transitional job, the relationship and responsibilities of all parties, the evaluation process that will outline the progress of the participant, and other necessary requirements.

A. Restrictions

Title I subrecipients must be familiar with the limitations and prohibitions on the use of funds allocated to the local area under WIOA title I-B §181 and Part 680 of federal regulations, as follows:

- WIOA funds cannot be used to pay the wages of employees during their participation in an economic development activity provided through a statewide workforce development system.
- WIOA title I funds must not be spent on:
 - i. Construction, purchase of facilities or buildings, or other capital expenditures for improvements to land or buildings;
 - ii. Sectarian activities;

- When a relocation of a business results in the loss of employment of any employee of such business, no funds provided for employment training can be used for transitional jobs until after 120 days has passed since the relocation that caused the loss of employment at an original business location in the United States.
- WIOA work-based training funds must not be used to directly or indirectly assist, promote, or deter union organizing.
- WIOA work-based training funds may not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage or layoff.
- Transitional jobs are not intended to impair any existing contracts for services or collective bargaining agreements. When a program or 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.
- WIOA work-based training funds must not be used to directly or indirectly provide supportive services described in §680.900 or §681.570.
- A participant in a transitional job will not be employed in or assigned to a job if:
 - i. Any other individual is on layoff from the same or substantially equivalent job;
 - ii. 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 with the participant; or
 - iii. The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.

B. Criteria:

The following items must be considered when determining the appropriateness of the training:

1. The training must be in alignment with the goals and strategies of the local area as described in the local plan.
2. The quality of the training should result in positive outcomes (e.g., industry-recognized credentials, advancement opportunities, etc.).
3. The characteristics of the workers to be trained (i.e., the extent to which these individuals historically represent individuals with barriers to employment as defined in WIOA Section 3(24), and how such individuals would benefit from a skills gain that results in retention or advancement).
4. The wage and benefit levels of participants (before and after training).
5. The occupation(s) for which transitional jobs is being provided must be in-demand as defined by WIOA Section 3(23) and local board policy.
6. Employer's industry status. Is the employer in:
 - a. An in-demand industry as defined by WIOA Section 3(23) and determined by labor market information or local board policy; or
 - b. A stable industry as determined by labor market information; or
 - c. A declining industry, but there are compelling reasons (e.g., evidence of long-term viability of the employer) justifying investment in customized training?

C. Employer Eligibility

A transitional job may be within the private for-profit sector, the non-profit sector or the public sector ideally within an identified high priority industry.

Because transitional jobs must be planned, structured learning experiences, the entity hosting the transitional job must designate an appropriate supervisor to provide oversight and feedback to the participant at regular intervals during the program.

The employer is under no obligation to offer regular employment to the participant after the conclusion of the transitional job program, although the transitional job can provide employers with a pool of candidates from which to fill future positions and reduce recruitment costs.

Participating employers must agree to cooperate with monitoring requirements as required by WIOA and adhere to all applicable local, state and federal rules, regulations and administrative guidance. Labor standards apply in any work experience setting where an employer/employee relationship, as defined by the Fair Labor Standards Act, exists.

Participating employers must be current on and in good standing with New Mexico tax requirements.

Staff must document the employer eligibility factors and upload to the participant's file.

D. Trainee Eligibility Criteria:

In order to be eligible to receive assistance with WIOA TJ funds a trainee must:

- Be determined to be in need of work experience related services to obtain skills and/or experience necessary to obtain or retain employment. Subrecipient staff must document the participant's need for a transitional job experience and may use recent previous assessments by partner programs to determine if transitional jobs services would be appropriate.
- Be an individual with a barrier (or barriers) to employment or a priority of service participant who is chronically unemployed and/or has an inconsistent work history and is seeking long-term employment in a particular industry or occupation. Transitional jobs are designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment.
- Be an individual considered to be "chronically unemployed" or to "have inconsistent work history" as defined above.

E. Transitional Jobs processes:

The transitional job process shall follow all the regular requirements for providing individualized career services and for the development of the training plan. All required TJ documentation shall be kept on file in the participants' electronic file in the New Mexico Workforce Connection Online System (NMWCOS).

- A. Eligibility shall be determined and eligibility documents shall be compiled and maintained in the electronic file within the NMWCOS.
- B. Office staff will send AE staff the pertinent information to create a TJ contract number and enter the provider information into the NMWCOS.
- C. An individual employment plan (IEP) shall be completed for each participant identifying the goal/purpose of the training and maintained in the participants' electronic file.

F. Transitional Jobs documentation:

The TJ agreement, related information and documentation must be kept by the Title I service provider. The service provider is responsible for ensuring the information and documentation is uploaded and available for monitoring and review as required.

- A. Transitional jobs agreement/contract
- B. Assurances
- C. Transitional jobs training plan
- D. Transitional jobs training plan modification (if applicable)
- E. Case notes to track customer interaction (recorded in NMWCOS).

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
5-18 Eligible Training Provider List (ETPL)

Effective Date: 9/18/18

Revision Date: N/A

Revision Number: N/A

Revision effective Date: N/A

Most Recent Approval Date: 9/18/18

Contact Entity: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA), July 22, 2014: §116, §122, §134, §188, 20 CFR §677.230, §679.370-380, §680.400-530, §683.630, TEGL 41-14 Change 1, 29 CFR Part 38

1. PURPOSE:

This guidance provides information, criteria, and procedures that inform the local workforce connection centers, training providers and workforce system partners of changes to the New Mexico Eligible Training Provider system. These new procedures are based on the passage of Workforce Innovation and Opportunity Act final rules jointly published by U.S. Department of Labor and Education on August 19, 2016 and effective October 18, 2016.

2. BACKGROUND:

The workforce development system established under WIOA emphasizes informed consumer choice, jobdriven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services is vital to achieving these core principles. As required by WIOA Sec. 122, states, in partnership with Local Boards, must identify eligible training providers (ETPs) and programs that are qualified to receive WIOA title I-B funds to train adults, dislocated workers **and out-of school youth ages 16 through 24***, including those with disabilities. The approved State list of eligible training providers and programs serves as an important tool for participants seeking training to identify appropriate providers and programs, and relevant information, such as cost and program outcomes. WIOA Sec. 122 (c) specifies that states must establish an application procedure for training providers and programs to maintain their eligibility and the eligibility of their programs.

Beginning January 1, 2017, the State centralized the administrative responsibility for certifying ETP applications. As such, the New Mexico Department of Workforce Solutions (NMDWS) as the State Administrative Entity (SAE) in partnership with the Local Workforce Development Boards (LWDBs) provide oversight and administration for the Eligible Training Provider (ETP) certification system. LWDBs work with NMDWS to identify eligible training providers and programs qualified to receive WIOA title I-B funds to train adults and dislocated workers, **and out-of-school youth ages 16 through 24***, including those with disabilities. Local workforce development boards shall revise all local policies to ensure that they are in compliance with the new requirements outlined in this document.

****Although youth programs are not specifically mentioned in the federal guidance, the SAE requires youth providers and programs who both serve WIOA program participants AND confer an industry recognized certificate or license to be registered and approved on the ETPL system***

3. DEFINITIONS: Reserved

4. ACTIONS

A. ELIGIBLE TRAINING PROVIDERS AND PROGRAMS

I. ELIGIBLE PROVIDERS OF TRAINING SERVICES

Only providers that the State determines to be eligible, as required in WIOA sec. 122, may receive training funds under WIOA title I-B to provide training for participants enrolled in a WIOA-funded program of training services.

Eligible training providers include:

- Post-secondary education institutions;
- Registered Apprenticeship programs;
- Other public or private providers of training, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training;
- Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness that provide training under contract with the Local Board.

Eligible training providers are subject to the equal opportunity and nondiscrimination requirements contained in Section 188 of WIOA. The types of eligible training providers for WIOA are substantively the same as those under WIA. The requirements to become an eligible provider of training services apply to all organizations providing WIOA title I-B- funded training to adults and dislocated workers, **and out-of-school youth ages 16 through 24***, with the specific exception of Registered Apprenticeship programs.

II. ELIGIBLE PROGRAMS OF TRAINING SERVICES

A program of training services is defined as one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent, employment, or measurable skill gains toward such a credential or employment. These training services could be delivered in person, on-line, or in a blended approach.

Not all allowable types of training services are subject to the requirements of the eligible training provider provisions in WIOA title I-B. Training services exempt from the Section 122 eligibility requirements include:

- On-the-job training; customized training; incumbent worker training; transitional employment; or
- The circumstances described at WIOA sec. 134(c)(3)(G)(ii), where the Local Board determines that:
 - There are insufficient providers, or
 - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment, or
 - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice; or
 - When the Local Board provides training services through a pay-for-performance contract.

Providers and programs that meet eligible training provider criteria and are certified on the State ETP List are considered eligible to receive Individual Training Account funds for the provision of training services of WIOA enrolled participants.

B. INITIAL ELIGIBILITY PROCESS

Training providers or programs that have a physical location, are recruiting or serving area participants, and/or are providing training within the Eastern area may apply for initial eligibility at any time. All applications for the ETPL will be completed using the NMWorkforce Connection On-Line System. The online application process for training providers starts with verifying the training provider is licensed, certified, or authorized by the New Mexico Department of Higher Education, or the relevant state agency or oversight agency, to operate training programs. If a provider is in compliance with the oversight agency, the provider can proceed to the next step in the application process. If a provider is not in compliance with the oversight agency, the provider will not be able to apply for inclusion on the ETPL until they meet the necessary requirements.

Once the online initial eligibility application is submitted by the service provider, the EAWDB has 30 working days to review for completeness and submit a recommendation to the State Administrative Entity (SAE) for approval.

I. Initial Eligibility Criteria.

Training providers or programs applying for initial eligibility must provide the following information through the online application:

- Describe each program of training services to be offered.
- Provide information on cost of attendance, including costs of tuition and fees.
- Identify type of industry-recognized certificate or credential, including recognized postsecondary credentials.
- Indicate whether the provider has developed the training in partnership with a business (and the name of the business).
- Provide information that addresses alignment of the training services with in-demand industry sectors and occupations.
- Outline of the prerequisites or skills and knowledge required prior to the commencement of training.
- Provide performance information for all students regardless of funding source, as detailed in Attachment 1. To support this effort, the State will also work to acquire performance information already in existence at other state agencies. Training providers and programs that have not been in existence for at least two years will be required to provide available student and program data for the time period in existence.

II. Continued Eligibility Process

After the initial eligibility period of one year, training providers must be reviewed, updated and approved for continued eligibility every two (2) years. Applications for continued eligibility must show the training provider is still authorized by the appropriate oversight agency. Dropping off the list for a period of time does not return a provider to an initial eligibility status. All applications for continued eligibility must be completed using the Workforce Connection On-Line System.

III. Continued Eligibility Criteria.

Training providers or programs applying for continued eligibility must adhere to the following criteria **in addition to the criteria listed under the Initial Eligibility Criteria section** of this policy.

- Total number of participants enrolled in the program.
- Total number of participants completing the program.
- Total number of participants exiting the program.
- Information regarding the completion rate of participants.
- Information on recognized post-secondary credentials received by program participants.
- Description of how the provider will ensure access to training services throughout the State, including rural areas and through the use of technology.
- Description of how the providers provide training services to individuals who are employed and/or individuals with barriers to employment.
- Information reported to State agencies on Federal and State training programs other than programs within WIOA title 1B, including partner programs, (i.e. Adult basic education and literacy, Division of Vocational Rehabilitation, etc.) that are used to provide additional information about overall effectiveness, quality and utilization of programs.

C. PERFORMANCE REQUIREMENTS

Beginning July 1, 2017, all Eligible Training Providers will be required to include the performance information, as detailed in Attachment 1, to remain eligible and obtain subsequent certification. To support this effort, the State will

also work to acquire performance information already in existence at other state agencies. Once training providers and their programs have two years of data for the WIOA performance indicators, the State will collect the required information, determine performance outcomes and make the performance data available through the NM Workforce Connection On-Line System, for each training provider on the ETPL. Programs with less than 10 students enrolled will not be included in performance data.

Required Performance Information Include:

- The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program.
- The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program.
- The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program.
- The percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program.

I. CONDITIONS FOR REMOVAL

Local boards may recommend for State removal or denial of an application, providers or programs, for a period of not less than 2 years, for the following reasons.

- If the provider knowingly supplies false performance information, misrepresents costs or services, or substantially violates requirements of WIOA law or regulations. Such providers are liable to repay all adult, dislocated worker and youth funds received during the period of non-compliance.
- If the provider fails to meet the established criteria. Situations that will result in removal include but are not limited to the following:
 - A) failure to meet established performance levels of:
 - i. 60% completion rates for WIOA participants and/or 75% Passage rate or higher for industry required certification or licensure exams;
 - ii. failure to provide all required performance information for continued eligibility; and
 - iii. failure to maintain accreditation required for professional licensure.
- If the training provider or program is temporarily unable to meet the objectives of the approved program(s).

A training provider that is removed from the list for the reasons stated above may re-apply for continued eligibility when they can demonstrate that they meet all the requirements and/or have established new processes and procedures that are likely to correct provider/program deficiencies. Training providers debarred by the Federal government are not permitted to be placed or remain on the ETPL.

If a training provider or a program of training services is removed from the list while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.

II. PROCESS FOR REMOVAL FROM THE ETPL

The EAWDB shall inform the SAE in writing of their request for removal of an eligible training provider/program and include the reason(s) for removal. The EAWDB shall inform the training provider in writing; include the reason(s) for the removal; and provide information on the appeal process.

III. APPEALS PROCESS

Training providers can appeal the rejection of their program for inclusion on the ETPL or the subsequent termination of eligibility. An appeal must be submitted in writing via email to the Department of Workforce Solutions, State Administrative Entity within 14 days after notification of the decision to remove. The appeal must include the justification for the appeal. The training provider also has the right to request a hearing to discuss their appeal. A Training Provider appeals board will be assembled by the State Administrative Entity. The appeals board will schedule a hearing and make a decision within 60 days of appeal. This will be a final decision.

D. REGISTERED APPRENTICESHIP AND THE ETPL

Under WIOA title I-B, Registered Apprenticeship program sponsors that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list. Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial eligibility or initial eligibility procedures as other providers because they go through a detailed application and vetting procedure to become a Registered Apprenticeship program sponsor with the United States Department of Labor or the State Apprenticeship Agency (SAA). All Registered Apprenticeship programs are eligible to be included on the State list of eligible training providers.

Registered Apprenticeship can take many forms and the sponsors are diverse, including:

- Employers who provide related instruction. A number of employers with Registered Apprenticeship programs provide formal in-house instruction as well as on-the-job training at the work site.
- Employers who use an outside educational provider. Under this model Registered Apprenticeship program sponsors do not provide the related instruction or educational portion of the apprenticeship, but rely upon an outside educational entity to deliver instruction. Employers can use two- or four-year post-secondary institutions, technical training schools, eligible providers of adult education and literacy activities under title II, or on-line courses for related instruction. The employer is the ETP and must identify their instructional provider as defined locally.
- Joint Apprenticeship Training Programs. These programs are made up of employers and unions. They have an apprenticeship training school where the instructional portion of the Registered Apprenticeship program is delivered. The training schools are usually administered by the union.
- Intermediaries. Intermediaries can serve as program sponsors when they take responsibility for the administration of the apprenticeship program. They can also provide expertise such as curriculum development, classroom instruction and supportive services, as appropriate. The intermediary is the ETP and must identify the instructional provider if an outside organization is providing the educational portion of the apprenticeship. Intermediaries include:

Educational institutions including two- and four-year post-secondary institutions, technical schools, or eligible providers of adult education and literacy activities under title II. In this model the educational institution administers the program, works with employers to hire apprentices and provides classroom or on-line instruction for the apprenticeship program;

- Industry associations administer the program and work with employer/members and educational entities to implement the apprenticeship program; and,
- Community based organizations administer the program and work with employers, educational entities and the community to implement the apprenticeship program.

Pre-apprenticeship programs do not have the same automatic ETP status under WIOA title I-B as do Registered Apprenticeship programs.

ETPL Procedures for Registered Apprenticeship Programs

Registered Apprenticeship program sponsors interested in being an ETP will be required to provide the following information to the State Apprenticeship Agency (SAA):

- Occupations included within the Registered Apprenticeship program;
- The name and address of the Registered Apprenticeship program sponsor;
- The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address; ☐ The method and length of instruction; and, ☐ The number of active apprentices.

Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program may be required to provide additional information about their education provider, including the cost of the instruction.

The SAE will work with the (SAA) to verify the status of Registered Apprenticeship programs as part of the State's review of the State list of eligible training providers at least every two years.

Registered Apprenticeship programs may request removal from ETPL system. An RA program whose eligibility is terminated, for a period not less than 2 years, if they intentionally supplied inaccurate information, or substantially violated any provisions of WIOA law or regulation, is liable to repay all youth, adult, and dislocated worker training for non-compliance.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
6-18 Policy Incumbent Worker Training (IWT)

Effective Date: 09/18/2018

Revision Date:

Revision Number:

Approval Date: 9/18/2018

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA), July 22, 2014, §108, §122, §134, §181 and §194.
Uniform Guidance at 2 CFR §200, et al., TEN 19-16 , Fair Labor Standards Act (FLSA) §203.

1. PURPOSE:

To provide clarification for the Eastern Area Workforce Development Board (EAWDB) WIOA subrecipients regarding NMDWS Guidance 16-008 as it relates the use of Incumbent Worker Training and to establish requirements for the delivery of Incumbent Worker training services under the EAWDB. In the case of a conflict between NMDWS Guidance 16-008 and this policy, NMDWS Guidance shall be the prevailing guidance.

2. BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) of 2014 explicitly allows for and encourages the use of incumbent worker training as a local workforce strategy. This training strategy is designed to meet the special requirements of an employer (including groups 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. In addition, incumbent worker training must be focused on increasing the competitiveness of the employee or employer, and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.

3. DEFINITIONS:

- **High-Priority Occupation (HPO)** is an in-demand occupation that has higher skill needs and is likely to provide a self-sufficient wage. Statistical data, regional expert and local area inputs are combined to determine whether or not an occupation meets the high-priority criteria.
- **Incumbent Worker** is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or more.
- **Incumbent Worker Training (IWT)** is training provided to an incumbent worker that is designed to meet the needs of an employer(s) to retain a skilled workforce or avert the need to lay off employees; increase the competitiveness of the employer or employee; and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker trained. Such training may also include the upskilling of an employer's current workforce, which may lead to additional opportunities for potential jobseekers.
- **In-Demand Industry Sector** is an industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.
- **In-Demand Occupation** is an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate (for more specific information regarding in demand occupations for the Eastern area please see local board policy 11B-12 Demand Occupations).
- *Note: all HPOs are considered in-demand occupations, and therefore, eligible for incumbent worker training.*

4. ACTION

A. Reservation and Use of Funds

The EAWDB may reserve and use not more than 20 percent of the overall adult and dislocated workforce funds allocated to the EAWDB for the federal portion of the cost of an incumbent worker training program. This 20 percent can be used for incumbent worker training activities that are programmatic in nature, as administrative activities must be paid out of the board's administrative funds. The EAWDB encourages its sub-recipient(s) to exercise caution as this will reduce the funds available for other jobseekers, especially those experiencing barriers to employment.

B. Employer Payment of Non-WIOA share

Employers receiving funds for incumbent worker training are required to pay for the non-federal share of the cost of providing such training. The EAWDB in accordance with WIOA Sec. 134(d)(4)(C-d) and NMDWS 16-008 establishes the employer share as shown below.

The employer share is based on the size of the workforce (wages paid to the participant while in training can be included as part of that share and the share can be provided as cash or in-kind that is fairly evaluated) as follows:

- At least 10 percent of the cost for employers with 50 or fewer employees;
- At least 25 percent of the cost for employers with 51 to 100 employees; and
- At least 50 percent of the cost for employers with more than 100 employees.

The employer size means the number of employees currently employed at the local operation where the incumbent worker training placements will be made. Employer size is determined by the number of employees at the time of the execution of the incumbent worker training contract. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations. Employer contributions may be done through both cash payments and fairly evaluated in-kind contributions.

The Share of the cost of training can include elements such as the expenses related to the:

- Wages the employer pays to the incumbent worker trainee while the worker is attending training. Official payroll records documenting the worker's hours and wages must be used to determine the amount of the employer's share of cost. The EAWDB sub-recipient(s) must track and document employer cost share contributions. Official payroll records documenting the worker's hours and wages must be utilized to determine the amount of the employer's share of cost.
- Course Materials or books
- Curriculum Development

Expenses that are not permissible under the match and are not reimbursable include:

- Equipment purchases
- Administration
- Facility upgrades/renovations
- Travel and incidentals

C. Restrictions

The EAWDB sub-recipient(s) must be familiar with and abide by the limitations and prohibitions on the use of funds allocated to the local area under WIOA title I-B §181 and Part 680 of federal regulations, as follows.

- WIOA funds cannot be used to pay the wages of incumbent employees during their participation in an economic development activity provided through a statewide workforce development system.
- When a relocation of a business results in the loss of employment of any employee of such business, no funds provided for employment training can be used for incumbent worker training until after 120 days

has passed since the relocation that caused the loss of employment at an original business location in the United States.

- WIOA work-based training funds must not be used to directly or indirectly assist, promote, or deter union organizing.
- WIOA work-based training funds may not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

D. Eligibility Criteria

Incumbent Worker Eligibility

In order to participate in IWT the incumbent worker must

1. employed;
2. Be title I eligible including the requirements for self sufficiency;
2. meet Fair Labor Standards Act requirements for an employer-employee relationship; and
3. have an established employment history with the employer for six (6) months or more. In the event that the incumbent worker training is being provided to a group of employees, only a majority of the employees in the group being trained must establish such employment history.

Incumbent worker training can also be used for underemployed workers, such as for workers who would prefer full-time work but are working part-time for economic reasons. While these workers are employed, they may have accepted reduced hours to gain or maintain employment or a previous dislocation has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers. The use of these strategies may focus on increasing skills for underemployed frontline workers in an effort to advance these workers to more skilled positions with the same employer or industry sector leading to an increase in earnings through more work hours or an increase in pay. An incumbent worker does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they are also enrolled as a participant in the WIOA adult or dislocated worker program.

Employer Eligibility

In order to be eligible to receive assistance through WIOA IWT funds an employer must:

1. Align with the strategy of the EAWDB in fulfilling the vision and goals established for the local area (i.e., the local plan).
2. Be located in and have operations in the Eastern Board area or economic development regions;
3. Agree to retain the employees for a period of at least one year after training (excludes resignations and termination for cause);
4. Submit reimbursement requests with required documentation as described in their agreement;
5. Have a valid and current workers' compensation policy (to be uploaded to participants file)
6. Be current on unemployment insurance and workers compensation taxes, penalties and/or interest or related payment plan;
7. Agree to submit a complete list of demographic and eligibility information for the individuals to be trained including, SSN, start date and rate of pay;
8. Not have laid off workers within the last 120 days to relocate from another state;

E. IWT training processes

While IWT is a service that focuses on the needs of business, it shall still follow all the regular requirements for providing individual participant training. All required documentation shall be kept on file in the participants' electronic file in the New Mexico Workforce Connection Online System (NMWCOS).

1. Eligibility shall be determined and eligibility documents shall be compiled and maintained in the electronic file within the NMWCOS.
2. Staff will send AE staff the pertinent information to create an IWT contract number and enter the provider information into the NMWCOS.
3. An individual employment plan (IEP) shall be completed for each participant identifying the goal/purpose of the training and maintained in the participants' electronic file.
4. Streamlined IWT processes can include the following:
 - Staff may work with an employer to provide the eligibility documentation on potential participants. Special attention shall be paid to eligibility documentation requirements to ensure all data validation requirements are met.
 - Once eligibility is determined, staff must work with the employer to complete an overall IEP for each participant, identifying the need for training (individualized career service) which may be uploaded in the NMWCOS for each participant. For the purposes of the IWT an abbreviated IEP may consist of the employment goal and achievement objective and can be a paper document included for all participants or recorded electronically in the NMWCOS plan at the discretion of the subrecipient program director.

F. Considerations

In determining the feasibility for the use of IWT the local board and its subrecipients will consider the following:

1. The characteristics of the incumbent workers to be trained (i.e., the extent to which these individuals historically represent individuals with barriers to employment as defined in WIOA Section 3(24), and how such individuals would benefit from a skills gain that results in retention or advancement).
2. The quality of the training (e.g., industry-recognized credentials, advancement opportunities, etc.).
3. The number of participants the employer plans to train or retrain.
4. The wage and benefit levels of participants (before and after training).
5. The occupation(s) for which incumbent worker training is being provided must be in-demand as defined by WIOA Section 3(23) and as determined by workforce development area-specific labor market information.
6. Employer's industry status.

Is the employer in:

1. an in-demand industry as defined by WIOA Section 3(23) and determined by labor market information; or
2. a stable industry as determined by labor market information; or
3. a declining industry, but there are compelling reasons (e.g., evidence of long-term viability of the employer) justifying investment in incumbent worker training?

The EAWDB sub-recipient(s) will document the factors that were considered in approving an incumbent worker training project with an employer.

G. Contracts

Title 1 service providers must address the following factors when developing an incumbent worker training contract:

- Special training requirements of the employer (or group of employers);
- Agreement that the employer will pay for the significant cost of the training;
- Agreement that an appropriate commitment is made by the employer to employ the individuals upon successful completion of the training;
- Performance outcomes;
- Description of and agreement on the curriculum; and

- A clearly stated goal.

Staff must document the factors that were considered in approving an IW training contract with an employer (or group of employers).

H. Incumbent Worker Training Documentation:

The training agreement, related information and documentation must be kept by the Title I service provider. The service provider is responsible for ensuring the information and documentation is uploaded and available for monitoring and review as required.

- A. Customized training agreement/contract
- B. Assurances
- C. Customized training plan
- D. Customized training plan modification (if applicable)
- E. Case notes to track customer interaction (recorded in NMWCOS).

I. Performance Accountability

Due to WIOA sec. 134's unique eligibility requirements, individuals who receive only incumbent worker training are reportable individuals and not participants required for inclusion in the WIOA performance accountability calculations. As a result, an individual who only receives incumbent worker training and does not become a core program participant will not be included in the calculation of the primary indicators of performance for negotiations and accountability purposes. However, the EAWDB sub-recipient(s) are required to collect and report the outcomes of individuals in receipt of incumbent worker training on the primary indicators of performance, among other required elements.

J. Conflict of Interest

State and local board members and members of standing committees may not vote or nor participate in any decisions regarding the provision of services by such members or any organization they directly represent, nor on any matter that would provide any direct financial benefit to that member or the member's immediate family. For example, an EAWDB member who is also an employer who wants to use services on a fee-for-service basis would be prohibited from voting to approve the use of local area services, facilities, or equipment for employment and training activities to such board member's incumbent workers. Neither membership on the state board, local board, or standing committee, nor receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions. In accordance with §200.112 of the Uniform Guidance, recipients of federal awards must disclose in writing any potential conflicts of interest. Sub-recipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
6-18 Policy Incumbent Worker Training (IWT)

Effective Date: 09/18/2018

Revision Date:

Revision Number:

Approval Date: 9/18/2018

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA), July 22, 2014, §108, §122, §134, §181 and §194.
Uniform Guidance at 2 CFR §200, et al., TEN 19-16 , Fair Labor Standards Act (FLSA) §203.

1. PURPOSE:

To provide clarification for the Eastern Area Workforce Development Board (EAWDB) WIOA subrecipients regarding NMDWS Guidance 16-008 as it relates the use of Incumbent Worker Training and to establish requirements for the delivery of Incumbent Worker training services under the EAWDB. In the case of a conflict between NMDWS Guidance 16-008 and this policy, NMDWS Guidance shall be the prevailing guidance.

2. BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) of 2014 explicitly allows for and encourages the use of incumbent worker training as a local workforce strategy. This training strategy is designed to meet the special requirements of an employer (including groups 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. In addition, incumbent worker training must be focused on increasing the competitiveness of the employee or employer, and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.

3. DEFINITIONS:

- **High-Priority Occupation (HPO)** is an in-demand occupation that has higher skill needs and is likely to provide a self-sufficient wage. Statistical data, regional expert and local area inputs are combined to determine whether or not an occupation meets the high-priority criteria.
- **Incumbent Worker** is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or more.
- **Incumbent Worker Training (IWT)** is training provided to an incumbent worker that is designed to meet the needs of an employer(s) to retain a skilled workforce or avert the need to lay off employees; increase the competitiveness of the employer or employee; and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker trained. Such training may also include the upskilling of an employer's current workforce, which may lead to additional opportunities for potential jobseekers.
- **In-Demand Industry Sector** is an industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.
- **In-Demand Occupation** is an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate (for more specific information regarding in demand occupations for the Eastern area please see local board policy 11B-12 Demand Occupations).
- *Note: all HPOs are considered in-demand occupations, and therefore, eligible for incumbent worker training.*

4. ACTION

A. Reservation and Use of Funds

The EAWDB may reserve and use not more than 20 percent of the overall adult and dislocated workforce funds allocated to the EAWDB for the federal portion of the cost of an incumbent worker training program. This 20 percent can be used for incumbent worker training activities that are programmatic in nature, as administrative activities must be paid out of the board's administrative funds. The EAWDB encourages its sub-recipient(s) to exercise caution as this will reduce the funds available for other jobseekers, especially those experiencing barriers to employment.

B. Employer Payment of Non-WIOA share

Employers receiving funds for incumbent worker training are required to pay for the non-federal share of the cost of providing such training. The EAWDB in accordance with WIOA Sec. 134(d)(4)(C-d) and NMDWS 16-008 establishes the employer share as shown below.

The employer share is based on the size of the workforce (wages paid to the participant while in training can be included as part of that share and the share can be provided as cash or in-kind that is fairly evaluated) as follows:

- At least 10 percent of the cost for employers with 50 or fewer employees;
- At least 25 percent of the cost for employers with 51 to 100 employees; and
- At least 50 percent of the cost for employers with more than 100 employees.

The employer size means the number of employees currently employed at the local operation where the incumbent worker training placements will be made. Employer size is determined by the number of employees at the time of the execution of the incumbent worker training contract. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations. Employer contributions may be done through both cash payments and fairly evaluated in-kind contributions.

The Share of the cost of training can include elements such as the expenses related to the:

- Wages the employer pays to the incumbent worker trainee while the worker is attending training. Official payroll records documenting the worker's hours and wages must be used to determine the amount of the employer's share of cost. The EAWDB sub-recipient(s) must track and document employer cost share contributions. Official payroll records documenting the worker's hours and wages must be utilized to determine the amount of the employer's share of cost.
- Course Materials or books
- Curriculum Development

Expenses that are not permissible under the match and are not reimbursable include:

- Equipment purchases
- Administration
- Facility upgrades/renovations
- Travel and incidentals

C. Restrictions

The EAWDB sub-recipient(s) must be familiar with and abide by the limitations and prohibitions on the use of funds allocated to the local area under WIOA title I-B §181 and Part 680 of federal regulations, as follows.

- WIOA funds cannot be used to pay the wages of incumbent employees during their participation in an economic development activity provided through a statewide workforce development system.
- When a relocation of a business results in the loss of employment of any employee of such business, no funds provided for employment training can be used for incumbent worker training until after 120 days

has passed since the relocation that caused the loss of employment at an original business location in the United States.

- WIOA work-based training funds must not be used to directly or indirectly assist, promote, or deter union organizing.
- WIOA work-based training funds may not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

D. Eligibility Criteria

Incumbent Worker Eligibility

In order to participate in IWT the incumbent worker must

1. employed;
2. Be title I eligible including the requirements for self sufficiency;
2. meet Fair Labor Standards Act requirements for an employer-employee relationship; and
3. have an established employment history with the employer for six (6) months or more. In the event that the incumbent worker training is being provided to a group of employees, only a majority of the employees in the group being trained must establish such employment history.

Incumbent worker training can also be used for underemployed workers, such as for workers who would prefer full-time work but are working part-time for economic reasons. While these workers are employed, they may have accepted reduced hours to gain or maintain employment or a previous dislocation has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers. The use of these strategies may focus on increasing skills for underemployed frontline workers in an effort to advance these workers to more skilled positions with the same employer or industry sector leading to an increase in earnings through more work hours or an increase in pay. An incumbent worker does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they are also enrolled as a participant in the WIOA adult or dislocated worker program.

Employer Eligibility

In order to be eligible to receive assistance through WIOA IWT funds an employer must:

1. Align with the strategy of the EAWDB in fulfilling the vision and goals established for the local area (i.e., the local plan).
2. Be located in and have operations in the Eastern Board area or economic development regions;
3. Agree to retain the employees for a period of at least one year after training (excludes resignations and termination for cause);
4. Submit reimbursement requests with required documentation as described in their agreement;
5. Have a valid and current workers' compensation policy (to be uploaded to participants file)
6. Be current on unemployment insurance and workers compensation taxes, penalties and/or interest or related payment plan;
7. Agree to submit a complete list of demographic and eligibility information for the individuals to be trained including, SSN, start date and rate of pay;
8. Not have laid off workers within the last 120 days to relocate from another state;

E. IWT training processes

While IWT is a service that focuses on the needs of business, it shall still follow all the regular requirements for providing individual participant training. All required documentation shall be kept on file in the participants' electronic file in the New Mexico Workforce Connection Online System (NMWCOS).

1. Eligibility shall be determined and eligibility documents shall be compiled and maintained in the electronic file within the NMWCOS.
2. Staff will send AE staff the pertinent information to create an IWT contract number and enter the provider information into the NMWCOS.
3. An individual employment plan (IEP) shall be completed for each participant identifying the goal/purpose of the training and maintained in the participants' electronic file.
4. Streamlined IWT processes can include the following:
 - Staff may work with an employer to provide the eligibility documentation on potential participants. Special attention shall be paid to eligibility documentation requirements to ensure all data validation requirements are met.
 - Once eligibility is determined, staff must work with the employer to complete an overall IEP for each participant, identifying the need for training (individualized career service) which may be uploaded in the NMWCOS for each participant. For the purposes of the IWT an abbreviated IEP may consist of the employment goal and achievement objective and can be a paper document included for all participants or recorded electronically in the NMWCOS plan at the discretion of the subrecipient program director.

F. Considerations

In determining the feasibility for the use of IWT the local board and its subrecipients will consider the following:

1. The characteristics of the incumbent workers to be trained (i.e., the extent to which these individuals historically represent individuals with barriers to employment as defined in WIOA Section 3(24), and how such individuals would benefit from a skills gain that results in retention or advancement).
2. The quality of the training (e.g., industry-recognized credentials, advancement opportunities, etc.).
3. The number of participants the employer plans to train or retrain.
4. The wage and benefit levels of participants (before and after training).
5. The occupation(s) for which incumbent worker training is being provided must be in-demand as defined by WIOA Section 3(23) and as determined by workforce development area-specific labor market information.
6. Employer's industry status.

Is the employer in:

1. an in-demand industry as defined by WIOA Section 3(23) and determined by labor market information; or
2. a stable industry as determined by labor market information; or
3. a declining industry, but there are compelling reasons (e.g., evidence of long-term viability of the employer) justifying investment in incumbent worker training?

The EAWDB sub-recipient(s) will document the factors that were considered in approving an incumbent worker training project with an employer.

G. Contracts

Title 1 service providers must address the following factors when developing an incumbent worker training contract:

- Special training requirements of the employer (or group of employers);
- Agreement that the employer will pay for the significant cost of the training;
- Agreement that an appropriate commitment is made by the employer to employ the individuals upon successful completion of the training;
- Performance outcomes;
- Description of and agreement on the curriculum; and

- A clearly stated goal.

Staff must document the factors that were considered in approving an IW training contract with an employer (or group of employers).

H. Incumbent Worker Training Documentation:

The training agreement, related information and documentation must be kept by the Title I service provider. The service provider is responsible for ensuring the information and documentation is uploaded and available for monitoring and review as required.

- A. Customized training agreement/contract
- B. Assurances
- C. Customized training plan
- D. Customized training plan modification (if applicable)
- E. Case notes to track customer interaction (recorded in NMWCOS).

I. Performance Accountability

Due to WIOA sec. 134's unique eligibility requirements, individuals who receive only incumbent worker training are reportable individuals and not participants required for inclusion in the WIOA performance accountability calculations. As a result, an individual who only receives incumbent worker training and does not become a core program participant will not be included in the calculation of the primary indicators of performance for negotiations and accountability purposes. However, the EAWDB sub-recipient(s) are required to collect and report the outcomes of individuals in receipt of incumbent worker training on the primary indicators of performance, among other required elements.

J. Conflict of Interest

State and local board members and members of standing committees may not vote or nor participate in any decisions regarding the provision of services by such members or any organization they directly represent, nor on any matter that would provide any direct financial benefit to that member or the member's immediate family. For example, an EAWDB member who is also an employer who wants to use services on a fee-for-service basis would be prohibited from voting to approve the use of local area services, facilities, or equipment for employment and training activities to such board member's incumbent workers. Neither membership on the state board, local board, or standing committee, nor receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions. In accordance with §200.112 of the Uniform Guidance, recipients of federal awards must disclose in writing any potential conflicts of interest. Sub-recipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 7-18 Referral Processes

Effective Date: 9/18/18

Revision Date: N/A

Revision Number: N/A

Revision effective Date: N/A

Approval Date: 9/18/18

Contact Entity: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA), July 22, 2014: TEGL 4-15, TEGL 16-16, §108, §122, §134, §181 and §194; 2 CFR §200, et al, 20 CFR §80.760, §680.830 and §680.840.

1. PURPOSE:

To provide clarification for the Eastern Area Workforce Development Board (EAWDB) WIOA subrecipients regarding partner referral processes as implemented through the workforce delivery system and its partners.

2. BACKGROUND:

The vision of the WIOA Partnerships in American Job Centers (TEGL 4-15) is to:

- Connect all customers to a wide range of services available in their respective communities;
- Provide a seamless, customer-focused, integrated service delivery across all programs; and
- Enhance access to partner programs and the services they provide.

It further requires that a process for issuing and tracking of referrals. The EAWDB wants to ensure that businesses and job-seekers have access to information and services that lead to positive employment outcomes.

3. ACTION

Sound skills and practices are necessary for an effective referral. It is the vision of the EAWDB that individuals receiving services, particularly those with significant barriers to employment, would receive the broadest array of services possible to help them succeed and to increase positive performance outcomes for partners providing services. Staff making referrals must possess knowledge of partner services and basic eligibility requirements in order to issue effective referrals. WCC staff are required to cross train in the basic services and eligibility requirements of partner programs.

A. Technical Assistance Guide

Specific referral processes will be developed, maintained, issued and modified as necessary in EAWDB Technical Assistance Guide (TAG) 7-18. Specific referral processes with each partner program are developed and established individually with separate implementation timelines. The TAG is to be a living document and will be updated as new referral processes are developed. The TAG will also include the compilation of services available and the basic eligibility requirements for each partner program.

The referral processes for each partner program included in the TAG are intended to be a basic framework for each office to build on. Each office has the flexibility to modify the processes for referrals to a specific partner to fit the needs in each community. Those processes are to be developed in conjunction and collaboration with the partners affected and attached to the TAG for succession planning within the structure of the system for the job centers and our partners.

B. Partners

The partners that will be included in the issuing and tracking of referrals by Workforce Connection Center (WCC) offices include but are not limited to:

- WIOA Title I adult, dislocated workers and youth programs
- Title II Adult Education and Family Literacy (AEL)
- Title III Wagner-Peyser programs
- Title IV Vocational Rehabilitation (DVR)
- Title V Job Corps
- Unemployment Insurance

- Veterans programs
- Temporary Assistance to Needy Families (TANF)
- Aging and Long Term Care Programs
- Migrant Seasonal Farmworker Programs

C. When To Refer

When individuals access the WCC offices for services an initial assessment of their needs and abilities is required to be performed. Upon the completion of the initial assessment staff must make a determination if there are services being provided by a partner program that might benefit the customer. When it is determined that a participant might benefit from additional services that might be provided by a partner program then the choice of referral depends on the customer's needs, what arrangements, if any, have been agreed to with the service to which the customer is to be referred. With the participants' agreement, the referrals are to be provided through direct connection to the partner the referral is being issued to. Whenever possible the office will work to schedule a participant appointment with the partner and provide copies of whatever transferrable paperwork is available (e.g. assessment information, eligibility documents etc.). The referral process should eliminate as much duplication on the part of the customer as possible.

D. Feedback and Follow Up

Referrals made by core partners should be made and case notes entered in the New Mexico Workforce Connection Online System (NMWCOS) reflecting the referrals made. When a referral is made, it is always useful to obtain customer feedback about the referral as well as feedback from the partner(s) to which referrals are made. A follow up call should be made to each to ensure the referral was effective and if not why. This information should also be case-noted in the NMWCOS.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 8-18 Assessment

Effective Date: 9/18/18

Revision Date: 9/4/19

Revision Number: 1

Revision effective Date (committee): 9/5/19

Board Approval Date: 9/17/19

Contact Entity: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

1. Purpose

The purpose of this policy is to provide local Workforce Connection Center (WCC) offices guidance with regard to established standards for the use of assessments that minimizes duplication and provides information on the provision of basic and individualized career services for initial and objective assessments. It further provides information on the types of assessments utilized and accepted within the Eastern area WCC system.

2. Background

The Workforce Innovation and Opportunities Act (WIOA) affirms the WCC commitment to providing high quality services to customers that provides seamless service delivery and minimizes duplication. As part of the framework to accomplish this it is necessary to establish a uniform methodology and crosswalk for assessments for use and acceptance within the WCC.

3. Definitions

Assessment – For the purposes of WCC offices, assessment is a process to assist staff with identification of strengths, transferrable skills, interests, work values, and personal priorities as they relate to employment.

Basic Skills Assessment – This is an assessment of the proficiency level of an individual in reading, writing, and mathematics. This assessment is conducted through use of a standardized assessment tool such as the Test of Adult Basic Education (TABE), GAIN, CASAS and MAPT.

Basic Skills Deficient – Basic skills deficiency for youth is defined as at or below the 8th grade level. WIOA states that local boards and Workforce Connection Center offices must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient or lack basic skills proficiency. Individuals who are English language learners meet the criteria for “basic skills deficient” and must be included in the priority population for the title 1 adult program. Basic skills deficient for adults and dislocated workers is locally defined as below and EFL 5 on standardized adult education assessments, English language learners, individuals that test into remedial education classes on college placement exams, Work Keys or Work Keys Curriculum (CR 101) scores below a gold level career readiness certification level or any other assessment that identifies a deficit in the basic skills necessary to highly function in the workforce provided by any other partner or organization.

Career Assessment – Is a process of assessing the interests, skills, personality traits and values and applying those to occupational options to identify which occupations best match the individual.

Initial Assessment (IA) – The gathering of information from observations, personal interviews and any information provided by the customer. IA should be part of the eligibility process and needs assessment.

Needs Assessment – Working with the customer the WCC staff must identify and document barriers that would hinder or prevent the customer from fully engaging in and achieving career objectives. Staff must identify and record those needs and then identify local resources available to meet those needs.

Objective Assessment (OA)– Objective Assessment is a comprehensive and exploratory approach to properly evaluate the needs of customers without regard to services or programs available. It should include the full composite of interviews, career exploration, interests, basic skill levels and behavioral observations.

4. Action

During the enrollment process in the WCC, individuals must receive an assessment. Assessments are a holistic, ongoing process and should not be viewed as a one-time event. They provide valuable information that allows center staff to best guide an individual as they strive to meet their employment goal. The results of assessments must be explained to a job seeker and analyzed to provide guidance in determining action steps and services to be included in their individual employment plan.

One Stop Centers are required to provide direct linkage to one stop services provided in the One Stop system. Appropriate one stop partners and services for an individual are determined through the assessment process and based off the participant's desire to work with the various partner agencies. Active Resource Coordination is the first step in the development of a seamless service delivery system.

A. INITIAL ASSESSMENT

Initial assessment is part of the overall intake process and includes the initial determination of the following:

- Basic skills
- Identification of strengths
- Identification of workplace skills
- Career interests
- Work values
- Identification of prior work history
- Family situation
- Service needs

When an Initial Assessment is completed, staff should enter the Initial Assessment service and a case note describing the assessment results.

B. OBJECTIVE ASSESSMENT

The results from an Objective Assessment assists in the development of a Title I participant's employment plan. An Objective Assessment is not required for Title III Wagner-Peyser only participants. Formal assessment results within the last six months, that the participant may have or a partner agency provides, are acceptable to use in place of new formal Assessments.

Youth – An objective assessment must be completed during the youth enrollment process prior to a youth becoming a participant.

The Objective Assessment shall include a review of the following.

- Basic skills (to determine basic skills deficiency, see EAWDB eligibility policy)
- Identification of strengths
- Identification of workplace skills
- Career interests
- Work values
- Identification of prior work history
- Family situation
- Service needs

Encouraged Assessments:

- Digital Literacy
- Financial situation
- Reality check

C. BASIC SKILLS ASSESSMENTS

To minimize duplication of effort for customers the EAWDB will accept formalized assessments performed by partner agencies or community colleges so long as the results are provided in a manner that is allowable for documentation purposes (Section D). For the purposes of establishing basic skills deficiency, Attachment A provides a list some of the acceptable assessments and their corresponding EFL from NRS Testing Benchmarks. This Attachment will be updated as other possible assessments are identified and will not require reapproval of the policy.

D. DOCUMENTATION

For offices to utilize assessments provided by other entities an actual copy of the results must be obtained for the E-file then the following steps performed:

- Assessment result copies should be uploaded to the documentation portion of the NMWCOS and entered into the assessment portion of the NMWCOS utilizing the appropriate file naming conventions established by the EAWDB and document tags.
- Assessment results should also be entered into the assessment portion of the NMWCOS. If there is not an assessment in NMWCOS that fits the assessment provided, include a summary in case notes and upload as previously described.
- When an Objective Assessment service is recorded a note indicating the assessments completed and the overall results should be entered.

If an Adult or Dislocated Worker, refuses to complete a basic skills assessment to determine their basic skills levels within 60 days of eligibility, they may still receive program services under basic or individualized career services. However, if a participant is eligible for training services such as ITA or OJT but refuses to complete the basic skills assessment and 60 days has passed, we will not provide training services until the assessment is completed. Previously completed assessments from a post secondary institution or a partner program completed within the last 12 months is acceptable.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 10-18 Complaint Procedures

Effective Date: Feb 2019

Revision Date: N/A

Revision Number:

Revision effective Date:

Approval Date: 2-1-19

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

The WIOA of 2014 Section 188; 29 C.F.R. Section 37.6; ; 29 C.F.R. Section Part 38 [11.2.21.NMAC – 7-1-18]

1. PURPOSE:

To establish policy and procedures for processing grievances and customer complaints in the Eastern Area Workforce Development Board's Workforce Connection Center (WCC) offices as required by WIOA and other applicable laws.

2. BACKGROUND: Section 188 of WIOA prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability or political affiliation or belief or, for any beneficiaries, applicants, and participants only, on the basis of citizenship status as a lawfully admitted immigrant authorized to work in the United States or for participation in WIOA Title I financially assisted program or activity. It further requires local boards to establish a policy and process for resolution of complaints and grievances.

3. DEFINITIONS:

- A. Applicant.** An individual who is interested in being considered for WIOA authorized service or activity including but not limited to programs of financial assistance for training and individuals receiving any service(s) or benefit(s) under state unemployment insurance programs.
- B. Participant.** An individual who has been determined to be eligible to participate in and who is receiving aid, benefit, service or training under a program activity financially assisted or governed in whole or in part under WIOA that is providing services in the Workforce Connection Center.
- C. Complainant.** The individual or entity filing the complaint.
- D. Recipient.** An entity to which financial assistance under WIOA is extended, directly from DWS, or through the governor or another recipient (including any successor, assignee, or transferee of a recipient). In addition, for the purposes of this part, one-stop partners, as defined in Section 121 (b) of WIOA, are treated as recipients and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the one-stop delivery system.
- E. Respondent.** The individual or entity that the complainant alleges is responsible for the infraction.
- F. Retaliation.** Retaliation means discharging, intimidating, threatening, coercing, or discriminating against any individual because the individual has:
- Filed a complaint alleging a violation of Section 188 of WIOA or 29 CFR Part 38;
 - Opposed a practice prohibited by nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38;
 - Furnished information to, or assisted or participated in any manner, in an investigation, review, hearing, or any other activity related to the following:
 - (1) Administration of the nondiscrimination and equal opportunity provisions of WIOA, 29 CFR Part 38, or 11.2.21 NMAC;
 - (2) Exercise of authority under those provisions;
 - (3) Exercise of privilege secured by those provisions; or
 - (4) Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

- 4. ACTION:** The board intends this policy to be broad enough to provide guidance for the processing of all complaints taken in the one stop offices and therefore specific details for processes for the various types of complaints are provided in the board's complaint procedures Technical Assistance Guide (TAG).

To be considered a complaint the complaint must be submitted in writing. When a complaint is taken it must be logged and submitted to the appropriate jurisdictional entity.

A. Complaint Requirements

All written complaints must contain at a minimum the following:

- complainant's name,
- mailing address,
- telephone number (if any),
- e-mail address if available,
- the identity of the respondent,
- a description of the complainant's allegations. This description must include enough detail to allow for determination of merit, jurisdiction and timeliness of the filing of the complaint,
- any other pertinent information, and
- the signature of the complainant or complainant's representative.

B. Logging of Complaints

All complaints shall be logged. A master log of all complaints taken in the office shall be maintained on required forms and available upon request, with copies submitted to the appropriate jurisdictional entity.

C. Complaint Processes

Refer to the EAWDB Complaint Procedures TAG

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 11-12 Individual Training Accounts (ITAs)

Effective Date: July 1, 2012

Revision Date: 08/02/2021

Revision Number: 8

Revision effective Date: 08/17/2021

Approval Date: 08/17/2021

Contact Entity: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Title I of the Workforce Innovation and Opportunities Act (WIOA) of 2014; WIOA Regulations, Office of Management and Budget (OMB) cost principles codified in 2 CFR Part 220, Part 225 and Part 230

1. PURPOSE

This policy provides instruction and guidance on the use and administration of individual training accounts for training in demand occupations as identified in the state and local plans.

2. BACKGROUND

The individual training account (ITA) is established for eligible individuals to receive assistance financing training services with eligible training providers. It is essentially a voucher given to customers who need occupational skills training to become gainfully employed or re-employed. Under the WIOA training services are purchased from eligible providers selected in consultation with the career development specialist.

Supported by assessment and informed decision-making, customers may use their ITAs to purchase training slots in any program on the eligible training provider list (ETPL). Customers approved for ITA funds can only select from programs on the statewide program/provider list. If a program is not on the list, WIOA cannot pay the cost of attendance.

An ITA will be provided after an assessment of customer needs, present skill levels, and demand occupations. The selection of a training program will occur after consultation with a career development specialist (CDS). The process will be recorded in a career plan called an Individual Employment Plan (IEP).

3. DEFINITIONS: Reserved

4. ACTION:

(A) ITA's:

1. ITA's will be issued for training in demand driven occupations. The EAWDB wants to provide the broadest access possible to training services to meet the needs of the individuals in the area as well as the employers. Therefore, ITA's can be utilized in conjunction with other types of training on a full or part-time basis following the criteria outlined below.
2. ITA's shall be issued only to individuals who meet WIOA eligibility criterion and have been determined through assessment and their individual employment plan (IEP) to be in need of training services to obtain employment or increase their employability and earnings potential in a demand occupation that will lead to a career path of self-sufficiency. ITAs can be provided to individuals enrolled in WIOA Title I Adult, dislocated worker or youth programs. ITAs are not an entitlement. Customer choice shall be exercised within the targeted industries and demand occupations designated by state and local board policy. Individuals, eligible or otherwise, that seek training outside of these designated areas can be provided assistance in pursuing other sources of financial aid. If it is determined that WIOA ITA funding is not appropriate for a customer because it is outside of the areas targeted by the state or local board as occupations in demand, centers will assist customers with other financial aid application (i.e., Pell, etc.) and alternative options. Staff will assist customers with accessing the statewide list of eligible training providers and programs in the New Mexico Workforce Connection Online System (NMWCOS).

Before an individual is eligible to receive an ITA, the need for training, appropriate occupational choice for training and their ability to successfully participate in the chosen training must be established through assessment. A full education and work history as well as a skills determination must be utilized to determine if the individual is employable at a self-sufficient level with skills already in their possession. Individuals that possess the skills to obtain self-sufficient employment in the local area are not eligible for ITA training unless there is a substantiated cause that makes them unable to perform that occupation e.g. injury etc. This information must be included in the case file and utilized in the development of the individual employment plan.

The IEP shall be developed jointly with the participant utilizing the NMWCOS plan and should include information substantiating the individual is able to participate in and complete training. This should include information on how the participant will support themselves while in training. Participants identified to be in need of training must sign a Family Education Rights to Privacy Act (FERPA) release of information authorization allowing the career coach (CC) to obtain information on their financial aid information, grades and attendance information as necessary. For participants receiving services under partner programs staff must work with partner staff to ensure alignment of the IEP with the partner program goals as well.

The IEP must include an anticipated timeframe for completion and must also address goals and objectives that lead to a measurable skills gain on an annual basis. Since this requires the successful completion of a twelve-credit hour semester annually, provision for this must be addressed with the customer in alignment with the degree plan and included in the IEP.

ITA funding limits are not to exceed \$2,000.00 total expense for an adult participant, or \$5000.00 total expense for a dislocated worker and youth participant per semester. This limit applies only to the direct cost of expenses to the training institution and does not include supportive services if needed.

Occupational guidance should be provided to the participant and should include a review of the local labor market as it applies to the demand occupations. The goal is to train for jobs available or growing in the local area. If the customer wants to participate in training in an occupation that is in demand within the Eastern Area but not the local community the participant must sign an acknowledgement that they are willing to relocate to obtain employment in the chosen training category.

- a. Full time attendance – Unemployed individuals are required to attend training on a full-time basis. New Mexico identifies full time status as twelve (12) credit hours. Participants that are enrolled in training programs that require classes to be taken in a specified semester e.g. nursing students will be considered full time if the degree plan requirements for the semester are met. The supporting documentation must be maintained in the file. In these cases, documentation must be maintained in the file. At any point during their training that they are not employed, participants must either attend school full-time or obtain other part-time employment.

- b. Part-time attendance – Individuals working to improve their employability and earnings potential while they are working are allowed to attend training on a part-time basis. For individuals that cannot meet the measurable skills gain through credit hours or training milestones (OJT/RA) by June 30th, it is recommended they be engaged in other skills upgrading activities (e.g. basic skills, work keys etc.) as allowable for federal performance reporting for attainment of the MSG performance indicator. All active services for the individual should be included in the ISS/IEP/Plan

ITA's in Conjunction with OJT's and Apprenticeships

- ITA's may be provided to individuals in conjunction with On-the-Job Training (OJT) funds when appropriate, and the ITA may be used before, during, or after an OJT.
- ITA's can be used to support participants enrolled in apprenticeship programs by providing:
 - Pre-apprenticeship training – Basic skills preparation; under WIOA funds can be used to fund pre-apprenticeship programs that provide basic skills, work experiences, and other support to help participants obtain the skills needed to be placed into an apprenticeship.
 - Related instruction – Related classroom instruction component of an apprenticeship program, as long as the apprenticeship program or the education/training provider is on the ETPL. Under WIOA, all Registered Apprenticeship programs sponsors are automatically eligible to be on the ETPL.

ITAs shall be limited to individuals unable to obtain other grant assistance or who require assistance beyond that available from other grant assistance programs and who have been identified on their IEP/ISS to be in need of training. It is expected that the primary source of ITA funding will be the adult/dislocated worker program, however, the Title I youth program may provide ITAs for training assistance to enrolled individuals in need of training. The youth program must adhere to the same requirements for training and assistance as the adult/DW program. If the youth is co-enrolled with the Title I Adult/DW program the ITA can be paid through whichever funding stream is most appropriate. Youth participants 18 years of age or older are encouraged to co-enroll with the adult/DW program.

As discussed in 20 CFR § 681.550 "to enhance individual participant choice in education and training plans and provide flexibility to service providers, the Department allows WIOA Individual Training Accounts (ITAs) for OSY, ages 16 to 24, using WIOA youth funds, when appropriate." ITAs allow participants the opportunity to choose the training provider that best meets their needs. To receive funds from an ITA, the training provider must be on the Eligible Training Provider List as outlined in § 680.400 and 680.410.

ISY cannot use youth program funded ITAs. However, ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the young adult's individual needs, knowledge, skills, and interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program.

The career coach shall document the availability of other funding sources such as Pell grants, Trade Adjustment Assistance (TAA) or other federal grants for each training enrollment period (i.e., semester, quarter). The financial aid office of the training institution shall provide information of need related to cost of attendance and the CC will utilize this information for the determination of the need for assistance beyond that available from other grant assistance programs.

Unmet need shall be calculated on a line item basis by subtracting grant assistance received from the amount of need supplied by the training institution. This information shall be documented, calculated and recorded on the Cost Sharing Agreement or its subsequent replacement documents. This form must be completed in its entirety for individuals even if no financial aid is available to the individual or for the training program.

When unmet need has been established in the presence of additional funding sources the WIOA share shall be apportioned as follows:

- (a) In the presence of assistance from the NM Lottery or other tuition-based scholarships, WIOA funds shall not be expended for tuition unless the cost of tuition exceeds the amount available under the scholarship.
- (b) For individuals eligible for Pell grants, Pell funds can be utilized for cost of attendance related expenses such as living expenses but shall be limited to the balance of unmet need.
- (c) For individuals eligible for TAA, WIOA can pay supportive services based on EAWDB Policy.
- (d) For individuals receiving other scholarships that do not have a defined use then it will be treated like a Pell grant and applied to unmet need so long as the need is sufficient and substantiated. Documentation on the scholarship's lack of designation or defined use must be supplied by the student or the financial aid office and included as part of the file.
- (e) For individuals receiving other scholarships with a defined use the scholarship MUST be applied to the designated category e.g. tuition, books, uniforms etc. In those cases, WIOA is limited to assistance with balances of the applicable cost category and other assistance as allowed above.
- (f) For individuals receiving training assistance from partner entities WIOA will pay the balances of tuition, books and fees and supportive services. Supportive services will only be available if those services are unavailable through other partner programs.
- (g) GI Bill availability cannot be counted against veterans eligible for that benefit. It is not to be treated as financial aid for Veterans or covered persons requesting training assistance or applied toward the balance of unmet need.
- (h) Loans do not count as financial aid for the purposes of WIOA assistance and do not apply against unmet need.

All contract documents and forms must be scanned and uploaded into the NMWCOS and the financial voucher created and approved in a timely manner.

3. An ITA contract modification must be completed utilizing the designated local area forms or their subsequent replacements and should be used in any of the circumstances listed below. The modification should include the reason the modification was necessary.

- (a) When the actual cost of training is more than was anticipated on the original contract
 - (b) To correct training term dates
 - (c) If financial aid is awarded after completion of the contract
 - (d) If there is a class schedule change
 - (e) Any other situation that would make the original contract inaccurate
4. The Financial Claim for Payment (FCP) shall be sent to the One Stop office responsible for the participant after the institutions drop/add period is complete. It will be reviewed for accuracy and completeness, uploaded to the NMWCOS and notice sent to the fiscal agent for payment. Fiscal staff will also review the FCP for completeness and accuracy and then process it for payment. When processed, a payment will be created against the voucher with a status of approved for payment and an anticipated check issue date. When the check has been issued the status will be changed to paid and a check number with the paid date entered by the fiscal department.
5. Supporting documentation
- EAWDB Cost Sharing Agreement
 - EAWDB ITA Contract
 - EAWDB ITA Contract modification
 - EAWDB ITA Contract Training Term Modification
 - EAWDB FCP

EASTERN AREA WORKFORCE DEVELOPMENT BOARD

A Proud Partner of the American Job Center Network

Administrative Office: 725A 6th Street, Box 8
Albuquerque, NM 87102

Phone: (505) 343-7612

Fax: (505) 343-7625

POLICY 11B-12 DEMAND OCCUPATIONS

REFERENCES:

Title I of the Workforce Innovation and Opportunities Act (WIOA)

PURPOSE:

WIOA regulations require local areas to establish a local documentation and verification policy that defines the Occupations in Demand within the area for the purposes of determining eligibility of applicable training programs for Adults and Dislocated Workers. The goal is to establish a policy that is not excessively intrusive and burdensome and is, at the same time, a good faith and reasonable effort to establish occupations eligible for training funds and to provide guidance regarding such documentation to Service Providers contracted by the Eastern Area Workforce Development Board.

Providers contracted by the Eastern Area Workforce Development Board, who provide training activities, are responsible for ensuring that adequate documentation is contained in the participant files to minimize the risk of questionable/disallowed costs.

This policy outlines the procedure, and defines the occupations in demand and related acceptable documentation.

1. BACKGROUND:

The Workforce Innovation and Opportunity Act of 2014 (WIOA) empowers States and WIOA grant sub-recipients to expend WIOA Title I funds for training programs that lead to self-sufficiency. Section 134 of the Act specifies that funds allocated to a local area may be expended through the use of Individual Training Accounts (134(d)(4)(G)) or pursuant to a contract of services in lieu of an individual training account (134(d)(4)(G)(ii) for qualifying individuals who select programs of training services that are directly linked to employment opportunities in the local area involved or in another area to which the individuals receiving such services are willing to relocate (134(d)(4)(A)(iii).

WIOA training opportunities, whether the result of Individual Training Accounts (ITA) or contracts, should focus on community talent growth and aligning the workforce with targeted industry clusters (existing or emerging). To that end, occupations and/or skills shall not, in all instances, require a history of demand to qualify for identification as "In Demand".

2. DEFINITIONS: WIOA Section 3 defines career pathways and demand occupations as follows:

(3)(7) Career Pathways

The term "career pathway" means a combination of rigorous and high-quality education, training, and other services that—

- (A) aligns with the skill needs of industries in the economy of the State or regional economy involved;
- (B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);
- (C) includes counseling to support an individual in achieving the individual’s education and career goals;
- (D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- (E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
- (F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and
- (G) helps an individual enter or advance within a specific occupation or occupational cluster.

(3)(23)(A) Demand Industry sector or occupation

In general the term “in-demand industry sector or occupation” means –

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

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

3. ACTION

This policy establishes an in-demand occupation standard to be used to determine occupations allowable for training activities. The Occupations in-demand standard will allow the Eastern Area Workforce Development Board to:

- A. Extend services to workers that have not attained self-sufficiency and place them on a path to self-sufficiency.
- B. Target high-wage industry sectors of the economy and occupations for training and assist in developing customized training programs.
- C. Offer training in occupations with career pathways and ladders that lead to self-sufficiency.
- D. Support job-training programs that lead to self-sufficiency.

The Demand Occupations for the Eastern Area shall consist of Demand Occupations based on labor projections published by the New Mexico Department of Labor LASER with a growth rate of 6.7% or more or 8 annual openings, any EAWDB targeted industry clusters, targeted industries or growth clusters from the NM DWS state plan, any occupation for which an individual has received a bonafide job offer upon the completion of training. In addition to the above, new industries or occupations designated by economic development as high growth and demand, and occupations identified by newly established businesses (less than 1 year old) as operationally critical will also be determined to be in demand. Staff will utilize the state’s list of STAR occupations as a guide to provide guidance to job seekers determined to be in need of career counseling and/or training services. This information can be obtained or viewed at <https://www.jobs.state.nm.us/gsipub/index.asp?docid=810>. Additionally, an occupation may be deemed as “In-Demand” if letters are received by 3 or more employers stating a need for

individuals trained in a particular occupation or that the employer(s) have positions in an occupation that they have been unable to fill due to a lack of qualified applicants.

4. Acceptable Documentation

A. OJT and Customized Training:

For OJT or Customized training participants the contract agreement by the employer to hire/retain the individual upon completion of the training shall constitute documentation of In Demand.

B. Individual Training Accounts (ITA's):

Files of participants utilizing ITA funds **must** contain a case note describing employment opportunities **and** wages for the selected training occupation and one of the following:

- (1) A print out from the NM LASER list of occupations reflecting a growth rate of 6.7% or 8 or more annual openings,
- (2) A letter from an employer guaranteeing employment upon completion of training,
- (3) A letter from an employer guaranteeing a promotion upon completion of training for an employed individual that results in a salary increase of 15% or more,
- (4) A letter/notice from the Eastern Area Workforce Development Board identifying a targeted occupational cluster,
- (5) Copies of letters from 3 employers on company letterhead indicating a need for individuals trained in a specific occupation or an inability to fill positions based on a lack of qualified applicants,
- (6) A letter from a newly established employer (1 year or less but not as a result of company relocation that resulted in the layoff of employees) identifying a need for individuals trained in a specific occupation,
- (7) A letter or notice from a local economic development office designating and industry cluster or occupation as high growth/high demand, or
- (8) A copy of the state plan's targeted career cluster/occupation.

Failure to adequately justify the training selection could result in questioned costs.

All ITA training funds must be expended for training that leads to industry recognized credentials. Those credentials must be placed in the file upon completion of training. Progress in training must be recorded as measurable skills gains in accordance with published performance measures.

EFFECTIVE DATE:

REVISED: March 2017

RESCISSIONS: none

CONTACT ENTITY: Inquiries regarding this notice should be directed to the Administrative Entity Staff of the Eastern Area Workforce Development Board at (505) 343-7612.

Judith Cooper
EAWDB, Chairman

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 12-12 On-the-Job Training (OJT)

Effective Date: April 9, 2013

Revision Date: 08/01/2021

Revision Number: 6

Revision effective Date: 08/17/2021

Approval Date: 08/17/2021

Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

- Title I of the Workforce Innovation and Opportunities Act (WIOA) of 2014, as amended (29 U.S.C. 2801 et seq.);
- WIOA Regulations, 20 CFR Part 652 et al, 29 CFR Part 95-97;
- Office of Management and Budget (OMB) cost principles codified in 2 CFR Part 220, Part 225 and Part 230;
- Department of Labor (DOL) Employment and Training Administration (ETA) Training and Employment Guidance Letter (TEGL) No. 19-16;
- NMSA 1978, Section 50-14-1 *et seq.*, NMAC 11.2.12;
- WIOA Regulation, 20 CFR 681.540 (a)

1. PURPOSE:

To provide clarification for the Eastern Area Workforce Development Board (EAWDB) WIOA subrecipients regarding NMAC 11.2.12 as it relates to the execution of OJT training and to establish requirements for the delivery of on-the-job-training services under the EAWDB. In the case of a conflict between NMAC 11.2.12 and this policy NMAC 11.2.12 shall be the prevailing guidance.

2. BACKGROUND:

OJT provides financial assistance to employers who agree to train suitable WIOA eligible individuals. The financial assistance is compensation for the extraordinary costs associated with training participants and the costs associated with lower productivity of new employees and is not an employer subsidy.

On the Job Training (OJT) is an allowable activity for adults, dislocated workers and eligible youth who after an objective assessment are determined to be appropriate for this activity. The intention for OJT training is to train in the highest skill occupation appropriate to the participant. OJT is not to be used for employment training for low-skill, low paying jobs or occupations with little or no potential for upward mobility. OJT training must be provided pursuant to an OJT contract instead of utilizing an ITA contract.

3. DEFINITIONS:

(A) On-the-Job-Training (OJT) means training by which the employer provides training to a paid participant while engaged in productive work in an occupation that:

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Is made available through a program that provides reimbursement to the employer for a portion of the wages of the participant for the extraordinary costs for providing training and the additional supervision related to the training; and
- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant as appropriate.

(B) Appropriate Commitment to hire an individual means an intent to maintain an employer-employee relationship meeting the requirements of the Fair Labor Standards Act (FLSA) for a minimum of one (1) year.

(C) High-priority Occupation (HPO) is an in-demand occupation that has higher skill needs and is likely to provide a self-sufficient wage. Statistical data, regional expertise, and local workforce area inputs are combined to determine whether or not an occupation meets the high-priority criteria.

(D) Incumbent Worker is an individual who is employed, meets FLSA requirements for an employer-employee relationship, and has established employment history with the employer for six (6) months or more.

(E) Incumbent Worker Training (IWT) is training provided to an incumbent that is designed to meet the needs of an employer or employers to:

- retain a skilled workforce or avert the need to lay off employees;
- increase the competitiveness of the employer or employee; and
- be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker trained.

Such training may also include the upskilling of an employer's current workforce, which may lead to additional opportunities for potential jobseekers.

(F) In-Demand Industry Sector is an industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) in the state, regional or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

Note: The determination of whether an industry sector or occupation is in-demand in a local area is made by the local board, as appropriate, using business and labor market projections and statistics. However, all HPOs and bonafide job offers are considered in-demand occupations and therefore, eligible for OJT training.

(G) Recent employee is an individual who is an employee, meets FLSA requirements for an employer-employee relationship and has established employment history with the employer for six (6) months or less.

(H) Occupational skills training is defined as an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels

(I) Part-time: Part-time workers are those who work fewer than 30 hours per week.

4. ACTION:

OJT TRAINING SHALL:

(A) be for non-seasonal, permanent full-time employment, or may be for part-time employment when provided in conjunction with occupational skills or Apprenticeship training.

(i) full-time employment is defined at a minimum of 30 hours per week

(ii) waivers to the 30 hours per week requirement may be requested for individuals with disabilities who need the reasonable accommodation of a shorter work week in order to become self-sufficient

(B) be for training that pays the trainee at a minimum \$12.00 per hour;

(C) not be utilized for employed workers making more than the EAWDB's established self-sufficiency wage level prior to training.

5. EMPLOYER ELIGIBILITY:

Within the parameters of WIOA, One Stop Staff may engage in OJT opportunities with any public, private non-profit, private sector employer or registered sponsor with the following exceptions. OJT may not be utilized for:

(A) An employer who has been convicted of violating federal laws and regulations within the last two years of requesting and OJT regarding: submission of worker adjustment and retraining notification (WARN) notices, occupational safety and health administration (OSHA) and Americans with Disabilities Act (ADA) standards, equal employment opportunity (EEO) and wage and hour requirements, state unemployment insurance (UI) laws, and fair labor standards and collective bargaining agreements.

(B) An employer who has exhibited a pattern of not retaining OJT participants in permanent positions upon satisfactory completion of training. For the purposes of this policy “a pattern of not retaining OJT participants is defined as three trainees in any twelve-month period”.

(C) An employer that has demonstrated deficiencies in the quality of training or the training environment. This determination may be made on training, employment or environmental practices observed by NMWCC staff during worksite visits or through a combination of reporting of deficiencies by the trainee and investigation by NMWCC or board staff.

(C) An establishment which is presently suspended or barred from doing procurement business with any branch of government.

(D) An employer providing workers on a temporary basis to employers for which they receive compensation from the employer.

(E) An employer who has exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.

(F) An establishment that plans to use the WIOA to relocate from another area, or locate new branches, subsidiaries, or affiliates.

(G) Business in which the participants will be employed to carry out the construction, operation, or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place of religious worship. 29 CFR 37.6(F).

(H) A business which has relocated within the last 120 days and dislocated or laid off workers at its previous location.

If an employer is established as ineligible for OJT funding by the office then the employer can submit a written request for reconsideration to the One Stop Systems Committee of the EAWDB.

6. OCCUPATIONAL ELIGIBILITY

OJT may not be utilized for any of the following occupations:

(A) Occupations dependent on commission or draw as a primary source of income.

(B) Intermittent seasonal occupations.

(C) Part-time occupations except as noted when in conjunction with Apprenticeships or Occupational skills training.

(D) Occupations temporary in design.

(D) Occupations which have not traditionally required specific occupational training as a prerequisite for performance, such as porters, janitors, stackers, laborers, restaurant workers, etc. (entry level).

(E) Occupations whose prior training, certification or license make the individual qualified to perform the occupation, such as school teacher, cosmetologist, LPN, RN, etc., unless they are unable to enter or retain employment without additional on-the-job-training due to occupational skill gaps.

(F) Any occupation whose training time is less than 160 hours.

(G) When an employer has laid off workers in substantially equivalent positions or where the OJT will impair any existing labor agreements, contracts for services or promotional opportunities for current employees. For the purposes of the OJT, “substantially equivalent position” is one in which the job responsibilities and skill, experience, and performance requirements have remained unchanged since the time of the layoff. To provide evidence that the position has “substantially changed”, there should be a new and different job description for the position.

(H) Any position or occupation which is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

(I) Any position or occupation that promotes or supports the use, possession or distribution of marijuana.

7. ADDITIONAL RESTRICTIONS

Following are imitations and prohibitions on the use of WIOA Title I-B funds as directed under Part 680 of federal regulations:

(A) WIOA funds cannot be used to pay the wages of employees during their participation in an economic development activity provided through a statewide workforce development system.

- (B) WIOA work-based training funds may not be used to directly or indirectly assist, promote or deter union organizing.
- (C) WIOA work based training funds must not be used to provide supportive services.

8. PARTICIPANT ELIGIBILITY:

On-the-job training is available to adults, eligible youth and dislocated workers as defined by the WIOA, who are unemployed or underemployed and meet all of the following requirements.

- (A) Participant meets all WIOA eligibility requirements for training services.
- (B) Participant is enrolled into WIOA prior to beginning training under an OJT contract.
- (C) Participant was determined to be in need of training in order to become employed in a job which leads to a self-sufficient level of income and this is reflected in the Individual Employment Plan (IEP).
- (D) Participant was determined to be a good candidate for the particular vocation and position for which they are to receive OJT and the rationale for the determination is reflected in their IEP.
- (E) OJT contracts may be written for an employed worker as long as they meet all the requirements above and are not earning a self-sufficient wage as defined by local board policy at the time of enrollment and the employer verifies that the OJT will relate to the introduction of new technologies, introduction to new production or service procedures, or is an upgrade to a new job that requires additional skills.
- (H) OJT is an allowable activity for youth but should be discouraged when it conflicts with educational goals and/or achievement.
- (I) Priority of Service must be given as defined in federal and state policy.

The following are considerations that may be used to identify participants likely to benefit from OJT

- Less than two years total work experience
- Five or more jobs in the last two years
- No work experience in the last two years
- Classroom training but no work experience
- Is a returning citizen from the justice system
- Review of participants' employment history and educational background in the New Mexico Workforce Connection Online System (NMWCOS)

9. REVERSE REFERRAL:

Any individual referred to a center by an employer (commonly referred to as a “reverse referral”) shall go through the system in the same manner as other job seekers and be determined to be eligible and in need of training in order to participate in OJT. This process shall be completed prior to the start date of the OJT training. A referral by an employer for an OJT position does not disqualify an individual, but neither shall it be considered to give higher priority to the individuals over other eligible candidates. The final selection of an eligible individual for OJT should be a joint decision of the employer and the local service provider.

10. COORDINATION WITH APPRENTICESHIPS

An OJT contract may be developed with an Apprenticeship, Pre-Apprenticeship and Registered Apprenticeship program for training participants. Apprenticeships generally involve both classroom and on the job instruction. OJT contracts are made with the employer for the on the job instruction and may be utilized in conjunction with an ITA for the classroom instruction. The OJT contract may be made to support some or all of the OJT portions of the apprenticeship as allowed. If the apprentice is employed at the time of the program enrollment, the requirements for employed workers must be followed. Apprentices can participate in part-time OJTs if they are in conjunction with the Apprenticeship training.

11. CONFLICT OF INTEREST

State and Local board members and members of standing committees may not vote on nor participate in any decisions regarding the provision of services by such members or any organization they directly represent, nor on any matter

that would provide any direct financial benefits to that member or the member's immediate family. Neither membership on the state or local board or standing committee nor receiving of funds to provide training and related services by itself violates these conflict of interest provisions. In Accordance with 200.112 of Uniform Guidance, these potential conflicts of interest must be disclosed in writing. In the case of EAWDB board members a waiver request must have been submitted to the board for consideration prior to entering into an OJT relationship with Title I sub-recipients and they must abstain from voting and/or discussion regarding policy and provision of those services. Sub-recipients must ensure through EAWDB staff that appropriate waiver requests have been made and are current.

12. OJT OUTREACH

Local offices must ensure that both the business services function and the job seeker services functions include information around OJT opportunities and that outreach activities are being conducted in a manner that minimizes the chances of multiple staff contacting the same employer. All office employer outreach activities must be documented and offered in a manner that ensures that equitable opportunities are provided to employers in the local area. Outreach conducted outside the NMWCOS that results in an OJT placement must have a coresponding job order entered in the NMWCOS.

Potential employer outreach activities include but are not limited to:

- Chamber of Commerce presentations
- Engaging employers in targeted partner meetings
- Information provided during job fairs and hiring events
- Regular employer and job seeker outreach activities provided in the local office
- Open and available jobs

13. EMPLOYER ORIENTATION:

An official employer orientation shall be provided and documented before the OJT contract period begins. A pre-award review checklist shall be completed to determine employer eligibility. This provides an additional opportunity to share information about OJT and learn about the needs of the employer. The orientation shall include the following.

- (A) A review of the OJT contract, OJT training plan, OJT progress report and invoice forms and contact information for the career coach.
- (B) Employers will be informed about the role they play in developing a structured training plan based on the skill gaps possessed by the OJT participant. Employers are informed of the importance of having experienced employees act as trainers for optimum results with predictable training outcomes.
- (C) Benefits of OJT are explained including OJT provider assurances, contract terms and conditions including terms and conditions of employer reimbursement.
- (D) Employers are informed about the requirements for local, state and possibly federal monitoring of the program.
- (E) Employers are informed about records maintenance requirements.

14. TRAINEE ORIENTATION:

An official participant orientation shall be provided and documented before the OJT contract period begins. At a minimum the orientation should include the following.

- (A) OJT training plan review.
- (B) Participation requirements.
- (C) Timesheet tracking and payroll verification requirements including the OJT progress report and invoice form.
- (D) Information regarding additional services and activities, including supportive services available through the workforce system, to ensure successful participation.

15. OJT PARTICIPANTS ALLOWED WITH AN EMPLOYER:

No more than 50% of the number of the employer's full-time work force at the location where training is to take place may be trained under OJT at any one time. Once a participant has been trained and retained by the employer, he/she is counted in the regular full-time work force number and additional individuals may be trained. An employer having a regular full-time work force of one may train one individual under OJT.

A projected work force number may be used for new or expanding business. The projected number shall be attained within twelve months. If the projected number is not attained, appropriate adjustments in the number of OJT trainees allowed in further training should be made.

16. OJT WAGES AND GENERAL WORKING CONDITIONS:

(A) Wage reimbursement. New employees hired under OJT shall at a minimum be paid the employer's usual entrance wage rate for the occupation in which they are to be trained and employed, which shall not be lower than the \$12.00 per hour established by the EAWDB. Participants shall be paid the same entry wage rate as non-WIOA funded employees in the same occupation. The reimbursement for training cost will be based on the employer's normal full-time work week, which must be at least 30 hours per week. When training is provided in conjunction with an Apprenticeship or Occupational Skills training, hours may be lower than 30 hours but no less than 10 hours. Reimbursement will not include non-regular wages such as; premium pay, shift differential and must not be claimed for time which the OJT trainee is absent from training, including illness, holiday, plant downtime, or other events during which no training occurs.

(B) Workers' compensation. Where state workers' compensation law is applicable, workers' compensation benefits in accordance with such law shall be available to all participants on the same basis as the compensation is provided to other individuals in the same employment. Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees and equally applicable to OJT participants.

17. OJT CONTRACT:

An OJT contract shall include the sections outlined below. The OJT pre-award review, training contract, and training plan shall be signed by all required parties prior to any participant's training start date. Providers must use the EAWDB created forms provided by board staff. Modifications may be made to the forms as needed by requesting the modifications through board staff.

(A) OJT requirements

- (1)** OJT employer contract.
- (2)** OJT training plan.
- (3)** OJT pre-award review.
- (4)** Progress report and invoice form.
- (5)** OJT contract and/or training plan modification (if applicable).
- (6)** OJT contract assurances.

(B) OJT training plan

The OJT training plan shall be included in the OJT training contract. An OJT training plan shall be modified if a change is needed in any part of the original OJT training plan.

- (1)** The OJT training plan will be developed with the employer to establish training outcomes.
- (2)** The gap between the skills of a participant and the skills needed for the job will determine the number of training hours for which an employer will be reimbursed.
- (3)** An analysis of the OJT position will be conducted based on information from the employer combined with occupational information network (ONET) details or comparable information regarding specific qualifications and skill required for the OJT position.
- (4)** The training plan shall reflect the results of individual skill assessment and an analysis of employer job performance requirements to determine what training is needed.

- (5) The training plan shall be maintained and updated as needed.

(C) OJT training duration.

- (1) The basis for contract training duration shall clearly be documented.
- (2) The maximum duration for an OJT contracts is six months. (1040 training hours)
- (3) Determining length of training should include the following.
 - (a) Skill gap is defined as the gap between the skills of an individual participant and the skills needed for a job. The skill gap will determine the number of training hours for which an employer will be reimbursed. The skill gap shall be clearly defined and incorporate the use of recognized skill assessment tools and occupational evaluation tools. An individual training plan shall be developed consistent with the duration of the contract. For example, a contract written for six months shall include a training plan that outlines six months of specific training to be provided by the employer which in turn should be consistent with the documented skill gap for the individual.
 - (b) Specific vocational preparation (SVP) is defined as the amount of time required by a typical worker to learn the techniques, acquire the information, and develop the expertise needed for average performance in a specific job. A table reflecting SVP levels is included below.

SVP	Number of Training Hours
2	160
3	480
4	640
5	800
6	960
7	1040

EXCEPTION: The hours can exceed the maximum hours for the SVP code for the occupation or the 1040 based on the need for individuals with a documented disability to obtain the skills necessary for the job. The additional hours required may be established at the beginning of training or as training progresses and is indicated through progress reports.

(D) OJT reimbursement rate.

Employers will be reimbursed for the extraordinary cost of training OJT Dislocated Worker and Youth participants in an amount up to 75% of the applicable wage consistent with WIOA. Employers will be reimbursed for the extraordinary cost of training OJT Adult participants in an amount of 50% of applicable wages consistent with WIOA regardless of employer size.

The EAWDB will utilize the following scale for employer reimbursement based on employer size:

- 1) up to 75% for employers with 50 or fewer employees; and
- 2) up to 50% for employers with 51 or more employees.

Payroll records shall be used to document employer size or a penalty of law statement on the Pre-Award Checklist attesting to the number of current employees.

The reimbursement frequency should be negotiated with individual employers to ensure greatest benefit to the employer and the OJT participant.

- (1) Participants shall be paid the higher of federal, state, or local minimum wage, or the prevailing rate of pay, including periodic increases, as other trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills,

pursuant to WIOA, 29 U.S.C. 2931(a)(1)(A), and 20 C.F.R. 667.272. Provisions for wages under the amendments to the Fair Labor Standards Act (FLSA) apply to all participants employed.

- (2) Participants may work overtime (subject to regulations of the Fair Labor Standards Act with respect to the level of compensation), provided that this is part of the training plan and consistent with other employees in comparable positions. Although overtime hours worked can be used to determine the reimbursement for a given period, an overtime wage rate cannot be used to calculate the reimbursement amount. To calculate the reimbursement, the provider would apply the standard wage rate to both the regular and the overtime hours.
- (3) USDOL approved waivers can provide greater flexibility in the level of employer reimbursement. The state currently has a waiver that permits local boards to reimburse employers at a rate of up to 75% of the applicable wage level based on employer size. As long as this waiver is in effect, local boards will use the following sliding scale for employer reimbursement based on employer size:
 - (a) 50 or fewer employees - up to 75% and
 - (b) 51+ employees – the standard WIOA provision which allows up to 50% will apply.

(D) Progress report and invoice form.

A progress report and invoice form shall be completed at least monthly throughout the life of the OJT training. This provides a trainee evaluation of progress and documents hours worked and skills developed.

An invoice system is in place to reimburse the employer the cost of providing the training and any additional supervision related to the training.

18. Supporting Documentation

- (A) OJT pre-award checklist
- (B) OJT employer contract
- (C) OJT training plan
- (D) DOJT Training plan modification as needed
- (E) OJT Progress report and invoice forms
- (F) Case notes (recorded in NM VOSS or other state designated system)

CONTACT ENTITY: Inquiries regarding this rule should be directed to the EAWDB's administrative entity.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 13-12 Customized Training

Effective Date: April 9, 2013

Revision Date: 09/18/2018

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Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA), July 22/2014: §108, §122, §134, §181 and §194; 2 CFR §200, et al, 20 CFR §80.760, §680.830 and §680.840; and NMDWS Workforce Guidance Letter 17-001.

1. PURPOSE:

To provide clarification for the Eastern Area Workforce Development Board (EAWDB) WIOA subrecipients regarding NMDWS Guidance 17-001 as it relates the use of Customized Training and to establish requirements for the delivery of customized training services under the EAWDB. In the case of a conflict between NMDWS Guidance 17-001 and this policy, NMDWS Guidance shall be the prevailing guidance.

2. BACKGROUND:

The WIOA of 2014 allows for the use of customized training as a strategy to meet the needs of local employers. Customized Training (CT) is training designed to meet the needs of a specific employer, or group of employers with the commitment that the employer(s) hire or retain an individual upon successful completion of training. It can provide for the introduction of new technologies, introduction to new production or service procedures, upgrading existing skills, workplace literacy, or other appropriate purposes.

3. DEFINITIONS:

- **Appropriate Commitment** - A commitment to maintain an employer-employee relationship meeting the requirements of the Fair Labor Standards Act (FLSA) for a minimum of one (1) year.
- **Customized Training** – Training by an employer or group of employers generally for the hiring of new or recent employees and not for retraining existing employees.
- **High Priority Occupation (HPO)** – An in-demand occupation that has higher skill needs and is likely to provide self-sufficient wage. Statistical data, regional expertise, and low workforce development area inputs are combined to determine whether or not an occupation meets the high priority criteria.
- **Incumbent Worker** – An individual who is employed, meets FLSA requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or more.
- **Incumbent Worker Training (IWT)** – Training provided to an incumbent worker that is designed to meet the needs of an employer(s) to retain a skilled workforce or avert the need to lay off employees, increase the competitiveness of the employer or employee; and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker trained. Such training may also include the upskilling of an employer’s current workforce, which may lead to additional opportunities for potential jobseekers.
- **In-Demand Industry Sector** – An industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.
- **In-Demand Occupation** – An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy as appropriate.

Note: See EAWDB Policy 11B-12 Demand Occupations.

- Recent Employee – An individual who is employed, meets Fair Labor Standards Act Requirements for an employee-employer relationship, and has an established employment history with the employer for six (6) months or less.

4. ACTION

A. Employer Payment of Significant Cost of Training

Employers receiving funds for customized training are required to pay a significant cost of the customized training. This can be done through both cash and fairly evaluated in-kind contributions.

Rules for matching funds can be found in the Uniform Guidance at 2CFR 200.306 and 2 CFR 2900.8.

The share of the cost of training can include elements such as the expenses related to the:

- Instruction or the instructor
- Curriculum development
- Course materials or books

Expenses that are not permissible under the match and are not reimbursable through a customized training contract include:

- Equipment purchases
- Administration
- Facility upgrades/ renovations
- Travel and incidentals

The employer share is based on the size of the workforce unless the Title 1 Adult/Dislocated Worker (DW) subrecipient program director, the EAWDB or its staff establishes limited funding for CT. In times of limited funding the employer will be required to pay at least 50% of the cost of training. When funding is not limited the employer share will be apportioned as follows:

- At least 10 percent of the cost for employers with 50 or fewer employees;
- At least 25 percent of the cost for employers with 51 to 100 employees; and
- At least 50 percent of the cost for employers with more than 100 employees.

Title I staff must track and document employer cost share contributions.

The employer size means the number of employees currently employed at the local operation where the customized training placements will be made. Employer size is determined by the number of employees at the time of the execution of the customized training contract. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations.

B. Restrictions

Title I subrecipients must be familiar with the limitations and prohibitions on the use of funds allocated to the local area under WIOA title I-B §181 and Part 680 of federal regulations, as follows:

- WIOA funds cannot be used to pay the wages of employees during their participation in an economic development activity provided through a statewide workforce development system.

- When a relocation of a business results in the loss of employment of any employee of such business, no funds provided for employment training can be used for customized training until after 120 days has passed since the relocation that caused the loss of employment at an original business location in the United States.
- WIOA work-based training funds must not be used to directly or indirectly assist, promote, or deter union organizing.
- WIOA work-based training funds may not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.
- WIOA work-based training funds must not be used to directly or indirectly provide supportive services described in §680.900 or §681.570.

C. Criteria:

The following items must be considered when determining the appropriateness of the training:

1. The training must be in alignment with the goals and strategies of the local area as described in the local plan.
2. The quality of the training it should result in positive outcomes (e.g., industry-recognized credentials, advancement opportunities, etc.).
3. The characteristics of the workers to be trained (i.e., the extent to which these individuals historically represent individuals with barriers to employment as defined in WIOA Section 3(24), and how such individuals would benefit from a skills gain that results in retention or advancement).
4. The number of participants the employer plans to train.
5. The wage and benefit levels of participants (before and after training).
6. The occupation(s) for which customized training is being provided must be in-demand as defined by WIOA Section 3(23) and local board policy.
7. Employer's industry status. Is the employer in:
 - a. An in-demand industry as defined by WIOA Section 3(23) and determined by labor market information or local board policy; or
 - b. A stable industry as determined by labor market information; or
 - c. A declining industry, but there are compelling reasons (e.g., evidence of long-term viability of the employer) justifying investment in customized training?

D. Employer Eligibility

In order to be eligible to receive assistance with WIOA CT funds an employer must:

- Not have experienced any layoffs in the last six months;
- Be located in and have operations in the Eastern Board area or economic development Regions;
- Agree to retain the employees for a period of at least one year after training (excludes resignations and termination for cause);
- Provide a complete list of demographic data for the individuals to be trained, including SSN, start date and rate of pay,
- Submit reimbursement requests with required documentation as described in their agreement;
- Not have laid off any employees in another state in the last 120 days to relocate to New Mexico,
- Have a valid and current workers' compensation policy (to be uploaded to the participants' e-file)
- Be current on unemployment insurance and workers compensation taxes, penalties, and/or interest or related payment plan;

- Must agree to receive a quarterly follow-up employment verification form to be completed and returned to the office with documentation of individuals that received training and are no longer employed (this information will then be uploaded to the participants' e-file); and
- Not have a negative history with retaining employees hired on an On the Job Training contract.

Staff must document the employer eligibility factors and upload to the employers' NMWCOS file.

E. Trainee Eligibility Criteria:

Customized Training funds may be used to provide training to eligible employed workers for an employer (or group of employers) when the following conditions are met:

- Employee is not earning a self-sufficient wage;
- All other provisions of Customized Training are met; and
- Customized Training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills or workplace literacy.

Exception: Customized training is generally for hiring new or recent employees and not for retraining existing employees which is reserved for incumbent worker training, although there may be instances where customized training is appropriate in that circumstance. In those instances customized training may be used for individuals making more than self-sufficient wages if all appropriate criteria are met and it leads to comparable to or higher than previous employment.

F. Customized training processes:

While CT is a service that focuses on the needs of business, it shall still follow all the regular requirements for providing individual participant training. All required CT documentation shall be kept on file in the participants' electronic file in the New Mexico Workforce Connection Online System (NMWCOS).

- A. Eligibility shall be determined and eligibility documents shall be compiled and maintained in the electronic file within the NMWCOS.
- B. Staff will send AE staff the pertinent information to create a CT contract number and enter the provider information into the NMWCOS.
- C. An individual employment plan (IEP) shall be completed for each participant identifying the goal/purpose of the training and maintained in the participants' electronic file.
- D. Streamlined CT processes can include the following:
 - (1) Staff may work with an employer to provide the eligibility documentation on potential participants. Special attention shall be paid to eligibility documentation requirements to ensure all data validation requirements are met.
 - (2) Once eligibility is determined, staff must work with the employer to complete an overall IEP for each participant, identifying the need for CT (individualized career service) which may be uploaded in the NMWCOS for each participant. For the purposes of the CT an abbreviated IEP may consist of the employment goal and achievement objective and can be a paper document included for all participants or recorded electronically in the NMWCOS plan at the discretion of the subrecipient program director.

G. Contracts

Title 1 service providers must address the following factors when developing a customized training contract:

- Special training requirements of the employer (or group of employers);
- Agreement that the employer will pay for the significant cost of the training;
- Agreement that an appropriate commitment is made by the employer to employ the individuals upon successful completion of the training;

- Performance outcomes;
- Description of and agreement on the curriculum; and
- A clearly stated goal.

Staff must document the factors that were considered in approving a customized training contract with an employer (or group of employers).

H. Customized training documentation:

The CT agreement, related information and documentation must be kept by the Title I service provider. The service provider is responsible for ensuring the information and documentation is uploaded and available for monitoring and review as required.

- A. Customized training agreement/contract
- B. Assurances
- C. Customized training plan
- D. Customized training plan modification (if applicable)
- E. Case notes to track customer interaction (recorded in NMWCOS).

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Policy 16-12 Supportive Services

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Contact: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

The WIOA of 2014; Office of Management and Budget (OMB) cost principles codified in 2 CFR Part 220, Part 225 and Part 230; NMSA 1978, Section 50-14-1 *et seq.*
[11.2.16.NMAC - N, 8-15-2012]

1. PURPOSE:

Provide information and direction for the service providers and Workforce Innovation and Opportunities Act (WIOA) Career Coaches (CCs) in the delivery of supportive services and define the process for the use of supportive services to eligible adult, dislocated worker and youth participants.

2. BACKGROUND:

The WIOA outlines the responsibility of the local boards in developing a policy to define supportive services available to the adult, dislocated worker (DW) and youth participants. Such services should not be otherwise available from other non-WIOA programs. Further, supportive services are based on need and participants are not automatically entitled to supportive services. Supportive services for adults, DWs, and youth shall include but not be limited to services such as transportation, child care, dependent care, housing, needs related payments, work clothing, incentives, stipends and other reasonable expenses approved by the contract manager or his/her designee that are necessary to enable an individual to participate in training and employment related activities authorized under WIOA. Local Boards, in consultation with the One-Stop partners and other community service providers are required to develop policy on supportive services that ensures resource and service coordination in the local area. Such policy should address procedures for referrals to such services including how such services will be funded from other sources. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is one of the basic career services that must be available to adults and dislocated workers through the One-Stop delivery system.

3. DEFINITIONS:

Supportive Services means services that are necessary to enable an individual to participate in activities authorized under WIOA or the Wagner-Peyser Act.

4. ACTION

A. General Provisions

(1) All WIOA program applicants and participants shall be informed of paid and unpaid supportive services available through the local One-Stop system. This is to include services provided by the One-Stop partners, Service Providers and any applicable community resources.

(2) Supportive services may only be provided to individuals who are:

- (a) Participating in career or training services; and
- (b) Unable to obtain supportive services through other programs that offer such services

Supportive services may only be provided when they are identified as necessary to enable individuals to participate in WIOA provided activities.

(3) To ensure successful participation in the appropriate employment or training activities, program staff shall determine the supportive service needs of each individual to be enrolled. Such determination shall be based on the comprehensive assessment and is to include documentation of the participant's need to receive supportive services to be eligible to receive the services. The information shall be included in the customer's employment plan service strategy and case file as appropriate.

(4) The need for supportive services shall be included in the participant's Individual Service Strategy (ISS) or Individual Employment Plan (IEP) as appropriate. The file shall include information on availability of services through alternative means. When partner services are utilized coordination of services should be documented as appropriate.

(5) New Mexico Workforce Connection Centers and One Stop Service Providers shall periodically review the need for, and the receipt of, supportive services. Changes in supportive service needs are to be reflected in the assessment, ISS or IEP and noted in the counseling record as appropriate. Sound case management and timely participant contact are essential to ensuring completion of activities, and in meeting ISS/IEP goals and objectives.

(6) Prior approval for use of supportive services is required. Authorization for supportive services shall be made via the WIOA SUPPORTIVE SERVICES REQUEST AND APPROVAL FORMAT/GUIDELINES issued by the EAWDB or its replacement document(s) and approved by the WIOA contract manager or his/her designee. To request approval of supportive services for groups of participants, the board may also use or modify the SUPPORTIVE SERVICES REQUEST AND APPROVAL form or develop similar authorization forms. All required documents should be uploaded to the New Mexico Workforce Connection Center Online System (NMWCOS) and be submitted for processing and the appropriate service activity created in the NMWCOS. When the NMWCOS voucher system is utilized the voucher shall be created at that time. When the voucher system is utilized the contract manager or his/her designee is required to approve the voucher in the system and is the only services personnel with security access to do so. Approval of the voucher fulfills the contract manager's signature requirement on documents. Youth payment of supportive services will be made directly by the youth provider in agreement with the youth contract scope of work (SOW). Payments issued should have documentation uploaded to participant files. For payments issued directly to participants, proof of receipt of payment, such as signed copy of the check, should also be uploaded to the electronic record.

(7) A SUPPORTIVE SERVICES MODIFICATION or a similar form is necessary when there are changes in payment amounts or duration.

(8) Provision of paid WIOA supportive services shall be limited to twelve months after the date of WIOA exit in accordance with federal regulation.

(9) Supportive services requests and payment forms will be the EAWDB supportive services forms or their subsequent replacements. EAWDB forms shall not be modified without prior authorization from EAWDB board staff.

(10) Service Providers are responsible for tracking participant attendance, time keeping and related duties as appropriate. Educational/training institutions receiving ITAs must perform time keeping, participant activity tracking and related duties for participants receiving supportive services. For OJT employers, the reimbursement negotiated in each contract includes time keeping, reporting and other

related duties as specified in the OJT contract. These timesheets will be used for reimbursement for supportive services.

(11) Payments are not allowed for:

- Titled or deeded items when recovery of the expense is anticipated. Examples include: Utility or housing deposits, mortgage payments, homeowner's insurance, property taxes, car payments, purchase of vehicles, fines and late fees;
- Expenses incurred prior to enrollment in a WIOA program;
- Business start-up costs;
- Membership Fees or;
- Monthly Internet or phone service bills except as noted below:

Supportive services funds may be used to purchase equipment or devices such as jetpacks or other hot spot devices to allow for participation in employment or training related activities. Hot spots or connectivity devices that allow for data to be purchased in limited, quantifiable amounts are preferred. Purchase of additional data must be supported by progress in activities assigned. Reimbursement for data charges on cell phones used as hot spots are allowable for up to 50% of the price of the data plan. However, individuals on a shared data plan will be reimbursed for up to 25% of the cost of the data plan so long as there is evidence in the file that the data plan was increased to accommodate employment or training activities. No monthly cell phone or internet bill from service providers will be allowed. All documentation for the services must be maintained in the participant's electronic file.

B. ADULT AND DISLOCATED WORKER SUPPORTIVE SERVICES

Supportive services available to adult and dislocated workers include but are not limited to services such as linkages to community services, legal aid services, reasonable accommodations for individuals with disabilities, transportation, child care, dependent care, housing, needs related payments, work clothing, tools and other reasonable expenses approved by contract manager or his/her designee that are necessary to enable an individual to participate in training and employment activities authorized under WIOA Title I. NOTE: Stipends and incentives are not allowable supportive services for adults and dislocated workers. The Career Coach (CC) must establish the need for the supportive service, include the need in the individual's employment plan. The CC must verify and document that the individual is not receiving assistance nor is eligible to receive assistance for support from any other source and include documentation in the electronic file and counseling record as detailed in sections 3 & 4 above.

The EAWDB requires adult/DW service providers to utilize the NMWCOS Voucher System for generation and approval of obligations as well as document transmittal and review of contracts. Therefore, in keeping with sound accounting principles, security access for voucher approval in the system is limited solely to the contract manager, his/her designee and the board's NMWCOS administrator (for corrections). The approval of the voucher by the contract manager or his/her designee shall therefore constitute approval of the service and obligation. The service provider contract manager may institute a more restrictive funding limit for this service.

Supportive Services for adults and dislocated workers are those services defined in WIOA, and may include but are not limited to services such as:

- linkages to community services;
- transportation;

- transportation purchases;
- childcare, dependent care;
- housing;
- Needs related payments
- Assistance with educational testing;
- Reasonable accommodations for individuals with disabilities;
- Legal aid services;
- Bicycles;
- Referrals to health care;
- Assistance with work attire, work related tool costs including such items as eyeglasses and protective eye gear;
- Assistance with car repairs to allow individuals to participate in work or training related activities not to exceed five hundred dollars (\$500.00) or the value of the car whichever is less (must have an invoice or receipt for actual services not an estimate);
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- Payments and fees for employment and training related applications, tests and certifications.
- Other reasonable expenses that are necessary

**Note: Automotive repair services must include documentation of ownership and value of the vehicle.

(1) Transportation, Commuting Assistance and Temporary Shelter

The EAWDB has established the following procedures for determining transportation, temporary shelter and commuting assistance consistent with state policy.

(a) Transportation assistance and commuting assistance

- i. Mileage Reimbursement – For individuals requiring assistance utilizing their personal vehicle. Transportation and commuting cost calculations will be based on the distance the participant is required to travel round trip from their residence to the training location.

Participants may be reimbursed at a rate of up to \$0.25 per mile based on map miles and payment must be supported by participant's attendance report. The service provider contract manager may institute a funding limit to this service.

- ii. Individual Rides

In cases where public transportation is not available or not feasible assistance may be provided in the form of Van Pool Expenses, Taxi, Uber or Lyft fares. This type of assistance for individuals enrolled in classroom training activities is limited to days attending training. For individuals participating in Work Experience, Transitional Jobs or On the Job Training (OJT) the full cost of transportation will be paid up to the time the first check is received. After that, the costs will be reimbursed based on receipts and timesheets at a maximum level of 50% or \$50.00 per week whichever is higher. Financial guidance and planning for permanent transportation solutions should be included in the participants service strategy.

This will be the EAWDB's primary transportation supportive service for participants not receiving any assistance from any other source. A Transportation and Child care support request form or its subsequent replacement must be completed and uploaded to the NMWCOS and the appropriate supportive service activity and voucher created.

(b) Temporary Housing Assistance

i. Emergency Short Term Housing Assistance

WIOA allows for supportive services payments in emergency situations related to housing or rental assistance so long as the participant's name is on the lease and lack of assistance would hinder the individual's participation or completion of authorized WIOA activities.

ii. Training Related Short term housing assistance

Short term housing assistance may be provided to individuals that are attending training more than 60 miles from their permanent residence. The amount paid to the participant shall not exceed the participant's balance of unmet need as reflected on the ITA cost sharing document.

Housing assistance requests must be submitted on the EAWDB Housing Supportive Service Request Form or its subsequent replacement form and the appropriate NMWCOS activity and voucher created.

(c) Exclusions

Housing assistance is subject to funding availability and shall not be provided to adults and dislocated workers when limited funding priority is in effect.

(2) Child Care

(a) Child Care reimbursement eligibility: Childcare assistance may be provided to eligible participants who require such assistance in order to participate in a WIOA activity and whose need has been documented in their ISS. Need is defined as total family income at or below 150% of the Lower Living Standard Income Level (LLSIL) for the program year. To qualify, participants must have legal responsibility or custody of the child(ren) twelve (12) years of age or younger (documentation of custody must be provided and maintained in the file), and documentation that other resources are not available (including family members) must be supplied. Child care assistance must be submitted on the EAWDB Transportation and Child Care support form or its subsequent replacement and the appropriate NMWCOS supportive service activity and voucher created.

Child Care assistance is subject to funding availability and shall not be provided to adults and dislocated workers when limited funding priority is in effect.

(b) Exclusion:

Child care payment shall not be authorized when the Individual:

- i. Is receiving 100% of needed child care payments from another Source (e.g. Children, Youth and Families or other local service provider, etc.), or
- ii. Is absent entirely or in part from his/her regularly scheduled training activity. This includes holidays, except in instances in which partial days of attendance in observance of a holiday or related events are approved or scheduled by the training provider.

(c) Child care reimbursements levels

Child care assistance is available for up to three (3) children. A maximum payment of up to ten dollars (\$10.00) per day per child and up to thirty dollars (\$30.00) per day of attendance per household is allowable. The total cost shall not exceed one hundred fifty dollars (150.00) per week. For all child care reimbursements, the participant must submit a paid receipt either bi-weekly or monthly or there must be a written agreement by the child care provider to bill WIOA directly for services. In the presence of partial funding from another source such as CYFD, WIOA will only pay the remaining balance. The service provider contract manager may institute a more restrictive funding limit for this service or a total prohibition of this service in the presence of limited funding.

CCs must verify and track the age and time limitations of the participant's child(ren).

Child care reimbursement shall be calculated based on the following:

i. Home child care

Individuals providing child care (other than family members) shall be eligible for a maximum payment of five dollars (\$5.00) per day per child up to fifteen dollars (\$15.00) per day and seventy-five dollars (\$75.00) per week.

ii Certified day care providers (certified home day care)

For children placed with a certified day care provider reimbursement will be paid seven dollars (\$7.00) per day per child up to a maximum of twenty-one dollars (\$21.00) per day and one hundred five dollars (\$105.00) per week.

iii Licensed Day Care Providers

For children placed with a certified day care provider the reimbursement amount will be up to ten dollars (\$10.00) per day per child up to a maximum of thirty dollars (\$30.00) per day and one hundred fifty (\$150.00) per week.

**A copy of the day care's certification or license shall be provided to the CC and maintained in the participant's file.

(3) Medical and Health Care Supportive Services. Minor medical and health care services that may be provided include but are not limited to:

- Physical examinations;
- Eye and/or ear examinations;
- Filling of eyeglass prescriptions;
- Purchase of hearing aids;
- Purchase of orthopedic devices; and
- Other minor medical or health care services not listed herein that are necessary for the individual to participate in the program. Contingent upon available funding, a one-time maximum of three hundred fifty (\$350.00) for minor health or medical-care service may be provided to participants enrolled in a WIOA funded training activity that requires such assistance in order to participate in the program. The participant must provide proof of need (statement from health care provider, medical practitioner or training provider). The

participant shall only be eligible for this assistance if he/she cannot obtain such services from other available resources (i.e. One-Stop partners, local community health care programs, etc.). The participant's inability to obtain the service from other sources must be provided and maintained in the participant's file by the CC *as outlined above*. The provider must agree to bill and accept payment for services from WIOA once services have been completed. The agreement must be documented in the participant file. Payment for services shall be made directly to the vendor or provider upon receipt of billing. For a participant to receive reimbursement for these services he/she must submit a paid invoice/receipt from the medical provider and the receipt must be submitted.

Medical assistance requests must be submitted on the EAWDB Housing and Medical Health Care form or its subsequent replacement and the appropriate NMWCOS supportive service activity and voucher created.

(4) Group Supportive Services. Group supportive services may supplement supportive services provided to the individual, but such services must not be duplicative of services already provided (either paid through WIOA or other sources). Group supportive services are limited to transportation, meals and lodging for the target groups to be served in a specially designed program or project as approved by the local board, consistent with the local plan and in accordance with applicable Procurement procedures. The cost for such services must be reasonable and necessary as verified by the Service Provider. The participant file must contain documentation to substantiate the need in the participant file.

(5) Needs–Related Payments. Needs-related payments provide financial assistance for the purpose of enabling individuals to participate in training and are one of the supportive services authorized by WIOA and are subject to funding availability. Needs Related Payment assistance is subject to funding availability and shall not be provided to adults and dislocated workers when limited funding priority is in effect. Eligibility requirements for adults and dislocated workers to receive needs-related assistance are as follows [§CFR 680.950-680.990];

(a) Adults must:

(i) Be unemployed and;

- Not qualify for, or have ceased qualifying for, unemployment compensation and
- Be enrolled in a program of training services as specified under WIOA

(b) Dislocated Workers must;

(i) Be unemployed, **and**

- have ceased to qualify for unemployment compensation or trade readjustment allowance under the Trade Adjustment Assistance Act (TAA) or the North American Free Trade Agreement (NAFTA)-TAA due to no fault of their own; **and:**
 - be enrolled in a program of training services as specified under WIOA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months;
- or,**

(ii) Or be unemployed and did not qualify for unemployment compensation or trade adjustment assistance under TAA or NAFTA-TAA.

(iii) Additional eligibility requirements – In addition to the requirements above a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive assistance under needs-related payments only if the worker was enrolled in the training services;

- by the end of the 13th week after the most recent layoff that resulted in a determination of the eligibility for dislocated worker employment and training activities; or
- if later, by the end of the 8th week after the worker was informed that a short-term layoff will exceed 6 months.

Note: Needs-related payments may be provided to a participant waiting to start training classes if the participant has been accepted to a training program that will begin within 30 calendar days. Documentation of acceptance and start date must be contained in the file.

(c) Determination of the level of needs-related payments §680.970

The level of needs related payments shall be determined as follows:

(i) WIOA states that for adults’ local boards shall establish the level of needs related payments. The EAWDB has established that the needs related payment level for adults and dislocated workers will be the same.

(ii) For dislocated workers, payments must not exceed the greater of either of the following levels:

- The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; **or**
- The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as determined by Local WDB policies. [WIOA sec. 134(e)(3)(C)] [CFR 680.970]. The EAWDB has determined that the adjustment will follow the UI guidelines of an additional \$25.00 per child per week for up to two children with maximum weekly adjustment of \$50.00.

(iii) Calculation

(a) Adults – For unemployed adults in need of and approved for needs related payments the HHS poverty guidelines for a family of 1 as published by NMDWS in the applicable program year (PY) Income table will be the base line. This figure will be divided by 52 weeks and adjusted by \$25.00 per week per child up to two dependent children under the age of 18. Documentation of dependent status and age must be obtained. The applicable income table must be maintained in the file.

Sample calculation from PY 16 income table: Jane is a single mother of 4 in training to be a nurse and is having trouble paying her rent while in school and will receive a needs related payment during PY 16.

HHS Poverty Guideline = \$11,880 / 52 weeks = \$ 228.46 + \$50.00 (2 children) = \$278.46 for the eligible needs related payment amount.

- (b) Dislocated Workers – Dislocated worker needs related payment amounts must not exceed the greater of either the weekly unemployment compensation amount or the HHS poverty level amount adjusted for family size as stated above. Therefore, CCs must obtain verification of UI payment amounts and calculate the eligible amount based on the applicable HHS poverty guideline following the instructions for the calculations for adults. The individual is eligible for up to the amount of the greater value of the two. The appropriate income table, the calculation and the UI verification must all be uploaded and maintained in the file.

Needs related Payments assistance must be submitted on the EAWDB Training and Employment Needs Related payment support form or its subsequent replacement and the appropriate NMWCOS supportive service activity and voucher created.

(6) Other Supportive Services: Supportive services not listed above may be paid to allow a participant to participate in training or employment services. Such items include but are not limited to:

- Uniforms, tools, or work attire for employment related activities;
- Legal aid services;
- Reasonable accommodations for individuals with disabilities;
- Safety equipment for employment related activities;
- Testing fees, including HSE testing and sitting fees;
- Fingerprinting for employment opportunities or licenses where it is required;
- Licensing fees;
- Assistance with car repairs to allow individuals to participate in work or training related activities not to exceed five hundred dollars (\$500.00) or the value of the car whichever is less (must have an invoice or receipt for actual services not an estimate); and
- In cases where no other means of transportation is available and employment and/or training activities are within a reasonable distance for bicycling (20 miles each way) then a bicycle can be purchased with support for need established in the plan,
- And training related needs not provided by the training provider including but not limited to: book rentals, tools not available through the training provider, tablets or laptops required for training, book purchases through sources other than the training provider and prerequisite drug screening for individuals accepted into a training program requiring drug testing.
- Internet accessibility equipment or devices
- Electronic equipment required by training providers for participation in activities such as occupational skills training, HSE or basic skills training etc. may be purchased through the training provider or their recommended source so long as the need is reflected by the training provider and included in the participant's plan.

Title I service providers may also purchase equipment for issue to customers for participation in other aspects of training such as workshop participation, leadership development, occupational exploration, online applications, testing etc. as needed. If so, the equipment issuance must be tracked and must be able to be disabled by the service provider (e.g. where's my iPad) or have software installed that allows for the equipment to become nonfunctional if lost or not returned. The issue tracking must include the: model number, serial number, issue date, and a signature from the participant acknowledging receipt of the equipment. Equipment purchased by the Title

I service provider is limited to \$500.00 per item. Upon successful completion of the program the equipment may be retained by the participant.

The request for approval of other supportive services must be submitted on the Request for Training and Employment related supportive services form or its subsequent replacement and the appropriate NMWCOS activity and voucher created.

****Note:** Automotive repair services must include documentation of ownership and value of the vehicle.

(7) Supportive Service Payments: The local board has adopted, as is, the supportive procedures referenced herein.

(1) Direct Payment to Participants.

The appropriate Supportive Services Request and Approval forms shall be used to authorize supportive services payments for participants enrolled in training. Documents are to be uploaded to NMWCOS and reviewed as part of the voucher approval process by the contract manager or designee. Supporting payment documentation e.g. timesheets, receipts, etc. must be uploaded prior to submitting a request for payment. Requests for payment are to be submitted to the board's Fiscal Agent (FA) through the NMWCOS with a notification email sent to payments@nmwcc.com. The FA will review the documents and process them for payment, then enter the payment along with the check number and date into the NMWCOS. Checks will then be sent to the offices for distribution to the customer. Documentation of receipt of payment by the participant such as a signed copy of the check shall be obtained, uploaded and maintained in the participant's electronic record.

(2) Payment to Vendors and Service Providers. For payment to supply vendors and providers of medical care, and other health care services, the vendor must agree to accept WIOA as payment. Payments to vendors or service providers may be made on a billed/invoiced basis and pre-paid. The check will be processed and returned to the office for payment to the vendor. Documentation of proof of receipt should be obtained, uploaded and maintained as part of the record.

For certain types of supportive services such as testing fees etc., the information on the type of fee, amount and date required will be obtained and a request processed to the FA for issuance of a check payable to the vendor for those fees. The check will then be processed by the FA paid against the voucher and sent to the CC for distribution to the customer. Documentation of receipt of the payment must be obtained from the vendor and uploaded to the NMWCOS. Otherwise these payments will be treated as reimbursements to the participant's and will follow the guidelines established in (1) above.

For services that will utilize pre-payment, the CC will create the Supportive Services contract and the Pre-Paid Participant Expenditure form (prepaid form). They will then submit a request to the Adult/DW Coordinator for review and approval of the documentation. Once approved, the signed forms, and supporting documentation is submitted as a single electronic file to the FA. The file is uploaded into the participants WCOS document file and case noted. The EAWDB FA is the only individual authorized to approve expenses charged to the EAWDB Pre-Paid Credit

Card. In his/her absence, the EAWDB Program Manager may approve charges. Once the documentation is reviewed and the FA has verified available funding, the FA will authorize the Adult/DW Coordinator permission to charge the expenditure to the credit card. Once charged, the receipt along with any other payment documentation will be uploaded to the participant's WCOS electronic file and emailed to the EAWDB FA and EAWDB Financial Manager for expenditure tracking.

Pre-paid expenses cannot be paid directly to individuals. Expenditures must be timely and necessary, and need be documented in the participants ISS/IEP Plan. The availability of the Pre-Paid Expenditure option does not guarantee approval of the expense. At no time, may an expense be charged without prior authorization from the FA. All documentation surrounding the transaction must be maintained in the participant's electronic file.

C. YOUTH SUPPORTIVE SERVICES

Supportive services available to youth are included below and must be reasonable expenses approved by contract manager or his/her designee that are necessary to enable an individual to participate in training and employment activities authorized under WIOA Title I The Career Coach (CC) must establish the need for the supportive service and include the need in the individuals' employment plan.

To prevent the duplication of costs and efforts, participants first must exhaust all related available services before WIOA supportive services will be authorized. The CC must verify and document that the individual is not receiving assistance nor eligible to receive assistance for support from any other source and include documentation in the electronic file and counseling record as detailed in sections [4(A)(3-4)]above. Case notes in the file shall include information on all efforts made to identify alternative funding sources, what referrals were made and what services are not available locally. All documents pertaining to supportive services must be maintained in the participant's file.

The EAWDB requires the youth services provider to utilize NMWCOS Voucher System for generation and approval of supportive service obligations as well as for document transmittal and review of contracts. Therefore, in keeping with sound accounting principles, security access for voucher approval in the system is limited solely to the contract manager, his/her designee and the board's NMWCOS administrator (for corrections purposes only). The approval of the voucher by the contract manager or his/her designee shall therefore constitute approval of the service and obligation.

Supportive Services for Youth are those services defined in WIOA, and may include but are not limited to services such as:

- linkages to community services;
- transportation;
- transportation purchases;
- child care, dependent care;
- housing;
- Needs related payments for youth 18-24;
- Assistance with educational testing;
- Reasonable accommodations for youth with disabilities;
- Legal aid services;
- Car Repairs;
- Bicycles;

- Referrals to health care;
- Assistance with work attire, work related tool costs including such items as eyeglasses and protective eye gear;
- Assistance with car repairs to allow individuals to participate in work or training related activities not to exceed five hundred dollars (\$500.00) or the value of the car whichever is less (must have an invoice or receipt for actual services not an estimate);
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- Payments and fees for employment and training related applications, tests and certifications.
- incentives, stipends, and other reasonable expenses approved by the contract manager or his/her designee that are necessary to enable an individual to participate in training and employment activities authorized under WIOA.
- Other reasonable expenses that are necessary

**Note: Automotive repair services must include documentation of ownership and value of the vehicle.

(1) Transportation, Commuting Assistance and Temporary Shelter

The EAWDB has established the following procedures for determining transportation, temporary shelter and commuting assistance consistent with state policy. The contract manager may institute a funding limit for this service.

(a) Transportation assistance and commuting assistance

Transportation and commuting cost calculations will be based on the distance the participant is required to travel round trip from their residence to the training location. Reimbursement will be based on map miles and must be supported by attendance records. The documentation of mileage must be maintained in the participant file

The CCs will calculate amount of support allowable based a reimbursement rate of \$0.25 per mile.

Bus passes can also be purchased on behalf of and issued to youth participating in training activities. Bus pass purchases must be supported by receipts for the purchase, signature by the youth for receipt of the pass and attendance records supporting usage.

(b) Individual Rides

In cases where public transportation is not available or not feasible assistance may be provided in the form of Van Pool Expenses, Taxi, Uber or Lyft fares. This type of assistance for individuals enrolled in classroom training activities it is limited to individuals with no alternative means of transportation and shall not exceed \$50.00 per week. For individuals participating in Work Experience, Transitional Jobs or On the Job Training (OJT) the full cost of transportation will be paid up to the time the first check is received. After that, the costs will be reimbursed based on receipts and timesheets at a maximum level of 50% or \$50.00 per week whichever is higher. Financial guidance and planning for permanent transportation solutions should be included in the participants service strategy with goals to achieve this prior to program exit.

This will be the EAWDB's primary transportation and commuting assistance supportive service process for youth participants not receiving any assistance from any other source.

(2) Temporary Housing Assistance

i. Emergency Short Term Housing Assistance

WIOA allows for supportive services payments in emergency situations related to housing or rental assistance so long as the participant's name is on the lease and lack of assistance would hinder the individual's participation in or completion of the authorized WIOA activities. The file must contain documentation of the need that substantiates how the situation would hinder the participant's ability to complete training and how the situation will be rectified and that resources are not available from another source. Housing assistance requests would be submitted on the EAWDB HOUSING SUPPORTIVE SERVICES REQUEST FORM or its subsequent replacement or similar form.

ii Training Related Short term housing assistance

Short term housing assistance may be provided to individuals that are attending training more than 60 miles from their permanent residence. The amount paid to the participant shall not exceed the participant's balance of unmet need.

(3) Child Care

(a) Child Care reimbursement eligibility: Childcare assistance may be provided to eligible participants who require such assistance to participate in a WIOA activity and whose need has been documented in their ISS. To qualify, participants must have legal responsibility or custody of the child(ren) twelve (12) years of age or younger (documentation of custody must be provided and maintained in the file) and must furnish documentation that other resources are not available (including family members).

(b)Exclusion:

Child care payment shall not be authorized when the Individual:

i. Is receiving 100% of needed child care payments from another Source (e.g. Children, Youth and Families or other local service provider, etc.), or

ii. Is absent entirely or in part from his/her regularly scheduled training activity. This includes holidays, except in instances in which partial days of attendance in observance of a holiday or related events are approved or scheduled by the training provider.

(c) Childcare reimbursements levels

Child care assistance is available for up to three (3) children. A maximum payment of up to ten dollars (\$10.00) per day per child and up to thirty dollars (\$30.00) per day of attendance per household is allowable. The total cost shall not exceed one hundred fifty dollars (150.00) per week. **For all child care reimbursement, the participant must submit a paid receipt either bi-weekly or monthly or there must be a written agreement by the child care provider to bill WIOA directly for service. In the presence of partial funding from another source WIOA will only pay the remaining balance. The contract manager may institute more restrictive funding limits for this service.**

CC's must verify and track the age and time limitations of the participant's child(ren).

Child care reimbursement shall be calculated based on the following:

i. Home child care

Individuals providing child care (other than family members) shall be eligible for a maximum payment of five dollars (\$5.00) per day per child up to fifteen dollars (\$15.00) per day and seventy-five dollars (\$75.00) per week.

ii. Certified day care providers (certified home day care)

For children placed with a certified day care provider reimbursement will be paid seven dollars (\$7.00) per day per child up to a maximum of twenty-one dollars (\$21.00) per day and one hundred five dollars (\$105.00) per week.

**A copy of the day care's certification must be submitted to the CC and maintained in the participant's file.

iii. Licensed Day Care Providers

For children placed with a certified day care provider the reimbursement amount will be up to ten dollars (\$10.00) per day per child up to a maximum of thirty dollars (\$30.00) per day and one hundred fifty (\$150.00) per week.

**A copy of the day care's license shall be provided to the CC and maintained in the participant's file.

(3) Medical and Health Care Supportive Services. Minor medical and health care services that may be provided include but are not limited to:

- Physical examinations;
- Eye and/or ear examinations;
- Filling of eyeglass prescriptions;
- Purchase of hearing aids;
- Purchase of orthopedic devices; and
- Other minor medical or health care services not listed herein that are necessary for the individual to participate in the program. Contingent upon available funding, a one-time maximum of three hundred fifty dollars (\$350.00) for minor health or medical-care service may be provided to participants enrolled in a WIOA funded training activity that require such assistance to participate in the program. The participant must provide proof of need (statement from health care or medical practitioner). The participant shall only be eligible for this assistance if he/she cannot obtain such services from other available resources (i.e. One-Stop partners, local community health care programs, etc.). The participant's inability to obtain the service from other sources must be provided and maintained in the participant's file by the CC. The provider must agree to bill and accept payment for services from WIOA once services have been completed. The agreement must be documented in the participant file. Payment for services shall be made directly to the vendor or provider upon receipt of billing. For a participant to receive reimbursement for these services he/she must submit a paid invoice/receipt from the medical provider must be submitted. The contract manager may institute a more restrictive funding limit for this service.

(4) Needs–Related Payments. Needs-related payments provide financial assistance for enabling individuals to participate in training and are one of the supportive services authorized by WIOA and are subject to funding availability. Needs Related Payment assistance is subject to funding availability and shall not be provided to adults and dislocated workers when funding is limited, and priority of service is in effect. Eligibility requirements for youth to receive needs-related assistance are as follows [§CFR 680.950-680.990];

(a) Youth **must** be 18-24 years old at participation, out of school and:

(i) Be unemployed and;

- Not qualify for, or have ceased qualifying for, unemployment compensation and
- Be enrolled in a program of training services as specified under WIOA

(b) Determination of the level of needs-related payments §680.970

The level of needs related payments shall be determined as follows:

(i) For youth participants, payments must not exceed the greater of either of the following levels:

- The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; **or**
- The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as determined by Local WDB policies. [WIOA sec. 134(e)(3)(C)] [CFR 680.970]. The EAWDB has determined that the adjustment will follow the UI guidelines of an additional \$25.00 per child per week up to two children for a maximum adjustment of \$50.00 per week.

(ii) Calculation – the calculation for the allowable amount of needs related payments to youth will follow the guidelines established for adults and dislocated workers in section [4(B)(5)(c.iii)] above.

(5) Group Supportive Services. Group supportive services may supplement supportive services provided to the individual, but such services must not be duplicative of services already provided (either paid through WIOA or other sources). Group supportive services are limited to safety equipment, work/training attire, transportation, meals and lodging for the target groups to be served in a specially designed program or project as approved by the local board, consistent with the local plan and in accordance with applicable RFP/Procurement procedures. The cost for such services must be reasonable and necessary as verified by the Service Provider. The participant file must contain documentation to substantiate the need in the participant file.

(6) Stipends: A stipend is a fixed and regular small payment such as an allowance made to a WIOA youth to encourage participation in certain activities. Reasonable stipends are allowable expenditures for work experience or other training activities for youth when the provision of stipend is included in the participant's individual service strategy. Only WIOA youth funds may be used to fund stipends and are subject to availability of funds. Such stipends are not considered income.

Service providers may pay stipends to participants for their successful participation in and completion of education or training services (except OJT). Stipends may not be less than the Federal or State minimum wage whichever is higher.

- (a) Strategies that provide for the use of the stipend: Stipends can be beneficial in allowing youth to participate in work experience activities that gain work readiness skills, occupational skills and basic skills. This affords the youth the means of providing some self-support while gaining necessary skills for the workforce.
- (b) Only WIOA youth participating in training activities such as tutoring, work readiness, employability training, WE, or classroom instruction are eligible for stipends. For example, youth attending tutoring to assist with the successful completion of training activities. Youth that possess a high level of basic skills could be trained to provide tutoring to other youth through and enrolled in a leadership development activity and could receive a stipend for provision of tutoring under the guidance of trained instructors.

The Comprehensive Youth Provider must develop a process for CCs to utilize, process and pay stipends. The process must be consistent and include direction on determining the appropriateness and need for the youth.

Stipends are paid based on time participating (hours worked/trained) in the activity and must include a time sheet signed by the employer/trainer, youth and CC. Documents must be maintained in the file for documentation of amounts paid to the youth. The use of stipends must be approved by the youth contract manager or designee. The NMWCOS voucher approval will constitute the approval use of stipends.

(7) Incentives: Incentives are compensation in the form of cash, checks, gift cards, and nonmonetary gifts or vouchers provided to a customer in exchange for meeting specific goals and outcomes. Incentives give youth providers opportunities to improve employment, training, and education outcomes and must be tied directly to work experience, performance, education or training. Incentives are not considered income but bonuses for meeting or exceeding employability or training goals that are established in the individual service strategy/employment plan. Eligible achievement incentives include but are not limited to:

- Attainment of HSE or its equivalent;
- Career pathway exploration activities when tied directly to a job shadow or work experience;
- Complete basic, work readiness, or occupational skill attainment goals when tied directly to a work experience;
- Completion of Post-test indicating a skill level gain for MSG;
- Obtainment of unsubsidized employment;
- Attainment of a post-secondary credential (certificate, diploma, degree or occupational license); and
- Youth mentorship that results in the mentee receiving an achievement incentive.

General provisions for Incentive Awards

- (a) Incentive awards may not include entertainment costs, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. [CFR 200.438] The

provider may leverage funds for incentives that WIOA cannot fund. Providers of youth services must also comply with additional requirements related to the internal controls [2 CFR 200.203] to safeguard cash which also apply to safeguarding of gift cards, which are essentially cash.

- (b) Incentives shall not exceed the established cap of \$1,500.00 total per individual over the participation period.
- (c) Providers of youth services have discretion in determining the actual award amount and whether it is in the form of cash or non-cash but must have written processes and procedures established to ensure equal application of incentives e.g. if the provider allows for incentives for High School Equivalency attainment then all youth that attain an HSE receive the incentive paid in equal amounts to all youth that achieve the goal for which the incentive is provided. The provider must submit incentive structure limits to EAWDB administrative staff for approval prior to implementation. The plan must be reviewed and submitted annually for each program year.
- (d) Support documentation for milestones receiving incentives must be maintained in the file and recorded appropriately.
- (e) Incentives may be awarded during the 12 months of follow-up period with supporting documentation.
- (f) Incentives can be paid to youth for peer mentoring milestones that result in mentees being engaged in achieving program milestones.

(8) Other Supportive Services: Supportive services not listed above may be paid to allow a participant to participate in training or employment services. Such items include but are not limited to:

- Uniforms, tools, equipment, or work attire for employment related activities;
- Safety equipment for employment related activities;
- Testing fees including GED/HSE sitting fees;
- Licensing fees;
- Fingerprinting fees for jobs that require it;
- Reasonable accommodations for individuals with disabilities;
- Legal aid services;
- Assistance with car repairs to allow individuals to participate in work or training related activities not to exceed five hundred dollars (\$500.00) or the value of the car whichever is less (must have an invoice or receipt for actual services not an estimate);
- In cases where no other means of transportation is available and employment and/or training activities are within a reasonable distance for bicycling (20 miles each way) then a bicycle can be purchased with support for need established in the plan, and
- And training related needs not provided by the training provider including but not limited to: book rentals, tools or *equipment not available through the training provider, book purchases through sources other than the training provider and prerequisite drug screening for individuals accepted into a training program requiring drug testing.
- Internet accessibility equipment or devices
- Electronic equipment required by training providers for participation in activities such as occupational skills training, HSE or basic skills training etc. may be purchased through the training provider or their recommended source so long as the need is reflected by the training provider and included in the participant's plan.

Title I service providers may also purchase equipment for issue to customers for participation in other aspects of training such as workshop participation, leadership development, occupational exploration, online applications, testing etc. as needed. If so, the equipment issuance must be

tracked and must be able to be disabled by the service provider (e.g. where's my iPad) or have software installed that allows for the equipment to become nonfunctional if lost or not returned. The issue tracking must include the: model number, serial number, issue date, and a signature from the participant acknowledging receipt of the equipment. Equipment purchased by the Title I service provider is limited to \$500.00 per item. Upon successful completion of the program the equipment may be retained by the participant.

The request for approval of other supportive services must be submitted on the Request for Training and Employment related supportive services form or its subsequent replacement and the appropriate NMWCOS activity and voucher created.

****Note:** Automotive repair services must include documentation of ownership and value of the vehicle.

(9) Payment of Supportive Services: For youth supportive services are paid directly by the youth provider and will follow the guidelines established below. All documents, payment and proof of receipt of payment as applicable must be maintained in the participant's electronic file.

(1) Direct Payment to Participants.

The appropriate Supportive Services Request and Approval forms shall be used to authorize supportive services payments for participants enrolled in the WIOA youth program. The Supportive Services Request and Approval form appropriate to the type of support being provided will be submitted to the Youth Contract Manager for approval. Supporting documentation e.g. timesheets, receipts etc. must accompany the payment information as part of the permanent file.

(2) Payment to Vendors and Service Providers.

For payment to vendors and providers of medical care, and services, the vendor must agree to accept WIOA as payment. A letter or other appropriate document verifying acceptance will be submitted to the youth contract manager with request for approval and maintained as part of the permanent record. The approval must take place prior to the receipt of goods or services. The check copy, purchase order, receipts, invoice, and any other pertinent documents will be maintained in the participants' case files.

Eastern Area Workforce Development Board

Workforce Innovation and Opportunity Act

TECHNICAL ASSISTANCE GUIDE (TAG)

2-17 Performance

Effective Date: July 1, 2017

Revision Number: 1

Revision Date: February 2021

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DEFINITIONS

Actual Results are the results reported for the local area by each office and sub-recipient based on participant data records.

Adjusted levels of performance are the negotiated levels of performance, after being revised at the end of the program year using the statistical adjustment model (SAM). The SAM is run to account for actual economic conditions and characteristics of participants served.

Full time student is defined as a post-secondary student enrolled in 12 hours per semester or enrolled in the number of hours recommended by the training institution for that program. Anyone taking less is considered a part time student.

Global Exclusion is a circumstance that prevents an individual from completing training and/or entering employment. Documentation of these circumstances and creating a “hard exit” and entering the exclusion removes the individual from performance calculations. The exclusion circumstance must occur during the time of participation (prior to exit) to be applicable. These documentable circumstances are:

- Institutionalization;
- Health/medical or family care;
- Reservist called to active duty; and
- Deceased.

Management Information System (MIS) is the data collection system for entry of participant information for the purposes of state and federal reporting. The state required data collection system is the New Mexico Workforce Connection Online System (NMWCOS).

Negotiated levels of Performance are the levels of performance for each primary indicator agreed to be the local board and the New Mexico Department of Workforce Solutions (NMDWS) as the WIOA State Administrative Entity (SAE). These negotiated levels of performance must be incorporated into sub-recipient contracts and must be met for continued funding. Failure to meet the negotiated levels of performance could result in sub-recipient corrective action planning or sanction.

Performance measures are the WIOA mandated indicators of performance. The reporting of the performance data to USDOL is a function of the SAE and is based on the participant record data contained in the MIS (NMWCOS). The required performance indicators for NM are:

- Employed in Q2;
- Employed in Q4;
- Median Earnings in Q2;
- Credential Attainment;
- Measurable Skills Gain; and
- Effectiveness in Serving Employers

Satisfactory progress is the amount of progress determined by the local board to be reasonable for substantiation of achievement of program goals for the recording of measurable skills gain for individuals enrolled in training activities (other than ITA Occupational Skills training). The requirements for substantiation and documentation of “satisfactory progress” are specified in this TAG in the area that corresponds to the appropriate training population.

Supplemental Data is a data source other than UI wage records to record performance information. An example of

supplemental data would be college enrollment information for a youth that is placed in post-secondary and is not employed. Supplemental data can also be utilized in certain circumstances for wage data in the absence of qualifying UI records. Examples where this might be needed include:

- Federal employees;
- Military employees;
- Employees of tribal business (in cases where they are not reporting to UI)
- Railroad employees; and
- Self-employed individuals

Statistical Adjustment Model (SAM), established by the USDOL, is an objective statistical model to be used to make adjustments in the state and local levels of performance for actual economic conditions and the characteristics of participants served at the end of the program year.

Performance quarters are determined based on the date of exit NOT CASE CLOSURE. The exit quarter is the calendar quarter in which the exit takes place. Q2 is the 2nd quarter following (not including) the exit quarter Q4 is the 4th quarter following (not including) the exit quarter. The yearly calendar quarters are:

- Jan-March
- April-June
- July-September
- October-December

Example: if an individual exits in February, Q2 is the period between July and September and Q4 is the period between January and March of the following calendar year.

PERFORMANCE MEASURES AND DATA CAPTURE

1. **Employed in Q2** is defined as the percentage of program participants who are in unsubsidized employment during the second quarter after exit.

This performance is primarily calculated utilizing the participants' social security number to locate the corresponding unemployment insurance (UI) wage information to determine if the individual is employed. When calculated this way no corresponding staff entry is required.

Special circumstances: In cases where individuals are working for railroads, certain native American business establishments or are self-employed, the reporting information for employment status must be obtained via supplemental data contained in the 2nd quarter follow-up. In this situation staff must obtain employment verification and enter it into the follow-up record. The verification source document must be uploaded to the NMWCOS documents section and linked to the verification. The follow up date must fall within the correct time frame to align with the 2nd quarter after exit.

For Title one youth, the indicator is participants in education, training activities or employment in the 2nd quarter after exit.

For youth that are employed (except as noted above for special circumstances) the data will be obtained via UI wage data as previously discussed. For youth in education or training activities in the 2nd quarter after exit the information is obtained based on information contained in the 2nd quarter follow-up records.

In this situation staff must obtain verification and enter it into the follow-up record. The verification source document must be uploaded to the NMWCOS documents section and linked to the verification. The follow up date must fall within the correct time frame to align with the 2nd quarter after exit.

It is allowable to utilize supplemental data to report employment related performance data when individuals are employed in one of the areas identified in the supplemental data definition above. The information must be recorded in the appropriate performance quarter for the appropriate timeframe. Allowable sources of supplemental wage data include tax documents, payroll records, and employer records such as:

- Copies of quarterly tax payment forms to the Internal Revenue Service, such as a Form 941 (Employer's Quarterly Tax Return);
- Copies of pay stubs (minimum of two pay stubs); or
- Signed letter or other information from employer on company letterhead attesting to an individual's employment status and earnings.
- Other supplemental wage records:
- Follow-up survey (self-reported) from program participants;
- Income earned from commission in sales or other similar positions;
- Detailed case notes verified by employer and signed by the counselor, if appropriate to the program; or
- Self-employment worksheets signed and attested to by program participants.

If utilizing supplemental data the appropriate documents must be obtained, uploaded to the WCOS system and the information entered into the appropriate follow-up quarter.

2. **Employed in Q4** is defined as the percentage of program participants who are in unsubsidized employment during the 4th quarter after exit. This performance is calculated utilizing the participants' social security number to locate the corresponding unemployment insurance (UI) wage information to determine if the individual is employed.

In cases where individuals are working for railroads, certain native American business establishments or are self-employed the employment status must be obtained via supplemental data contained in the 4th quarter follow-up follow-up record.

For title 1 youth the indicator is participants in education, training activities or employment in the 4th quarter after exit.

For youth that are employed the data will be obtained via the same methodology identified above. For youth in education or training activities in the 4th quarter after exit the information is obtained based on information contained in the 4th quarter follow-up records.

It is allowable to utilize supplemental data to report employment related performance data when individuals are employed in one of the areas identified in the supplemental data definition above. The information must be recorded in the appropriate performance quarter for the appropriate timeframe. Allowable sources of supplemental wage data include tax documents, payroll records, and employer records such as:

- Copies of quarterly tax payment forms to the Internal Revenue Service, such as a Form 941 (Employer's Quarterly Tax Return);
- Copies of pay stubs (minimum of two pay stubs); or
- Signed letter or other information from employer on company letterhead attesting to an individual's employment status and earnings.
- Other supplemental wage records:

- Follow-up survey (self-reported) from program participants;
- Income earned from commission in sales or other similar positions;
- Detailed case notes verified by employer and signed by the counselor, if appropriate to the program; or
- Self-employment worksheets signed and attested to by program participants.

If utilizing supplemental data, the appropriate documents must be obtained, uploaded to the WCOS system and the information entered into the appropriate follow-up quarter.

3. **Median Earnings Q2** is defined as the median earnings of program participants who are in unsubsidized employment during the second quarter after exit. It will be the “middle record” in the list of earnings. For example, if there are 27 individuals with Q2 earnings the median income will be individual #14. Individuals for which the MIS utilizes supplemental data from the follow up records are excluded from this measure.

This measure does not require staff entry for calculation or reporting.

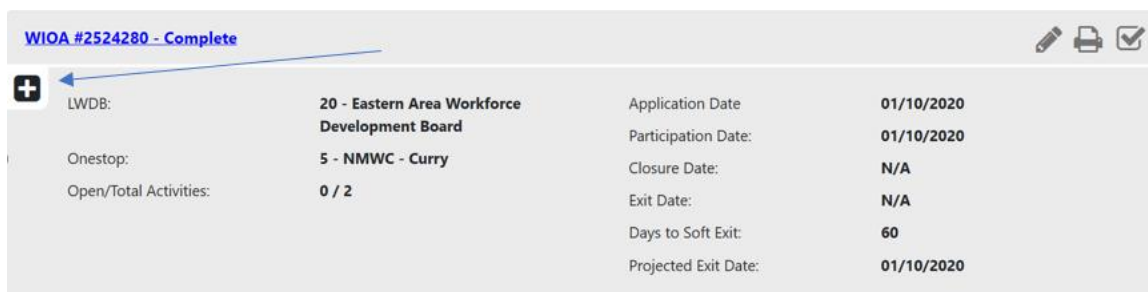
4. **Credential** is defined as the percentage of program participants who attain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation or within 1 year after exit from the program.

The performance reporting information for this measure is captured in the NMWCOS through direct entry by staff. This measure only needs to be entered once. There is no need to enter multiple credentials if the participant obtains more than one. The types of credentials recognized are:

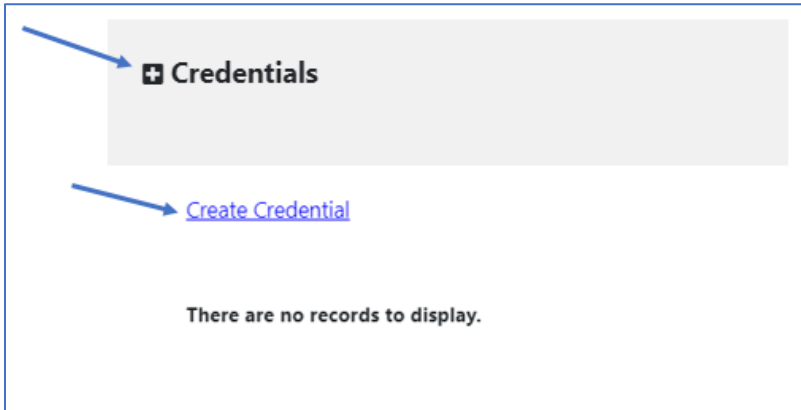
- A recognized degree or certificate;
- Certification or licensure; and
- A High school diploma or its equivalent

Entry processes and requirements

- A. Upload the credential document(s) to the participant’s documents page.
- B. From the participants’ NMWCOS file on the programs tab click the “+” next to the WIOA application.



C. Then scroll down and click the “+” next to credentials and click “Create Credential”.



D. Select the appropriate credential type from the drop down and click save.

A screenshot of a web form. The form is divided into two main sections: 'General Information' and 'Credential Information'.
General Information
Program: WIOA
Application Number: 2502082
Name: Colter, Andrea
Application Date: 8/5/2019
Program Participation Date: 8/5/2019
Exit Date: 12/13/2019
Maximum date to record after exit: 12/13/2020
* LWIA/Region: Eastern Area Workforce Development (dropdown)
* Office Location: None Selected (dropdown)
Credential Information
* Credential Received: None Selected (dropdown menu is open, showing options: None Selected, High School Diploma, Secondary / High School Equivalency, AA/AS Degree, BA/BS Degree, Occupational Skills License, Occupational Skills Certificate or Credential, Other Recognized Diploma, Degree, or Certificate (specify), Graduate/Post Graduate Degree, Occupational Certification)
Other Credential:
Credential Verification:
* Date Credential Received:
Associate to Training/Activity record:

E. Click “Verify” and click the appropriate type of credential verification, then enter the date the credential was received

Credential Information

* **Credential Received:**

Other Credential:

Credential Verification: [Verify](#) | [Scan](#) | [Upload](#) | [Link](#)

WIOA Credential Verification

School Records

Copy of Degree or Certificate

Other (Specify)

* **Date Credential Received:** (mm/dd/yyyy)

Associate to Training/Activity record: [Search Activities/Services](#)

- F. Link the verification document to the credential. Click “link” next to the verification as shown above. Enter the document tags and then select the verification document from the “Documents Available” section below the tags. Note: The document type should align with the credential type. For example if license is selected then the occupational skills license should be the document selected not a degree transcript. The document tags will follow the format below:

Last name, first name

SID

License, degree, Diploma etc. as appropriate

P-Credential

Document Information

Document Description:

* **Document Tags:** Do not enter Personal Identifiable Information (PII) into this field.
Keywords that will be indexed with this attachment.

Last name, First name
SID
License, degree, Diploma etc. as appropriate
P-Credential

Date Received:

Document Expires:

Documents Available

Listed below are the documents available on the selected Individual for linking. If you see a document that matches your specified criteria, choose it from the *Select* column below and click the *Link Document* button.


[Show Filter Options \(Showing all records\)](#)

Results View: [Summary](#) | [Detailed](#)
Click a column title to sort. View Thumbnails

[Top](#) | [Filter Criteria](#) | [Bottom](#)

Select	Document Name	Document Tags	Category	Modify Date	Expiration Date	Action

- G. Next tie the credential to the appropriate training activity. Click search activities below the credential received date and “select” the training activity that resulted in the credential, Click “Close” and click “Save”.

* Date Credential Received: (mm/dd/yyyy)  Today

Associate to Training/Activity record: [\[Search Activities/Services \]](#)

Activities List

Activity	Provider	Service/Course	Actual Begin Date	Projected End Date	Actual End Date	Completion Status	Action
167 – Support Services Vouchered - Training/Employment Related Expenses not included in ITA	New Mexico Workforce Connection Eastern Area	SS-Training related Expenses	11/08/2019	11/08/2019	11/08/2019	Successful Completion	Select
350 – TAA Occupational Skills Training	New Mexico State University - Carlsbad Eastern C14	Nursing (R.N. Training) AS Degree PROG 600	08/14/2019	12/13/2019	12/13/2019	Unsuccessful Completion	Select
205 – Development of individual employment plan	New Mexico Workforce Connection Eastern Area	Case Coordinated Svc. follow up counseling	08/05/2019	08/05/2019	08/05/2019	Successful Completion	Select
102 – Initial Assessment	New Mexico Workforce Connection Eastern Area	Case Coordinated Svc. follow up counseling	08/05/2019	08/05/2019	08/05/2019	Successful Completion	Select

[Close](#)

5. **Measurable skills gain** is documented academic, technical, occupational or other form of progress toward the credential or employment. It is calculated as the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skills gain (progress) toward such a credential or employment. This is to be measured for every program year that the participant receives services in.

There are five measures of documented progress:

- Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
- Documented attainment of a secondary school diploma or its recognized equivalent;
- Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is achieving the State unit’s academic standards;
- Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of 1 year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
- Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

In order to capture this information staff entry is required. The performance is calculated based on the participants’ progress as of June 30 regardless of when the participant enters training. Therefore, the data entry for this measure must be timely and accurate to ensure proper reporting. The information for customers

attending different training activities have varying data entry requirements. The scenarios and entry processes for each are specified below.

Post-Secondary Training

Satisfactory progress for post-secondary students is defined as the successful completion of 12 credit hours in a semester for full time students or 12 credit hours in a year for part time students. For cases in which less than 12 hours is recommended by the training institution and the student enrolls in WIOA services in a semester where there is insufficient time to obtain the required 12 hours, satisfactory progress is defined as a cumulative GPA of 2.5 or higher for the total training program course work (including pre-requisites) in combination with passing grades for the semester coursework. In this case documentation from the training provider that the student is taking the recommended course load must be uploaded with the transcripts for the verification documentation. Entry instructions are provided for 3 types of post-secondary trainees.

- Traditional full-time students;
- Students that attend short term occupational skills training not measured in semester hours e.g. CDL
- Part time students or students that are taking less than 12 hours at the recommendation of the training provider but can complete 12 credit hours prior to June 30; and
- Students that enroll in WIOA with an insufficient time frame to complete 12 credit hours of instruction before June 30th.

It is required that the measurable skills gain be entered for both fall and spring semester if applicable.

Entry processes and requirements

Traditional Full Time Students

- For the regular full time student upload the verification documents to the participant's electronic file. Then from the programs tab click the "+" next to the WIOA application. Next click the "+" next to Measurable skills gain then click create measurable skills gain.

WIOA #2524280 - Complete

LWDB:	20 - Eastern Area Workforce Development Board	Application Date:	01/10/2020
Onestop:	5 - NMWC - Curry	Participation Date:	01/10/2020
Open/Total Activities:	0 / 2	Closure Date:	N/A
		Exit Date:	N/A
		Days to Soft Exit:	60
		Projected Exit Date:	01/10/2020

Activities / Enrollments / Services

Measurable Skills Gain

[Create Measurable Skills Gain](#)

Please enter EFL gains in the Educational Functioning Level for Measureable

- ii. Next select the local correct local office and the following drop down selections:
 Skill type = Post-Secondary transcript/report card
 Date skill attained = the last date of the semester
 Type of achievement = Completed minimum of 12 credit hours in a semester and meets academic standards.

LWDB: Eastern Area Workforce Development Board

* Office Location: NMWC - Curry

Skill Attainment Information

Fill in the following information for the skill achievement. Program: Title I - Workforce Development (A)

* Skill Type: Post-Secondary Transcript/Report Card

* Date Skill Attained: 01/06/2021 Today

* Type of Achievement: Completed minimum of 12 credit hours in semester and m

[Verify | Scan | Upload | Link]

- iii. Next verify and link the documents by selecting “other applicable documentation and then typing report card or transcript (depending on which document was obtained) in the box. Then click “Link” to attach the documents to the verification.

iv.

Type of Achievement: Completed minimum of 12 credit hours in semester and m

[Verify | Scan | Upload | Link]

✓ Other Applicable Documentation, (specify)

Skills Gain Achievement Type Verification

Other Applicable Documentation, (specify)

Semester Transcript

Reset

- v. Then select the appropriate document from the available documents. The document tags will be as follows:
 Last name, first name
 SID
 Semester Transcript
 P-MSG

Document Association

Program: Title I - Workforce Development (WIOA)
Application: WIA Application #2524280; Application Date 1/10/2020
Verification Item: WIOA - Skills Gain Achievement Type Verification
Verification Type: Other Applicable Documentation, (specify)

Document Information

Document Description: School Records

*** Document Tags:** Do not enter Personal Identifiable Information (PII) into this field.
Keywords that will be indexed with this attachment.

Doe, Jane
123456
Semester Transcripts
P-MSG

Date Received:

Students that attend short term training not measured in credit hours or individuals that only receive assistance with exam or licensure needs.

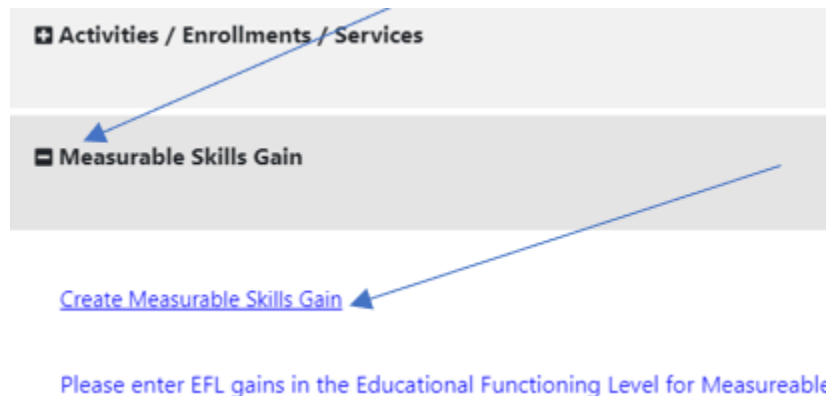
For students that are attending a licensure type training in a training environment that does not utilize a traditional credit hour training format or for participants that only receive assistance with licensure or certification follow the entry processes below.

- i. From the programs tab click the “+” symbol next to the WIOA application

WIOA #2524280 - Complete

+	LWDB:	20 - Eastern Area Workforce Development Board	Application Date:	01/10/2020
	Onestop:	5 - NMWC - Curry	Participation Date:	01/10/2020
	Open/Total Activities:	0 / 2	Closure Date:	N/A
			Exit Date:	N/A
			Days to Soft Exit:	60
			Projected Exit Date:	01/10/2020

- ii. Scroll down and click the “+” next to “Measurable skills gain then click “Create Measurable Skills Gain”.



iii. Select the appropriate Office, then select the dropdowns as follows:

under skill type = Skills Progression

date skill attained = the date the credential was obtain or licensure exam was passed

type of achievement = Successfully completed a required exam for a particular occupation.

Then the information must be verified or you will not receive credit for it. You will click verify and other applicable documentation and type licensure or certification as appropriate in the blank.

Then the information must be verified or you will not receive credit for it. You will click verify and enter the appropriate verification in the blank in the blank.

LWDB: Eastern Area Workforce Development Board

Office Location: NMWC - Curry

Skill Attainment Information

Fill in the following information for the skill achievement. **Program:** Title I - Workforc

Skill Type: Skills Progression

Date Skill Attained: Today

Type of Achievement: Successfully completed a required exam for a particular oc

[[Verify](#) | [Scan](#) | [Upload](#) | [Link](#)]

Other Applicable Documentation, (specify)

Skills Gain Achievement Type Verification

Other Applicable Documentation, (specify)

Licensure

Reset

iv. Next link the documents- You will upload the license, certification, or appropriate documentation and link that document to the verification.

Click Link by the Verify then save

The document tags follow the format below.

Last name, first name

SID

Certification/licensure

P-MSG

Document Description:

*** Document Tags:** Do not enter Personal Identifiable Information (PII) into this field.
Keywords that will be indexed with this attachment.

Date Received:

Document Expires:

Documents Available

Listed below are the documents available on the selected Individual for linking. If matches your specified criteria, choose it from the *Select* column below and click

[Show Filter Options \(Showing all records\)](#)

Results View: **Summary** | [Detailed](#)

Click a column title to sort.

[[Top](#) | [Filter Criteria](#) | [Bottom](#)]

Select	Document Name	Document Tags	Category	Modify Date
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Part time students or students that are taking less than 12 hours at the recommendation of the training provider but can complete 12 credit hours prior to June 30.

- i. For the part time student upload the verification documents to the participant's electronic file. Then from the programs tab click the "+" next to the WIOA application. Next click the "+" next to Measurable skills gain then click create measurable skills gain.

WIOA #2524280 - Complete ✎ 🖨 ☑

+	LWDB:	20 - Eastern Area Workforce Development Board	Application Date:	01/10/2020
	Onestop:	5 - NMWC - Curry	Participation Date:	01/10/2020
	Open/Total Activities:	0 / 2	Closure Date:	N/A
			Exit Date:	N/A
			Days to Soft Exit:	60
			Projected Exit Date:	01/10/2020



[Create Measurable Skills Gain](#)

Please enter EFL gains in the Educational Functioning Level for Measureable

- ii. Next select the local correct local office and the following drop down selections:
 Skill type = Post-Secondary transcript/report card
 Date skill attained = the last date of the semester
 Type of achievement = Part-time student and completed as least 12 credit hours over the course of 2 consecutive semesters (summer does not count) and meets academic standards.

- iii. Next verify and link the documents by selecting “other applicable documentation and then typing report card or transcript (depending on which document was obtained) in the box. Then click “Link” to attach the documents to the verification.

- iv. Then select the appropriate document from the available documents. The document tags will be as follows:
 Last name, first name
 SID
 Semester Transcript
 P-MSG

Document Association

Program: Title I - Workforce Development (WIOA)
Application: WIA Application #2524280; Application Date 1/10/2020
Verification Item: WIOA - Skills Gain Achievement Type Verification
Verification Type: Other Applicable Documentation, (specify)

Document Information

Document Description: School Records

*** Document Tags:** Do not enter Personal Identifiable Information (PII) into this field.
Keywords that will be indexed with this attachment.

Doe, Jane
123456
Semester Transcripts
P-MSG

Date Received:

Students that enroll in WIOA with an insufficient time frame to complete 12 credit hours of instruction before June 30th

- i. For the part time student upload the verification documents to the participant's electronic file. Then from the programs tab click the "+" next to the WIOA application. Next click the "+" next to Measurable skills gain then click create measurable skills gain.

WIOA #2524280 - Complete

LWDB:	20 - Eastern Area Workforce Development Board	Application Date:	01/10/2020
Onestop:	5 - NMWC - Curry	Participation Date:	01/10/2020
Open/Total Activities:	0 / 2	Closure Date:	N/A
		Exit Date:	N/A
		Days to Soft Exit:	60
		Projected Exit Date:	01/10/2020

Activities / Enrollments / Services

Measurable Skills Gain

[Create Measurable Skills Gain](#)

Please enter EFL gains in the Educational Functioning Level for Measurable

- ii. Next select the local correct local office and the following drop-down selections:
Skill type = Skills Progression
Date skill attained = the last date of the semester
Type of achievement = Other skills progression achievement

Skill Attainment Information

Fill in the following information for the skill achievement. **Program:** Title I - Workforce Development (WIOA)

* **Skill Type:** Skills Progression

* **Date Skill Attained:** 01/07/2021 Today

* **Type of Achievement:** Other skills progression achievement

Verify and link the documents by selecting “other applicable documentation and then typing report card or transcript (depending on which document was obtained) in the box. Then click “Link” to attach the documents to the verification and then save.

[Verify | Scan | Upload | Link]
✓ Other Applicable Documentation, (specify)

Skills Gain Achievement Type Verification

Other Applicable Documentation, (specify)

Reset

- iii. Then select the appropriate document from the available documents. The document tags will be as follows:
Last name, first name
SID
Semester Transcript
P-MSG

Document Association

Program: Title I - Workforce Development (WIOA)
Application: WIA Application #2524280; Application Date 1/10/2020
Verification Item: WIOA - Skills Gain Achievement Type Verification
Verification Type: Other Applicable Documentation, (specify)

Document Information

Document Description: School Records

* **Document Tags:** Do not enter Personal Identifiable Information (PII) into this field.
Keywords that will be indexed with this attachment.
Doe, Jane
123456
Semester Transcripts
P-MSG

Date Received:

On the Job Training

The requirements for entry of data for measurable skills gains for participants receiving OJT services fall under three categories; OJT participants that do not successfully complete training, OJT participants that complete training prior to June 30 of the program year and OJT participants that do not complete training prior to June 30 of the program year. The entry requirements and processes for each are described below.

Satisfactory progress for OJT trainees is defined as successful completion of the OJT or a progress report/evaluation that contains documentation signed by the employer that states the trainee is making satisfactory progress obtaining the skills outlined in the training plan.

Entry Processes and Requirements

OJT participants that do not successfully complete training

For participants that do not successfully complete the OJT training, the activity should be closed as unsuccessful utilizing the last date of attendance as the completion date. There is no entry required for measurable skills gain for this group of trainees.

OJT participants with contracts that complete training prior to June 30 of the program year.

The measurable skills gain performance indicator is calculated based on progress as of June 30 regardless of when the OJT begins. The completed OJT training plan progress reports signed off by the employer as having successfully completed training are required and must be linked to the entry.

- v. From the programs tab click the “+” symbol next to the WIOA application

WIOA #2524280 - Complete			
LWDB:	20 - Eastern Area Workforce Development Board	Application Date:	01/10/2020
Onestop:	5 - NMWC - Curry	Participation Date:	01/10/2020
Open/Total Activities:	0 / 2	Closure Date:	N/A
		Exit Date:	N/A
		Days to Soft Exit:	60
		Projected Exit Date:	01/10/2020

- vi. Scroll down and click the “+” next to “Measurable skills gain then click “Create Measurable Skills Gain”.

Activities / Enrollments / Services

Measurable Skills Gain

[Create Measurable Skills Gain](#)

Please enter EFL gains in the Educational Functioning Level for Measurable

- vii. Select the appropriate Office, then select the dropdowns as follows:
 - a. under skill type = Skills Progression
 - b. date skill attained = the completion date for the OJT training plan
 - c. type of achievement = Other skills progression achievement

- d. Then the information must be verified, or you will not receive credit for it. You will click verify and other applicable documentation and type OJT completion in the blank.

Then the information must be verified, or you will not receive credit for it. You will click verify and other applicable documentation and type OJT completion in the blank.

Skill Attainment Information

Fill in the following information for the skill achievement. **Program:** Title I - Workforce Development (W)

* **Skill Type:** Skills Progression

* **Date Skill Attained:** 01/07/2021 [Today](#)

* **Type of Achievement:** Other skills progression achievement

[Verify](#) | [Scan](#) | [Upload](#) | [Link](#) | Other Applicable Documentation. (specify)

Skills Gain Achievement Type Verification

Other Applicable Documentation. (specify)

[Reset](#)

- viii. Next link the documents- You will upload the Final Progress report and link that document to the verification.

Click Link by the Verify

The document tags will follow the normal format for the first 2 lines then the line will say OJT progress and the 4th line will show P-MSG. Then you will link the final progress report showing successful completion of the training plan. Then link the final progress report from the documents (See below)

* **Document Tags:** Do not enter Personal Identifiable Information (PII) into this field. Keywords that will be indexed with this attachment.

Doe, Jane
123456
OJT Progress
P-MSG

Date Received: 1/7/2021

Document Expires:

Documents Available

Listed below are the documents available on the selected Individual for linking. If you see a document that matches your specified criteria, choose it from the Select column below and click the Link Document button.

[Show Filter Options \(Showing all records\)](#)

Results View: [Summary](#) | [Detailed](#) View Thumbnail

Click a column title to sort. [Top](#) | [Filter Criteria](#) | [Bottom](#)

Select	Document Name	Document Tags	Category	Modify Date	Expiration Date	Action
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OJT participants with training contracts that are not completed prior to June 30 of the program year.

The measurable skills gain performance indicator is calculated based on progress as of June 30 regardless of when the OJT begins. Therefore, progress must be entered no later than July 29 for the June 30 training period and dated with the June 30 date. The OJT training plan progress reports signed off by the employer as achieving satisfactory training progress are required and must be linked to the entry. To enter the skills gain, follow the steps below. When the OJT is successfully completed the steps I – iv above must be completed to record completion for the measurable skills gain for the following program year.

- i. From the programs tab click the “+” symbol next to the WIOA application

WIOA #2524280 - Complete			
LWDB:	20 - Eastern Area Workforce Development Board	Application Date:	01/10/2020
Onestop:	5 - NMWC - Curry	Participation Date:	01/10/2020
Open/Total Activities:	0 / 2	Closure Date:	N/A
		Exit Date:	N/A
		Days to Soft Exit:	60
		Projected Exit Date:	01/10/2020

- ii. Scroll down and click the “+” next to “Measurable skills gain then click “Create Measurable Skills Gain”.

Activities / Enrollments / Services

Measurable Skills Gain

[Create Measurable Skills Gain](#)

Please enter EFL gains in the Educational Functioning Level for Measureabl

- iii. Select the appropriate office location and the from the drop down menus select:
Skill Type = Skills progression
Date skill attained = 06/30/YYYY (corresponding year)
Type of Achievement= Achieved satisfactory or better progress report toward an established OJT training milestone not previously recorded.
Then Verify the information selecting “other applicable documentation”
Then Type OJT progress

Skill Attainment Information

Fill in the following information for the skill achievement. **Program:** Title I - Workforce Development (WIOA)

* **Skill Type:** Training Milestone

* **Date Skill Attained:** 01/07/2021 Today

* **Type of Achievement:** Achieved satisfactory or better progress report towards an

* **Verify | Scan | Upload | Link**
 Other Applicable Documentation, (specify)

Skills Gain Achievement Type Verification
 Other Applicable Documentation, (specify)
 OJT Progress

[Reset](#)

- iv. Next link the documents
 Click Link by the Verify

The document tags will follow the normal format for the first 2 lines then the line will say OJT progress and the 4th line will show P-MSG. Then you will link the final progress report showing successful completion of the training plan. Then link the final progress report from the documents (See below)

* **Document Tags:** Do not enter Personal Identifiable Information (PII) into this field.
 Keywords that will be indexed with this attachment.

Doe, Jane
 123456
 OJT Progress
 P-MSG

Date Received: 1/7/2021

Document Expires:

Documents Available

Listed below are the documents available on the selected Individual for linking. If you see a document that matches your specified criteria, choose it from the *Select* column below and click the *Link Document* button.

[Show Filter Options \(Showing all records\)](#)

Results View: [Summary](#) | [Detailed](#) View Thumbnail

[Top](#) | [Filter Criteria](#) | [Bottom](#)

Select	Document Name	Document Tags	Category	Modify Date	Expiration Date	Action
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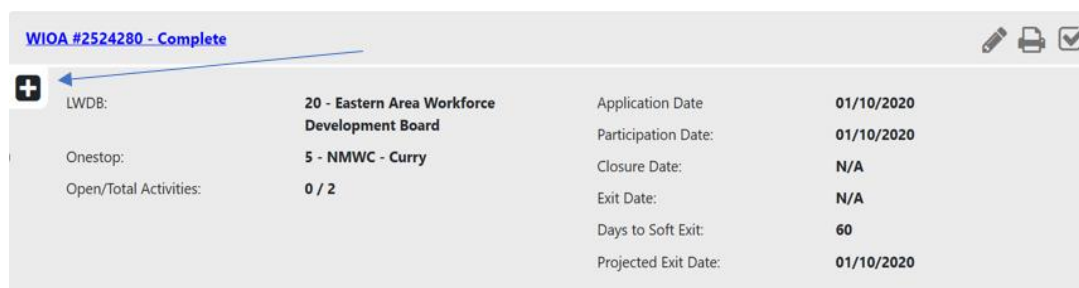
Youth or adults attending secondary school or adult education type training for basic skills instruction, GED or HSE.

For training in one of the areas above satisfactory progress is defined as:

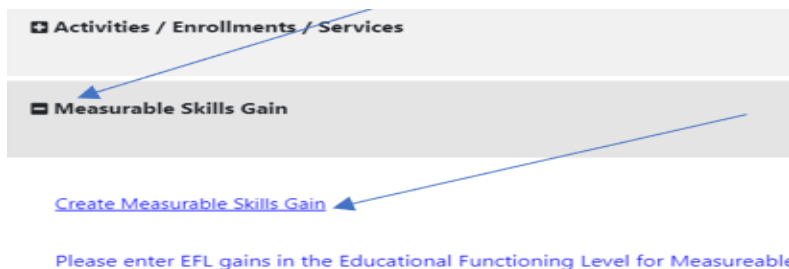
- Documented achievement of at least one educational functioning level (EFL);
- Documented attainment of a secondary school diploma or its equivalent (diploma);
- Secondary transcript or report card for a sufficient number of credits to show participant is achieving the State unit’s academic standards (report card) or (Transcript) as appropriate;
- Satisfactory or better progress report, towards established milestones, such as completion of 1 year of apprenticeship program or similar milestones from an employer or training provider who is providing training (progress report);
- Successful passage of a practice exam indicating the individual is prepared to undergo formal testing for certification (practice exam); and
- Documentation by an instructor or partner program that reflects satisfactory progress toward goals and milestones based on an internal progress assessment (internal assessment).

Entry Processes and Requirements

- Upload the verification document based on the list above to the participant’s NMWCOS file in the documents tab.
- From the programs tab click the “+” symbol next to the WIOA application



- Scroll down and click the “+” next to “Measurable skills gain then click “Create Measurable Skills Gain”.



Next select the appropriate office location. Then select the skill type, enter the date skill attained and the type of achievement in the appropriate fields. The “skill type” and “Type of Achievement” selected will depend on the type of progress being reported. Use the guidelines below to make your selections.

- For students attending secondary school (high school) select skill type as “Secondary transcript/report card and the type of achievement will be report card/transcript for one semester and meets academic standards.
- For students participating in apprenticeship training the skill type will be “Training Milestone” and the type of achievement will be “completed 1 year of registered apprenticeship”.

- c. For the individuals that fall under the remaining categories the skill type will be “Skills Progression” and the type of achievement will be “other skills progression achievement” then you will specify the documentation type.

The type of other applicable documentation used should be from the satisfactory progress definition above. The illustration provided below is for category C above.

Skill Attainment Information

Fill in the following information for the skill achievement. **Program:** Title I - Workforce Development (WIOA)

* **Skill Type:** Skills Progression

* **Date Skill Attained:** 01/07/2021 Today

* **Type of Achievement:** Other skills progression achievement

* [Verify](#) | [Scan](#) | [Upload](#) | [Link](#)

Other Applicable Documentation, (specify)

Skills Gain Achievement Type Verification

Other Applicable Documentation, (specify)

Practice Exam

[Reset](#)

- iv. Next click “Verify” and “Other Applicable Documentation” then type the verification document type in the box provided as shown above. The document name will be what is in parentheses at the end of the definition provided in “C” above.
- v. Next link the document by clicking “Link” as shown above and then click “select” next to the appropriate document from the available documents list and click “save”.

The document tags will follow the format identified below:

Last name, first name

SID

The name of the document that was used in the “other verification” box

P-MSG

*** Document Tags:** Do not enter Personal Identifiable Information (PII) into this field.
 Keywords that will be indexed with this attachment.

Doe, Jane
 123456
 Practice Test
 P-MSG

Date Received: 1/7/2021

Document Expires:

Documents Available

Listed below are the documents available on the selected Individual for linking. If you see a document that matches your specified criteria, choose it from the *Select* column below and click the *Link Document* button.

[Show Filter Options \(Showing all records\)](#)

Results View: **Summary** | [Detailed](#)

Click a column title to sort.

View Thumbnails

[[Top](#) | [Filter Criteria](#) | [Bottom](#)]

Select	Document Name	Document Tags	Category	Modify Date	Expiration Date	Action
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- Effectiveness in serving employers is calculated by the number or percentage of employers that are using the core program services out of all employers represented in the area. This information is captured at the state level and no staff entry is required.

EAWDB TAG 3 18 Electronic Records Attachment A

Categories for documents scanned into the Content Management system:

- E=Eligibility Documents
- O=Orientation/Grievance, Welcome forms and other supplemental information
- A=Assessment Information
- S=Supportive Service Documents
- I=Stipends/Incentives
- C=Credentials
- P-MSG=Measurable Skills Gain
- X=Exit Documentation
- C-ITA=Individual Training
- C-IWT=Incumbent Worker Training
- C-OJT=On the Job Training
- C-CT=Customized Training
- C-WE=Work Experience
- C-PVT=Pre-Vocational Training

Each bullet is one line of the document tag. Bullets are not used in the document tag. For example:

Doe, John
8656
Welcome Paperwork
Category

Eligibility Documentation

- Last Name, First Name
- State ID
- Eligibility Documentation
- E

Objective Assessment

- Last Name, First Name
- State ID
- Objective Assessment
- E

Age (Date of Birth):

- Last Name, First Name
- State ID
- Age
- E

Selective Service:

- Last Name, First Name
- State ID
- Selective Service
- E

Right to Work/Citizenship/Alien Registration:

- Last Name, First Name
- State ID
- Right to Work
- E

Social Security:

- Last Name, First Name
- State ID
- SSN
- E

Disability:

- Last Name, First Name
- State ID
- Disability
- E

Military Service:

- Last Name, First Name
- State ID
- Vet Status
- E

Military Disability Rating:

- Last Name, First Name
- State ID
- Vet Disability
- E

Migrant Seasonal Farmworker:

- Last Name, First Name
- State ID
- Migrant Seasonal Farmworker
- E

Employment Status:

- Last Name, First Name
- State ID
- Employment Status
- E

Layoff Reason:

- Last Name, First Name
- State ID
- Layoff
- E

Unemployment Compensation Status:

- Last Name, First Name
- State ID
- UI Status
- E

Highest Grade Completed:

- Last Name, First Name
- State ID
- Highest Grade
- E

School Status:

- Last Name, First Name
- State ID
- School Status
- E

Barrier:

- Last Name, First Name
- State ID
- Barrier
- E

Public Assistance:

- Last Name, First Name
- State ID
- Public Assistance
- E

5% Exception Documentation:

- Last Name, First Name
- State ID
- 5% Exception
- E

Family Size Documentation:

- Last Name, First Name
- State ID
- Family Size
- E

Income Verification:

- Last Name, First Name
- State ID
- Income Verification
- E

Release of Information/Grievance/Drug Policy Forms:

- Last Name, First Name
- State ID

- Welcome Paperwork
- O

Youth Mentoring

- Last Name, First Name
- State ID
- Mentoring
- O

Supplemental Information:

- Last Name, First Name
- State ID
- Supplemental Information
- O

RESEA Forms:

- Last Name, First Name
- State ID
- RESEA Forms
- O

Comprehensive Assessment Information:

- Last Name, First Name
- State ID
- Assessments
- A

Basic Skills Test:

- Last Name, First Name
- State ID
- BST
- A

Supportive Service Agreement Form:

- Last Name, First Name
- State ID
- Support Agreement, (type)(timeframe)
- S

Timesheets-Supportive Service:

- Last Name, First Name
- State ID
- Support, (type) timesheet, (timeframe)
- S

Documented Need for Supportive Services:

- Last Name, First Name
- State ID
- Supportive Service Documentation
- S

Documentation Payment-Supportive Services other:

- Last Name, First Name
- State ID
- Payment (type)
- S

Incentive SS Request Form:

- Last Name, First Name
- State ID
- Contract Incentive (type)
- I

Support Documentation for SS Incentive:

- Last Name, First Name
- State ID
- Support Documentation (type)
- I

Timesheets for Class Attendance Stipends/Incentives:

- Last Name, First Name
- State ID
- Timesheet
- I

SS Incentive Payment:

- Last Name, First Name
- State ID
- Payment Incentive (type)
- I

Credentials/Certificate Received:

- Last Name, First Name
- State ID
- Credential
- C

Measurable Skills Gain (full time or part time students):

- Last Name, First Name
- State ID
- Semester Transcripts
- P-MSG

Measurable Skills Gain (short term training students):

- Last Name, First Name
- State ID
- Certification
- P-MSG

Measurable Skills Gain (OJT):

- Last Name, First Name
- State ID
- OJT Progress
- P-MSG

Measurable Skills Gain (Youth in secondary school, Adult Education, for basic skills or HSE):

- Last Name, First Name
- State ID
- (Name of document used)
- P-MSG

Post Training Placement Information:

- Last Name, First Name
- State ID
- Placement Verification
- X

Hard Exit Documentation:

- Last Name, First Name
- State ID
- Exclusion Documentation
- X

ITA Contract:

- Last Name, First Name
- State ID
- ITA Contract (Semester Year)
- C-ITA

ITA Contract Modification

- Last Name, First Name
- State ID
- ITA Contract (Semester Year) – Modification
- C-ITA

ITA Payment

- Last Name, First Name
- State ID
- ITA Payment (Semester Year)
- C-ITA

Financial Claim Payment

- Last Name, First Name
- State ID
- ITA Contract – (Semester year) FCP
- C-ITA Payable

Proof of Pell/Scholarships/ Other Funds:

- Last Name, First Name

- State ID
- School Funds
- C-ITA

Progress Grade Information:

- Last Name, First Name
- State ID
- (Midterm/Final) Grades
- C-ITA

Incumbent Worker Training Contract:

- Last Name, First Name
- State ID
- IWT Contract
- C-IWT

Incumbent Worker Training Payment:

- Last Name, First Name
- State ID
- IWT Payment
- C-IWT

OJT Contract:

- Last Name, First Name
- State ID
- OJT Contract
- C-OJT

OJT Training Plan:

- Last name, First name
- State ID
- OJT Contract-Training plan
- C-OJT

OJT Pre-Award Checklist:

- Last Name, First Name
- State ID
- OJT Contract-Pre Award
- C-OJT

OJT Workers Comp Documentation:

- Last Name, First Name
- State ID
- Workers Comp
- C-OJT

OJT Individual Time and Performance Evaluations:

- Last Name, First Name
- State ID
- OJT Progress Report (timeframe)
- C-OJT

OJT Employer Payment:

- Last Name, First Name
- State ID
- OJT Payment (timeframe)
- C-OJT

Customized Training Contract:

- Last Name, First Name
- State ID
- Customized Training Contract
- C-CT

Work Experience Agreement:

- Last Name, First Name
- State ID
- Work Experience Agreement
- C-WE

Work Experience Agreement Modification:

- Last Name, First Name
- State ID
- WE Agreement Modification
- C-WE

Work Experience Progress Reports:

- Last Name, First Name
- State ID
- Progress Report (timeframe)
- C-WE

Work Experience Payment:

- Last Name, First Name
- State ID
- WE Payment (timeframe)
- C-WE

Work Readiness Agreement:

- Last Name, First Name
- State ID
- Work Readiness Agreement
- C-WE

Work Readiness Agreement Modification:

- Last Name, First Name
- State ID
- WR Agreement - Modification
- C-WE

Work Readiness Progress Report:

- Last Name, First Name
- State ID

- Progress Report (timeframe)
- C-WE

Work Readiness Payment:

- Last Name, First Name
- State ID
- WR Payment (timeframe)
- C-WE

Short Term/Pre-Vocational Training Contract:

- Last Name, First Name
- State ID
- PVT Contract
- C-PVT

Eastern Area Workforce Development Board

Workforce Innovation and Opportunity Act

Technical Assistance Guide - Referral Processes

Effective Date: 9/18/18

Revision Date: N/A

Revision Number: N/A

Revision effective Date: N/A

Contact Entity: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA), July 22, 2014: TEGL 4-15, TEGL 16-16, §108, §122, §134, §181 and §194; 2 CFR §200, et al, 20 CFR §80.760, §680.830 and §680.840.

1. PURPOSE:

To provide clarification for the Eastern Area Workforce Development Board (EAWDB) WIOA subrecipients regarding partner referral processes as implemented through the workforce delivery system and its partners.

2. BACKGROUND:

The vision of the WIOA Partnerships in American Job Centers (TEGL 4-15) is to:

- Connect all customers to a wide range of services available in their respective communities;
- Provide a seamless, customer-focused, integrated service delivery across all programs; and
- Enhance access to partner programs and the services they provide.

It further requires that a process for issuing and tracking of referrals. The EAWDB wants to ensure that businesses and job-seekers have access to information and services that lead to positive employment outcomes.

3. ACTION

Sound skills and practices are necessary for an effective referral. It is the vision of the EAWDB that individuals receiving services, particularly those with significant barriers to employment, would receive the broadest array of services possible to help them succeed and to increase positive performance outcomes for partners providing services. To provide the broadest array of services possible the system but include robust referral processes. Establishing those processes is the purpose of this guide. Staff making referrals must possess knowledge of partner services and basic eligibility requirements in order to issue effective referrals. WCC staff are required to cross train in the basic services and eligibility requirements of partner programs.

A. Partners

The partners that will be included in the issuing and tracking of referrals by Workforce Connection Center (WCC) offices include but are not limited to:

- WIOA Title I adult, dislocated workers and youth programs
- Title II Adult Education and Family Literacy (AEL)
- Title III Wagner-Peyser programs
- Title IV Vocational Rehabilitation (DVR)
- Title V Job Corps
- Unemployment Insurance
- Veterans programs
- Temporary Assistance to Needy Families (TANF)
- Aging and Long Term Care Programs
- Migrant Seasonal Farmworker Programs

B. When To Refer

When individuals access the WCC offices for services an initial assessment of their needs and abilities is required to be performed. Upon the completion of the initial assessment staff must make a determination if there are services being provided by a partner program that might benefit the customer. When it is determined that a participant might benefit from additional services that might be provided by a partner program then the choice of referral depends on the customer's needs, what arrangements, if any, have

been agreed to with the service to which the customer is to be referred. With the participants' agreement, the referrals are to be provided through direct connection to the partner the referral is being issued to. Whenever possible the office will work to schedule a participant appointment with the partner and provide copies of whatever transferrable paperwork is available (e.g. assessment information, eligibility documents etc.). The referral process should eliminate as much duplication on the part of the customer as possible.

C. Feedback and Follow Up

Referrals made by core partners should be made and case notes entered in the New Mexico Workforce Connection Online System (NMWCOS) reflecting the referrals made. When a referral is made, it is always useful to obtain customer feedback about the referral as well as feedback from the partner(s) to which referrals are made. A follow up call should be made to each to ensure the referral was effective and if not why. This information should also be case-noted in the NMWCOS.

D. Referral Processes

WIOA requires local boards to establish a process for the issuing and tracking of partner referrals. In response to this the EAWDB has developed a sharepoint platform with accessibility available to partners in each community. There are seven (7) office portals for the referral system (one for each WCC). Partners in the local community can have as many guest accounts as are requested. Each partner will be provided one paid account that is the main point of contact for the receipt of the referrals. The sharepoint system will send an email when the staff person is issued a referral notifying them that the referral has been made. It is the responsibility of the partners and local office staff to ensure the results of the referrals are entered and maintained.

1. Core Partner referral processes (internal referrals)

The core partners included in each of the WCC offices are Title 1 adult, dislocated worker and Youth services and Title III Wagner Peyser. It is expected that these referrals be tracked via activity code entered in the WCOS system. This includes referrals to and from Veteran Service Representatives (DVOPs and LVERs). Referrals will only be issued to veterans services once a significant barrier to employment has been established and verification of veteran status.

Eastern Area Workforce Development Board
Workforce Innovation and Opportunity Act
Technical Assistance Guide
Complaint and Grievance Processes

Effective Date: 10/1/16

Revision Date: 10/31/18

Revision Number: 2

Revision effective Date: 2/1/19

Contact Entity: Inquiries regarding this document should be directed to Administrative Staff of the EAWDB at (575)208-2210.

1. PURPOSE:

To provide clarification for the New Mexico Workforce Connection Center Staff on the processes for various types of complaints that may be received in the offices within Eastern Area Workforce Development Board (EAWDB) area.

2. BACKGROUND:

Historically there has been significant confusion on the various forms of staff complaints and how to process them and where to direct the complaint. The vision of the EAWDB for the offices within its region is that staff in the centers are provided the necessary information to process customer complaints in a timely, accurate and uniform manner. and to provide a resource that is accessible for staff in the event of staff turnover, absences and new employees.

3. DEFINITIONS

See EAWDB Policy 10-18 Complaint Procedures

4. ACTION

There are a variety of complaints that might be presented in any one of the Workforce Connection Centers. The various types of complaints are handled and processed differently. This document is to serve as a “rolled up” reference guide for the handling of the various complaint types.

A. COMPLAINT TYPES

- i. Equal Employment Opportunity (EEO)
This occurs when an individual believes they are being discriminated against based on their affiliation with one of the protected classes contained within the Equal Opportunities Act. The Act states that individuals may not be discriminated against based on:
 - Race
 - Color
 - Sex
 - National origin
 - Religion
 - Age
 - Disability
 - Genetic information
 - Political affiliation
 - Sexual orientation

- ii. Human Rights Complaints
This occurs when an individual feels they have been discriminated or retaliated against in the areas of employment, housing, credit or public accommodations.

- iii. Wage Claims/Complaints
This occurs when an individual is not being compensated by their employer in a manner consistent with Wage and Hour laws and the Fair Labor Standards Act (FLSA).

- iv. OSHA complaints – These are complaints regarding unsafe working conditions at the worksite.

- v. Local Level Complaints regarding customer service in the center, with Title 1 services, local board policies or regarding EEO discrimination by the local office or Title I programs. These are complaints that are filed against the local Workforce Connection Center, the local WIOA Title I provider and/or the Local board. These complaints may fall under the categories of a customer service complaint, complaints against local board policies or a local EEO discrimination complaint against the office, service provider or local board.
 - (a) Customer service complaint – Complaint against the WCC or the WIOA programs or policies operated in the center that allege non-criminal violation of local WIOA programs, agreements or the local board’s policies and activities. This occurs when a customer of one of the New Mexico Workforce Connection Centers files a complaint regarding the level or quality service(s) they received within the center or if they feel they have been non-criminally treated unfairly by a specific program offered within the center or by the local board policies and/or procedures.
 - (b) EEO complaints against the Workforce Connection Center (WCC) or local WIOA programs and/or policies –Complaints made on the basis of alleged discrimination against one of the protected classes covered under equal opportunity provisions. The protected classes include those listed at (A)(i) above.

B. COMPLAINT PROCESSES

- i. EEO Complaints against employers
 For this type of complaint, the complaint is logged and the form “One Stop Career Center complaint/Referral record”(or its subsequent replacement) is given to the individual to complete. Once completed the form is submitted to the Deming office to Nicky Casillas as the state advocate or subsequent designee following NMDWS protocols.
- ii. Human Rights Complaints
 Individuals who believe they have been discriminated or retaliated against in the areas of employment, housing, credit, and/or public accommodations may file a Human Rights Bureau discrimination inquiry. Jurisdiction for this type of complaint belongs to the Labor Relations Division Human Rights Bureau. To file an inquiry the individual must complete the appropriate human rights bureau discrimination inquiry form and return it to the New Mexico Human Rights Bureau by mail, fax, email or hand delivery to the appropriate bureau designee. For more information see the Human Rights Bureau guidance or contact the Human Rights Bureau of the Labor Relations Division at 505-827-6838.
- iii. Wage Claims/Complaints
 Staff in a Workforce Connection Center may be the first point of contact for individuals who wish to file wage claims. The specific processes for filing of wage claims may be found in NM DWS guidance letter 18-005. Local office site managers are required to ensure that all new staff in the centers, regardless of program affiliation, view the wage claim training. Upon completion of the training video a training acknowledgement form is signed by the staff member, a copy submitted to the appropriate NMDWS personnel and a copy maintained in a file within the local office.

The jurisdiction for this type of claim falls under the Labor Relations Division (LRD) in Albuquerque, Las Cruces or Santa Fe. The complaints may be filed either in person or by phone at the preference of the individual filing the complaint.

Office staff are not to answer questions regarding the status, validity or merit of a claim but refer the individual to the LRD at 505-841-4400. LRD staff will assist the claimant with questions.

Offices are required to:

- Provide a copy of a wage claim form in English or Spanish;
- Connect the individual with an LRD office to assist in completing a wage claim form by telephone;
- Provide individuals access to a telephone or computer for reasons related to a wage claim, e.g. to download information to support the claim;
- Fax wage-claim related documents from an individual to an LRD office;
- Host an LRD hearing or settlement conference, if space is available;
- Collect a check under limited circumstances described in section f of NMDWS guidance 18-005.

For more information on claim processes see NMDWS Guidance 18-005.

iv. OSHA complaints

The complaint is to be logged appropriately and they are to be provided the phone number to complain and access to a phone to file the complaint. The phone number to issue the complaint is 505-827-4230.

v. Local Level Complaints regarding customer service in the center, Title 1 services, local board policies or EEO discrimination by the local office or Title I programs. All complaints are to be logged appropriately and submitted to the appropriate oversight agency.

(a) Customer Service Complaint

Applicants, participants, service providers, recipients and other interested parties may file a complaint alleging non-criminal violation of local programs, agreements or local board policies and activities or state WIOA programs and policies.

The complaint must be filed within one year from the date of the event or condition that is alleged to be a violation of WIOA. The verbal complaint may be taken by the site manager, one stop operator, or local administrative staff. All complaints whether formal or informal must be logged appropriately.

It is the intent of the EAWDB that local office staff, site managers and the operator make every effort to resolve situations with disgruntled customers at the lowest level possible to the highest satisfaction level possible for the customer/complainant. A complaint is not considered a formal complaint until the complaint has been filed in writing in accordance with the processes stated below. When a complaint is resolved at the local level, the one stop operator or administrative level the complaint resolution is considered to be an informal resolution. If the complaint is elevated above the local board level for resolution it is considered to be a formal resolution.

A file on the complaint shall be established that contains all application and/or enrollment forms and documents if applicable, a chronological log of events, relevant correspondence and contact and records of all resolution efforts.

1. Informal complaint – this is a complaint that is made verbally against one of the situations described above. It is expected that a verbal complaint will be treated with the same intent to investigate and resolve the issue as a formal complaint. All efforts and attempts should be made to resolve the complaint informally to the satisfaction of all parties. This resolution process shall be completed within ten calendar days from the date of the complaint. If all parties are satisfied, the complaint is considered resolved. The individual may file a written complaint at any point before or during the informal process if he/she/they feel the informal resolution is unlikely or unsatisfactory. Then the complaint becomes a formal complaint.

The elevation chain for informal complaints is:

- Office site manager
- One stop operator – Ben Silvers, bsilvers@nmwcc.com, 575-208-2156 office, 530-200-5357 cell
- Local administrative staff – Beth Elias, belias@nmwcc.com, 575-208-2210 office, 915-479-5014 cell.

When a customer service complaint is made to a local WCC the individual should be referred to the site manager in the hope of a resolution. If the customer is not satisfied with the result of the meeting the individual is referred to the One Stop operator. If the site manager is not in the office the claimant should be given the option to come back and see the site manager, call or schedule an appointment with the site manager after the expected time of return or to immediately elevate the process to the One Stop Operator. When a complaint is elevated all the information in the file should be transferred to that individual as well.

Complainants may elevate the complaint from the local office to the one stop operator or administrative staff at any point. If the complainant chooses to elevate the claim out of the local office, the office must log the complaint and provide contact information for the operator and local administrative staff. Every effort should be made by the office to facilitate the contact if the complainant wishes. A suitable location in the office with adequate privacy provided for them to speak with the appropriate contact.

2. Formal Complaints – This is a complaint that is made in writing by an individual alleging a non-criminal violation of local WIOA programs, agreements, or the EAWDB’s policies and/or activities. The written complaint may be taken by the local office, one stop operator or administrative staff within 1 year of the event or condition that is alleged to be a violation. The complaint is to be logged and submitted to the appropriate individual following the elevation chain listed in (4)(a)(1) above. If the complaint alleges a violation of any statute, regulation, policy or program that is not governed by WIOA, the complaint will be referred to the local administrative staff contact for referral to the appropriate organization for resolution. Notice of the referral will be sent to the complainant.

The complaint must contain:

- The complainant’s name, mailing address, telephone number (if any), and email address if available;
- The identity of the respondent i.e. the individual or entity that the complainant alleges is responsible for the violation;
- A description of the allegations. This must include enough detail to allow the appropriate person to determine the appropriate jurisdiction for the complaint and whether the complaint, if true, would indicate a violation of the WIOA, local programs, agreements, or EAWDB’s policies and/or activities;
- The signature of the complainant or the complainant’s representative, and
- The date of the complaint.

Informal Resolution

As discussed in the informal complaint processes it is the expectation of the EAWDB that every effort be made to resolve the issue informally to the satisfaction of all parties. The informal process shall be completed within 10 calendar days of the filing of the complaint. If all parties are satisfied, the complaint is considered resolved. The terms of the resolution shall be documented in the complaint file.

Formal Resolution

When no informal resolution is possible, the local administrative entity, or one stop operator will forward the complaint and a copy of the file to the NMDWS WIOA administrator to review the complaint file, conduct a further investigation, if necessary, and issue a determination within twenty calendar days from the date the complaint was filed.

Appeal

Any party that is not satisfied with the formal resolution decision, or any party who has not received a determination or a formal resolution within 20 calendar days from the date the complaint was filed, may file an appeal. An appeal shall be filed with the department of workforce solutions within 90 calendar days from the date the complaint was originally filed.

The NMDWS WIOA administrator will review the record and issue a decision on appeal within 30 calendar days from the date the appeal was received by the state administrative entity.

Any party dissatisfied with the decision on appeal of the NMDWS WIOA administrator may request a hearing within 10 calendar days of the date of the decision. NMDWS will schedule the hearing and forward the complaint to the NMDWS hearing officer. The NMDWS WIOA administrator will monitor the processing of the complaint.

Hearing

The NMDWS hearing officer will schedule a formal hearing by written notice mailed to all interested parties at least seven calendar days prior to the hearing. The notice will include the date, time, and place of the hearing. The hearing shall be conducted within 45 calendar days from the date of the hearing request was filed. Parties may be represented by an attorney or another designated representative and may request that records and documents be produced. All testimony will be taken under oath or affirmation. The hearing will be recorded. The hearing officer's recommended resolution will include a summary of factual evidence given during the hearing and the conclusions upon which the recommendation is based.

Final decision

The NMDWS WIOA administrator will review the recommendation of the hearing officer and will issue a final decision within 60 calendar days from the date the of the hearing.

3. Program complaints against State WIOA programs and policies are claims alleging a non-criminal violation of statewide WIOA policies, activities or agreements

These complaints follow the same process as under number 2 above for complaints against local board policies. The complaints will be logged and submitted to the local administrative entity for submission to the NMDWS WIOA administrator for investigation and processing.

(b) EEO Complaints against the One Stop Center or workforce development system

This type of complaint occurs when an individual believes they are being discriminated against by the New Mexico Workforce Connection Center based on one of the protected classes.

WIOA prohibits discrimination on the basis of the categories listed above in (A)(i). Any person who believes that he or she, or any specific class of individuals, has been or is being subjected to discrimination or retaliation prohibited by WIOA or its implementing regulations may file a written complaint, either individually or through the EAWDB Compliance Coordinator. Reprisal or retaliation against any individual for making a complaint of unlawful discrimination or for using, cooperating, or participating in the complain process, including serving as a witness, is prohibited. Any person or persons engaging in retaliation are subject to disciplinary action, up to and including termination from employment. For a complete detail of

state policy regarding complaint processes refer to 11.2.21 NMAC. In the event of any discrepancy between this document and 11.2.21 NMAC, the NMAC will be the prevailing document.

For this type of complaint, the complaint should be logged, and the Equal Opportunity Complaint Form should be provided to the individual to complete. Once complete the complaint and the form should be submitted to Victoria Davis at the EAWDB's EEO officer at vdavis@nmwcc.com for a determination of jurisdiction. The board's EEO officer will contact the State WIOA EEO officer. At any time, the customer can elevate the complaint or file directly with the state or federal EEO office.

Time and place for filing an EEO complaint

- (1) Discrimination complaints shall be filed with a state or local administrative entity, service provider, one-stop operator, the state-level EO officer, a local area EO officer, or with the Director of the Civil Rights Center (CRC), USDOL, 200 Constitution Ave NW, Room N-4123, Washington, DC 20210.
- (2) Discrimination complaints shall be filed within 180 days of the alleged discrimination. However, a complainant may petition the director of the civil rights center for an extension of the filing time.
- (3) The date of filing of any discrimination complaint shall be:
 - (a) if the complaint is sent by mail, the postmark date on the envelope in which the complaint is mailed;
 - (b) if the complaint is sent via commercial courier service, the date on which the courier service records that it received the complaint;
 - (c) if the complaint is sent by fax, the transmittal date recorded on the complaint;
 - (d) if the complaint is sent via commercial courier service, the date on which the courier service records that it received the complaint;
 - (e) if the complaint is sent by electronic mail, the date that it is date stamped on the e-mail; or
 - (f) in the absence of any of the above, the date on which the complaint is received by the state or local administrative entity, service provider, one-stop operator, state-level EO officer, or local area

Each complaint must be in writing and follow the format in (v)(A)(2) above, logged and submitted directly to the local board EO officer for submission to the State EO officer. Once the complaint has been logged and submitted to the local EO officer, processes will follow guidelines issued in 11.2.21 NMAC.

For further information please see 11.2.21 NMAC