

**Nevada Department of Employment, Training and Rehabilitation  
(DETR)  
Workforce Innovation and Opportunity Act  
State Compliance Policy (SCP)**

**Policy Number: 1.8**

**Originating Office:** DETR; Workforce Investment Support Services (WISS)

**Subject:** WIOA Adult Programs Design, Career and Training Services

**Approved:** GWDB – July 21, 2016

**Purpose:** To provide program requirements for the Adult and Dislocated Worker (A/DW) programs. WIOA divides required employment and training activities provided by one-stop operators and one-stop partners into two categories: Career Services and Training Services. (WIOA Sec.134(c)2-3). Eligibility requirements for services in these categories are different and are indicated in this policy.

**State Imposed Requirements:** This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

**Authorities/References:**

Workforce Innovation and Opportunity Act (P.L. Sec. 113-128), NPRM 20 CFR 680-683, WIOA Sec. 134, TEGL 3-15,TEGL 39-11, TEN 17-15,  
Career Pathways Toolkit [https://www.doleta.gov/usworkforce/PDF/career\\_pathways\\_toolkit.pdf](https://www.doleta.gov/usworkforce/PDF/career_pathways_toolkit.pdf)  
NJCOS/MIS WIA/WIOA Data and Performance Desk Reference, TAG 15-3

**ACTION REQUIRED:**

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB Board members and any other concerned parties. Any local boards' policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

**Background:**

WIOA became law on July 22, 2014 and supersedes titles I and II of the Workforce Investment Act (WIA). The Department of Labor (DOL) and Education published a set of proposed regulations implementing WIOA. These are known as the Notice of Proposed Rulemaking (NPRMs).

The following SCP communicates the unaffected requirements, the proposed changes and state requirements in program service delivery. The policy includes procedure and content definition. Reference SCP 1.6 for Adult/Dislocated Worker participant eligibility and file content requirements.

The one-stop system is the basic delivery system for adult and dislocated worker services. Through this system, adults and dislocated workers can access a continuum of services. The Services are classified as career and training services. These services, tailored to the individual needs of

jobseekers, form the backbone of the one-stop delivery system. While some jobseekers may only need self-service or other basic career services like job listings, labor market information, labor exchange services or information about other services, some jobseekers will need services that are more comprehensive and tailored to their individual career needs. These services may include comprehensive skills assessments, career planning, and development of an individual employment plan that outlines the needs and goal of successful employment. Under WIA, career services were identified as core and intensive services and generally participants would go through each level of service in order to eventually receive training. WIOA clarifies that individuals receiving services in the one-stop centers must receive the service that is needed to assist the individual to meet his or her job search goals, and does not need to follow a fixed sequence of services that may not be necessary to effectively serve the individual. Training is made available to individuals after an interview, assessment or evaluation determines that the individual requires training to obtain employment or remain employed. Supportive services, including needs-related payments, can be essential to enable individuals to participate in career and training services.

### **Policy and Procedure:**

#### **Registration and Participation (CFR 680.110)**

- (a) Registration is the process for collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. Participation occurs after the registration process of collecting information to support an eligibility determination and begins when the individual receives a staff assisted WIOA service, which does not include self-service or informational activities.
- (b) Adults and dislocated workers who receive services funded under title I other than self-service or informational activities must be registered and must be a participant.
- (c) Employment Opportunity data must be collected on every individual who is interested in being considered for WIOA title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from the grant recipient or designated service provider.

#### **Individual Employment Plan (IEP) (WIOA Sec.134(c)(2)(A)(xii)(II), 680.180)**

The individual employment plan is an individualized career service that is jointly developed by the participant and case manager. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals. Local Boards must have written policy as to plan content, update and inclusion in the participant case file and as appropriate in the MIS system.

#### **Career Services (WIOA Sec. 134(c)(2), CFR 680.120-170, 680.220)**

Career Services must be provided through the one-stop delivery system. They may be provided by the one-stop operator or through contracts with service providers that are approved by the Local Board. Career Services are further classified into Basic and Individualized. **Basic Career Services** must be made available to all job seekers and include services such as labor exchange services, labor market information, job listings, and information on partner programs. **Individualized Services** are more comprehensive and tailored to meet the participants individual career needs. If deemed appropriate, these services may include comprehensive skills- assessments, career planning, and development of an individual employment plan that outlines the needs and goal of successful employment.

**Participant Eligibility for Career Services (CFR 680.120-130)** To be eligible to receive career services as an adult in the adult and dislocated programs, individuals must be eighteen years old or older and meet the General Eligibility Requirements to be a participant in the adult and dislocated worker programs. Additionally to be eligible for the dislocated worker program, an eligible adult must meet the criteria of 680.130 and the definition in WIOA sec. 3(15) and as defined in SCP 1.6. Reference Service Priority as addressed in this policy and defined in SCP 1.7.

**Required Career Services (CFR 680.220, WIOA Sec. 134(c)(2)(A))**

WIOA section 134(c)(2)(A) requires that local areas provide A/DW services that include, at a minimum:

***(Basic Career Service)***

- (i) determinations of whether the individuals are eligible to receive assistance under this subtitle;
- (ii) outreach, intake (which may include worker profiling and Re-employment Services system of unemployment insurance (UI) for claimants likely to exhaust UI benefits), and orientation to the information and other services available through the one-stop delivery system;
- (iii) initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;
- (iv) labor exchange services, including—
  - (I) job search and placement assistance and, in appropriate cases, career counseling, including—
    - (aa) provision of information on in-demand industry sectors and occupations; and
    - (bb) provision of information on nontraditional employment; and
  - (II) appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;
- (v) provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;
- (vi) provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—
  - (I) job vacancy listings in such labor market areas;
  - (II) information on job skills necessary to obtain the jobs described in sub-clause (I); and (III) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations; and
- (vii) provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth workforce investment activities described in section 123, providers of adult education described in title II, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation services described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(viii) provision of information, in formats that are usable by and understandable to one-stop center customers, regarding how the local area is performing on the local performance accountability measures described in section 116(c) and any additional performance information with respect to the one-stop delivery system in the local area;

(I) provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other supportive services and transportation provided through funds made available under such part, available in the local area; and

(II) referral to the services or assistance described in sub-clause (I), as appropriate;

(ix) provision of information and assistance regarding filing claims for unemployment compensation;

(x) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;

(xi) services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of—

***(Individualized Career Services)***

(i) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

(I) diagnostic testing and use of other assessment tools; and

(II) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

(ii) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;

(iii) group counseling;

(iv) individual counseling;

(v) career planning;

(vi) short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

(vii) internships and work experiences that are linked to careers;

(viii) workforce preparation activities;

(ix) financial literacy services, such as the activities described in section 129(b)(2)(D);

(x) out-of-area job search assistance and relocation assistance; or

(xi) English language acquisition and integrated education and training programs; and

***(Follow-Up Services)***

(i) follow-up services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

Note: When providing services under 134(c)(2)(A)(xii), priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

**Training Services (WIOA Sec. 134(c)(3), CFR 680.200-230)** are designed to increase participant access to training that equips the individual to enter the workforce and retain employment. These must be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which the participant adult receiving such services is willing to relocate. These services may include occupational training, including nontraditional employment, On-the-job (OJT), Incumbent worker training, programs that combine workplace training with related instruction to include cooperative education programs, private sector training programs, skill upgrade and retraining, entrepreneurial training, transitional jobs, job readiness training in combination with services listed above, adult education and literacy activities provided concurrently or in combination with other specified services, and customized training.

**A Program of Training Services (CFR 680.420)** is 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 skills gains toward such a credential or employment.

**Eligibility for Training Services: (WIOA Sec. 134(c)(3)(A)-(C), CFR 680.210-230)**

Under WIOA sec. 134(c)(3)(A) training services may be made available to employed and unemployed adults and dislocated workers who:

**(A) IN GENERAL.**

(i) **ELIGIBILITY.**—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

(I) who, after an interview, evaluation, or assessment, and career planning, have been determined

by a one-stop operator or one-stop partner, as appropriate, to—

(aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);

(bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and

(cc) have the skills and qualifications to successfully participate in the selected program of training services;

(II) who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;

(III) who meet the requirements of subparagraph (B); and

(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

(ii) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to mean an individual is required to receive career services prior to receiving training services.

**(B) QUALIFICATION.—**

(i) REQUIREMENT.—Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except as provided in clause (ii), provision of such training services shall be limited to individuals who—

(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); or

(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) REIMBURSEMENTS.—Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

(iii) CONSIDERATION.—In determining whether an individual requires assistance under clause (i)(II), a one-stop operator (or one-stop partner, where appropriate) may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs. Reference SCP 1.7.

**Training Provider Qualifications (WIOA Sec. 122, CFR 680.400-410)**

Training services shall be provided through providers identified in accordance with WIOA Sec. 122 and CFR 680.400. An individual who has been determined eligible for training services may select a provider from the State Eligible Provider List (ETPL) after consultation with a case manager and must be provided in a manner to maximize customer choice. Reference SCP 1.12 and 1.13. Unless the program has exhausted funds for the program year, the Service Provider must refer the individual to the selected training provider, and establish an Individual Training Account (ITA) or Contract for Service (CFR680.320) for the individual to pay for the selected course of training.

Note: Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of the Eligible Training Provider List.(WIOA Sec. 122 (h)(1),CFR 680.410).

**Training Services (WIOA Sec. 134(c)(3)(D)) may include—**

- (i) occupational skills training, including training for nontraditional employment;(reference SCP 1.12)
- (ii) on-the-job training; (reference SCP1.14)
- (iii) incumbent worker training in accordance with subsection (d)(4); (reference SCP 1.19)
- (iv) programs that combine workplace training with related instruction, which may include cooperative education programs;
- (v) training programs operated by the private sector;
- (vi) skill upgrading and retraining;
- (vii) entrepreneurial training;
- (viii) transitional jobs in accordance with subsection (d)(5); (reference SCP 1.19)
- (ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);
- (x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and
- (xi) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training. (reference SCP 1.14)

Note: The case file must contain a determination of need for training services under §680.210 as determined through the interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information, or through any other career service received. There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the local board must document the circumstances that justified its determination to provide training without first providing the services described in paragraph (a) of CFR 680.220.

**Additional Services: (WIOA Sec. 134(d), CFR 680.140)**

**(1) IN GENERAL.—**

(A) **ACTIVITIES.**—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved

(and through collaboration with the local board, for the purpose of the activities described in clauses (vii) and (ix))—

- (i) customized screening and referral of qualified participants in training services described in subsection (c)(3) to employers;
- (ii) customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis;
- (iii) implementation of a pay-for-performance contract strategy for training services, for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under paragraph (2) or (3) of section 133(b);
- (iv) customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for such populations;
- (v) technical assistance for one-stop operators, OneStop partners, and eligible

providers of training services, regarding the provision of services to individuals with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures;

(vi) employment and training activities provided in coordination with—

(I) child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(II) child support services, and assistance, provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(III) cooperative extension programs carried out by the Department of Agriculture; and (IV) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

(vii) activities—

(I) to improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;

(II) to improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through services described in this section; and (III) to strengthen linkages between the OneStop delivery system and unemployment insurance programs;

(viii) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

(ix) activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, consistent with the local plan under section 108, which services—

(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and

(II) may include—

(aa) developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);

(bb) developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and

workers;

(cc) assistance to area employers in managing reductions in force in coordination with rapid response activities provided under subsection (a)(2)(A) and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use of feasibility studies to assess the needs of and options for at-risk firms, and the delivery of employment and training activities to address risk factors; and

(dd) the marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers; (x) activities to adjust the economic self-sufficiency standards referred to in subsection (a)(3)(A)(xii) for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xi) improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a); and

(xii) implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.

## **Definitions**

### **Career Pathways (Career Pathway Toolkit)**

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

(i) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(ii) 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;

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

(ix) 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;

(x) 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;

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

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

**Case Management** (TEN 17-15, Career Pathways Tool Kit)

Case Management is an overarching process that may directly arrange for or provide services that allow a learner to participate and complete a program of study. Case management is more a process than a service and typically includes non-instructional activities such as navigation to and arrangements for academic, career or personal counseling, financial aid, childcare, housing, and other financial assistance that can be critical to the success and continued engagement of the individual in pursuing their career pathway component.

**Concurrent Enrollment** (CFR 681.430 (a)-(b))

(a) individuals who meet the respective program eligibility requirements may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. Local program operators may determine, for these individuals, the appropriate level and balance of services under the youth and adult programs.

(b) Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult programs concurrently, and ensure no duplication of services.

And per Local Board policy. File and MIS documentation must communicate all pertinent information thoroughly and concisely.

**Consumer Choice** (WIOA Sec. 134(c)(3)(F), CFR 680.340): Training services shall be provided in a manner that maximizes customer choice in the selection of an eligible provider of such services.

**Customized Training** (WIOA 3(14), CFR 680.760-770)

Customized training is training:

(a) That is designed to meet the special requirements of an employer(including a group of employers);

(b) That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

(c) For which the employer pays for a significant cost of the training, as determined by the Local Board in accordance with the factors identified in WIOA sec. 3(14).

Reference SCP 1.14.

**Data Collection/Recordkeeping** (CFR 683.220)

All information required by federal, state, and local reporting requirements must be collected for each participant, including documentation of each eligibility piece, employment authorization, those required by DOL's Data Element Validation (DEV), forms identifying participation/costs toward the individual's training, support services or incentive payments and as required for the types of service the individual has received. Each item data point must be clearly defined in case notes/MIS Comments. Reference State Compliance Policy (SCP) 1.6, 5.4, Data and Performance Desk Reference and Local Board procedures for Record Retention Requirements

Note: Local boards are required to establish written policy for data collection and handling to ensure the quality and integrity of data over time. This includes standards for data verification, data

validation and data security. The purpose is to ensure resulting electronic databases, participant files and reports are certifiably accurate up to and including participant exit and through all storage requirements.

**Data Element Validation Requirements (DEV) (CFR 677.240)**

Data element validation ensures that the data elements in participant records used to calculate aggregate reports are accurate by reviewing samples of participant records against source documentation to ensure compliance with federal definitions. DEV requirements are communicated through issuance of Department of Labor's Employment and Training Administration Advisory System in Training and Employment Guidance Letters (TEGL's).

**Follow-Up Services (WIOA 134 (c)(2)(A)(xiii), CFR 680.150)**

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

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

**Incumbent Worker (WIOA 134 (d)(4), CFR 680.780-820)**

To qualify as an incumbent worker, the incumbent worker needs to be employed, meet the Fair Labor Standards Act requirements for an employer-employee relationship, and have an established employment history with the employer for 6 months or more. The training must satisfy the requirements in WIOA sec. 134(d)(4) and § 680.790 and increase the competitiveness of the employee or employer. An incumbent worker does not necessarily have to meet the eligibility requirements for career and training services for adults and dislocated workers under this Act. Reference SCP 1.19.

Note: Local Boards must have written policy, approved by their Board defining eligibility of a participant and employer.

**Indicators Relating to Credential (WIOA Sec. 116(b)(2)(iii))**

For purposes of clause (III), with respect to clause (IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participation, in addition to obtaining such diploma or it's

recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.

Note: Obtainment of Credential must be noted in case notes/MIS Comments and entered into the MIS as indicated in Data Performance Desk Reference. DEV requires dates of obtainment to **match** from file to MIS month/day/year.

**Initial Assessment (WIOA Sec. 134(b)(2)(A))**

Initial assessment of skill levels, including literacy, numeracy, and English language proficiency, aptitudes, abilities, including skills gaps, and assessment of supportive service needs. Reference TAG 15-3 Attachment A. Attachment A appears at the end of this SCP for ease.

**Integrated Education and Training (Career Pathways Toolkit)**

The term “integrated education and training” means a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

The articulated career pathway should include short-, moderate-, and long-term training and education programs to match the availability of different students (especially working learners and those balancing adult responsibilities) and include multi-level employment opportunities at different points of certificate or degree attainment.

**Internship/Work Experience (WIOA 134(c)(2)(A)(VII), CFR 680.170)**

For the purposes of WIOA sec. 134(c)(2)(A)(xii)(VII), internships or work experiences (WEX) are a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

Note: Local Boards must have written policy to detail the Intern/WEX process to include that of a fully executed contract, progress reports, financial activities, file and MIS content and must have these available at time of program monitoring.

**Linkage to Occupation in Demand (WIOA Sec. 134(c)(3)(G)(iii):** Training services provided must be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which a dislocated worker receiving such services is willing to relocate, except that a local board may approve training series for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area. (Reference SCP 1.11)

**Needs Related Payments (WIOA Sec. 134(d)(3), CFR 680.930-970)**

Needs related payments are financial assistance paid to a participant for the purpose of enabling the individual to participate in training. Needs-related payments are a type of supportive service that

provides direct financial payments to a participant, and unlike other supportive services, the participant must be enrolled in training to receive needs related payments. Reference SCP 1.15 for participant eligibility, documentation and policy requirements.

Note: Local Boards must have written policy to detail the Needs Related Payment process to include that of a fully executed contract, progress reports, financial activities, file and MIS content and must have these available at time of program monitoring.

### **On-the-Job Training (OJT) (WIOA 3-(44), TEGL 3-15)**

OJT continues to be a key method of delivering training services to adults and dislocated workers. WIOA provides for States and local Areas to provide up to 50 percent of the wage rate of the participant to employers for the costs of training while the participant is in the program. Additionally, State and local areas have the flexibility under WIOA to increase the reimbursement level to up to 75 percent. Reference SCP 1.14.

Note: Additionally, State and local areas have the flexibility under WIOA to increase the reimbursement level to up to 75 percent taking into account the following factors:

- The characteristics of the participants (e.g. length of unemployment, current skill level, and barriers to employment);
- The size of the employer (e.g. small and medium-sized business often have more barriers to participation at lower reimbursement rates);
- The quality of employer-provided training and advancement opportunities; and
- Other factors the State or local boards may determine appropriate (e.g. the number of employees participating in the training, wage and benefit levels of the employees (both pre and post participation earnings), and relation of the training to the competitiveness of the participant).

Local Boards must have written policy to detail the OJT process to include that of a fully executed contract, job description, progress reports, financial activities, file and MIS content.

### **Pay for Performance (WIOA 3(47), TEGL 3-15)**

If the Local Board determines a pay for performance contract is the most effective means of providing training services (note that no more than 10% of the local funds may be spent on these service contract strategies as defined in WIOA 3(47)).

### **Priority of Service (WIOA Sec. 134(c)(3)(E), TEGL 3-15)**

With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services.

TEGL 3-15 further defines that when programs are statutorily required to provide for a particular group of individuals, such as the WIOA priority, priority must be provided in the following order:

- (i) First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
- (ii) Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.

- (iii) Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
  - (iv) Last, to non-covered persons outside the groups given priority under WIOA.
- Reference SCP 1.7 Priority of Service and SCP 1.18 Priority of Service to Veterans.

### **Rapid Response WIOA 134(a)(2)(A), CFR 682.300-310**

- (i) Rapid response activities must be carried out by the State or an entity designated by the State, in conjunction with the Local Boards, chief elected officials, and other stakeholders, as provided by WIOA secs. 133(a)(2) and 134(a)(2)(A);
- (ii) States must establish and maintain a rapid response unit to carry out statewide rapid response activities and to oversee rapid response activities undertaken by a designated State entity, Local Board, or the chief elected officials for affected local areas, as provided under WIOA sec. 134(a)(2)(A)(i)(I).

### **Reporting Requirements (CFR 683.300)**

The WIOA Participant Individual Record Layout (PIRL), formally known as the WIASRD, provides standardized set of data elements, definitions, and reporting instructions that will be used to describe the characteristics, activities, and outcomes of WIOA participants. States and local areas will be required to collect participant information that corresponds with the data elements and descriptions delineated within the PIRL. Once collected, the information will then be aggregated according to the conditions outlined in the WIOA Data Element Specifications. This document details the common data elements and technical specifications necessary for calculation of the State and Local Area performance report elements and will be used in reporting across all core programs.

### **Service Plan Dates**

*Service Start* and *Planned End Date* entries are not meant to be a place holder in order to prevent the participant from exiting the system due to non-activity. Services must be entered and closed as the service is provided in order for DOL reporting methods to work correctly. Extending Service dates are only used should the service activity need to be extended such as if the participant failed to meet the training requirements and needs extra time with the training provider. Case notes/MIS Comments must substantiate the service type and length. Service types must align with the chart provided in Attachment A of this document and must not exceed ninety days (90) excluding only those identified as **Training**. Should the participant/case manager fail to participate/provide services during the 90 day period, the individual will exit back to the last provided service and from the program unless re-engagement happens within in this period. Reference TAG 15-3.

### **Supportive Services (WIOA Sec. 134 (d)(2), CFR 680.900-970, TEGL 3-15, TAG 15-3, 2CFR 200)**

Supportive services for adults and dislocated workers are defined at WIOA sec. 3(59) and secs. 134(d)(2) and (3). They include, but are not limited to, services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIOA secs. 134(c)(2) and (3). Local Boards must have written policy identifying approved support services, state and regulatory requirements and defined caps, if any, for each instance. Reference SCP 1.15 and TAG 15-3. for participant eligibility, documentation and policy requirements. Reference 2 CFR 200 for support service limitations.

### **Transitional Jobs (WIOA Sec. 134(d)(5), CFR 680.830-840)**

Time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history; are combined with comprehensive employment and supportive services; and are designed to assist in establishing a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment. The local board may use not more than 10 percent of their combined non-administrative total of adult and dislocated worker allotments to provide transitional jobs. Reference SCP 1.19 for eligibility, documentation and policy requirements.

### **Underemployed (TEGL 3-15)**

In addition to providing career and training services to individuals who are unemployed, there remains a significant population of job seekers who are underemployed. Individuals who are underemployed may include:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and
- Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment, per State and/or local policy.

Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis per Section 8 of this TEGL. Individuals who meet the definition of an individual with a barrier to employment (see WIOA sec. 3(24)) who are underemployed may also be served in the Adult program. Individuals who were determined eligible for the Dislocated Worker program who are determined by State and/or local policies to be underemployed, may still be considered eligible for career and training services under this program.

Note: Local Boards need to define and have written policy and procedures approved by their Board for determining underemployment for both Adult and Dislocated Worker programs.

### **Work-based Training (TEGL 3-15)**

Under WIOA there are additional work-based training options and flexibilities for adults and dislocated workers:

Registered Apprenticeship (RA) is an important component of potential training and employment services that the workforce system can provide to its customers. We encourage local areas to use RA and it should be used more often as a career pathway for job seekers and as a job-driven strategy for employers and industries. RA can be funded through several mechanisms. Section 122(a)(3) of WIOA provides a new opportunity for RA programs to be more directly connected to the public workforce system. As RA programs, they automatically qualify to be placed on the State and local board's Eligible Training Provider List (ETPL), allowing ITAs to support participants in RA programs, and more directly connect those programs to one-stop centers.

Local areas may also include supportive services, in coordination with career and/or training services, to participants in a RA program. These supportive services must be consistent with WIOA section 134(d)(2), Section 12 of TEGL 3-15, and state and local policies. Reference SCP 1.14.

### **Work Experience (WEX) (CFR 681.600)**

(a) Work experiences are a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work experiences provide the youth participant with opportunities for career exploration and skill development.

(b) Work experiences must include academic and occupational education.

(c) The types of work experiences include the following categories:

- (1) Summer employment opportunities and other employment opportunities available throughout the school year;
- (2) Pre-apprenticeship programs;
- (3) Internships and job shadowing; and
- (4) On-the-job training opportunities as defined in WIOA sec. 3(44) and in § 680.700.

Local Boards must have written policy to detail the WEX process to include that a fully executed contract, job description, progress reports, financial activities, file and MIS content.

### **Work Support Activities for Low-Wage Workers (WIOA Sec. 134 (D)(1)(B))**

Funds for dislocated workers and adults may be used to provide work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners of the system shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

These activities may include the provision of activities in a manner that enhances the opportunities of such worker to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided.

### **Attachment “A”**

Below is a reference document for current WIOA services found in the states data collection system, (MIS). Provider name is used to search the system and locate the required service name for Basic and Individual Career, Training services as well as Needs Related Payments, Support Service by type and Follow-Up.

<b>Service Name</b> (Basic Career Services)	<b>NJCOS PROVIDER NAME</b>
--	----------------------------

Initial Assessment Interview	WIA Core Assisted
Job Search & Placement Assistance	WIA Core Assisted

<b>Service Name</b> (Individualized Career Services)	<b>NJCOS PROVIDER NAME</b>
---	----------------------------

Assessment - Comprehensive & Specialized Basic/Life Skills Counseling - Group Sessions Counseling - Individual & Career Planning Individual Employment Plan (IEP) Work Experience Internships Financial Literacy Relocation Assistance ABE or ESL in Combination with Training Short-Term Pre-Vocational Skills	 <p><b>WIA Intensive Services</b></p>
---	--

<b>Service Name</b>	<b>(Follow-Up)</b>	<b>NJCOS PROVIDER NAME</b>
---------------------	--------------------	----------------------------

Service Type + Program Type = Follow-Up		Follow-Up Services
---	--	--------------------

<b>Service Name</b>	<b>(Training)</b>	<b>NJCOS PROVIDER NAME</b>
---------------------	-------------------	----------------------------

On the Job Training (OJT) Customized Training Occupational Skills Training Apprenticeship Transitional Jobs: Work Based Training Entrepreneurial Skill Training *Incumbent Worker Training - Fund w/ Incumbent 20%	 <p><b>WIA Training Services</b></p>
--	--

<b>Service Name</b>	<b>(Needs Related Payments)</b>	<b>NJCOS PROVIDER NAME</b>
---------------------	---------------------------------	----------------------------

Needs Related Payments - For participants in Training		WIA Needs Related Payments
---	--	----------------------------

<b>Service Name</b> (Supportive Services)	<b>NJCOS PROVIDER NAME</b>
Other Housing Transportation Child Care Dependent Care	 <b>WIA Supportive Services</b>