CONNECTICUT DEPARTMENT OF LABOR

STATE OF CONNECTICUT
WORKFORCE INNOVATION AND OPPORTUNITY ACT

POLICY MANUAL

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1. PURPOSE OF THE POLICY MANUAL

The purpose of the State Workforce Innovation and Opportunity Act (WIOA) Policy Manual (the Manual) is to provide policy guidance and interpretation of Federal and State workforce laws. Procedural guidance is also provided to assure consistency. The Manual is intended for use in conjunction with Federal and State laws and regulations.

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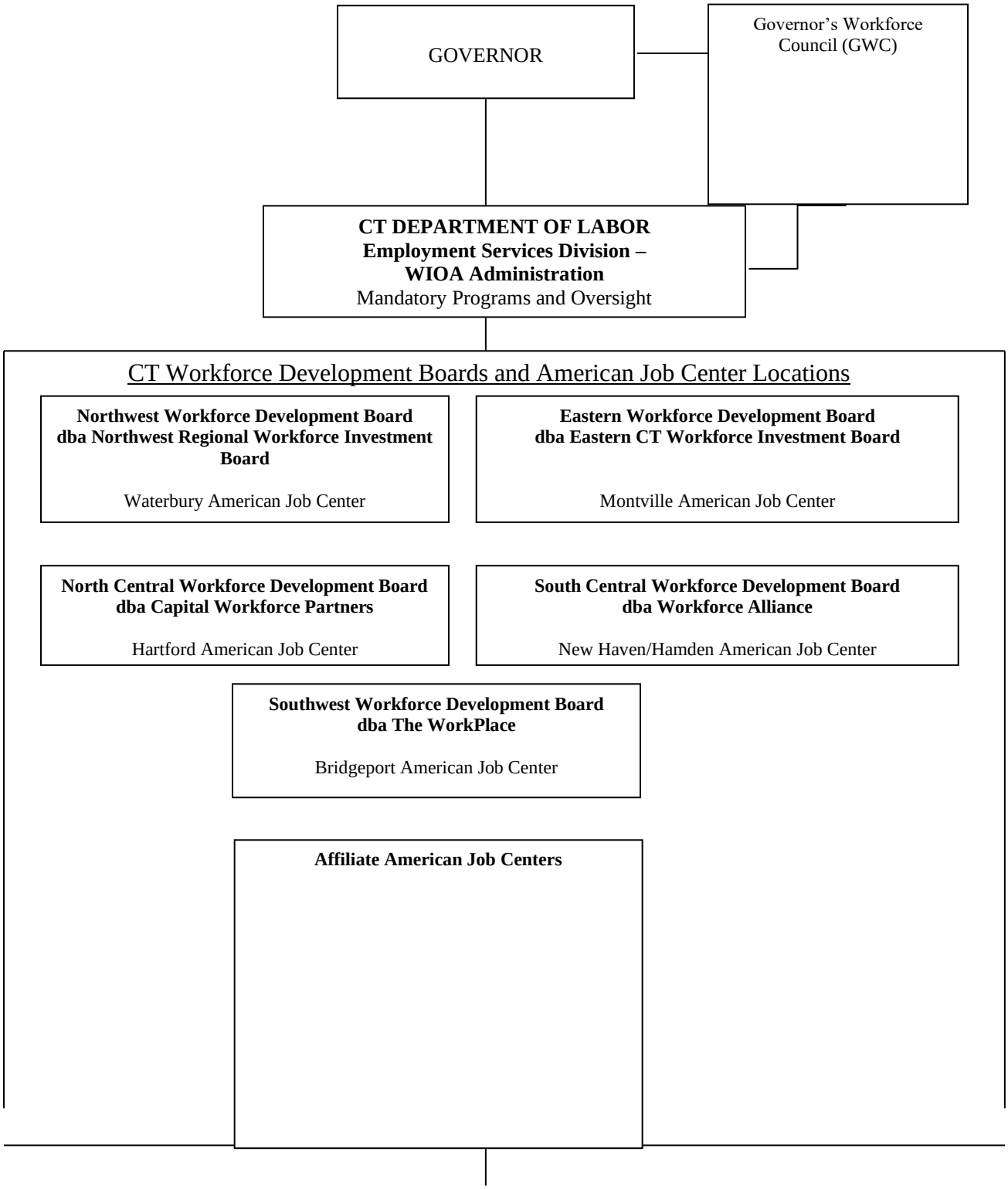
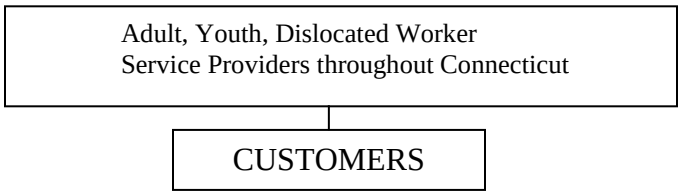
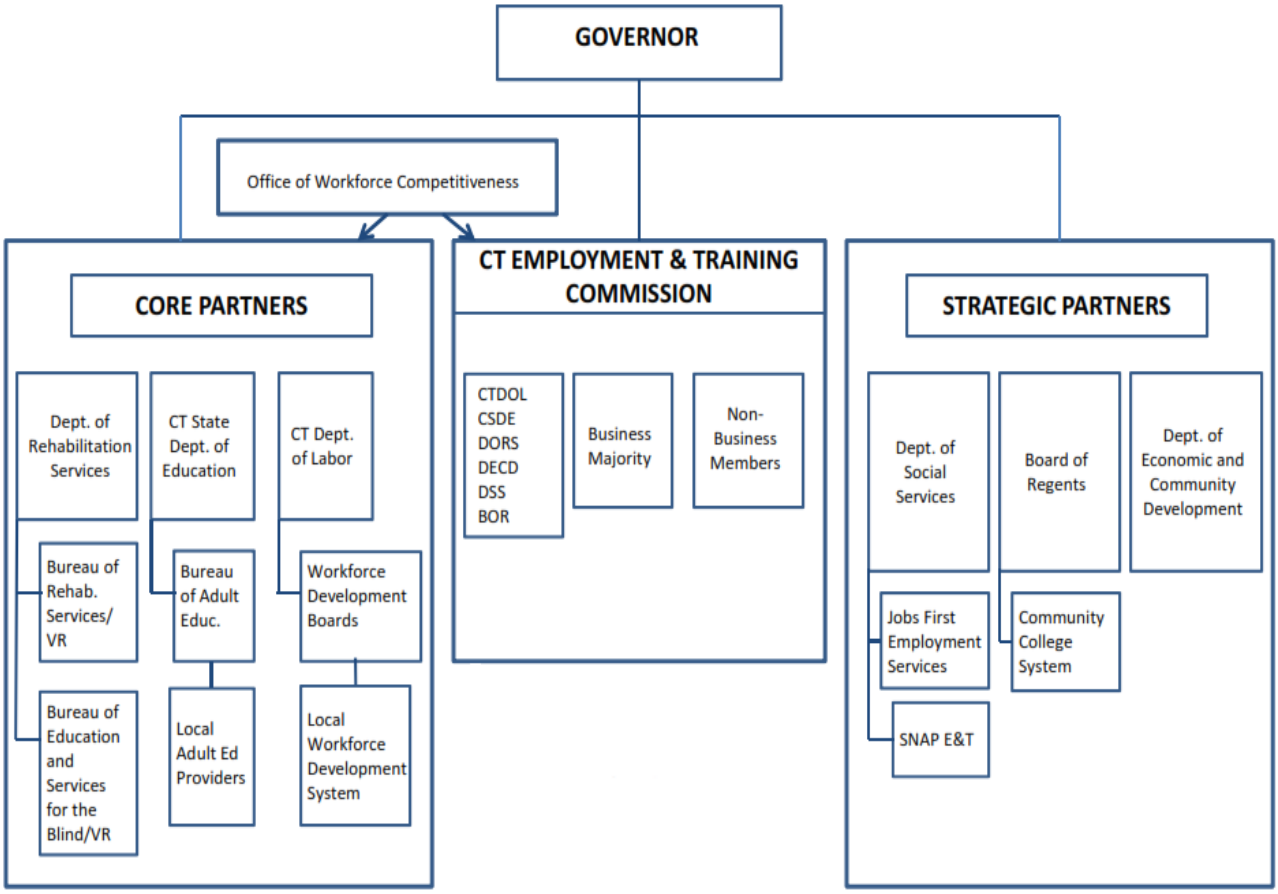
2. WORKFORCE SYSTEM ORGANIZATIONAL CHART





STATE AGENCY WIOA ORGANIZATION



3. STATE WORKFORCE BOARD COMPOSITION AND DUTIES

The Governor's Workforce Council serves as Connecticut's State Workforce Development Board. Established by Executive
Order No. 4,GWC renamed the former Connecticut Employment and Training Committee (CETC) which was authorized in 1998 as the State Board under the Workforce Investment Act (WIA), and in July 2015 Governor Malloy designated CETC to serve as the State Workforce Development Board consistent with "alternative entity" provisions of the Workforce Innovation and Opportunity Act (WIOA). The United States Department of Labor (USDOL) subsequently approved that designation.

A. WIOA State Board Membership Requirements 20 CFR 679.110

1. The Governor or Governor's designee;
2. A member of each chamber of the State Legislature, appointed by the appropriate presiding officers of each such chamber; and
3. Members appointed by the Governor, of which:
   a. a majority shall be representatives of businesses in the State, who:
      (1) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in WIOA section 107(b)(2)(A)(i);
      (2) represent businesses (including small businesses), or organizations representing businesses described in this sub-clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and
      (3) are appointed from among individuals nominated by State business organizations and business trade associations;
   b. not less than 20 percent shall be representatives of the workforce within the State, who:
      (1) shall include representatives of labor organizations, who have been nominated by State labor federations;
      (2) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;
      (3) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and
      (4) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; and
   c. the balance:
      (1) shall include representatives of government, who:

(a) shall include the lead State officials with primary responsibility for the core programs; and
(b) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and

(2) may include such other representatives and officials as the Governor may designate, such as:
(a) the State agency officials from agencies that are one-stop partners not specified in section A.3.c(1) above (including additional one-stop partners whose programs are covered by the State plan, if any);
(b) State agency officials responsible for economic development or juvenile justice programs in the State;
(c) individuals who represent an Indian tribe or tribal organization, as such terms are defined in WIOA section 166(b); and
(d) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

B. Functions <u>20 CFR 679.130</u>

1. As the State Board, the **GWC's** responsibilities include the:
   a. development, implementation, and modification of the 4 year State plan;
   b. review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system including a review and provision of comments on the State plans, if any, for programs and activities of one-stop partners that are not core programs;
   c. development and continuous improvement of the workforce development system including:
   (1) identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities;
   (2) development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;
   (3) development of strategies to provide effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
   (4) development and expansion of strategies to meet the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
   (5) identification of regions, including planning regions, for the purposes of WIOA section 106(a), and the designation of local areas under WIOA section 106, after consultation with local Workforce Development Boards (WDBs) and chief elected officials;
   (6) development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local WDBs, one-stop operators, one-stop partners, and providers with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, job seekers, and employers; and

(7) development of strategies to support staff training and awareness across workforce development system programs;

d. development and updating of comprehensive State performance accountability measures to assess the effectiveness of core programs as required under WIOA section 116(b);

e. identification and dissemination of information on best practices, including best practices for:
(1) the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;
(2) the development of effective local WDBs, which may include information on factors that contribute to enabling local WDBs to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and
(3) effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways;

f. development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in WIOA section 121(e), including the development of:
(1) objective criteria and procedures for use by local WDBs in assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers;
(2) guidance for the allocation of one-stop center infrastructure funds under WIOA section 121(h); and
(3) policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;

g. development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to:
(1) enhance digital literacy skills (as defined in section 202 of the Museum and Library Services Act, 20 U.S.C. 9101);;
(2) accelerate the acquisition of skills and recognized postsecondary credentials by participants;
(3) strengthen the professional development of providers and workforce professionals; and
(4) ensure technology is accessible to individuals with disabilities and individuals residing in remote areas;

h. development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs);

i. development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local areas as permitted under WIOA sections 128(b)(3) and 133(b)(3);

j. preparation of the annual reports described in paragraphs (1) and (2) of WIOA section 116(d);
k. development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act; and
l. development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.

C. Authority to Hire Staff 20 CFR 679.160

(a) The State WDB may hire a director and other staff to assist in carrying out the functions described in WIOA sec. 101(d) and § 679.130 using funds described in WIOA sec. 129(b)(3) or sec. 134(a)(3)(B)(i).

(b) The State WDB must establish and apply a set of objective qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the State WDB.

(c) The director and staff must be subject to the limitations on the payment of salary and bonuses described in WIOA sec. 194(15).

D. Conflict of Interest 20 CFR 683.200(c)(5)(i)

A GWC member must neither cast a vote on, nor participate in any decision-making capacity on:

1. The provision of services by such member (or any organization that such member directly represents); nor
2. Any matter that would provide any direct financial benefit to that member or that member's immediate family.

E. Memorandum of Understanding WIOA Section 121(c)

The GWC has the responsibility to ensure the development and execution of a Memorandum of Understanding between the Local Board and the one-stop partners concerning the operation of the one-stop delivery system in the local area. Each Memorandum of Understanding shall contain provisions describing:

1. The services to be provided through the one-stop delivery system including the manner in which such services will be coordinated and delivered;
2. How the costs of such services and the operating costs of the system will be funded;
3. Methods for referral of individuals between the one-stop operator and the one-stop partners, for appropriate services and activities;
4. Methods to ensure the needs of workers and youth, and individuals with barriers to employment (including individuals with disabilities) are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system;
5. The term of the memorandum and the procedures for amending the memorandum during its term, and assurances that the memorandum shall be reviewed not less than once every three-year period to ensure appropriate funding and delivery of services; and
6. Such other provisions, consistent with the requirements of WIOA title I, as the parties to the agreement determine to be appropriate.

F. Sunshine Provision 20 CFR 679.140

The GWC must conduct business in an open manner, in accordance with the provisions of the Connecticut Freedom of Information Act and the Sunshine Provision of the Workforce Innovation

and Opportunity Act section 101(e). The GWC must make available to the public, on a regular basis, through electronic means and open meetings, information about its activities and functions including:

1. The State Plan, or modification to the State Plan, prior to submission of the State Plan or modification of the State Plan;
2. Information regarding membership;
3. Minutes of formal meetings upon request;
4. By-laws as described at 20 CFR 679.110(d).

G. Designation of Local Areas 20 CFR 679.230

As part of the process of designating or re-designating a local area, the Governor must develop a policy for designation of local areas that must include:

1. Consultation with the GWC;
2. Consultation with the chief elected officials and affected Local WDBs; and
3. Consideration of comments through a public comment process that must:
   a. Offer adequate time for public comment prior to designation of the local area; and
   b. Provide an opportunity for comment by representatives of Local WDBs, chief elected officials, businesses, institutions of higher education, labor organizations, other primary stakeholders, and the general public regarding the designation of the local area.

c. CT's Local Designation policy can be found at: http://www.ctdol.state.ct.us/OWC/CETC/CETC%20WIOA%20Policies%20and%20Guidance.htm

d. In July of 2021, subsequent designation of local areas was approved through the Governor's office and local CEOs and WDB Chairs were notified.

H. Continuous Evaluation of Core Programs 20 CFR 682.220

The GWC, in coordination with CTDOL WIOA Administration, shall conduct ongoing evaluation of activities carried out under core programs in order to promote continuous improvement.

4. LOCAL WORKFORCE DEVELOPMENT BOARD COMPOSITION AND DUTIES

A. Local WDB Composition 20 CFR 679.320

1. For each local area in the State, the members of the Local WDB must be selected by the chief elected official consistent with criteria established under WIOA sec. 107(b)(1) and criteria established by the Governor, and must meet the requirements of WIOA sec. 107(b)(2).
2. A majority of the members of the Local WDB must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on Local WDBs also may serve on the GWC. Each business representative must meet the following criteria:
   a. Be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority; and
   b. Provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA sec. 3(23).
3. At least 20 percent of the members of the Local WDB must be workforce representatives. These representatives:
   a. Must include two or more representatives of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;
   b. Must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists;
   c May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and
   d. May include one or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
4. The Local WDB also must include:
   a. At least one eligible training provider administering adult education and literacy activities under WIOA title II;
   b. At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
   c. At least one representative from each of the following governmental and economic and community development entities:
      (1) Economic and community development entities;
      (2) The State Employment Service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
      (3) The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title;

5. The membership of Local WDBs may include individuals or representatives of other appropriate entities in the local area, including:
   a. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
   b. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
   c. Philanthropic organizations serving the local area; and
   d. Other appropriate individuals as determined by the chief elected official.
6. Members must be individuals with optimum policymaking authority within the entities they represent.
7. Chief elected officials must establish a formal nomination and appointment process, consistent with the criteria established by the Governor and GWCunder sec. 107(b)(1) of WIOA for appointment of members of the Local WDBs, that ensures:
   a. Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations;
   b. Labor representatives are appointed from among individuals who are nominated by local labor federations (or, for a local area in which no employees are represented by such organizations, other representatives of employees); and
   c. When there is more than one local area provider of adult education and literacy activities under title II, or multiple institutions of higher education providing workforce investment activities as described in WIOA sec. 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities.
8. An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation, including the criteria described above, for each entity.
9. All required WDB members must have voting privilege. The chief elected official may convey voting privileges to non-required members.

B. Local WDB Criteria 20 CFR 679.350

The Local WDB is appointed by the chief elected official(s) in the local area, in accordance with State criteria established under WIOA sec. 107(b)(1), and is certified by the Governor every two years, in accordance with WIOA sec. 107(c)(2).

C. Local WDB Responsibilities 20 CFR 679.370

As provided in WIOA sec. 107(d), the Local WDB must:

1. Develop and submit a four-year local plan for the local area, in partnership with the chief elected official and consistent with WIOA sec. 108;
2. If the local area is part of a planning region that includes other local areas, develop and submit a regional plan in collaboration with other local areas. If the local area is part of a planning region, the local plan must be submitted as a part of the regional plan;

3. Conduct workforce research and regional labor market analysis to include:
   a. Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses of (including the capacity to provide) such services to address the identified education and skill needs of the workforce and the employment needs of employers;
   b. Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
   c. Other research, data collection, and analysis related to the workforce needs of the regional economy as the WDB determines to be necessary to carry out its functions, after receiving input from a wide array of stakeholders;
4. Convene local workforce development system stakeholders to assist in the development of the local plan under 20 CFR 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the Local WDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the Local WDB;
5. Lead efforts to engage with a diverse range of employers and other entities in the region in order to:
   a. Promote business representation (particularly representatives with optimum policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Local WDB;
   b. Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
   c. Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
   d. Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.
6. With representatives of secondary and postsecondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;
7. Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

8. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and job seekers, by:
   a. Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
   b. Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;
   c. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
   d. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
9. In partnership with the chief elected official for the local area:
   a. Conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d); and the entire one-stop delivery system in the local area;
   b. Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and
   c. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA sec. 116.
10. Negotiate and reach agreement on local performance indicators with the chief elected official and the Governor;
11. Negotiate with chief elected official and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with 20 CFR 678.715, or notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism.
12. Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:
    a. Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the Local WDB determines there is an insufficient number of eligible training providers in a local area, the Local WDB may award contracts on a sole-source basis as per the provisions at WIOA sec. 123(b);
    b. Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;
    c. Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and
    d. One-stop operators in accordance with 20 CFR 678.600 through 20 CFR 678.635.
13. In accordance with WIOA sec. 107(d)(10)(E), work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;
14. Coordinate activities with education and training providers in the local area, including:
    a. Reviewing applications to provide adult education and literacy activities under WIOA title II for the local area to determine whether such applications are consistent with the local plan;

b. Making recommendations to the eligible agency to promote alignment with such plan; and
c. Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

15. Develop a budget for the activities of the Local WDB, with approval of the chief elected official and consistent with the local plan and the duties of the Local WDB;
16. Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq*.); and
17. Certification of one-stop centers in accordance with 20 CFR 678.800.

D. Standing Committees <u>20 CFR 679.360</u>

Standing committees may be established by the Local WDB to provide information and to assist the Local WDB in carrying out its responsibilities under WIOA sec. 107. Standing committees must be chaired by a member of the Local WDB, may include other members of the Local WDB, and must include other individuals appointed by the Local WDB who are not members of the Local WDB and who have <u>demonstrated experience and expertise</u> in accordance with <u>20 CFR 679.340(b)</u> and as determined by the Local WDB.

E. Consumer Choice <u>20 CFR 679.380</u>

1. In accordance with WIOA sec. 122 and working with the State, the Local WDB satisfies the consumer choice requirement for training services by:
   a. Determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers, and considering the possible termination of an eligible training provider due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA;
   b. Working with the State to ensure there are sufficient numbers and types of providers of training services serving the local area including eligible training providers with expertise in assisting individuals with disabilities, and eligible training providers with expertise in assisting adults in need of adult education and literacy activities described under WIOA sec. 107(d)(10)(E);
   c. Ensuring the dissemination and appropriate use of the State eligible training providers list through the local one-stop delivery system;
   d. Receiving performance and cost information from the State and disseminating this information through the one-stop delivery systems within the State; and
   e. Providing adequate access to services for individuals with disabilities.
2. Working with the State, the Local WDB satisfies the consumer choice requirement for career services by:
   a. Determining the career services that are best performed by the one-stop operator consistent with <u>20 CFR 678.620</u> and <u>20 CFR 678.625</u>, and career services that require contracting with a career service provider; and

b. Identifying a wide-array of potential career service providers and awarding contracts where appropriate including to providers to ensure sufficient access:
   (1) To services for individuals with disabilities including opportunities that lead to integrated, competitive employment; and
   (2) For adult education and literacy activities.

F. Sunshine Provision 20 CFR 679.390

The Local WDB must conduct business in an open manner as required by WIOA sec. 107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about its activities including:

1. The Local Plan, or modification to the Local Plan, before submission of the Plan
2. List and affiliation of members;
3. Selection of one-stop operators;
4. Grants and contracts awards to eligible training providers of workforce investment activities including providers of youth workforce investment activities;
5. Minutes of formal meetings; and
6. Local by-laws, consistent with 20 CFR 679.310(g).

G. Staffing 20 CFR 679.400

1. WIOA sec. 107(f) grants Local WDBs authority to hire a director and other staff to assist in carrying out the functions of the Local WDB.
2. Local WDBs must establish and apply a set of qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in carrying out the functions of the Local WDB.
3. The Local WDB director and staff must be subject to the limitations on the payment of salary and bonuses described in WIOA sec. 194(15).
4. In general, Local WDB staff only may assist the Local WDB fulfill the required functions at WIOA sec. 107(d).
5. Should the WDB select an entity to staff the WDB that provides additional workforce functions beyond the functions described at WIOA sec. 107(d), such an entity is required to enter into a written agreement with the Local WDB and chief elected official(s) to clarify their roles and responsibilities as required by 20 CFR 679.430.

H. Local WDB Direct Service Provision 20 CFR 679.410

1. A Local WDB may be selected as a one-stop operator through:
   a. Sole source procurement in accordance with 20 CFR 678.610; or
   b. Successful competition in accordance with 20 CFR 678.615.
2. The chief elected official in the local area and the Governor must agree to the selection described in Section H.1 above.
3. Where a Local WDB acts as a one-stop operator, the State must ensure certification of one-stop centers in accordance with 20 CFR 678.800.
4. A Local WDB may act as a provider of career services only with the agreement of the chief elected official and the Governor.
5. A Local WDB is prohibited from providing training services, unless the Governor grants a waiver in accordance with the provisions in WIOA sec. 107(g)(1).
   a. The State must develop a procedure for approving waivers that includes the criteria at WIOA sec. 107(g)(1)(B)(i):
      (1) Satisfactory evidence that there is an insufficient number of eligible training providers of such services to meet local demand;
      (2) Information demonstrating that the WDB meets the requirements for eligible training provider services under WIOA sec. 122; and
      (3) Information demonstrating that such training services prepare participants for an in-demand industry sector or occupation in the local area.
   b. The local area must make the proposed request for a waiver available to eligible training providers and other interested members of the public for a public comment period of not less than 30 days, and include any comments received during this time in the final request for the waiver.
   c. The waiver must not exceed the duration of the local plan and may be renewed for additional periods not to exceed the durations of subsequent plans, by submitting a new waiver request consistent with Sections H.5.a and b above.
   d. The Governor may revoke the waiver if s/he determines the waiver is no longer needed or that the Local WDB has engaged in a pattern of inappropriate referrals to training services operated by the Local WDB.
6. The restrictions on the provision of career and training services by the Local WDB, as one-stop operator, also apply to staff of the Local WDB.

I. Local Fiscal Agent Functions 20 CFR 679.420

1. In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local fiscal agent. Designation of a fiscal agent does not relieve the chief elected official or Governor of liability for the misuse of grant funds. If the chief elected official designates a fiscal agent, s/he must ensure such agent has clearly defined roles and responsibilities.
2. In general, the fiscal agent is responsible for the following functions:
   a. Receive funds;

b. Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA, and the corresponding Federal regulations and State policies;
c. Respond to audit financial findings;
d. Maintain proper accounting records and adequate documentation;
e. Prepare financial reports; and
f. Provide technical assistance to subrecipients regarding fiscal issues.

3. At the direction of the Local WDB, the fiscal agent may have the following additional functions:
   a. Procure contracts or obtain written agreements;
   b. Conduct financial monitoring of service providers; and
   c. Ensure independent audit of all employment and training programs

J. Conflict of Interest 20 CFR 679.430

Local organizations often function simultaneously in a variety of roles including local fiscal agent, Local WDB, one-stop operator, and direct provider of services. Any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the Local WDB and chief elected official to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State's conflict of interest policy.

K. Regional and Local Plan 20 CFR 679.500

1. The local plan serves as a four-year action plan to develop, align, and integrate service delivery strategies and to support the State's vision and strategic and operational goals. The local plan sets forth the strategy to:
   a. Direct investments in economic, education, and workforce training programs to focus on providing relevant education and training to ensure that individuals, including youth and individuals with barriers to employment, have the skills to compete in the job market and that employers have a ready supply of skilled workers;
   b. Apply job-driven strategies in the one-stop delivery system;
   c. Enable economic, education, and workforce partners to build a skilled workforce through innovation in and alignment of employment, training, and education programs; and
   d. Incorporate the local plan into the regional plan per 20 CFR 679.540.
2. In the case of planning regions, a regional plan is required to meet the purposes described in Section K.1 above and to coordinate resources among multiple WDBs in a region.
3. The Governor must establish and disseminate to Local WDBs and regional planning areas a policy for the submission of local and regional plans. The policy must set a deadline for the submission of the regional and local plans that accounts for the activities required in plan development outlined in 20 CRF 679.510 and 20 CFR 679.550.

L. Local Plan Development 20 CFR 679.550

1. Under WIOA sec. 108, each Local WDB must develop a comprehensive four-year plan, in partnership with the appropriate chief elected officials, and submit it to the Governor.
   a. The plan must identify and describe the policies, procedures, and local activities that are carried out in the local area, consistent with the State Plan.
   b. If the local area is part of a planning region, the Local WDB must comply with WIOA sec. 106(c) and 20 CFR 679.510 through 679.540 in the preparation and submission of a regional plan.
2. Consistent with 20 CFR 679.510(b), the Local WDB must provide an opportunity for public comment on the development of the local plan or subsequent plan modifications, before submitting the plan to the Governor. To provide adequate opportunity for public comment, the Local WDB must:
   a. Make copies of the proposed local plan available to the public through electronic and other means such as public hearings and local news media;
   b. Include an opportunity for comment by members of the public including representatives of business, labor organizations, and education;
   c. Provide no more than a 30-day period for comment on the plan before its submission to the Governor, beginning on the date on which the proposed plan is made available to the public; and
   d. Submit any comments that express disagreement with the plan to the Governor along with the plan.
3. Consistent with WIOA sec. 107(e), the Local WDB must make information about the plan available to the public on a regular basis through electronic means and open meetings.

M. Local Plan Contents 20 CFR 679.560

1. The local workforce investment plan must describe strategic planning elements, including:
   a. A regional analysis of:
      (1) Economic conditions including existing and emerging in-demand industry sectors and occupations; and
      (2) Employment needs of employers in existing and emerging in-demand industry sectors and occupations.
      (3) As appropriate, a local area may use an existing analysis, which is a timely current description of the regional economy, to meet the requirements of Sections M.1.a. (1)-(2)above;
   b. Knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;
   c. An analysis of the regional workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment;
   d. An analysis of workforce development activities, including education and training, in the region. This analysis must include the strengths and weaknesses of workforce development activities and capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment, and the employment needs of employers;
   e. A description of the Local WDB's strategic vision to support regional economic growth and economic self-sufficiency. This must include goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), and goals relating to the performance accountability measures based on performance indicators described in 20 CFR 677.155(a)(1); and

f. Taking into account analyses described in Sections M.1.a-d above, a strategy to work with the entities that carry out the core programs and required partners to align resources available to the local area, to achieve the strategic vision and goals described in Section M.1.e above;

2. The plan must include a description of the following requirements at WIOA secs. 108(b)(2)-(21):
   a. The workforce development system in the local area that identifies:
      (1) The programs that are included in the system; and
      (2) How the Local WDB will support the strategy identified in the State Plan under 20 CFR 676.105 and work with the entities carrying out core programs and other workforce development programs, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 *et seq*.) to support service alignment;
   b. How the Local WDB will work with entities carrying out core programs to:
      (1) Expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment;
      (2) Facilitate the development of career pathways and co-enrollment, as appropriate, in core programs; and
      (3) Improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);
   c. The strategies and services that will be used in the local area:
      (1) To facilitate engagement of employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations;
      (2) To support a local workforce development system that meets the needs of businesses in the local area;
      (3) To better coordinate workforce development programs and economic development;
      (4) To strengthen linkages between the one-stop delivery system and unemployment insurance programs; and
      (5) That may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers. These initiatives must support the strategy described in Section M.2.c (1)-(4) above;
   d. An examination of how the Local WDB will coordinate local workforce investment activities with regional economic development activities that are carried out in the local area and how the Local WDB will promote entrepreneurial skills training and microenterprise services;
   e. The one-stop delivery system in the local area, including:
      (1) How the Local WDB will ensure the continuous improvement of eligible training providers through the system and that such providers will meet the employment needs of local employers, workers, and job seekers;
      (2) How the Local WDB will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and other means;
      (3) How entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq*.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for

individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and

(4) The roles and resource contributions of the one-stop partners;

f. A description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

g. A description of how the Local WDB will coordinate workforce investment activities carried out in the local area with statewide rapid response activities;

h. A description and assessment of the type and availability of youth workforce investment activities in the local area including activities for youth who are individuals with disabilities, which must include an identification of successful models of such activities;

i. How the Local WDB will coordinate relevant secondary and postsecondary education programs and activities with education and workforce investment activities to coordinate strategies, enhance services, and avoid duplication of services;

j. How the Local WDB will coordinate WIOA title I workforce investment activities with the provision of transportation and other appropriate supportive services in the local area;

k. Plans, assurances, and strategies for maximizing coordination, improving service delivery, and avoiding duplication of Wagner-Peyser Act (29 U.S.C. 49 *et seq*.) services and other services provided through the one-stop delivery system;

l. How the Local WDB will coordinate WIOA title I workforce investment activities with adult education and literacy activities under WIOA title II. This description must include how the Local WDB will carry out the review of local applications submitted under title II consistent with WIOA secs. 107(d)(11)(A) and (B)(i) and WIOA sec. 232;

m. Copies of executed cooperative agreements, which define how all local service providers including additional providers, will carry out the requirements for integration of and access to the entire set of services available in the local one-stop delivery system. This includes cooperative agreements (as defined in WIOA sec. 107(d)(11)) between the Local WDB or other local entities described in WIOA sec. 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of the Rehabilitation Act (29 U.S.C. 720 *et seq*.) (other than sec. 112 or part C of that title (29 U.S.C. 732, 741) and subject to sec. 121(f)) in accordance with sec. 101(a)(11) of the Rehabilitation Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

n. An identification of the entity responsible for the disbursal of grant funds described in WIOA sec. 107(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under WIOA sec. 107(d)(12)(B)(i);

o. The competitive process that will be used to award the subgrants and contracts for WIOA title I activities;

p. The local levels of performance negotiated with the Governor and chief elected official consistent with WIOA sec. 116(c), to be used to measure the performance of the local area, and to be used by the Local WDB for measuring the performance of the local fiscal agent (where appropriate), eligible providers under WIOA title I subtitle B, and the one-stop delivery system in the local area;

q. The actions the Local WDB will take toward becoming or remaining a high-performing WDB, consistent with the factors developed by the GWC;
r. How training services outlined in WIOA sec. 134 will be provided through the use of individual training accounts including, if contracts for training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter, and how the Local WDB will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;
s. The process used by the Local WDB, consistent with WIOA sec. 108(d), to provide a 30-day public comment period prior to submission of the plan, including an opportunity to have input into the development of the local plan, particularly for representatives of businesses, education, and labor organizations;
t. How one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under WIOA and by one-stop partners; and
u. The direction given by the Governor and the Local WDB to the one-stop operator to ensure priority for adult career and training services will be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient consistent with WIOA sec. 134(c)(3)(E) and 20 CFR 680.600.

3. The local plan must include any additional information required by the Governor.
4. The local plan must identify the portions that the Governor has designated as appropriate for common response in the regional plan where there is a shared regional responsibility, as permitted by 20 CFR 679.540(b).
5. Comments submitted during the public comment period that represent disagreement with the local plan must be submitted with the plan.

N. Local Plan Approval 20 CFR 679.570

Consistent with the requirements at 20 CFR 679.520 the Governor must review completed plans (including a modification to the plan). Such plans will be considered approved 90 days after the Governor receives the plan unless the Governor determines in writing that:

1. There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies;
2. The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the nondiscrimination requirements of 29 CFR part 38; or
3. The plan does not align with the State Plan, including with regard to the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E) and 20 CFR 676.105.

N. Local Plan Modification 20 CFR 679.580

1. Consistent with the requirements at 20 CFR 679.530, the Governor must establish procedures governing the modification of local plans.
2. At the end of the first two-year period of the four-year local plan, each Local WDB, in partnership with the appropriate chief elected officials, must review the local plan and prepare and submit modifications to the local plan to reflect changes:

a. In labor market and economic conditions; and
b. Other factors affecting the implementation of the local plan, including but not limited to:
   (1) Significant changes in local economic conditions,
   (2) Changes in the financing available to support WIOA title I and partner-provided WIOA services;
   (3) Changes to the Local WDB structure; and
   (4) The need to revise strategies to meet local performance goals.

O. Youth Committee 20 CFR 681.100

WIOA eliminates the requirement for Local WDBs to establish a youth council. However, USDOL encourages Local WDBs to establish a standing committee to provide information and to assist with planning, operational, oversight, and other issues relating to the provision of services to youth. If the Local WDB does not designate a standing youth committee, it retains responsibility for all aspects of youth formula programs.

P. Youth Committee Composition 20 CFR 681.110

1. If a Local WDB decides to form a standing youth committee, the committee must include a member of the Local WDB, who chairs the committee, members of community-based organizations with a demonstrated record of success in serving eligible youth, and other individuals with appropriate expertise and experience who are not members of the Local WDB.
2. The committee must reflect the needs of the local area. The committee members appointed for their experience and expertise may bring their expertise to help the committee address the employment, training, education, human and supportive service needs of eligible youth including out-of-school youth (OSY). Members may represent agencies such as secondary and postsecondary education, training, health, disability, mental health, housing, public assistance, and justice, or be representatives of philanthropic or economic and community development organizations, and employers. The committee may also include parents, participants, and youth.
3. A Local WDB may designate an existing entity such as an effective youth council as the standing youth committee if it fulfills the requirements in Section F.1 above.

Q. Youth Committee Responsibilities 20 CFR 681.120

Under the direction of the Local WDB, a standing youth committee may:

1. Recommend policy direction to the Local WDB for the design, development, and implementation of programs that benefit all youth;
2. Recommend the design of a comprehensive community workforce development system to ensure a full range of services and opportunities for all youth, including disconnected youth;
3. Recommend ways to leverage resources and coordinate services among schools, public programs, and community-based organizations serving youth;
4. Recommend ways to coordinate youth services and recommend eligible youth service providers;
5. Provide on-going leadership and support for continuous quality improvement for local youth programs;
6. Assist with planning, operational, and other issues relating to the provision of services to youth; and
7. If so delegated by the Local WDB after consultation with the chief elected official, oversee eligible youth providers, as well as other youth program oversight responsibilities.

5. ADMINISTRATIVE STANDARDS

All recipients and sub-recipients including contractors and service providers receiving WIOA funds must operate under WIOA law and regulations that prohibit certain activities. Activities in any of these prohibited areas will be cause for disciplinary measures and the possible de-obligation of funds.

A. Conflict of Interest

1. The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, or administration of contracts. No employee, officer or agent may participate in the selection, award or administration of a contract supported by a Federal award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other similar interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the Non-Federal entity may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees or agents of the non-Federal entity (2 CFR 200.318).
2. If the non-Federal entity has a parent, affiliate or subsidiary organization that is not a state, local government or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organization conflicts of interest means that because of relationships with a parent company, affiliate or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization (2 CFR 200.318).
3. *Non-Federal entity* means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient (2 CFR 200.69).
4. A GWC member, Local WDB member or WDB standing committee member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter that would provide any direct financial benefit to that member or that member's immediate family. Neither membership on the GWC, the Local WDB or a WDB standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates this conflict of interest provision (20 CFR 683.200).
5. Subrecipients of Federal awards must disclose any potential conflict of interest in writing to the recipient of grant funds ((20 CFR 683.200).

B. Lobbying Activities (20 CFR 683.200)

All WIOA Title I recipients and sub-recipients must comply with the restrictions on lobbying as specified in WIOA sec. 195 and codified in 29 CFR Part 93.

C. Political Activities or Patronage

The U.S. Secretary of Labor shall not provide financial assistance for any program under WIOA title I that involves political activities (WIOA sec. 194(6).

OR

No assistance under WIOA may involve political activities (20 CFR 684.630.

D. Kickbacks 41 U.S.C. 53

It is prohibited for any person to:

1. Provide, attempt to provide or offer to provide any kickback;
2. Solicit, accept or attempt to accept any kickback; or
3. Include, directly or indirectly, the amount of any kickback prohibited by Sections D.1 and 2 above in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to the United States.

E. Charging of Fees WIOA Sec. 194(5)

No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under WIOA title I.

F. Nepotism 20 CFR 683.200(g)

1. No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.
2. To the extent that an applicable State or local legal requirement regarding nepotism is more restrictive than this provision, such State or local requirement must be followed.

G. Child Labor Laws

All recipients and sub-recipients shall comply with applicable Federal, State, and local child labor laws at 29 CFR 570**.**

H. Sectarian Activities 20 CFR 683.255

1. 29 CFR part 2, subpart D, governs the circumstances under which USDOL support, including WIOA title I financial assistance, may be used to employ or train participants in religious activities. Under that subpart, such assistance may be used for such employment or training only when the assistance is provided indirectly within the meaning of the Establishment Clause of the U.S. Constitution, and not when the assistance is provided directly. As explained in that subpart, assistance provided through an Individual Training Account is generally considered indirect, and other mechanisms may also be considered indirect (29 CFR part 2, subpart D – Equal Treatment in Department of Labor Programs for Religious Organizations, Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries). *See also* 29 CFR Part 37.6(f)(1).
2. WIOA sec. 188(a)(3) prohibits the use of funds to employ participants to carry out the construction, operation or maintenance of any part of any facility used for sectarian instruction or as a place for religious

worship with the exception of maintenance of facilities that are not primarily used for instruction or worship and are operated by organizations providing services to WIOA participants.

I. Criminal Activities

1. Criminal activities, including theft or embezzlement of employment and training funds, improper inducement, obstruction of investigations, and bribery, are prohibited under 18 U.S.C. 31 § 665 and § 666.
2. Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately to the USDOL Office of Inspector General, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. Contact information is available at https://www.oig.dol.gov/contact.htm (20 CFR 683.620).

J. Prohibited Activities 20 CFR 683.250

1. WIOA title I funds must not be spent on:
   a. The wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system;
   b. Public service employment, except as specifically authorized under title I of WIOA;
   c. Expenses prohibited under any other Federal, State or local law or regulation;
   d. Subawards or contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities; or
   e. Contracts with persons falsely labeling products made in America.
2. Formula funds available to States and local areas under WIOA title I, subtitle B must not be used for foreign travel.

K. Wage and Labor Standards

1. Individuals in on-the-job training or individuals employed in activities under title I of WIOA must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Such rates must be in accordance with applicable law, but may not be less than the higher of the rate specified in sec. 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), except in territorial jurisdictions in which such section does not apply, or the applicable State or local minimum wage law (20 CFR 683.275)
2. Allowances, earnings, and payments to individuals participating in programs under title I of WIOA are not considered as income for purposes of determining eligibility for, and the amount of income transfer and in-kind aid furnished, under any Federal or Federally-assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 *et seq.*) (20 CFR 683.275).
3. A participant in a program or activity authorized under title I of WIOA (referred to in that section as a "specified activity") shall not displace any currently employed worker (including a partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits) (WIOA sec. 181(b)(2)(A).
4. A specified activity shall not impair an existing:
   a. Contract for services; or

b. Collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining unit agreement shall be undertaken, without the written concurrence of the labor organization and employer concerned (WIOA sec. 181(b)(2)(B).

5. A participant in a specified activity shall not be employed in a job if:
   a. Any other individual is on layoff from the same or any substantially equivalent job;
   b. The employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or
   c. The job is created in a promotional line that infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of participation) (WIOA sec. 181(b)(3)).
6. Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment (WIOA sec. 181(b)(4)).
7. Individuals in on-the-job training or individuals employed in programs and activities under title I of WIOA must be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working in a similar length of time and doing the same type of work (20 CFR 683.275)
   a. No participant shall be hired into or remain working in any position when the same or substantially equivalent position is vacant due to a hiring freeze, unless the recipient can demonstrate that the freeze resulted from a lack of funds to sustain staff and was not established in anticipation of the availability of funds under the Act.
   b. When termination of participants is due to a hiring freeze the service provider shall make an attempt to place such participants into other non-affected positions or attempt placement into unsubsidized jobs or into another program or activity.
   c. Whenever a promotional freeze affects non-WIOA funded employees it shall apply to WIOA participants similarly employed.
   d. No former employees laid off or terminated in anticipation of WIOA funding of a position may be rehired under WIOA into such a position.

L. Unionization/Anti-unionization Activities and Work Stoppages

Funds provided to employers for work-based training must not be used to directly or indirectly:

a. Assist, promote or deter union organizing (20 CFR 680.830); or
b. Aid in the filling of a job opening that 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 (20 CFR 680.840).

1. No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement, which contains a union security provision.
2. No participant in work experience or vocational exploration may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must:
   a. Be relocated to positions not affected by the dispute;
   b. Be suspended through administrative leave; or

c. Where participants belong to the labor union involved in work stoppage, be treated in the same manner as any other union member except such members must not remain working in the affected position. The service provider shall make every effort to relocate participants who wish to remain working into suitable positions unaffected by the work stoppage.

3. No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage.

M. Business Relocation 20 CFR 683.260

WIOA title I funds must not be used, or proposed to be used, for:

1. The encouragement or inducement of a business or part of a business to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location; or
2. Customized training, skill training, on-the-job training or incumbent worker training, transitional employment, or company-specific assessments of job applicants or employees for any business, or any part of any business, that has relocated from any location in the United States, until the company has operated at that location for 120 days, if the relocation has resulted in any employee losing his or her job at the original location.

N. Employment Generating Activities 20 CFR 683.245

Under sec. 181(e) of WIOA, title I funds must not be spent on employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities or similar activities, unless they are directly related to training for eligible individuals. For purposes of this prohibition, employer outreach and job development activities are directly related to training for eligible individuals.

O. Nondiscrimination and Equal Opportunity

1. Recipients, as defined in 29 CFR 37.4, must comply with the nondiscrimination and equal opportunity provisions of WIOA sec. 188 and its implementing regulations, codified at 29 CFR 38. Recipients include, but are not limited to the GWC, Local WDBs, one-stop operators, service providers, Job Corps contractors, and subrecipients (20 CFR 683.285).
2. All programs shall establish procedures to ensure against discrimination, sexual harassment in any form, and foster equal opportunity and shall issue a statement of assurance to be signed by the chief operating official.
3. Service providers are **not** required to designate Equal Opportunity Officers. Service providers should however designate an individual who will serve as liaison with the State Equal Opportunity Officer.
4. Provider agreements will contain assurance language that it will comply with Equal Opportunity requirements of Section 188 of the Act, 29 CFR Part 37, and 1604, the Civil Rights Act of 1964 and all other applicable equal opportunity laws and regulations. The assurance may be incorporated by reference.
5. Discriminatory discharge prohibited. No person, organization or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any person a benefit to which that person is entitled under the provisions of the Act because such person has filed any complaint, instituted or

caused to be instituted any proceeding under or related to the Act, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation.

WIOA Sec. 181, 188; 29 CFR Part 38;

6. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 (29 CFR 1604(11). Assurances regarding nondiscrimination and equal opportunity apply to sexual harassment as well.

29 CFR Part 38

P. Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries 29 CFR 2.32

1. Religious organizations must be eligible to seek USDOL support or participate in USDOL programs for which they are otherwise eligible, on the same basis as any other organization. USDOL, USDOL social service intermediary providers, as well as State and local governments administering USDOL support, must not discriminate for or against an organization on the basis of the organization's religious character or affiliation, although this requirement does not preclude USDOL, DOL social service providers or State and local governments administering USDOL support from accommodating religion in a manner consistent with the Establishment Clause of the First Amendment to the Constitution.
2. USDOL, USDOL social service providers, and State and local governments administering USDOL support must comply with otherwise applicable constitutional principles including, but not limited to those articulated in the Establishment, Free Speech, and Free Exercise clauses of the First Amendment to the Constitution.

Q. Testing and Sanctioning for Use of Controlled Substances WIOA sec. 181(f)

1. Notwithstanding any other provision of law, the Federal Government shall not prohibit a State from:
   a. Testing participants in programs under WIOA title IB for the use of controlled substances; and
   b. Sanctioning such participants who test positive for the use of such controlled substances.
2. In sanctioning participants in a program under WIOA title IB who test positive for the use of controlled substances:
   a. with respect to the first occurrence, a State may exclude the participant from the program for a period not to exceed six months; and
   b. with respect to the second and each subsequent occurrence, a State may exclude the participant from the program for a period not to exceed two years.
3. The testing of participants and the imposition of sanctions under this section shall be subject to expeditious appeal, in accordance with due process procedures established by the State.

6. COMPLAINTS AND GRIEVANCES

Each local area, State, outlying area, and direct recipient of funds under title I of WIOA must establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA (20 CFR 683.600).

Whenever any person, organization or agency believes that a Governor, WIOA grant recipient or other (e.g., service providers, contractors) has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than WIOA, or a State or local law, that person, organization or agency may, with respect to the non-WIOA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State or local law against the Governor, WIOA grant recipient or other without first exhausting the remedies in this section. Nothing in the Act or WIOA regulations:

1. Allows any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under WIOA except after exhausting the remedies in this section;
2. Allows any person or organization to file a suit which alleges a violation of WIOA or these regulations without first exhausting the administrative remedies described in this section; or
3. May be construed to create a private right of action with respect to alleged violations of WIOA or the regulations.

I. Grievance and Complaints for Non-Criminal Complaints

This section deals with the handling of non-criminal complaints. Criminal complaints are to be handled as specified in **20 CFR 683.620**

A. Introduction to Complaints and Grievances

1. Complaints

   A **complaint** is an allegation of discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or participation in the program, and is covered by the nondiscrimination and equal opportunity provisions at **29 CFR Part 38**.

   An allegation of retaliation, intimidation or reprisal for taking action or participating in any action to secure rights protected under WIOA Section 188 will be processed as a complaint.

2. Grievances

   A **grievance** is a complaint about services, working conditions, wages, work assignment, etc., arising in connection with WIOA programs operated by WIOA recipients including service providers, eligible training providers, and other contractors.

In order to direct a complaint or grievance properly, it must be determined whether the complaint is a program or discrimination complaint. When a participant or employee alleges unfair treatment, find out what she or he believes to be the reason for the treatment. It is appropriate to ask the complainant if the alleged unfair treatment was due to one of the prohibited factors under the nondiscrimination and equal opportunity regulations at **29 CFR Part 38** or related to working conditions such as work scheduling or assignments.

If the individual alleging unfair treatment cannot or does not cite a reason that it is a prohibited factor, then the complaint must be processed using the separate grievance procedure.

B. Filing A Grievance

1. Who May File
   Any individual, including WIOA program participants, applicants, staff, employers, board members or any other individual who believes they received unfair treatment in a Workforce Innovation and Opportunity Act employment and training program may file a grievance.

2. When Should a Grievance Be Filed
   Grievances must be filed within **one (1) year** of the alleged occurrence.

3. Where May a Grievance Be Filed
   Grievances may be filed directly with the service provider or with the State Equal Opportunity (EOO).

4. The Grievance Process
   a. The service provider may attempt to resolve the issue informally within fourteen (14) calendar days following the filing of the grievance. If the grievance is filed directly with the EOO, the EOO will work with the service provider and the grievant to attempt to resolve the issue informally.

      Whether or not conciliation occurs, a written agreement (the WIOA Conciliation Form is recommended for use, but is not mandatory and an appropriate substitute form may be used) shall be executed, signed by both the grievant and the service provider.

   b. The grievant has the right to a due process hearing if informal resolution cannot be reached. The grievant must be advised of the possibility of a due process hearing within thirty (30) days from the date the grievance was filed.

   c. The grievant has the right to a receipt of a final decision within sixty (60) days from the date the grievance was filed.

General Information Regarding Discrimination Complaints

All grant recipients/program providers (CT DOL and it's partners) under Title I of WIOA are responsible for complying with the discrimination complaint procedures consistent with 29 CFR Part 38.

Discrimination complaints:

A complaint cannot be processed as both a program complaint and a discrimination complaint. A discrimination complaint includes as a reason for mistreatment, one of the prohibited factors (each, a "Protected Class"): race, color, religion, sex (including pregnancy), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title I-financially assisted program or activity as prohibited by WIOA.

Who can file a complaint?

Any person who believes that he or she, or any specific class of individuals, has been or is being subjected to discrimination on the basis of being a member of a Protected Class (as defined above) has the right to file a written complaint within 180 calendar days of the alleged violation. The filing period may be extended for good cause in some limited circumstances. However, only the Director of the Civil Rights Center may extend the filing time.

Where can an individual file a complaint?

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with a local American Job Center Equal Opportunity (EO) Officer, the State EO Officer and /or directly with the Director of the Civil Rights Center (CRC/USDOL):

Director/Civil Rights Center U.S. Department of Labor 200 Constitution Avenue NW Washington, D.C. 20210	OR	Maria Lagasse, State EO Officer Connecticut Department of Labor 200 Folly Brook Blvd. Wethersfield, CT 06109 Phone: (860) 263-6732 TTY: (860) 263-6074

Complaint Forms:

It is recommended that the complaint be filed on both the **ETA 8429 One Stop Career Center Complaint/Referral Record** and **DL1-2014A Complaint Information Form and Privacy Act Consent Form**. (Both of these forms are available on the Equal Opportunity Intranet site) You are also required to
complete the **JS WIOA 1** (English version) or JS WIOA 2 (Spanish) form. Please attach any supporting documentation to the complaint.

Discrimination Complaint Procedure

1. Receipt of Complaint

- If the complainant elects to file a written complaint with the local Equal Opportunity Officer in a CT American Job Center office or affiliate site, that employee will immediately accept the complaint, record information pertaining to the nature of the complaint on the Discrimination Complaint Log and immediately forward the complaint to the State EO Officer.
- The State EO Officer will determine jurisdiction and timeliness of the complaint.
  The local EO Officer is responsible for providing local intake services for discrimination complaints. If the complainant is interested in resolving the complaint through a mediation process, the local EO Officer will assist the complainant in completing the Mediation Request Form and attaching it to the complaint.
- If the State EO Officer determines that CT DOL does not have jurisdiction over the complaint, the State EO Officer must immediately notify the complainant in writing, including reasons for the determination. This Notice of Lack of
  Jurisdiction must include a statement of the reasons for that determination, and notice that the complainant has the right to file a complaint with CRC/USDOL within 30 days of the date on which the complainant receives such notice. If the State EO Officer determines that another entity has jurisdiction, he or she will promptly provide the complainant with a written referral to that entity.

Please Note: All Migrant and Seasonal Farm Workers (MSFW) complaints should be logged and immediately forwarded to the Equal Opportunity Unit for referral or investigation.

2. Initial Letter/Contents and Timeframes for Processing a Complaint

Within 10 working days of receipt of the complaint, the State EO Officer shall issue an initial written notice to the complainant that contains the following information:

- Acknowledgement of receipt of the complaint. The complainant will be advised that he or she has the right to representation in the complaint process.
- A list of the issues raised in the complaint and a statement for each issue that identifies whether the CT DOL will accept the issue for investigation or reject the issue, and the reasons for each rejection.
- Advisement to the complainant of the timeframes for processing the complaint and providing a determination.
- A written Notice of Final Action will be provided to the complainant within 90 days of the date the complaint was filed. If the complainant elects to file with both the Civil Rights Center and CT DOL, the complainant shall be informed that the CT DOL has 90 calendar days to process the complaint and that the Civil Rights
  Center shall not investigate the complaint until the 90 calendar day period has expired.
- The complainant may choose the customary investigation/decision process or the Alternative Dispute Resolution (ADR) process of mediation. Participation in the ADR process is voluntary, confidential, to the extent allowable by law, and must be agreed upon by both parties. An attorney with the Legal Division shall mediate disputes of the CT DOL. If the complainant elects the ADR process, an

attorney from DOL would contact the complainant and respondent to confirm that they wish to participate in the mediation process and schedule a session. Both parties may choose to be represented by counsel at the time of mediation. If an agreement is reached as a result of mediation, that agreement is put in writing and signed by both parties.

- If the complainant chooses not to utilize the ADR process, the State EO Officer shall promptly initiate an investigation by contacting all witnesses and parties to the alleged discrimination and schedule interviews. The CT DOL may take up to 30 working days for fact-finding or investigation of the underlying issues.

3. Notice of Final Action

Upon completion of the investigation, the State EO Officer will issue a written Notice of Final Action to the complainant within 90 calendar days from the date the complaint was filed. This decision is based strictly on the recorded evidence in the case. The Notice of Final Action contains a statement regarding the disposition for the issue(s) raised in the complaint and the reason for the determination. If the complainant is dissatisfied with the decision or resolution, a complaint may be filed with the Civil Rights Center within 30 days of the date on which the complainant received the Notice of Final Action. If the State EO Officer fails to issue a written Notice of Final Action within 90 days from the day on which the complainant filed the complaint, the complainant does not have to wait for the State EO Officer to issue that Notice before filing a complaint with the Civil Rights Center. However, he or she must file the CRC complaint within 30 days of the 90-day deadline.

4. Corrective Action

If discrimination is found through the process of a complaint investigation, the Respondent shall be requested to voluntarily comply with corrective action(s) or enter into a Conciliation Agreement to correct the discrimination.

5. No Resolution Under ADR/ Breach of ADR Agreement

A party to any agreement reached under ADR may file a complaint with the Director of the Civil Rights Center in the event the agreement is breached. In such circumstances, the following rules would apply:

- The non-breaching party may file a complaint with the Director of the Civil Rights Center within 30 days of the date on which the non-breaching party learns of the alleged breach. The Director must evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with CT DOL's procedures.
- If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director of the Civil Rights Center.

6. Confidentiality

EO Officers are required to keep information confidential to the maximum extent possible, consistent with applicable law and fair determination of the complaint. This includes the following:

- The fact that the complaint has been filed;
- The identity of the complainant(s);
- The identity of individual respondents to the allegations; and
- The identity of any person(s) who furnish information relative to, or assisting in, a complaint investigation.

7. Recordkeeping

A separate system will be maintained both locally and at the state level for logging, tracking, and reporting on discrimination complaints. This system must include the name and address of the complainant; basis of complaint; description of complaint; date filed; disposition and date; and any other pertinent information. All records regarding complaints and actions taken on complaints must be maintained for a period of not less than 3 years from the final date of resolution of the complaint.

8. Monitoring
The State EO Officer will review complaint data on a routine basis and during monitoring visits. Should deficiencies be noted in the implementation of these complaint procedures by any local program provider, the State EO Officer will work with the Local EO Officer to review information and/or provide technical assistance in the complaint process. Complaint data will be available for review by the Civil Rights Center/USDOL upon request.

A. Complaint Filing 29 CFR 38.69
1. Any person or the person's representative who believes that any of the following circumstances exist may file a written complaint.
a. A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA title I financially assisted program or activity as prohibited by WIOA or 29 CFR 38.
b. Either the person, or any specific class of individuals, has been or is being retaliated against as described in 29 CFR 38.19.
2. A person or the person's representative may file a complaint with either the recipient's Equal Opportunity Officer (or the person the recipient has designated for this purpose) or the Director, Civil Rights Center (CRC), USDOL. Complaints filed with the Director should be sent to the address listed in the notice in 29 CFR 38.35, or filed electronically as described in the notice.
3. Generally, a complaint must be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the Director may extend the filing time. The time period for filing is for the administrative convenience of CRC, and does not create a defense for the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).

B. Required contents of complaint 20 CFR 38.70

Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information.

1. The complainant's name, mailing address, and if available, email address (or another means of contacting the complainant).
2. The identity of the respondent.
3. A description of the complainant's allegations. This description must include enough detail to allow the Director or the recipient, as applicable, to decide whether:
a. CRC or the recipient, as applicable, has jurisdiction over the complaint;
b. The complaint was filed in time; and
c. The complaint has apparent merit, in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR 38.
4. The written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.
5. A complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the recipient's Equal Opportunity Officer or from CRC. The forms are available electronically on CRC's web site, and in hard copy via postal mail upon request. The latter requests may be sent to CRC at the address listed in the notice contained in 29 CFR 38.35.

C. Right to Representation 29 CFR 38.71

Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.

Appeal Procedures for providers of training services

The Workforce Investment Act requires the Governor to establish procedures for providers of training services to appeal a denial of eligibility or termination of eligibility.

20 CFR Part 680.480(d)

A. Basis for Appeal

Eligible providers of training services may file an appeal due to:
1. Denial by the designated State Agency under WIOA Section 122 (b), (c), or (e);
2. Termination or eligibility or other action by the State Agency under WIOA Section 122(f);
3. Denial of eligibility as a provider of on-the-job training or customized training by a One-Stop operator under WIOA Section 122 (h).

B. Filing an Appeal

1. Timeline for Filing an Appeal

Appeals must be in writing and submitted within one hundred and eighty days (180) days of being notified of a denial or termination to:

Interim Commissioner Danté Bartolomeo
Connecticut Department of Labor
Employment Services Director
200 Folly Brook Boulevard
Wethersfield, CT 06109

2. The appeal must be signed by an authorized individual from the training provider and should include:
   a. Name of the training provider;
   b. Address and phone number of the training provider
   c. An explanation of why an appeal is being filed

C. Appeals to Local Boards.

1. This procedure applies only to appeals by training providers based on the denial of a provider's application for initial listing on the ETPL or the removal of a program already listed on the ETPL.

2. Each Local Board must have a written appeals process that includes the following required provisions:

   a. A provider wishing to appeal a decision by a Local Board must submit an appeal to the Local Board within ten (10) business days of the issuance of the denial notice. The appeal must be in writing and include a statement of the intent to appeal, description of the program in question, the reason(s) for the appeal, and the signature of the appropriate provider official.

   b. The Local Board appeals process must include a meeting between the Local Board staff and the appealing provider for the purpose of effectuating informal resolution in lieu of further appeal process.

   c. A Local Board will notify a provider of its final decision on an appeal within thirty (30) days of receipt of the appeal.

E. Appeals to the CTDOL.

1. This procedure applies to an appeal by a training provider based on:
   a. Denial of eligibility by a Local Board or the designated State agency under § 680.450 of the Federal Rules and Regulations WIOA Final Rule. This includes a CTDOL denial of the

provider's application for initial listing on the ETPL. In addition, a provider may appeal to the Connecticut Department of Labor Commissioner if it has exhausted the appeals process of a Local Board and is dissatisfied with the Local Board's final decision.

b. Termination of eligibility or other action by a Local Board or State agency under § 680.470 (Apprenticeship) and § 680.478 of the Federal Rules and Regulations WIOA Final Rule

2. A provider wishing to appeal a Local Board's final decision shall file an appeal within ten (10) days of the issuance of the Local Board's decision. The request for appeal must be in writing and include a statement of the intent to appeal, description of the program in question, the grounds for the appeal, and the signature of the appropriate provider official. It must be sent to:

   Interim Commissioner Danté Bartolomeo
   CT Department of Labor 200 Folly Brook Boulevard Wethersfield, CT 06109

   The appeal must either be actually received by or postmarked no later than the tenth day following the issuance of the decision being appealed.

3. CTDOL procedures shall include the opportunity for a hearing before impartial hearing officer(s). The CTDOL Labor Commissioner will name the hearing officer(s). The hearing officer(s) or panel shall be comprised of persons that have not had any role in the underlying decision at issue. The hearing officer(s) shall provide written notice to the concerned parties of the date, time, and place of the hearing at least five (5) business days before the scheduled hearing. Subject to the hearing officer's control, both parties shall be provided the opportunity to: present oral and written testimony; call and question witnesses; present oral and written argument; request relevant documents. Any party to a hearing shall have the right to be represented. CTDOL shall maintain a tape recording of the proceedings.

4. The CTDOL will notify a provider of its final decision on an appeal in writing within (30) days of receipt of the appeal.

5. The CTDOL will promptly notify the appropriate Local Board of any appeal request and any final decision.

6. A CTDOL decision under this appeal process shall be final.

7. MONITORING, EVALUATION AND TECHNICAL ASSISTANCE

Monitoring, evaluation and technical assistance are integral components of the oversight responsibilities required by law. The U.S. Department of Labor establishes law, rules (including "final rules") and policy. Protocols for evaluation are established by The Connecticut State Workforce Investment Board with input from the Connecticut Department of Labor (CTDOL) as the designated state workforce agency. Monitoring and technical assistance processes are determined by CTDOL
When program operations are awarded federal funds, those operations are subject to state monitoring and evaluation. Through monitoring and evaluation, areas of strength and weakness are identified in program operations and contributions are made for increased compliance or improved program performance. Technical assistance may be recommended for or requested by programs receiving federal awards. Monitoring, evaluation and technical assistance are considered separately as follows:

A. Monitoring is conducted to determine compliance of program operations with appropriate laws, regulations, plans, provider agreements, policies and procedures. Monitoring occurs at three levels: program monitoring, data monitoring and fiscal monitoring. Monitoring has a three-fold purpose:

1. to identify areas of strength and weakness in program operations
2. to ensure compliance with appropriate laws, regulations, plans, provider agreements, policies and procedures
3. to promote continuous improvement

B. Evaluation has been defined as "basically, the process of determining whether a program is producing desired results;" evaluation can demonstrate whether a program is meeting its goals and objectives and may reveal that unintended benefits are achieved through the program (1). The functions of evaluation are:

1. to select and utilize an outcome indicator (specific assessment instrument or method);
2. to establish specific outcome measures (specific changes expected to occur in the target population as a result of participating in the statewide workforce investment system);
3. to determine through valid assessment methods the outcomes of program operations and of the statewide system as a whole;
4. to utilize outcome data to promote continuous improvement within the statewide workforce investment system;

C. Technical assistance is provided with the intent to improve program performance, to increase program compliance, or to disseminate information.

The functions of Technical assistance are:

1. to increase effectiveness and efficiency of program operations and
2. to strengthen management capabilities.

Special onsite reviews may be conducted to investigate allegations of mismanagement or to clarify unusual findings. Special reviews may or may not result in corrective action. A special review could lead to the implementation of an investigation of known or suspected incidents of fraud, program abuse, or criminal conduct.

A. Monitoring Process 20 CFR 683.410

1. The DOL WIOA Administration unit conducts program, data and fiscal monitoring and evaluation of service providers **annually**. Monitoring is conducted to review the previous program year.

On-site monitoring and/or limited scope reviews may consist of interviews with appropriate staff and program participants, and reviews of policies, procedures, accounting reports, source documents, and other records as considered necessary pertaining to any or all of WIOA Title IB activities including:

a. Fiscal
b. Adult
c. Youth
d. Dislocated Worker (Formula)
Dislocated Worker (NDWG)
e. On-the-Job Training
f. Customized Training
g. CT American Job Centers (security access, timely and accurate input at provider level)
h. Data Validation
i. Eligible Training Provider List
j. The One-Stop System including One-Stop Operators, Centers and Service Providers

2. Monitoring may be conducted onsite with additional oversight conducted by telephone, desk reviews of documents and reports, and such other means as deemed necessary by the DOL WIOA administration unit. Members of entities such as One-Stop Operators, State Workforce Investment Board members, or U.S. Department of Labor may accompany onsite monitors.

3. Regular oversight and monitoring of WIOA activities and providers of career, individualized and training services is conducted to ensure compliance with WIOA requirements including:

a. Compliance with the uniform administrative requirements described in WIOA Law Title IB Section 181 and USDOL uniform administrative requirements, including the appropriate administrative requirements and applicable cost principles at WIOA Reg. Subpart B for all entities receiving WIOA title IB funds.
b. Compliance with applicable laws and regulations in accordance with the State's monitoring system;
c. Determining that expenditures have been made against the cost categories and within the cost limitations specified in the Act and Regulations and in this part;
d. Ensuring that established policies are achieving program quality and outcomes meet the objectives of the Act and the WIOA regulations;
e. Compliance with the nondiscrimination and equal opportunity requirements of WIOA section 188 and 29 CFR part 37. Requirements for these aspects of the monitoring system are set forth in 29 CFR 37.54(d)(2)(ii);
f. Compliance with data collection and reporting system policies and procedures;
g. Determining whether or not there is compliance with other provisions of the Act and the WIOA regulations and other applicable laws and regulations; and

h. Determining if service providers and contractors have demonstrated substantial compliance with WIOA requirements.

4. Findings of Noncompliance: If, as a result of financial and compliance audits or otherwise, CTDOL has determined that noncompliance with the uniform administrative requirements found at 29 CFR part 95 or part 97, as appropriate, the requirements referred to in WIOA Sections 181 and 184, 29 CFR Part 37, or any other substantial violation of WIOA Title IB, the DOL WIOA Administration unit will require corrective action to secure prompt compliance.

5. Failure to Take Corrective Action: If, as a result of financial and compliance audits or otherwise, the CTDOL WIOA Administration Unit has determined a substantial violation of specific provisions of WIOA Title IB, and corrective action has not been taken, CTDOL may:

a. provide technical assistance as necessary and appropriate;
b. prohibit the use of eligible providers;
c. select an alternative entity to provide services;
d. withhold one (1) percent of the service provider's administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld.

B. Terms and Definitions related to Monitoring

Area of Concern: When the monitor finds a practice that might lead to non-compliance of law, rule, or policy. This would be used for a questionable practice but not a practice that is definitely out of compliance. In the report the monitor would word this as a matter of technical assistance or chance for improvement. Depending on the concern, the provider may or may not respond to these on the report. The Area of Concern should be followed by a recommendation.

Recommendation: Technical Assistance given in writing to the provider addressing an area of concern.

Compliance Findings: When the monitor finds a practice that appears to be in violation of law, rule, or policy. Any time documentation is missing for enrollment, eligibility, data validation, etc. this would be a compliance finding. The Compliance Finding would be immediately followed by Action Required. The compliance finding will reference the law, regulation, or policy that is not being followed.

Action Required: The action the provider must take to resolve the Compliance Finding.

Questioned Cost: Used when monitors find unallowable purchases and/or incorrect or documentation is missing for activities, services or payments that were made with program dollars. The payment is questioned until the provider has a chance to respond and resolve the discrepancy.

Disallowed Costs means those charges to a Federal award that the Federal awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award. 2 CFR 200.31.

Best Practice: Analysis of outcome data indicates that exceptional programming or service delivery is being produced by the provider

Promising practice: Work that is recognized by the monitor during or after the monitoring process as promising but not yet sufficiently substantiated through data collection and outcome measures.

Corrective Action: The action plan that the provider will initiate to resolve their Compliance Findings and/or Areas of Concern within the monitoring time period. This means the actions the provider does to bring themselves into compliance.

Formal Corrective Action: This is when a service provider has severe problems with the monitoring and requires additional monitoring for a specific period of time (usually one year) to ensure they are in compliance. Being on Formal Corrective Action requires the provider to outline what happened on the next Request for Proposal.

C. Schedules and Timelines for Monitoring

Below is the timeline for fiscal monitoring

1. Schedule for monitoring service providers will be determined annually during the third quarter of the current program year.

2. Timeline: Date set for onsite review	1-2 weeks before review
Onsite review is conducted	
Entrance and Exit Interviews	Conducted at the time of the onsite review
Report to Service Providers	60 days after onsite review
Corrective Action Plan due	30 days from date the report was received
Accept or Deny Corrective Action Plan	45 days from date Corrective Action Plan was received by the State
Corrective Action taken	30 days after approval of corrective action plan Requests to extend corrective action plan are negotiable
Follow-up	Within 30 but no more than 120 days after approval of corrective action plan.

3. CT has adopted an on-going approach to program monitoring which is designed to focus on the process and out-comes of individuals served with WIOA Title I funding. To this end CT's program monitoring has been developed as a year-long process to coincide with the Federal Program Year on the following schedule:

Request documentation/policies updates	July-August following funding appropriation
Participant/Business selection for review	August
Entrance Interviews	September Conducted following the selection process
Ongoing Review	September through April
Completion of Monitoring Tools	March-April
On site review of AJC and Governors Reserve	April-May
Exit Interview	May
Completed Reports to WDB's	May 30th or 60 days from exit interview
Corrective Action Plan due	30 days from date the report was received
Accept or Deny Corrective Action Plan	45 days from date Corrective Action Plan was received by the State
Corrective Action taken	30 days after approval of corrective action plan Requests to extend corrective action plan are negotiable
Accept or Deny Corrective Action Plan	45 days from date Corrective Action Plan was received by the State

4. In order to provide consistent and thorough monitoring Connecticut has developed a monitoring tool which incorporates sections for governance, program evaluation, a review of random case files for each Title I program, Adult, Dislocated Worker and Youth. In addition monitoring includes on-site interviews with WDB's, providers and program participants. Sections of the monitoring tool may be completed throughout the year prior to formal monitoring. Informal monitoring takes place throughout the year

D. Evaluation

Evaluation is the measurement of the effectiveness of programs in meeting objectives, program goals and performance standards. Evaluations are intended to promote, establish, implement, and utilize

methods for continuously improving workforce activities in order to achieve high-level performance within, and high-level outcomes from the statewide workforce investment system.

CTDOL WIOA Administration unit will also analyze the data collected from the Customer Satisfaction surveys of participants and employers. A report will be written and presented to the WDB's on an annual basis. Other reports as requested from the WDB's will be produced on behalf of the workforce system.

From these reports, the WDB's and CTDOL WIOA Administration Unit will be able to assess how effective the programs are in meeting objectives and goals and recommend any improvements that need to be made.

E. Technical Assistance

Technical assistance and training may be recommended by the CTDOL WIOA Administration Unit or requested by the service provider. Technical assistance may be the means of improving program operations, facilitating the implementation of corrective action or disseminating information. Service providers will not be monitored on the quality or compliance of their programs during technical assistance visits **but will obtain direction to improve quality and compliance issues.** State program managers may provide technical assistance and training directly or outside sources may be used. Such requests should be coordinated through the appropriate program manager or specialist.

Requests for minor technical assistance may be submitted verbally or in writing. If major assistance or assistance in several areas is requested, the request should be in writing so that staff has sufficient information to decide on the most appropriate form and level of assistance to provide. If several service providers request assistance in related areas, a general training session may be scheduled.

Program managers may schedule technical assistance visits to service providers to provide information or special training, discuss areas of concern, evaluate program operation, or any combination thereof.

Service provider attendance is required at state-sponsored technical assistance sessions.

WAIVERS

The purpose of the general statutory and regulatory waivers is to provide flexibility to states and local areas and enhance their ability to improve the statewide workforce investment system.
Workforce Innovation and Opportunity Areas may request waivers to address impediments to the implementation of the strategic plan, including the continuous improvement strategy, consistent with key principles of WIOA. These key principles include:

- Streamlining services and information to participants through a one-stop delivery system;
- Empowering individuals to obtain needed services and information to enhance their employment opportunities;
- Ensuring universal access to career employment-related services;
- Increasing accountability of state, localities and training providers for performance outcomes;
- Establishing a stronger role for the private sector;

- Providing increased state flexibility to implement innovative and comprehensive workforce investment systems; and
- Improving youth programs through services that emphasize academic and occupational learning.
- CT has a current waiver which allows ETPL providers to report ONLY WIOA participants for performance through 2020.

A. Exceptions to Waivers 20 CFR Part 679.610

The Secretary may waive any of the statutory or regulatory requirements of WIOA Title IB with the exception of the following:

1. Wage and labor standards;
2. Non-displacement protections;
3. Worker rights;
4. Participation and protection of workers and participants;
5. Grievance procedures and judicial review;
6. Nondiscrimination;
7. Allocation of funds to local areas;
8 Eligibility of providers and participants;
9. Establishment and function of local areas and local boards;
10. Procedures for review and approval of State plans;
11. The funding of infrastructure costs for one-stop centers;
12. Priority of Service; and
13. Other requirements relating to the basic purposes of Title I of WIOA as described in 675.100.

B. Waiver Requests 20 CFR Part 679.620

A participant, service provider, eligible training providers or the State Workforce Innovation Board may request a waiver however it is only the Governor that may request the waiver from the Secretary. The waiver request may be for the entire State or for local workforce investment areas.

Waiver requests must include:

1. Statutory or regulatory requirements of the waiver;
2. Actions taken by the State to remove State statutory or regulatory barriers;
3. Goals of the waiver and expected programmatic outcomes if waiver is approved;
4. Description of how the waiver will align with USDOL's policy priorities, such as:
    a. supporting employer engagement;
    b. connecting education and training strategies;
    c. supporting work-based learning;

   d. improving job and career results, and
   e. other priorities as prescribed in the forthcoming guidance.
5. Description of the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment; and
6. Description of the processes used to:
   a. Monitor the progress in implementing the waiver;
   b. Provide notice to any Local Board affected by the waiver;
   c. Provide any Local Board affected by the waiver the opportunity to comment on the waiver request;
   d. Ensure meaningful public comment by business and organized labor; and
   e. Collect and report information about waiver outcomes in the State's WIOA Annual Report.
7. The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

The State generally receives a decision on a waiver request from the Secretary within 90 days after the receipt of the original request

C. Process for Submitting a Waiver Request

1. All requests for waivers of statutory or regulatory requirements must first be submitted to DOL WIOA Administration Unit.
2. Requests must be in writing and contain sufficient information which includes: where, why, how, when. Any lack of information may result in a delay or denial of the waiver.
3. CTDOL will work with the Governor to submit the waiver request.

D. Process for Submitting a Statewide Waiver Request

CTDOL may approve or disapprove certain requests for waivers that are not submitted to U.S.D.O.L. Statewide waiver requests must be submitted to CTDOL WIOA Administration unit who will review the request to determine if the request affects performance standards or as specifically stated in law or regulation. Examples of statewide waiver requests may be:

1. Findings of monitoring;
2. Eligible training issues such as out-of-state providers or time frames for getting providers on the State list for the participant's training.

1. WDBs are to report waiver utilization and the impact of waivers on performance to CTDOL via the "WDB Waiver Utilization and Oversight Report." The form must be completed **quarterly** in each program year and submitted to CTDOL **by the 20th day of the month following the last day of the quarter.** Each report item must be completed, and responses must provide sufficient detail to describe the effect of each waiver; specifically, how the waiver changed the activities of the local area or led to innovations, and how the activities carried out under the waiver directly or indirectly affected local

performance. The form reflects current waivers and, therefore, any changes regarding waivers in the coming program years will require CTDOL to revise the form. The form may also be changed by CTDOL in future program years to reflect any additional federal guidance issued on waivers or the annual report (in regard to reporting on waivers).

2. The report, which must be submitted via email to CTDOL WIOA area liaisons, will be reviewed by CTDOL to fulfill waiver tracking, monitoring, and reporting requirements. Questions regarding this issuance may be directed to the WIOA Administration Unit at (860) 263-6590.

CT ENACTED APPROVED WAIVERS

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

MAR 12 2019

The Honorable Ned Lamont
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

Dear Governor Lamont:

Thank you for your waiver request received on December 14, 2018, regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (copy enclosed). This letter provides the Employment and Training Administration's (ETA) official response to the State's request and memorializes that Connecticut will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Connecticut and ETA. This action is taken under the Secretary's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8-10 of the Wagner-Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver of the obligation of eligible training providers (ETPs) to collect and report on the performance data on all students in a training program at WIOA Sections
l 16(d)(4)(A) and (B) and 122(d)(2)(A) and 20 CFR 677.230(a)(4) and (5) and 20 CFR
680.430(b)(5).

ETA Response: The State's request to waive the obligation of ETPs to collect and report performance data on all students in a training program is approved through June 30, 2020. ET A reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Connecticut to implement its plan to improve the workforce development system. The State must provide information regarding how the Governor will take into account the outcomes of all students in an ETP program of study, with respect to their employment and earnings. as required for the demonstration of continued eligibility in 20 CFR 680.460(t)(l)(iii) and WIOA Section 122. The State will continue to collect and report data for all WIOA-funded participants in accordance with all statutory and regulatory requirements, including WIOA Sections 116 and 122, and as specified at 20 CFR 677.230 and 680.460. While ETA recognizes the importance of informing consumer choice through the provision of quality data on training outcomes, we also recognize that the systems and willingness to collect the required performance data from providers may discourage training provider participation, which is a critical component of the workforce development system.

ET A is available for further discussion and to provide technical assistance to the State to support achieving its goals. The Department of Labor proposed additional flexibility in its Fiscal Year 2018 and 2019 budgets to give

governors more decision-making authority to meet the workforce needs of their states and will continue to propose these additional flexibilities in future fiscal years.

If you have questions or wish to explore additional flexibility, feel free to contact my office at 202-693-2772.
Sincerely,

Molly E. Conway

Molly E. Conway
Acting Assistant Secretary

Enclosure

cc:
Kurt Westby, Commissioner, Connecticut Department of Labor
Timothy S. Martin, Acting Boston Regional Administrator, Employment and Training Administration
Douglas Shvonski, Federal Project Officer, Employment and Training Administration

8. WORKFORCE FLEXIBILITY PLAN 20 CFR 679.630

A. State may submit to the Secretary, and the Secretary may approve, a workforce flexibility (workflex) plan under which the State is authorized to waive, in accordance with the plan: Any of the statutory or regulatory requirements under title I of WIOA applicable to local areas, if the local area requests the waiver in a waiver application, except for:

1. Requirements relating to the basic purposes of title I of WIOA described in **20 CFR 675.100**
2. Wage and labor standards;
3. Grievance procedures and judicial review;
4. Nondiscrimination;
5. Eligibility of participants;
6. Allocation of funds to local areas;
7. Establishment and functions of local areas and Local WDBs;
8. Procedures for review and approval of local plans; and worker rights, participation, and protection.
9. Any of the statutory or regulatory requirements applicable to the State under secs. 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g-49i), except for requirements relating to:
    - The provision of services to unemployment insurance claimants and veterans; and
    - Universal access to basic labor exchange services without cost to job seekers.
10. Any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (OAA) (42 U.S.C. 3001 et seq.), to State agencies on aging with respectto activities carried out using funds allotted under OAA sec. 506(b) (42 U.S.C. 3056d(b)), except for requirements relating to:
    - The basic purposes of OAA;
    - Wage and labor standards;
    - Eligibility of participants in the activities; and
    - Standards for grant agreements.

B. A workforce flexibility plan submitted under paragraph (a) of this section must include descriptions of:

(1) The process by which local areas in the State may submit and obtain State approval of applications for waivers of requirements under title I of WIOA;

(2) A description of the criteria the State will use to approve local area waiver requests and how such requests support implementation of the goals identified State Plan;

(3) The statutory and regulatory requirements of title I of WIOA that are likely to be waived by the State under the workforce flexibility plan;

(4) The statutory and regulatory requirements of secs. 8 through 10 of the Wagner-Peyser Act that are proposed for waiver, if any;

(5) The statutory and regulatory requirements of the OAA that are proposed for waiver,

(6) The outcomes to be achieved by the waivers described in paragraphs (b)(1) to (b)(5) of this section including, where appropriate, revisions to adjusted levels of performance included in the State or local plan under title I of WIOA, and a description of the data or other information the State will use to track and assess outcomes; and

(7) The measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

(c) A State's workforce flexibility plan may accompany the State's Unified or Combined State Plan, 2-year modification, or may be submitted separately as a modification to that plan.

(d) The Secretary may approve a workforce flexibility plan consistent with the period of approval of the State's Unified or Combined State Plan, and not for more than 5 years.

(e) Before submitting a workforce flexibility plan to the Secretary for approval, the State must provide adequate notice and a reasonable opportunity for comment on the proposed waiver requests under the workforce flexibility plan to all interested parties and to the general public.

(f) The Secretary will issue guidelines under which States may request designation as a work-flex State. These guidelines may require a State to implement an evaluation of the impact of work-flex in the State.

C. Limitations – refer to 20 CFR 679.640

9. STATEWIDE PERFORMANCE

A. Background

Section 116 of WIOA establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of states and local areas in achieving positive outcomes for individuals served by the workforce development system's six core programs. Pursuant to Training and Employment Guidance Letter (TEGL) No. 10-16, this section elaborates on the performance accountability requirements in section 116 of WIOA, part 677 of the Joint WIOA Final Rule, and the performance reporting requirements in the WIOA Joint Performance Accountability Information and Reporting System (WIOA Performance ICR), approved by the Office of Management and Budget (OMB) on June 30, 2016 as No. 1205-0526. Specifically, this section addresses the:

1. Methodology for calculating the six primary indicators of performance for the core programs;
2. Definitions of:
   a. reportable individual;
   b. participant;
   c. exit; and
   d. period of participation; and
3. Guidance related to:
   a. career services vs. training services;
   b. core services;
   c. incumbent worker training; and
   d. indicator of performance score calculation.

B. Definitions of Terms Related to the Performance Accountability System

1. **Common Exit** – occurs when a participant, enrolled in multiple partner programs, has not received services from *any* USDOL-administered program in which the participant is enrolled, to which the common exit policy applies, for at least 90 days, and no future services are planned. The U.S. Department of Labor (USDOL) encourages states to utilize a "common exit" for USDOL-administered programs, and envisions full implementation of a common exit across the USDOL-administered core programs within each state.

   States that retain or develop a common exit policy must require that a Participant be exited only when all the criteria for exit are met for the WIOA titles I and III core programs, as well as any additional USDOL-administered required partner programs in which the Participant is enrolled and to which the State's common exit policy applies. The WIOA titles I and III core programs are title I Adult, Dislocated Worker, and Youth formula programs and Wagner-Peyser Act Employment Service program.

Additionally, USDOL encourages the additional required partner programs listed in sec. 121(b)(1)(B) of WIOA (that is, the title I non-core programs) that are under the authority of USDOL to be included in the common exit policy. Those partner programs[1] are as follows:

a. Job Corps program, under WIOA sec. 141 et seq.;

b. Native American programs, under WIOA sec. 166;

c. National Farmworker Jobs program, under WIOA sec. 167;

d. National Dislocated Worker Grants, under WIOA sec. 170;

e. YouthBuild program, under WIOA sec. 171;

f. Senior Community Service Employment Program (SCSEP), authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

g. Trade Adjustment Assistance (TAA) program, authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

h. Jobs for Veterans State Grants (JVSG) program, authorized under chapter 41 of title 38, United States Code; and

i. Reentry Employment Opportunities (REO) program, authorized under section 212 of the Second Chance Act of 207 (42 U.S.C. 17532).

2. **Customized Training** – is training that:

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

b. 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:

1) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

2) in the case of customized training involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

3. **Employment** – describes when an individual is working in a paid, unsubsidized job, or for participants in titles I, II or III, working 15 hours or more a week in an unpaid job on a farm or business operated by a family member or participant.

[1] Some of these programs may require common exit. Grantees should refer to guidance specific to these programs for more information.

4. **Exit** – as defined for the purpose of performance calculations, exit date is the last date of service for the Adult, Dislocated Worker, and Youth programs authorized under WIOA title I. The last date of service cannot be determined until at least 90 days have elapsed since the Participant last received services. Services do not include self-service, information-only services or activities, or follow-up services. Furthermore, there must be no plans to provide the Participant with future services. Follow-up services occur, by definition, after exit and therefore, do not trigger the exit date to change or delay exit.

5. **Incumbent Worker** – To qualify as an incumbent worker, the individual worker needs to be employed in a situation that meets the Fair Labor Standards Act requirements for an employer-employee relationship, and have an established employment history with the employer for six months or more, with the following exception: in the event that the incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained do meet the employment history requirement. 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 also are enrolled as a participant in the WIOA Adult or Dislocated Worker program.

6. **Participant** – For the WIOA title I Adult and Dislocated Worker programs, a Participant is a Reportable Individual who has received training or individualized career services, after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

   As set forth in more detail in section 20 CFR 677.150(a)(3), the following individuals are not Participants:

   a. Individuals who only use the self-service system; and
   b. 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 one or more of the 14 WIOA Youth program elements identified in sec. 129(c)(2) of WIOA.

   The U.S. Departments of Labor and Education (Departments) will negotiate levels of performance and calculate sanctions based on the outcomes of program Participants.

7. **Period of Participation** – for all indicators, except Measurable Skill Gains, a period of participation refers to the period of time beginning when an individual becomes a participant and ending on the participant's date of exit from the program. For all indicators, except Measurable Skill Gains, a new period of participation is counted each time a participant enters and ***exits*** the program – even if multiple exits occur during the same program year. For Measurable Skill Gains, a new period of participation is counted each time a participant ***enrolls***, even if multiple enrollments occur within the same program year. A person with more than one Period of Participation in a program year is

counted separately for each Period of Participation in both the numerator and denominator of each applicable performance indicator.

8. **Postsecondary Credential** – for purposes of the Credential Attainment performance indicator: an Associate's degree; a Bachelor's degree; a credential consisting of an industry-recognized occupational certificate or certification including Registered Apprenticeship and Career and Technical Education educational certificates; an occupational license recognized by the State or Federal government; and other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations. Certificates awarded by workforce development boards (WDBs) and work readiness certificates are not included in this definition. Likewise, such certificates must recognize technology or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

   Below is a list of the types of public and private organizations and institutions that award recognized Postsecondary Credentials (not all credentials by these entities meet the definition of recognized Postsecondary Credential).

   a. A State educational agency or a State agency responsible for administering vocational and technical education within the State.

   b. An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs.

   c. An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes.

   d. A professional, industry or employer organization (for example, National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or product manufacturer or developer (for example, Microsoft Information Technology certificates such as Microsoft Certified IT Professional (MCITP), Certified Novell Engineer, Sun Certified Java Programmer, etc.) using a valid and reliable assessment of an individual's knowledge, skills, and abilities.

   e. U.S. Employment and Training Administration's Office of Apprenticeship or CTDOL's Office of Apprenticeship Training.

   f. A public regulatory agency, which awards a credential upon an individual's fulfillment of educational, work experience or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (for example, Federal Aviation Administration mechanic license or State-licensed asbestos inspector).

g. A program that has been approved by the U.S. Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.

h. Job Corps.

9. **Reportable Individual** – an individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

a. Individuals who provide identifying information;

b. Individuals who only use the self-service system; or

c. Individuals who only receive information-only services or activities.

The Departments will not negotiate levels of performance or impose sanctions based on the outcomes of Reportable Individuals. However, the Departments require inclusion of certain information about Reportable Individuals in the State annual performance reports and associated WIOA performance reporting instruments or program-specific performance reporting instruments.

10. **Secondary School Diploma** – for purposes of the Credential Attainment performance indicator, a Secondary School Diploma (or alternate diploma), commonly referred to as high school diploma, is one that is recognized by the State and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirements for a high school education.

11. **Unsubsidized Employment** – employment in the private sector or public sector for which the employer does not receive a subsidy from public funds to offset all or a part of the wages and costs of employing an individual.

C. Primary Indicators of Performance

Under section 116(b)(2)(A) of WIOA, there are six primary indicators of performance:

1. Employment Rate – 2nd Quarter After Exit: The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program, i.e., the number of participants who exited during the reporting period who are found to be employed in the second quarter after the exit quarter, divided by the number of participants who exited during the reporting period (for title I Youth program participants, the percentage of participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit, i.e., the number of participants who exited during the reporting period who are found to be employed, or found to be enrolled in secondary education, postsecondary education or occupational skills training (including advanced training) in the second quarter after the exit quarter, divided by the number of participants who exited the program during the reporting period);

2. Employment Rate – 4th Quarter After Exit: The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program, i.e., the number of participants who exited during the reporting period who are found to be employed in the fourth quarter after the exit quarter, divided by the number of participants who exited during the reporting period (for title I Youth program participants, the percentage of participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit, i.e., the number of

participants who exited during the reporting period who are found to be employed, or found to be enrolled in secondary education, postsecondary education or occupational skills training (including advanced training) in the fourth quarter after the exit quarter, divided by the number of participants who exited the program during the reporting period);

3. Median Earnings – 2nd Quarter After Exit: The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program;

4. Credential Attainment: The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized Postsecondary Credential, or a Secondary School Diploma or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a Secondary School Diploma or its recognized equivalent is included in the percentage of participants who have attained a Secondary School Diploma or its recognized equivalent only if the participant is also employed or is enrolled in an education or training program leading to a recognized Postsecondary Credential within one year after exit from the program. All In-School Youth (ISY) are included in the indicator. Only Out-of-School Youth (OSY) who participate in Occupational Skills Training, or secondary education, postsecondary education, YouthBuild or Job Corps during participation in the title I Youth program are included in the indicator.

5. Measurable Skill Gains: 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 achieved at least one type of measurable skill gain, defined as documented academic, technical, occupational or other forms of progress, towards such a credential or employment.

   a. Participants who, during any point in the program year, are in an education or training program that leads to a recognized postsecondary credential or employment are included in the denominator. This includes participants who continue to receive services, as well as those who have participated during the program year and have exited the program. Participants are only included in the denominator one time per program year, regardless of how many skill gains they achieve in a given program year, unless the individual has more than one period of participation in a program year.

   b. A participant may have achieved more than one type of gain in a program year; however, only one gain per participant per program year may be used to calculate success on the Measurable Skill Gains indicator, unless the individual has more than one period of participation in a given program year.

   c. A participant who exits the program and re-enrolls in the program during the same program year and is in an education or training program will be in the indicator two times for that particular program year.

   d. The Measurable Skill Gains indicator is different from the other indicators because it is not exit-based, meaning that a participant can achieve a measurable skill gain while still participating in the program. The skill gain may be counted as soon as it is earned at any point during the period of participation in which it was earned. Since this indicator is not exit-based, each unique program entry date (not exit date) triggers inclusion in the calculation.

e. Programs should not delay enrollment or services to participants until a new program year even if programs believe there is insufficient time for the participant to make any type of measurable skill gain by the end of that program year.

f. All participants who are in a title I Adult- or Dislocated Worker-funded training program are included in the indicator (which includes funding a training program for a secondary school program equivalent). This includes all participants in work-based training.

g. All In-School Youth are included in the indicator. Only Out-of-School Youth who are in one of the following are included in the indicator:

1) The program element occupational skills training;
2) Secondary education during participation in the title I Youth program; or
3) Postsecondary education during participation in the title I Youth program.

h. For the title I Adult, Dislocated Worker, and Youth, skill gains are measured by achievement of any of the five types of measurable skill gains; no specific measurable skill gain types are required for specific Adult, Dislocated Worker or Youth participants.

i. For title I Youth, the type of skill gain should be based on the youth's individual service strategy.

6. Effectiveness in Serving Employers: WIOA sec. 116(b)(2)(A)(i)(VI) requires the Departments to establish a primary indicator of performance for effectiveness in serving employers. As described in the Joint WIOA Final Rule and the Joint WIOA Performance ICR (OMB Control No. 1205-0526), the Departments have developed three approaches for measuring effectiveness in serving employers. The State must select two of these three approaches to report on this indicator. The Governor also may establish and report on a third state-specific approach for measuring effectiveness, in addition to the two Departmental approaches selected. The Departments will evaluate state experiences with the various approaches and plan to identify a standardized indicator that the Departments anticipate will be implemented no later than the beginning of Program Year 2019.

a. Approach 1 – Retention with the Same Employer -- addresses the programs' efforts to provide employers with skilled workers;

b. Approach 2 – Repeat Business Customers – addresses the programs' efforts to provide quality engagement and services to employers and sectors and establish productive relationships with employers and sectors over extended periods of time; and

c. Approach 3 – Employer Penetration Rate – addresses the programs' efforts to provide quality engagement and services to all employers and sectors within a State and local economy. Connecticut has selected this approach for measuring effectiveness in serving employers.

The Employer Penetration Rate is calculated as the total number of establishments that received or are continuing to receive WIOA core program services or other assistance during the reporting period, divided by the total number of establishments located within the State during the final month or quarter of the reporting period. If an establishment received or continues to receive more than one service during the reporting period, that establishment should be counted only once in this calculation. However, for employers with more than one physical location, each

work site should be included in the numerator as a separate establishment. Initial results are to be included in the first WIOA annual report due in October 2017. However, due to the lag in data availability for the third approach, the Departments understand that complete data will not be available for reporting in October 2017.

For the employment- and wage-related performance indicators (employment rate in the second and fourth quarters after exit, and median earnings in the second quarter after exit), participants who are in the military or in a Registered Apprenticeship program are considered as employed. Title I Youth who are in the AmeriCorps or Job Corps programs are counted as a success in the training portion of the employment-related indicators.

For the WIOA title I Adult and Dislocated Worker programs, local WDBs may use up to 20 percent of their total Adult and Dislocated Worker formula allocations to provide incumbent worker training (see WIOA sec. 134(d)(4)). However, the Departments do not consider individuals who receive only incumbent worker training to be participants for inclusion in the WIOA performance indicator calculations for the core programs. The State and local areas are still required to report certain participant and performance data on such individuals. The required data elements for these individuals are limited to demographic information and the elements needed to calculate employment in the 2nd and 4th quarters after exit, median earnings in the 2nd quarter after exit, and Credential Attainment. For the purposes of calculating these metrics, the exit date for an individual who has received only incumbent worker training will be the last date of training, as indicated in the training contract.

D. Exclusions from Performance Calculations

Under the following circumstances, participants who exit title I Adult, Dislocated Worker, and Youth programs are excluded from the performance calculations. The participant:

1. Exits the program because s/he has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during the course of receiving services as a participant;
2. Exits the program because of medical treatment and that treatment is expected to last longer than 90 days, and precludes entry into unsubsidized employment or continued participation in the program;
3. Is deceased; or
4. Exits the program because s/he is a member of the National Guard or other reserve military unit of the armed forces, and is called to active duty for at least 90 days.

In addition, a Youth program participant who is in the foster care system as defined in 45 CFR 1355.20(a), and exits the program because s/he has moved from the local workforce area as part of such a program or system, is excluded from the performance calculations.

Furthermore, participants who have exited a program, but for whom exit-based information (for example, employment-related information) is not yet available, are not included in performance calculations until such data subsequently become available.

9.1 PERFORMANCE IMPROVEMENT AND SANCTION POLICY

Policy:

In alignment with Connecticut's vision for measuring data-informed outcomes as indicated in its State Plan and as required under 20 CFR § 683.700 Connecticut provides the following Performance Improvement and Sanction Policy for all Title I WIOA federal grant sub-recipients and state grants where applicable. Further performance and sanction information may be found in WIOA TEGLs 9-17 & 11-19.

The goals of WIOA include increasing access to employment; improving the quality of efforts to provide workers with necessary skills and credentials; promoting improvement in the structure of and delivery of services; increasing the employment, retention, and earnings of participants; and addressing the skill needs of employers. In an effort to meet these goals, the Governor, or his/her designated entity which is currently the WIOA Administration Unit, is responsible to ensure that all subrecipients of federal grant awards and state grants, where applicable, are satisfactorily meeting the needs of workers, job seekers, and employers.

The U.S. Department of Labor (DOL), as the federal oversight agency for WIOA and the national workforce system, ensures that the requirements of the state workforce system are met and has the authority to impose sanctions on states for failure to perform and operate in compliance with the programs.

The Governor has designated CTDOL as the state workforce agency and through the WIOA Administration unit the responsibility of ensuring accountability of subrecipients; ensuring and/or improving performance in achieving outcomes; ensuring compliance with applicable federal and state laws, regulations, policies, guidance, and terms and conditions of applicable awards, contracts; ensuring adequate returns in workforce investments; and supporting the state in achieving its goals.

Policy: It is the expectation that all subrecipients will meet the established federal and state standards of performance and compliance with federal, state, and local laws, regulations, policies, and guidance. If subrecipients do not meet these standards, it is the responsibility of the CT Department of Labor WIOA Administration unit, to act in a timely manner and initiate the steps to address the sanctionable act. Following the terms of this policy the department may impose conditions, remedial actions, and/or penalties to remedy a sanctionable act if it is determined that a sanctionable act has occurred. For sanctions related to violations of nondiscrimination and equal opportunity provisions of WIOA, see the section in this manual titled "PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION".

Informal Resolution

The CTDOL WIOA Administration Unit, works with subrecipients to resolve issues informally before violations warrant the formal sanctions policy. Informal resolution is a joint undertaking by CTDOL and the subrecipient to resolve any potential sanctionable acts without resorting to formal sanctions. Informal resolution efforts may include:

- Technical assistance
- Additional oversight

- Desktop monitoring
- Mitigating efforts implemented by the subrecipient

During the informal resolution process, knowledgeable program staff and subrecipients can cater the appropriate informal resolution efforts to the special circumstances of the subrecipient's situation and the nature of the issue being addressed. Informal resolution is flexible and customizable with the goal of avoiding the sanctions determination process.

In addition, local areas are monitored annually by CTDOL for compliance with federal, state, and local laws, regulations, policies, and guidance. Based on these annual monitoring reports, local areas develop a Corrective Action Plan (CAP) to respond to and address any issues discovered. Local areas will share a copy of the issued CAP with CTDOL. CTDOL will review the CAP in a timely manner and may question or request modification to the CAP if it appears insufficient in its ability to resolve the identified issue. CTDOL will work with the local area on revising the CAP if reasonable or necessary. Repeated failure and refusal to address issues discovered through annual monitoring may result in a sanctionable act that triggers the sanction determination process described in this policy.

The sanction determination process (and all subsequent escalation steps) is triggered if informal resolution efforts to resolve the issue from annual monitoring activities or other communications have not succeeded.

Sanction Determination Process

Step 1- Notice of a Sanctionable Act

If informal resolution fails to resolve the issue(s), CTDOL WIOA Admin. unit will issue a written notice identifying any sanctionable act(s). The written notice will include requirements for a CAP and any sanction(s) to be imposed. The subrecipient (if a state grantee), the signatory official, the Chief Elected Official (CEO), the Local Workforce Development Board (LWDB) Chairperson, and the Office of Workforce Strategy will be notified.

If deemed necessary or prudent (e.g., incidents of fraud, malfeasance, misapplication of funds, potential or suspected criminal activity, or other serious violations), sanctions may be imposed at any time and without prior notice.

Step 2- Subrecipient Response

The subrecipient must respond to the identified requirements in the notice and must create a CAP, within the required time frame specified in the notice of sanctionable act (e.g. 30 days). In the response, the subrecipient may note justifications for the violation(s), mitigating efforts already made by the subrecipient to lessen any effects of the violation(s), and any other information, as appropriate. Subrecipients may request additional technical assistance in responding to the notice and or creating the CAP.
If the subrecipient resolves the sanctionable act, then the WIOA Administration unit will proceed to Step 4 and send a Notice of Resolution for the sanctionable act.

Step 3- Failure to Correct Sanction

Upon determining that the subrecipient has not corrected the sanctionable act, defined as not responding to the notice of sanctionable act (being 30 days past due without communication to WIOA Administration), WIOA Administration unit will issue a Notice of Sanction. The Notice of Sanction will be issued to the subrecipient (if a state grantee), the signatory official, the Chief Elected Official (CEO), the Local Workforce Development Board (LWDB) Chairperson, and the Office of Workforce Strategy.

The Notice of Sanction must include the following information in accordance with 2 CFR § 200.208:

1. Nature of the sanction
2. Reason the sanction is being imposed
3. The remedial action(s) and/or condition(s) needed to remove the sanction, if applicable
4. Time allowed for completing the remedial action(s) or meeting the condition(s), if applicable
5. Method for appealing the sanction-imposed

Sanctions will be imposed based on the following criteria:

1. Totality of the circumstances surrounding the sanctionable act(s):
2. Nature of the sanctionable act(s)
3. Severity of the sanctionable act(s)
4. Frequency of the sanctionable act(s)
5. Cause of the sanctionable act(s) (e.g., neglect, intent)
6. History of the subrecipient regarding its ability to administer a program (e.g., occurrences of sanctionable acts, resolution of sanctions and sanctionable acts, efforts to prevent the occurrence of the sanctionable acts, and oversight results)
7. Other criteria not listed that may be deemed appropriate (e.g., justification for subrecipient's failure to provide necessary information or take required action, or demonstrations of willingness by the subrecipient to cooperate in the sanction process)

Failure to comply with the terms of the Notice of Sanction can result in additional sanctions. If a subrecipient chooses to appeal a Notice of Sanction, the subrecipient may do so according to the appeals procedure described in the Appeals section below.

Step 4 - Resolution of Sanctionable Acts

Upon completion of the Items in the Notice of Sanction, CTDOL WIOA Administration unit will issue a Notice of Resolution to the subrecipient (if a state grantee), the signatory official, the Chief Elected Official (CEO), the Local Workforce Development Board (LWDB) Chairperson, and the Office of Workforce Strategy.

Sanctionable Acts

Examples of situations which may require CTDOL, to take action include, but are not limited to, the following:

Fiscal Violations

- Repeated failure to submit timely and accurate financial reports
- Non-compliance with administrative, contract, or grant agreement provisions
- Failure to retain required service-delivery or financial records in accordance with established record retention requirements (2 CFR § 200.334)
- Failure to observe accepted standards of administration resulting in an impermissible expenditure
- A pattern of impermissible expenditures [e.g., as described in WIOA § 184(c)(2)-(3)]
- Incidents of fraud of a non-criminal nature, malfeasance, misapplication of funds, or other serious violations (e.g., as defined in TEGL 2-12)
- Failure to submit audits as required by Uniform Guidance (2 CFR § 200.501)

Performance Violations

- Failure to submit and/or record timely and accurate performance data
- Failure to submit and/or record timely and accurate federal and state required data (e.g., ETPL required data)
- Failure to meet one or more negotiated/adjusted levels of performance for three consecutive program years

Failed Performance Measure(s) in One Program Year

Determination of Failure and Follow Up

Final performance for states and WDBs is determined after adjustments are made using the statistical adjustment model (SAM).
The **Adjusted levels of performance** are levels of performance determined by adjusting the negotiated levels of performance at the end of the program year to reflect actual characteristics of participants served and the actual economic conditions experienced using the SAM (WIOA section 116(b)(3)(A)(vii)).
The **Actual level of performance** is the outcome reported by a state on the Statewide Performance Report (ETA-9169 OMB No. 1205-0526) for each primary indicator of performance for each core program (section 116(d)(2) of WIOA). Actual levels of performance will be compared to the adjusted levels of performance at the close of the program year to determine the WDB's performance success or failure.
The SAM developed as part of the PY22 Negotiations will continue to improve and become more accurate as more time and data are factored into the tool. The specifics on this policy may be revisited between the state and WDBs after additional cycles of the SAM have occurred and all parties can mutually assess the results and reliability of the tool.

Notice of Failure

Failure of a measure is defined as failing to meet 90% of the negotiated goal for the measure, after adjustments are made (per Adjusted levels of performance above) compared to Actual levels of performance at the close of a

program year. If a subrecipient fails to meet the negotiated level on a performance measure(s) in one program year, a notice will be sent to the subrecipient (if a state grantee), the signatory official, the Chief Elected Official (CEO), the Local Workforce Development Board (LWDB) Chairperson, and the Office of Workforce Strategy.

Corrective Action Plan

In addition to the notice, a Corrective Action Plan (CAP) may be warranted based on the level threshold of the failure for a measure. The two thresholds are defined as follows:

1. In the event the WDB's actual results fall below their local negotiated rate's 90% threshold but exceed the state goal for the measure, a CAP will not be required.
2. In the event the WDB's actual results fall below their local negotiated rate's 90% threshold and the actual results do not exceed the state goal for the measure, a CAP will be required.

The WDB will be notified in the notice when a CAP is required and the WDB will be required to submit a CAP within 45 days of the notice, describing how it will improve and meet performance.

For illustrative purposes, if a state goal is for Adult Credential Rate is 60% and a local WDB goal is 76%, the WDB would be issued a notice of failure if actual results fall below 68.4% (the 90% threshold for 76%).

- If the actual results were 68.1%, (below 90% for the local negotiated measure but higher than the state goal of 60%), the WDB would be notified of the failure but no CAP would be required.
- If the actual results were 59.9%, (below 90% for the local negotiated measure and less than the state goal of 60%), the WDB would be notified of the failure and a CAP would be required.

Note: Discretion can be described in the CAP proposed by the WDB based on the percentage difference in the failure. For example, a 1% difference resulting in a failure and a 10% difference could have different strategies presented to improve performance.

The CAP must include, but is not limited to:

1. A description of the reason(s) for failure, including an analysis of the reason(s) for failure and how the cause was determined.
2. A description of immediate and long-term actions that will be taken to improve performance measures.
3. A timeline for completing each action identified.
4. Identification of technical assistance needed to implement the plan.
5. A description of how the LWDB will monitor and measure the effectiveness of the corrective action activities to ensure performance improvement.
6. Signatures of the LWDB chairperson and the signatory official. A copy must be sent to the CEO(s).

CTDOL WIOA Administrative unit and the Performance and Accountability unit will review the CAP and notify the subrecipient (if a state grantee), the signatory official, the Chief Elected Official (CEO), the Local Workforce Development Board (LWDB) Chairperson, and the Office of Workforce Strategy of the plan acceptance. Appropriate parties will be notified within 15 days if additional information is required.

Upon acceptance of the CAP, the LWDB will submit progress reports to CTDOL on a mutually agreed upon schedule. Report submission will continue until the end of the program year.

Failed Same Performance Measure(s) in Two Consecutive Program Years

If a local area fails the same performance measure(s) that result in a CAP for two consecutive program years, CTDOL WIOA Administration unit will notify the subrecipient (if a state grantee), the signatory official, the Chief Elected Official (CEO), the Local Workforce Development Board (LWDB) Chairperson, and the Office of Workforce Strategy. In addition, CTDOL will present to the LWDB the performance, sanctions, and potential consequences of continued failed performance.

The LWDB will be required to commit funds for dedicated external technical assistance and will be ineligible for incentive funds, if applicable, earned in the second consecutive year of failing a performance measure.

CTDOL will work with appropriate LWDB staff to amend the CAP as needed. Timelines for further local area action, additional monitoring, reporting, and technical assistance will be determined jointly with the assistance of CTDOL.

Failed Same Performance Measure(s) in Three Consecutive Program Years

With the expanded awareness, actions, and technical assistance being provided to LWDB's over the previous two years, it is not expected that there will be a third year of failed performance that results in a CAP. However, should this occur, CTDOL WIOA Administration unit may impose sanctions in accordance with this policy including:

- Other significant actions, as appropriate
- Recommend the initiation of suspension or debarment proceedings (2 CFR § 200.339))
- Escalation of the review to OWS that may impact workforce board's subsequent eligibility
- Other remedies that may be legally available if noncompliance cannot be resolved within the conditions in this policy. Other remedies may include temporary withholding of cash payments or the disallowance of all or part of the cost of the activity or action not in compliance. Use of additional remedies would follow the same notification to the local area as described above, in a continued effort to collaboratively resolve the issue prior to implementing the additional remedy. (2 CFR § 200.339)

The sanctions listed above supplement, but do not supplant, applicable civil and criminal actions under other pertinent federal, state, or local laws, regulations, policies, or terms and conditions of applicable awards, contracts, etc.

Recipients of discretionary grant funding may be subject to remedial actions as outlined in the Statement of Work or Terms and Conditions of an award without entering into the Sanction Determination Process (e.g., costs may be disallowed, or payment of invoices or drawdowns may be withheld until any deficiencies or instances of noncompliance are corrected).

Appeals

A subrecipient that receives a Notice of Sanction may file an appeal with the Governor's Workforce Council through the Office of Workforce Strategy. Appeals regarding sanctions to subrecipients will be addressed by the office. A subrecipient choosing to appeal must submit a written appeal to the Office of Workforce Strategy within 30 calendar days of the issuance of the Notice of sanction. If the 30th day falls on a weekend or holiday, the deadline will be extended to the next business day. Appeals must be submitted in writing or email and addressed to the Office of Workforce Strategy.

Additional appeals procedures apply to certain types of sanctions:
Reorganization Plan [WIOA § 116(g)(2)(B)]
Revocation of Local Plan, in whole or part [WIOA § 184(b)(2), 186(b)]

Useful Terms

Chief Elected Official (CEO) - As defined by WIOA § 3(9), a chief elected official is the chief elected executive officer of a unit of general local government in a local workforce development area, and in the case in which a local workforce development area includes more than one unit of local government, the individuals designated under the agreement described in WIOA § 107(c)(l)(B).

Gross Negligence - Gross negligence is a reckless disregard of a legal obligation or duty.

Malfeasance - Malfeasance is a wrongful or unlawful act, especially wrongdoing or misconduct by a public official.

Remedial Action - Any action required to rectify a situation created by a sanctionable act is a remedial action.

Signatory Official - An individual authorized to enter into and sign legally binding agreements on behalf of the local workforce development area.

Standards of Administration - Standards of administration are models accepted as correct by custom, consent, or authority for the management or performance of the executive duties of government, institution, or business.

Subrecipient - As defined in Uniform Guidance at 2 CFR § 200.331, a subrecipient may receive funds concurrently as a subrecipient and a contractor. Whether a subrecipient is the recipient of a sub-award or a procurement contract is determined on a case-by-case basis. A subrecipient is a non-federal entity which:

- Determines who is eligible to receive what federal assistance;
- Has its performance measured in relation to whether objectives of a federal program were met;
- Has responsibility for programmatic decision making;
- Is responsible for adherence to applicable federal program requirements specified in the federal award; and/or
- In accordance with its agreement, uses the federal funds to carry out a program for a
- public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

LWDB's and state grantees are subrecipients. For more information regarding the differences between a subrecipient and a contractor, see the definition of contractor in Uniform Guidance at 2 CFR § 200.331.

Willful Disregard - Willful disregard is a voluntary or intentional act of ignoring applicable federal and state laws, regulations, policies, guidance, and terms and conditions of applicable awards, contracts, etc.

10. WIOA CONTRACT MANAGEMENT POLICY, ASSURANCES AND CERTIFICATIONS

The Connecticut Department of Labor enters into contracts with Workforce Development Boards for the award of WIOA Title I and National Dislocated Worker Grant funds, including Disaster Relief Grants. Each contract includes a purpose, implementation plan (service delivery package), and budget along with requirements, specific terms, conditions, assurances, and certifications. Contracts are normally signed by the WDB, the Commissioner of the Department of Labor, the Business Management Unit of the Department of Labor and the Attorney General. Attorneys from the Department of Labor's Office of Program Policy provide consultation.

The Executive Office of the President, Office of Management and Budget issued Uniform Guidance effective December 26, 2013 to all states which governs Administrative Requirements, Cost Principles and Audit Requirements as they relate to federal awards. As such, the WIOA Administration unit follows this guidance to meet the intent related to fiscal integrity which requires timely execution of contracts.

In order to ensure compliance with the meeting of federal deadlines for executing contracts the WIOA Administration Unit must work with and rely on the following contributing units and agencies to facilitate contracts.

1. CTDOL Legal Unit - Responsible for the review and oversight of specific terms and conditions contained within the contracts.

2. Business Management- Responsible for creating budget templates, reviewing completed budgets for financial integrity and adherence to OMB circulars, financial reports (9130s) and processing payments based on WDB invoices.

3. Workforce Development Boards- Responsible for completing the entire contract package including budget proposals, service delivery packages and subcontracts for services. Authorized entities execute the contract package on behalf of the entire board and submit completed packages to the Department of Labor for review and acceptance. WDBs are also responsible for submitting technical changes, modifications and proposals to transfer funds.

4. Office Attorney General- Responsible for reviewing the contract as to form and retains the ultimate authority to execute contracts on behalf of the State.

5. Office of Research- Responsible for providing LMI information used in the formula that determines local area allocations.

There are many moving parts to contracting from issuance to invoicing, and achieving targeted deadlines relies on units and factors outside the control and scope of the WIOA Administration unit. The following timeline

represents the general time frames associated with contract processing. It does not reflect the potential issues which may delay timely issuance. Those risk indicators may be found in the attached operational guidance flowchart.

Please Note: no invoices for payment will be accepted and monies allocated until a contract is fully executed.

WIOA Title I Contracts

March-

- A review of WIOA specific terms and conditions associated with anticipated contracts is conducted. Changes are made based on federal and state issuances. This review is conducted by the WIOA Administration unit in coordination with the Labor Department Office of Program Policy.

- WDBs update state and federal forms and certifications required in the electronic repository. Instituted in 2014, the electronic repository allows WDB's to submit certifications and other documents electronically for review and acceptance.

- Business Management reviews and updates budget and contract templates for new contract year.

April-

- Adult, Youth and Dislocated Worker Training and Employment Guidance Letter (TEGL) is released with each state's funding amounts.

- Labor Market Information (LMI) is provided by the Research Department to determine local area allocations.

  Response to questions related to any major increase or decrease in local funding.
- Prepare First Contract Issuance with "final" allocations to be issued to WDBs from WIOA Administration.

- Meet with WDBs to review previous year's issues and provide information on changes for the coming year.

- Issue Contract Packages to WDBs with response due date of May 1st.

May-

- Receive and review completed contract packages from WDBs.
- Schedule and conduct meetings with WDBs & Business Management unit to resolve identified contract issues.
- Final, revised completed WDB contract packages due for review in WIOA Administration by May 12th.

June –

- Finalized contract packages due in Business Management on June 1st.
- Finalized contract packages due for Commissioners Signature on June 10th.
- Finalized, signed contract packages submitted for Office Attorney General Approval on June 15th.
- Finalized, signed contract packages with OAG approval received.

July 1st – Contracts executed and WDBs may begin providing services and submitting invoices for payments for the current program year.

ONE-STOP CERTIFICATION

I. REFERENCES

Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014, WIOA Section 101(d)(6), 121(e), and 121(g).

II. PURPOSE

To provide guidance, process, and deadlines for the certification of one-stop centers and the one-stop delivery system that is to be conducted by local workforce development boards, and to set criteria for the development of a local policy for one-stop certification.

III. BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) specifies in section 101(d)(6) and 121(g)(1) that the State Workforce Development Board establish the minimum criteria for certification of one-stop centers and the one-stop delivery system. Certification is required to be done by local boards at least once every three years in order for one-stop centers and the one-stop delivery system to receive infrastructure funding.

IV. POLICY

1. One-Stop Evaluation and Certification Criteria

   Local Workforce Development Boards (LWDBs) must use the attached *Application for One-Stop Certification* developed on behalf of the Governor's Workforce Council (GWC). The GWC, in consultation with local Chief Elected Officials and LWDBs, will review and update the one- stop certification criteria included in this application every two years as part of the review and modification of the WIOA State Plan.

   LWDBs can establish additional criteria and set higher standards for service coordination than those set by the State. If they do, they must also review and update those additional criteria and standards every two years as part of the WIOA Local Plan update process. Additional criteria must be clearly identified in addenda to the *Application for One-Stop Certification*.

2. One-Stop Evaluation and Certification Frequency

   One-stop sites will be evaluated and certified no less than once every three years. LWDBs may direct "for-cause" site evaluation and certification as determined appropriate and warranted.

   In support of the goal of continuous improvement, each certified site will provide an annual report to the LWDB detailing the progress toward reaching higher standards set forth in the certification criteria.

3. Certification Teams

   One-stop certification teams will be established by LWDBs and are responsible for conducting independent and objective evaluations of one-stop sites and making certification recommendations to LWDBs.

   One-stop certifications teams are comprised of LWDB members and staff and individuals who represent local partners with specific expertise serving populations with barriers and must include a staff member from the Office of Workforce Competitiveness. Certification team members should be free of conflicts of interest. Certification teams may utilize experts from the state level or outside of the local area to

ensure evaluations are objective. They should also utilize local experts who represent targeted populations but have no financial ties with the one-stop site.

4. Certification Determinations

One-stop certification teams will render written determinations within 30 days of conducting one-stop site evaluations. There are three possible determinations: (1) certification, (2) provisional certification with a requirement that one-stop operators provide action plans and timelines for meeting certification standards, and (3) not certified or decertified.

Provisional certifications must be accompanied by detailed description of the issues/concerns identified so one-stop operators have sufficient information around which to develop required action plans and timelines.

A determination to not certify a one-stop site must be accompanied by a detailed description of the deficiencies, including an explanation as to why the certification team believed the deficiencies could not be addressed or resolved provisionally.

5. Appeals

Operators of comprehensive one-stop sites that are not certified may choose to appeal those determinations, in writing, to the LWDB. Those appeals will be subject to the processes and procedures outlined in locally-required dispute resolution and appeal policies.

6. Non-Certification

If an existing comprehensive one-stop site is ultimately not certified following a standard or "for-cause" evaluation, the LWDB and one-stop operator must have a plan to ensure continuity of service between the time a site is not certified and a new one-stop operator is procured.

V. CERTIFICATION TIMELINE

Certification must be completed by the local board prior to December 1, 2017.

VI. CERTIFICATION CRITERIA

In order to be certified, one-stop centers and the one-stop delivery system must meet or exceed the standards established in OWC Policy GP 17-01.

ASSURANCES AND CERTIFICATIONS

As recipients of WIOA Title IB adult, youth, and dislocated worker funds, service providers must obtain and have posted the following certifications and assurances.

1. Certification Regarding Lobbying (29 CFR Part 93)
2. Drug-Free Workplace Requirements Certification (29 Part 98)
3. Nondiscrimination And Equal Opportunity Assurance (29 Part 37)
4. Certification Regarding Debarment, Suspension, And Other Responsibility Matters Primary Covered Transactions (29 Part 98)
5. Standard Assurances For Non-Construction Programs

All recipients of WIOA Title IB funds including service providers, eligible training providers, on-the-job training and work experience worksites and participants are made aware of the certifications and assurances. Facsimile of certifications and assurances are included in this policy.

All grants, Memoranda of Understanding or Agreement, provider agreements or any other formal contract paid in full or in part with WIOA Title IB funds must contain the following assurances or, at a minimum must be referenced.

A. Certification Regarding Lobbying

As the duly authorized representative, the Grantee certifies that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The Grantee shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

B. Certification Regarding Drug-Free Workplace Requirements

As the duly authorized representative, the grantee certifies that it will provide a drug-free workplace by:

1. Publishing a statement, signed by the authorized authority, notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the

grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

2 Establishing an ongoing drug-free awareness program to inform employees about:
   a. The dangers of drug abuse in the workplace;
   b. The grantee's policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. Penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee engaged in or that plans to engage in the performance of WIOA federally funded grants be given a copy of the statement required by paragraph (1);
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
   a. Abide by the terms of the statement; and
   b. Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
5. Notifying CTDOL WIOA Administration Unit in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is convicted:
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Ensure that all recipients of WIOA Title IB funds including participants, service and training providers provide notification that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at service and training provider sites and specify the actions that will be taken against employees for violations of such prohibition;
8. Making a good faith effort that the Grantee and provider worksites maintain a drug-free workplace through implementation of paragraphs (1)-(7).

C. Nondiscrimination and Equal Opportunity Assurance

As the duly authorized representative the Grantee assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

a. WIOA Equal Opportunity and Nondiscrimination Regulations 29 CFR Part 37 and Section 188 of the Workforce Innovation and Opportunity Act of 2014 which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title IB financially assisted program or activity;
b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of

race, color, and national origin;

c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
e. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and
f. The Connecticut Human Rights Act.

This assurance applies to the Grantee's operation of the WIOA Title IB financially assisted program or activity, and to all agreements the Grantee makes to carry out the WIOA Title IB financially assisted program or activity. The Grantee understands that the Grantor (CTDOL) has the right to seek judicial enforcement of this assurance.

D. Certification Regarding Debarment, Suspension, and Other Responsibility Matters

As the duly authorized representative the Grantee certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transaction by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

E. Assurances – Non-Construction Programs

As the duly authorized representative the Grantee certifies that this agency:

1. Has the legal authority and the institutional managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of WIOA Title IB programs.
2. Will give the Comptroller General of the United States and the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to WIOA Title IB programs; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete work relating to financial and management information system reporting requirements within acceptable times frames.
5. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) all other laws incorporated into or referenced in the Workforce Innovation and Opportunity Act of 2014, including, Title VI of the Civil Rights Act as amended; (b) Title IX of the Education Amendments of 1972, as amended; (c) Section 504 of the Rehabilitation Act as amended; (d) the Age Discrimination Act of 1975, as amended; (e) the Drug Abuse Office and Treatment Act of 1972 (PL 91-616) as amended; (f) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 DD.3 AND 290 EE.3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (g) Title VIII of the Civil Rights Act of 1968 as amended; (h) Military Selective Service Act; (i) Nontraditional Employment for Women Act; and (j) Department of Labor Federal Regulations at 29 CFR Parts 34 and 1604.
6. Will comply with **OMB Uniform Guidance 2 CFR Part 200.333** regarding the retention of records;
7. Will certify if requested, in accordance with 29 CFR Part 98, Section 98.510, that neither it nor its one-stop operators, service providers or training providers are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
8. Will comply as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a. to 276a. 7), the Copeland Act (40 U.S.C. 276c. and 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act (40.327-333), regarding labor standards for federally assisted construction sub-agreements.
9. Will comply with the provisions of the Hatch Act (U.S.C. 1501-1508 and 7324-7328), which limit political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
10. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

11. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing WIOA Title IB programs.

CTDOL Pay for Performance Policy (PFP)

As indicated in 20 CFR § 683.500 CTDOL supports the local Workforce Development Boards authority in implementing Pay for Performance Strategies including the development of Pay for Performance Contracts as outlined in 20 CFR § 683.510.

Pay for Performance contracts may be a part of a local WDB's strategy for WIOA Title I Adult, Dislocated Worker, and Youth programs. (Also includes Youth Subtitle B programs)

Pay for performance strategies allow local Workforce Development Boards the opportunity to pay for outcomes achieved rather than for services that may or may not result in positive outcomes. Advantages of pay for performance strategies include:

1. Remove unintended incentives for "creaming", and explicitly direct payments towards employment successes for disadvantaged populations.

2. Allow funds to remain available to local areas until expended.

In order for the local Workforce Development Board to implement a Pay for Performance Strategy and enter into PFP contracts the following steps must occur.

1. A local area conducts a feasibility study or determination to identify the problem the project will address, the population that will be targeted, the services that will be provided, and the performance outcomes that will be used as criteria; and to estimate the acceptable cost to the government associated with achieving the projected performance outcomes.

2. The state submits a modification to its WIOA grant to ETA in order to set aside the funds that will be used for PFP and thus will have a longer obligation period and establishes financial controls to track this fund use at the local level.

    a. CTDOL must provide sufficient notice to the Grant Officer, through its Federal Project Officer (FPO), of any WDB's decision to reserve up to 10% of its total local Adult/Dislocated Worker or Youth allotment for PFP contract strategies so that a new grant agreement can be issued to cover those funds. CTDOL informs its FPO as soon as an amount to be reserved under this provision has been finalized.

3. The Local area begins its PFP project, including negotiating and awarding PFP contract.

4. The local PFP project recruits' participants and provides services.
5. An independent validator determines if the project has achieved its outcomes.
6. The local area pays for any outcomes as named in its PFP contract. If outcomes have not been achieved, the local area does not pay for outcomes.

10.1 WIOA PAY FOR PERFORMANCE CONTRACTS

Funding

Local boards may reserve a maximum of 10% of their local Adult, Dislocated Worker, and Youth annual allocations for PFP contract strategies. PFP contract strategies may combine these allocations over multiple years to accumulate sufficient funds for a project. CTDOL may also use the WIOA Governor's reserve or other funds for similar performance-based contracting strategies.

683.540 What is the State's role in assisting local areas in using WIOA PFP contract strategies?

(a) Using funds from the Governor's Reserve the State may:

(1) Provide technical assistance to local areas including assistance with structuring WIOA Pay-for-Performance contracting strategies, performance data collection, meeting performance data entry requirements, and identifying levels of performance.

(2) Conduct evaluations of local WIOA Pay-for-Performance contracting strategies, if appropriate.

(3) Conduct other activities that comply with limitations on the use of the Governor's Reserve.

(b) Using non-Federal funds, Governors may establish incentives for Local WDBs to implement WIOA Pay-for-Performance contract strategies as described in this subpart.

(c) In the case of a State in which local areas are implementing WIOA Pay-for-Performance contract strategies, the State must:

(1) Collect and report to the Department data on the performance of service providers entering into WIOA Pay-for-Performance contracts, measured against the levels of performance benchmarks specified in the contracts, pursuant to sec. 116(d)(2)(K) of WIOA and § 677.160 of this chapter and in accordance with any additional guidance issued by the Secretary.

(2) Collect and report to the Department State and/or local evaluations of the design and performance of the WIOA Pay-for-Performance contract strategies, and, where possible, the level of satisfaction with the strategies among employers and participants benefitting from the strategies, pursuant to sec. 116(d)(2)(K) of WIOA and § 677.160 of this chapter, and in accordance with any guidance issued by the Secretary.

(3) Monitor local areas' use of WIOA Pay-for-Performance contract strategies to ensure compliance with § 683.500 and the contract specifications in § 683.510, and State procurement policies.

(4) Monitor local areas' expenditures to ensure that no more than 10 percent of a local area's adult and dislocated worker allotments and no more than 10 percent of a local area's youth allotment is reserved and used on WIOA Pay-for-Performance contract strategies.

Information required in the feasibility study

The feasibility study must include the identification of the workforce development problem and target populations for which a local area will pursue a WIOA Pay-for-Performance contract strategy; the outcomes the local area would hope to achieve through a Pay-for-Performance contract relative to baseline performance; and the acceptable cost to government associated with achieving these outcomes;

It must include a strategy for independently validating the performance outcomes achieved under each contract within the strategy prior to payment occurring; and

It must include a description of how the State or local area will reallocate funds to other activities under the contract strategy in the event a service provider does not achieve performance benchmarks under a WIOA Pay-for-Performance contract.

Pay for Performance Contracts

(a) ***Pay-for-Performance contract.*** A WIOA Pay-for-Performance contract is a type of Performance-Based contract.

(b) ***Applicability.*** WIOA Pay-for-Performance contracts may only be entered into when they are a part of a WIOA Pay-for-Performance contract strategy described in § 683.500.

(c) ***Cost-plus a percentage of cost contracts.*** Use of cost plus a percentage of cost contracts is prohibited. (2 CFR 200.324.)

(d) ***Services provided.*** WIOA Pay-for-Performance contracts must be used to provide adult training services described in sec. 134(c)(3) of WIOA or youth activities described in sec. 129(c)(2) of WIOA.

(e) ***Structure of payment.*** WIOA Pay-for-Performance contracts must specify a fixed amount that will be paid to the service provider based on the achievement of specified levels of performance on the performance outcomes in sec. 116(b)(2)(A) of WIOA for target populations within a defined timetable. Outcomes must be independently validated, as described in paragraph (j) of this section and § 683.500, prior to disbursement of funds.

(f) ***Eligible service providers.*** WIOA Pay-for-Performance contracts may be entered into with eligible service providers, which may include local or national community-based organizations or intermediaries, community colleges, or other training providers that are eligible under sec. 122 or 123 of WIOA (as appropriate).

(g) ***Target populations.*** WIOA Pay-for-Performance contracts must identify target populations as specified by the Local WDB, which may include individuals with barriers to employment.

(h) ***Bonus payments.*** WIOA Pay-for-Performance contracts may include bonus payments for the contractor based on achievement of specified levels of performance. Bonus payments for achieving outcomes above and beyond those specified in the contract must be used by the service provider to expand capacity to provide effective training.

(i) ***Performance reporting.*** Performance outcomes achieved under the WIOA Pay-for-Performance contract, measured against the levels of performance specified in the contract, must be tracked by the local area and reported to the State pursuant to WIOA sec. 116(d)(2)(K) and § 677.160 of this chapter.

(j) ***Validation.*** WIOA Pay-for-Performance contracts must include independent validation of the contractor's achievement of the performance benchmarks specified in the contract. This validation must be based on high-quality, reliable, and verified data.

Services Provided

The following services may be provided through a PFP contract.

PFP contracts funded with WIOA Adult and Dislocated Worker funds can only deliver training allowable under WIOA §134(c)(3). A PFP contract funded with WIOA Youth funds can deliver any of the 14 program elements listed in WIOA §129(c)(2). These limits apply to the services delivered under a PFP contract, and do not limit the services that any individual participant may need in order to obtain employment. PFP contract recipients may provide additional services to help PFP participants succeed in their training or employment or education programs through other sources of funding including their own funds, WIOA formula funds, or other American Job Center partner programs, as long as these services are supported by a non-PFP fund source.

PFP service providers must be eligible providers pursuant to WIOA §122 or 123, as applicable. PFP service providers may include local or national community-based organizations or intermediaries, community colleges, or other providers eligible under WIOA§122 or 123, as appropriate.

Performance Considerations

PFP contractually specified performance outcomes must be based on the primary performance indicators in WIOA §116(b)(2)(A). The contract strategy must meet all the performance outcomes, and all outcomes must be independently validated before reimbursement can be made with WIOA extended disbursement account funds. PFP contract strategies may utilize performance indicators in addition to the WIOA primary indicators of performance if they wish. Any additional indicators should be indicated in the local WDB feasibility study.

Validation of Outcomes

Validation of performance outcomes by an entity independent of the contract strategy is required prior to payment to PFP contract strategies. The validation must be based on high-quality, reliable, and verified data. The independent validation must include a determination that a PFP contract strategy is in compliance with the DOL performance accountability provisions. Also, if the contract strategy includes performance indicators in addition to the WIOA primary indicators of performance, independent validation of these additional indicators must occur prior to payment. Independent validations must be conducted in accordance with the usual professional standards applicable to validations and audits. Individuals and organizations that have conflicts of interest with the PFP contract strategy cannot conduct the validation. Therefore the validation must involve a separate contract.
Evaluations are to be procured in collaboration with CTDOL, local WDB's and any additional state agencies that may conduct evaluations including but not limited to state universities and P20WIN.

Required Documentation

The following documentation must be completed and submitted to CTDOL for USDOL approval.

1. Feasibility study (from the WIOA local area to the state)

2. Extended disbursement account request (from the state to ETA)
3. PFP contract (awarded to a service provider by the WIOA local area) must be received for Fiscal/Program review and approval prior to execution
4. Independent validation of PFP performance outcomes conducted by an independent validator (from the WIOA local area to the state)
5. Performance narrative report 9174 (from the state to ETA), individual performance reporting as part of the required PIRL reports, and in some cases the Eligible Training Provider (ETP) Report
6. An evaluation of the program design and performance strategies (from the state to ETA)
7. For financial reporting, P4P expenditures must be reported on the quarterly ETA 9130 of the WIOA Program with CTDOL pre-approved P4P activities (from the state to ETA)

Authorizing legislation and relevant regulations.

WIOA, Public Law No. 113-128, enacted July 22, 2015, available online, Sections 3(47), which references 116(b)(2)(A); 116(d)(2)(K); 116(d)(6)(D); 116(h); 129(c)(2), which references 128(b); 134(a)(3)(A)(xiv) and 134(c)(3)(G)(ii)(VI); 134(d)(1)(A)(iii), which references 133(b); and 189(g)(2)(D).
20 CFR 677.215(b). 20 CFR 683.500 through 683.540; 680.140(b)(4); 680.320(a)(5); 681.420(i); 682.210(l).
2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
Training and Employment Guidance Letter (TEGL) No. 08-20: Pay for Performance (PFP) Guidance for WIOA title I, subtitle B online.

11. PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION

A. Prohibited Discrimination WIOA Sec. 188 and 29 CFR Part 37.5

No individual in the United States may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any Title I financially assisted program or activity, on the ground of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIOA Title I program.

B. Providing Initial and Continuing Notice

WIOA Sec. 188; 29 CFR Part 37 and 20 CFR 667.600

1. All recipients receiving financial assistance under Workforce Innovation and Opportunity Act Title I (excluding the beneficiaries of WIOA programs or activities) must provide initial and continuing notice that it does not discriminate on any prohibited ground.
2. Recipients for the purpose of equal opportunity and nondiscrimination regulations include, but are not limited to:
   a. State level agencies that administer, or are financed in whole or in part by WIOA Title I funds;
   b. State Employment Security Agencies;
   c. State Workforce Investment Boards;
   d. WIOA grant recipients such as service providers and eligible training providers;
   e. One-stop operators; and
   f. One-stop partners (by inclusion in one-stop centers).
3. Notice must be provided to:
   a. Registrants/applicants and eligible applicants/registrants;
   b. Participants;
   c. Applicants for employment and employees in WIOA funded programs;
   d. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient; and
   e. Members of the public, including those with impaired vision, hearing or limited English proficiency.

   Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.
4. "Equal Opportunity is the Law" Poster
   The posters, which are printed in English and Spanish, must be posted in prominent areas of the agency to provide notice of equal opportunity and nondiscrimination.

   Note: "Equal Opportunity is the Law" posters may be ordered from CTDOL.

5. "Equal Opportunity is the Law" Signature Form (WIOA-41 03/01)
   a. All individuals registered in WIOA should read, understand and sign the complaint procedure signature form with a copy to the individual and a copy in the individual's file.
   b. Service providers are required to provide the complaint procedure signature form to all current employees (WIOA partially- or fully-funded positions) and ensure that all new employees receive this form when they begin employment (again WIOA partially- or fully-funded positions). All employees should read, understand and sign the complaint procedure form. Furnish a copy to the employee and place a copy in the employee's personnel file.
   c. Applicants for WIOA services or applicants for employment with the recipient are covered by the appropriate display of posters.
   d. The new complaint signature forms are printed in English only. This office will have a Spanish version that can be duplicated for service providers in an area that has a substantial number of participants that would require notification in that language.
   e. Orientation presentations to new participants, new employees and/or the general public to its WIOA Title I financially funded program must include a discussion of rights under the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act.

C. Publications

Recipients of Workforce Innovation and Opportunity Act funds must provide notice that WIOA Title I financially assisted programs or activities are an **"equal opportunity employer/program"** and that **"auxiliary aids and services are available upon request to individuals with disabilities"** in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially funded through WIOA Title I.

Recipients that publish or broadcast WIOA Title I program information on news media must ensure that such publications and broadcasts state that the program or activity is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon request to individuals with disabilities.

Where materials indicate that the recipient may be reached by telephone, the materials must state the telephone number of the TTY or relay services used by the recipient.

29 CFR Part 37.34

D. Notification of Grievance Due Process

All WIOA Title IB and National Emergency Grant participants must be provided information about their right to file a grievance within one year of the alleged occurrence, and the opportunity for an informal resolution that may include a hearing within sixty days of filing the grievance. Verification of notification must be included in all adult, youth and dislocated worker program participant files. The grievance notice is on the ISS or IEP Participant Agreement.

20 CFR Part 683.600

12. REPORTING

Additional 9130 Desk Aid Guidance

9130 Quarterly Reporting for Boards

Connecticut DOL compiles the reports of each of the five boards and reports in consolidated figures to US DOL.

The line numbers/items below refer to the lines on a 9130 report. The requirements we state are per USDOL and must be adhered by all boards.

Reporting Lines:

10a. Cash Receipts – Cumulative amount received in payments for the portion of grant/contract reporting for (ex. PY19 Youth).

10b. Cash Disbursements – Cumulative amount of cash disbursed (paid out). This amount should not be greater than what was received on line 10a Cash Receipts.

10c. Cash on Hand (line a minus b) – Ideally there should not be cash on hand. If for some reason there is, an explanation on Line 12 Remarks is required. Cash on hand cannot be a negative amount. Any report with negative cash will not be accepted. Cash must be drawn solely to accommodate immediate needs.

10d. Total Federal Funds Authorized – Must match what is contracted on your most current NFA.

10e. Federal Share of Expenditures – Cumulative accrued expenditures for allowable costs associated with the funds authorized.

10f. Federal Administrative Expenditures – Cumulative administrative expenditures – this amount is the portion of your expenditures that is for administrative functions. This amount cannot exceed 10% of your authorized amount. There are no administrative expenditures allowed for Rapid Response.

10g. Federal Share of Unliquidated Obligations – Any obligations incurred for which an accrued expenditure has not yet been recorded, as of the reporting period end date.

10h. Total Federal Obligations – sum of lines 10a and 10g.

10i. Unobligated Balance of Federal Funds – line 10d minus line 10h.

10j. – 11b. These do not apply and therefore should be zero.

The lines in section 11 differ for Youth, Adult, Dislocated Worker and Rapid Response

11a. Other Federal Funds Expended (same for all)

11b. Youth, Adult, Dislocated Worker, Rapid Response – Real Property Proceeds Expended

National Dislocated Worker Grants (Opioid and Covid-19) – Transitional Job Expenditures. This amount cannot exceed 10% of your authorized amount minus administrative expenditures.

11c. Youth – Out of School Youth Expenditures – a minimum of 75% of expenditures minus administrative expenditures must be spent on Out of School Youth.

Adult – Expenditures of Adult Funds on the Disabled Worker Program

Dislocated Worker – Expenditure of Dislocated Worker Funds on the Adult Program

Rapid Response – Rapid Response Funds Expended on Other Statewide Programs

National Dislocated Worker Grants (Opioid and Covid-19) - Training

11d. Youth – In-School Youth Expenditures

Adult and Dislocated Worker - Federal Share of Unliquidated Obligations for Pay-for-Performance Contracts

11e. Youth – Federal Share of Unliquidated Obligations for Pay-for Performance Contracts –

Adult and Dislocated Worker – Pay-for-Performance Contract Expenditures – Must not exceed 10% of expenditures minus administrative expenditures.

11f. Youth – Pay-for-Performance Contract Expenditures – Must not exceed 10% of

expenditures minus administrative expenditures.

Adult and Dislocated Worker – Transitional Jobs Expenditures - Must not exceed 10% of expenditures minus administrative expenditures.

11g. Youth - Work Experience Expenditures - a minimum of 20% of expenditures minus administrative expenditures must be spent on Work Experience Expenditures.

Adult and Dislocated Worker – Incumbent Worker Training Expenditures - Must not exceed 20% of expenditures minus administrative expenditures.

11h. Training Expenditures (not on Rapid Response)

Important for Youth: Line 11c (Out-of-School Youth Expenditures) Plus 11d (in-School Youth Expenditures) Plus 10f (Total Administrative Expenditures) should EQUAL 10e (Federal Share of Expenditures).

(Section 11 also differs for the National Dislocated Worker Grants – see report)

12. Remarks – Enter any explanation deemed necessary, such as reason for cash on hand.

Required Report Backup – For each report submitted, the required backup for each report must contain the figures within each report.
No rounding to whole dollars – report exact figures (2 decimal places).
Explanation: When Business Management reviews the reports, each report must have its own backup. The backup needs to clearly indicate each figure on each line of report.
Example: If the expenditures on line 10e are $569,298.52, this exact figure must be somewhere on the backup for that report.

Please be sure to sign and date each report.
If you need to revise any report, be sure to indicate revised and new revised date.

Report Submission: Reports are due within 30 days after the quarter end and should be submitted to CTDOL.WorkforceAdmin@ct.gov.
Be sure to submit all reports for all open contracts.

13. FUNDING ALLOCATION

A WIOA Adult, Youth and Dislocated Workers

Connecticut's procedure for equitably allocating resources across the State utilizes the federal formula. This ensures that resources are distributed in a fair and equitable manner. Connecticut's Procedure is as follows:

Minimum Provision- Hold Harmless- No local area shall receive an allocation in any program which is less than 90% of the average allocation percentage of the local area for the previous two years.

Connecticut has five local Workforce Development Areas**.** WIOA funding is allocated to Adult and Youth by area based on the following formula:

- 1/3 unemployed in the Areas of Substantial Unemployment (ASU – a contiguous area with an average unemployment rate of 6.5% or greater);
- 1/3 excess unemployed greater than 4.5 percent.
- 1/3 total number of individuals in Connecticut who are economically disadvantaged
- Economically Disadvantaged Youth are youth who are between the ages of 16-21.

For Certified Dislocated Workers CTDOL uses the CTDOL Department of Research labor market information to determine formulas and award allocations.

- Total Insured Unemployed 5%
- Declining Industries 5%
- Long Term Unemployed 25%
- Plant Closings/Mass Layoffs 30%
- Total Unemployment Concentration 35%
- Farmers/Rancher economic hardship data thru the most current year 0%
    - According to the 2014 US Census Bureau American Community Survey Connecticut's % of population (16+) working in the Agriculture and mining sector is five times smaller than the US average 0.4% (CT) vs 2% (US).

- According to USDA 2012 Agricultural Census, the total value of Connecticut's agricultural product sales is one-tenth of one percent of the US total. $550 million vs. $394 Billion.

- The agricultural economy is insignificant in Connecticut as compared to other states in the US. Basing our WIOA allocations in any way on agricultural labor markets would distort this allocation relative to the actual composition of Connecticut's labor markets.

Each data element is weighted as indicated in the above percentages. Percentages remain set unless changed by the GWC.

14. TRANSFER AUTHORITY

20 CFR 683.130

A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area under WIOA paragraph (2)(A) or (3), and up to and including 100 percent of the funds allocated to the local area under paragraph (2)(B), for a fiscal year between—

(A) adult employment and training activities; and
(B) dislocated worker employment and training activities.

This policy provides the procedures for the transfer of funds between adult and dislocated worker programs at the local area.

The Connecticut Department of Labor, in governing the transfer of funds, will use the following procedure.

1. The attached transfer of funds request package must be submitted for each request for transfer of funds. All parts must be completed.

2. A transfer of funds request may be submitted for consideration at any time during the life of a particular year's allocation, as stipulated in the contract.

3. Once the funds are transferred, they are available for expenditure in the receiving funding stream and are subject to all corresponding rules, regulations, and procedures.

4. The transfer for funds request must satisfactorily address all supplemental questions contained in the package.

5. As part of the supplemental requirements, local areas must explain how the transfer will be in alignment with the State and local area's WIOA plan and will have a minimal impact on service delivery needs under WIOA priority of service requirements.

6. The Connecticut Department of Labor shall approve or disapprove a local area request for transfer within thirty (30) days of receipt of the request and all necessary supporting information, including any inquiry or request for additional information or clarification.

7. Expenditures shall be reported in accordance with CT Department of Labor Policies.

15. INITIAL DESIGNATION OF LOCAL AREAS

Purpose

This is to establish policy and procedures necessary for the initial designation of Local Workforce Development Areas (LWDAS) as required by WIOA Section 106.

WIOA requires LWDAs to be designated by the Governor in order to receive federal funding allotments. On behalf of the Governor, CT DOL OWC will accept and approve requests for LWDA initial designation if the local area -

1. Had been designated as a local area for purposes of WIA;
2. Has performed successfully; and
3. Has sustained fiscal integrity.

Initial designation will be for the period July 1, 2015 - June 30, 2017, with subsequent designation occurring at an appropriate time period after June 30, 2017.

Local areas that do not meet the performance and/or fiscal integrity criteria may request initial designation with the understanding that such designation will be granted on a provisional basis for a one (1) year probationary period. A second year renewal of such designation will be dependent upon meeting performance criteria and demonstrating compliance with all fiscal integrity measures required by CT DOL.

In the event that a local area that was designated under WIA requests initial designation under WIOA, but does not meet all of the above requirements, the Governor nonetheless has the discretion to approve the initial designation under WIOA or to re-designate the local area pursuant to existing procedures.

Procedure

Requests must be submitted to CT DOL OWC by the Chief Elected Official of the existing local workforce area on behalf of the area's Local Elected Officials.

16. GENERAL ELIGIBILITY DETERMINATION PROCESS

CTHires Virtual One Stop is the data entry system used to maintain and track all services provided through the funding programs in this Manual.

The Workforce Innovation and Opportunity Act (WIOA), Section 2 Purposes, number (6) indicates "For purposes of subtitle A and B of title 1, to provide workforce investment activities through statewide and local workforce development systems, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation."

WIOA legislation addresses an important distinction between reportable and participation – two separate actions in the process. Reportable individuals are customers who are primarily seeking information and are not treated as participants and their self-service or information search requires no registration. When an individual seeks more than minimal assistance from staff in taking the next step towards self-sufficient employment, the person must be registered and eligibility must be determined.

A. Reportable, Participation & Registration

Reportable Individual: An individual who has taken action that demonstrates intent to use program services and who meets specific reporting criteria of the program including:

(1) Individuals who provide identifying information;
(2) Individuals who only use the self-service system; or
(3) Individuals who only receive information-only services or activities.

Reportable Individuals are not counted in performance calculations.

Participant: A reportable individual who has received services other than informational only services or activities after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.
19AUR5
The following individuals are not participants:

(1) Individuals in an Adult Education and Family Literacy Act program who have not completed at least 12 contact hours;
(2) Individuals who only use the self-service system; and
(3) 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.

Participants are counted in performance calculations.

Self-Service: Self-service occurs when individuals independently access any workforce development system program's information and activities in either a physical location, such as a one-stop center resource room or partner agency, or remotely via the use of electronic technologies.

- Self-service does not uniformly apply to all virtually accessed services. For example, virtually accessed services that provide a level of support beyond independent job or information seeking on the part of an individual would not qualify as self-service.

- Individuals who receive information-only services, which provide readily available information that does not require an assessment by a staff member of the individual's skills, education, or career objectives.

Registration: Is the process of collecting information to support a determination of eligibility. The information may be collected through methods that include electronic data transfer, personal interview or an individual's application. Individuals are considered participants when they have received a program service other than self-service or information-only activities and have satisfied all other applicable programmatic requirements for the provision of services, such as eligibility determination.

For CTHires purposes programmatic participation is as follows:

- Wagner-Peyser participants have completed the Wagner Peyser registration in CTHires and received a service or activity other than self-service or information only.

    - In CTHires only staff assisted services and activities trigger participation.

- WIOA Adult & Dislocated Worker participants have completed the WIOA registration in CTHires and received a service or activity other than self-service or information only.

    - In CTHires only staff assisted services and activities trigger participation.

- WIOA Youth participants have completed the WIOA Youth registration in CTHires and;

    - Completed an objective assessment and;
    - Developed an Individual Service Strategy and;
    - Received 1 of the 14 WIOA youth program elements.

Customer service is a hallmark of WIOA legislation and to that end Workforce Development Boards and providers should ensure that customers receive the highest level of service possible. This includes reducing the

time a completed registrant waits for enrollment/participation and first service. When registration and participation/enrollment are more than 48 hours apart a case note indicating the reason for this delay should be noted in CTHires. The system will not allow more than a ten day window between application/registration and enrollment/participation. Customers will be required to resubmit a new application for any date beyond the ten day window.

Note: For Examples of services which may trigger inclusion as a participant please see TEGL 16-10 Attachment 7

B . Career Services

Career Services, as identified in sec. 134(c)(2) of WIOA and Federal Regulations 20 CFR 678.430, consist of three types: basic career services, individualized career services, and follow-up services.

Basic Career Services

Per TEGL 19-16

> **Basic Career Services are universally accessible and must be made available to all individuals seeking employment and training services in at least one comprehensive American Job Center per local area. Generally, these services involve less staff time and involvement and include services such as: eligibility determinations; initial skill assessments; labor exchange services; provision of information on programs and services; and program referrals. These may be provided by both the Adult and Dislocated Worker programs, as well as by the Employment Service.**

Must be made available and, at a minimum, must include the following services, as consistent with allowable program activities and Federal cost principles.

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;

- Outreach, intake (including worker profiling), and orientation to information and other services available through the one-stop delivery system;

- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs;

Labor exchange services, including -

- Job search and placement assistance, and, when needed by an individual, career counseling, including -
    - Provision of information on in-demand industry sectors and occupations (as defined in Sec. 3(23) of WIOA); and
    - Provision of information on nontraditional employment; and
    - Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the one-stop delivery system;
- Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, when appropriate, other workforce development programs;
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including -
    - Job vacancy listings in labor market areas;
    - Information on job skills necessary to obtain the vacant jobs listed; and
    - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
    - Provision of performance information and program cost information on eligible providers of training services by program and type of providers;
- Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;

- Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and

    - appropriate referrals to those services and assistance, including: child care, child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under SNAP; assistance through the earned income tax credit; and assistance under a Slate program for Temporary Assistance for Needy Families, and other supportive services and transportation provided through that program;

- Provision of information and assistance regarding filing claims for unemployment compensation, by which the one-stop must provide meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.

20 CFR 678.430 (a)(10)(i) "Meaningful assistance" means:

(A) Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or

(B) Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

20 CFR678.430 (a)(10)(ii) The costs associated in providing this assistance may be paid for by the State's unemployment insurance program, or the WIOA adult or dislocated worker programs, or some combination thereof.

- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

Individualized Career Services

Per TEGL 19-16

Individualized career services must be provided to participants after American Job Center staff determine that such services are required to retain or obtain employment, consistent with any applicable statutory priorities. Generally, these services involve significant staff time and

customization to each individual's need.. Individualized career services include services such as: specialized assessments; developing an individual employment plan; counseling; work experiences (including transitional jobs); etc.

Local Workforce Development Boards (WDBs) must identify the assessments to be used to determine eligibility, and ensure eligibility determination procedures are consistent with state policies. American Job Center staff may use recent previous interviews, evaluations or assessments by partner programs to determine if individualized career services would be appropriate. These services generally will be provided by the Adult and Dislocated Worker programs, although it may be appropriate for the Employment Service to provide some of these services.

Must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These services include the following services, as consistent with program requirements and Federal cost principles:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include -
    - Diagnostic testing and use of other assessment tools; and
    - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

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.

- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers (as described in §680.180 of this chapter);
- Group counseling;

- Individual counseling;
- Career planning;
- Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
- Internships and work experiences that are linked to careers
- Workforce preparation activities;
- Financial literacy services as described in sec. 129(b)(2)(D) of WIOA and

  20 CFR 681.500 of that chapter;
- Out-of-area job search assistance and relocation assistance; and
- English language acquisition and integrated education and training programs.
- 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.

Training Services

Per TEGL 19-16

Training services can be critical to the employment success of many adults and dislocated workers. Training services are governed by sections 20 CFR 680.200 through .230 and 20 CFR 680.300 through .350 of the WIOA Final Rule. American Job Center staff may determine training services are appropriate, regardless of whether the individual has received basic or individualized career services first, and there is no sequence of service requirement.

Under WIOA, training services may be provided if the American Job Center staff, including partner programs' staff, determines after conducting an interview, an evaluation or assessment, and career planning, that the individual:

- **Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services alone;**
- **Is 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;**
- **Has the skills and qualifications to successfully participate in the selected program of training services;**
- **Is unable to obtain grant assistance from other sources to pay the costs of such training including such sources as State-funded training funds or Federal Pell Grants established under title IV of the Higher Education Act of 1965, or requires WIOA assistance in addition to other sources of grant assistance including Federal Pell Grants 20 CFR 680.230 and WIOA sec. 134(c)(3)(B) contain provisions relating to fund coordination);**
- **Is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination. If the petition is certified, the worker may then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA;**
- **Is determined eligible in accordance with the State and local priority system in effect for adults under WIOA sec. 134(c)(3)(E), if training services are provided through the adult funding stream; and**
- **Selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individual is willing to commute or relocate.**

Training services, as described in WIOA sec. 134(b)(2)(A)(3) and Notice of Proposed Rulemaking **20 CFR 680.200 through .230**. Training services may be made available to adults and dislocated workers:

- 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 –

  a. 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 above;

b. 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

c. have the skills and qualifications to successfully participate in the selected program of training services;

- 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;

- Are unable to obtain grant assistance from other sources to pay the cost of such training, including such sources as state-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under title IV of the Higher education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and

- If training services are provided through the adult funding stream, are determined eligible in accordance with the state and local priority system in effect for adults under WIOA).

C. Referral

Service providers shall provide information to eligible applicants, whether enrolled in WIOA or not, of the services available through WIOA service providers, including information regarding the opportunities for nontraditional training and employment. Determination may be made prior to enrollment in WIOA to refer an eligible applicant to another service agency or training and education program deemed more suitable for the individual. Each service provider shall ensure that an eligible applicant who cannot be served by its particular program is referred to appropriate agencies, both within and outside the Workforce Development System that may be able to better serve the applicant.

D. Confidentiality and Release of Information

State and federal privacy laws safeguard an individual's privacy from

the misuse of federal and state records and provide individuals access to their records. Providers must maintain participant and applicant files in a manner to safeguard confidentiality.

Funding source agencies have access to participant files. Access to files should be granted on a "need to know" basis. If other agencies, prospective employers, or other individuals or agencies request access to information in a file, an authorization of release for the information must be obtained from the participant. A "Sample Authorization of Release Form" facsimile is shown in the forms section of this manual. The sample form may be used as an Authorization form with the agency's name inserted on the form. Participants should sign the form only after all information is complete.

Access to the records from other agencies may also require authorization for release of information.

17. ADULT AND DISLOCATED WORKER ELIGIBILITY AND SERVICE PRIORITY

I. General Eligibility Requirements 20 CFR 680.130 and Section 188 of WIOA

A. To receive Title I B Adult or Dislocated Worker individualized career and training services, an individual must:
   1. Be a U.S. Citizen or Authorized to work in the U.S. and
   2. Meet Selective Service Registration requirements, if applicable.

B. Additional Eligibility Requirements for Adults
   1. Individuals must be 18 years of age or older and
   2. Meet the service priority required for adults (e.g., low-income and public assistance recipients).

C. Additional Eligibility Requirements for Dislocated Workers include that an individual must meet the WIOA definition of a dislocated worker or displaced homemaker definition as found in Part III of this Section.

II. Service Priority For WIOA Adults (WIOA Law Section 134(c)(3)(E)) § 680.600

Career services are universally available to *all* individuals entering a one-stop system facility. However, covered persons (veterans and eligible spouses of veterans) are given priority of service over non-covered persons.

A. Adult Service Priority
   1. Priority for individualized career and training services shall be given to recipients of public assistance; low-income; and individuals who are basic skills deficient, consistent with the Workforce Innovation and Opportunity Act.
      WIOA defines a **Low-Income** individual as an individual who:
      (a) Receives, or in the past six (6) months has received, or is a member of a family that receives, or in the past six (6) months has received assistance through:
         (1) SNAP in accordance with the Food and Nutrition Act of 2008; or
         (2) TANF under Part A of Title IV of the Social Security Act; or
         (3) SSI (supplemental security income) established under Title XVI of the Social Security Act; or
         (4) State or local income-based public assistance. In Connecticut this is General Assistance (GA); Refugee Cash Assistance (RCA); and HUSKY Health*.
      (b) Received an income, <u>or is a member of a family</u> that received a total family income that did not exceed the higher of:
         (1) the poverty line; or
         (2) 70 percent of the lower living standard income level. Connecticut uses the 70 percent of the lower living standard income level to determine low-income. Refer to ***<u>Federal Poverty Levels (FPLs) and Lower Living Standard Income Levels (LLSILs)</u>*** included in this section as a hyperlink and guidance on what income must be included and or income that may excluded in determining low-income.

(c) Qualifies as a homeless individual as defined Section 41403(6) of the Violence Against Women Act of 1994;

(d) is an individual with a disability whose own income meets the requirements of a program described in subparagraph b., but who is a member of a family whose income does not meet this requirement. 20 CFR **680.640**

2. Individuals who are recipients of public assistance (TANF, SNAP, Supplemental Security Income (SSI), HUSKY Health, Refugee Cash Assistance (RCA), and General Assistance (GA) are considered to meet Categorical Income Eligibility and may be automatically income eligible and no further income verification is required if the individual has provided acceptable documentation.

(a) (1) SNAP documentation must verify that the individual receives or is a member of a household that is receiving SNAP benefits as described in 1. (a). Examples of documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual as a member of the household receiving SNAP, and documentation such as a SNAP benefit summary showing the dates to verify that benefits were received within the six-month period prior to application to a WIOA program.

***HUSKY Health**

HUSKY Health is Connecticut's public health coverage program for eligible children, parents, relative caregivers, elders, individuals with disabilities, low-income adults without dependent children, and pregnant women. HUSKY Health encompasses Medicaid and the Children's Health Insurance Program:

•HUSKY A – also known as Medicaid
Connecticut children and their parents or a relative caregiver, and pregnant women may be eligible for HUSKY A, depending on family income.

•HUSKY B – also known as the Children's Health Insurance Program
Uninsured children under age 19 in higher-income households may be eligible for HUSKY B. Depending on specific income level, family cost-sharing applies.

HUSKY C (including Long-Term Services & Supports, and Medicaid for Employees with Disabilities
Connecticut residents aged 65 or older; **or** who are aged 18 up to 65th birthday and who are blind, or who have another disability, may qualify for Medicaid coverage under HUSKY C. Income and asset eligibility varies, depending on which part of HUSKY C the resident qualifies for.

HUSKY D – also Known as Medicaid for the Lowest-Income Populations
Connecticut residents aged 19 up to 65th birthday without dependent children; who do not qualify for HUSKY A; who do not receive Medicare; and who are not pregnant, may qualify for HUSKY D.

(b) Cash Public Assistance:

(1) TANF documentation must be current and verify that the individual is receiving or is a member of a family that is receiving TANF payments at the time of enrollment in a WIOA program. Examples of acceptable documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual as a member of the family currently receiving TANF, and documentation such as the TANF benefit summary that shows the dates of the public assistance.

(2) SSI, RCA and GA are payments made to a single recipient. The individual applying to WIOA must be the recipient at the time of enrollment in a WIOA program in order to be considered as receiving public assistance and would be considered as a family of one. Examples of acceptable documentation include the Social Services documentation, an award letter or other authorization notice to receive cash public assistance.

Definition of Family Income

"Family income" means the total annualized cash receipts from all sources (with exclusions listed as follows) received by all members during the six-month period prior to application to WIA. Family size will be the total number of family members who are a part of the individual's family at the time that an individual makes application for WIA. The family income will include the total income during the income determination period for all individuals determined to be part of the family.

Family Income Shall Include:

- money wages and salaries before any deductions;
- net receipts from nonfarm 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 owner, renter, or sharecropper after deductions for farm operating expenses);
- railroad retirement, strike benefits from union funds, workers' compensation, and training stipends;
- alimony;
- unemployment compensation;
- military family allotments or other regular support from an absent family member or someone not living in the household;
- pensions, whether private, government employee (including military retirement pay);
- regular insurance or annuity payments;

- college or university grants, fellowships, and assistantships (see exclusion for needs-based scholarship assistance);
- dividends, interests, net rental income, net royalties, periodic receipts from estates or trusts; and
- net gambling or lottery winnings.

Family Income Shall Exclude:

- child support payments, including foster care child payments;
- welfare payments (AFDC/TANF, SSI, RCA, GA);
- regular payments from social security (i.e., old-age survivors insurance);
- social security disability income;
- financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study. In addition, Stafford and Perkins loans like any other kind of loan is debt and not income.
- needs-based scholarship assistance;
- income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and educational assistance;
- capital gains;
- any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
- tax refunds, gifts, loans, lump sum inheritances, one time insurance payments or other compensation for injury;
- noncash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, food stamps, school meals, and housing assistance.

B. Dislocated Worker Priority for Individualized Career and Training Services

The Workforce Innovation and Opportunity Act does not provide a priority of service requirement for dislocated workers. However, plant closures or significant dislocation events are given priority for Individualized Career and Training services. All other eligible individuals impacted are considered of equal status for receipt of services notwithstanding federal requirements pertaining to priority for covered persons (veterans and eligible spouses).

C. Priority of Service for Covered Persons, also known as Veterans' Priority of Service (P.L. 107-288 (Jobs for Veterans Act) and 20 CFR Part 1010) 20 CFR **680.65020 CFR 680.660**

1. Veterans and eligible spouses of veterans (covered persons) are entitled to priority over non-covered persons for the receipt of employment, training, and placement services provided under new or existing USDOL-funded job training programs. See definition of Covered Persons in the glossary.
2. Veterans priority of service does NOT change a program's intended functions; covered persons still need to meet all program eligibility requirements.
3. Priority of service applies to every qualified job training program funded, in whole or in part by USDOL including:
   a. Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services);
   b. Any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Innovation and Opportunity Act of 2014, a demonstration or other temporary program; and
   b. Any workforce development program targeted to specific groups, and those programs implemented by States or local service providers based on Federal block grants administered USDOL.

4. Service Providers must ensure a process for identifying covered persons at the point of entry including enrollment into workforce services, to allow covered persons to take full advantage of priority of service. Identification does not mean verification of veteran status. Self-identified veterans must be made aware of:
   a. Their entitlement to priority of service;
   b. The full array of employment, training, and placement services available under priority of service; and
   c. Any applicable eligibility requirements for those programs and/or services.

III. Dislocated Worker Eligibility Criteria

A dislocated worker, for the purposes of the Title I of the Workforce Innovation and Opportunity Act, is an individual who:

A. (i) has been terminated or laid off from their job, or who received a notice of termination or layoff, from their employer;*****
(ii) (I) is eligible for or has exhausted their unemployment payments; or

(II) has been employed for a duration sufficient to demonstrate attachment to the workforce, but cannot get unemployment compensation because of low earnings or having done work for an employer not covered under a State unemployment compensation law; and
(iii) is unlikely to return to a previous industry or occupation; **

B. (i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise;
(ii) is employed at a facility which the employer has made a general announcement that such facility will close within 180 days; or
(iii) for purpose of eligibility to receive services other than training services, intensive services or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

C. was self-employed (including employment as a farmer, 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; or

D. is a displaced homemaker (must meet the dislocated worker definition of a displaced homemaker).

E. (i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or (ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B). SEE AP 15-05 written prior to the release of this guide. Attachments include WIOA Dislocated Documentation Guide & Self-attestation.

DISPLACED HOMEMAKER.—The term ‘‘displaced homemaker’’ means an individual who has been providing unpaid services to family members in the home and who— (A)(i) has been dependent on the income of another family member but is no longer supported by that income; or (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in Section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in Section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in Section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in Section 101(16) of title 38, United States Code) death or disability of the member; and (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

*****Separating military service members **(non-retiree)** and military spouses may be enrolled for services as dislocated workers if they meet the definitions set forth in TEGL 22-04 Section 4.

Recently separated veterans and transitioning service members are considered to have received a notice of termination or layoff from their employer (DD-214) per III.A.(i) of this Section. For full definitions of Recently Separated Veteran and Transitioning Service Member see the Glossary of Terms and Definitions on DLI’s WIOA website.

IV. Eligibility Verification

Verification of eligibility is used to ensure the reliability of the participant information system, to guarantee services are provided to persons most in need, and to avoid potential disallowed costs. Once an applicant is determined to be eligible, verification of eligibility must be completed. CTHires allows for the verification of each required element. Documentation may be uploaded or scanned to the Virtual OneStop (VOS) system. If verification is not contained in the CTHires system it **must** be in the participant's case file. No individualized career services may be provided until the participant has furnished proof of eligibility to the enrolling agency.

The primary responsibility for providing documentary evidence rests with the applicant/potential participant. Copies of all documentary evidence must be maintained in the participant's file or the CTHires system. For those ex-service members without a DD-214, service providers should work with local or State veterans' staff to obtain a copy. The lack of a DD-214 cannot be used to deny services; it is the responsibility of the provider – in concert with the individual – to obtain a DD-214 in the absence of other allowable documentation.

If an applicant is unable to produce the necessary documents to prove eligibility, service providers have two options to determine eligibility. They can verify information given via telephone contact with an employer or by document inspection, or an applicant statement may be used (use is limited). However, service providers must ensure applicant statements and/or staff verification are allowable from the perspective of federal data validation requirements.

18. CASE NOTE POLICY

PURPOSE:

The Workforce Innovation and Opportunity Act (WIOA) relies on a case management approach to service delivery. Integral to this approach is the maintenance of comprehensive services for each program participant. Case notes are one of the comprehensive tools that document the participant's journey throughout the duration of the program. Case notes are used as a tool to help service providers organize and analyze the information gathered on participants and to plan case management strategies. Recording case notes is critical because it weaves each service element into a comprehensive service plan. Case notes tell the story of the client beyond the information gathered for performance.

Case management and case note responsibility includes assuring:

a. Information on a participant is reported accurately and timely in the CTHires case management system; and

b. Proper documentation of the information is obtained and recorded in the case management system as part of the participant's records.

Case Note Guidelines:

This policy sets expectations for the use of case notes to ensure sufficient details for all staff to serve any customer and for an accurate and complete record of all customer interactions and activities. Case files and case notes are subject to monitoring and data validation reviews.

Case notes should be entered for all services entered in the CTHires Case Management system. You may also enter a case note to provide additional or updated information on a service previously entered.

Timeliness-Case notes must be written in real time and entered in the **CTHires** Case Management system. The case note should be written every time something significant occurs with the participant (i.e. new test scores, job interview, a period of absence from the training program, supportive services, new program activities, etc.).

Concise and Clear- Case notes must be clear and easily understood. Someone with no contact with the participant should be able to read the case note and get an accurate picture of the participant. Good grammar and spelling should be used.

Consistency- There should not be gaps in either time or information. Case notes should reflect the participant's work and progress throughout their participation in the program. The case note and the rest of the file should match and reflect the same information as the test scores, start dates, revisions, supportive services, etc.

Legality- View case notes as a potential legal document. Case notes can and have been used as evidence in court. Ask yourself as you are writing, "would I want what I am writing to appear in court?"

Problems and Solutions- When documenting problems, also document solutions. For example, if you say "Participant not making progress", then also suggest what you are doing to remedy the situation.
For example, "Participant not making adequate progress. I spoke to him about training. He will receive individual tutoring in math and language to see if the situation improves.

Things to Remember- Do not label your opinion and judgments as facts. Be specific. Avoid sweeping generalizations. Summarize confidential information rather than recording it in detail. Keep documentation focused on how events in participant's life will affect the plan. Do not use abbreviations which are not easily understandable or limited to programs/services in just your region. Abbreviating common acronyms such as WIOA is acceptable.

Case Management system Case Notes

A case note shall be clear, concise and used to document any "significant" service; such as 1-on-1 counseling. Services can include comprehensive guidance and counseling, participation in group activities, phone contacts, or email exchanges. All case notes must be entered on a "real time basis" by the team member who provided the service.

Significant customer service would include all of the following:

- The first contact with a customer that results in their first service being received
- Contacts with a customer that involve the delivery of a specific service to that customer
- Contacts with a customer to assess their status or progress in an activity
- Contacts with a customer that produce new information affecting the delivery of services (examples would be changes in health status, court/legal problems, driver's license issues or changes in address).
- Case Notes should not be edited. Once the case note has been saved, a new case note with reference to the case note you want changed will need to be entered.

Critical Instances when Case Notes are required

Registration

Clients who are registered into the CTHires system are identified by the program(s) they are associated with. Case notes should be entered to describe why the client is accessing services and what specific programs they will participate in.

- Registration Only- Used when clients self-register via the internet, register for self-services at the AJC or are registered directly into another program. (WIOA) All individuals who use the

CTHires system are registered at this level. Note at this level some services are reportable while others are not.

- Registered- The client has completed the entire registration for the program they are applying for. (Wagner Peyser, WIOA, Trade, JFES etc)

- Participation- The client has engaged in an activity which triggers participation as clearly defined in TEGL 10-16 Change 1.

This case note is critical as it documents reportable activities which may trigger participation, and as such will be reviewed during monitoring and data validation activities. Case managers should ensure case notes regarding activities which trigger participation are noted correctly.

Examples of additional registration components which should be case noted include but are not limited to the following:

1. Documents gathered for required verification and uploaded to the CTHires system or maintained in the paper file.
2. Self-attestation verification
3. Barriers identified in the registration process

Activities

CTHires tracks services provided to reportable and participating clients through the entry of activity services. Every service the client receives should have an accompanying activity and case note in the system. It is imperative for data-validation and monitoring that all activities a client receives are tracked in the CTHires system and case noted. The case note should indicate what activity the client is receiving, who is providing the activity, and why the client was referred to the activity.

An example would include:

8-16-2018- REB- John began his advanced medical certification training today with Connecticut Community College. Entered Occupational Skills Upgrading in CTHires. John and I reviewed and updated his IEP.

Case notes must reflect one-on-one communication with the client and not be reflective of conversations with providers.

An example that would not be acceptable follows:

8-16-2018 REB- I spoke with Frank at Community College who indicates that Joe began his training and is doing well. Frank indicates he updated Joes IEP.

Examples of Additional activities provided in the CTHires system which should be case noted include but are not limited to the following:

1. Supportive services

2. Any and all types of paid or unpaid training – (OJT, ITA, Work Experience)

3. Follow-Up services

4. Testing/Assessments

5. Completion or review of the clients IEP and/or objective assessment

Closure of Activities/Exit from program

When a client completes or fails to complete an activity it should be case noted. The same applies when a client exits the program. Case managers should make efforts to case note all closures and exits including those which are automatically closed or exited following the 90 day contact window.

Additional case notes must be entered under the following conditions:

- Measurable Skills Gains/Credentials
- Check-in contacts
- Follow-up contacts
- Employment
- Referrals to other programs/services
- Update of IEP/Objective Assessment

Please remember the case note system in CTHires provides for both public and private case notes. Both of these options in CTHires are privileged based. If you don't have access to create or view case notes you should contact your local WDB if you are a provider or the Performance unit at CTDOL if you work for the WDB.

Additional technical assistance regarding case notes is available at the Workforce GPS at the link below:

WorkforceGPS

19. YOUTH ELIGIBILITY AND SERVICE PRIORITY

A. General Requirements Section 188 of WIOA

In order to be considered eligible for the WIOA Title IB youth program an individual must be:

1. A U.S. Citizen or authorized to work in the U.S.,
2. Between the ages of 14 and 24 at the time of enrollment; and
3. Must meet Selective Service Registration requirements. **Note:** Youth who become of age for Selective Service registration **after** enrollment must meet Selective Service requirements by, or within 30 days of, their 18th birthday.

B. Eligibility Requirements

Income Eligibility: With the exception of youth enrolled under the 5% low income exclusion and specific out-of-school youth barriers that do not require that youth be low-income all other youth must meet the WIOA definition of a low-income individual.

WIOA defines a **Low-Income** individual as an individual who:

(a) Receives, or in the past six (6) months has received, or is a member of a family that receives, or in the past six (6) months has received assistance through:
   (1) SNAP in accordance with the Food and Nutrition Act of 2008; or
   (2) TANF under Part A of Title IV of the Social Security Act; or
   (3) SSI (supplemental security income) established under Title XVI of the of the Social Security Act; or
   (4) State or local income-based public assistance. In Connecticut this is General Assistance (GA); Refugee Cash Assistance (RCA); and HUSKY Health (as defined previously).

(b) Received an income, or is a member of a family that received a total family income that did not exceed the higher of:
   (1) the poverty line; or
   (2) 70 percent of the lower living standard income level. Connecticut uses the 70 percent of the lower living standard income level to determine low-income.

(c) Qualifies as a homeless individual as defined Section 41403(6) of the Violence Against Women Act of 1994;z

Note

The WIOA youth formula program allows youth living in high-poverty areas to be considered low-income individuals.

The WIOA regulations at 681.260 define high poverty area as a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance, or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data.

WDB's may use the information indicated at the link below to determine if a youth resides in a high poverty area.

https://geocoding.geo.census.gov/geocoder/geographies/address?form

CT has created its own tool utilizing the information from the Census Bureau which can be accessed by utilizing through the following link:

20 CFR 681.280

(d) is an individual with a disability whose own income meets the requirements of a program described in subparagraph b., but who is a member of a family whose income does not meet this requirement.

Individuals who are recipients of public assistance (TANF, SNAP, Supplemental Security Income (SSI), HUSKY Health (as defined previously)**,** Refugee Cash Assistance (RCA), and General Assistance (GA) are considered to meet Categorical Income Eligibility and may be automatically income eligible and no further income verification is required if the individual has provided acceptable documentation.

(a) (1) SNAP documentation must be current and verify that the individual receives or is a member of a household that is receiving SNAP benefits as described in 1. (a). Examples of documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual is a member of the household receiving SNAP, and documentation such as a SNAP benefit summary showing the dates to verify that benefits were received within the six-month period prior to application to a WIOA program.

(b) Cash Public Assistance:

(1) TANF documentation must be current and verify that the individual is receiving or is a member of a family that is receiving TANF payments at the time of application to a WIOA program. Examples of acceptable documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual as a member of the family currently receiving TANF, and documentation such as the TANF benefit summary that shows the dates of the public assistance.

(2) SSI, and GA are payments made to a single recipient. The individual applying to WIOA must be the recipient at the time of application to a WIOA program in order to be considered as receiving public assistance and would be considered as a family of one. Examples of acceptable documentation include the Award Letter or other authorization notice to receive cash public assistance.

20 CFR 681.200

Eligible Youth: means an in-school youth or an out-of-school youth.

The Workforce Innovation and Opportunity Act of 2014 separates youth in to two separate categories: In-school youth ages 14-21; and out-of-school youth ages 16-24 at the time of enrollment.

WIOA In-School Youth 20 CFR 681.220

Eligible in-school youth must be:

(a) Attending school, including secondary or post-secondary school. **WIOA does not consider providers of Adult Education under WIOA Title II, YouthBuild programs, and Job Corps programs to be "schools".**

(b) Not younger than 14 (unless an individual with a disability who is attending school under State law) and not older than 21 at the time enrollment (age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program) and any one of the following categories; and

(c) Low-income and is one or more of the following:
1. Basic Skills deficient;
2. An English Language Learner;
3. An offender;
4. A homeless individual which may include:
   - runaway youth;
   - youth in foster care or has aged out of the foster care system;
   - youth eligible for assistance under Sec. 477 of the Social Security Act (Chafee Foster Care Independence Program); or
   - youth in an out-of-home placement
5. Pregnant or parenting;
6. Individual with a disability;
7. An individual who requires additional assistance

WIOA Out-Of-School (OSY) Youth 20 CFR 681.210

The intent of WIOA is to serve more OSY who are disconnected from school and work. Out-of-school status is determined at the time of enrollment and once the youth is enrolled as an Out-of-School Youth (OSY), that status continues for the duration of the youth's enrollment, even if the youth later returns to school.

Out-of-school participation for reporting OSY expenditures:
WIA enrollments: WIA out-of-school participants still enrolled in the WIA youth program as of June 30, 2015 are considered grandfathered into the WIOA youth program. This means that the school status of the youth enrolled in WIA remains the same under WIOA so if the youth was enrolled as out-of-school in WIA that youth remains an out-of-school youth under WIOA.

WIOA enrollment: The school status remains the same throughout the youth's participation in the WIOA youth program for purposes of reporting against the OSY expenditure requirement. If the youth is determined to be an OSY at the time of WIOA enrollment and subsequently re-enters high school or enrolls in postsecondary education, that youth is still considered OSY throughout their participation in the WIOA youth program. (TEGL #8-15)

For OSY who are subject to the justice system, homeless, pregnant or parenting, or have a disability, income eligibility documentation is not required.

Eligible out-of-school youth are youth who are:

(a) Not attending any school

. **20 CFR 681.230** NOTE: Adult Education under WIOA Title II, YouthBuild programs, and Job Corps programs are not considered to be "schools" under WIOA;

(b) Not younger than 16 and not older than age 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; and

(c) One or more of the following:

1. School dropout;
   20 CFR 681.240
   - A youth attending an alternative school at the time of registration is **not** a dropout.
2. Youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter. School year calendar quarter is based on how a local school district defines its school year quarters;
3. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual **and** is either:
   a. basic skills deficient;20 CFR 681.290 or
   b. an English language learner;
4. An individual who is subject to the juvenile or adult justice system;
5. A homeless individual which may include:
   - runaway youth;
   - youth in foster care or has aged out of the foster care system;
   - youth eligible for assistance under Sec. 477 of the Social Security Act (Chafee Foster Care Independence Program); or
   - youth in an out-of-home placement
6. Pregnant or parenting;
7. Individual with a disability;
8. A low-income individual who requires additional assistance.20 CFR 681.300
   20 CFR 681.310

20 CFR 681.250

Non Low-Income Exception

In accordance with WIOA Sec, 129 (3)(A)(i), a "covered individual" means any In-School Youth, or, an Out-Of-School Youth who meets the following conditions:

- Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner
- Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment

In each local area not more than 5 percent of "covered individuals" may be persons that are not low income. Individuals who are not low-income and enrolled in activities funded by WIOA Title I must provide source documentation to prove they are "covered individuals".

Expanded Disconnected Youth Considerations

As of 2022 CTDOL has identified over 41,000 disconnected youth in Connecticut who are not in school, not working and or unemployed between the ages of 16-24. Due to the nature of their disconnection with the workforce system and the multiple barriers they may face, the following special considerations will be given to youth who meet the disconnected criteria described above.

Eligibility: Disconnected youth are more likely to have difficulty supplying the required documentation for program inclusion and may have to rely on others to provide this documentation. As such all required eligibility documents may be self-attested to for program enrollment. Efforts to secure documentation may be gathered following enrollment as part of the participants Individual Employment Plan or Objective Assessment. Referring partner entities may attest to eligibility for program inclusion either prior or following program entry. Detailed case notes and specific documentation as to which categories are self-attested must be uploaded into the CTHires system. Supportive service payments may be used to gathered documentation following enrollment.

Self-attestation means a written, or electronic/digital declaration of information for a particular data element, signed and dated by the participant. CTDOL broadly interprets what is an electronic/digital signature. Electronic signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. W D B ' s must retain documentation of the self-attestation.

Low Income: Since disconnected youth are more likely to be homeless or not in a stable living environment, youth who self-attest to a lack of stable housing may be counted as a family of one. In addition, part-time earnings may be excluded from calculations for low income if those earnings exceed the LLSIL/Poverty guidelines.

CFR675.300 Defines family as "two or more persons related by blood, marriage or decree of court, who are living in a single residence and are included in one or more of the following categories (1) A married couple and dependent children; (2) A parent or guardian and dependent children; or (3) A married couple"

Case Management: Youth who are disconnected are more likely to encounter program participation barriers which preclude them from regular one-on-one direct contact with WIOA case management staff and or their providers. As a result direct contact with participants is not required to keep the participant enrolled in WIOA. If a participant remains connected to a referred program, the case may continue to be kept open past the 90-day exit period. For example, if a participant is institutionalized as a result of a mental health or substance use issue as long as the case manager receives consistent updates from the referral source the case may remain open in WIOA. Case managers should utilize the referral activity in CTHires for the referral and utilize Individual counseling activity to keep the case active.

Supportive Services: As one of the 14 required elements for Youth under WIOA Title I, 20 CFR 681.570 describes supportive services for youth as defined in WIOA sec. 3(59), as services that enable an individual to participate in WIOA activities. These services include <u>but are not limited</u> to the following:

1. Linkages to community services
2. or paying for a driver's license included
3. Assistance with childcare and dependent care
4. Assistance with housing
5. Needs Related Payments – see separate sections for Needs Related Payments for Youth
6. Assistance with educational testing
7. Reasonable accommodations for youth with disabilities
8. Legal Aide
9. Referrals to healthcare
10. Assistance with uniforms or other job appropriate attire and work-related tools, including such items as eyeglasses and protective eyewear
11. Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes
12. Payments and fees for employment and training related applications, tests, and certification
13. Food- Food may be provided to eligible youth when it will assist or enable the participant to participate in allowable youth program activities and to reach his/her employment and training goals, thereby achieving the program's overall performance goals. The use of grant funds for food should be limited to reasonable and necessary purchases that are coordinated, when possible, with other community, state, or federal services that provide food for low-income individuals. Local areas should have written policies and procedures in place for purchasing and distributing food to ensure consistent treatment of these types of expenses.

NOTE Supportive services that enable WIOA participants to participate in training can count toward training expenditures.

For examples of Supportive Services for disconnected youth, refer to the Supportive Services policy in this section.

D. Youth Service Priority

1. Priority for services shall be given to recipients of public assistance and low-income individuals

consistent with the Workforce Innovation and Opportunity Act.

WIOA Section 3 (36) defines a **Low-Income** individual as an individual who:

(a) receives, or in the past six (6) months has received, or is a member of a family that is receiving or in the past six (6) months has received, assistance through SNAP, cash payments under a Federal, State, or local income-based public assistance program such as TANF (Temporary Assistance for Needy Families), SSI (Supplemental Security Income), General Assistance (GA) or Refugee Cash Assistance (RCA);

(b) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved. including unemployment compensation and child support payments, cash public assistance, and old-age and survivors insurance benefits under the Social Security Act that, in relation to family size, does not exceed the higher of (I) the poverty line, for an equivalent period; or (II) 70 percent of the lower living standard income level, for an equivalent period (see ***Federal Poverty Levels (FPLs) and Lower Living Standard Income Levels (LLSILs)*** included in this section as a hyperlink;

(c) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act;

(d) qualifies as a homeless child or youth individual as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)))the Steward B. McKinney Homeless Assistance Act;

(e) is an individual with a disability whose own income meets the requirements of a program described in subparagraph (a) or (b), but who is a member of a family whose income does not meet such requirements.

(f) is a youth in foster care on behalf of whom State or local government payments are made.

2. Individuals who are recipients of public assistance (TANF, SNAP/Food Stamps, Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), and General Assistance (GA)) may meet Categorical Income Eligibility and considered automatically income eligible and no further income verification is required if the individual has provided acceptable documentation.

   (a) SNAP (Food Stamp) documentation must be current and verify that the individual receives or is a member of a household that is receiving SNAP benefits as described in 1. (c). Examples of documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual is a member of the household receiving SNAP, and documentation such as a SNAP benefit summary showing the dates to verify that benefits were received within the six-month period prior to application to a WIOA program.

   (b) Cash Public Assistance:

      (1) TANF documentation must be current and verify that the individual receives or in the past six (6) months has received TANF payments, or is a member of a family that is receiving or in the past six (6) months has received TANF payments. Examples of acceptable documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual as a member of the family currently receiving TANF, and documentation such as the TANF benefit summary that shows the dates of the

public assistance. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

(2) SSI, RCA and GA are payments made to a single recipient. The individual applying to WIOA must be the recipient and must be currently receiving SSI, RCA or GA in order to be considered as receiving public assistance and would be considered as a family of one. Examples of acceptable documentation include the Award Letter or other authorization notice to receive cash public assistance.

3. **Free or Reduced Lunch:** The individual must be an **in-school youth** at the time of enrollment. **If the youth is attending a school that provides free lunch to all students then the youth is considered to be receiving free lunch.** Verification documentation for free or reduced lunch eligibility must be current or, in the case of youth enrolling during the summer, verify that the lunch eligibility was determined no more than one year (or previous school year) prior to WIOA eligibility determination.

   Note: Some school districts subsidize all student meals from the Community Eligibility Provision (CEP) Healthy, Hunger Free Kids act of 2010. **When a school does not collect individual eligibility for free or reduced or lunch the information may not be used to determine low-income eligibility.**

4. Veterans' Priority for Service. Covered Persons' Priority: Refer to Section C. of WIOA 3.10 Adult and Dislocated Worker and the Glossary for further clarification of covered persons and priority for service.

E. Funding Requirements

1. WIOA Youth Program Elements: WIOA Title IB youth funds must be used to provide the following youth elements to eligible youth. Youth providers are not required to provide every WIOA element to youth however every element must be made known and available to youth. **(Refer to Section 4.10 Youth Services and Activities for the list of requirement elements)**

2. Out-of-School Youth Program: **20 CFR Part 681.410**
   WIOA Law and Regulations require that **75%** of WIOA funds allocated to youth programs must be used to provide activities to out-of-school youth.

3. Youth Work Experience: **20 CFR Part 681.590**
   Local youth programs must expend not less than 20 percent of the funds allocated to them to provide in-school youth and out-of-school youth with paid and unpaid work experiences that have academic and occupational education as a component of the work experience.

   Allowable expenditures for work experience can include:
   a. wages paid to the youth in work experience;
   b. staff time spent identifying potential work experience opportunities;
   c. staff time working with employers to develop the work experience;

d. staff time spent working with employers to ensure a successful work experience;
e. participant work experience orientation sessions, classroom training or the required academic education component directly related to the work experience;
f. orientation for employers.

Adequate documentation must be maintained to ensure expenditures are legitimate and allowable.

F. Parent/Guardian Program Participation Consent

Enrolling a minor into WIOA without parental consent can put the Connecticut Department of Labor and WIOA Youth Service providers at risk of being sued and increases liability, particularly if the participant is injured or mistreated. Service providers must obtain signed consent from a parent or guardian for youth who are under the age of 18. In situations where an unaccompanied minor, not in foster care, with no one assuming Legal Custody of them (most generally these are homeless or runaway youth) they are allowed to sign for themselves. Case managers must have very detailed case notes documenting the youth's situation and also comment on the consent form and place the form in the participant's file/CTHires case notes.

G. Program Service Elements

In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, service providers shall provide services consisting of the following elements:

1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a
secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
2. alternative secondary school services, or dropout recovery services, as appropriate;
3. paid and unpaid work experiences that have as a component academic and occupational education, which may include:
   - summer employment opportunities and other employment opportunities available throughout the school year;
   - pre-apprenticeship programs;
   - internships and job shadowing; and
   - on-the-job training opportunities;4. occupational skills training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with
   in-demand industry sectors or occupation in the local area involved;
5. comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;
6. leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
7. supportive services;

8. adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. follow-up services for not less than 12 months after the completion of participation, as appropriate;
10. financial Literacy Education;
11. entrepreneurial Skills Training;
12. 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;
13. activities that help youth prepare for and transition to postsecondary education and training;
14. education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

Local Boards must ensure that all 14 program service elements are available to youth in the local area, although individual youth participants need not participate in all 14 program service elements. Participation in the program service elements is based on a youth's objective assessment and individual service strategy. Local grant recipients do not need to provide all 14 program service elements with WIOA funds if certain services are already accessible for all eligible youth in the local area. Local areas should identify the extent to which the 14 program service elements are available or already being provided in the local area through a combination of resource mapping, competitive selection of providers, or through community partnerships.

H. Career Pathways Development

WIOA places an emphasis on the development of career pathways for youth. A connection to a career pathway must be included as part of a youth's individual service strategy. Career Pathways are designed to transition youth from education to the workforce. Career Pathways are an integrated collection of programs and services intended to develop a youth's core academic, technical and employability skills, provide them with continuous education, training and place them in high- demand jobs.

I. Performance Indicators

The WIA Youth Common Measures will remain in effect through June 30, 2016. The following Performance Indicators are effective July, 2016

1. Placement in Employment/Education 2nd Qtr. after exit
2. Placement in Employment/Education 4th Qtr. after exit
3. Median Earnings 2nd Qtr. after exit
4. Credential Attainment (up to 1 year after exit)
5. Measurable Skills Gains
6. Effectiveness in Serving Employers

19.1 REQUESTS FOR PROPOSALS (RFP) FOR YOUTH PROVIDERS AND MONITORING

The State-developed criteria to be used by local boards in awarding grants or contracts for youth workforce investment activities and how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii) of WIOA in awarding such grants or contracts is described below.

RFP CRITERIA

Criteria to be used by local boards in awarding grants or contracts for youth workforce investment activities includes the following topics:

- conformance to applicable Federal laws and the procurement standards identified in the Uniform Guidance within all Workforce Development Board (WDB) procurement policies, (e.g. standards, methods of procurement, conflict of interest) all of which are subject to scrutiny and review by CTDOL during fiscal monitoring,
- availability of the 14 program elements via within the WDB region, with allowances for the elements to be available across a network of providers, addressing outreach and referral procedures,
- clear performance expectations following local WDB performance goals,
- clear scope of work,
- clear budget that tracks funding from CTDOL allocations to the WDBs within any subsequent agreements to the awardee(s),

CTDOL monitors WDB conformance to these guidelines within a series of tools utilized during annual monitoring or throughout the program year when procurement materials are shared by the WDB to CTDOL. WDBs that appear to not meet the above listed criteria will be requested to explain discrepancies within a mutually defined response period when CTDOL poses a question related to the criteria. WDBs that do not resolve needs related to CTDOL inquiries informally may be subject to the state's Performance Improvement and Sanctions policy.

CTDOL monitors local boards to ensure providers meet performance accountability measures by issuing quarterly reports to the WDBs on performance measures specific to youth. A comparison to quarterly performance rates to planned performance is made to identify WDBs who are not meeting performance requirements as a notification of early warning prior to the annual file submission. This ongoing monitoring is designed to correct technical issues (e.g. data entry errors), receive technical assistance and informal support prior to submission of final rates. The performance data is used to evaluate and plan how to improve the quality of services which would ideally lead to an improvement within the measure. WDBs that do not make improvements and the finalized submission confirms rates that fall below the local goals may be subject to the state's Performance Improvement and Sanctions policy.

As CTDOL monitors the WDB, the WDB also conducts monitoring and oversight activities of their subrecipients. Each WDB has local procedures and procurement policies and monitor performance of their contracted parties.

20. STATE DISPLACED HOMEMAKER PROGRAM 20 CFR 680.630

The State Displaced Homemaker program provides pre-employment services to empower homemakers to enter or re-enter the labor market. Customers are women or men who have worked in the home caring for home and family but now must support themselves and their families due to loss of family financial support; unemployed or underemployed parents who are having difficulty obtaining suitable employment and will be losing TANF assistance; and offenders.

A. Eligibility Requirements

An individual must be a Connecticut resident (has resided in the state at least six months) and an adult 18 years or older. **A Displaced Homemaker means an adult who:**

1. (a) has worked as an adult primarily without remuneration to care for the home and family and for that reason has diminished marketable skills **AND**
   (b) has been dependent on public assistance or on the income of a relative but is no longer supported by that income; **OR**
2. whose youngest dependent child will become ineligible to receive assistance under the Temporary Assistance for Needy Families (TANF) program within two years of the parent's application for displaced homemaker assistance; **OR**
3. is unemployed or underemployed and is experiencing difficulty in obtaining any employment or suitable employment **OR**
4. is a criminal offender and meets residency, age, and any of the requirements above.

An adult may be considered for the State Displaced Homemaker program if they meet any one of the eligibility requirements listed above in 1(a)(b) or 2 or 3. The offender must also meet age and residency requirements and 2 **or** 3 in order to be eligible for the State Displaced Homemaker Program.

To meet the criteria for 1(a)-(b) an individual must have worked mainly in the home for a minimum of three years within the last five years without remuneration to care for the home and family and experienced a displacement from homemaking activities such as caring for the needs of family members. The displacement is generally the loss of a spouse's income through death, divorce or a disability, or because the individual is no longer caring for family members (spouse, parents, siblings) or other relatives.

B. Services

The needs of displaced homemakers are extensive. Besides the problems associated with economic loss – child care, transportation, housing and lack of basic necessities – the disruption of family life may result in emotional, medical and legal difficulties. Displaced homemakers often lack self-confidence and self-esteem, which can be formidable barriers to employment.

The goal of the Displaced Homemaker program is to help long-term homemakers develop and implement sound vocational plans leading to employment, which will allow them to become economically independent. This goal can be achieved through counseling, training, jobs, services and health care. Allowable services for State Displaced Homemakers may include but are not limited to the following:

1. Job counseling services that consist of developing an Employment Plan, skills assessment, testing, personal and career goal setting and similar activities (refer to the Assessment and IEP sections of this manual).
2. Training and employment activities that include:
   a. Training and placement programs for jobs in the public and private sectors;
   b. Assistance to participants in gaining enrollment in a public or proprietary school or other institutional setting for pre-vocational or vocational instruction.
   c. Job placement assistance in obtaining unsubsidized employment. **Note:** Whenever possible, participants must be given priority to fill supervisory, technical, and administrative positions in service provider offices.
   d. Preparing participants for training and placement into nontraditional careers.

3. Basic Skills Assessments
   Literacy and math assessments are required for all participants.

4. Supportive Services
   The needs of displaced homemakers may be extensive. Besides the problems associated with economic loss such as child care, transportation, housing and lack of basic necessities, the disruption of family life may result in emotional, medical and legal difficulties. Supportive services are available to help with some of the needs resulting from the displacement. Those services may include but are not limited to:
   a. child care for preschool children;
   b. health care;
   c. transportation assistance to participate in the program;
   d. financial counseling;
   e. grants for education;
   f. temporary shelter; and
   g. post-termination services i.e., follow-up services after exit

   Refer to the Supportive Services

5. Referral
   Displaced homemakers often lack self-confidence and self-esteem, which can be formidable barriers to employment. Crisis intervention and counseling are often critical preliminary needs of displaced homemakers. Referral to relevant community service agencies will provide information and assistance with respect to such items as health care, financial matters, education, nutrition, and legal problems.

6. Enrollment into follow-up when the participant attains unsubsidized employment is **not** a requirement of State Displaced Homemaker Program. However, case manager may enroll in follow-up if deemed appropriate to further assist the participant. Case managers may decide that it's more appropriate to continue enrollment in the program for a **limited** time to provide continue to provide assistance such as supportive services

21. ASSESSMENT AND PLANNING

I. INITIAL ASSESSMENT 20 CFR 680.170

Initial assessment is part of the overall intake process and includes the initial determination of each individual's employability, aptitudes, abilities and interests through interview, testing and counseling. All participants must have an initial assessment completed to evaluate basic skills, experience, and the appropriateness for service and ability to benefit from the Workforce Innovation and Opportunity Act. When the initial assessment indicates that Individualized Career Services are appropriate, an Individual Employment Plan (IEP) is then completed for adults and dislocated workers. Regarding youth, if an initial assessment indicates that additional services should be provided, an Individual Service Strategy (ISS) will be developed.

II. COMPREHENSIVE ASSESSMENT GUIDELINES

A. Individual Employment Plan or Individual Service Strategy

A complete assessment is an independent, comprehensive evaluation of an individual, designed to identify information vital to the development of a service strategy and to set goals and objectives which culminate in gainful employment.

The IEP/ISS should be revisited on a regular basis and amended, as appropriate, when additional needs are identified or goals are achieved. Assessment is a holistic, ongoing process and should not be viewed as a one-time event. It should include a full array of options for the participant from which program staff, together with the participant, makes informed decisions and select the appropriate services, which will best enable the participant to seek and retain long-term self-sufficient employment.

a. Assessment means an examination of the capabilities, needs and vocational potential of an applicant or participant.
b An initial assessment indicates that additional services are appropriate and triggers the completion of an Individual Employment Plan (IEP) or Individual Service Strategy (ISS) and registration in WIOA Title I programs.
c. A comprehensive assessment is completed upon enrollment in the WIOA program. The comprehensive assessment provides specific information for the development of the IEP/ISS.
d. WIOA service providers must use the assessment tools provided through their individual Workforce Development Boards when working with their participants in the comprehensive assessment process. Service providers are required to track their work via activities in the CTHires system.
e. A written copy of the clients IEP/ISS should be maintained in the participants file or scanned/uploaded to the CTHires system.

B. Developing the Individual Employment Plan or the Individual Service Strategy.

The assessment of the participant should be client-centered and provide for a diagnostic evaluation of a participant's employment barriers, taking into account the participant's family situation, work history, education, occupational skills, interests, aptitudes, attitudes towards work, motivation, behavior patterns affecting employment potential, financial resources and needs, supportive

service needs, and personal employment information as it relates to the local labor market. The name(s) of the assessor, name(s) of participants being assessed and assessment results need to be identified on the IEP/ISS.

C. Assessments by Other Programs
Initial assessments such as interest inventories, career assessment and similar assessments (other than basic skills assessments) conducted by other human service programs or educational institutions within the last six months may be used where appropriate, rather than requiring the participant to undergo additional, duplicative assessments, which may disrupt and discourage further participation. However, the service provider should evaluate the information provided and complete updated assessments if needed for effective WIOA program planning and update the ISS/IEP appropriately.

22. BASIC SKILLS ASSESSMENT GUIDELINES

A. **All Adult, Dislocated Worker and Youth participants** should be tested using only National Reporting System-approved Connecticut Competency System (CCS) test tools when intending to record a measurable skills gain for an increased educational functioning level.

***Note for Youth** TEGL 21-16- Indicates that for purposes of the basic skills assessment portion of the objective assessment, local programs are not required to use assessments approved for use within the Department of Education's National Reporting System (NRS), nor are they required to determine the individual's grade equivalent or educational functioning level (EFL) although the use of these tools is permitted. Rather, local programs may use other formalized testing instruments designed to measure skills-related gains. If the local WDB chooses to use other testing it must be:

- Valid
- Reliable
- Formalized
- Fair
- Cost effective
- Easy to administer and interpret results

In contrast to the initial assessment described above, if measuring EFL gains after program enrollment under the measurable skills gain indicator, local programs **must** use an NRS-approved assessment for both the EFL pre- and post-test to determine an individual's educational functioning level.

Local programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months.

Testing-Tools

Only National Reporting System-approved Connecticut Competency System (CCS) test tools must be used for pre- and post-testing of youth. With the implementation of WIOA and the consensus of the Department of Labor (JFES/WIOA/TAA), the State Department of Education, Capital Regional Education Council (CREC) and the Workforce Development Boards ONLY the following National Reporting System Tools CCS tests are approved for pre-testing, appraisal and follow-up:

Life Skills Math 50
Life and Work Math 80
Life and Work Reading 80
CASAS Electronic Testing Math 102
CASAS Electronic Testing Reading 101

Appraisal

In the CCS system, an appraisal is administered to determine the appropriate level pre-test for measuring reading and math competencies, however as described above in TEGL 21-16, since NRS testing tools are not required for the basic skills assessment portion of the objective assessment WDBs may use the appraisal as a pre-test. Pre-tests and Post-tests are required for all three Title I programs (Adult, Dislocated Worker and Youth) to determine a measurable skills gain.

Assessment Pre-testing

Workforce Development Boards may use any of the below National Reporting System-approved Connecticut Competency System (CCS) test tools.

Life Skills Math 50
Life and Work Math 80
Life and Work Reading 80
CASAS Electronic Testing Math 102
CASAS Electronic Testing Reading 101

Basic Skills Deficiency- State Definitions

Adults -

An adult, 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.

Youth

As indicated in 20CFR 681.210(c)(3), a youth is ''basic skills deficient'' if he or she:

(1) Has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(2) Are 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.

B. Eligibility

All Workforce Development Boards must implement a policy to determine their specific course of action with individuals in relation to Basic Skills Deficiency at eligibility. The policy should contain specific information on how their region will determine BSD at eligibility for individuals, including any assessment used to determine BSD. CASAS is the only official testing assessment which meets National Reporting System (NRS) standards and has been accepted by the Connecticut Competency System (CCS) for use in determining an Educational Skills Gain for Title I WIOA programs.

- Any WDB electing to use the CASAS test at eligibility with the intent of eventually enrolling the individual and taking an Educational Skills Gain must use the most current accepted test as indicated by current CCS Assessment Policies and Guidelines. The current policy can be found at: https://portal.ct.gov/-/media/SDE/Adult-Ed/ccspolicies.pdf. All training relative to CCS is provided through the Connecticut State Department of Education (CSDE).

- Local Workforce Development Boards are not required by federal WIOA law or policy to use National Reporting System (NRS) testing to determine basic skills deficiency at eligibility. Since CASAS does not support the use of tests which are no longer valid, WDB's may only administer old tests until their current supply is depleted. If the local board chooses to use a test for eligibility it must be:

  - Standardized
  - Reliable
  - Formalized
  - Fair
  - Cost Effective
  - Easy to administer and interpret results

Local WDB BSD policies for participants by program must align with current State policy at eligibility as indicated below:

Adults/Dislocated Workers

- Adults and Dislocated Workers who have attained a high school diploma or equivalent or higher are not required to be tested for Basic Skills Deficiency at eligibility unless the Workforce Development Board local policy requires such testing.

Adults and Dislocated Workers who have not attained a high school diploma are automatically considered Basic Skills Deficient under CT state WIOA policy at eligibility unless the Workforce Development Board local policy requires such testing. All such individuals [should be provided an opportunity for remediation regardless of the organization that provides such remediation] The WDB must include in their local policy a determination for what educational services should be provided and how individuals will receive those services. If an individual is determined BSD, as a condition of eligibility, the individual must be referred to the Office of Adult Education, for CASAS testing, placement and remediation. Note: If an individual is determined to be BSD, regardless of how that is determined, a referral to Adult Ed. should be made or contemplated regardless of whether it is used for eligibility purposes or not. This should also be determined using the IEP.

Youth

Youth may be tested using the CASAS or an alternate assessment for determination of Basic Skills Deficiency at eligibility based on the youth definition of BSD as indicated above.

- For Youth who are tested using the CASAS, only National Reporting System approved Connecticut Competency System (CCS) test tools may be used. CT has determined that basic skills deficiency for individuals are assessed when a tested individual score at a level placement of eight grade and below.

  Current CASAS assessment scores for Basic Skills Deficiency may be found in the attached approved WIOA score sheet or online at: Current Title I CASAS BSD Scores.

C. Post-Enrollment

All Workforce Development Boards must implement a policy to determine their specific course of action with individuals in relation to Basic Skills Deficiency post eligibility.

- Any WDB electing to use the CASAS test following enrollment, with the intent of eventually taking an Educational Skills Gain must use the most current accepted test as indicated by current CCS Assessment Policies and Guidelines. The current policy can be found at: https://portal.ct.gov/-/media/SDE/Adult-Ed/ccspolicies.pdf. All training relative to CCS is provided through the Connecticut State Department of Education (CSDE).

- Participants who are tested post participation and determined skills deficient must be provided with remediation prior to entering training services.

D. CASAS Testing

- Only National Reporting System-approved Connecticut Competency System (CCS) test tools may be used in testing participants for the specific measurable skill gain of documenting the achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;

- As of 7/1/2019 the NRS and the Connecticut Department of Education have adopted the GOALS series tests through 2025

  - Reading 901-908 – Test times 60 minutes for A, 75 minutes for B-D plus 15 minute locater with pretest.

  - Math 913-918-Test times 60 minutes for A-B, 75 minutes for C-D plus 15 minute locater with pretest

- Testing may administered via paper or electronic means

Appraisal

In the CCS system, an appraisal is administered to determine the appropriate level pre-test for measuring reading and math competencies. When administering CASAS testing the appraisal may only be used to determine the level pre-test to be administered. It may not be used to determine basic skills deficiency or for measurable skills gains.

Assessment Post-Testing

Participants who were determined to be basic skills deficient are post-tested until they meet the above minimums **or** until they exit the program.

A. The initial post-test version must be in the same series as the pre-test.

B. The CCS test form number of each subsequent post-test must be different from the form number of the last taken test.

Measurable Skill Gains

Per TEGL 10-16

The Measurable Skill Gains indicator is the percentage of program participants who, during a program year, are in education or training programs that lead to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational or other forms of progress, towards such a credential or employment.

The Measurable Skill Gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. Therefore, it is not an exit-based measure. Instead, it is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs. Depending upon the type of education or training program in which a participant is enrolled, documented progress is defined as one of the following:

1. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;

2. Documented attainment of a secondary school diploma or its recognized equivalent;

3. Secondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State Department of Education's academic standards[2];

4. Postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the Connecticut State College and University System's academic standards[3];

5. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or

6. 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.

Examples:

• A participant is enrolled in a four-year registered apprenticeship program: the Measurable Skill Gains indicator tracks the skills the participant gains throughout the reporting period, not just at the end of the four-year training program.

• Low-skilled adult participants of an adult education program: the Measurable Skill Gains indicator provides an opportunity to track and report gains in reading, writing, mathematics, and English proficiency.

Documenting Progress for Types of Measurable Skill Gains

Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary level –

Programs may measure educational functioning level gain in one of the following three ways.

(a) By comparing the participant's initial educational functioning level, as measured by a pre-test, with the participant's educational functioning level, as measured by a post-test.

(b) By measuring and reporting educational gain through the awarding of credits or Carnegie units, for adult high school programs that lead to a secondary school diploma or its recognized equivalent.

[2] Progress for WIOA purposes must comply with any applicable State standards.
[3] Progress for WIOA purposes must comply with any applicable State standards.

(c) By reporting an educational functioning level gain for participants who exit a program below the postsecondary level and enroll in postsecondary education and training during the program year. A program below the postsecondary level applies to participants enrolled in a basic education program.

Documented attainment of a secondary school diploma or its recognized equivalent –

Programs may document attainment of a secondary school diploma or its recognized equivalent, if the participant obtains certification of attaining passing scores on all parts of a State-recognized high school equivalency test, or the participant obtains a diploma or State-recognized equivalent documenting satisfactory completion of secondary studies or an alternate diploma, including a high school or adult secondary school diploma.

Secondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State Department of Education's (SDE's) academic standards --

This gain may be documented through receipt of a secondary transcript or report card for one semester showing that the participant is achieving SDE's policies for academic standards.

Postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the Connecticut State College and University System's (CSCUS') academic standards --

This gain must demonstrate a sufficient number of credit hours -- which is at least 12 hours per semester or, for part-time students, a total of at least 12 hours over the course of two completed consecutive semesters during the program year -- that shows a participant is achieving CSCUS' academic standards (or the equivalent for other than credit hour programs).

Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training –

Documentation for this gain may vary, as programs should identify appropriate methodologies based upon the nature of services being provided, but progress reports must document substantive skill development that the participant has achieved. The gain may be documented by a satisfactory or better progress report from an employer or training provider. Progress reports may include training reports on milestones completed as the individual masters the required job skills, or steps to complete an OJT or apprenticeship program. Increases in pay resulting from newly acquired skills or increased performance also can be used to document progress.

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 –

Documentation for this gain may include passage of a component exam in a Registered Apprenticeship program, employer-required knowledge-based exam, satisfactory attainment of an element on an industry or occupational competency-based assessment, or other completion test necessary to obtain a credential.

Accepting Test Results from Outside Entities

The WDBs are to accept NRS approved CCS test scores from adult education, JFES and TAA for the purposes of determining pre-test selection and/or as a pre-test score provided that:

- there has not been substantial instructional intervention; **and**
- test results are no more than six months old.

Referrals to and from adult education, JFES and TAA should be made using the attached "Authorization to Record and Share Educational Information" form.

The WDBs, at their discretion, may accept NRS-approved CCS test scores from organizations and agencies other than adult education, provided that these conditions regarding substantial instructional intervention and age of test results are met. A separate referral and release will be required in these instances.

CASAS ASSESSMENT ACCOMMODATIONS

Assessment accommodations provide learners who have disabilities with an opportunity to demonstrate their skills and abilities without interference caused by the disability itself. Accommodations change the way that an assessment is administered or how learners may respond to the assessment situation. Appropriate accommodations meet learners' needs without changing what a test is intended to measure. It is important to note that not all learners with disabilities will need testing accommodations.

Legislation Related to Accommodations

The accountability standards in the 2014 Workforce Innovation and Opportunity Act (WIOA) include the Rehabilitation Act Amendments of 1998. WIOA, effective July 2015, focuses on learners most in need, such as learners with a low level of literacy skills, English language learners, and those with disabilities. Other legislation addresses provisions related to testing accommodations for learners with disabilities, including the ADA Amendments of 2008, Section 504 in the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Improvement Act of 2004.

Local Agency Responsibility

Local agencies are responsible for providing fully accessible services and reasonable accommodations for learners with documented disabilities. Adult learners with disabilities are

responsible for requesting accommodations and for submitting documentation of their disability at the time of registration, program entry, or after diagnosis. The need to use an accommodation should be documented in official learner records, such as the Individual Education Plan (IEP). The documentation must show that the disability interferes with the learner's ability to demonstrate performance on the test. The information can come from a doctor's report, a diagnostic assessment from a certified professional, and other clinical records. Adult agencies can often contact the local division of vocational rehabilitation or a secondary school to request documentation of a disability.

Accommodations in Administration Procedures and Learner Response

For learners with documented disabilities, local assessment staff may provide accommodations in administration procedures, such as allowing extra time, repeating directions, breaking an assessment into two sessions, using a separate room, giving frequent breaks, or providing a sign language interpreter (for test administration directions only). Accommodations in learner response may include using a sound amplification device, using a reader and scribe to record answers, using a simple calculator for math, typing on a Braille keyboard, and using speech-to-text software.

Performance Adjustment

The U.S. Department of Labor and the Connecticut Department of Labor acknowledge that the nature of some disabilities, such as severe cognitive impairment, may preclude meaningful literacy and numeracy testing and consequent attainment of the literary and numeracy common measure goal. It is not the intent of the federal and state Departments of Labor to discourage WIOA participation by individuals who have such disabilities.

In order to foster WIOA program development for individuals who have such disabilities, WDB's may request one of two adjustment methods:

1. Service to individuals with such circumstances can be addressed in annual WIOA performance negotiations. In effect, negotiated target performance would be adjusted from expected levels so that a WDB would not be penalized for serving individuals who may not reasonably be expected to attain a positive outcome in a performance measure.

2. WDBs can request a performance adjustment at the end of the program year being measured. As part of such a request, WDBs must demonstrate that the inclusion of individuals with such circumstances negatively impacted performance.

Test Administration

WDBs must designate a WDB CCS Program Facilitator who is trained by the State

Department of Education in CCS test administration. The Facilitator will be responsible for testing and/or for training test facilitators. The Facilitator must complete CCS Training Part 1 (Appraisals) and Part 2 (Survey Achievement Pre and Post Assessments).

WDBs must maintain a current *Test Security Agreement* that outlines the requirements relative to the secure storage and handling of all CCS materials. A signed *Test Security Agreement* must be filed with Adult Training and Development Network (ATDN) division of CREC or other entity designated by the Connecticut State Department of Education.

B. Youth Participants

Objective Assessment: WIOA Law (Sec. 129 (c) (1)(A)) requires that youth receive an objective assessment of the academic levels, skills levels, and service needs.

The Objective Assessment (OA) shall include a review of all the following:

- Basic skills
- Occupational skills
- Prior work experience
- Employability
- Interests
- Aptitudes (including interests and aptitudes for nontraditional jobs)
- Supportive service needs
- Developmental needs

WIOA does not require a new OA if the provider determines it is appropriate to use a recent assessment (**within last six (6) months)** of the participant conducted by another education or training program. This may include evaluations completed by a secondary school, Vocational Rehabilitation, Adult Basic and Literacy Education (ABLE) or other education or training providers.

Academic Skills Assessments: Academic skills assessments help program staff determine participants' academic skill levels and uncover any subject areas requiring improvement. Case managers should use assessment results to guide the academic support services they provide the youth to help them gain aptitudes and increase literacy. Support may include case managers engaging dedicated tutors to assist participants improve math or reading comprehension.

1. **All Out-of-School Youth** must be assessed for basic skills deficiencies.
   An out-of-school youth is a youth who is not attending any school. This includes youth who are home schooled; and youth who are not younger than 16 nor older than age 24 at the time of enrollment.

2. **Pre-Testing and Post Testing**
   Only National Reporting System-approved Connecticut Competency System (CCS) test tools must be used for pre- and post-testing of youth.

The WDBs and/or their designees are to use the CCS/CASAS Life and Work series for pre- and post-testing of Reading and the CCS/CASAS Life Skills series for Math, unless circumstances indicate that another series is more appropriate for an individual.

3. **In-School Youth:** High-school youth (including youth attending an alternative school) do not need to be assessed for basic skills, however USDOL requires that states track youth who are basic skills deficient. Documentation of basic skills deficiencies includes: school records; a current IEP; or report card. Basic skills deficiencies should be documented in case notes with supporting documentation maintained in the participant's file.

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23. INDIVIDUAL EMPLOYMENT PLAN (IEP)

A. Description

An Individual Employment Plan (IEP) is required for Adult and Dislocated Worker participants in WIOA Title IB Individualized Career and Training services. It is both a policy/form **and** a continual process. The IEP is developed in partnership with the participant. The IEP identifies where the participant is, where the participant wants to be and the appropriate mix and sequence of services and support to reach a realistic employment goal. The development of the IEP and updates or revisions should be based upon the results of the comprehensive assessment process.

1. Initially the IEP shall be the basic instrument, which documents:
   a. That participants have had an initial assessment;
   b. The decisions made regarding the mix and combination of services for the participant, including referrals; and
   c. Quarterly reviews to evaluate the progress of the participant in meeting planned objectives.
2. The IEP form shall include a description of:
   a. Short and long term goal(s) and objectives;
   b. Appropriate, measurable achievement objectives to meet those goals;
   c. Mix and sequence of services and other resources needed
   d. Organizations and/or individuals who will provide those services or resources; and
   e. The twelve-months of supplemental follow-up contact with participants who have exited to unsubsidized employment for performance purposes; and 12 months of follow-up services which may be provided to participants who have entered unsubsidized employment to help them with employment retention, wage gains and their career progress. (The extent of the follow-up services provided may be based on the availability of funding)

A signed copy (signed by program staff and participant) must be provided to the participant and the original attached to the Individual Employment Plan and maintained in the participant's file or scanned and uploaded to the CTHires system.

The Employment Plan should be reviewed regularly and updated quarterly as documented in case or progress notes.

B. Goals and Objectives

Goals and objectives are the desired short and long-term program goals and outcomes and the steps established between program staff and the participant which, when reached, represent successful completion of that portion of the service plan. For each employment goal there should be one or more interim objectives. These objectives should be achievable in manageable steps, enabling the client to attain success.

Not every agency can provide all the services indicated by the comprehensive assessment and noted in the IEP. There is the expectation that if the needed services exist and are accessible in a community the agency will make a reasonable, concerted effort to link participants with those services. However, it is recognized

that enrollment in WIOA is neither an entitlement nor legal right to services, nor automatic access to limited resources. Therefore, it is expected that if needed services are not available, it shall be so documented on the IEP, and alternative plans shall be developed.

INDIVIDUAL SERVICE STRATEGY (ISS)

A. Description

An Individual Service Strategy (ISS) is required for all WIOA Title IB youth (in-school and out-of-school) participants. Services provided under WIOA Title I youth programs are based on the individual needs of the participant, therefore the participant must be involved in the design and implementation of services to ensure their needs are being met.

The ISS identifies where the participant is, where the participant wants to be, and the appropriate mix and sequence of services and support to reach realistic goals. It is both a form **and** a continual process.

1. The ISS form shall be the basic instrument used to:
   a. Document the results of the objective assessment that included the review of the academic and occupational skill levels, as well as the service needs, of each youth for the purpose of identifying the appropriate services and career pathways for participants;
   b. Identify the appropriate career pathways that include education and employment goals;
   c. Consider career planning and the results of the objective assessment; and
   d. Prescribe achievement objectives and services for the participant including: program/employment/career goals, timeline for attainment, expected wage at placement;
   e. Determine the mix and sequence of services, including supportive services, and other resources needed to achieve program/employment/career goals; components of this section include:
      (1) short and long-term objectives;
      (2) which WIOA program element(s) to provide based on the participants objective assessment that will assist the youth in achieving short and long-term objectives;
      (3) Timeline for attainment and date attained;
   f. Document how the program element is being provided, i.e., in-house or through a referral with a specific agency or service listed;
   g. As appropriate determine effective connections to employers, including small employers, in in-demand industry sectors and occupations: and
   h. Discuss the provision of follow-up services that will track the progress of youth after exit from the program; and based on the youth's needs, providing assistance to help the youth secure better jobs, career development and further education.

The ISS is a living document which should be continuously updated as needed as goals and circumstances dictate.

B. Objective Assessment

WIOA Law (Sec. 129 (c) (1)(A) and **Regulations** 20 CFR 664.400(a)(1)) require that youth receive an objective assessment of the academic levels, skills levels, and service needs.

The Objective Assessment (OA) shall include a review of all the following:

- Basic skills
- Occupational skills
- Prior work experience
- Employability
- Interests
- Aptitudes (including interests and aptitudes for nontraditional jobs)
- Supportive service needs
- Developmental needs

Service providers are required to provide an objective assessment of the academic levels, skill levels and service needs of each participant, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant. Participants concurrently registered in Youth, Adult and Dislocated Worker Programs will require both an ISS and an IEP.

C. Individual Service Strategy and Objective Assessments from Other Agencies

WIOA does not require a new OA if the provider determines it is appropriate to use a recent assessment (**within last six (6) months)** of the participant conducted by another education or training program. This may include evaluations completed by a secondary school, Vocational Rehabilitation, Adult Basic and Literacy Education (ABLE) or other education or training providers.

The methods used for other assessments and/or service strategies should include, but are not limited to, structured interviews, paper and pencil tests, performance tests, behavioral observations, interest and attitude inventories, career guidance instruments, personality profiles and aptitude tests. Assessment results shall be maintained in each participants file and include the participant's name and the date the assessment was conducted.

24. FAMILY SIZE AND INCOME DETERMINATION

A. Family Size

Family size must be determined and verified only if using family income to determine low-income status. Family size will be determined by counting the maximum number of family members in the residence during the prior six months, not including the current month.

A family, for eligibility purposes, means two or more persons related by blood, marriage or decree of court, who are living in a single residence. Family may also include a parent or guardian and dependent children. (Refer to the Glossary for the definitions of "dependent children" and "independent children" under Family.)

In certain cases, an individual may be considered a "family of one" for the purpose of eligibility determination. This includes individuals with a disability whose family income may exceed the income criteria, but whose own income meets the income criteria.

20 CFR 680.640 (Adult)
20 CFR 681.280 (Youth)

B. Income Determination

Income is the amount of all reportable income for each family member for the prior six (6) months, **not including the current month**. This amount multiplied by two (2) is the total annualized family income.

Family income means all includable income actually received from all sources by all members of the family during the income determination period. However, when computing family income, the income of a spouse and/or other family members shall only be counted for that portion of the income determination period that the person was actually a part of the family of the applicant. Family size for the determination period is the maximum size of the family during such period.

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 purpose of WIOA income calculations. 20 CFR 675.300 defines family as "two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (1) a married couple and dependent children; (2) a parent or guardian and dependent children; or (3) a married couple.

All items not expressly excluded are includable income. Per TEGL 19-16, ***for Adults and Dislocated Workers***, there is no exclusion of payments for unemployment compensation, child support payments, and old age and survivors insurance benefits from the income calculations for determining if an individual is low-income. These exclusions that were previously provided under WIA sec. 101(25) no longer apply. Old age and survivors insurance benefits, which are received under section 202 of the Social Security Act (42 USC 402) include:

- Social Security Survivor Benefits, which are benefits paid to people up to age 18 who have had a parent die and the parent had wages paid into the system; and
- Social Security Retirement Benefits, which are benefits paid to people who have reached their Social Security age and have wages paid into the system.

Per 20 CFR 680.650 and 20 CFR 683.230, WIOA is subject to 38 U.S.C. 4213, and therefore military benefits are excluded from income-based eligibility determinations under WIOA.

Per TEGL 21-16, there are circumstances where only a youth's income is considered in determining whether the youth satisfies income limits for the program. 20 CFR 681.280 provides that ***Out-of-School Youth with a disability*** are not required to be low-income and for ***In-School Youth with a disability***, the youth's own income, rather than his or her family's income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the Lower Living Standard Income Level (LLSIL).

***For Youth*, INCLUDE** In Family Income:

1. Monetary wages, salaries, commissions and tips, 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);
2. 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);
3. Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;
4. Alimony (excludes one-time property settlements);
5. Financial assistance from outside the household -- regular payments received from non-household members or absent family members (excludes gifts or sporadic assistance);
6. Military family allotments (voluntary/automatic deduction from military member's paycheck, which is sent home to family members);
7. Pensions, whether private or government employee (including military retirement pay);
8. Regular insurance or annuity payments;
9. College or university grants, fellowships, and assistantships, other than needs-based;
10. Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts;
11. Net gambling or lottery winnings;
12. Terminal leave pay, severance pay or a cash-out of accrued vacation leave;
13. Disaster Relief Employment Wages; and
14. On-the-job training wages.
15. Unemployment Compensation Payments
16. Child Support Payments including foster care payments

17. Old age and survivors insurance benefits received under Social Security Act Section 202

***For Youth*, EXCLUDE from family income**:

1. Strike benefits received from union funds;
2. Social Security Disability Insurance payments;
3. Cash welfare payments including Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), and General Assistance (GA);
4. Financial assistance under Title IV of the Higher Education Act (Pell Grants, Federal Supplemental Educational Opportunity Grants, Federal Work Study, State grants for higher education, PLUS, Stafford and Perkins loans, like any other loan, are debt, not income);
5. Needs-Based scholarship assistance;
6. Income earned while on active military duty and certain other veterans' benefits (compensation for service-connected disability, family compensation for service-connected death, vocational rehabilitation, and educational assistance);
7.. Allowances received while serving on active military duty (cost of living, overseas cost of living, clothing, dislocation, housing, travel, per diem, and subsistence);
8. Capital gains;
9. Any assets withdrawn from a financial institution, or proceeds from the sale of property, a house or a car;
10. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
11. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages Medicare, Medicaid, Food Stamps, school meals, and housing assistance; 12. Allowances, earnings and payments made to participants of Federally Assisted Needs-Based Employment and Training Programs including WIOA (except on-the-job training wages);
13. Job Corps payments;
14. Stipends received in the following programs – VISTA, Peace Corps, Foster Grandparents, Retired Senior Volunteer Program, AmeriCorps, and CT Job Corps;
15. National Flood Insurance Payments; and
16. Black Lung payments received under the Benefits reform Act of 1977.

When a federal statute specifically states 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 are excluded when determining eligibility for WIOA programs.

25. SELECTIVE SERVICE REGISTRATION REQUIREMENTS

A. Selective Service Registration

All participants enrolled in WIOA Adult, Dislocated Worker and Youth programs must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation.

Males between the ages of 18 and 26 who must register with the Selective Service include:

1. Citizens of the United States;
2. 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;
3. Dual nationals of the United States and another country regardless of whether they live in the United States.

Selective Service registration is not required of **U.S. citizens** if the male falls within one of the following categories:

1. Men who are serving in the military on full-time active duty;
2. Men attending the service academies; and
3. Disabled men who are continually confined to a residence, hospital or institution;
4. 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.

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

1. Non-U.S. male who came into this country for the first time after his 26th birthday and has acceptable forms of supporting documentation including:
   a. Date of entry stamp in his passport;
   b. I-94 with date of entry stamp on it; or
   c. A 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.
2. 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.
3. Non-U.S. male on a valid non-immigrant visa.

The lists are not intended to be exhaustive and the Selective Service System provides a quick reference chart showing who must register on the Selective Service website at **http://www.sss.gov.**

B. Selective Service Compliance

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation showing registration status includes:

1. Selective Service Acknowledgement letter
2. Form DD-214 "Report of Separation"

3. Screen printout of the Selective Service Verification on the Selective Service website at **http://www.sss.gov.** For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
4. Selective Service Registration Card
5. Selective Service Verification Form (Form 3A)
6. Stamped Post Office Receipt of Registration

C. Registration Requirements for Males Under 26

Prior to being enrolled in a WIOA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at **http://www.sss.gov.**

Male participants who enter the WIOA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the **30th day** after their 18th birthday to remain eligible for WIOA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in WIOA and refuses to comply with Selective Service Registration requirements shall be exited from the WIOA youth program. These youth would not be placed in follow-up and there should be case notes in ConnecticutWorks that describe, in detail, the circumstances as to why services were not/could not be continued.

D. Registration Requirements for Males 26 Years and Over

Prior to being enrolled in a WIOA-funded program, 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 the 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* and instructions can be accessed at **http://www.sss.gov.**

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. The Status Information Letter is good for life and the individual should be encouraged to keep their original letter in a safe place for future reference. 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 WIOA-funded services.

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-funded activities and services until it can be determined that his failure to register was not knowing and willful. All costs associated with WIOA-funded services provided to non-eligible individuals may be disallowed.

E. Determining Knowing and Willful Failure to Register

If an individual was required to register with Selective Service but failed to do so the individual may only receive services if they can provide evidence to establish that the failure to register was not knowing and

willful. Service providers will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. Evidence may include an applicant's statement and supporting documentation of his circumstances at the time of the required registration and the reason for failure to register. Examples of documentation that may help in making a determination in these cases include:

1. Service in Armed Forces. Documentation verifying that a man has served honorably in the U.S. Armed Forces such as the DD Form 214 or his Honorable Discharge Certificate 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, are also acceptable documentation that may also be helpful to service providers determining whether the failure to register was willful and knowing.

In determining whether the failure was "knowing", service providers should consider:

1. Was the individual aware of the requirement to register?
2. 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)?
3. On which date did the individual first learn that he was required to register?
4. Where did the individual live when he was between the ages of 18 and 26?
5. 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", service providers should consider:

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

If the service provider determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the service provider 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. Service providers must keep documentation related to all evidence presented in determinations related to Selective Service.

26. SOCIAL SECURITY NUMBER PROCEDURE

In accordance with Section 7 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note (Disclosure of Social Security Number), unless the disclosure is required by Federal statute, applicants may not be denied any right, benefit or privilege provided by law because of the individual's refusal to disclose his/her Social Security Number (SSN).

Disclosure of an individual's social security number pursuant to the Internal Revenue Code where it is used as the identifying number for the purposes of a return, statement or any other document under the Code (i.e., for payment of wages for OJT, Work Experience, etc.) may be properly required.
NOTE: Applicants who do not possess a Social Security card must apply for one to ensure that a copy of that card may be placed in the applicant file.

A. Guidelines For Obtaining Social Security Number

Although an applicant cannot be denied WIOA services for failure to disclose their SSN, they must submit their SSN in order to receive wages paid while participating in WIOA (i.e., OJT).
Training and Employment Guidance Letter (TEGL) No. 5-08 (issued November 13, 2008) says that States must request a participant's social security number when offering intensive WIOA services or providing financial assistance, however the State may not deny access to any participant who refuses to provide a social security number. Not obtaining an SSN from a participant means that any outcomes for this participant would be excluded from performance measures unless supplemental information is available to verify the performance outcomes for non-wage based measures.

It is important for service providers to request the applicant's SSN at intake and advise them that their social security numbers are maintained in a secure and confidential manner. Applicants should also be advised that the State only uses the SSN for the following:

a. Payment of wages and allowances, even though at intake it may not be possible to determine the form of payment, if any, the applicant will receive; and
b. Tracking Unemployment Insurance Wage Records for the calculation of program performance measure outcomes.

According to Federal reporting requirements a valid SSN must be obtained and recorded prior to termination and record transmittal. The regulations further state that The Department (USDOL) assumes full responsibility for protecting the confidentiality of the data and will ensure that data files are maintained according to applicable Federal laws, with particular emphasis upon compliance with the provisions of the Privacy Act and the Freedom of Information act. It will remove SSN from participant files before they are shared with Federal agencies and other users**." All recipients of WIOA Title IB funds are governed by these requirements.**

27. ADULT AND DISLOCATED WORKER SERVICES AND ACTIVITIES

The Workforce Innovation and Opportunity Act provides for two levels of services beyond basic career services for **adults and dislocated workers**; individualized career and training services.

A. Basic Career Services

Basic career services are universally available to everyone entering the facility. Other partner sites need only provide the career services appropriate to their participants and funding source.

1. Pre-enrollment Services

   Pre-enrollment services include all self-help services and basic career services requiring minimal staff assistance including:

   a. Determinations of eligibility to receive assistance under WIOA Title I;
   b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

2. Orientation

   All individuals entering or re-entering services are to be oriented to the program. Required information for the orientation is the participant's rights and procedures for filing grievances and claims of discrimination. Additional topics for orientation may include:

   a. An introduction to the program -- purpose and goals;
   b. Rules and regulations of the program;
   c. Provider responsibilities;
   d. Participant responsibilities;
   e. Program resources and supportive services available;
   f. Job-related injury procedures; and
   g. Wage and pay information.

   While participants who have previously been enrolled in the program may not need an extensive orientation, they still need to be oriented briefly on all areas and especially on any program changes.

   Orientation must include information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices. Documentation that the applicants/participants have received information regarding the above-mentioned procedures is the completed two-part "Equal Opportunity is the Law" participant discrimination form. One copy of this document must be maintained in the participant file and one must be provided to the applicant/participant.

3. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas. Labor Market Information (LMI) must be provided to participants in every program. LMI generally encompasses four major areas:

   a. National job trends, including supply and demand.
   b. Local job opportunities.
   c. Education and skill requirements for jobs.
   d. Job seeking skills (writing resumes, job interview techniques, etc.).

LMI can be obtained from the CTHires system once a participant creates and account or from the State of CT Department of Labor Office of Research at: http://www1.ctdol.state.ct.us/lmi/index.asp

5. Provision of performance information and program cost information on eligible providers of:
   a. Training services;
   b. Adult education;
   c. Post-secondary vocational education;
   d. Vocational education activities available to school dropouts under Carl Perkins;
   e. Vocational Rehabilitation program activities.
6. Provision of information regarding how the local area is fulfilling performance measures and any additional performance information with respect to the one-stop delivery system in the local area;
7. Provision of accurate information relating to the availability of supportive services including child care and transportation available in the local area, and referral to such services, as appropriate;
8. Provision of information regarding filing claims for unemployment compensation;
9. Assistance in establishing eligibility for:
   a. Welfare-to-work activities available in the local area; and
   b. Programs of financial aid assistance for training and education programs that are not funded under WIOA and are available in the local area;
10. Computer Resources;
11. Resource Room use;
12. Open Workshops;
13. Job search and placement assistance, and where appropriate, career counseling;
14. Provide information on follow-up services that may be available to participants, as appropriate, including counseling regarding the workplace, for participants in workforce innovation and opportunity 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;
15. Rapid Response – may only be used by Job Service Workforce Center staff or agency that receives Rapid Response funds.
16. One-Stop Services

B. Individualized Career Services
   1. Priority Groups
      Individualized career services are available to adults and dislocated workers who are members of a priority group (see Section 3.10 for adult, dislocated worker **and veterans'** priority of service); and
      a. are unemployed and are unable to obtain employment through basic career services provided; **and**
      b. have been determined to be in need of more individualized services in order to obtain employment; **or**
      c. are employed, but have been determined to be in need of individualized career services in order to obtain or retain employment that leads to self-sufficiency.

2. Individualized career services include:
   a. Comprehensive and specialized assessments of the skill levels and service needs, which may include:
      (1) Diagnostic testing and use of other assessment tools; and
      (2) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
   b. Development of an individual employment plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
   c. Group counseling;
   d. Individual counseling and career planning;
   e. Case management for participants seeking training services; (No proof of ETP needed if not paying tuition)
   f. Short-term pre-vocational 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;
   g. Work Experience/Internships;
   h. Adult Basic Education/Financial Literacy Services.

C. Moving from Individualized Career to Training Services
To move from individualized career services to training services there must be significant development of the IEP that indicates training is necessary for the individual to obtain or retain employment leading to self-sufficiency.

The individuals must receive, at a minimum:
1. a completed IEP as described above; and
2. a comprehensive and specialized assessment of skill levels and service needs; or
3. group and/or individual employment counseling; or
4. case management and career planning.

D. Training Services
Training services means any WIOA-funded and non-WIOA funded training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.
1. Training Services may be provided to adults and dislocated workers:
   a. Who have met the eligibility requirements for individualized career services and who are unable to obtain or retain employment through such services;
   b. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;

c. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
d. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
e. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; **and** who are determined to be eligible in accordance with the priority for services criteria and the service provider's determination of funds available to provide the service.

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, the training provider must reimburse the service provider the WIOA funds used to pay the **tuition** portion of the training costs from the PELL Grant.

WIOA Regs. 20 CFR Part 680.230(c) and WIOA Sec. 134 (c)(3)(B)

NOTE: Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.

2. Training services may include:
   a. Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; **(requires ETP)**
   b. On-the-job training; **(does not require ETP)**
   c. Programs that combine workplace training with related instruction, which may include cooperative education programs; **(requires ETP)**
   d. Training programs operated by the private sector; **(requires ETP)**
   e. Skill upgrading and retraining; **(requires ETP)**
   f. Entrepreneurial training; **(requires ETP)**
   g. Job readiness training; **(does not require ETP)**
   h. Adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii) of WIOA Section 134 (d)(4); **(does not require ETP)**
   i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training. **(does not require ETP)**
   j. Short-term pre-vocational training that is generally one week (40 hours) or less which does not provide certification or a credential upon completion. (**does not require ETP**)

NOTE: WIOA funding may be used for training that leads to a goal of self-employment.

3. Training Payments

The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIOA funding may be used for any expenses considered to be part of the Cost of Attendance (see Section 4.60, D) that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIOA or non-WIOA programs (e.g. TAA, etc.), the case manager will coordinate with the training provider and

other program(s) to ensure the participant's training needs are met and there is no duplication of services. WIOA funding shall always be a supplement to other grant assistance.

28. YOUTH SERVICES AND ACTIVITIES

A. Youth Activities

The United States Department of Labor (USDOL) is committed to providing high quality services for youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skill training in in-demand industries and occupations, and culminating with a good job along a career pathway or enrollment in post-secondary education.

The Workforce Innovation and Opportunity Act of 2014 emphasized the importance of coordination among Federally-funded employment and training programs, including those authorized under WIOA Title I and II. Many disconnected youth ages 16 to 24 meet eligibility requirements for both WIOA Title I youth activities and WIOA Title II adult education. Co-enrollment between these two programs can be very beneficial to disconnected youth as they can receive work experience and occupational skills through Title I funding and literacy skills through Title II funding. Because the eligibility for Title II is similar to that for an OSY under Title I, an individual who is not enrolled or required to be enrolled in secondary school under State law, it is consistent to consider such youth already enrolled in Title II as an OSY for purposes of Title I WIOA youth eligibility.

B. Youth Required Elements 20 CFR 681.460

The following 14 elements must be available to youth participants. Service providers have the discretion of what specific services are provided to a youth, based on the individual's Objective Assessment and Individual Service Strategy.

1. Tutoring, study skills training and instruction leading to secondary school completion, including dropout prevention strategies;
2. Alternative secondary school offerings;
3. Paid and unpaid work experiences that have academic and occupational education as a component of the work experience:
   - > Summer employment opportunities and other employment opportunities available throughout the school year;
   - > Pre-apprenticeship programs;
   - > Internships as defined in **20 CFR 680.170 of the regulations** and job shadowing; and
   - > On-the-job training opportunities;
4. Occupational skill training with priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations; 20 CFR 681.540
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors; 20 CFR 681.520 & 20 CFR 681.530
7. Supportive services;
8. Adult mentoring for the duration of at least 12 months that may occur both during and after program participation; 20 CFR 681.490
9. Follow-up services for not less than 12 months after the completion of participation;
10. Comprehensive guidance and counseling, including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth.

As defined in 20 CFR 681.510 of the WIOA final rule, comprehensive guidance and counseling "provides individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate." When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the providers must coordinate with the organization to which it refers in order to ensure continuity of service in the WIOA Youth program.

11. Financial literacy education; 20 CFR 681.500
12. Entrepreneurial skills training; 20 CFR 681.560
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. It is recommended that this activity in CTHires be utilized for ongoing case management.
14. Activities that help youth prepare for and transition to post-secondary education and training.

WIOA Regs. 20 CFR Part 681.460

LMI can be obtained from the CTHires system once a participant creates and account or from the State of CT Department of Labor Office of Research at: http://www1.ctdol.state.ct.us/lmi/index.asp

C. Youth Goals and Services

Youth services are provided in conjunction with skill goals that may include any of the following services:

1. Basic Skills Goal
2. Occupational Skills Goal
3. Work Readiness Skills Goal
4. On-the Job Training
5. Customized Training
6. Work Experience- Virtual work experiences are allowable under the WIOA youth program. With COVID-19 pandemic, virtual services, such as virtual work experiences, became necessary. Virtual work experiences can offer more flexibility and broaden work experience opportunities, particularly in rural areas. They can also promote equity and access for youth that might not otherwise have the opportunity for certain types of work experiences. Therefore, local WIOA Youth programs are permitted to continue to provide virtual work experiences beyond the COVID-19 pandemic. And while WIOA section 681.600 states that work experiences must take place in a workplace, this includes a virtual workplace when remote work experiences are possible and practical. For technical assistance resources, visit: https://youth.workforcegps.org/resources/2020/06/18/13/10/Resources-on-Virtual- Engagement.

7. High School Equivalency Certificate Prep (Applies to youth 16 years and older)

D. Occupational Skills Training for Youth

Occupational Skills Training is one of the 14 elements that are offered to youth participants. WIOA allows ITAs for out-of-school youth, ages 18 to 24 using WIOA funds when appropriate.

Priority consideration must be given to training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area. Such training must:

(1) be outcome-oriented and focused on an occupational goal specified in the individual service strategy;
(2) be of sufficient duration to impart the skills needed to meet the occupational goal; and
(3) result in attainment of a recognized post-secondary credential.

The chosen occupational skills training must meet the quality standards in **WIOA Law Sec. 123**.

In order to receive Occupational Skills Training services the youth must receive, at a minimum:
1. a completed ISS as described above; and
2. a comprehensive and specialized assessment of skill levels and service needs; or
3. group and/or individual employment counseling; or
4. case management and career planning.

E. Training Services

Training services means any WIOA-funded and non-WIOA funded training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.

1. Training Services may be provided to adults and dislocated workers:
   a. Who have met the eligibility requirements for individualized career services and who are unable to obtain or retain employment through such services;
   b. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
   c. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
   d. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
   e. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; and who are determined to be eligible in accordance with the priority for services criteria and the service provider's determination of funds available to provide the service.

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, the training provider must reimburse the service provider the WIOA funds used to pay the **tuition** portion of the training costs from the PELL Grant.

WIOA Regs. 20 CFR Part 680.230(c) and WIOA Law Sec. 134 (c)(3)(B)

NOTE: Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.

2. Training services may include:
   a. Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; **(requires ETP)**
   b. On-the-job training; **(does not require ETP)**

c. Programs that combine workplace training with related instruction, which may include cooperative education programs; **(requires ETP)**
d. Training programs operated by the private sector; **(requires ETP)**
e. Skill upgrading and retraining; **(requires ETP)**
f. Entrepreneurial training; **(requires ETP)**
g. Job readiness training; **(does not require ETP)**
h. Adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii) of WIOA Section 134 (d)(4); **(does not require ETP)**
i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training. **(does not require ETP)**
j. Short-term pre-vocational training that is generally one week (40 hours) or less which does not provide certification or a credential upon completion. (**does not require ETP**)

3. Training Payments

Youth service providers The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIOA funding may be used for any expenses considered to be part of the Cost of Attendance (see Section 4.60, D) that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIOA or non-WIOA programs (e.g. TAA, etc.), the case manager will coordinate with the training provider and other program(s) to ensure the participant's training needs are met and there is no duplication of services. WIOA funding shall always be a supplement to other grant assistance.

NOTE: WIOA funding may be used for training that leads to a goal of self-employment.

Digital Literacy Services/Access - *Digital Literacy and Access*. Section 101 of WIOA authorizes state workforce development boards to use WIOA funding to support digital literacy efforts. Additionally, Section 107 states that local boards shall "identify strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills." Jobs in almost every industry are increasingly requiring workers to have digital literacy skills. While many youth are considered "digital natives," or people who have grown up with technology and the internet, it is still important to ensure that young people have the digital skills needed to successfully enter and remain in the workforce.

It is important to note that WIOA funds can also be used to pay for devices and broadband internet service that will allow a participant to create or maintain a wireless connection for distance learning, search for jobs, and engage in other employment and training services where such services are already allowable. A local area must have written policies and procedures in place that outlines the steps/factors it will consider to approve a cost and ensure that costs are reasonable, necessary, allowable, and allocable to the WIOA grant. In addition, CTDOL encourages local WIOA Youth programs to inform participants about the Affordable Connectivity Program that helps families access affordable broadband. For more information, visit: Emergency Broadband Benefit | Federal Communications Commission (fcc.gov).

29. CASE MANAGEMENT AND CAREER PLANNING

I. ADULTS AND DISLOCATED WORKERS

A. What is Career Planning?

Career Planning means the provision of a client-centered approach in the delivery of services, designed to:

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

2. provide job, education, and career counseling during program participation and after job placement.

WIOA Law Sec. 3(8)

WIOA Adult and Dislocated Worker funded staff, provide case management services to all participants enrolled in Workforce Innovation and Opportunity Act Title I programs. Federal law identifies case management as follows:

1. Comprehensive and specialized assessment of skill levels and service needs through –
   a. Diagnostic testing and use of other assessment tools; and
   b. In-depth interviewing and evaluation to identify employment barriers and

2. Development of an individual employment plan to identify employment goals and objectives, and appropriate services needed to achieve those goals and objectives.

3. Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

1. Information on how to apply for financial aid, including referring participant to educational opportunity centers, and notifying participants that they may request financial aid administrators at institutions of higher education to use the administrators' discretion under section 479A of such act (20 U.S.C. § 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the participant for Federal financial assistance under title IV of such Act (20 U.S.C. §§ 1070 et sep.).
2.

5. Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare participants for employment or training.

6. Individual career counseling, including job search and placement counseling, during the period in which the participant is receiving services, and after receiving services for purposes of job placement.

7. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including –

a. Job vacancy listings in such labor market areas;
b. Information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (a);
c. Information relating to local occupations that are in demand and earnings potential of such occupations; and
d. Skills requirements for local occupations described in subparagraph (c).

8. Information relating to the availability of supportive services as described in Section 4.100 of the WIOA policy manual.

B. <u>Case Management Responsibilities</u>

In addition to the defined case management identified above, case managers are responsible for –

- Providing testing of basic skills, comprehensive assessment and testing;
- Co-enrolling in all applicable programs as appropriate;
- Maintaining consistent contact with participants as appropriate; **and, if unable to make contact after repeated attempts in a 90 day period, closing all services and enrollments effective the date the services were last provided;**
- Developing and continually updating of an Individual Employment Plan (IEP) or Individual Service Strategy (ISS);
- Determining if participant requests for training services and supportive or other services are allowable, appropriate and able to be funded;
- Coordinating joint training plans and employment services as appropriate;
- Monitoring the progress of participants in their approved plan;
- Recording all program services and case notes in CTHires within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
- Maintaining the participant file (paper file);
- Ending the participant's services and program enrollment when services are no longer being provided;
- Ensuring that participants are aware of their responsibilities as noted in C.

C. Participant Responsibilities

- Obtaining prior approval for any type of service or assistance from the WIOA Program;
- Informing case manager of progress;
- Informing case manager of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later).
- Informing case manager of problems in any area (training, personal, financial, etc.) that could impact successful completion of their approved plan;
- Informing case manager of work status;
- Timely submitting copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc.

II. YOUTH

Case management services are to be made available to youth participants enrolled in Workforce Innovation and Opportunity Act Title I programs. Case management includes:

1. Comprehensive and specialized assessment of skill levels and service needs through –
   a. Diagnostic testing and use of other assessment tools; and
   b. In-depth interviewing and evaluation to identify barriers to education and/or employment.

2. Development of an Individual Service Strategy (ISS) to identify career and education goals and objectives, and appropriate services needed to achieve those goals and objectives.

3. Provision of any or all of the 14 WIOA services (described in Youth Section 3.20) to youth participants based on assessments and the ISS.

4. Information on how to apply for financial aid, including referring participant to educational opportunity centers, and notifying participants that they may request financial aid administrators at institutions of higher education.

5. Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare participants for employment or training.

6. Individual career counseling, including job search and placement counseling, during the period in which the participant is receiving services, and after receiving services for purposes of job placement.

7. Information relating to the availability of supportive services as described in Section 4.100 of the WIOA policy manual.

B. <u>Case Management Responsibilities</u>

In addition to the case management identified above, case managers are responsible for –

- Providing testing of basic skills, comprehensive assessment and testing;
- Co-enrolling in all applicable programs as appropriate;
- Maintaining consistent contact with participants as appropriate; **and, if unable to make contact after repeated attempts in a 90 day period, closing all services and enrollments effective the date the services were last provided;**
- Maintaining an updated Individual Service Strategy (ISS);
- Determining if participant requests for supportive services are allowable, appropriate and able to be funded;
- Coordinating co-enrollments as appropriate;
- Monitoring the progress of participants in their ISS;
- Recording all program services and case notes in CTHires within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
- Maintaining the participant file (paper file);
- Ending the participant's services and program enrollment when services are no longer being provided;
- Providing follow-up services for a minimum of 12 months; and
- Ensuring that participants are aware of their responsibilities as noted in C.

C. Participant Responsibilities

- Participating in the development and planning of their Individual Service Strategy (ISS);

- Taking an active role in working toward attainment of the goals developed on the ISS;
- Obtaining prior approval for any type of service or assistance from the WIOA Program;
- Informing case manager of progress;
- Informing case manager of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later).
- Informing case manager of problems in any area (training, personal, financial, etc.) that could impact successful completion of their approved plan;
- Informing case manager of work status;
- Timely submitting copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc.

30. WORK EXPERIENCE (WEX)

I. ADULTS AND DISLOCATED WORKERS

A. General Description Work Experience is a planned, structured learning experience that takes place in a worksite for a limited period of time that is based upon the needs of the participant. A work experience worksite may be in the private for-profit sector, the non-profit sector or the public sector. Work Experience is an authorized career services activity for WIOA Adults and Dislocated Workers.

Youth providers refer to II. Youth Work Experience for instructions specific to the WIOA Title I youth program.

WIOA Work Experience may be full-time or part-time depending upon the needs of the participant. Work Experience shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills.

Work Experience shall be limited to persons needing assistance in becoming accustomed to basic work requirements, including basic work skills, or those needing to explore new career options due to recent layoffs or declining job growth in their current or most recent employment.

Work Experience may be used as a Situational Assessment. A Situational Assessment provides a participant with the opportunity to explore different work interests and try out their skills and abilities in a work setting. In addition, it allows the program staff and the participant to jointly determine the social aspects, work culture, and physical and communication requirements of the worksite. This determination provides valuable information on the job supports needed by the participant to achieve a successful job match.

Work Experience participation creates an employer/employee relationship. Normally, the WIOA service provider establishing the worksite is considered the employer and pays the participant's wages along with necessary taxes and workers' compensation costs.

In some cases, the worksite employer can be considered the employer and would then be responsible for the payment of wages, taxes and workers' compensation. In these situations, the service provider reimburses the worksite employer through an invoice process.

Regardless of who is considered the employer, the activity must comply with all applicable employment laws and regulations as noted in Section B.

B. Employment Law & Work Experience Requirements

Because an employer/employee relationship is established, Work Experience placements must:

- Comply with the Fair Labor Standards Act in regards to wages paid, hours worked and child labor regulations.
- Complete an I-9 in accordance with the Immigration Reform and Control Act
- Provide Workers Compensation coverage
- Withhold Social Security, Federal Income and Connecticut State Income taxes

Exclusions:
In summary, if the payroll entity for youth participants is a nonprofit, any unit of government or a religious entity, they are probably exempt from paying UI tax payments for youth participants. (This remains true if the youth's worksite is a for-profit entity, ~~because~~ the youth is on an exempted entity's payroll.) However, this can only be officially determined on a case by case basis.

If however, the youth participant is on the DIRECT payroll of a for-profit entity, the employer would be subject to UI Tax liability, unless the youth's pay is fully supported by grants provided by the governmental entity/non-profit, and the youth is under the direct control of the governmental entity/nonprofit.

Below is pasted guidance from the CT UI Tax statutes;

31-222(a)(1)(E) For the purposes of subparagraphs (C) and (D) the term "employment" does not apply to service performed (i) in the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or (ii) by a duly ordained, commissioned or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of duties required by such order; or (iii) prior to January 1, 1978, in the employ of a school which is not an institution of higher education; after December 31, 1977, in the employ of a governmental entity referred to in subparagraph (C) of this subdivision if such service is performed by an individual in the exercise of duties (I) as an elected official; (II) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision, or of an Indian tribe; (III) as a member of the state national guard or air national guard; (IV) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; (V) in a position which, under or pursuant to the laws of this state or tribal law, is designated as (i) a major nontenured policy-making or advisory position, or (ii) a policy-making position the performance of the duties of which ordinarily does not require more than eight hours per week; or (iii) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or (iv) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training; or (v) prior to January 1, 1978, for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution;

> 31-222(a)(C) (i) Service performed after December 31, 1971, by an individual in the employ of this state or any of its instrumentalities or in the employ of this state and one or more other states or their instrumentalities for a hospital or institution of higher education located in this state, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(7) of that act and is not excluded from "employment" under subparagraph (E) of this subdivision;
> 31-222(a)(D) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met: (i) The service

is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(8) of that act; and (ii) the organization had one or more employees in employment for some portion of a day in each of thirteen different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, or during any thirteen weeks in any calendar year after 1970, regardless of whether they were employed at the same moment of time;

C. Participant Wages, Benefits, Hours of Work and Duration of Assignment

Work Experience Wages. Work Experience participants shall be paid an hourly wage for hours worked which may be in ¼ hour increments. Wages are considered a work-training or educational allowance.

Wage Rate. Each participant will receive a wage based on:

a. Applicable federal and state minimum wage; or

b. At the same rates as trainees or employees who are in similar occupations, and who have similar training, experience and skills within that worksite, whichever is higher. (WIOA 181(a)(1)(A))

Tax Withholding. Work Experience wages are subject to withholding for Social Security, Federal Income Tax, and Connecticut State Income Tax. Therefore participants must complete a W-4 and the employer must issue a W-2. Transportation and/or supportive services, if paid, are over and above wages and are not subject to tax deduction.

Injury - Providers are to ensure that each WEX participant is covered by State Workers' Compensation Insurance or adequate injury insurance.

Hours of Work – ***Work Experience participants can only be paid for the actual hours worked. Participants may not be paid when they are out sick on vacation or for holidays regardless of the worksite policy regarding holiday pay.*** Full-time participation is defined as working 32-40 hours per week, or the same number of hours worked by regular employees at the worksite, not to exceed 40 hours per week. **Neither overtime work nor overtime pay are allowable**.

Part-time Work Experience is encouraged, when appropriate, for older workers, the disabled, single parents with small children, or individuals in other similar circumstances.

Duration of WEX Assignment – Work Experience is to be for a limited time that is reasonable in duration. The length of the Work Experience assignment is to be based on the needs of the participant and purpose of placing that participant in a WEX. Factors such as prior work experience and occupational interests should be taken into consideration. Generally, a WEX assignment should not exceed 600 hours and may be shorter than that depending upon the participant. Providers wishing to establish or extend a WEX in excess of the 600 hour duration must get prior approval from the WIOA Program Manager.

D. **Worksite Supervision**

Service providers should visit participants and their supervisors at their worksites on a bi-weekly basis to assist in job-related or personal counseling and job coaching. The performance and progress of the participant is to be monitored on a regular basis to determine if continued participation, transfer to another activity, and placement in unsubsidized employment, or other action is most appropriate.

E. **Required Work Experience Documents**

Standard Work Experience (service provider as employer): A Memorandum of Agreement (MOA) and Training Summary must be completed prior to the placement of participants at a worksite.

Only one agreement per worksite is required per program year and slots are open entry/open exit and can be refilled as participants are transferred to other activities.

Alternative Work Experience (worksite as the employer): A Memorandum of Agreement must be completed prior to the placement of a participant at the worksite. WEX Wage Subsidy situations are specific to an individual participant, so new paperwork must be completed with each participant placed at a worksite.

All time sheets requirements listed under the Standard Work Experience apply to participants on an Alternative Work Experience.

Union Concurrence: Following an informal consultation with the appropriate labor organization, the Union Concurrence Form (WIOA.21B) is to be completed for each agreement where a collective bargaining agreement covers the occupation the participant(s) are to be placed in. A copy of the Union Concurrence Form must be kept with each MOA whether or not a collective bargaining agreement exists. A note on the Union Concurrent Form such as N/A is sufficient when there is no collective bargaining agreement. The Union Concurrent Form should always have the signature of the worksite authorized signatory regardless of whether or not there is a collective bargaining agreement in place.

Training Summary: A training summary must be completed for each job that will be performed at a Worksite. The original training summary must be attached to the worksite MOA and a copy placed in each of the participant's file that will be maintained with the appropriate timesheets for that placement.

One training summary may be used and attached to the MOA if several participants are placed in the same occupation (using the same O'NET Code) on a worksite. Additional sheets to list the participants may be attached to the Training Summary.

- The Training Summary must be completed by identifying the participant and employer (worksite); supervisor(s) that are authorized to sign timesheets and a phone number; occupation and the O'NET Code; Wage per hour and hours of work per week; the WEX start and end dates (not estimated but actual end date); a list of the skills, duties and tasks for which the participant will receive training; check yes or no for initial skills and the actual training hours.

Timesheets: All participants on a WEX must complete a time sheet at the end of the scheduled work period. The job duties and tasks that the participant performed must be completed on the WIOA Adult Work Experience Time Sheet for each day worked and must tie to the work elements, duties and tasks listed on the WIOA Adult Training Summary.

- Time sheets must be completed with pay period dates, dates and hours worked, and duties documented;
- Time sheets must be signed and dated by both the participant and the supervisor;

- The supervisor must complete the evaluation section of the timesheet;
- The individual signing as the supervisor must be listed on Training Summary as authorized to sign time sheets;

Time sheets must be complete with dates, duties, supervisor evaluation, and signed and dated before a participant can be paid.

II. YOUTH

Work Experience is a critical WIOA youth program element. Work experience helps youth understand proper workplace behavior and what is necessary in order to attain and retain employment. Work experience can serve: (1) as a stepping stone to unsubsidized employment; and (2) is an important step in the process of developing a career pathway for youth. According to research, work experience is correlated with higher high school graduation rates and success in the labor market. This is particularly important for youth with disabilities. (Preamble, WIOA Regulations)

Work experiences are designed to enable youth to gain exposure to the working world and its requirements; help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment.

A. **Work Experience Expenditures**

Local youth programs must expend not less than 20 percent of funds allocated to them to provide in-school and out-of-school youth with paid and unpaid work experience. This includes wages, staff costs for the development and management of the Work Experience.

B. **Work Experiences for Youth 20 CFR 681.590**

1. Work experience must include academic and occupational education.
   Education offered concurrently and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. (**WIOA Law Sec. 129(c)(2)(E))** The new program element requires integrated education and training to occur 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. Youth participants are not required to master basic academic skills before moving on to learning career-specific technical skills.

20 CFR 681.600

2. The types of work experiences include the following categories:
   a. Summer employment;
   b. opportunities and other employment
   c. opportunities available throughout the school year;
   d. Pre-apprenticeship programs;
   e. Internships and job shadowing; and

f. On-the-job training opportunities as defined in WIOA Sec. 3(44) and in WIOA Regs. 20 CFR Part 680.700.

C. Employment Law & Work Experience Requirements

Work Experience placements must:

- Comply with the Fair Labor Standards Act in regards to wages paid, hours worked and child labor regulations.
- Complete an I-9 in accordance with the Immigration Reform and Control Act
- Provide Workers' Compensation coverage
- Withhold Social Security, Federal Income and Connecticut State Income taxes

Exclusions: Youth that have been in a paid Work Experience may **not** claim unemployment insurance. Connecticut state law excludes work-training programs such as WIOA work experience from the definition of employment for purposes of unemployment insurance compensation (UI). Therefore, Work Experience wages are not subject to payment of UI taxes by the employer and WEX participants do not earn wage credits during their participation

D. **Participant Wages, Benefits, Hours of Work and Duration of Assignment**

Work Experience Wages. Work Experience participants shall be paid an hourly wage for hours worked which may be in ¼ hour increments. Wages are considered a work-training or educational allowance.

Wage Rate. Each participant will receive a wage based on:

a. Applicable federal and state minimum wage; or

b. At the same rates as trainees or employees who are in similar occupations, and who have similar training, experience and skills within that worksite, whichever is higher. (WIOA 181(a)(1)(A))

c. Providers are not restricted to paying minimum wage for a youth work experience and may pay the youth a higher wage based on wages in the community and are commiserate with other employees at the worksite doing the same job but not more than the other employees doing the same job.

Tax Withholding. Work Experience wages are subject to withholding for Social Security, Federal Income Tax, and Connecticut State Income Tax. Therefore participants must complete a W-4 and the employer must issue a W-2. Transportation and/or supportive services, if paid, are over and above wages and are not subject to tax deduction.

Injury - Providers are to ensure that each WEX participant is covered by State Workers' Compensation Insurance or adequate injury insurance.

Hours of Work – ***Work Experience participants can only be paid for the actual hours worked. Participants may not be paid when they are out sick on vacation or for holidays regardless of the worksite policy regarding holiday pay.*** Participants may work part-time or full-time in a Work Experience depending on service provider funding and the number of youth in a WEX. Full-time participation is defined as working 32-40 hours per week, or the same number of hours worked by regular employees at the worksite, not to exceed 40 hours per week. **Neither overtime work nor overtime pay is allowable**. Child labor laws must be observed when scheduling work hours for youth under 18 years of age.

Duration of WEX Assignment –The length of the Work Experience assignment is to be based on the needs of the participant and purpose of placing that participant in a WEX.

E. **Worksite Supervision**

Service providers should visit participants and their supervisors at their worksites on a bi-weekly basis to assist in job-related or personal counseling and job coaching. The performance and progress of the participant is to be monitored on a regular basis to determine if continued participation, transfer to another activity, and placement in unsubsidized employment, or other action is most appropriate.

Timesheets: All participants on a WEX must complete a time sheet (WIOA.22D) at the end of the scheduled work period. The job duties and tasks that the participant performed must be completed on the WIOA Youth Work Experience Time Sheet for each day worked and must tie to the work elements, duties and tasks listed on the WIOA Youth Training Summary.

- Time sheets must be completed with pay period dates, dates and hours worked, and duties documented;
- Time sheets must be signed and dated by both the participant and the supervisor;
- The supervisor must complete the evaluation section of the timesheet;
- The individual signing as the supervisor must be listed on Training Summary as authorized to sign time sheets;

Time sheets must be complete with dates, duties, supervisor evaluation, and signed and dated before a participant can be paid.

Facsimile and instructions for the Memorandum of Agreement, Training Summary, Union Concurrence, Wage Subsidy Agreement and Wage Subsidy Invoice forms (only applies when the provider is paying the worksite and not the participant) are in the Forms Section on DLI's WIA website. The provider's copy of the appropriate WEX documents (Training Summary, Timesheet and Bi-Weekly Contact Record) must be attached together and kept in the provider's office with a copy in each participant's file. The provider may choose to maintain Work Experience MOAs in the participant's file or in a separate binder.

F. CTHires – All work experience(s) should be data entered and tracked using the CTHires system as activities

31. TRANSITIONAL EMPLOYMENT 20 CFR 680.190

WIOA allows local areas to allocate up to 10 percent of Title I - Adult and Dislocated Worker funds to transitional jobs for individuals with barriers to employment. Transitional jobs are defined as time-limited subsidized work experiences that help individuals who are chronically unemployed and have barriers to employment establish a work history and develop skills to access unsubsidized employment and progress in the workplace. Under the Workforce Investment Act, it was not clearly allowable to use funds for transitional jobs. The explicit inclusion of transitional jobs in WIOA will allow more local areas to add this model to their portfolio of services.

Per TEGL 19-16 Transitional Jobs are considered an Individualized Career Service.

Many job seekers, particularly those who face barriers to employment, require an array of work-based training and employment strategies to become gainfully employed. WIOA encourages a comprehensive set of supports that involve public and private partners to help individuals earn secondary and postsecondary credentials and transition into jobs.

CTDOL defines transitional jobs as "time-limited, wage-paid work experiences that are subsidized for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history." By design, transitional jobs programs make work pay by allowing participants to earn wages while learning the norms and behaviors of work, gaining on-the-job success, increasing stability at a job, and increasing soft and hard job skills. As recipients of real wages, workers in transitional jobs should be classified as employees rather than independent contractors or trainees and should be subject to protections such as wage and hour laws, minimum wage laws, unemployment insurance, and workers compensation.

A. Each local WDB will establish a policy for "best practice design" before initiating their respective program.

B. Each local WDB must establish a work-site agreement that at minimum contains

   a. Conditions

   b. Responsibilities

   c. Training Outline

   d. Union Concurrence information

This service must be combined with career and supportive services. These jobs must be designed to establish a work history for the individual, demonstrate success in the workplace,

and develop the skills that lead to entry into and retention in unsubsidized employment. Unlike on-the-job training (OJT), there is no requirement that the employer retains the individual upon completion of the transitional job; however, retention, where appropriate, is preferred for the benefit of the worker and employer.

Under section 134(d)(5) of WIOA and 20 CFR 680.195 of the Final Rule, Local WDBs may use up to 10 percent of their combined total of adult and dislocated worker funds to provide transitional jobs to individuals. For example, if a local area receives $1.5 million in adult funds and $1.0 million in DW funds, the Local WDB may use up to $250,000 (10% of the total) for transitional jobs.

If the Local WDB uses transitional jobs as part of its service delivery strategy, it must adopt policies and identify appropriate employers (public, private or nonprofit). Additionally, these policies must include plans on the amount of reimbursements for the jobs (up to 100 percent of the wage), what supportive services must be included, and the limits on the duration of the transitional job.

If states and Local WDBs choose to use transitional jobs as a strategy, they must develop policies for defining and identifying individuals who are "chronically unemployed" or "have an inconsistent work history". The Department encourages targeting individuals who are long-term unemployed, formerly incarcerated individuals, and individuals who are currently receiving or have exhausted TANF benefits when developing these policies. Additionally, the Department encourages utilizing job readiness training in combination with transitional jobs, if determined appropriate by the Local WDB.

32. ON-THE-JOB TRAINING (OJT) 20 CFR 680.200

A. Description

OJT is training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

OJT is an important training services activity whereby employers provide necessary equipment and training for jobs by means of a "hire first, train later" strategy. WIOA participants who successfully complete the OJT period are subsequently retained in permanent employment. The OJT should to be used for occupations in higher skills categories. It is not subsidized employment of low-skill occupations, which require very little training time. OJT is only appropriate for the length of time necessary to be trained in the specific occupation.

OJT may be sequenced with or accompanied by other types of services such as occupational, pre-vocational or literacy training.

§ 680.350 May title I adult and dislocated worker funds be used to directly support adult education and literacy activities?

Yes, under WIOA sec. 134(c)(3)(D)(x), title I funds may provide adult education and literacy activities if they are provided concurrently or in combination with one or more of the following training services:

(a) Occupational skills training, including training for nontraditional employment;

(b) OJT;

(c) Incumbent worker training (as described in §§ 680.780, 680.790, 680.800, 680.810, and 680.820);

(d) Programs that combined workplace training and related instruction, which may include cooperative education programs;

(e) Training programs operated by the private sector;

(f) Skill upgrading and retraining; or

(g) Entrepreneurial training.

OJT contracts may be written for either full-time or part-time employment. Contracts written for occupations identified on the Office of Apprenticeship (OA), USDOL or the Connecticut apprenticeable occupations list should, with the knowledge and approval of the employer, be coordinated with the Apprenticeship Unit of the CT Department of Labor.

Personnel involved in the decision making process to place an eligible participant into an OJT must document the decision in the participant's Individual Employment Plan or Individual Service Strategy. The decision should demonstrate that the training chosen is appropriate, that the training is necessary, that the participant does not already possess the skills, or that the individual needs to upgrade their skills to move to a new job.

Reverse Referrals (see Glossary) may be accepted for OJT only if the participant's assessment and IEP/ISS document such OJT as an appropriate training activity. The employer must be aware that an individual not currently in their employ may or may not be referred back for employment consideration. OJT contracts written for eligible employed workers do not constitute a reverse referral.

B. Eligibility 20 CFR 680.700, 20 CFR 680.710

OJT contracts may be written for WIOA eligible employed workers when:

1. The employee is not earning a self-sufficient wage as determined by policy;
2. The requirements in WIOA regulations, 20 CFR Part 680.700(b), contracts may not be made with an employer that exhibits a pattern of failure to provide participants long-term employment as well as wages and benefits; and the contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is provided; and
3. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

C. Reimbursement and Contract Requirements 20 CFR 680.720

Reimbursements under OJT contracts are deemed to be compensation for the extraordinary costs associated with training participants and the costs associated with the lower productivity of the participants. The standard reimbursement rate for OJT contracts is up to 50%. **20 CFR 680.730** An OJT contract reimbursement rate may be up to 75% if a higher rate is justified based on one or more of the following factors:

(I) the characteristics of the participant (e.g. long-term unemployed, little or no work history, physical or mental disability, ex-felon);
(II) the size of the employer (50 or fewer employees);
(III) the quality of employer-provided training and advancement opportunities;
(IV) the training is in an apprenticeable occupation and the employer has agreed to sponsor a registered apprenticeship.

WIOA Law Sec. 134(c)(3)(H)(ii)

1. Training that is **not** considered appropriate includes, but is not limited to:
   a. Occupations in lower wage industries where prior skill or training is not prerequisite for hiring;
   b. Occupations with high labor turnover;
   c. Occupations, which lead to relocation of establishments from one area to another;
   d. Seasonal occupations;

e. Occupations with a substantial number of experienced and able workers who are presently unemployed;
f. Occupations dependent on tips and/or commission to equal the minimum wage; and
g. Occupations with low paying, dead-end jobs.

2. Contractor Eligibility
   a. OJT assistance will be available only in industries providing job continuity or security;
   b. Any firm or industry in violation of local, state or federal labor laws is not eligible for training assistance;
   c. Any firm, employer or industry who has had two (2) or more OJT contracts and has exhibited a pattern of failure to provide OJT participants continued, long-term employment as regular employees with wages and working conditions at the same level and to the same extent as similarly situated employees are ineligible to enter into further WIOA OJT contracts. (See Glossary for definition of "Pattern of OJT Contract Failure")

WIOA Law Sec. 194(4)

   d. Relocation
      (1) No funds provided under the Act shall be used, or proposed for use, to encourage or to induce the relocation of an establishment, or part thereof, that results in the loss of employment for any employee or such establishment at the original location.
      (2) For 120 days after the commencement or the expansion of commercial operations of a relocating establishment, no funds provided under this Act shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any relocating establishment or part thereof at a new, or expanded location, if the relocation of such establishment or part thereof results in a loss of employment for any employee of such establishment at the original location.
      (3) For the purposes of this section, *relocating establishment* means a business entity, including a successor-in-interest, which is moving any operations from a facility in one labor market area within the United States and its territories to a new or expanding facility in another labor market area. For the purposes of this section, a labor market area is an area within which individuals can readily change employment without changing their place of residence.

      (4) Pre-award review. To verify that an establishment is expanding or not relocating employment from another area, the program operator shall conduct a pre-award review to ensure that the company has not relocated and the relocation resulted in layoffs or displacement of workers. Service providers shall use the OJT Pre-Award Review form (**WIOA.24**) to document this process. A facsimile of OJT Pre-Award Review form is in the forms section of this manual.
   e. Approval. Before writing an OJT contract, service providers shall determine that abnormal labor conditions such as a strike, a lockout or similar conditions do not exist at the establishment or its affiliates;
   f. Established Wages - industries not meeting the established wage priorities are not eligible;
   g. Prevailing Standards - occupations must meet prevailing standards with respect to wages, hours and conditions of employment;

h. Reimbursements
   (1) WIOA funds shall not be provided to reimburse OJT training costs when the participant was referred and hired through a private employment agency and was required to pay a referral and placement fee;
   (2) Training costs will be an allowable WIOA expenditure if the employer paid the referral and placement fee;
i. Training Contracts may be with the private or public sector.

3. Contract Period
   OJT contracts should be written for a period of time that takes into account actual training time plus additional time to anticipate unexpected time away from training by the participant. This process should ensure that end date of the contract is sufficiently into the future so as not to require a contract modification to extend the end date. (**NOTE:** This is the contract period, not the training time.)
4. Length of Training
   OJT training authorized for a participant shall be limited to a period not in excess of that generally required for the acquisition of skills needed for the particular occupation. For the purpose of this section, training shall not exceed a maximum of 1040 hours.

   The following procedures will apply to determine the maximum number of reimbursable weeks of training for an occupation:
   a. O*NET - The Occupational Information Network
      Locate the title of the occupation in the O*NET and identify the occupation's 5 or 6-digit occupational code. For example, Receptionist and Information Clerks: 43-4171
   b. Job Zone Determination Process
      (1) Using the O*NET code, find the Job Zone level in the O*NET (Example: 43-4171 = Job Zone - 2)
      (2) Then locate the Job Zone on the chart below. It shows maximum OJT time reimbursable for any occupation at a given Job Zone. For example, Receptionist: 43-4171.00 has a Job Zone of 2. Read across to see that 800 hours is the maximum for any Job Zone 2 occupation.

JOB ZONE-TRAINING TIME CONVERSION CHART

Job Zone Level	Maximum Training Allowed
1	400 hours
2	800 hours
3	*1,200 hours
4	*1,600 hours
5	*2,080 hours

*Occupations with a Job Zone of 3 or higher cannot exceed 1040 hours duration.

5. Employee/Trainee Wages

   a. Minimum Starting rate

The minimum starting rate of OJT employees shall be the greater of:

- *Applicable federal and state minimum wage; or*
- At the same rates as trainees or employees similarly situated in similar occupations by the same employer, and who have similar training, experience and skills, whichever is higher.

WIOA Sec. 181(a)(1)(A)

b. Wage Rate Calculations

- In cases where the OJT is for a salaried position, an hourly rate of pay should be calculated for reimbursement purposes by taking the gross monthly salary, multiplied by 12 then divided by 2080 hours (e.g. $2,600 x 12 = $31,200/2080 = $15). **NOTE:** With salaried positions, be sure that paid time off (i.e. vacation, sick, holiday, PTO) is accounted for in the Weekly Work Logs and not reimbursed.
- In cases where the trainee may receive two different rates of pay (e.g. regular rate and shift differential for evening/weekend hours), calculate the maximum contract amount based on the best estimation of the trainees schedule during the contract. On the monthly invoice, breakout the training hours and reimbursement for each rate of pay on a separate line.

Note: WIOA funds shall not be used for overtime wages, holidays, sick leave, or vacations.

6. Apprenticeable Occupations
When training is proposed for apprenticeable occupations, the provider should, with the knowledge and approval of the employer, consult with the appropriate apprenticeship representative regarding the coupling of training with apprenticeship programs. The purpose is to provide individuals who receive OJT training with the opportunity to participate in a structured training program that lasts beyond the limits of the WIOA OJT training, and provides for an incremental increase in wages.

8. Program Standards And Cost Guidelines For OJT Contracts
a. "Hire First" Principle means that employers must agree to hire prior to training for all entry-level positions. **NOTE:** This does not mean that the employers can "try out" or work the trainee for a period of time prior to contract funding to see if the trainee will work out. This means:
(1) The employer "hires" the participant as of the entry date into the OJT program;
(2) The participant is considered to be an employee, not a trainee, of the contractor;
(3) The participant is entitled to all the rights and benefits of all regular employees; and
(4) The employer has made a commitment to provide continued employment after training.
b. Trainee Entrance Schedule
All employees should enter training within a one-month period of the funding date on the contract.
c. Contract Assembly
An OJT contract contains the following:
(1) OJT Pre-Award Review
(2) Concurrence
(3) On-the-Job Training Contract
(4) Special Terms and Provisions/Assurances and Certifications

(5) OJT Training Summary
(6) Apprenticeship Notification

9. Referral and Hire
   No participant will be started in a proposed OJT slot until a contract has been negotiated and signed.

   After negotiation of the OJT contract referral of eligible trainees may begin.

   A copy of the OJT Contract is to be given to the employer and the participant. The provider will maintain the original contract.

D. OJT Contract Modification

1. Contract modifications must be in writing.
2. The contractor or the provider may initiate a contract modification.
3. Signed contracts are not to be altered with whiteout or correction tape. Changes may only be made by a modification, or if that is not possible, by lining out the incorrect data, hand printing the new data and by having both parties initial the change.
4. Copies of the modifications should be distributed to all parties who have copies of the original contact.

E. Time Limitations

No person may participate in OJT in excess of the time generally required for acquisition of skills needed for the position within a particular occupation. The Occupational Information Network (O*NET) codes gives direction for determining the appropriate training time.

33. CUSTOMIZED TRAINING

A. Description 20 CFR 680.760

Customized Skills Training is designed to meet the special requirements of an employer or a group of employers by allowing them to tailor and design work-based skills training. Customized training is conducted with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, an individual on successful completion of the training. **[Note: an incumbent worker must still meet the statutory definition of either adult or dislocated worker to receive customized training]. 20 CFR 680.780**

Employers may be reimbursed by the WIOA program for the costs incurred in providing the training including staff/instructor time or training materials.

Customized Skills Training can be provided after a WIOA participant is hired or if an employer makes a commitment to hire the participant upon successful completion of the training.

B. Requirements 20 CFR 680.770

Customized training may be provided for an employer or group of employers when:

1. The employee is not earning a self-sufficient wage (there is currently no State established self-sufficiency wage).
2. The employer, or group of employers, have made the commitment to employ or continue to employ, an individual that has successfully completed the program; and
3. The customized training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

C. General Guidelines

1. For each participant, the employer develops the training plan and measurable goals and determines the method by which the training is provided. Proficiency levels should be based on local business or industry skill standards.
2. The training activity may take place at the worksite or in a classroom setting. The employer or an intermediary may provide the training.

E. Time Limitations

Training should be for a specified length of time and may take place at the worksite or in a classroom.

34. INDIVIDUAL TRAINING ACCOUNTS (ITA)

A. Description

Individual Training Accounts are established on behalf of the participant. WIOA Title IB Adult, Dislocated Worker and Older Youth (18 or older) participants will use ITAs to purchase training services from eligible providers they select in consultation with the case manager or case manager.

Individual Training Account services may be made available to employed and unemployed adults and dislocated workers who have met the eligibility requirements for Individualized Career services, and have been determined to be unable to obtain or retain employment leading to self-sufficiency through such services. Youth are not required to receive Individualized Career services as a condition for the ITA.

The participant must have a completed IEP or ISS that indicates that, through interview, evaluation or assessment, the participant has been determined to be in need of training and has the necessary skills and qualifications to successfully complete the selected training program.

Selection of a training program must include the identification that the training is directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker is willing to relocate. In determining local demand occupation(s), providers may allow for training in occupations that may have high potential for sustained demand or growth in the local area.

Participants may select training programs in religious activities/occupations provided the training costs are covered through an ITA, the training meets the requirements in Section 1.30 Administrative Standards part H. and the training provider is on the Eligible Training Provider List.

Participants may select training that leads to self-employment in a particular occupation provided the training costs are covered through an ITA and the training provider is on the Eligible Training Provider List. As noted in Section 1.30 Administrative Standards part J. d., WIOA funding cannot be used for business start-up costs.

Start-Up Costs. Costs associated with the start-up of businesses are not considered allowable under the provisions of WIOA Law Section 181. Start-up costs associated with entrepreneur training would also fall under this prohibition. This prohibition will also apply to the start-up costs of an agency that would provide services to WIOA clients. However, the purchase of equipment (with appropriate prior approval) will continue to be an allowable cost.

B. Limitations on who can receive training services

1. Training services may be made available to employed and unemployed adults, dislocated workers and youth (age 18 or older) who:
   (a) A case manager or case manager determines, after an interview, evaluation, or assessment, and career planning, are:
      (1) Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;

(2) In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
(3) Have the skills and qualifications to participate successfully in training services;

(b) Have selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate;
(c) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants (provisions relating to fund coordination are found at **WIOA 20 CFR Part 680.230** and **WIOA Sec. 134(c)(3)(B));** and
(d) If training services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system, if any, in effect for adults under **WIOA 20 CFR Part 680.600** and **WIOA Sec. 134(c)(3)(E).**

2. Service providers and training providers must coordinate funds available and make funding arrangements with partner agencies so that WIOA ITA funds supplement Pell and other grant sources to pay for the cost of training (see D. re: Cost of Attendance).

3. Participants may enroll in ITA funded training while their application for a Pell Grant is pending provided that the service provider has made arrangements with the training provider and the participant regarding the allocation of the Pell Grant, if it is subsequently awarded. If a Pell Grant is awarded, the training provider must reimburse the service provider the ITA funds used to underwrite the **tuition** portion of the training costs from the PELL Grant.

4. Service providers should consider all available sources of funds, excluding loans, in determining an individual's overall need for WIOA funds. Resources such as PELL, GI Bill and other federal grants should not be included in calculations of the level of WIOA assistance until the grant has been awarded.

5. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the participant for education-related expense. **Note:** Tuition is the sum charged for instruction and does not include fees, books, supplies, equipment and other training related expenses.

C. Duration, Cost Limits and Availability

1. Currently, there is no monetary limit or cap on ITAs; nor is there a limit on the length of the training. Service providers should keep in mind that the intent of WIOA is to get participants trained and into the workforce as quickly as possible. Training that can be completed within a few years or even shorter timeframe is the standard expectation. If a participant is requesting a longer training program, service providers should consult with a program manager. Service providers are to base the amount of the ITAs and duration of the training on each eligible participant's needs and circumstances and the availability of program funds; with the goal to serve as many individuals as possible with the funding available.
2. ITAs are awarded per semester, quarter or for uninterrupted training coursework. Second and subsequent ITAs will be awarded only for continuing classes in the educational or training institution

initially attended, unless there is mutual and justifiable agreement between the service provider and the participant that another training institution or training program is necessary.

3. An individual who has been determined eligible for an ITA may select a training institution and program from the Connecticut Eligible Training Provider List (ETPL) or from another State, provided that the training institution and program is listed on that State's Eligible Training Provider List, after consultation with a case manager or case manager. Unless the program has exhausted funds for the program year, the Service provider must refer the individual to the selected training program, and establish an ITA for the individual to pay for training.

WIOA Regs. 20 CFR Part 680.340

4. Payments may not be made to a training provider until the service provider ensures that the training provider and program selected is on the Eligible Training Provider list at time of payment for tuition and fees under WIOA ITAs.

D. Payment system

Individual Training Accounts are designed to identify WIOA funded costs associated with the training cost of attendance. The Cost of Attendance may include tuition, fees, room and board, books, supplies, and tools (if required for the training course). The ITA identifies the WIOA obligation for the participant and the participant will be able to access information about the account from the Service provider. Each service provider is responsible for maintaining an ITA payment system which ensures that payments made to Eligible Training Providers are timely, for the agreed upon amount, ensuring that the provider is on the ETPL at time of payment and that the payments are supported by appropriate documentation. [**Note**: Cost of Attendance may also include other expenses that are not incurred through the training provider such as child care, transportation, rent and other living expenses. WIOA service providers should take into account the full cost of participating in training services, including the cost of support services and other appropriate costs. WIOA funds may be used to assist with such expenses and are considered supportive services]

Financial responsibility for ITAs remains with the service provider who developed the ITA, in consultation with the participant, throughout the period of training, regardless of the location of the training provider. The financial responsibility of the service provider also extends to supportive services.

E. Retakes of required classes

WIOA funds may be used to pay for retakes of required classes if there is sufficient justification that has been documented by the case manager. Examples of justifiable reasons to pay for a retake would be the requirement to attain a specific grade to advance to higher level coursework in the training program; or circumstances beyond the participant's control such as an unforeseen health issue. Service providers should consult with a program manager if they are uncertain about funding a specific retake request.

F. Documentation

Contact between the case manager or case manager, and the participant must occur, at a minimum, at the end of each quarter, semester or uninterrupted training course during the lifetime of the training plan. Contact may be made by telephone, through the mail, personal contact or other appropriate means to provide documentation of successful progress. Documents such as attendance records, grade reports, and statements

from the instructing agency, are required as proof of participation and satisfactory academic progress. If the documentation indicates the participant is having problems, the case manager should maintain more frequent contact. Documentation of status of the provider, either Connecticut's ETPL or another State's list, must be maintained in the participant's file.

35. ELIGIBLE TRAINING PROVIDER (ETPL) POLICY

As of July 1, 2015, the Workforce Innovation and Opportunity Act (WIOA) superseded the Workforce Investment Act (WIA) in providing federal funds for employment and training assistance. To carry out the mandates of WIOA, states are required to maintain a list of eligible training providers (ETPs) and programs. First established under WIA, the Eligible Training Provider List (ETPL) process was part of a strategy to ensure informed customer choice for training, performance accountability, and continuous improvement. WIOA further advances these goals by aligning several federal programs that support employment and training services.

Under WIOA, the Connecticut Department of Labor (CTDOL) continues to be designated as the agency responsible for administering the list of eligible training providers and the programs they offer. The ETPL is comprised of providers and programs approved by the local workforce development boards (WDBs) and the state to offer training services to eligible WIOA participants. In accordance with **20 CFR 680.430(a)**, which requires that the state establish "the criteria, information requirements, and procedures, including procedures identifying the respective roles of the State and local areas, governing the eligibility of providers and programs of training services to receive funds through ITAs.," CTDOL has established the following policy.

What is an eligible training provider (ETP)?

Pursuant to **20 CFR 680.410,** an ETP is the only type of entity that receives funding for training services, as defined in **20 CFR 680.200** (see "Training Services for Adults and Dislocated Workers" section below), **through an individual training account** (ITA). An ETP and its program(s) must be included on the ETPL, must provide a program of training services (see "Program of Training Services" below), **and must be one of the following types of entities**:

(1) Institutions of higher education that provide a program which leads to a recognized postsecondary credential (see "Definition of a Recognized Postsecondary Credential");

(2) Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 *et seq.*); or

(3) Other public or private providers of training services, which **may** include:
- (i) Community-based organizations;
- (ii) Joint labor-management organizations; and
- (iii) Eligible providers of adult education and literacy activities under Title II of WIOA if such activities are provided in combination with training services described at **20 CFR 680.350.**

Training services for Adults and Dislocated Workers

According to 20 CFR 680.200, which details training services for adults and dislocated workers, the following are types of training services listed in §680.200 (a) through (k) and in WIOA sec. 134(c)(3)(D). This list is not all-inclusive and additional training services may be provided.

(a) Occupational skills training, including training for nontraditional employment;

(b) On-the-job training (OJT) (*pursuant to* §§ 680.700, 680.710, 680.720, and 680.730);

(c) Incumbent worker training, in accordance with WIOA sec. 134(d)(4) and §§ 680.780, 680.790, 680.800, 680.810, and 680.820;

(d) Programs that combine workplace training with related instruction, which may include cooperative education programs;

(e) Training programs operated by the private sector;

(f) Skills upgrading and retraining;

(g) Entrepreneurial training;

(h) Transitional jobs in accordance with WIOA sec 134(d)(5) and §§ 680.190 and 680.195;

(i) Job readiness training provided in combination with services listed in paragraphs (a) through (h) of this section;

(j) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in paragraphs (a) through (g) of this section; and

(k) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training (*pursuant to* §§ 680.760 and 680.770).

Program of Training Services

A program of training services, pursuant to **20 CFR 680.420**, is one or more courses or classes, or a structured regimen, that provides the services in § 680.200 (see above) **and leads to**:

(a) An industry-recognized certificate or certification, a certificate of completion **of a registered apprenticeship**, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;

(b) **Consistent with § 680.350**, a secondary school diploma or its equivalent;

(c) Employment; or

(d) Measurable skill gains (as defined in federal guidance, including TEGL 10-16, Change 1) toward a credential described in paragraph (a) or (b) of this section or employment.

Definition of a Recognized Postsecondary Credential

Per TEGL 10-16, Change 1, a recognized postsecondary credential is defined as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license

recognized by the State involved or Federal government, or an associate or baccalaureate degree, as well as graduate degrees for purposes of the Vocational Rehabilitation program as required by section 103(a)(5) of the Rehabilitation Act of 1973, as amended by Title IV of WIOA. A recognized postsecondary credential is awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.

Certificates awarded by workforce development boards (WDBs) and work readiness certificates are not included in this definition because neither type of certificate is recognized industry-wide, nor documents the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation. Likewise, such certificates must recognize technology or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

A variety of different public and private entities issue recognized postsecondary credentials. **Below is a list of the types of organizations and institutions that award recognized postsecondary credentials (not all credentials by these entities meet the definition of recognized postsecondary credential)**.

- A State educational agency or a State agency responsible for administering vocational and technical education within a State;

- An institution of higher education described in Section 102 of the Higher Education Act of 1965 (20 USC sec. 1002) that is qualified to participate in the student financial assistance programs authorized by title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs;

- An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes.

- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified IT Professional (MCITP), Certified Novell Engineer, a Sun Certified Java Programmer, etc.) using a valid and reliable assessment of an individual's knowledge, skills and abilities;

- ETA's Office of Apprenticeship or a State Apprenticeship Agency;

- A public regulatory agency, which awards a credential upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or a State-licensed asbestos inspector);

- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons: or

- Job Corps, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements.

Definition of a Secondary School Diploma or Recognized Equivalent (pursuant to TEGL 10-16, Change 1)

For purposes of the credential attainment performance indicator, a secondary school diploma (or alternate diploma) (commonly referred to as high school diploma) is one that is recognized by a State and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA).
A secondary school equivalency certification signifies that a student has completed the requirements for a high school education. The types of recognized equivalents, for those not covered under ESEA, that would satisfy this performance indicator are those recognized by a State.

Examples of secondary school diplomas, alternate diplomas, and recognized equivalents recognized by individual States include:

- Obtaining certification of attaining passing scores on a State-recognized high school equivalency test.

- Earning a secondary school diploma or State-recognized equivalent through a credit bearing secondary education program sanctioned by State law, code, or regulation.

- Obtaining certification of passing a State recognized competency-based assessment.

- Completion of a specified number of college credits.

Types of Acceptable Credentials (pursuant to TEGL 10-16, Change 1)

The following are acceptable types of credentials that count toward the credential attainment indicator:

- Secondary school diploma or recognized equivalent (see definition in section above)
- Associate's degree
- Bachelor's degree
- Graduate degree for purposes of the Vocational Rehabilitation (VR) program
  (In defining "recognized postsecondary credential," WIOA sec. 3(52) does not include graduate degrees. As a result, graduate degrees do not count towards credential attainment, except for the Title IV VR programs, which are permitted to include graduate degrees as a type of recognized credential because of statutory and regulatory requirements specific to that program.)

- Occupational licensure
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
- Occupational certification
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

Industry-Recognized Credential

USDOL has chosen not to define "industry-recognized credential," explaining in the Final Rules dated August 19, 2016 that it is an evolving term and that by defining it the regulation may limit future innovation around industry-relevant training. CTDOL will not be issuing a definition of this term.

Credit or Non-credit Programs Offered By an Institution of Higher Education* That Do Not Independently Result In a Credential

*see the second bullet at "Definition of a Recognized Postsecondary Credential" as to "institution of higher education"

As stated in this policy's "Definition of a Recognized Postsecondary Credential" section, not all credentials offered by an institution of higher education* meet the definition of a recognized postsecondary credential. Some offerings by Connecticut community colleges and other institutions of higher education are "non-credit" courses. Other offerings, upon successful completion, may result in a few credits earned. In either of these cases, the outcome is often a completion certificate (or other award) that does not independently offer the WIOA program participant a recognized postsecondary credential under WIOA policy. USDOL's Final Rules dated August 19, 2016, however, states that "programs of training services (see "Program of Training Services" within this policy) should be inclusive of non-credentialed training, such as…single courses **that fall within a career pathway**. The introduction of § 680.420 emphasizes that training services that "lead to" any of the outcomes listed at § 680.420, which includes employment, is a program of training services. Therefore, programs that are components of such a regimen may be eligible programs." Given this, WDBs may consider approving for inclusion on the WIOA ETPL programs of this nature.

To demonstrate that the single course (program) falls within a career pathway, the applying institution of higher education* must submit a fully completed (all fields) "Workforce Innovation and Opportunity Act Eligible Training Providers List Program Endorsement Form" for the program, bearing the signature, printed name, and date of signature of the president of the institution of higher education. The form may not simply state "stackable credential;" the justification must clearly describe the career pathway that ultimately leads to a recognized credential under WIOA policy, and must state the title(s) of any other program or sequence of programs (or program of study/structured pathway) that must, over time, also be successfully completed. For the "Curriculum aligned with named industry standards" field, the institution must provide a clear, comprehensive description that

supports how the curriculum of the program is aligned with industry standards. Alternatively, the applying institution of higher education* may offer (upon successful completion of the program) a recognized credential issued by an entity other than itself.

In addition, the Individual Employment Plan (IEP) of any participant attending an "endorsed" program, must, in keeping with the objectives of WIOA sec. 134(c)(2)(A)(xii)(II), describe how the program is expected to lead to skills upgrading or retraining and the achievement or retention of employment that leads to self-sufficiency. The career plan must be developed with consideration of the assessment of the participant's skills and abilities.

Eligibility Factors

Pursuant to WIOA sec. 122(b)(4)(B), ETPs may receive initial eligibility for only one year for a particular program; after initial eligibility expires, ETPs are subject to application procedures for continued eligibility (see "Continued Eligibility.") The Workforce Innovation and Opportunity Act (WIOA) includes certain criteria that must be met in order ensure that a provider of programs offers the highest quality training services and is responsive to in-demand and emerging industries by providing training services for those industries (WIOA §122(b)(4)(A)). The applying entity shall describe each program of training services to be offered and provide verifiable **program-specific** performance information based on criteria established by the state (WIOA §122(b)(4)(C)) to support the entity's ability to serve program participants. Pursuant to WIOA §122(b)(4)(D)(i-iv), an entity seeking initial eligibility as a provider of training services must meet the following criteria:

- A factor related to indicators of performance as described in WIOA §116(b)(2)(A)(i)(I-IV) and 20 CFR 680.460(g)(1), as set by Connecticut Department of Labor ETPL policy. For PY2015 an entity's initial eligibility under WIOA (first year), the entity must document that it meets at least one of the following by submitting performance data:

  - Median Earnings (Quarterly basis) - $3,459.00
  - Average Wage at Placement - $9,344.00
  - Attainment of a Post-Secondary Credential - 60%
  - Completion Rate - 60%
  - Employment Rate - 65%
  - Training-related Employment Rate - 65%

  For each program to be offered on the ETPL, documentation must include the program name and the most recent annual data that is available (for example, 7/1/14 - 6/30/15 or 7/1/15 - 6/30/16) for

ALL individuals enrolled in the program for at least one of the factors above. The timeframe that the data is from must be stated on the documentation. If the program is new to the entity and historical data are not available, data must be tracked upon ETP approval and submitted in accordance with the requirements described at Reporting Performance Indicators."

- A factor concerning whether the provider is in a partnership with business. Consideration for satisfying this factor will include active involvement (not just membership) in: a local Chamber of Commerce, the Connecticut Business and Industry Association (CBIA) or other local business association, Connecticut Workforce Development Board, Advisory Boards (colleges/universities), clinical partnership agreements, internships/externships with businesses, and affiliations with business associations. Submit a list of partnerships and describe the nature of the partnership.

- Other factors that indicate **high-quality** training services. If the applying entity or its programs are required by Connecticut statute to be approved by the Connecticut Office of Higher Education, State Department of Education, Department of Consumer Protection, or Department of Public Health to offer training, this Eligibility Factor will be deemed as met. For other entities, high quality may be demonstrated by providing information to show that the training services lead to any one of the outcomes listed at Program of Training Services ((a) –(d)).

- A factor concerning alignment of the training services with in-demand industry sectors and occupations. To satisfy this factor, review the in-demand occupations listed on CTDOL's website, http://www1.ctdol.state.ct.us/lmi/projections.asp, and provide documentation from the site to verify the training service is specifically related to an in-demand industry sector or occupation. Otherwise, provide information and documentation to show the extent to which the training service(s) aligns with the in-demand industry sectors and occupations displayed on this CTDOL website. In-demand occupations may vary at the local level; applying providers may consult with the lead WDB.

Apprenticeship and the ETPL

Pursuant to section 122(a)(3) of the WIOA, apprenticeship programs registered with the Connecticut Department of Labor, Apprenticeship Division and the National Office of Apprenticeship are automatically eligible to be included on the ETPL.

Although registered apprenticeship programs are automatically eligible, the program will not be included on the ETPL unless the program provider notifies the Apprenticeship Division of its intention to be included on the ETPL or the program is approved by the National Apprenticeship Office.

The Apprenticeship Division will notify every apprenticeship program, registered as of the date of enactment of these procedures, to determine whether the program provider wants to be included on the ETPL.

New apprenticeship programs that want to be included on the ETPL should contact their local WDB for guidance on registering their program in the CTHires system.

Information gathered during CTHires registration will include:
(1) occupations included within the Registered Apprenticeship program;
(2) contact information including the name and address of the Registered Apprenticeship sponsor;
(3) the name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;
(4) the method and length of instruction; and
(5) the number of active apprentices.

Registered Apprenticeship programs that do not provide the Related Technical Instruction portion of the apprenticeship (as outlined above) may be required to provide additional information about their education provider, including the cost of the instruction (this is the only time that cost information should be requested).

If the program is already approved as a sponsor or related instruction provider through the Connecticut Department of Labor Office of Apprenticeship Training the program will be added to the ETPL list in CTHires by the local Workforce Development Board in the region where the program/sponsor is located.

If the program is not an approved sponsor or related instruction provider, they must first contact the Connecticut Department of Labor Office of Apprenticeship Training to seek approval.

Once an apprenticeship program is registered on the ETPL, the program will remain on the ETPL until the program is no longer registered with the Connecticut Department of Labor Office of Apprenticeship Training or until the provider notifies the Apprenticeship Division, in writing, of the intention to be removed from the list.

Nationally approved Registered Apprenticeship Programs (RAP) will remain on the ETPL list until:

- The Rap program notifies the state agency it no longer wants to be included on the list;
- The Program becomes deregistered under the National Apprenticeship Act;
- The Program is determined to have intentionally supplied inaccurate information; or,
- A determination was made that the RAP substantially violated any provision of Title I of WIOA or the WIOA regulations, including 29 CFR part 38

Registered apprenticeship programs are not required to submit initial or continued eligibility applications under these procedures; however they must complete the required registration process for Providers on the CTHires website. www.cthires.com. Local WDB's can provide assistance in the completion of the system registration.

Registered apprenticeship programs are required to comply with all laws and rules regarding apprenticeship programs and labor laws in the State of Connecticut.

Per 20 CFR 680.480(b) all approved sponsors and related instructions providers will be notified in writing or electronically bi-annually to reaffirm their request to remain on the ETPL list.

Note: Registered apprenticeship programs, which are not required to apply for the WIOA ETPL, are subject only to certain reporting requirements as set forth in TEGL 41-14, applicable regulation, or other guidance.

WIOA ETP Initial Eligibility Application Process

Initial Eligibility Application Form

An entity may apply for WIOA ETP approval by completing the "Connecticut Department of Labor (CTDOL) Workforce Innovation and Opportunity Act (WIOA) Eligible Training Provider (ETP) Application." This initial eligibility application form is available on CTDOL's website at http://www.ctdol.state.ct.us/wia/wioa-trngproviderapps.htm.

All fields on the initial eligibility application must be completed, including those for signatures, signatory dates, and other attestations. If a field is not applicable to the entity, "N/A" or a dash must be entered. All supporting documentation and required attachments, as specified in the initial eligibility application, must be included with the application at the time it is submitted to the WDB. Incomplete initial eligibility applications and those submitted without supporting documentation and required attachments will be returned to the entity for completion and will not be considered for review and approval by the WDB(s) until the initial eligibility application is complete.

As described in the WIOA ETP initial eligibility application, the applying entity must submit the original application form, with all required attachments and supporting documentation, to the lead WDB and, if applicable, a copy of the application must be sent to any secondary WDB(s) for review.

Lead board - the WBD for the area in which the applying entity's headquarters (or, as applicable, main campus) is located. An entity may only select one lead WDB.

Secondary board – the WDB(s) for the local board area(s) in which any of the applying entity's training sites for program offerings are located. If the entity is applying to list training that will be offered at a site other than at the headquarters/main campus, the applying entity must send a copy of the entire, completed ETP initial eligibility application, with all required attachments and supporting documentation, to each applicable secondary WDB.

Review by the WDB (Initial Eligibility)

Upon receipt of a WIOA ETP initial eligibility application, the WDB shall review the application for completeness. As described above, incomplete applications and those submitted without supporting documentation and required attachments shall be returned to the entity for completion and will not be considered for review and approval by the WDB(s) until the initial eligibility application is complete.

The lead WDB and any applicable secondary WDB shall review each complete ETP initial eligibility application. The WDB review process shall be conducted in compliance with local board policy, as well as with applicable federal and state policies, and shall include a review for completeness, verification of application information (which must also include confirmation of entity and program approvals, as applicable, by other state agencies), and consideration of whether the initial eligibility factors have been satisfied (see "Eligibility Factors" in this policy).

The lead WDB and any secondary WDBs must determine local approval or denial of ETP applications pursuant to federal and state policy via the process set forth by each board's policy. Secondary WDBs must advise the lead WDB once approval or denial has been decided. For application denials at the local board level, refer to "Reason for Application Denial" in this policy.

Once the lead and all applicable secondary board approvals have been made, the lead WBD shall submit an email request to CTDOL's WIOA Administration Unit to conduct the state-level review of the applying entity. The email must include the entity's:

- Name (legal and any documented DBA) as stated on the WIOA ETP Application
- Address
- Provider type, as indicated on the WIOA ETP Application

The WDB will also fax to CTDOL WIOA Administration the applying entity's "Employer Authorization for the Release of Confidential Data," which form is available on CTDOL's website at http://www.ctdol.state.ct.us/wia/wioa-trngproviderapps.htm. This authorization permits CTDOL to share the specific results of the state-level review of the applying entity with the designated WDB. The WDB will then relay the information to the applying entity.

The WDB and applying entity shall provide to CTDOL any other information requested by CTDOL during the state-level review process to ensure compliance with federal and state policy.

The initial eligibility application process **continues at "Review by CTDOL."**

Continued Eligibility

Pursuant to **20 CFR 680.460**, CTDOL has established this continued eligibility policy for all WIOA-approved training providers and programs. All ETPs and their programs will be reviewed biennially following their one year of initial WIOA ETP eligibility. Since applications for the WIOA ETPL were reviewed for approval on a rolling basis during the transition from WIA to WIOA, Connecticut will conduct continued eligibility determinations on a rolling basis. As with initial eligibility, decisions regarding continued eligibility will be made on a **program by program** basis. Applications must be complete and accurate.

The continued eligibility review will take the following required factors into account:

1. The performance of the ETP's program on:

- The performance accountability measures described in WIOA secs. 116 (b)(2)(A)(i)(I)-(IV) and the other matters required by WIOA sec. 122 (b)(2);
- Other appropriate measures of performance outcomes determined by the state for program participants receiving training services under WIOA Title I-B, taking into consideration the characteristics of the population served and relevant economic conditions;
- Outcomes of the programs of students in general with respect to employment and earnings as defined by WIOA sec. 116(b)(2).
- All of these measures may include minimum performance standards.

2. Access to training services throughout the state, including in rural areas, and through the use of technology;

3. Information reported to state agencies on federal and state training programs other than programs within WIOA Title I-B;

4. The degree to which programs of training services relate to in-demand industry sectors and occupations in the state;

5. State licensure requirements of training providers;

6. Providers' offering of industry-recognized certificates and credentials;

7. The ability of providers to offer programs of training services that lead to postsecondary credentials;

8. The quality of the program of training services including a program that leads to a recognized postsecondary credential;

9. The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment;

10. The timeliness and accuracy of training providers' performance reports for programs of study

    a. Program of Study is defined by ETA as a program of training services (as defined in 20 CFR 680.420) that consists of one or more courses and leads to a credential, employment, or a measurable skill gain towards a credential.

    b. Each state is required to submit an annual report on the performance of all of the programs of study on the state ETP list. These reports contain information on each ETP program of study, information and outcomes for all individuals in a program of study regardless of WIOA participation, and additional

information on WIOA participant demographics and outcomes. Training and Employment Guidance Letter (TEGL) 03-18 details the reporting requirements for states' reports on ETP performance including the ETP reporting template (ETA-9171).

c. The Provider must advise DOL if they have difficulty capturing and sharing any data element required for performance reporting so a resolution can be reached in a timely manner.

d. The Provider must capture the following (with further elements defined in the ETA-9171) for each individual in an eligible training program of study:

i. Status

1. Enrolled, Completed, Withdrawn or Transferred from a program of study in the reporting period.

ii. Social Security Number

1. The Provider must make reasonable efforts to securely capture Social Security Numbers of all individuals enrolled in a program of study in the reporting period.
2. Failure to capture Social Security Numbers will negatively impact performance results as SSNs are required for wage file matches.

iii. Credential Attainment

1. This includes individuals enrolled in this program of study who:
   a. Attained a recognized postsecondary credential during the program or within one year after exit from the program;
   OR
   b. Attained a secondary school diploma or its recognized equivalent during the program or within one year after exit AND who were also employed or enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

iv. Exit Date

1. Providers must capture a date that represents completion dates, withdrawals, or transfers from a program of study in the reporting period.

11. Other factors that the state determines are appropriate in order to ensure: The accountability of providers; that one-stop centers in the state will meet the needs of local employers and participants; and, that participants will be given an informed choice among providers.

12. Compliance with the information requirements that the state has established herein which require ETPs to submit appropriate, accurate and timely information for participants receiving training under WIOA Title I-B. The information must 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 postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;
    - Information on recognized postsecondary credentials received by program participants;
    - Information on cost of attendance, including costs of tuition and fees, for program participants;
    - Information on the program completion rate for such participants.

In the event a Provider is noncompliant with the above listed factors, continuing eligibility may be denied. Prior to denial, CT DOL will make every effort to work with the Providers to resolve any issues or make accommodations as available. Similarly, Providers must consult CT DOL if there are any questions or concerns with eligibility in advance of the application. (See “Reasons for Removal” in this policy.)

WIOA ETP Continued Eligibility Application Process

Continued Eligibility Application Form

WIOA-approved ETP entities must apply for continued eligibility *biennially* following one year of initial WIOA ETP eligibility in order to be considered for approval to remain on the ETPL. As the entity and its programs approach the continued eligibility date, the lead WDB will notify the entity by providing a "CTDOL WIOA ETP Continued Eligibility Application" (also available on CTDOL's WIOA website) and a list of the entity's program(s) that have expired or will soon be expiring. The lead WDB will advise all secondary boards, if applicable, as to the issuance of the continued eligibility application to the entity. The entity will have 30 days in which to submit its completed continued eligibility application to the WDB. If the application is returned within the 30 days, the entity and its program(s) will remain on ETPL during the continued eligibility review process, unless reasons for removal exist (see "Reasons for Removal" in this policy). If an application for continued eligibility is not received within 30 days, the entity may be removed from the ETPL.

The entity must submit the original continued eligibility application form, with any required attachments and supporting documentation, to its lead WDB and a copy must be sent by the entity to its secondary WDB(s) for review. All fields on the continued eligibility application form must be complete, including those for signatures, signatory dates, and other attestations. Course catalogs may not be submitted to provide answers to any of the items on the application form. If a field is not applicable to the entity, "N/A" or a dash must be entered. Any supporting documentation or required attachments, as specified in the continued eligibility application, must be included with the continued eligibility application at the time it is submitted to the WDB. Incomplete applications and those submitted without supporting documentation and required attachments will be returned to the entity by the lead WDB in receipt of it and the WDB will not complete a review or make a continued eligibility determination regarding the entity or its program(s) until a complete application has been provided.

The entity will be subject to review for compliance with applicable federal and state laws. The entity must provide to the board a completed, signed "Employer Authorization For the Release Of Confidential Data" form with the continued eligibility application. The form is available at http://www.ctdol.state.ct.us/wia/wioa-trngproviderapps.htm.

Since training providers may apply for initial ETP eligibility or add programs at any time ("rolling basis") in Connecticut, those with more than one ETP program may have a variety of program expiration dates, depending on when each program was applied for and approved. Therefore, continued eligibility applications for programs and providers will also be on a rolling basis. As program(s) begin to reach expiration, the lead WDB will issue to the entity a list of those program(s) in order for the entity to submit a continued eligibility application for them. Once the entity has submitted a fully-completed continued eligibility application (all items completed) and the entity has been approved through the continued eligibility process, only the following application items will be required when the entity applies to add its other programs that reach expiration in the current continued eligibility period:

- The entity's identifying information (at page 1)
- Item 4

- Signature section

Performance reporting requirements remain applicable.

Review by the WDB (Continued Eligibility)

Upon receipt of a WIOA ETP application for continued eligibility, the WDB shall review it for completeness. As described above, incomplete applications and those submitted without supporting documentation and required attachments shall be returned to the entity for completion and will not be considered for review and approval by the WDB(s) until the continued eligibility application is complete.

The local lead WDB and any applicable secondary WDB shall review each complete application for continued eligibility. The local WDB review process shall be conducted in compliance with local board policy, as well as with applicable federal and state policies, and shall include a review for completeness, verification of application information (which must also include confirmation of entity and program approvals, as applicable, by other state agencies), and consideration of whether all application requirements have been satisfied.

In addition to verifying application information which includes, but is not limited to, approval by the state regulatory agency (i.e., OHE, DPH, etc.) and in-demand verification, etc., the WDB(s) must consider whether the descriptions provided by the entity on the continued eligibility application for the following are sufficient:

- A description of how the entity will ensure access to training programs throughout their training site area(s), including rural areas, and, as applicable, through the use of technology.

- A description of the entity's ability to provide the training program(s) to individuals who are employed and individuals with barriers to employment.

The lead WDB and any secondary WDBs must determine local approval or denial of ETP applications pursuant to federal and state policy via the process set forth by each board's policy. Secondary WDBs must advise the lead WDB once approval or denial has been decided. For application denials at the local board level, refer to "Reason for Application Denial" in this policy.

Once the lead and all applicable secondary WDB approvals have been made, the lead WBD shall submit an email request to CTDOL's WIOA Administration Unit to conduct the state-level review of the applying entity. The email must include the entity's:

- Name (legal and any documented DBA) as stated on the WIOA ETP Application
- Address
- Provider type, as indicated on the WIOA ETP Application

The WDB will also fax to CTDOL WIOA Administration the applying entity's "Employer Authorization for the Release of Confidential Data," which form is available on CTDOL's website at http://www.ctdol.state.ct.us/wia/wioa-trngproviderapps.htm. This authorization permits CTDOL to share the specific results of the state-level review of the applying entity with the designated WDB. The WDB will then relay the information to the applying entity.

The WDB(s) must file the entity's originally-signed continued eligibility application (hardcopy) and any of its attachments with the entity's initial eligibility application file.

The WDB and applying entity shall provide to CTDOL any other information requested by CTDOL during the state-level review process to ensure compliance with federal and state policy.

Under continued eligibility, if an eligible training provider is failing to meet criteria and information requirements, the provider must, within 30 days of being informed of the failure by CTDOL or the WDB(s), provide a written explanation to CTDOL and the WDB(s) as to the reason for the failure and provide a statement confirming that the provider has supplied accurate information. If the failure is due to undue cost or burden and CTDOL and the WDB(s) determine the provider has not substantially violated any of the requirements under 20 CFR § 680.460, CTDOL and the WDB(s) must consult and provide technical assistance to the eligible training provider.

Review by CTDOL (Initial and Continued Eligibility)

The state-level review process will include the following steps:

- CTDOL will review the applying entity with the following CTDOL divisions to determine if there is a record of any employment law non-compliance:
    - Wage and Workplace Standards Division
    - UI Tax, including Employer Status as applicable
    - OSHA
- CTDOL's WIOA Administration Unit will either:
    - inform the lead WDB that the applying entity has been approved for listing (this includes continued listing) on the WIOA ETP (the lead WDB will then inform any secondary WDB and the entity), or
    - notify the lead WDB that the review has identified substantive violations or inaccuracies.

- The lead WDB will notify the applying entity that its application cannot receive final approval until the entity and the enforcing agency have agreed to a remedy.

Under continued eligibility, if an eligible training provider is failing to meet criteria and information requirements, the provider must, within 30 days of being informed of the failure by CTDOL or the WDB(s), provide a written explanation to CTDOL and the WDB(s) as to the reason for the failure and provide a statement confirming that the provider has supplied accurate information. If the failure is due to undue cost or burden and CTDOL and the WDB(s) determine the provider has not substantially violated any of the requirements under 20 CFR § 680.460, CTDOL and the WDB(s) must consult and provide technical assistance to the eligible training provider.

Approved ETPs – WDB and ETP Requirements

Initial Eligibility

Once the entity is approved for initial eligibility, the lead WDB will inform the entity and any secondary WDBs that the entity has been approved as an ETP for initial eligibility. The lead WDB (itself or assisted by secondary WDBs) will enter the entity's ETP application information into CTHires, set an expiration date and local approval, and request state-level approval in CTHires from CTDOL. All ETPs are subject to WIOA performance and reporting requirements upon entity initial eligibility approval for the ETPL, except where specifically exempt under WIOA.

Continued Eligibility

Once the entity is approved for continued eligibility, the lead WDB will inform the entity and any secondary WDBs that the entity has been approved. The lead WDB (itself or assisted by secondary WDBs) will update CTHires, reset the expiration date(s), set continued eligibility local approval and request state-level approval in CTHires from CTDOL. All ETPs remain subject to WIOA performance and reporting requirements upon entity continued eligibility approval for the ETPL, except where specifically exempt under WIOA.

Reasons For Application Denial (Initial and Continued Eligibility)

The following policy applies in the event the WIOA ETP application (for initial or continued eligibility, as applicable) is not approved by the WDB or when a substantive identified violation or inaccuracies cannot be remedied as described above at the state-review level:

A. The lead WDB and any secondary WDB(s) shall deny the entity's application for ETP eligibility (initial or continued) if the application from an entity is not complete.

B. The lead WDB and any secondary WDB(s) shall deny the entity's application for ETP eligibility if an applying entity fails to meet the minimum criteria for initial eligibility and approval as specified in this policy.

C. The lead WDB and any secondary WDB(s) shall deny the entity's application for ETP continued eligibility if an applying entity fails to meet criteria for continued eligibility and approval as specified in this policy.

D. The WDB(s) or CTDOL shall deny the entity's application for ETP eligibility (initial or continued) if it is determined that the applicant intentionally supplied inaccurate information.

E. The WDB(s) or the CTDOL shall deny the entity's application for ETP eligibility (initial or continued) if it is determined a provider has substantially violated any WIOA requirements or federal or state laws.

If a WDB denies a provider's application for listing on the ETPL, the WDB shall, within 30 days of receipt of the application (initial or continued), inform the applying entity in writing and include the reason(s) for the denial and provide information on the appeals process.

If CTDOL denies an applying entity for listing on the ETPL, CTDOL shall, within 30 days of receipt of the state-level review request, inform the lead WDB and applying entity and include the reason(s) for the denial and provide information on the appeals process.

Under continued eligibility, if an eligible training provider is failing to meet criteria and information requirements, the provider must, within 30 days of being informed of the failure by CTDOL or the WDB(s), provide a written explanation to CTDOL and the WDB(s) as to the reason for the failure and provide a statement confirming that the provider has supplied accurate information. If the failure is due to undue cost or burden and CTDOL and the WDB(s) determine the provider has not substantially violated any of the requirements under 20 CFR § 680.460, CTDOL and the WDB(s) must consult and provide technical assistance to the eligible training provider.

Removal from the ETPL (Initial and Continued Eligibility)

Reasons for Removal

- WDBs or CTDOL shall remove a provider and/or program:

1. At any point it is determined that the program does not meet the minimum criteria for initial or continued eligibility listing as specified in this policy.

2. If the program has not met the minimum levels of performance set by CTDOL or the WDB for the continued eligibility process, except if failure to meet the minimum level is due to undue cost or burden, as specified in this policy.

b. WDBs or CTDOL may remove a provider and/or program:

1. If the entity's application for continued eligibility is not received within 30 days of notification from the WDB that the entity's period of initial eligibility has expired or will soon expire.

2. If the provider fails to timely and accurately provide all the performance data required for the entity's continued eligibility determination. Timely means within 30 days of the end of each calendar quarter or within 30 days of any specific performance data request from CTDOL or the WDB.

3. If the provider is found to have substantially violated any WIOA requirements or federal or state laws, regulations or policies. A substantial violation is defined as a violation that merits action (removal from the ETPL) based on consideration of the following:
   - Whether the violation represents an instance of noncompliance with a substantive statutory or regulatory restriction or requirement, rather than a an instance of noncompliance with a non-substantive technical or procedural requirement;
   - The extent to which the violation is part of a pattern of noncompliance;
   - The extent to which the provider failed to cure the violation if/when it became aware of the violation;
   - Whether the violation was knowing and willful.

   In determining whether a substantial violation has occurred, CTDOL will take into account exceptional circumstances beyond the provider's control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues.

c. CTDOL shall remove a provider and/or program if it determines, after consultation with the WDB(s) involved, that the provider intentionally supplied inaccurate information or performance data.

If a WDB removes a program from the ETPL, the WDB must, within 10 business days of its decision, inform the entity and CTDOL in writing and include the reason(s) for the removal and provide information on the appeals process.

If CTDOL removes a program from the ETPL, CTDOL shall inform the entity and lead WDB in writing within 10 business days and include the reason(s) for the removal and provide information on the appeals process.

A provider whose eligibility is terminated under these conditions must be terminated for not less than 2 years and is liable to repay all youth, adult, and dislocated worker training funds it received during the period of noncompliance.

In order for a program to be added back to the ETPL, the provider must re apply through the WDB. Performance data is required as part of the application process for the time period when the program was removed from the ETPL.

While a program is removed from the ETPL for continued eligibility reasons, the ETP cannot receive new training participants utilizing ITA funds for the removed programs.

Under continued eligibility, if an eligible training provider is failing to meet criteria and information requirements, the provider must, within 30 days of being informed of the failure by CTDOL or the WDB(s), provide a written explanation to CTDOL and the WDB(s) as to the reason for the failure and provide a statement confirming that the provider has supplied accurate information. If the failure is due to undue cost or burden and CTDOL and the WDB(s) determine the provider has not substantially violated any of the requirements under 20 CFR § 680.460, CTDOL and the WDB(s) must consult and provide technical assistance to the eligible training provider.

ETPL Appeal Process

Appeals to Local Boards

1. This procedure only applies to appeals by training providers based on the denial of a provider's application for initial or continued listing on the ETPL or the removal of a provider or program already listed on the ETPL.

2. Each WDB must have a written appeals process that includes the following required provisions:

a. A provider wishing to appeal a decision by a WDB must submit an appeal to the WDB within ten (10) business days of the issuance of the denial notice. The appeal must be in writing and include a statement of the intent to appeal, description of the program in question, the reason(s) for the appeal, and the signature of the appropriate provider official.

b. The WDB appeals process must include a meeting between the WDB and the appealing provider for the purpose of effectuating informal resolution in lieu of further appeal process.

c. A WDB will notify a provider of its final decision on an appeal within thirty (30) days of receipt of the appeal.

Appeals to CTDOL

1. This procedure applies to an appeal by a training provider based on:

- Denial of eligibility by a WDB or the designated State agency under 20 **CFR 683.630**. This includes a CTDOL denial of the provider's application for initial listing on the ETPL as outlined in WIOA sec. 122. In addition, a provider may appeal to the Connecticut Department of Labor Commissioner if it has exhausted the appeals process of a WDB and is dissatisfied with the WDB's final decision.
- Termination of eligibility or other action by a WDB or State agency under WIOA sec. 122 (c), which refers to the removal of a program already listed on the ETPL.

- Denial of eligibility as a provider of on-the-job training (OJT) or customized training by a One-Stop operator under WIOA sec. 122 (h).

2. A provider wishing to appeal a WDB's final decision shall file an appeal within ten (10) days of the issuance of the WDB's decision. The request for appeal must be in writing and include a statement of the intent to appeal, description of the program in question, the grounds for the appeal, and the signature of the appropriate provider official. It must be sent to:

Commissioner Danté Bartolomeo
CT Department of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109

The appeal must either be actually received by or postmarked no later than the tenth day following the issuance of the decision being appealed.

3. CTDOL procedures shall include the opportunity for a hearing before impartial hearing officer(s). The CTDOL Labor Commissioner will name the hearing officer(s). The hearing officer(s) or panel shall be comprised of persons that have not had any role in the underlying decision at issue. The hearing officer(s) shall provide written notice to the concerned parties of the date, time, and place of the hearing at least five (5) business days before the scheduled hearing. Subject to the hearing officer's control, both parties shall be provided the opportunity to: present oral and written testimony; call and question witnesses; present oral and written argument; request relevant documents. Any party to a hearing shall have the right to be represented. CTDOL shall maintain a tape recording of the proceedings.

4. CTDOL will notify a provider of its final decision on an appeal in writing within (30) days of receipt of the appeal.

5. CTDOL will promptly notify the appropriate WDB of any appeal request and any final decision.

6. A CTDOL decision under this appeal process shall be final.

36. SUPPORTIVE SERVICES

Supportive Services and Needs Related Payments are defined in 20 CFR 680.900 through .970 of the Final Rule. TEGL 19-16 provides summary guidance on these supports and payments as well.

USDOL gives states the authority to develop individual policy and procedures to provide these services and payments to individuals. The policy and procedures, at state and local levels, should ensure resource and service coordination within the local area. The local areas can also set funding or time limits on service provisions, but should also include the opportunity to waive limits in instances of higher need or in times when funds are more widely available. This policy from CTDOL will describe the allowability and limits that should be considered by the locals and describe procedures to implement in order to increase access to the WIOA program.

Supportive services are services that are necessary to enable an individual to participate in activities authorized under WIOA sec. 134(c)(2) and (3). Supportive services for adults, dislocated workers and youth are defined at WIOA sec. 3(59) and secs. 134(d)(2) and (3).

1) Supportive Services, TEGL 19-16

a) Supportive services may be made available to any adult or dislocated worker participating in title I career services or training activities that is unable to obtain supportive services through other programs providing such services. Additionally, the supportive services must be necessary to enable to the individual to participate in career services or training activities. Note that follow-up career services are not a qualifying service for the receipt of supportive services; therefore, an individual who is only receiving “follow-up” services may not receive supportive services. Individuals identified as needing ongoing supportive services must still be participating in career services (other than follow-up), training activities, or both to continue to receive supportive services. Supportive services also may not be used to extend the date of exit for performance accountability purposes. Supportive services, like follow-up services, do not make an individual a participant or extend participation.

b) Supportive services may include, but are not limited to:
   i) Assistance with transportation;
   ii) Assistance with child care and dependent care;
   iii) Linkages to community resources;
   iv) Assistance with housing;
   v) Needs-Related Payments (available only to individuals enrolled in training services and must be consistent with 20 CFR 680.930 through .970);
   vi) Assistance with educational testing;
   vii) Reasonable accommodations for individuals with disabilities;
   viii) Referrals to health care;
   ix) Assistance with uniforms or other appropriate work attire or work-related tools, including such items as eyeglasses and protective eye gear;
   x) Assistance with books, fees, school supplies, and other necessary items for students enrolled in post-secondary education classes;
   xi) Payments and fees for employment and training-related applications, tests, and certifications; and
   xii) Legal aid services.

2) § 680.910 When may supportive services be provided to participants?

a) Supportive services may only be provided to individuals who are:
   i) Participating in career or training services as defined in WIOA secs. 134(c)(2) and (3); and
   ii) Unable to obtain supportive services through other programs providing such services.

b) Supportive services only may be provided when they are necessary to enable individuals to participate in career service or training activities.

3) **Connecticut Procedures for Adults, Dislocated Workers, and Youth Supportive Services**

a) Individualized
   i) The provision of Supportive Services must be determined on an individual case-by-case basis.

b) Program Funds
   i) All WIOA participants are eligible to receive supportive services provided they meet all other criteria described in this supportive services policy. The funding for the supportive services is provided by the program(s) in which they are enrolled.

c) Assessment for Needed Expenses
   i) Supportive services shall only be used to pay for specific necessary services and shall be limited to payments that are necessary for participation in the program. The individual determination of need and the amount of such assistance shall be based upon the results of the comprehensive assessment or objective assessment and similarly documented in the Individual Employment Plan (IEP) for adults/dislocated workers and the Individual Service Strategy (ISS) for youth.

d) Documentation
   i) Documentation about the support required and funded must be maintained in the participant's files. Source documentation includes but is not limited to actual utility bills and receipts for goods and services purchased. Accepting a participant's self-disclosure or declaration of expenses as documentation is not allowable. Additionally, source documentation must be current and not incurred prior to the individual's enrollment in a WIOA program. The provider is responsible for documenting in the IEP/ISS or case notes that the service is not available from any other source (including the participant's own resources).

e) Approval
   i) All supportive service requests must have been approved by the local WDB, or the entity designated by the WDB with approval authority, prior to the participant receiving or obtaining the goods or services. Payment of the amount will be issued according to WDB policy.

f) Participant Choice
   i) A participant may waive WIOA payments (except for a paid Work Experience) if accepting payment would mean the loss of the benefits. The participant may request the payment to start at a later date, but may not claim retroactive payments. Advances against future payments are not allowed.

g) Supportive Services for Eligibility
   i) Supportive services cannot be used to pay for charges that were incurred prior to the participant's enrollment, however, supportive services can be used to assist with financial needs during the enrollment process.
   ii) An individual can utilize a self-attestation for the eligibility category for program enrollment and supportive services can be used to reimburse expenses incurred to supply necessary items such as documentation to support eligibility.
   iii) Eligibility documentation gathering supports will be decided by the local WDB following the guidance of CTDOL below.

4) **Supportive Services to Assist with Eligibility Documentation**
   a) Eligibility for WIOA programs relies on documents outlined in TEGL 23-19 Change 2 provided by the individual adult, dislocated worker, or youth by way of self-attestation, formal documentation, or cross-matches from external agency databases.
   b) Eligibility categories can be self-attested initially (in the event self-attestation is provided on eligibility elements not permitted under federal law) to begin the enrollment and eligibility assessment. The use of the self-attestation in these instances where not allowed under federal law would be serving as a placeholder with the intention and goal of obtained the individual's documentation to verify eligibility for program services before the individual exits program services. The goal is to allow greater flexibility for the entry into WIOA programs as opposed to the screening out of individuals who do not have the capacity or resources to provide required documentation to enroll into the program. An initial self-attestation of this type for eligibility review purposes can be used to attest to:
      i) being a U.S. citizen or otherwise legally entitled to work in the United States;
      ii) Social Security Number;
      iii) Age;
      iv) Selective Service Registration (males who are 18 or older and born on or after January 1, 1960) unless an exception is justified; and
      v) other categories as deemed necessary where self-attestation is not acceptable under federal law.
   c) Supportive services by way of funds, reimbursed, paid directly to an organization on the individual's behalf, or advanced directly to the individual, can be issued to assist the individual in gathering the documentation necessary to supply verification of the eligibility category.
      i) Examples of allowable procedures include but are not limited to:
         (1) e.g. A Local WDB, or designated party of the WDB, can establish a relationship with a town hall to solicit direct payments to the town hall on individual's behalf in order for the individual to receive a copy of their Birth Certificate for WIOA documentation needs. This is encouraged in the instance an individual does not have the funds to cover the fee to purchase a copy from the town hall directly.
         (2) e.g. A Local WDB, or designated party of the WDB, can reimburse a cost incurred by an individual for supporting documentation when the individual provides a receipt or proof of purchase in the manner described by WDB policy.
         (3) e.g. A Local WDB, or designated party of the WDB, can provide the individual funds directly by way of cash or banker's check and the individual will provide the WDB a receipt or proof of purchase in the manner described by WDB policy to verify the funds were spent towards obtaining the required eligibility document(s).
      ii) The method of purchase, such as checks or WDB credit cards, should be outlined in WDB policy and accessible to WIOA Administration for fiscal monitoring.
      iii) Document gathering can also be supported by a WDB funding a direct staff position that supports individuals in gathering documentation, by way of one-on-one phone or in-person assistance in navigating websites to download forms/letters or submitting requests for documents to be mailed to the individual.
      iv) The WDB is also encouraged to utilize other agency systems to verify eligibility elements such as public assistance receipt (TANF or SNAP) by using am active Jobs First Employment Services (JFES) application in CTHires as verification, requesting SNAP verification to CT DOL WIOA Administration or arranging verification with a local DSS office via Memorandums of Agreement or Understanding; verification of SSN,

DOB, and work authorization utilizing systems available under applicable Memorandums of Agreement or Understanding such as CT Re-Employ or requesting information from CT DOL WIOA Administration.

d) Hold Harmless Provision
   i) In the event documentation is returned that validates the individual is not eligible, or in the case that no valid documentation was supplied at a later date (e.g. the individual disengages and contact is lost) but is/was receiving funded WIOA services, the local WDB should notify WIOA Administration as soon as possible. WIOA Administration and the WDB can determine the best path to cover costs with other funds and remove the individual from WIOA participation in the state system of record, CTHires.
   ii) As WDBs utilize the path to assist individuals in gathering their documents, WIOA Administration will take into consideration how the WDB adapts this policy in an inclusive way to increase enrollment and services to individuals, especially those in priority populations.
   iii) In the event alternative funds are not available to cover costs incurred for ineligible individuals or for individuals who never supplied documentation and lost contact, CTDOL will not penalize a WDB financially as long as documented efforts were made in an attempt to resolve the situation.
      (1) For example, in the event a WDB determines an individual who received a WIOA service was ineligible, as the supporting documentation came during service delivery and the individual's initial self attestation was inaccurate, the WDB should supply to CTDOL information regarding the financial scenario that does not allow them to transfer the individual to another funding stream. Reasons may include lack of funds or ineligibility for other programs. CTDOL will not recoup costs from the WDB in the first instance, but if the frequency increases, CTDOL will seek to update the local WDB's policy and procedures on the eligibility documentation gathering portion of supportive services in order to find a way that limits this outcome. In the event instances continue after a policy revision, CTDOL and the WDB will decide on an alternative outcome, up to potentially eliminating this supportive service to reduce the risk.
      (2) In the event the WDB began a funded service and no supporting documentation was provided at the later date before program closure/participant exit, due to the individual disengaging and/or losing contact with the WIOA case management entity, the WDB should advise the case management entity to make documented outreach efforts to the individual in at least two different methods of contact (e.g. phone and letter or email) that provide CTDOL with information to the case management entity was making efforts to regain contact and obtain the necessary documentation. CTDOL does not have an exact figure for the methods and types and leaves this determination up to the WDB and local policy, but encourages at least 3 attempts for contact each month for a period of at least 3 months before the individual would exit due to no activity. Similar to (1) above, CTDOL will not recoup costs from the WDB in the first instance, but if the frequency increases, CTDOL will seek to update the local WDB's policy and procedures on the eligibility documentation gathering portion of supportive services in order to find a way that limits this outcome. In the event instances continue after a policy revision, CTDOL and the WDB will decide on an alternative outcome, up to potentially eliminating this supportive service to reduce the risk.

5) Needs-Related Payments, TEGL 19-16 and 20 CFR 680.930

a) Needs-related payments are designed to provide a participant with financial assistance for the purpose of enabling them to participate in training services. US DOL ETA recognizes that may individuals in need of training services may not have the resources available to participate in the training. Needs-related payments can help individuals meet their non-training expenses and help them to complete training successfully. The maximum level of needs-

related payments must be established by the Local WDB and must follow criteria at 20 CFR 680.970. According to sec. 134(d)(3)(B) of WIOA, a participant must be enrolled in a training program described in sec. 134(c)(3) of WIOA in order to receive needs-related payments. Specific criteria for Adult and Dislocated Worker eligibility may be found in 20 CFR 680.940 and .950.

b) Individual determination of a participant's payment and the amount of such payment shall be based upon the results of the objective assessment and recorded in the IEP.

c) Needs-related payments shall not be provided to any participant for the period that such individual is employed, enrolled in or receiving on-the-job training, out-of-the area job search allowances, relocation allowances, trade readjustment allowances, or basic readjustment services in WIOA programs.

d) Needs-related payments may be provided if the participant has been accepted in a training program that will begin within 30 calendar days.

e) 20 CFR 680.940 Needs-related Payments to Adults and Youth (age 18 or older)
   i) To meet the eligibility requirements for needs-related payments the individual must:
      (1) be unemployed;
      (2) not qualify for, or has ceased to qualify for unemployment compensation; and
      (3) be enrolled in a program of WIOA Title IB training services under WIOA Sec. 134(c)(3).

f) 20 CFR 680.970 Needs-Related Payment Level.
   i) There is currently no needs-related payment level in place. Service providers should determine the level of needs-related payments based on budget and the participant's needs.

g) 20 CFR 680.950 Needs-related Payments to Dislocated Workers
   i) To meet the eligibility requirements for needs-related payments an individual must:
      (1) be unemployed;
      (2) have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
      (3) be enrolled in WIOA Title IB dislocated worker training services by the end of the <u>thirteenth</u> week after the most recent layoff that resulted in eligibility determination for the program; or if later, by the end of the <u>eighth</u> week after the worker is informed that a short-term layoff will exceed six months; or
      (4) be unemployed and did not qualify for unemployment compensation or trade readjustment allowance under TAA and be enrolled in a program of training services under WIOA Sec. 134(c)(3).
   ii) Needs-Related Payment Level. The needs-related payment level for dislocated workers must not exceed the greater of either of the following levels:
      (1) the payment may not exceed the applicable weekly level of the unemployment compensation; or
      (2) the economically disadvantaged income level for participants who did not qualify for unemployment insurance as a result of a qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period.

h) 20 CFR 680.970
   i) Needs-related payments may be provided while the participant is waiting to start training classes. The participant must have been accepted in a training program that will begin within 30 calendar days.

i) 20 CFR Part 680.960 Needs-related Payments to Youth
   i) Needs-related payments are allowable supportive services to youth.

j) 20 CFR 681.570
   i) "Enrolled in a training or education program" means that the application for training has been approved and the training institution has furnished written notice that the individual has been accepted in the approved training program beginning within thirty calendar days.

ii) Needs-related payments are only allowable where WIOA Formula funds are sufficient to allow such costs. With National Emergency Grants, needs-related payments must be part of the grant budgets submitted and approved by the United States Department of Labor.

6) CTDOL Guidance on Needs-Related Payments

a) WDB Policy

i) Workforce Development Boards can structure needs-related payments how they see to be the most beneficial and easiest to deploy. The below examples are for illustrative purposes only as WDBs may be standing these programs up for the first time. We welcome any variety of formats to issue these payments to the training participants.

b) Documentation

i) The WDB should document the training enrollment and participation (start date and total hours completed). This can be screenshots of completed courses done online, or a copy of a class schedule for in-person activities. If using online learning platforms like Alison through CTHires.com, a copy of total hours of time spent in a particular course is available to the client and assigned Case Manager as well. In lieu of other forms of verification, a customer can self-attest to their assigned hours and provide documentation upon class/course completion.

c) Examples to Determine the Amount of the Payment:

i) The WDB decides to pay a flat rate per training and homework hour.

(1) $100 for 10 hours of training per week, up to $300 for 30 hours of training per week.

ii) The WDB decides to pay up to the same rate as Unemployment Insurance, if the individual was previously eligible and exhausted benefits.

iii) The WDB decides to create an assessment, documenting monthly or weekly bills such as rent/mortgage, utilities, and/or food expenses. The customer can complete the assessment and the WDB can provide any percentage up to 100% of the expenses each week or month while the individual participates in training.

(1) The individual can provide copies of bills to calculate averages or a number of weeks/months, or the individual can self-disclose. The WDB can retain the right to request copies to support the needs-related payment or set a monetary limit.

d) Examples to Monitor Payment Activity:

i) Case Manager contact with the individual can be a point to collect verification documentation such as online course screenshots, copies of class schedules, or teacher correspondence.

ii) If the Case Manager learns of any failure to participate, or dropouts from the assigned training activity, the payments will decrease or cease.

e) Payments Compared to Activity Dates:

i) The CTHires Training Activity should be entered in the WIOA Program Application. Payments to the individual can occur up to 30 days before the Training Actual Start Date and must not be issued past the Training's Last Activity Date.

7) Supportive Services - Examples and Resource Guide

Below are some examples of information/referral and program-funded supportive services that may be helpful to program participants. Additionally, you will find helpful tips for creating local policies. This list is not exhaustive; local WDBs may offer services not listed here.

Referrals to community programs/services

- food pantries and soup kitchens
- homeless shelters
- substance abuse/addiction counseling
- domestic abuse intervention
- parenting resources
- clothing assistance
- free and low-cost medical clinics
- legal aid providers

Referrals to State and Federal public assistance programs

Transportation Assistance

- mileage reimbursement
- parking passes or reimbursements
- car liability insurance
- vehicle registration fees
- driver license fees
- access to public transit (e.g. bus passes)
- purchase of a bicycle
- payment towards vehicle repairs
- **Note:** WIOA funds may not be used for foreign travel or for fines or penalties.

Childcare and dependent care assistance

- help with identifying care options
- payments towards the costs of care
- **Note:** The local WDB may want to address the following when drafting its local policy and procedure:
    - whether the participant must use a licensed facility
    - whether family and/or household members can provide the care
    - attendance requirements for participants in training

Emergency assistance

- help identifying emergency housing options
- financial assistance towards rent or a mortgage
- financial assistance towards utilities

Educational testing assistance

- tutoring
- payment of test-related fees
- test preparation workbooks and other study aids

Reasonable accommodations

- assessments for learning disabilities
- funding of assistive technology/equipment and ASL interpreters
- funding of foreign-language interpreters to accompany participants on job interviews
- helping a participant secure accommodation from a training provider or employer

Services provided by legal aid organizations

Legal aid services can include help with:

- reinstatement of an individual's driver license

- expungement (deletion) or sealing (must have court order to review) an individual's criminal records
- accommodation requests
- credit, debt, and housing issues
- civil matters related to domestic abuse, sexual abuse, or restraining orders or injunctions for individuals at risk
- civil matters related to child support and child custody

Uniforms, work attire, and work-related equipment/tools

- eyeglasses
- protective eye gear, steel toed boots, and other safety equipment
- uniforms or other clothing suitable for work or interviews

Books, fees, and school supplies

- hard copy and electronic text books or other required material
- laptops and other devices or software needed for training
- fees above and beyond tuition (e.g., application fees, per-credit fees, online course fees, campus parking fees)
- **Note:** Under WIOA these are **not** considered training costs – they are to be charged as supportive services.

Payments/fees for employment- and training-related applications, tests, certifications, and licenses

- fees for drug testing or medical exams, fingerprinting, vision exams, etc. required by employers or training providers
- license issuance and license renewal fees
- license and certification exam fees, including retake fees

37. FOLLOW-UP SERVICES AND ACTIVITIES

Follow-up Services are services that are provided to adult and dislocated worker participants who enter employment and all youth participants after exiting their WIOA enrollment. Follow-up services provide a continuing link between the participant and workforce system. These services allow providers to assist with other services that the participant may need once he or she obtains employment.

A. Adult and Dislocated Worker Follow-up Services

Appropriate follow-up Services, which may include counseling regarding the workplace, must be made available to Adult and Dislocated Worker participants who exit to unsubsidized employment for a minimum of 12 months following the first date of employment.

Case managers should contact the participant at least once a quarter to check in with participants who have obtained unsubsidized employment to see if they need assistance in job retention, wage gains and career progress.

Appropriate follow-up services may vary among different participants, for example participants with multiple employment barriers and limited work histories may need significant follow-up services to ensure long-term success in the labor market including program funded supportive services. Others may identify an area of weakness in WIOA training that may affect their ability to progress further in their occupation or to retain employment.

Follow-up services could include:

1. additional career planning and counseling
2. contact with the participant's employer, including assistance with work related problems that may arise;
3. peer support groups;
4. information about additional educational opportunities;
5. limited financial support; and
6. referral to supportive services available in the community.

Financial assistance such as needs-related payments are not an allowable follow-up service.

Note: Per **TEGL 19-16** Follow-up Services do not extend the date of exit in performance recording.

B. Youth Follow-up Services

1. All WIOA Youth participants, **with the exception of those listed in B.2.** must receive some form of follow-up services for a minimum duration of 12 months. Follow-up services may be provided beyond12 months if it's beneficial to the youth to continue to receive follow-up services. Follow-up services are critical services that are provided following a youth's exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training. Case manager should make contact at least quarterly with the youth to ascertain their status and to determine if they need additional service or support. This must be documented in case notes. The types of services provided and the intensity of follow-up services may differ for each participant however **follow-up**

services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

WIOA Law Sec. 129(c)(2)(I)

20 CFR 681.580
Youth follow-up services may include:
(1) The leadership development and supportive service activities listed in 20 CFR Parts 681.520 and 681.570;
(2) Regular contact with youth participant's employer, including assistance in addressing work-related problems that arise;
(3) Assistance in securing better paying jobs, career pathway development and further education or training;
(4) Work-related peer support groups;
(5) Adult mentoring; and/or
(6) Providing services as necessary to ensure the success of youth participants in employment and/or post-secondary education.

WIOA Regs. 20 CFR Part 681.580

2. Although WIOA regulations mandate the provision of follow-up services to all youth there will be times when it might not be possible to provide follow-up services or to provide these services for a minimum of twelve (12) months. Some youth may have relocated to another state, or cannot be located or contacted after several attempts, or have clearly communicated that they are not interested in receiving further services or additional assistance. While there is no doubt of the value of providing follow-up services that service provision may not be possible in every instance and cannot be "forced." In these instances it is critical to exercise due diligence with respect to the mandatory provisions of follow-up services for a minimum duration of 12 months after exit. Case managers must document thoroughly in CTHires case notes the justification for not providing follow-up services.

   Youth that might not receive follow-up services include:
   - Youth that have not been in contact with the case manager for a period of at least 90 days (3 months). NOTE: Case managers should document at least six attempts to contact the youth in that time period;
   - Youth that have moved from the area;
   - Youth that refuse to participate;
   - Youth that are institutionalized;
   - Youth receiving medical treatment or providing care for a family member with a health/medical condition that precludes continued participation in the program;
   - Youth who have relocated to a mandated program
     - i.e., youth in foster care or another mandated program and have moved from the area because of such program

   This does not include relocation to Job Corps

3. **Youth that are in follow-up but cannot be contacted.** Keep the follow-up service activity open on the youth's CTHires Employment Plan. Attempt to contact the youth at least once a quarter and document

this in a case note. Close the follow-up service at the end of the minimum requirement period of 12 months.

C. Follow-up Activities

Follow-up activities are conducted to ensure positive outcomes and to give credit for outcomes. Obtaining supplemental data to determine if the individual is employed in the four calendar quarters following exit to unsubsidized employment is a follow-up activity.

38. THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

The Worker Adjustment and Retraining Notification Act (**WARN**) was enacted on August 4, 1988 and became effective on February 4, 1989.

A. General Provisions

WARN offers protection to workers, their families and communities by requiring employers to provide 60 days in advance notice of covered plant closings, and covered mass layoffs. This notice must be provided to either affected workers or their representatives (e.g., a labor union); to the State dislocated worker unit; and to the appropriate unit of local government.

B. Employer Coverage

In general, employers are covered by WARN if they have 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months and not counting employees who work an average of less than 20 hours a week. Private, for-profit employers and private, nonprofit employers are covered, as are public and quasi-public entities which operate in commercial context and are separately organized from the regular government. Regular Federal, State, and local government entities that provide public services are not covered.

C. Employee Coverage

Employees entitled to notice under **WARN** include hourly and salaried workers, as well as managerial and supervisory employees. Business partners are not entitled to notice.

D. What Triggers Notice

Plant Closing: A covered employer must give notice if an employment site (or one or more facilities or operating units within an employment site) will be shut down, and the shutdown will result in an employment loss (as defined later) for 50 or more employees during any 30-day period. This does not count employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week for that employer. These latter groups, however, are entitled to notice (discussed later).

Mass Layoff: A covered employer must give notice if there is to be a mass layoff which does not result from a plant closing, but which will result in an employment loss at the employment site during any 30-day period for 500 or more employees, or for 50-499 employees if they make up at least 33% of the employer's active workforce. Again, this does not count employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week for that employer. These latter groups, however, are entitled to notice (discussed later).

An employer must also give notice if the number of employment losses which occur during a 30-day period fails to meet the threshold requirements of a plant closing or mass layoff, but the number of employment losses for 2 or more groups of workers, each of which is less than the minimum number needed to trigger notice, reaches the threshold level, during any 90-day period of either a plant closing or mass layoff. Job losses within any 90-day period will count together toward **WARN** threshold levels, unless the employer

demonstrates that the employment losses during the 90-day period are the result of separate and distinct actions and causes.

E. Sale of Business

In a situation involving the sale of part or all of a business, the following requirements apply.

(1) In each situation, there is always an employer responsible for giving notice.
(2) If the sale by a covered employer results in a covered plant closing or mass layoff, the required parties (discussed later) must receive at least 60 days notice.
(3) The seller is responsible for providing notice of any covered plant closing or mass layoff, which occurs up to, and including the date/time of the sale.
(4) The buyer is responsible for providing notice of any covered plant closing or mass layoff, which occurs after the date/time of the sale.
(5) No notice is required if the sale does not result in a covered plant closing or mass layoff.
(6) Employees of the seller (other than employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week) on the date/time of the sale become, for purposes of **WARN**, employees of the buyer immediately following the sale. This provision preserves the notice rights of the employees of a business that has been sold.

F. Employment Loss

The term "employment loss" means:

(1) An employment termination, other than a discharge for cause, voluntary departure, or retirement;
(2) A layoff exceeding 6 months; or
(3) A reduction in an employee's hours of work of more than 50% in each month of any 6-month period.

Exceptions: An employee who refuses a transfer to a different employment site within reasonable commuting distance does not experience an employment loss. An employee who accepts a transfer outside this distance within 30 days after it is offered or within 30 days after the plant closing or mass layoff, whichever is later, does not experience an employment loss. In both cases, the transfer offer must be made before the closing or layoff, there must be no more than a 6 month break in employment, and the new job must not be deemed a constructive discharge. These transfer exceptions from the "employment loss" definition apply only if the closing or layoff results from the relocation or consolidation of part of all of the employer's business.

G. Exemptions

An employer does not need to give notice if a plant closing is the closing of a temporary facility, or if the closing or mass layoff is the result of the completion of a particular project or undertaking. This exemption applies only if the workers were hired with the understanding that their employment was limited to the duration of the facility, project or undertaking. An employer cannot label an ongoing project "temporary" in order to evade its obligations under **WARN**.

An employer does not need to provide notice to strikers or to workers who are part of the bargaining unit(s) which are involved in the labor negotiations that led to a lockout when the strike or lockout is equivalent to a plant closing or mass layoff. Non-striking employees who experience an employment loss as a direct or indirect result of a strike and workers who are not part of the bargaining unit(s), which are involved in the labor negotiations that led to a lockout, are still entitled to notice.

An employer does not need to give notice when permanently replacing a person who is an "economic striker" as defined under the National Labor Relations Act.

H. Who Must Receive Notice

The employer must give written notice to the chief elected officer of the exclusive representative(s) or bargaining agency(s) of affected employees and to unrepresented individual workers who may reasonably be expected to experience an employment loss. This includes employees who may lose their employment due to "bumping," or displacement by other workers, to the extent that the employer can identify those employees when notice is given. If an employer cannot identify employees who may lose their jobs through bumping procedures, the employer must provide notice to the incumbents in the jobs, which are being eliminated. Employees who have worked less than 6 months in the last 12 months and employees who work an average of less than 20 hours a week are due notice, even though they are not counted when determining the trigger levels.

The employer must also provide notice to the State dislocated worker unit and to the chief elected official of the unit of local government in which the employment site is located.

I. Notification Period

With three exceptions, notice must be timed to reach the required parties at least 60 days before a closing or layoff. When the individual employment separations for a closing or layoff occur on more than one day, the notices are due to the representative(s), State dislocated worker unit and local government at least 60 days before the separation. If the workers are not represented, each worker's notice is due at least 60 days before that worker's separation. The exceptions to 60-day notice are:

(1) Faltering company. This exception, to be narrowly construed, covers situations where a company has sought new capital or business in order to stay open and where giving notice would ruin the opportunity to get the new capital or business, and applies only to plant closings;

(2) Unforeseeable business circumstances. This exception applies to closings and layoffs that are caused by business circumstances that were not reasonably foreseeable at the time notice would otherwise have been required; and

(3) Natural disaster. This applies where a closing or layoff is the direct result of a natural disaster, such as a flood, earthquake, drought or storm.

If an employer provides less than 60 days advance notice of a closing or layoff and relies on one of these three exceptions, the employer bears the burden of proof that the conditions for the exception have been met. The employer also must give as much notice as is practical.

When the notices are given, they must include a brief statement of the reason for reducing the notice period in addition to the items required in notices.

J. Form and Content of Notice

No particular form of notice is required. However, all notices must be in writing. Any reasonable method of delivery designed to ensure receipt 60 days before a closing or layoff is acceptable. Notice must be specific. Notice may be given conditionally upon the occurrence or nonoccurrence of an event only when the event is

definite and its occurrence or nonoccurrence will result in a covered employment action less than 60 days after the event.

The content of the notices to the required parties is listed in section 637.7 of the **WARN** final regulations. Additional notice is required when the date(s) or 14-day period(s) for a planned plant closing or mass layoff are extended beyond the date(s) or 14-day period(s) announced in the original notice.

K. Record

No particular form of record is required. The information employers will use to determine whether, or whom, and when they must give notice is information that employers usually keep in ordinary business practices and in complying with other laws and regulations.

L. Penalties

An employer who violates the **WARN** provisions by ordering a plant closing or mass layoff without providing appropriate notice is liable to each affected employee for an amount including back pay and benefits for the period of violation, up to 60 days. The employer's liability may be reduced by such items as wages paid by the employer to the employee during the period of violation and voluntary and unconditional payments made by the employer to the employee.

An employer who fails to provide notice as required to a unit of local government is subject to a civil penalty not to exceed $500 for each day of violation. This penalty may be avoided if the employer satisfies the liability to each affected employee within 3 weeks after the employer orders the closing or layoff.

M. Enforcement

Enforcement of **WARN** requirements is through the United States district courts. Workers, representatives of employees and units of local government may bring individual or class action suits. In any suit, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

N. Information

Specific requirements of the Worker Adjustment and Retraining Notification Act may be found in the Act itself, Public Law 100-379 (29 U.S.C. 2101, et seq.) The Department of Labor published final regulations on April 20, 1989 in the Federal Register (Vol. 54, No. 75).

The regulations appear at 20 CFR Part 639.
General questions on the regulations may be addressed to:
Employment and Training Administration (ETA)
Office of National Response
Division of Worker Dislocation and Special Response
200 Constitution Avenue, NW
Room N-5422
Washington, DC 20210.
Tel: 1-877-US2-JOBS (1-877-872-5627), or 202-693-3500
TTY: 1-877-889-5627

Or:

Connecticut Department of Labor
Rapid Response Coordinator
200 Folly Brook Boulevard
Wethersfield, CT 06109
(860) 263-6589

The US Department of Labor and Connecticut Department of Labor, since they have no administrative or enforcement responsibility under **WARN**, cannot provide specific advice or guidance with respect to individual situations.

39. **RAPID RESPONSE § 682.300**

Rapid Response encompasses the strategies and activities necessary to (1) plan for and respond to announcements of a closure or layoff; or mass job dislocations due to natural or other disasters; and (2) to deliver services to enable dislocated workers to transition to new employment as quickly as possible. The purpose of rapid response is to promote economic recovery by responding to layoffs and dislocations and preventing or minimizing the impact on workers, businesses, and communities.

§ 682.302 Under what circumstances must rapid response services be delivered?
Rapid response must be delivered when one or more of the following circumstances occur:

(a) Announcement or notification of a permanent closure, regardless of the number of workers affected;

(b) Announcement or notification of a mass layoff as defined in § 682.305;

(c) A mass job dislocation resulting from a natural or other disaster; or

(d) The filing of a Trade Adjustment Assistance (TAA) petition.

§ 682.305 How does the Department define the term “mass layoff” for the purposes of rapid response?
For the purposes of rapid response, the term “mass layoff” used throughout this subpart will have occurred when at least one of the following conditions have been met:

(a) A layoff meets the State’s definition of mass layoff, as long as the definition does not exceed a minimum threshold of 50 affected workers;

(b) Where a State has not defined a minimum threshold for mass layoff meeting the requirements of paragraph (a) of this section, layoffs affecting 50 or more workers; or

(c) When a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the layoff announced.

§ 682.320
Rapid Response Activities include, but are not limited to:
Informational and direct reemployment services for workers, including but not limited to information and support for filing unemployment insurance claims, information on the impacts of layoff on health coverage and other benefits, information on and referral to career services, reemployment-focused workshops and services, and training;
Delivery of solutions to address the needs of businesses to transition, provided across the business lifecycle (expansion and contraction), including comprehensive business engagement and layoff aversion strategies and activities designed to prevent or minimize the duration of unemployment;

Convening, brokering, and facilitating the connections, networks and partners to ensure the ability to provide assistance to dislocated workers and their families such as home heating assistance, legal aid, and financial advice; and
Strategic planning, data gathering and analysis designed to anticipate, prepare for, and manage economic change.
WIOA 20 Parts CFR 682.300 and 682.310

§ 682.330
Required Rapid Response activities:
Layoff aversion activities
Immediate contact with the employer, representatives of the affected workers, and the local community, including an assessment of and plans to address the:
Layoff plans and schedule of the employer;
Background and probable assistance needs of the affected workers;
Reemployment prospects for workers; and
Available resources to meet the short and long-term assistance needs of the affected workers
The provision of information and access to unemployment compensation benefits and programs, one-stop system services, employment and training activities, including information on the WIOA Dislocated Worker program, Trade Adjustment Assistance, Pell Grants, the GI Bill, and other resources
The delivery of other necessary services and resources including workshops, classes and job fairs to support reemployment efforts for the affected workers
Developing and maintaining partnerships with other appropriate Federal, State and local agencies and officials, employer associations, industry business councils, labor organizations, and other public and private organizations, in order to:
Conduct strategic planning to develop strategies to address dislocation events and ensure timely access to a broad range of necessary services
Develop mechanisms for gathering and exchanging information and data relating to potential dislocations, resources available, and the customization of layoff aversion or rapid response activities, to ensure the ability to provide rapid response services as quickly as possible
Delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed.
WIOA 20 CFR Part 682.330

Layoff aversion: Consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. Layoff aversion strategies and activities may include, but are not limited to:
Providing assistance to employers in managing reductions in force, which may include early identification of firms at risk of layoff, assessment of the needs of and options for at-risk firms, and the delivery of services to address those needs.
Ongoing engagement, partnership, and relationship-building activities with businesses in the community, in order to create an environment for successful layoff aversion efforts and to enable the provision of assistance to dislocated workers in obtaining reemployment as soon as possible.
Establishing linkages with economic development entities including local business retention and expansion activities
Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate rapid reemployment.

State Rapid Response Policy

The policy below outlines the total process from the time the Rapid Response Unit (RRU) learns of a potential layoff until all workers have received Early Intervention services. It also includes layoff aversion strategies and general guidelines for Rapid Response Team Members.

The Workforce Innovation and Opportunity Act (WIOA), Section 134 (a)(2)(A), declares that the state shall use funds to carry out statewide rapid response activities which shall include the provision of rapid response activities, carried out in local areas by the state, working in conjunction with local boards and chief elected officials for the local areas.

Connecticut's Rapid Response Team

Connecticut's Rapid Response Team (RRT), headed by the State Department of Labor's Rapid Response Unit (RRU), exists to ease the impact of layoffs and to assure that workers are offered a full range of benefits and services. RRU staff, located in the DOL Central Office in Wethersfield, coordinates all Rapid Response activities in the State.

The Team is made up of representatives from the RRU, local Labor Department American Job Center, local Workforce Development Board and American Job Center staff contracted by the local workforce development board to provide WIOA services. Representatives of other state, federal and municipal agencies such as the US DOL Employee Benefits Security Administration (EBSA), Access Health CT (Connecticut's health insurance marketplace), the Department of Social Services (DSS), as well as elected officials, AFL-CIO, and community service organizations may be added to the team as needed. The RRT also works with the Department of Economic and Community Development (DECD) in cases where there may be a chance of preventing imminent or future layoffs. DECD and the RRT also share news of yet-to-be announced layoffs or business expansions where Dislocated Workers could potentially be placed.

The goal of the RRT is to provide employers, workers, and unions with information up-front on the many local, state, and federal programs that are available to potentially prevent layoffs or, if that is not possible, assist in making the transition to new employment as quick and as easy as possible.

Layoff Response

The Rapid Response layoff response process begins when the RRU learns of a possible layoff or plant closing. Notification is obtained through any number sources including:

Worker Adjustment and Retraining Notification Act (WARN) notices

Phone calls or e-mails from employers, employees, unions, state and local representatives

Referrals from Rapid Response Team members and other field and central office DOL staff

Calls from private outplacement firms or reemployment support groups

Media announcements and/or inquiries

Trade Adjustment Assistance Act (TAA) petitions

Unemployment Insurance monthly query of new claims filed under registered employer numbers and weekly scan of pending large layoff unemployment dismissal pay hearings

The RRU will e-mail RRT members of any publicly announced layoffs or possible layoffs to advise them that outreach to the employer and workers is in progress.

Initial Contact

Upon hearing of a possible layoff/closing, the RRU initiates contact with the employer and/or union to ask or confirm that layoffs are planned, offer layoff aversion strategies, such as the Shared Work Program if the decision to lay off has yet to be made, and provide preliminary information about the many free job search and supportive services the Rapid Response Team can provide.

Rapid Response Meeting

In cases where the decision to lay off workers has been made and will affect 100 or more employees, or if the company, union representative, or other party requests, an initial Rapid Response (RR) meeting will be scheduled. This meeting can be held in person or via webinar/conference call. The RR meeting is an information gathering session where the company and/or union provides details on the layoff and each RRT member in turn explains the array of services that his/her agency or affiliated partners can offer before and after layoff.

RRT members are notified of the RR meeting through a Rapid Response notice that is e-mailed by a RRU staff member. Team members must advise the RRU representative who will be attending the meeting. If a RRT member cannot attend, the RRU representative will provide information to the company and/or union on what that agency can provide.

For layoffs affecting fewer than 100 workers, or if there are time constraints or other concerns, the Rapid Response meeting will be conducted over the phone or by e-mail between the company and/or union and the RRU representative alone with the RRU representative giving an overview of what all the RRT members can provide.

Information gathered through the Rapid Response meeting is compiled into a RRU layoff/closing fact sheet. The fact sheet contains details on the reason for the layoff, layoff dates, types of skills/positions affected, workers' ages, educational levels, length of service, language or other barriers, and wage ranges. The sheet also contains the company and union contacts (where applicable) as well as benefits the company is providing to workers such as extended health benefits, outplacement assistance, retraining assistance, dismissal pay and/or retirement benefits.

During the RR meeting, an initial assessment of worker needs is developed. This assessment would include whether the company is a candidate for Trade Adjustment Assistance (TAA) or if there is a need to apply for a National Dislocated Worker Grant (NDWG).

When it appears that increased imports, foreign competition, or a shift of work to another country are a factor in the decision to lay off workers, the RRU will assist the employer or union in filing a TAA petition. In cases where a trade impact is indicated but the employer is reluctant to file a TAA petition, the RRU representative will forward information to the TAA Petition Coordinator in order to submit a petition on behalf of workers.

When it appears that there may be a need to apply for a NDWG, the RRU will conduct needs assessment surveys of workers which will assist in the application process.

Early Intervention Meeting

At the conclusion of the RR meeting, the RRU representative will ask the company and/or union if the RRT can provide, as a basic service, an on-site or virtual Early Intervention (EI) session(s) where workers can learn about available reemployment and supportive services. All workers in attendance are asked to sign in providing the Team with their name and home e-mail address. In cases where EI sessions are held virtually, the employer shall forward the above information to the RRU or workers will provide the above information and job title themselves if they register to attend the webinar individually.

Workers are given a standard Rapid Response information packet (either hard-copy or emailed) with the information outlined below. Additional pamphlets on veterans' benefits, upcoming job fairs or recruitments/job postings, and other local or company-specific programs may also be provided.

RRU staff will e-mail an EI notice to RRT members. The EI notice provides the name of the employer, date and time of the meeting, number of workers to be seen, layoff/closing dates, Rapid Response Event Number, and some details of the reason for layoff, positions impacted, etc.

Business Service RRT members will reach out to related businesses to advise them of the availability of these potential hires. Any employers who are interested in hiring displaced workers will contact the RRU who will, in turn, forward job leads to the employer and/or displaced workers.

Duration and Content of the EI Session

The EI session will last approximately one hour. An additional 30 minutes will be scheduled to provide adequate time for questions. Additional time will be needed if translation is required. The EI session will be conducted by a Rapid Response Unit Coordinator and local (AJC) representative. Additional speakers from community service organizations, local Chambers of Commerce, DOL's Trade Act Unit, the Social Security Administration, or the Employee Benefit Security Administration may be added if their inclusion adds value to the presentation or if they are specifically requested by the employer. Any additional speakers must be pre-approved by the Rapid Response Coordinator.

The topics and approximate length of each topic covered in the EI are as follows:

Unemployment Insurance Benefits	25 minutes
Job Seeker Services	10 minutes
Training Opportunities for Dislocated Workers	10 minutes
Health Insurance Options	10 minutes
Community Support Services	5 minutes

Presenters, Details, and Content Guidelines for EI Topics

Unemployment Insurance

The Rapid Response Unit Coordinator will provide the overview of the unemployment insurance program.

Points to be covered:

Rights and responsibilities

Application process

Eligibility requirements

Benefit Calculation

Reasons benefits may be reduced or denied (severance, vacation, pensions, part-time work)

Job Seeker Services

The local AJC representative will provide the Job Seeker Services presentation. If a local AJC representative is not available, the Rapid Response Coordinator will cover this topic. This presentation should provide a verbal tour of the American Job Center (AJC) offices, market the career centers and the programs provided, provide appropriate job leads, and just generally make people feel welcome. It should also apprise workers of certain key program guidelines, including those which have the potential to cause them financial hardship if not followed (for example WIOA training must be pre-approved as there is no reimbursement for programs paid out of pocket)

Points to be covered
General AJC services: continuous eligibility, available now to anyone, regardless of employment status
Addresses, operating hours, parking, and entrance instructions for the local AJC offices as well as the ability to access virtual employment assistance

Available resources including, but not limited to:

CTHires – Connecticut's Employment and Training site – how to register and what it provides
Career Center services – computers with high-speed internet access, copiers, fax, bond paper stationery and mailing services, resource libraries, etc.
Résumé and cover letter assistance

Job search skills workshops – types offered and how to register
Labor market information
Special services for veterans
Career counseling
Apprenticeship information
Networking Groups and other helpful job search sites

Job Search Tips – What should job seekers do to make themselves marketable in today's job market such as having an e-mail address, getting an updated résumé, establishing a LinkedIn account (if appropriate), making sure your resume is formatted properly, using on-line tools such as O*Net Online, My Skills, My Future, My Next Move, Reemployment Portal, and networking.

Applicable job openings or local recruitment events

Training Opportunities for Dislocated Workers

The local AJC representative will provide information on training and job seeker services under WIOA and any other local initiatives, and the Rapid Response Coordinator will provide information on TAA and State tuition waivers. If a local AJC representative is not available, the Rapid Response Coordinator will provide the presentation for the entire topic.

Points to be covered

Explanation of WIOA and what workers need to do if they are interested in becoming a WIOA participant.

Eligible for services upon notice of layoff. Workers don't have to wait to be laid off

Services driven by the needs of the individual

Retraining funds as a last resort & limited – Must be pre-approved as there is no reimbursement

Approved list of training providers
On the job training (OJT)

Supportive Services

Details on any local grants/initiatives

Referral to other sources of funds for training and supportive services

How to get started (complete WIOA pre-application in CTHires or phone numbers to call)

Information on orientation dates/times and format (in-person or virtual)

Specific documents/information workers should bring with them or upload into CTHires

Explanation of the TAA program – who the program targets, who can file a petition, and the benefits that are available to trade-impacted workers

Advisement to complete a FAFSA form every year if they or their children are applying for financial aid and to notify the school's Financial Aid office of the change of circumstances

Links to local scholarships

War-time Veteran, Senior Citizen, and Community College tuition waivers

Health Insurance Options

The Rapid Response Unit Coordinator will provide information health insurance options unless speakers from Access Health CT (or another state's health insurance marketplace vendor) or the Employee Benefits Security Administration are requested.

Points to be covered

Special Enrollment Period

What COBRA is and how it works

Window for enrolling in a spouse's health plan

Health Insurance through the Affordable Care Act

Access Health and Healthcare.gov contact information

Screens for eligibility for Medicaid and CHIP based on family size and household income

Financial help through advanced premium tax credits and/or cost sharing reductions for private insurance plans offered through the marketplace

Office Of the Healthcare Advocate for insurance problem resolution and locating affordable coverage

Community Health Centers that provide health services on a sliding scale basis regardless of age, insurance, or immigration status

Community Support Services

Local Community Services representatives or the Rapid Response Coordinator will present this information.

Points to be covered
Department of Social Services and 2-1-1 websites

Safety net in time of need

State/local prescription drug programs, food banks, heating, and mortgage assistance programs

General Guidelines for Rapid Response Team Members

Any information that is sent out about a layoff is considered strictly confidential and should not be shared with anyone, other than DOL, WIOA, and WDB contacts. Employers are assured by Rapid Response Unit staff that any information they provide regarding a particular dislocation (outside of information provided in a WARN notice) is to be considered and treated as confidential and privileged information by all DOL, WIOA, WDB and Community Services staff and will be used solely to assess workers' needs and eligibility for services. Business Services Representatives can share with their employer network the types of workers/skills of specific impacted worker groups along with their layoff date(s) once authorized by the RRU.

The Rapid Response/Early Intervention sessions (RR/EI) will be conducted according to the following guidelines:

Presenters, both individually and as a team, will be concise, professional, organized, and consistent.

Information will flow smoothly from speaker to speaker. Information covered will enhance, but not repeat, earlier speakers' presentations.

Presentations will be tailored to the company and worker group. The information provided must be appropriate for the company's dislocated workers.

Presenters will be up to date on their respective agency's procedures and status. Presenters should have information such as details of services available both in person and virtually at local AJC and satellite offices.

Presenters need to be on time for the presentation (at least fifteen (15) minutes before the starting time) and end their presentation within the allotted timeframe.

Presenters will bring suitable area-specific materials (job leads, workshop calendars, orientation material not included in the Rapid Response packet), in adequate supply, with them to sessions or forward to the RRU for distribution to the company contact or impacted workers. Materials must be pre-approved by the Rapid Response Coordinator.

Materials will be displayed on a table or distributed before each session begins, whichever is appropriate.

Presentations will be positive but realistic.

Basic EI content will be uniform throughout the state.

DOL Team Leader

The DOL Rapid Response Unit is the Team Leader responsible for the content and delivery of the RR/EI session to the employer, union, and/or employees.

Upon receipt of a RR/EI notice, the American Job Center and any other requested agencies must notify the Rapid Response Unit representative if they will be sending a representative to the meeting, and, if so, the representative's name and contact information (cell phone number is particularly helpful in the event of a last-minute change). In instances when an agency representative cannot attend a RR/EI meeting the Rapid Response Unit representative will cover that agency's part of the presentation. It is for this reason that all Team members will provide the Rapid Response Coordinator with timely updates regarding any changes in hours, office locations, programs/grants/initiatives, and contacts.

The DOL Team Leader has the responsibility, and the right, to address deficiencies affecting team performance. Likewise, feedback from Team Members on the Rapid Response Coordinator and other presenters' presentations is welcomed and needed to ensure that we are providing the best possible message to Dislocated Workers.

The DOL Team Leader will act as the "gatekeeper" in keeping presenters within time limits and monitoring content.

Responsibilities of EI Presenters

Presenters will read the RR/EI notice in order familiarize themselves with the company and the types of workers who will be seen. Presenters will not provide information on programs that are not applicable to the audience being addressed.

Each presenter is responsible for controlling the length of his or her presentation and audience questioning. Questions that cannot be covered in the time provided are to be deferred until after the presentation.

Each presenter must, at minimum, cover certain main topics in their presentation, to which they may add personal style. The main topics, or commonalties, will be developed by the Team.

When available, presenters will use visual aids (PowerPoint presentation) to enhance the verbal presentation.

Code of Conduct for EI Presenters

Limit your presentation to your own material. Introduce, but don't elaborate, on the next presenter's material.

Don't interrupt another speaker.

If you don't know the answer to a question, state you don't know but will find out and get back to the person.

Questions not applicable to others in the group should be answered following the session.

Don't repeat what someone has already covered.

There is no talking amongst presenters while the session is in progress. Talking during a presentation is not only unprofessional, but it is very distracting.

If a worker approaches a non-presenting team member with a question during the presentation, the question may be answered outside the room or after the presentation.

If possible, all presenters should stay to answer questions at the end of the session.

Follow-up after the Early Intervention Meeting

Following each EI session, the RRU representative will send an e-mail to EI participants summarizing the most important parts of the EI session and provide answers to any questions that could not be answered during the meeting. Where email addresses are not provided, the RRU will send the follow-up email to the employer contact. Additional e-mails on possible job opportunities, training options, or other programs are forwarded on an on-going basis. Workers are encouraged to reach out to the RRU if they have questions going forward.

Additional Services Provided by the Rapid Response Team

The RRT will offer additional on-site services such as job search workshops, health insurance options workshops and/or marketplace registrations, job fairs, and Dislocated Worker certifications. The RRU will also work with CTDOL's Wage and Workplace Standards Division, Legal Division, or the Attorney General's office to help procure unpaid wages/services or benefits for workers.

Alternate Means of Providing Rapid Response Services to Laid Off Workers

In cases where workers have already been laid off prior to Rapid Response outreach, or if an employer declines an in-person or virtual EI meeting prior to layoff, the RRU representative will provide either the employer, union, or impacted workers, a complete EI packet or a one-page overview of services letter with an invitation to attend an EI session virtually. Webinars are usually held once a week and can be attended online or by phone.

Workers who attend a webinar after layoff are e-mailed the PowerPoint presentation and other applicable materials not previously provided.

Online Access to Rapid Response Materials

Versions of all EI materials along with additional layoff-related information, including help for struggling businesses, requirements for WARN, a listing of WARN notices, and labor laws are available on the CTDOL website: http://www.ctdol.state.ct.us/progsupt/bussrvce/rrt-infopacket.htm.

As mentioned previously, RRU staff conducts virtual EI sessions for workers whose companies decline on-site services. The RRU also provides virtual EI sessions to individuals who complete an on-line registration after clicking on an icon on the CT DOL website that asks if he/she was laid off due to a large layoff or plant closing.

Layoff Aversion and Additional Rapid Response Activities

The RRT will suggest various layoff aversion strategies (Shared Work, state incentive programs, etc.) when companies are contacted regarding potential layoffs. When layoffs cannot be avoided, RRT Business Services staff will reach out to their employer network to market Dislocated Workers who are being served by the RRU. The goal is to make connections between to-be-displaced workers and businesses that are looking for help therefore minimizing the duration of unemployment.

RRU staff will send available job postings to the RR company contact and directly to workers who attended an EI session. The RRT employer network will also be advised of any planned company-specific job fairs.

Once a month the RRU receives from the Unemployment Technical Unit a spreadsheet of workers who have been laid off and who filed new claims for unemployment. The spreadsheet identifies workers according to employer. The RRU reaches out to both employers and impacted workers where seven or more non-seasonal/non-temporary workers have filed claims. Employers are contacted to investigate the reason for layoffs, to provide information on layoff aversion strategies like Shared Work, and to provide information on Rapid Response services should additional layoffs be planned. Workers are e-mailed outreach letters which invite workers to attend a virtual Early Intervention session.

Every month RRU staff reach out to Shared Work employers whose plans will be expiring to advise them of their ability to request an extension or, if necessary, file a new application for the program. The communication sent to these businesses also provides employers with a link to the State's business portal where information on various forms of assistance, including resources to help struggling businesses, can be found. Information is also provided on RRT services should business continue to falter and permanent layoffs be needed.

RRU staff also participate in monthly or bi-monthly regional business services meetings where information on local business engagement activities is shared by WIOA partners as well as local chambers and other business organizations.

WIOA 20 CFR Part 682.320

Eligibility Categories for Dislocated Workers

To be determined eligible for Dislocated Worker status, an individual must meet the criteria of one of the following eight categories:

Category 1:

1) An individual who has been terminated or laid off, or received notice of termination or layoff, from employment;

AND

2) is eligible for or has exhausted entitlement to Unemployment Compensation;

AND

3) is unlikely to return to a previous industry or occupation.

Category 2:

1) An individual who has been terminated or laid off, or received notice of termination or layoff, from employment;

AND

2) has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law;

AND

3) is unlikely to return to a previous industry or occupation.

Category 3:

An individual who has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise.

Category 4:

An individual is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;

OR

for purposes of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Category 5:

An individual who 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.

Category 6:

An individual who is a displaced homemaker. The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who:

has been dependent on the income of another family member but is no longer supported by that income;

OR

1(a). Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member;

AND

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

Category 7:

An individual who is the spouse of a member of the Armed Forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member.

Category 8:

Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

II. Definitions used in determining eligibility

Category 1: Laid off/terminated (or received notice of layoff/termination), eligible/exhausted unemployment, and unlikely to return to previous industry/occupation

Note that this category has three parts. Workers must meet all three parts to qualify under this category.

Part One: (Has been terminated or laid off or who has received notice of termination or layoff, from employment)

The worker must have been laid off or terminated or received a notice of layoff or termination from employment. A worker who files for partial unemployment without having a separation from employment does not meet the criteria for part one.

Part Two: (Is Eligible for or has exhausted entitlement to Unemployment Compensation)

Workers who have met part one of this category who have filed for benefits and have begun receiving benefits automatically meet part two of the category.

Workers who have met part one of this category but who are not receiving an unemployment payment due to a dismissal pay disqualification, pension offset, or a prior overpayment will be deemed "eligible for unemployment" and, therefore, meet part two of this Dislocated Worker category.
Workers who have been laid off or received notice of layoff but who have not yet filed for unemployment can be deemed "eligible for unemployment compensation" for this part of the Dislocated Worker category if they can provide proof that they worked as an employee (not in self-employment) for six or more months in the preceding 12 months or made a minimum of $1,200 as an employee in the preceding 12 months.
Workers who have not been laid off or received notice of layoff but rather have been terminated or have received notice of termination of employment must file an unemployment claim and begin receiving unemployment to satisfy this part of the Dislocated Worker category.

Part Three: (Unlikely to Return to a Previous Industry or Occupation)
Provided the worker has met parts one and two and the individual does not have a definite return to full-time work date, the following individuals automatically meet part three:

Individuals who are currently eligible for, or are currently receiving, Trade Adjustment Assistance Act (TAA) benefits
UI claimants selected for RESEA or other programs that target workers who are likely to exhaust unemployment benefits
Individuals who are basic skills deficient or who have less than a high school diploma or its equivalent
Recently separated veterans (Recently separated veterans means a veteran who was discharged or released from active military duty under other than dishonorable conditions within the past 48 months)
Individuals with disabilities
Individuals with Disabilities as defined by 42 U.S. Code 12102 means an individual who has:
(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
(B) a record of such an impairment; or
(C) being regarded as having such an impairment

Older Individuals (Individuals aged 55 or older)
Ex-offenders (An individual who has been the subject to any stage of the criminal justice process)
Individuals who are English Language Learners (An individual who has limited ability in reading, writing, speaking or comprehending the English language and whose native language is other than English or who resides in a community where English is not the dominant language)
Individuals who are long-term unemployed (Individuals unemployed for 27 weeks or more)
Individuals who are unemployed as a result of a natural disaster. A natural disaster is any event or force of nature that has catastrophic consequences, such as avalanche, earthquake, flood, forest fire, hurricane, lightning, tornado, tsunami, and volcanic eruption.
For individuals who do not meet one of the above and who do not have a return to full-time work date, unlikely to return to a previous industry or occupation can be satisfied if one of the following conditions have been met:

There are fewer than 10 full-time job postings in his/her primary occupation for which he/she is qualified within a 25-mile radius from his/her residence.

(Please note: If there are 10 full-time job postings in the individual's primary occupation but he/she does not have the required skills as stated in the job description of the posting, then the worker is unlikely to return to his/her previous occupation)
The individual can no longer perform his/her previous occupation for medical reasons as confirmed by a physician.

Is in an occupation for which State labor market information or other local/regional business and professional information shows a decline in growth.

Was employed in an occupation that is not demand in the geographic region in which the individual is applying.

Has skills that are highly specialized and not easily transferable.

Worked in an industry in which there are a limited number of local employers

Worked in an industry in the state in which multiple layoff announcements have been made.

Has conducted an active job search in his/her primary occupation for the past four weeks.

An active job search is described as one where, for each of the past four weeks, the worker has made a minimum of at least three work search efforts. If the worker has filed and been paid unemployment for the past four weeks, the worker will have satisfied this component since workers must document their work search efforts as a requirement of collecting.

If the worker has not filed and received benefits for the last four weeks, then the worker must provide a work search log showing documented job search efforts for that period of time. The log must contain the date of the effort, type of effort, and result of the contact. At least one of the three work search efforts each week must be an employer contact (applying for employment). Below is a list of acceptable work search activities.

Work search activities can be in person or virtual and may include the following:
Contacting an employer for full-time work.
Attending a workshop or participating in reemployment activities
Attending a job fair.
Creating a reemployment plan.
Attending a job interview.
Creating a resume, uploading the resume, and making the resume viewable to employers in CTHires or other on-line job sites.
Creating a personal user profile on a professional networking site.

Category 2: Laid off/terminated (or received notice of layoff/termination), worked for a sufficient duration to show attachment to the workforce, but is not eligible for unemployment due to insufficient wages or employment not covered by UC law, and unlikely to return to previous industry/occupation

Attachment to the workforce for applicants who are ineligible for unemployment compensation is defined as:

individuals who have been working three (3) months or more at the time of separation;
OR
individuals who have worked less than three (3) months at the time of separation but who have conducted an active job search for a period of four weeks or more.

Employment not covered under State unemployment compensation means that the individual worked as an employee for an employer that is not obligated to contribute to the unemployment compensation fund. Examples include certain religious organizations and real estate salespersons paid only by commission. This does not include individuals who are self-employed.

Category 3: Plant closing/substantial layoff

Definition of permanent closure of a plant, facility, or enterprise:
A permanent closure of a plant, facility or enterprise is defined as the shutting down of any business, building, or unit within a company with no plans of re-opening, regardless of the number of workers affected.

Definition of Substantial Layoff at a plant, facility, or enterprise:
A substantial layoff is an announced reduction in labor force which results in an employment loss at a business, building, or business unit for:

At least 25% of employees
OR

At least 25 employees
OR
Any layoff for which a WARN notice has been issued
Please note that a substantial layoff can encompass employees who work from home or in different locations if they are part of an employment loss that meets one of the above conditions.
Category 4: Plant Closing - General Announcement
General announcement means a company official made a verbal announcement of a facility closure. No written documentation of the closing was provided.

Category 5: Previously self-employed but unemployed due to economic conditions or natural disaster

Self-employed means the individual owned his or her own business. Performing casual labor does not meet the definition of self-employed under this category.
Unemployed as a result of general economic conditions means the business failed because expenses exceeded or barely covered income.
Category 6: Displaced Homemaker

Definition of Displaced Homemaker:

Providing unpaid services to family members in the home means:

The individual resided in the home with family member(s)

AND
provided care, housekeeping, and related homemaking services for family member(s)

Dependent on the income of another family member is defined as:
An individual who, for six (6) months or more, has relied upon another family member for more than one half of the household income. Individuals who have been dependent on public assistance do not meet the definition of a Displaced Homemaker.

Definition of Dependent Spouse of an Active-Duty Armed Forces Member:
Dependent spouse of a member of the Armed Forces member means a lawful husband or wife who is/was the spouse of a member of the Armed Forces and who is/was substantially dependent on the income of the Armed Forces member. Lawful husband or wife includes a partner acquired through a legal Civil Union or a common-law husband or wife if the common-law relationship was established in a state that recognizes such relationships as valid.

Definition of Significant Reduction in Family Income:
Significant reduction in family income means the family income has been reduced 20% or more.

Definition of Active Duty:
The term “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 a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

Definition of Deployment:
A member of the armed forces shall be considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides.

Definition of Call to Order to Active Duty:
A call or order to active duty means a provision of law during a war or during a national emergency declared by the President or Congress.

Definition of Service-Connected:
The term “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.

Definition of Underemployed:

Underemployed means an individual who is working part-time but is seeking full-time (35+ hours/week) employment;

OR

An individual who is working full-time but whose current annualized wage rate, in relation to family size, does not exceed the higher of either the poverty level or 70% of the lower living standard income level;
OR
An individual who is working but whose current employment does not match former wages and/or skill level;
OR

An individual who is working but whose job does not match his or her educational level.

Experiencing difficulty in obtaining employment means:
An individual has looked for employment for a minimum of four weeks and has been unable to find work.

Experiencing difficulty in upgrading employment means:
An individual has looked for employment for a minimum of four weeks and:

has been unable to secure full-time employment;

OR

has attempted but been unable to find work at a higher level

Category 7: Spouse of an active-duty armed forces service member who is unemployed due to change in duty station

The Armed Forces Member must be on active duty. See the definition of active duty under Category 6.

Spouse is defined as a lawful husband or wife who is/was the spouse of a member of the Armed Forces on active duty. Lawful husband or wife includes a partner acquired through a legal Civil Union or a common-law husband or wife if the common-law relationship was established in a state that recognizes such relationships as valid.

Category 8: Unemployed/underemployed spouse of an active-duty armed forces experiencing difficulty in obtaining/upgrading employment

See the definition of spouse under category 7 and definitions of active duty, underemployed, and experiencing difficulty in obtaining or upgrading employment under Category 6.

Forms and Eligibility Documentation

The WIOA-5 form, “Eligibility and Certification for Dislocated Workers” is used to certify eligibility for Dislocated Worker status. Verification documentation for each part of the appropriate eligibility category must

be obtained. A copy of the WIOA-5 form (Rev. 8/21) and a complete documentation checklist which outlines the type of verification documentation needed for each category are attached to this policy issuance and are available on-line on the CT DOL website under WIOA.

Note on the Use of the Self-Certification Form:

Self-certification is accepted only where indicated and only when other listed forms of documentation are unavailable, or when obtaining such documentation causes undue hardship to the individual.

The original completed and signed WIOA-5 and accompanying verification documentation must be uploaded into the CTHires system

Please note that if the Dislocated Worker documentation contains the worker's former employer's employment registration number (for example a copy of MD20), this number must be redacted prior to uploading the form into CTHires.

Additionally, for Department of Labor staff, a JS/WIOA-1 form, "Equal Opportunity is the Law", must also be completed and uploaded into CTHires. A copy of the JS/WIOA-1 (Rev. 8/21) and JS/WIOA-2 (Spanish version) (Rev. 8/21) form are attached to this memorandum.

Once the WIOA-5, accompanying verification documents, and JS/WIOA-1/JS-WIOA-2 form have been entered into CTHires, these documents must be given to the individual for his/her records.

V. Dislocated Worker Certification, Re-determination of Certification, and WIOA Participation

To be registered as a WIOA Dislocated Worker participant, an individual must have been certified as a Dislocated Worker within the twelve-month period prior to the date of the first WIOA service. The certification date is the date the authorized staff member signs the WIOA-5 form.

Individuals certified as Dislocated Workers prior to one year before the date of the first WIOA service are to have eligibility and certification re-determined prior to receiving WIOA services as Dislocated Workers. If nothing has changed since the prior certification, simply complete a new WIOA-5, "Eligibility and Certification for Dislocated Workers" using the prior documentation with updated signatures and certification dates. If the individual had employment since being certified, refer to section VI of this memorandum.

VI. Effect of Interim (including temporary or contract work) and/or Part-time Employment on Dislocated Worker Status

An individual who has been Dislocated Worker certified will not lose his/her dislocated worker status if he/she accepts interim employment and/or holds or accepts part-time employment for the purpose of income maintenance provided that the individual has the intention of entering permanent, full-time employment as an employee, and such employment is/was with an employer other than that from which the individual was dislocated.

Definition of Interim Employment:

One of the following three conditions must be met to classify employment as interim employment:

The interim employment is characterized as temporary by the employer at the time of hire. Under this condition, there is no time limit on how long the employment lasts. This includes contract work where the worker is deemed "self-employed" for tax purposes;
OR

The interim employment is outside the individual's area of training and expertise, is considerably below his or her highest wage and skill level and is understood to be stop-gap employment taken for the purpose of income maintenance.

Considerably below the individual's highest wage is defined as less than 80% of the individual's previous highest wage level.

OR

The interim employment lasts less than one year in duration. This applies to any employment held by the applicant including work which is similar to his or her previous occupations.

Definition of Part-time Employment
Part-time work is defined as employment of less than 35 hours per week. Per diem work which is less than 35 hours per week is included in this definition.

Part-time employment, unlike interim employment, may be within the individual's area of training and expertise. Part-time employment may not be with the employer from which the individual was dislocated.

A case note should be entered into CTHires stating that the client is working an interim position or working part-time but is still available and looking for full-time work.

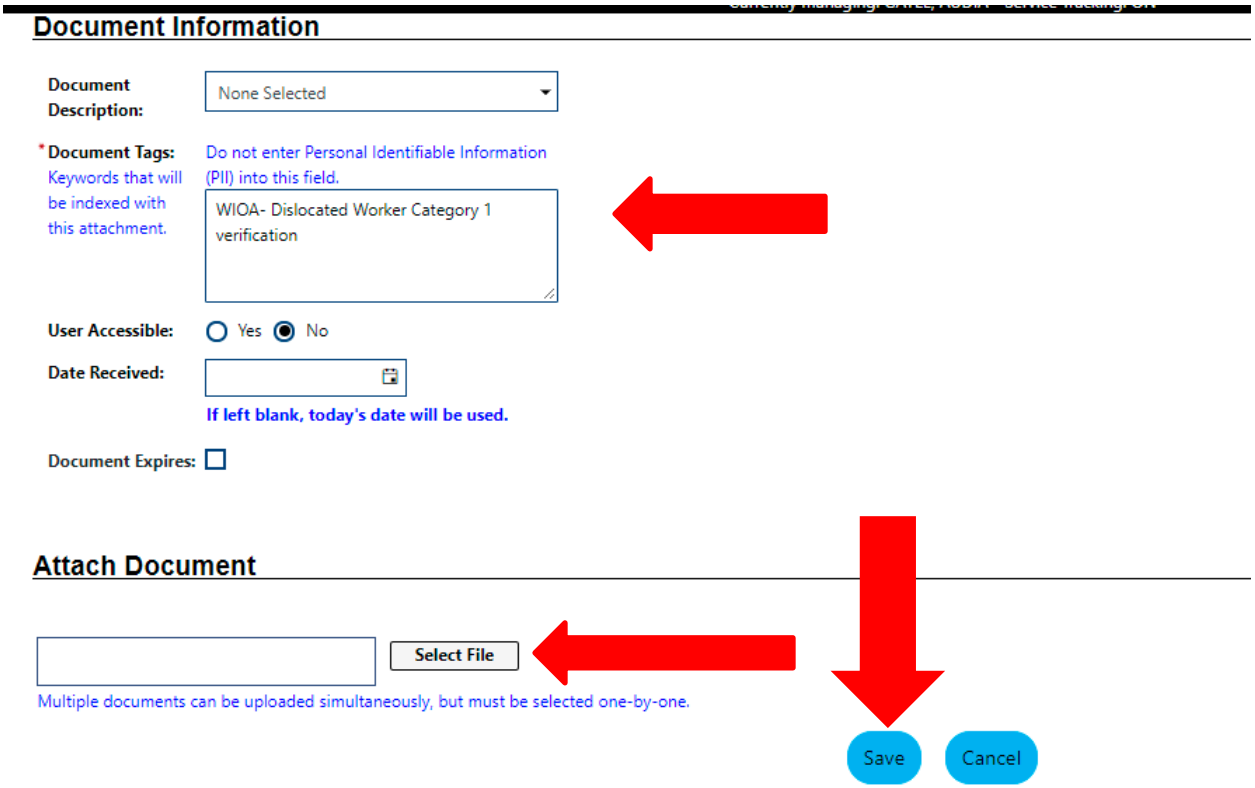
VII. CTHires Procedures

Prior to determining eligibility, applicants must have a current, complete CTHires registration

The WIOA-5 and supporting verification documentation will be uploaded into the CTHires system.

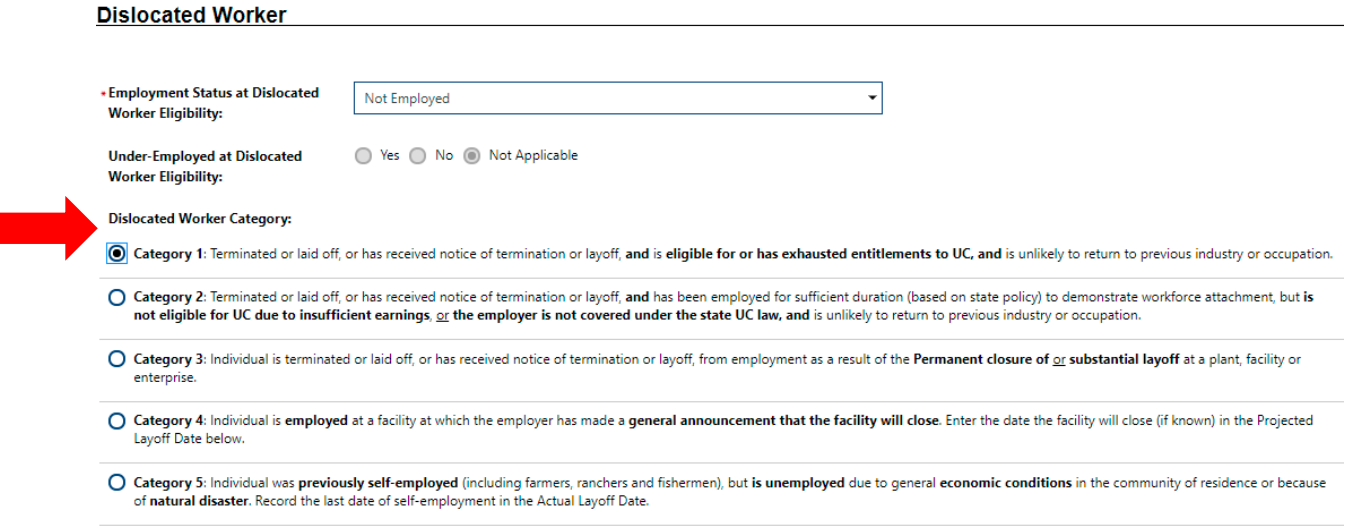
Presently, DOL staff do not have access to put in a partial WIOA application into CTHires, so if a DOL employee is performing the certification, the WIOA-5, JS-WIOA-1, and verification documentation will be uploaded into the system using the "Documents" tab in CTHires.

The "Document Tags" text box shall be labeled "WIOA- Dislocated Worker Category X verification" (See below). Staff would then click "Select File" to find the above documents that have been saved, and then click "Save".



DOL staff must also enter Activity Code 211 – Referral to WIOA - along with a case note noting that the worker has been Dislocated Worker certified.

WIOA staff who are certifying dislocated workers can simply click on "Verify" on the Employment tab of the WIOA application under "Dislocated Worker" to choose the Dislocated Worker Category and then click "Upload" to upload the WIOA-5 and verification documents (See screenshots below). A case note noting that the worker has been Dislocated Worker certified must also be entered.

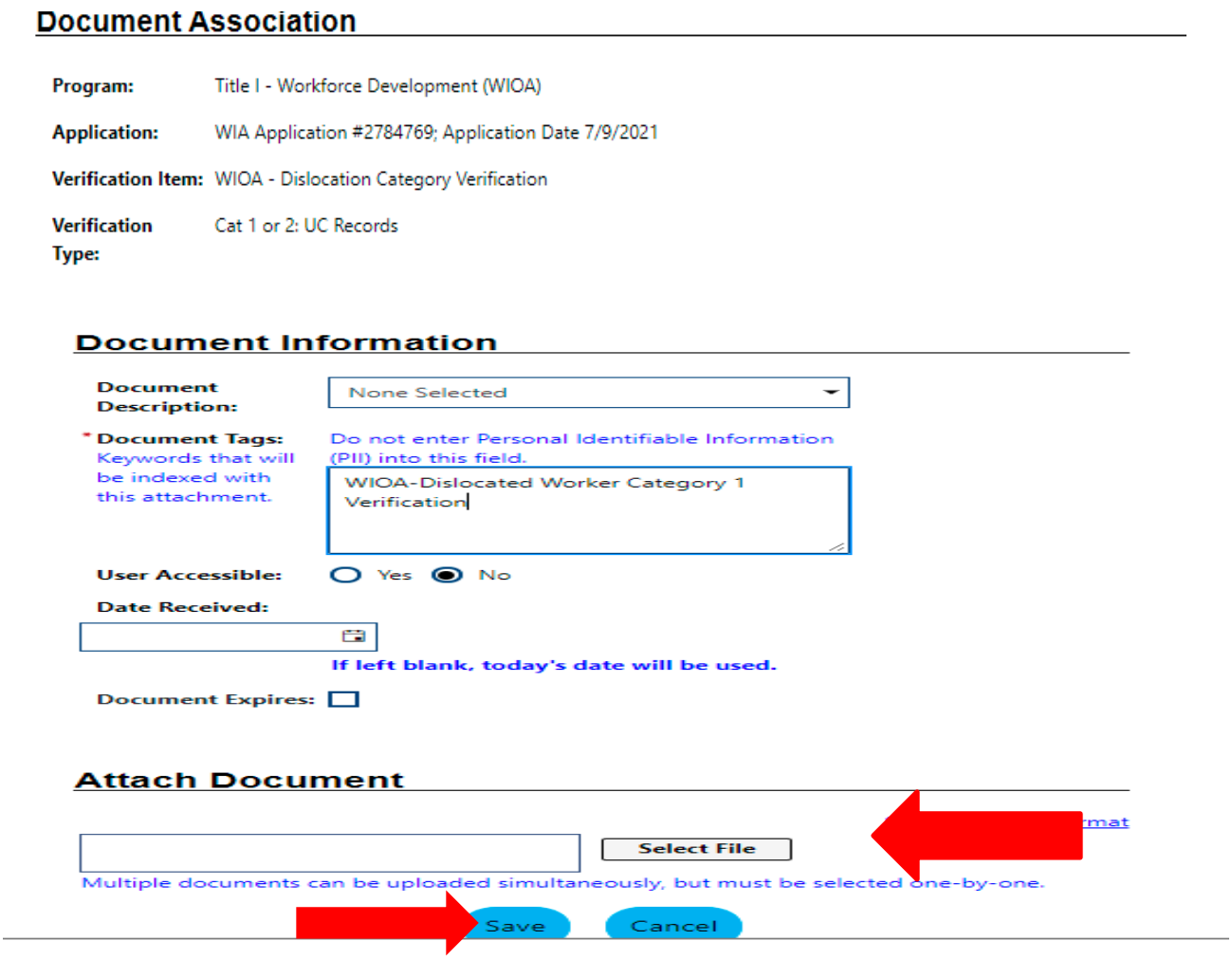


*Verify: [Verify | Scan | Upload | Link | Print Barcode]
✔ Cat 1 or 2: UC Records

Dislocation Category Verification

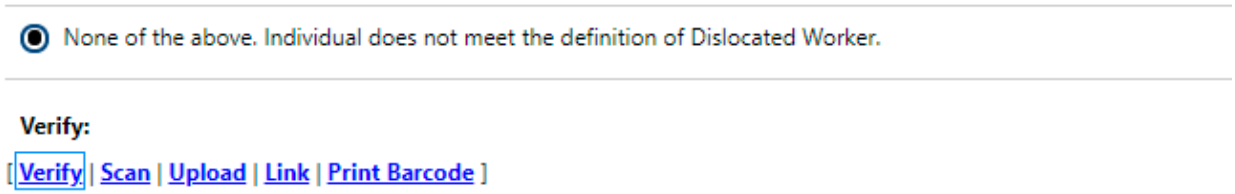
- [ ] Cat 1 or 2: Separation Notice
- [x] Cat 1 or 2: UC Records
- [ ] Cat 3: WARN notice or letter of authorization from the State WIA Admin Dept.
- [ ] Cat 4: Documentation of "General Announcement."
- [ ] Cat 5: A debt-to-asset ratio sufficiently high to be indicative of the likely insolvency of the farm, ranch or business.
- [ ] Cat 5: Entry of individual into bankruptcy proceedings.
- [ ] Cat 5: Inability to make payments on loans secured by tangible business assets.
- [ ] Cat 5: Inability to obtain capital necessary to continue operations.
- [ ] Cat 5: Other events indicative of the likely insolvency of the farm, ranch or business.
- [ ] Cat 5: Proof of failure of the farm, business or ranch to return a profit during preceeding 12 months.
- [ ] Cat 5: Receipt of Notice of foreclosure or intent to foreclose.
- [ ] Cat 6: Is verifed in Barriers - Displaced Homemaker
- [ ] Cat 7: Case file documents active duty Armed Forces spouse employment loss related to duty station change.
- [ ] Cat 7: Marriage license or tax return
- [ ] Cat 7: Military orders showing change in duty station
- [ ] Cat 7: Applicant's MD20 or IBIQ or self-certification that the loss of employment is a direct result of relocation to accommodate a change of
- [ ] Cat 8: Case file documents active duty Armed Forces spouse is unemployed/underemployed and having difficulty obtaining/upgrading empl
- [ ] Cat 8: Marriage license or tax return and military orders showing active duty status of spouse
- [ ] Cat 8: Documentation showing current annualized wage rate (in relation to family size) is not in excess of the higher of either the FPL or 70%
- [ ] Cat 8: Applicant's UC-61, MD20, or BP10 or pay stubs indicating less than full-time employment (< 35 hrs/week) and applicant statement on un/underemployed has been looking for work for 4 weeks or has been unable to find work at a higher level

*Verify: [Verify | Scan | Upload | Link | Print Barcode]
✔ Cat 1 or 2: UC Records



Clients who are deemed ineligible should have the WIOA-5 completed indicating they are not eligible as a Dislocated Worker and the reason for ineligibility. All staff who certify would then upload the WIOA-5 (and JS-WIOA1 form for DOL staff) into CTHires using the "Documents" tab.

WIOA staff would also indicate "None of the above, individual does not meet the definition of Dislocated Worker" under the Dislocated Worker Category heading on the Employment tab of the WIOA application (see below).



Questions regarding this issuance should be directed to Susan Fracasso, Rapid Response Coordinator, at 860-263-6589 or susan.fracasso@ct.gov.

Attachments:
WIOA-5 form, "Eligibility and Certification for Dislocated Workers," (Rev. 8/21)
WIOA Eligibility Checklist (Rev 8/21)
Self-certification form
JS/WIOA-1, "Equal Opportunity is the Law", (Rev. 8/20)
JS/WIOA-2, "Equal Opportunity is the Law", Spanish version, (Rev. 8/20)

40. NATIONAL DISLOCATED WORKER GRANTS PROGRAM (NDWG)

Purpose:

The purpose of this Policy Manual is to provide information about the NDWG program and to provide guidance for applicants and recipients on application submissions and implementation of DWGs. Information contained in the CTDOL Manual is summarized from TEGL 12-19 (3/18/2020), issued by the U.S. Department of Labor Employment and Training Administration. The Policy Manual is a reference for the State of Connecticut and the state's five local workforce development system about NDWG program and grants, relevant legislation, requirements of application submissions, awarding of funds and implementation of DWG-funded activities, and DWG program administrative functions.

Section I Overview

Section I Overview for Applicants and Recipients of DW Grants, providing background information on the National Dislocated Worker Grant Program, pursuant to the Workforce Innovation and Opportunity Act (WIOA), Title I, Section 170.

Policy 1.1 Definitions and Background: Federally recognized emergencies and federal responses

Definitions are provided on the NDWG program and on the terms relevant to the program. Guidance and resources are also provided. Information contained here is summarized from TEGL 12-19 (3/18/2020)of U.S. Department of Labor and the Department's Employment and Training Administration in creating and awarding National Dislocated Worker Grants to eligible entities. Under certain circumstances as described here, the eligible entity for DWGs is referred to as the state of Connecticut.

Definitions:

Dislocated Worker Grants are discretionary grants awarded by the Secretary of Labor under Section 170 of WIOA to provide employment-related services for dislocated workers.

Dislocated workers are those workers who meet a basic DWG requirement: being terminated or laid-off.

Three categories of DWGs are: Disaster Recovery Dislocated Worker Grants; Employment Recovery Dislocated Worker Grants, and Special Populations Dislocated Worker Grants, which may be created to target a specific population through a DWG subtype; for example, DWGs for Dislocated Service Members.

Subsequent sections of this CTDOL Policy Manual provide detailed information on the application submissions, awards, and implementation of the three DWGs.

Employment and Training Administration (ETA) makes announcements of the availability of NDWG funds and provides Guidance through TEGLs.

Training and Employment Guidance Letters (TEGLs) are issued by ETA. Each TEGL is assigned a number, date of issuance, and title of the federal advisory guidance that is being provided or updated.

Dissemination of TEGLs Operating Guidance TEGLs on National Dislocated Worker Grants are disseminated widely throughout the state workforce systems, including state workforce agencies, administrators, liaisons; local and state workforce chairs and directors of labor commissions; American Job Centers; WIOA Section 166 (C) Indian and Native American Program Grant3es; Rapid Response Coordinators and Trade Adjustment Assistance Leads.

Operating Guidance and Inquiries

TEGL Guidance on National Dislocated Worker Grant Program (NDWG) in its most current form is available in Attachment I of TEGL 12-19, March 18, 2020.

Inquiries and direct questions about DWG Guidance are directed to the appropriate ETA regional office.

Federal Declarations or Otherwise Recognitions and "Qualifying Areas"

An "impacted area" is an area or state or outlying regions that are impacted by an emergency or major disaster or major economic disruptions of area-specific and / or national significance. Assistance from the federal

government may be sought; however, the impacted area may receive federal assistance only when a federal declaration or otherwise recognition of the emergency or major disaster is conferred to the impacted area which then becomes designated a "qualifying area" to apply for DWG funds. Application requirements are established in TEGL Guidance; applicants must meet requirements for their applications to be selected for funding through NDWG program.
Federal responses to Qualifying Areas: Upon a declaration or recognition of an "emergency or disaster area", federal agencies are with the authority or jurisdiction over the federal response administer the federal response in accordance with their respective areas of specialty. Two examples are:
Federal Emergency Management Agency (FEMA) is with the authority or jurisdiction over the federal response to a qualifying area or state to provide FEMA public assistance through clean-up and recovery efforts.
U.S. Department of Labor (US DOL) is with authority or jurisdiction over the federal response of NDWG awards to provide employment-related services for dislocated workers in the qualifying areas that were impacted by emergencies and disasters.
Employment and Training Administration (ETA) of USDOL makes announcements of the availability of NDWG funds and provides guidance; accepts and reviews submissions of proposals and selections on the basis of ETA application requirements; and conducts federal administration of awards to the selected award recipients of National Dislocated Worker Grants (DWGs).

Grant funding announcements and guidance issued about applications for DWG awards
A brief, general overview is provided about the categories of DWGs; ETA announcements of DWGs, and from the perspective of ETA, a set of general considerations and strongly encouraged features of DWG applications. Detailed information about each type of DWG award is covered in subsequent Policy.
Categories of Dislocated Worker Grants are as follows:

1. Disaster Recovery DWG Grants
2. Employment Recovery DWG Grants (with subtypes covered in subsequent policy) and
3. Special Populations DWGs: as available and announced by ETA.

ETA considerations of proposed project proposals, as set forth in TEGL 12-19, p.1-2, March 18, 2020:
DWG funding awards are considered supplemental resources for impacted areas or states where the resulting job losses exceed their capacity to address with existing formula funds (as described Policy 1.1)

DWGs provide flexibility to states and communities in responding to and recovering from unexpected events (emergencies or major disaster)
Projects funded with DWG resources are expected to be aligned with existing state and local strategic priorities, resources, and programs.

DWG projects are not funded to be operated as stand-alone projects.

DWG project designs and plans for implementation ("roll out") are to be in alignment with other state and local programs, including:
Rapid Response
Layoff aversion, and
the formula Dislocated Worker program.

DWG projects are focused on addressing employment and training needs in states and local areas.

ETA strongly encouraged features of project proposals in DWG applications (TEGL 12-19, p.2, March 18, 2020):
Project plans should demonstrate the intent to maximize positive outcomes for participants
Proposed project should support an alignment with WIOA performance measures, including:
the number of participants served
placement of participants in employment, and
skills and credentials earned.

Requirements of Application Submissions for DWGs from Eligible Applicants (brief introductory overview).
Application submissions are from eligible applicants who may include States or Other Entities. In the event that the state of Connecticut is an eligible applicant, then CTDOL, as the estate workforce agency, may proceed with development and submission of a proposal for NDWG funds, in accordance with ETA Guidance (Attachment I of TEGL 12-19 dated March 18, 2020). There is one central requirement among many additional requirements of application submissions for each of three categories of DWGs.
In Disaster Recovery DWGs applications: CTDOL must establish that potentially large-scale job loss or major relocations with impact on significant numbers of individuals and employers could be caused by the federally recognized emergency or disaster of national significance in the impacted area, entire state, and/or outlying areas.
In Employment Recovery DWGs application: CTDOL must demonstrate the need for additional funds to respond to the impact of the federally declared or recognized emergency or major economic disaster in the state or area. This type of application must provide a demonstration of the impact of the disaster event is of such magnitude that a response to the demands exceeds the capacity of existing resources of the impacted areas or states.
In Special Populations Dislocated Worker Grants applications, when available, CTDOL must develop its application in accordance with the separate announcement and guidance from ETA.
Delivery of the DWG award to the state of Connecticut
In the event that ETA makes a selection of Connecticut application for funding, the ETA/ U.S. Department of Labor allocates the award of Dislocated Worker Grant funding (DWG) to the state the DWG award recipient, Connecticut Department of Labor.

References.
- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128)'(July 22, 2014).
- Trade Act of 1974, as amended. (19 USC 12 § 2271 - 2331 and§ 2391 - 2397a) (June 29, 2015).
- Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (August 19, 2016), specifically 20 C.F.R. parts 680 and 687.
- TEGL 14-18, Aligning Performance Accountability Reporting, Definitions, and Policies across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL), dated March 25, 2018.
- TEGL 8-18, Workforce Innovation and Opportunity Act (WIDA) Title I and Wagner• Peyser Act Waiver Requirements and Request Process, dated December 19, 2018.
- TEGL 19-16, Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIDA) and the Wagner• Peyser Act Employment Service (ES), as amended by title III of WIDA, and for Implementation of the WIDA Final Rules, dated March 1, 2017.

- TEGL 16-16, One-Stop Operations Guidance for the American Job Center Network, dated January 18, 2017.
- TEGL 28-10, Federal Financial Management and Reporting Definitions, dated May 27, 2011.
- TEGL 10-09, Implementing Priority of Service for Veterans and Eligible Spouses in All Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor (DOL), dated November 10, 2009.
- Information Collection Forms and Participant Individual Record Layouts: Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting - ETA 9169 9170 (OMB Control No. 1205-0526) and DOL-only Performance Accountability, Information, and Reporting System - 9172, 9173 (OMB Control No. 1205-0521) and ETA Form 9130 (OMB).

Attachment. Attachment I: National Dislocated Worker Grants Program Guidance

Section 2 Application Submissions and Awards of DWGs

Section 2 is drawn from TEGL 12-19, Section 1: A, B, and C. Guidance in this policy is provided for applicants in Connecticut that are seeking DWG funding which is awarded in two major categories; additional awards may be made that target special populations as well.

ETA generally awards two standard categories of Dislocated Worker Grants (Disaster Recovery DWGs and Employment Recovery DWGs); the third category of awards, Special Populations DWGs, may be granted as determined by demands and program funding availability. Application requirements and procedures for each category of DWG are set forth by ETA and must be met to receive a DWG award. Information is provided here about the application submission and award for each DWG category under subheadings: Definitions; legislation; approaches to funding; applicant eligibility; applicant responsibilities; allowable use of funds; ETA-recognized qualifying events, related requirements and exceptions to requirements; and services and activities that are acceptable under each DWG category.

CTDOL Policy Section 3 Implementation provides information specifically for the grantee / award recipient.

I. Disaster Recovery DWGs: Application Submissions

Definitions.

Disaster Recovery DWG-funding is an award made to an applicant to minimize the employment and economic impact of declared disasters and emergency situations, in disaster-declared areas as defined in 20 CFR 687.110(b).

Disaster Recovery DWG application submissions contain proposed project plans and other elements that are described in this policy. Application submissions are reviewed and selected by USDOL Employment and Training Administration (ETA). DWG-funding is awarded by ETA.

Declaration or otherwise recognition of a “disaster-area” and the federal response:

Federal Emergency Agency (FEMA) may make a declaration of an emergency or major disaster in the disaster-area. FEMA is with authority or jurisdiction over the federal response: FEMA announces the disaster-area’s eligibility for FEMA public assistance through recovery and clean-up efforts.

US Department of Labor (DOL) or other federal agency may declare or otherwise recognize an emergency or disaster of national significance, and the ETA of USDOL issues announcements of Disaster Recovery DWGs funding availability. In the event that a qualifying disaster-area or the state is located in Connecticut, USDOL is a federal agency with authority or jurisdiction over the federal response the use of funds is discussed below.

Legislation. Legislation under 40 CFR 697.110(b) sets forth "disaster-declared areas"; the federal agency declaration or otherwise recognition of emergencies or major disasters; and the supplemental resources provided to local areas through "Disaster Recovery Dislocated Worker Grant" awards. Legislation and regulations are cited under each DWG category. Additional legislation is cited that identifies qualifying events for Disaster Recovery DWGs.
Approach to funding. Disaster Recovery DWG funding approach is to minimize the employment and economic impact in disaster-declared areas which have been federally declared disasters and emergency situations
Allowable use of Disaster Recovery DWG funds in proposed projects.
Allowable use of Disaster Recovery DWG funds includes the provision of three DWG program components: Durational Disaster-relief Employment; Employment and Training Services; and Supportive Services.
Dislocated workers and other eligible individuals are the targeted participants of the proposed projects under Disaster Recovery DWGs, those individuals have been impacted by the qualifying disaster or emergency.
Supportive service policies for a disaster project must align with the state or local area supportive service policy; any supportive services provided must be consistent with WIOA.

Application submissions are selected by ETA and determinations of award are based on the applicant's capabilities to provide one or more of the components listed below:
Disaster Relief Employment:
To provide disaster-relief and humanitarian assistance employment*
* Disaster-relief employment is generally required for application approval. Proposed projects of applications may include the provision of (a) only, the provision of (b) only, or the provision of all three elements [(a), (b), and (c)].
Employment and Training Services
To provide employment and training services to dislocated workers and other eligible participants as appropriate, services that are generally required under the grant guidance (with two exceptions; described under Qualifying Events, below)

Supportive Services
To provide supportive services that are aligned, as required by ETA, with the state or local area supportive service policy and that are consistent with WIOA.

Elements of Proposed Plans in Disaster Recovery DWG applications:

Applicants are encouraged by ETA to include the following elements in these application submissions:
Co-enrollment:
The proposed plan is to enroll participants in the required component Disaster Recovery Employment and to co-enroll participants in a Employment and Training Services.
Supportive Services:
The proposed plan is to provide supportive services, as applicable, along with the service components mentioned above.
Sequenced or concurrent provision of all services components.
The proposed plan may include whether the provision of program service elements will occur concurrently or sequentially (one prior to the other), with either option open to the applicant.
Proposed design of employment-related services

Proposed plan is to provide allowable services under the Disaster Recovery DWG-funded grant in a manner most likely to result in successful outcomes. The proposal may include provision of employment and training services © for DWG participants not in disaster-relief employment as long as the requirement is satisfied to deliver disaster-relief employment (a) to some DWG participants.
General goal of employment and training services:
Disaster Recovery DWG-funded employment and training activities are aimed toward allowing participants to obtain unsubsidized sustainable employment following the conclusion of the Disaster Recovery DWG-supported activities.

Qualifying events, related requirements and exceptions
Qualifying events may vary with respect to the nature of the disaster or emergency and the nature of the qualifying event determines some requirements for application submissions for Disaster Recovery DWGs as well as exceptions to requirements, as illustrated in the following three examples:
1. Emergencies and major disasters, as defined under Section 102 of Stafford Act [42 U.S.C. 5122(6), declared by FEMA as eligible for Public Assistance under any category (A through G of the Act).
2. Emergencies or disaster situations of national significance, natural or man-made, under 40 CFR 697.110(b), are identified that could result in a potentially large loss of employment; and such situations must be declared or otherwise recognized and issued in writing by the chief official of a federal agency with authority or jurisdiction over the federal response, such as that held by the Secretary of the U.S. Department of Labor.
3. Relocation of a substantial number of individuals from states, tribal areas, or outlying area affected by a disaster or emergency into the state of Connecticut, tribal areas in the state, or outlying areas which are outside the disaster or emergency area.
Exceptions to Requirement to Provide Disaster-Relief Employment Although as stated above, Disaster-Relief Employment is generally a required component, there are exceptions to this requirement depending upon the nature of the qualifying events and circumstances. The U.S. Department of Labor, at its discretion, may allow exceptions for this requirement and may choose to approve application submissions that offer only the employment and training activities component under the following circumstances (refer to F below and to TEGL, p.4):
a. The qualifying events do not fall under the Stafford Act (Stafford Act covers those federal declarations of emergencies or disasters for which the federal response is under FEMA to provide public assistance for cleanup and recovery efforts). When the qualifying events fall under non-Stafford Act disaster or emergency declarations, DWGs are awarded in response to the circumstances and nature of the disaster which do not allow for the clean-up and humanitarian temporary employment opportunities authorized by WIOA. Or,
b. The qualifying event is the influx of individuals relocated from a disaster area, where the grantee is not responding to the actual disaster, because it is in another geographic area. In these circumstances, the DWG grant will provide employment and training services as the primary activity (without the disaster-relief employment component), as participants are outside of the disaster area. However, it is allowable to use these grant funds also to offer the component of disaster-relief employment to participants where appropriate.

Applicant eligibility and guidance for the application submission:
To be eligible for funding, all applications for Disaster Recovery DWGs must include the provision of disaster-relief employment in response to the federally declared disaster event, with two exceptions depending upon the

nature of the qualifying event [as described above (D)]. DWG funds may provide employment and training services regardless of an individual's participation in disaster relief employment.

Eligible applicants for Disaster Recovery DWGs are entities such as the state of Connecticut, outlying area, or Indian tribal governments located in Connecticut, under conditions set forth in the Stafford Act 42 U.S.C. 5122(6). The submission of application from Connecticut must be developed according to the ETA guidelines, as follows:
Application Submission: The State of Connecticut (or entities listed above) must have been determined to be emergency or major disaster-area, designated as such by federal declaration or recognition of the emergencies or major disasters, to be an eligible applicant for Disaster Recovery Dislocated Worker Grant (DWG) funds.
Administration: When the state workforce agency is the eligible applicant, CTDOL must be identified in the application as both the grantee and the fiscal agency responsible for appropriate allocation of funding to the affected areas.
WIOA regulations do not allow declarations by the Governor of the state of Connecticut (or any other state) to qualify as an applicant for Disaster Recovery DWG assistance.

Responsibilities of Applicants for Disaster Recovery DWGs in Connecticut
When the Connecticut workforce development agency, CTDOL, is the eligible applicant for DWGs under the emergency or disaster-area conditions described above, the submission of CTDOL application must:
Provide demonstration of a potentially large loss of employment in the state, which ETA defines as a potential loss of at least 50 jobs in Connecticut.
Provide a rationale justifying the projected level of job loss in Connecticut.
When seeking DWG funds to address the impact of a substantial number of individuals relocating away from the disaster area in another state, tribal area or outlying area and into Connecticut, its tribal areas and outlying areas, CTDOL must demonstrate that at least 50 individuals have relocated or evacuated from an area receiving a Federal Declaration for the disaster event.
When the applicant is not the state workforce agency, the applicant should describe proposed program operations that are in compliance with CTDOL policy and procedures for the eligibility determination of participants of Disaster Recovery DWG' funded program.
Additionally, if the application is selected, the responsibilities of the award recipient are to set appropriately compliant policies and procedures for determining participant eligibility, and to include only those exceptions to eligibility policy that have been made under the authority of the state; the entity's policies and procedures must also address the allocation of DWG funding in a manner that is aligned with CTDOL policy.
Further guidance is available for the applicant selected to be a DWG award recipient, as provided in the CTDOL Policy Section 3, Implementation of DWG-Programs.

Timing of Application Submissions for Disaster Recovery DWGs
Emergency Status Application Submission

An abbreviated emergency application may be submitted to facilitate timely delivery Submission of Emergency Status which:
must be submitted to ETA within 15 days of the declaration of a qualifying disaster declaration by FEMA or by other Federal agency having jurisdiction over the disaster.

(b) may first submit a request for an exception to the 15-day submission requirement with appropriate justification to allow for the submission of the emergency application to occur within a reasonable timeframe after Day 15.

Full Application Status of Submission:

In lieu of an emergency application, the applicant may choose the option of a full application submission that includes a budget and plan.

Modification and Additional Information following Emergency Status Awards.

Modifications and Additional Information requirements discussed here refer to actions needed following an award for an Emergency Status Disaster Recovery Grant application. Refer to subsequent policy under Application Requirements for general information about modifications.

Modification of Disaster Recovery DWG award via the emergency application:

The selected applicant must, within 60 business days following the award, submit a modification of the original emergency grant, providing a full application including a budget, implementation plan, and a list of worksites where the disaster relief work will be performed.

Additional information per the special conditions of the initial emergency DWG award

The selected applicant may be awarded DWG funds but is required to submit additional information per the special conditions of the initial DWG award

Employment Recovery DWGs: Application Submissions; Subtypes
CTDOL Policy Section II provides information on requirements for applicants, application submissions and awards of Employment Recovery DWGs, in accordance with TEGL 12-19 (March 18, 2020), Section II B. pp. 8-12, except where noted otherwise. CTDDOL Policy Section II addresses DWGs coordination with the "Trade Adjustment Assistance" (TAA) and for dislocated workers who are participants of TAA, from TEGL 12-90, pp. 10-11.
Employment Recovery DWGs Application Submissions are addressed under subheadings: ETA definitions; legislation and funding approach; subtypes of the Employment Recovery DWG; allowable use of funds; disaster scenarios representing qualifying events in correspondence with each sub-type of Recovery Employment DWGs; applicant eligibility and allocations of award funding under Employment Recovery DWGs.

Definitions
Employment Recovery DWGs are a category of Dislocated Worker program, which is ETA generally describes as providing "resources to states and other eligible applicants to respond to major economic dislocations that cause significant job losses."
Subtypes of Employment Recovery DWGs
Subtypes may also be awarded (as described in detail, below).

Legislation:
Employment Recovery DWG funding is set forth in legislation under 20 CFR 697.110(b). Other major dislocations or other emergency events may prompt the development of additional categories of DWGs, as set forth under 20 CFR 687.110(a)(5),
Approach to Funding.
ETA funding approach to Employment Recovery DWGs is to address the impact of major economic disruptions through the provision of allowable services and activities. Employment and training assistance to dislocated workers who were affected by major economic dislocations and to other participants deemed eligible due to the impact of qualifying events, as defined .

Qualifying Events and Subtypes of Employment Recovery DWGs.

With respect to Employment Recovery DWGs, disaster scenarios are provided to represent potentially "qualifying events". Disaster scenarios illustrate major economic dislocations (potentially "qualifying events". An example is the present-day major economic dislocations of national significance as a result of mitigation measures taken to control the sudden, exponential growth of covid-19 infection rates during the global corona virus pandemic. The covid-19 virus has had a far-reaching impact on the human population, as observed in high rates of infection, hospitalization and fatalities, and equivalent far-reaching impact on the economy that has collapsed in Connecticut and across the nation. Industries in Connecticut such as airlines and restaurants may be affected long-term by this disaster and the economic dislocations. This disaster scenarios included in the TEGL disaster scenarios are listed below; the present-day example is not included, but is reasonably expected to qualify for Employment Recovery DWGS under 20 CFR 687.110(a).

Application Submissions for Subtypes of Employment Recovery DWGs

There are four types of major economic dislocation events, each of which, according to ETA, could qualify for Employment Recovery DWGs under 20 CFR 687.110(a). The same four dislocation scenarios have one-on-one correspondence with their respective subtypes of Employment Recovery DWGs, listed below:
1. Mass layoffs or Plant Closure DWGs
2. Industry-wide Layoffs DWGs
3. Community Impact DWGs: when there is higher-than-average demand for employment and training services for dislocated members of the Armed Forces and their spouses.
4. Other subtypes of Employment Recovery DWGs: Other subtypes may be announced by the Secretary of the U.S. Department of Labor, as program funds are available and under certain circumstances and needs.
Applications must provide demonstration of the demands under the subtype of Employment Recovery DWGs most applicable to the circumstances in the qualifying area:
Mass layoffs or Plant Closure Employment Recovery DWGs in Connecticut:
Dislocation scenarios such as mass layoffs and plant closures could qualify for this subtype of DWG when these layoffs or plant closures are affecting 50 or more workers from one employer within state of service area. ETA provides requirements for applications that must be followed for the application to be considered for DWG funding. When the applicant is the Connecticut Department of Labor and is experiencing the mass layoff or plant closure dislocation scenario as described here, the CTDOL application must satisfy the following ETA requirements:
Application must substantiate mass layoffs or plant closures

Application may also reference smaller layoffs at other companies in the service area if the primary layoff caused or contributed to the smaller layoffs
Application may reference the closures and realignments of military installations, as applicable. (Employment Recovery DWGs include DWGs for Dislocated Services Members DWGs, under 20 CFR 687.170(a)(1)(IV) when there is a higher-than-average demand for employment and training services for dislocated members of the Armed Forces and their spouses. Details are provided in a subsequent policy section.)
Application must demonstrate need for additional resources for the state to provide employment and training assistance to workers impacted by the major economic disruptions.
Industry-wide Layoffs DWGs in Connecticut:
Dislocation scenarios that could be qualifying events for this subtype are lay-offs events from multiple companies in the same industry an may include, as applicable, additional lay-offs affecting fewer than 50 workers when their inclusion in the applications follows instructions provided below. ETA requirements for Applications apply to all submissions for Industry-wide Layoffs DWG applications. When the applicant is CTDOL (or another entity planning an application in coordination with CTDOL), the application must meet the following ETA requirements:
Application must substantiate the industry-wide layoffs or plant closures in multiple companies in Connecticut in the same industry, as determined by the two-digit code level in the North American Classification System (NAICS)].
Application may include additional layoffs from other companies in Connecticut that are affecting fewer than 50 workers, in accordance with the following instructions: Substantiate that there is at least one company in Connecticut with a layoff affecting 50 workers or more workers; and substantiate that the additional layoffs with other companies are all in the same NAIC two-digit code level. Having demonstrated that these requirements are met, the application may include the additional lay-offs with other companies in the Industry-wide Employment Recovery DWG.

Community Impact DWGs in Connecticut.
When the state of Connecticut has experienced potentially qualifying dislocation scenarios for this subtype (multiple smaller dislocations occurring over a period of up to 12 months that have significantly increased the number of unemployed individuals in a regional or local workforce area, the state may qualify to apply for Community Impact Employment Recovery DWGs (or "Community Impact Grants") which typically serve rural areas.
The CTDOL Application Submission for a Community Impact DWG must meet the following requirements:
a. must demonstrate the impact of the smaller dislocations on the employer base identified as being predominantly smaller companies with fewer than 50 employees each.
b. must demonstrate the impact of layoffs that may not meet the definition of "mass layoffs" noted above.
4. "Other" subtypes of Employment Recovery DWGs, as available. There may occur in the nation and /or the state of Connecticut such events that cause major economic disruptions and dislocations (an example being those of exponential proportions resulting from the sudden pandemic for which there was no national or statewide advance preparation). Under such circumstances, the U.S. Secretary of Labor may determine the need for additional subtypes of Employment Recovery DWGs in response to such disaster scenarios under 20 CFR 687.110(a)(5) and as referenced specifically in TEGL, page 2, end of p#1.

Applicants, timing and status of submissions, and factors for applicant consideration.

Applicant Eligibility

Four kinds of entities are eligible to apply for Employment Recovery DWGs, two of which are eligible under specified conditions. With respect to Connecticut, the five categories of eligible entities and applicable conditions are:
The State of Connecticut or outlying area, or a consortium of states of which Connecticut is a member
A local Workforce Development Boards (WDB) that covers one of the state's five workforce regions, or a consortium of WDBs that covers two or more of the five local workforce regions
The Indian and Native American program(s) under WIOA section 166 in Connecticut are entities that are eligible for this funding
For another entity to be eligible, the entity must be determined appropriate by the Governor of Connecticut or outlying area involved:
A signed letter from the Governor of Connecticut, on official letterhead, must be attached to this entity's application
The letter must identify the organization and include the Governor's rationale for having determined the appropriateness of the entity to carry out a DWG project

When the applicant is CTDOL or other entity, the application submission must demonstrate to the Secretary of Labor the applicant's capability to respond effectively to the circumstances related to the major dislocations in the region(s). The applicant's capability is demonstrated through its having the following:
i. the expertise with workforce development or training;
ii. the geographic or administrative reach to handle large-scale workforce issues;
iii. the financial and administrative capability to administer a Federal grant; and
iv. a letter of support for its DWG application from CTDOL (the state workforce agency) and the WDBs for the geographic area(s) the DWG will serve.

Timing and Status of Application Submissions for Employment Recovery DWGs.

Timing of application submission for Employment Recovery DWGs is determined by application status. Submission status is within 120 days of a qualifying layoff event: These submissions are to facilitate timely delivery of reemployment services to the affected workers. Under this status when CTDOL is the applicant:
A target group of workers in Connecticut is eligible for assistance upon notification of layoff.
Eligibility of the target group is established by the receipt of an individual layoff notice or the announcement date of the company's layoff or the actual date of the layoff itself. Participant-level eligibility is addressed in subsequent policy.

Submission status is Emergency Status Application
Submissions of emergency status are to address emergency circumstances or major disasters as quickly as possible. When CTDOL is the applicant:
The CTDOL application is streamlined and shorter, due to the emergency status of the circumstances which have been identified as qualifying lay-off events during disasters, including sudden or unexpected mass layoff events or other events and emergency conditions such as an unannounced facility closure or the destruction of a place of employment due to a fire (or major economic disasters caused by a national pandemic).
The CTDOL emergency status application must be submitted no later than 15 days after the event occurs; otherwise, applicants should submit a full application, with exception ("see"below).

At the discretion of the USDOL federal grant officer, emergency status applications from CTDOL may be accepted more than 15 days after the qualifying layoff event with appropriate justification.
Following the date of the emergency status award, CTDOL must submit a full application within 60 business days. By this time, CTDOL should have access to data and data analysis to support a full application.

Factors for the Applicant's Consideration.

Identified below are factors considered by ETA in awarding and setting award amounts for Employment Recovery DWGs, presented or consideration of applicants as they develop applications and prepare for submissions to ETA.

The Employment Recovery DWG program, as grants, are awarded at the discretion of the Secretary, U.S. Department of Labor. The purpose of these Awards is to assist grant recipients in dealing with dislocation events, such as layoffs and plant closures, that cannot be handled through the local workforce development system's normal capacity. ETA will determine whether the dislocation exceeds the normal capacity of the local workforce system on a case-by-case basis.
ETA sets no firm requirements that applicants must meet to demonstrate this demand beyond the normal capacity of the local workforce system. Among other factors, ETA may consider:
1. the level of expenditure of the applicant's prior program year total available DW formula funds (including Rapid Response and carry-in).
2. the quality of the proposed project
3. the severity of job loss qualifying event, and
4. the applicant's past performance in administering the WIOA Title I Dislocated Worker program or prior DWG awards.

(a) ETA may use quarterly financial reports (ETA-9130 form) to verify expenditures and transfers to the Adult program, and
(b) ETA may use disbursement reports to verify the fund usage between quarterly reporting periods.

Responsibilities of Applicant/ Award Recipient of Employment Recovery DWG funds
When an Employment Recovery DWG is applied for or awarded to the state of Connecticut or other entity in the state, there are attending responsibilities of both applicant and award recipient, as follows:

CTDOL, as applicant or recipient, will be both the grantee and the fiscal agency responsible for appropriate allocation of funding to the affected areas.
CTDOL, as the direct recipient of WIOA Dislocated Worker (DW) formula funds, is to ensure that the applicant coordinates with the state's Rapid Response efforts for which the state workforce agency is responsible.
Entities other than CTDOL, as applicants or award recipients, are responsible to work collaboratively with CTDOL in coordinating with the state's Rapid Response efforts.

Allowable services under Employment Recovery DWGs
Employment Recovery DWG funds may be used to provide allowable program activities and services, as identified in the following four program components: Career Services, Training Services, Supportive Services, and Needs Related Payments (NPRs). Each component is allowable under the WIOA Dislocated Worker formula program, and is described with a citation of the respective legislation under which each allowable service or activity falls.

Allowable program components and for the WIOA DWG formula program, as follows:
(1) Career Services component: under WIOA Section 134(c)(2); 20 CFR Part 680; and TEGL 16-16 Section C
(2) Training Services component allowable under Economic Recovery DWGs: under WIOA Section 134(c)(3)(D).
(3) Supportive Services component, allowable for dislocated workers, must be consistent with WIOA.
(4) Needs-related Payments component (NRPs), a category of supportive services allowable for several groups of dislocated workers, under WIOA DW formula program; refer to 5d below).
(5) WIOA Dislocated Worker formula program: provides for the delineation, limitations and allowable use of program funds. Allowable use of DWG funds for Training Services are under the following WIOA provisions:
WIOA Section 134(c)(3)(D) provides for the allowable reimbursement up to 50% of the wage rate for On-the-Job Training for WIOA formula programs
Section 134(c)(3)(H), 20 CFR 680.730 provides for variously approved, allowable use of DWG funds for up to the reimbursement percentage for on-the-job training for WIOA formula programs in accordance with criteria outlined therein.
Limitations or requirements placed on the use of DWG funds for training, as applicable, under 20 CFR 680.730, 20, CFR 680 and TEGL 19-16, Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules.
Needs-related Payments (NRPs) are provided variously for dislocated worker participants, under WIOA Section 134 (d)(3); for workers with disabilities, under WIOA Section 134 (d)(3)(B); for Dislocated Workers who are either unemployed or have ceased to qualify for unemployment compensation, and are determined eligible for the DWG program under WIOA Section 134(d)(3)(B) and 20 CFR 680.950.

TAA and Employment Recovery DWGs (TEGL p. 10-11)

CTDOL Policy Section IIB provides information and guidance for applicants of Employment Recovery DWGs, with respect to the Trade Adjustment Assistance (TAA) program, including: definitions of terms central to TAA; a summary of the TAA program and co-enrollment of TAA participants; components of TAA services and assistance available to eligible TAA participants; and an overview of services and activities that under certain circumstances are available to TAA participants through the Employment Recovery DWG program. For DWG grant recipients whose applications were selected for awards, CTDOL Policy Section 3: Implementation provides the TAA participant eligibility guidelines for this and other subtypes of Employment Recovery DWGs and other information of importance to the implementation phase.
Definitions
Trade Adjustment Assistance (TAA) refers both to an act of legislation (TAA Act) and to a program (TAA). TAA Program provides services and assistance to eligible workers and eligible incumbent workers who are adversely affected by trade. The TAA program has several components of program services and assistance and the TAA program identifies specific types of eligible trade-affected worker that are eligible for each component, respectively. The components of TAA services and assistance (described below) are consistent with WIOA program services. Assistance to trade-affected workers often involves participation in a TAA program approved training program. Legislation contains specific provisions for the payment of the costs of a TAA-approved training program. Eligibility Determination of Participants is covered in CTDOL Policy Section 3 Implementation of DWGs.

Co-enrollment. ETA strongly encourages co-enrollment with appropriate programs for eligible individuals, including those who are trade-affected. For example, CTDOL encourage co-enrollment of participants in Employment Recovery DWGs and TAA program when participants are adversely affected by trade.

Legislation and Approach to Funding.

TAA Governor-Secretary Agreement, Section D, sets for the requirement that the TAA Program must be the primary source of assistance to trade-affected workers. The TAA Act, as amended, contains provisions under Sections 236 and 239 pertaining to payments for the costs of a TAA-approved training program.

Qualifying events.
For the TAA program, the qualifying events are the adverse impact of trade on workers, who are subsequently referred to as "trade-affected workers".

Allowable use of TAA funds

By legislative requirement, TAA funds must be used as the primary source of assistance to trade-affected workers, and TAA funds are the primary source for payments of the costs of training program approved under the TAA Act. Assistance from other sources is allowable including the payments of TAA-approved training programs under certain circumstances and in accordance with the legislative stipulations. CTDOL Policy Section III provides information about the Implementation phase of Employment Recovery DWGs including detailed scenarios and allowable use of funds relevant to the implementation of TAA co-enrollment with Employment Recovery DWGs. Allowable use of :

TAA does not allow duplication of payment of training costs
TAA does allows in certain circumstances, the sharing of costs of training across TAA and DW formula or DWG programs.
TAA funds may not be used by states to reimburse training costs that have already been incurred TAA funds cannot be utilized before a participant is determined eligible for TAA. To the extent trade-affected workers require assistance or services not authorized under the TAA Program, or for which TAA Program funds are unavailable or insufficient (including for required employment and case management services), the state will make such assistance available through the American Job Center network. This provision includes services provided by DWGs.

F-H. Refer to CTDOL TAA Policy for the following state level requirements:

Applicant Eligibility and Regulations for Application Submission for TAA funds

Timing and Submission of TAA Application

Responsibilities of Applicant/ Recipient for TAA funds

Special Populations DWGs Application Submissions

"Subtypes" of Employment Recovery Dislocated Worker Grants may be awarded, at the discretion of the U.S. Secretary of Labor. Subtypes of Employment Recovery DWGs are created to address higher-than-average demand for employment and training activities for identified Special Populations.

Application Submission- Subtype: Employment Recovery DWG for Dislocated Service Members

One subtype of Employment Recovery DWGs targets Dislocated Service Members as a special population (refer to definitions, below). The framework for Recovery Employment DWGs for Dislocated Service Members follows that of Employment Recovery DWGs with more specific requirements for qualifying events participant eligibility and allowable activities. Below is provided about this subtype, the application process, and the eligibility determination of the targeted participants of DWGs for Dislocated Service Members. (Section 3: Implementation of DWGs, "Determining Eligibility for DWG participation," pertains DWGs designed for populations that are more broadly defined and less narrowly targeted.)

A. Definitions

DWGs for Dislocated Service Members are considered supplemental resources for the provision of assistance to areas where there is a higher-than-average demand for employment and training activities from dislocated military service members and dislocated military spouses that exceeds state and local resources for providing such activities.

Dislocated members of the Armed Forces include the entire group of all service members who are transitioning to the civilian workforce, including recently separated veterans.

A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid off. WIOA statutes and regulations provide no definition of the word "terminated." According to U.S. DOL policy, "being discharged under conditions other than dishonorable, either voluntarily or involuntarily" equates to the termination of an employment relationship between the military and the service member; and this understanding serves the purpose of the WIOA definition of a dislocated worker.

To meet fully the participant eligibility criteria of the Dislocated Worker, the separating or separated service member must also satisfy other criteria for Dislocated Worker eligibility requirements, including the requirement that the individual is "unlikely to return to a previous industry or occupation."

B. Legislation Under 20 CFR 687.170(a)(1)(iv), eligible participants for DWGs for Dislocated Service Members include:

1. Dislocated service members who are determined eligible participants for Employment Recovery DWGs, as defined above, and also include the following:

2. Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce), including recently-separated veterans. This includes all members of the Armed Forces who were discharged under conditions other than dishonorable

C. Approach to funding. Refer to Legislation "B" above, and to information provided as follows:

Funding approach is to target dislocated service members whose eligibility determination is based on meeting one basic requirement to be a dislocated worker: the dislocated service member is one who is a terminated or laid off worker. The term "terminated" is not defined in the WIOA statute or regulations. It is US DOL policy that being discharged, under conditions other than dishonorable, either voluntarily or involuntarily, terminates the employment relationship between the individual and the military for the purpose of the WIOA definition of a dislocated worker. To be eligible, the separating or separated service member must also satisfy other criteria

for dislocated worker eligibility, including the requirement that the individual is "unlikely to return to a previous industry or job." Other eligibility criteria are also applicable, as described above.

D. Allowable Use of Funds

Allowable use of funds under Employment Recovery DWGs for Dislocated Service Members is the same as for the allowable use of funds under the general category of Employment Recovery DWGs. As applied to DWGs for Dislocated Service Members, funds should be used for proposed project plans that are developed and designed in coordination with other veterans' programs; this coordination is for the following:
to avoid duplication of services, and
to ensure participants receive applicable services and benefits.

E. Qualifying Events for which applications are considered for awards of this subtype

Under "as usual" circumstances, transition assistance services are generally available for most separating service members in Connecticut through the following existing resources:
Existing WIOA formula funds are available for the provision of transition assistance services for most separating service members.
Additionally, WIOA-funded services to service members in Connecticut are provided in conjunction with resources made available through:
the Jobs for Veterans State Grants program and
transition assistance programs administered by the Department of Labor's Veterans' Employment and Training Service (VETS), the Department of Veterans Affairs, and the Department of Defense.
When there are higher-than average demands for employment and services for dislocated members of the Armed Services and dislocated military spouses, and when these demands for services exceed the services available through use of existing resources, the state of Connecticut may seek to apply for a special population grant, the Employment Recovery DWG for Dislocated Service Members. To be eligible for DWG resources, CTDOL must submit a demonstration of higher-demand in accordance with the following ETA expectations:

Higher-than-Average Demand. (1) Connecticut communities experience a higher-than-average demand for services for dislocated members of the Armed Forces and dislocated military spouses; (2) additional funding is needed to meet the demand; AND (3) data drawn from appropriate sources of administrative data sources is being utilized to document and demonstrate the higher-than average demands, as covered in depth under "F. Applicant Eligibility", below.

F. Applicant Eligibility and application submissions for DWGs for Dislocated Service Members

ETA determines whether the application submission provides an acceptable determination of higher-than-average demand. To meet the ETA expectations of an acceptable demonstration of higher-than-average demand, the applicant must:

1. must document unemployment levels among veterans within a local area for the most recent quarter for which data is available, compared to the same quarter one year ago.

2. must utilize appropriate sources of data in calculations of higher-than-average demands in Connecticut communities including, but are not limited to:
(a) workforce data and

(b) Unemployment Compensation for Ex-service members (UCX) data and
(c) data on service members who received notification before separation may be included in calculations.

(3) The local workforce development boards should coordinate the state of Connecticut to obtain data for determining the demand from military service members for employment and training services.
(4) ETA will consider data from WIOA Section 166 Indian and Native American program applicants when these applicants work in coordination with the state to obtain such data. (More information is on coordination is found in "G. Applicant / Grantee responsibilities.)

G. Applicant/ Grantee Responsibilities
When the applicant is the state workforce agency that receives DW formula funds, CTDOL is responsible for over-all coordination of data statewide, as described in D.1-2 above. Below is a list of the functions that are essential for the coordination of data with respect to Employment Recovery DWGs for Dislocated Service Members:

a. Coordination with states to obtain data to determine the demand from military service members for employment and training services, in the following ways:
b. Coordination with states by the local board applicants to obtain such data.
c. Coordination with states by applicants from Indian and Native American programs under WIOA Section 166 to obtain such data, and
d. Coordination with state by entities with alternative data, when proposed, will be considered by ETA.

When the applicant is not the state workforce agency (CTDOL) that receives federal DWG funds, the entity must work collaboratively with CTDOL to ensure appropriate coordination, as described in D.3-4 above, and to

to ensure the entity's efforts are in coordination with the state's Rapid Response efforts and
to assist the state in meeting performance and fiscal reporting requirements for which CTDOL is responsible.

G. Responsibilities of Applicant / Grantee.

When CTDOL is the eligible agency to submit the application, CTDOL will be both the grantee and the fiscal agency responsible for appropriate allocation of Employment Recovery DWGs for Dislocated Services Members funding to the affected areas.
ETA requirements of CTDOL application for Employment Recovery DWGs for dislocated service members and military spouses are the same as ETA requirements of applications for other Employment Recovery DWGs. Toward that end, CTDOL application must:
Provide a demonstration of a potentially large loss of employment in the state, which ETA defines as a …. in Connecticut.
Provide a rationale justifying the projected level of job loss in the state.
When CTDOL application is in response to an influx of a substantial number of individuals relocating away from the disaster area, ….
CTDOL allocation of Employment Recovery DGW funds. CTDOL, as recipient of Employment Recovery DWG award, carries out the allocation of funding as follows:
May sub-grant funds to the local boards and/or

May expend such funds through public and private agencies engaged in such projects, consistent with Guidance provided in a subsequent section of policy
Allocate funds quickly to affected areas and service providers to fulfill the purposes of the funding and to ensure that workers receive assistance.
H. Timing of Application Submissions for Employment Recovery DWGs for Dislocated Service Members

Timing of application submission for Employment Recovery DWGs for Dislocated Service Members and Military Spouses is the same as the timing of application submissions for all Employment Recovery DWGs.

Submission status is within 120 days of a qualifying layoff event: These submissions are to facilitate timely delivery of reemployment services to the affected workers. As the applicant, CTDOL would submit its application under the 120-day status when:
A target group of dislocated service members in Connecticut is eligible for assistance upon notification of layoff. Eligibility of the target group is established by the receipt of an individual layoff notice or the announcement date of the Armed Service plans for the layoff or the actual date of the layoff itself. Participant-level eligibility is addressed elsewhere in this policy.

Submission status is Emergency Status Application
Submissions of status are to address emergency circumstances or major disasters impacted dislocated service members and military spouses as quickly as possible. When CTDOL is the applicant:
The CTDOL application is streamlined and shorter, due to the emergency status of the circumstances which have been identified as qualifying lay-off events during disasters, including sudden or unexpected mass layoff events or other events and emergency conditions such as an unannounced closure of a military facility or the destruction of a place of Service Members' employment due to a fire (and major economic disasters of national significance).
The CTDOL emergency status application must be submitted no later than 15 days after the event occurs; otherwise, applicants should submit a full application.
At the discretion of the USDOL federal grant officer, emergency status applications from CTDOL may be accepted more than 15 days after the qualifying layoff event with appropriate justification.
Following the date of the emergency status award, CTDOL must submit a full application within 60 business days. By this time, CTDOL should have access to data and data analysis to support a full application.
Further Guidance: Application Submissions, Risk Review, Award Procedures

Application Submission
Applications for DWG funding are accepted at any time, provided the appropriated funding for the DWG program is available. The application must meet the requirements outlined in Section 170 of WIOA and implementing regulations at 20 CFR 687.100 - 200, and this DWG operational guidance. Applications not meeting the necessary requirements may be returned for revision, and applicants may resubmit an amended funding request.

For detailed instructions on applying for DWGs see https://www.doleta.gov/grants/application_howto.cfm.

DUNS and Sam.gov Registration

Submission requirements stipulate that all applicants for Federal grant and funding opportunities must have a Data Universal Numbering System (D-U-N-S®) number and must supply their D-U-N-S® number on the SF-424.

Before submitting their application, applicants must also ensure their registration with the System for Award Management (SAM) is current. Applicants may find instructions for registering with SAM at https://sam.gov/SAM/. A grantee must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. To remain registered in the SAM database after the initial registration, entities must review and update the registration at least every 12 months from the date of initial registration. Failure to register with SAM and maintain an active account will result in Grants.gov rejecting the application submission.

Risk Review
At its discretion, ETA intends to fund applicants who adequately demonstrate eligibility according to the application requirements. ETA may elect to award a grant with or without discussions with the applicant. Should ETA award a grant without discussions, ETA will base the award on the applicant's signature on the SF-424, including electronic signature, which constitutes a binding offer by the applicant.

NOTE: The Department will determine if the applicant had any restriction on spending for any ETA grant due to adverse monitoring findings within the past three years. Depending on the severity of the findings, the Grant Officer may elect to not provide the applicant a grant award or to impose conditions on the award.

All applications deemed to be complete and responsive by the Grant Officer will go through a risk review process. Before making an award, ETA will review information available through any OMB-designated repository of government-wide eligibility qualification or Federal integrity information, such as the Federal Awardee Performance and Integrity System (FAPIIS), Dun and Bradstreet, and "Do Not Pay." Additionally, ETA will comply with the requirements of 2 CFR Part 180 (Government-wide Debarment and Suspension Non-Procurement). This risk evaluation may incorporate results of the evaluation of the applicant's eligibility (application screening) or the quality of its application (technical review). If ETA determines that an entity is responsible and an award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. Risk-related criteria evaluated include:

1. Financial stability;
2. Quality of management systems and ability to meet the management standards prescribed in the Uniform Grant Guidance;
3. History of performance as evident in the applicant's record in managing awards, cooperative agreements, or procurement awards, if it is a prior recipient of such Federal awards, including timeliness of compliance with applicable reporting requirements and responses to terms and conditions, and if available, the extent to which any previously awarded amounts will be expended prior to future awards;
4. Reports and findings from audits performed under Subpart F – Audit Requirements of the Uniform Grant Guidance (2 CFR Sections 200.500 – 200.520) or the reports and findings of any other available audits and monitoring reports containing finds, issues of non-compliance, or questioned costs; and
5. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on recipients.

Selection of an organization as a recipient does not constitute approval of the grant application as submitted. Before the actual grant is awarded, the Department may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support grant implementation, as well as impose additional requirements on the grant-supported activities the applicant proposed. If the negotiations do not result in a mutually acceptable submission, the Grant Officer reserves the right to terminate the negotiations and decline to fund the application. The Department reserves the right to not fund any application related to this TEGL.

Award Procedures
Within 45 working days of the receipt of an application meeting submission requirements, the Department will make a decision to approve or disapprove the request. Awards are based on the availability of Federal funding, and are made at the Department's discretion. The Department will issue a notice of award for successful applications no later than 10 days following the Secretary's approval of the grant award.

Section 3: Implementation of DWGs

INTRODUCTION
Section 3 DWG Implementation Policy provides information and guidance for DWG grantees (award recipients) under implementation headings and subheadings for each of three categories of DWGs.
Section 3 is presented in overview form and continues under three main headings: one for each DWG category. Introduction provides Brief Statements of Purpose for Disaster Employment DWGs; Employment Recovery DWGs, and Subtypes / Special Populations of DWGs. With respect to each of these DWG categories and sub-types, information is provided on: Eligibility Determination; Allowable services and activities under the DWG-funding category; and other subheadings as appropriate under the corresponding type or subtype of DWGs.
I. Policy 3.0 Overview: Purpose of each Dislocated Worker Grant-funded category

Purpose: The overarching purpose of the DWG Project is to maximize positive outcomes for participants. Statements of purpose are provided below for each DWG funding category.

Statement of Purpose for Disaster Recovery DWG funding:
To create Disaster-Relief Employment (which is temporary employment) for eligible individuals
To conduct public assistance that aids FEMA clean-up and recovery efforts,
To deliver employment and training services that include "humanitarian assistance" to impacted areas and populations.

Statement of Purpose for Employment Recovery DWG funding:
To expand capacity temporarily to serve dislocated workers.
To meet the increased demand for Employment and Training services following a qualifying event.
Under 20 CFR 687.110(a)(5), the Secretary of the U.S. Labor Department may determine other major dislocations eligible for subtypes of DWGs, or for the category of Special Populations Employment Recovery DWGs.
Under Employment Recovery DWG funding there may be subtypes such as the Economic Recovery DWGs. Additional information follows immediately, below.
Statement of Purpose for Special Populations DWGs funding (which includes subtypes of DWGs funding):
To address needs of a specifically targeted group of dislocated workers, as program funds allow

ETA issues separate announcements with corresponding and specific guidance, as program funding allows, to respond to the needs of a population of targeted dislocated workers
ETA conducts limited competitions for Special Populations DWG awards; these awards may be made through subtypes of DWGs; for example, the Special Populations Dislocated Worker Grants for Dislocated Service Members is a subtype of the Employment Recovery DWG category.

I. Disaster Recovery Dislocated Worker Grants Implementation

Information is provided here for the recipient for the implementation of a Disaster Recovery DWG:
A. Legislation and Definitions pertaining to Disaster Recovery DWG awards.
Definition. Disaster Recovery DWGs provide funding for the creation of disaster- relief employment, which is temporary employment of eligible individuals for the purposes
Legislation. WIOA Section 170(b)(1)(B) and (d), as well as 20 CFR 687.180(b) and (c) sets forth the provisions for Disaster Recovery DWGs. Additional legislation, referenced in General DWG Policy, pertains to Disaster-Relief Employment Wage Setting and other labor-related matters.
Grantee. A grantee is the entity such as the state workforce agency or other entity or organization in the workforce system that receives a Dislocated Worker Grant award (DWG).
Synonyms for grantee are "grant recipient" and "award recipient."
Grantor. A grantor is the entity which awards the DWG grant funding.
Example. The grantor, US DOL ETA, awards Dislocated Worker Grants to the state of Connecticut through the state's designated grantee, CTDOL the state's workforce development agency.
B. Responsibilities of CTDOL: Implementation and Policy for Disaster Recovery DWGs

When the State of Connecticut is the grantee, the Connecticut CT Department of Labor has multiple responsibilities, including those detailed in General DWG Policies. CTOL exercises the authority of the State in the development of DWG policy development; implementation Disaster Recovery DWG-funded activities, Administration and Coordination and Allocation of DWG Funds. Covered here is a partial list of CTDOL grantee responsibilities:

1. To develop Temporary Disaster-Relief Employment in Connecticut and to provide other allowable activities, in response to demands.

2. To develop DWG Participant Eligibility policy:
a. to establish the requirements of DWG Participant Eligibility Determination and
b. to provide for exceptions to eligibility requirements in certain situations such as during a disaster.
i. CTDOL exceptions of policy may pertain to what is considered acceptable documentation that the local areas must collect to document participant eligibility.
ii. CTDOL exceptions may include a provision that acceptable eligibility documentation may initially rely on self-attestation; however,
iii. CTDOL policy must establish that the state eventually must collect all documentation necessary to demonstrate that each participant is eligible under 20 CFR 687.170(b).

3. To allocate DWG Funds in Connecticut, in accordance with ETA guidelines.

4. To perform Administration and Coordination

CTDOL must coordinate with state emergency management agencies and with appropriate organizations to avoid duplication and to ensure provision of activities are appropriately responding to the needs of disaster-impacted communities. General DWGs Policies provide more information (below).
To the extent feasible, CTDOL administers funds according to the highest priorities. must be in coordination with any projects administered by emergency management agencies, as described below under "Coordination with Emergency Management Agencies."

5. To conduct the allocation of Disaster Recovery DWG funds.
As grantee, CTDOL is responsible for Allocation of Disaster Recovery DWG funds, as follows:
May sub-grant funds to the local boards and/or
May expend such funds through public and private agencies engaged in such projects, consistent with Guidance provided in a subsequent section of policy
Must allocate funds quickly to affected areas and service providers to fulfill the purposes of the funding and to ensure that workers receive assistance.

C. Participant Eligibility Requirements.
Participant eligibility policy must be aligned with federal provisions and participant eligibility is based on the identifying individuals who are in specific situations, as set forth in 20 CFR 687.170(b):
1. an individual who is temporarily or permanently laid off as a consequence of the disaster;
2. a dislocated worker as defined at 29 U.S.C. 3102(3)(15);
3. a long-term unemployed worker; or
4. a self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency.

D. Allowable Grant Activities under Disaster Recovery DWG-funded Programs

Drawing from TEGl, pp.4-5, Disaster Recovery DWG-funded programs consist of three allowable grant activities: (1) Disaster-relief Employment; (2) Employment and Training Services; and (3) Supportive Services. Each of these three program components is described here. After descriptions of the allowable activities (1-3), guidance is provided on (4) Guidance on Enrollment and Co-Enrollment of Participants; (5) Performance Data Collection; and (6) Modification Requests for DWGs.
1. Disaster-relief employment
Under a Disaster Recovery DWG, Disaster-relief employment aligns with the two categories of assistance:
a. Clean-up and recovery efforts including demolition, repair, renovation and reconstruction of damaged and destroyed structures, facilities and lands located within the disaster area and in offshore areas related to the emergency or disaster. General DWG Policies provides detailed guidance regarding worksite selection when providing this type of assistance.
b. Employment related to the delivery of appropriate humanitarian assistance in the immediate aftermath of the disaster or emergency.

Disaster-relief employment is generally considered a required component, with the following exceptions*:

*Exceptions to Requirement to provide the Disaster-Relief Employment component. The Department, at its discretion, may choose to approve the provision of only the component of employment and training activities, only under certain circumstances (Information is edited from Policy Section 2: E qualifying events:)

i. Disaster Recovery DWGs awarded in response to non-Stafford Act disaster or emergency declarations are exceptions to the requirement. Disaster Recovery DWG awards under non-Stafford Act events involve circumstances and the nature of a disaster that do not allow for the clean-up and humanitarian temporary employment opportunities authorized by WIOA. Or,

ii. Disaster Recovery DWGs that are also an exception are awarded in response to relocations of an influx of significant numbers of individuals from a disaster-impacted area and where the grantee is not responding to the actual disaster (because it is in another geographic area), In this situation, the Disaster Recovery DWG provides employment and training services as the primary activity, as participants are outside of the disaster area. Where appropriate, this Disaster Recovery DWG may offer participants an additional program component, disaster-relief employment.

Participants Duties, Durational Placement Periods and Wages in Disaster-Relief Employment. Enrolled participants are placed in temporary positions at worksites of "enrolled employers," those employers specifically included in the original DWG application.
Duties of the temporary positions supported by Employment Recovery DWG funding are to provide:
a. Employment-related Assistance
b. Humanitarian support services
Humanitarian assistance generally includes conducting actions designed to save lives, alleviate suffering, and maintain human dignity in the immediate aftermath of disasters. This assistance includes activities such as the provision of food, clothing, and shelter.
The humanitarian assistance provided by disaster-relief workers must relate directly to immediate response to the disaster situation named in the DWG application and the Federal declaration.
Humanitarian support services are integrated into American Job Center. Humanitarian support services provided to disaster-impacted populations and communities may include:
Assistance with community rebuilding in disaster-affected communities
Assistance with obtaining permanent housing and
Assistance in obtaining food and clothing
c. Referrals for support services that help eliminate barriers.
When grant funding allows for covering the costs of outpatient care, as in the previously funded CT Recovers DWG grant, referrals are required for the participant to obtain care through an appropriate provider of services.
Durational periods of disaster-relief employment. Individual enrollment is for the participant's temporary employment. The participant's durational employment is limited to 12 months (or 2,080 hours), except when extended through approval of a modification request. (Refer to F. Modifications, below.)
Anticipated limited duration of needs for humanitarian assistance
While each disaster is different, ETA expects that most humanitarian assistance needs will resolve within 12 months of the disaster event, as disaster-affected communities rebuild, and their populations obtain permanent housing and no longer need assistance in obtaining food and clothing.
When humanitarian assistance needs or clean-up needs remain after the first-enrolled participants have reached their durational limits in temporary disaster-relief employment, a modification request may be submitted to extend the period of disaster-relief employment. (Refer to F. Modifications, below.)

Requirements of Enrolled Worksite Employers. Worksite employers of participants enrolled in temporary disaster-relief employment are required to pay the higher of the federal, state, or local minimum wage, or the comparable rates of pay for other individuals employed in similar occupations by the same employer. Guidance for DWGs references legislation regarding each wage compensation regulation (provided immediately below the Service Components.
Wages for temporary disaster-relief employment. Worksite employers of participants of Disaster Recovery DWGs are required to pay the higher of the federal, state, or local minimum wage, or the comparable rates of pay for durational disaster-relief employment as for other individuals employed in similar occupations by the same employer. Such rates must be in accordance with applicable law but in no event less than the higher of the rate specified. Where applicable, fringe benefits should be paid in accordance with the policies of the worksite employer.

The wages paid to temporary disaster-relief workers must be consistent with the wages of the supervising entity's other employees—permanent or temporary—performing the same or similar work. Where applicable, fringe benefits should be paid in accordance with the policies of the worksite employer.

Grantees must apportion DWG funding allocated for wages of the temporary workers to only the chosen worksite employer for the Disaster Recovery DWG project. There is no limitation on what type of entity may be a worksite employer.

DWG General Guidance provides additional detailed information about disaster-relief employment including humanitarian assistance.
2. Employment and Training Services.
Disaster Recovery DWG-supported projects provide employment and training services to dislocated workers and other eligible participants following a qualifying disaster or emergency. In Disaster-Recovery DWG funds may provide employment and training services regardless of an individual's participation in disaster relief employment.
Providing the allowable activities and setting participant goals. Disaster Recovery DWGs activities may occur concurrently, or one component may occur prior to the other. Some but not all participants of Disaster Recovery DWG projects are enrolled in the disaster-relief employment program component. Some participants may enroll only in the program component of employment and training activities and not in disaster-relief employment. In summary, the options for participation in Disaster Recovery DWGs are to be enrolled or co-enrolled as follows:

Disaster-relief employment only;
Employment and training activities only; or
Both disaster-relief employment and employment and training activities.

A general program goal of employment and training activities is aimed at allowing participants to obtain unsubsidized, sustainable employment by the conclusion of grant-supported activities and supported by the grantee, CTDOL.

Oversight of Disaster Recovery DWG implementation. As grantee, CTDOL conducts oversight to assess and determine that participant needs assessments are made and that participant enrollment occurs in disaster-relief

employment, employment and training services or both components; and provides oversight to assess and determine that participant needs assessments and enrollments in one or both program components are done in a manner that is most likely to result in successful outcomes.

3. Supportive Services. Supportive services are allowable in the following circumstances:
a. When they are needed to enable individuals to participate in disaster relief employment and employment and training services and
b. When supportive services cannot be obtained through other programs.
Supportive service policies for a disaster project must align with the state or local area supportive service policy; any supportive services provided must be consistent with WIOA. Refer to "D. Enrollment and Co-enrollment" for additional information pertaining to supportive services.

4. Participant enrollment and co-enrollment
As a grantee, CTDOL is oversees the enrollment of participants in disaster-relief employment and is encouraged by ETA to provide co-enrollment of those participants in employment and training activities and in supportive services as applicable.
Upon participant enrollment in any one service component, ETA encourages CTDOL implementation strategies that promote co-enrollment of participants in supportive services. Co-enrollment in supportive services is encouraged regardless of whether this was explicitly addressed in the CTDOL application.
5. Performance data collection requirements. For participants who only receive disaster relief employment, the same performance data collection requirements apply as for other DWG participants. However, participants who receive only disaster relief employment are not included in the primary indicators of performance unless they receive other allowable career and training services provided through the grant or through co-enrollment in another WIOA core or partner program that shares a common exit with DWG in the state's common exit policy.

6. Modifications of the original grant
As grantee, CTDOL may submit a request for modification of the original grant to USDOL; approval of the modification is based on the type of request and factors stipulated for approval. Two circumstances are provided for which modifications may be submitted approval:
i. a modification request to extend the period of durational disaster-relief employment.
Requests may be made to extend participant disaster-relief employment for up to an additional 12 months. The USDOL Secretary of Labor grants such an extension, based on the following factors:
a. There is an acceptable justification for the reason for extending participants' disaster-relief employment, as required under 20 C.F.R. 687.180(b)(1)
b. There is acceptable justification that humanitarian assistance needs remain beyond the original 12 months period of disaster-relief employment. The requirement for remaining human assistance needs that are to be addressed through extension of the temporary employment period is under 20 C.F.R. 687.180(b)(1).
Subsequent to approval of CTDOL modification request for an extended period to resolve the remaining needs for humanitarian assistance, CTDOL must make attempts to employ new eligible individuals in temporary disaster-relief positions to continue the work at hand rather than to extend the employment or provide re-employment of participants who have reached 12 months or 2,080 hours of disaster-relief employment.

ii. A modification request to add employers

In order to add employers to a DWG project not included in the initial grant award, CTDOL as grantee submits a grant modification request within the same program year in which the grant award was made. If as a result of an addition of new employers, a change would occur in scope to the DWG project, such additions may be prohibited by Federal appropriations law. As grantee, CTDOL must administer DWG projects for the original purpose under which the funds were awarded.

iii. A modification request for Additional Disaster Events.

Disaster Recovery DWG funds awarded to a grantee may be available for expenditure for additional declared disasters or situations of national significance that occur in the same program year the funds were awarded. The addition of disaster events to an existing DWG project requires prior approval from ETA through a grant modification request.

General Policies: Disaster Recovery DWGs

Limit on Disaster Relief Employment Duration, as covered in TEGL, pp 5-8, is provided above under the heading of this program component.

Participant Wages. Federal, state and local regulations apply to participant wage compensation, as covered above under Disaster-Relief Temporary Employment.

Legislation regarding labor and wage compensation. WIOA Section 181(a)(1)(A), generally, provides the rates of compensation of DWG participants in disaster-relief employment which must be at the same rates, including periodic increases, as employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable state or local minimum wage law additionally provide that such rates must be in accordance with applicable law but in no event less than the higher of the rate specified.

Worksite Selection. Disaster-relief worksites must be located in the geographic disaster area covered by the qualifying declaration for the Disaster Recovery DWG (a disaster or emergency declaration under the Stafford Act or other Federal agency's declaration of a disaster or emergency of national significance). The highest priority is given to the clean-up of the disaster area's most severely damaged public facilities and to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area.

Administration and coordination. This section provides guidance in addition to the information provided above under "CTDOL Responsibilities as Grantee." To the extent feasible, CTDOL administering of funds must be performed in accordance with the highest priorities and must be in coordination with any projects administered by emergency management agencies, as described below under "Coordination with Emergency Management Agencies."

Coordination with Emergency Management Agencies. As grantee, CTDOL must coordinate the activities funded under a Disaster Recovery DWG with the appropriate organizations, including state emergency management agencies, to avoid duplication of efforts and to ensure that its activities appropriately respond to the affected community's needs after a disaster. CTDOL must coordinate with Federal agencies handling the Federal response to the disaster or emergency, either through direct contact or contact with state agencies coordinating with these Federal agencies.

CTDOL must have a plan in place to recover WIOA funds expended for activities or services for which other funds become available. Examples include but are not limited to: activities/resources provided by FEMA or other Federal agencies; activities/ resources that become available through public or private insurance; and through the employment of construction workers by private for-profit firms whose work compensation is covered by other available resources.

DWG work conducted on private property. Prior approval of the grant officer is required before any disaster-relief employment work is conducted on private property. (TEGL, p.6). Disaster Recovery DWG Projects may include work performed on private property only under these circumstances:

1. The work must be intended to remove health and safety hazards to the larger community or to address or alleviate specific economic or employment-related impacts of the disaster, such as clean-up work needed for disaster-affected employers to resume operation;
2. The activities necessary to remove health and safety hazards on private lands or around homes or other structures may only return the land or structure(s) to a safe and habitable level, and not improve the original land or structure(s);
3. The project prioritizes service to older individuals and individuals with disabilities; and
4. Disaster Recovery DWG funds must not be used to cover the cost of materials to do repairs.

Humanitarian Assistance. The humanitarian assistance provided by disaster-relief workers must relate directly to immediate response to the disaster situation named in the DWG application and the Federal declaration.

DWG-funded disaster-relief workers must only provide humanitarian assistance appropriate under a Disaster Recovery DWG, focusing specifically on responding to the immediate impacts of a disaster, as declared by a Federal agency with jurisdiction over the Federal response to the disaster event. The provision of general humanitarian assistance that solely focuses on prevention and planning of future disaster events is not an allowable activity under a Disaster Recovery DWG.

ETA will allow activities that provide prevention and planning for future events only if these activities are incidental to responding to the humanitarian assistance needs created by the disaster. For example, where the disaster event is the contamination of the local water supply, an allowable humanitarian assistance activity could be installation of water filters to ensure access to clean water. These filters could protect the affected population from future contaminations, but a grantee may use DWG funds to cover their installation because this disaster-relief employment activity addresses a humanitarian assistance need caused by the current disaster event—lack of access to clean water. Due to the variable nature of disasters declared across Federal agencies, ETA will consider humanitarian assistance activities on a case-by-case basis.

Mitigation. Generally, disaster relief employment under Disaster Recovery DWGs will not be authorized for activities that are designed to mitigate future disasters. DWG activities may help mitigate the ongoing effects of the disaster and prevent future disaster only where such activities are necessarily part of temporary employment to clean up or provide humanitarian assistance to victims of the disaster or emergency that served as the grant's qualifying event. For example, DWG-funded disaster-relief employment may support installing a new tornado siren system to replace one destroyed by a tornado, but it cannot support installing a tornado siren system not previously available in the disaster-affected area. DWG funds may support mitigation work only within the requirements of WIOA Section 170(d)(1) for disaster relief employment.

Health and Safety Standards. In all DWG projects, grantees such as CTDOL must ensure that project participants follow the same health and safety standards established under Federal and state law applicable to working conditions of permanent employees. To the extent that state workers' compensation law applies, workers' compensation shall be provided to project participants on the same basis as individuals in similar employment, as required by WIOA Section 181(b)(4).
In cases in which a project participant is not covered under a state workers' compensation law, the project participant must be provided with adequate on-site medical and accident insurance for work-related activities. The grantee must also ensure that project participants receive appropriate safety training in accordance with the Occupational Safety and Health Act (OSHA) of 1970 and assure safe working conditions. For more information, contact the OSHA field office.

A listing of OSHA field offices is available at http://www.osha.gov/html/RAmap.html.

II. Employment Recovery DWGs: Implementation

Definition. Employment Recovery DWG funds are used to provide activities and services that are allowable under WIOA regulations: Career Services, Training Services, Supportive Services, and Needs Related Payments
WIOA Legislation and corresponding program components are as follows:
(1) WIOA Section 134(c)(2); 20 CFR Part 680; and TEGL 16-16 Section C provide for Career Services.
(2) WIOA Section 134(c)(3)(D) provides for Training Services that are allowable under Economic Recovery DWGs.
WIOA Legislation on WIOA Dislocated Worker formula program provides the delineation, limitations and requirements of the use of these program funds, as follows:
WIOA Section 134(c)(3)(D) presents the allowable reimbursement up to 50% of the wage rate for On-the-Job Training for WIOA formula programs

Section 134(c)(3)(H), 20 CFR 680.730 presents the allowable use of DWG funds for up to the reimbursement percentage that has been approved by the Connecticut state Governor and local board for on-the-job training for WIOA formula programs in accordance with criteria outlined therein.

Limitations or requirements are placed on the use of DWG funds for training, as applicable to 20 CFR 680.730, 20, CFR 680 and TEGL 19-16, Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules.
Needs-related Payments (NRPs) – Refer to (4) below.

(3) WIOA legislation provides for Supportive Services that are allowable for dislocated workers. Supportive Services provided under Employment Recovery DWGs must be consistent with WIOA; there are additional considerations, detailed below.
(4) WIOA DWG formula program legislation provides for Needs-related Payments (NRPs), a category of supportive services which may be delivered to several groups of dislocated workers (detailed below).
WIOA sets forth provisions under which NPRs are allowable, respectively, for various groups of participants:
(a) dislocated worker program participants, under WIOA Section 134 (d)(3);
(b) workers with disabilities, under WIOA Section 134 (d)(3)(B);

(c) Dislocated Workers who are either unemployed or as having ceased to qualify for unemployment compensation, with the determination of their eligibility under WIOA Section 134(d)(3)(B) and 20 CFR 680.950.

Allowable services and activities of Employment Recovery DWGs
Career services as implemented under Recovery Employment DWGs must be consistent with Career Services under WIOA programs. The Career Services component consists of multiple services and activities to help support dislocated workers to set and attain their goals for reemployment and education. Toward that end, Employment Recovery DWG Career Services are implemented in Connecticut to support participants in making informed decision-making about jobs and careers, with participant decision-making based on local and regional economic demand and aimed to achieve the participants' goals of reemployment and education goals.
Employment Recovery DWG Career Services and activities include but are not limited to:
Outreach and intake,
labor exchange services,
initial and comprehensive assessments,
development of an individual employment plan, referral, provision of labor market information,
provision of information on eligible training providers, and
provision of information on the availability of supportive services

Training services are allowable under the subtype, "Economic Recovery DWGs" (TEGL, p.11). Training services provided in Connecticut through Economic Recovery DWGs include but are not limited to:
occupational training

on-the-job training (including apprenticeships).

Cost reimbursements. As set forth in WIOA legislation and regulations, certain reimbursements of percentages of OJT wages are an allowable use of funds for training services under Economic Recovery DWGs by the State of Connecticut or other recipient of Employment Recovery DWGs funding:
Reimbursement of up to 50 percent of the wage rate for on-the-job training – or –
Up to the reimbursement percentage the Governor or local board has approved for on-the-job training for WIOA formula programs according to the criteria outlined in the applicable WIOA Section, as referenced above.

c). entrepreneurial training, and

customized training.

Supportive services
Supportive services are allowable when used to address certain conditions that would otherwise be insurmountable with existing resources:
supportive services are needed to enable individuals to participate in disaster-relief employment and employment and training services; and
supportive services cannot be obtained through other programs; and

when supportive service policies for a disaster project are aligned with the state or local area supportive service policy

Needs-Related Payments (NRPs)
As a category of Supportive Service, Needs- Related Payments (NRPs) are for the following individuals: dislocated worker participants; workers with disabilities; and Dislocated Workers who are either unemployed or have ceased to qualify for unemployment compensation and determined eligible as long as these DWs meet the 13-week deadline for enrollment in training requirement under WIOA.

As applicable to any award recipient, when CTDOL is the award recipient of a Recovery Employment DWG, implementation plans may include the acceptable provisions of Needs-Related Payments (NRPs) to Employment Recovery DWG participants.
a). It is required for needs-related payments in Connecticut to be provided in a manner that is compliant with CTDOL Needs-Related Payments Policies and Procedures (which is the set of policies required for submission with the Employment Recovery DWG application ultimately selected for an award).
b). It is not acceptable for any award recipient in Connecticut to create NRPs Policies and Procedures specifically for DWG participants. The administration of NRPs must adhere both to CTDOL policies and procedures that are in place for all participants and also to local policies and procedures.

Adding Employers
If as grantee, CTDOL wants to add employers to a DWG project not included in the initial grant award, CTDOL should submit a grant modification request within the same program year in which the grant award was made. If as a result of an addition of new employers, a change would occur in scope to the DWG project, such additions may be prohibited by Federal appropriations law. Grantees must administer DWG projects for the original purpose under which the funds were awarded.
Award Recipient Responsibilities
As recipient of Employment Recovery DWG funding, state authority is exercised through CTDOL in attending to the following grantee responsibilities:

CTDOL, as recipient, will be both the grantee and the fiscal agency responsible for appropriate allocation of funding to the affected areas.
CTDOL, as the direct recipient of WIOA Dislocated Worker (DW) formula funds, must ensure that the applicant coordinates with the state's Rapid Response efforts for which the state workforce agency is responsible.
In the event that entities other than the state workforce agency are the award recipients, the entities are responsible for working collaboratively with the state in coordinating with the state's Rapid Response efforts.

Employment Recovery DWGs and Trade Adjustment Act (TAA)

This section provides definitions of terms relevant terms to the TAA Program, a summary of the TAA program and co-enrollment of TAA participants; components of TAA services and assistance for eligible TAA participants; and components of the Employment Recovery DWG program services and activities which, under certain circumstances, are available to TAA participants and who should thus be co-enrolled in the DWGs. Eligibility guidelines are provided for enrollment in TAA and for enrollment and co-enrollment in the

Employment Recovery DWG. Eligibility guidelines are applicable for this and other subtypes of Employment Recovery DWGs.

Definitions

Trade Adjustment Assistance (TAA) refers both to an act of legislation (TAA Act) and to a program (TAA). TAA Program provides services and assistance to eligible workers and eligible incumbent workers who are adversely affected by trade. The TAA program has several components of program services and assistance and the TAA program identifies specific types of eligible trade-affected worker that are eligible for each component, respectively. The components of TAA services and assistance (described below) are consistent with WIOA program services. Assistance to trade-affected workers often involves participation in a TAA program approved training program. Legislation contains specific provisions for the payment of the costs of a TAA-approved training program.

Co-enrollment. ETA strongly encourages co-enrollment with appropriate programs for eligible individuals, including those who are trade-affected. More information is provided below.

Legislation. TAA Governor-Secretary Agreement, Section D, sets for the requirement that the TAA Program must be the primary source of assistance to trade-affected workers. The TAA Act, as amended, contains provisions under Sections 236 and 239 pertaining to payments for the costs of a TAA-approved training program.

Approach to funding. Legislation (above) provides TAA-related information; additional information is provided above under Employment Recovery DWGs approach to funding.

Qualifying events. For the TAA program, the qualifying events are the adverse impact of trade on workers, who are subsequently referred to as “trade-affected workers”.

E. Allowable use of funds

1. Allowable Use of TAA funds only. By legislative requirement, TAA funds must be used as the primary source of assistance to trade-affected workers, and TAA funds are the primary source for payments of the costs of training program approved under the TAA Act. Assistance from other sources is allowable including the payments of TAA-approved training programs under certain circumstances and in accordance with the following legislative stipulations:

TAA does not allow duplication of payment of training costs

TAA does allows in certain circumstances, the sharing of costs of training across TAA and DW formula or DWG programs.

TAA funds may not be used by states to reimburse training costs that have already been incurred TAA funds cannot be utilized before a participant is determined eligible for TAA. To the extent trade-affected workers require assistance or services not authorized under the TAA Program, or for which TAA Program funds are unavailable or insufficient (including for required employment and case management services), the state will make such assistance available through the American Job Center network. This provision includes services provided by DWGs.

Allowable use of TAA funds and Employment Recovery DWG funds.

DWG funds may be used to provide DWG participants who are trade-affected with DWG-allowable services that are not otherwise provided by the TAA program.

DWG funds may also be used to provide DWG-allowable assistance to trade-affected workers in the following ways:
Cost-sharing of program training costs may occur across TAA and DW formula funds under certain circumstances.
DWG-funded training may be provided to trade-affected workers whose required training is not authorized under TAA.
CTDOL makes assistance and services available through American Job Center network for trade-affected workers to the extent that:
trade-affected workers require assistance or services that are not authorized under TAA act or
TAA program funds are unavailable or insufficient to cover costs of TAA program components (including required components: employment and case management services).
Through this provision, services made available through CTDOL includes services provided by DWGs.

Disallowed use of TAA funds:
TAA funds may not be used by states to reimburse for already-incurred training costs
TAA funds may not be used before TAA participant eligibility is established

When trade-affected workers require training not covered by the TAA Program Funds

Employment Recovery DWG allowable use of funds may include the provision of assistance to trade-affected workers to obtain required training under certain circumstances; however, under other circumstances, the use of these funds to cover training costs of TAA participants is not allowable. Three scenarios are provided to illustrate three specific circumstances in which the allowable use of DWG funds is to cover training costs.

Scenario #1:
Trade-affected workers are unable to begin the training program immediately; other source of funds is needed to cover their immediate start-up training costs.

Allowable use of Employment Recovery DWG funds under these circumstances:

DWG funds may cover training costs for a limited time period as long as stipulations are met:
Grantees can demonstrate that they have systems in place to accommodate a change in the funding of training as needed.
Grantees can verify that the delivery of the training is through a training provider that is eligible under both the TAA and the WIOA program requirements, and
The training approvable under the TAA Program, as required.

Scenario #2:
A TAA petition has been filed by or on behalf of a group of workers but group eligibility has not yet been determined

Allowable use of Employment Recovery DWG funds under these circumstances:

DWG funds may be cover TAA approved training costs in the short-term except as follows:
When certification is rendered after a completed TAA investigation, and
determination of the worker's individual eligibility is made by the state agency operating the TAA Program.
Grantees must have systems in place to accommodate a change in the funding of training, after TAA Program approval is obtained.
Participant's co-enrollment in the DWG and the TAA Program remains in place, as the individual may need continued DWG career services and DWG supportive services provided through the Employment Recovery DWG.

Scenario #3.
Sufficient state TAA funds and sufficient WIOA DW formula funds are not available to provide training to the affected workers.
Allowable use of Employment Recovery DWG funds under these circumstances:
A grantee may use these DWG funds to provide training.

For more information and other specific federal requirements on the TAA Program, see https://www.doleta.gov/tradeact/. Refer to CTDOL TAA Policy for more information about state-level requirements.

TAA Participant Eligibility, Enrollment and Co-Enrollment:

Determination of TAA Participant Eligibility.

TAA program eligibility is determined for the following individuals who may be eligible for TAA participation: (1) workers adversely trade-affected; and (2) incumbent workers adversely trade-affected.

When TAA eligibility is determined, eligible TAA participants have access to TAA program components, as follows:

Eligible workers who are adversely trade-affected may access four components of TAA:
employment and case management services
training
income support, and
job search and relocation allowances

Eligible incumbent workers adversely trade-affected may access two components of TAA:
employment and case management services, and
training

Enrollment and Co-Enrollment of Trade-Affected Workers in TAA and DWGs

Trade- affected workers may be considered DWG workers under Employment Recovery DWGs. There is no longer an ETA requirement for a separate DWG application to cover trade-affected workers. Co-enrollment of TAA participants is encouraged by ETA. Given the ETA encouragement, CTDOL promotes the co-enrollment of participants in Employment Recovery DWGs who are already enrolled in the TAA program as individuals adversely affected by trade.

III. Special Populations Dislocated Worker Grants: Implementation
Employment Recovery Dislocated Service Member DWGs.
Drawing from the from TEGL 12-19, the available information on Special Populations DWGs pertains to the Dislocated Service Members DWGs. TEGL information for the applicant is provided in Policy Chapter II: Section III Special Populations DWGs/ Submission of Applications for Employment Recovery DWGs for Dislocated Service Members. TEGL guidance is for the award recipient to implement the same framework that was described for Employment Recovery DWGs (Refer to Policy Chapter II.) Implementation policy and procedures must be aligned with the nature of the special populations to be served through the Special Populations DWG award. Most relevant to the award recipient are the following pieces provided from the TEGL: Legislation; Definitions of Terms; and Eligibility Determination of Dislocated Service Members, which are described here:
Legislation 20 CFR 687.170(a)(1)(iv) provides eligibility determination of Dislocated Service Members for participation in the Employment Recovery DWGs.
Definitions.
"Dislocated members of the Armed Forces" are described as:
Service Members who are transitioning to the civilian workforce, including recently separated veterans and also dislocated members of Armed Forces who were discharged under conditions other than dishonorable.
(2) "Dislocated spouses of members of the Armed Forces on active duty" are described as
Individuals considered to be "Dislocated Spouses" are generally those spouses of service members who have experienced a loss of their own employment as a direct result of their having relocated to accommodate a permanent change in the service member's duty station (their spouse's permanent change in the military duty station).

Eligible Participants and Determination of Eligibility Employment Recovery Dislocated Service Member DWGs
One subgroup of special populations, U.S. Service Members and their spouses. This population is described by categories of individuals whose eligibility is determined accordingly.
(1) Dislocated members of the Armed Forces are determined eligible when they meet the description provided above
(2)"Dislocated spouses" are determined eligible under the following circumstances:
a spouse who is a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced—as determined by statutes or policies of the state or local area for defining "significantly reduced"— because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member; and

a spouse who is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment (see WIOA sections 3(15)I and 3(16)(A) and (B)); or

(3) A member of the Armed Forces is determined eligible who
i. was on active duty or full-time National Guard duty (as defined in 10 U.S.C. 1141) and is involuntarily separated, or is separated under the special separation benefits program at 10 U.S.C. 1174(a) or the voluntary separation incentive program at 10 U.S.C. 1175;

II. is not entitled to retired or retained pay incident to the separation; and

III. applies for employment and training assistance within 180 days of separation.

Further guidance is available in Policy Chapter II: Employment Recovery DWGs.
Questions are inquiries may be directed to ETA.

SECTION 4 Cost Limitations, Indirect and Direct Administration, and Administrative Policies

Section 4 provides information and guidance relevant to applicants and to award recipients of DWGs. Section 3 is drawn from Uniform Guidance (TEGL 3/18/2020, pp.15-17).

Legislation and legislative requirements.
All proposed project costs must be necessary, reasonable, and in accordance with Federal guidelines. ETA determination of allowable costs is conducted in accordance with the Cost Principles, now found in the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), codified at 2 CFR Part 200 and at 2 CFR Part 2900 (Uniform Guidance-DOL specific).
Disallowed costs are those charges to a grant that the grantor agency (USDOL) or its representative determines not to be allowed in accordance with the Cost Principles or other conditions contained in the grant. Applicants, whether successful or not, will not be entitled to reimbursement of pre-award costs.
WIOA Legislation. Title I functions and activities that constitute administrative costs are identified at 20 CFR 683.215.

Definitions.
Administrative costs include both direct and indirect costs. Administrative Costs and Cost Limitations apply to all DWG applications and awards.
Indirect Costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective.

Options to Claim Reimbursement of Indirect Costs:
An indirect cost rate is required when an organization operates under more than one grant or other activity, whether Federally-assisted or not. Grantees have two options to claim reimbursement of indirect costs.

Option 1:
Legislation: Option 1 is under NICRA (see 2 CFR Part, 200 Appendix VII) or Cost Allocation Plan (CAP, see 2 CFR Part 200 Appendix V)
Grantees with existing NICRA / CAP may use a Negotiated Indirect Cost Rate Agreement supplied by the Federal Cognizant Agency.

Grantees without NICRA/CAP or grantees with pending NICRA/CAP may in either case choose to include estimated indirect costs in the program budget.
Awards, Release of Funds, and Modifications. At the time of award, the Grant Officer will release funds in the amount of 10 percent of salaries and wages to support indirect costs. Within 90 days of award, grantees must submit an acceptable indirect cost proposal or CAP to its Federal Cognizant Agency to obtain a provisional indirect cost rate. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)
Option 2:
Legislation. Any organization that has never received a negotiated indirect cost rate, with the exceptions noted at 2 CFR 200.414(f) in the Cost Principles, may elect to charge a de minimis rate of
10 percent of modified total direct costs (see 2 CFR 200.68 for definition), which may be used indefinitely.
Requirements: If a grantee choose this option, this methodology must be used consistently for all Federal awards until such time as it chooses to negotiate for an indirect cost rate, which the grantee may apply to do at any time.
Submission Requirements for Reimbursement of all DWG Indirect Costs. Indirect costs charged to any DWG grant must be accompanied by a current NICRA or CAP that was approved by the cognizant Federal agency.

Administration and Cost Limitations.

ETA applies administrative cost limitations to all DWGs, as follows, which are subject to negotiation during application review and grant award and modification processes.
1. CTDOL acts with the authority of the state of Connecticut and is the recipient of the DWGs to the state. When one or more local areas operate the DWG project, CTDOL is authorized to retain up to five percent of the award amount for administrative costs, and the project operator(s) may retain up to 10 percent of the award amount (for a total of 15 percent of the award).
2. When CTDOL is the DWG recipient and is also acting as project operator, CTDOL submission of the total administrative costs must not exceed 10 percent.
3. When an entity is a local area (not the state workforce agency) and is also the DWG recipient, the entity's submission for total administrative costs must not exceed 10 percent.
4. ETA will negotiate administrative cost limitations with all other DWG recipients.

Cost Per Participant
Additionally, ETA will assess the overall cost per participant associated with DWG funding requests, which is the total funding request divided by the number of participants projected to be served by the grant. This cost accounts for participant services and administrative costs across total enrollments. While this is not a stand-alone metric, it may provide a baseline measure for the reasonableness of the funding request when assessed in conjunction with other components of the DWG's proposed implementation.
ETA Considerations in assessing the cost per participant analysis. ETA may consider one or more of the following for the cost-per- participant analysis in Employment Recovery and Disaster Recovery DWGs.
In general, DWG projects should offer services comparable to the services received by individuals being served by the State's Dislocated Worker formula-funded program. If the proposed project has a cost per participant that is significantly higher than similar DWG projects, or higher than the average Dislocated Worker formula fund cost per participant, the applicant may be required to submit additional narrative to justify the proposed costs.

The cost per participant for each DWG-funded service must reflect the scope of the project, based on the number of participants receiving each service, and the types of services provided. In particular, training or supportive services costs that exceed the costs of similar past DWG projects are subject to additional scrutiny and may also require the submission of additional narrative to justify the proposed costs.

For Disaster Recovery DWGs, the cost per participant may be assessed against the same cost exhibited in other disaster projects similar in size, scope, and geographic area served. The cost per participant for a disaster project accounts for the wages, fringe benefits, and supportive services provided to the disaster relief participants, as well as the administrative costs of the project, collectively allocated across total enrollments.

4. For Employment Recovery DWGs, the cost per participant may be assessed against the cost per participant of previously awarded DWGs similar in size, scope, and geographic area served. Justification must be made in the application for any cost per participant that is significantly higher than similar DWG projects, or higher than the average Dislocated Worker formula fund cost per participant. The applicant may be required to submit additional narrative to justify the proposed costs.

Administrative Policies

Waivers

The Department cannot waive the statutory and regulatory requirements of DWGs, which are outside the waiver authority at WIOA Section 189(i). However, under 20 CFR 687.190, if a WIOA statutory or regulatory waiver already has been approved for a state's formula-funded WIOA programs, it may be applied to DWGs carried out in that state. A grant application seeking to apply the waiver must include a description of the approved waiver and request that it be applied to the DWG. The Department will consider such requests as part of the overall DWG application review and decision process, but applicants may not use this process to request new waivers. The process for requesting a WIOA waiver is separate from the DWG application process. See TEGL 8-18, Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process, for instructions on requesting a WIOA waiver.
Similarly, grantees may request already-approved statutory or regulatory waivers for a state's formula- funded WIOA programs be extended to their DWG through a grant modification request. This modification request also must describe the waiver and request application of the waiver to DWG.
In requesting that an already-approved waiver be applied, a DWG application or modification must include a copy of the relevant waiver approval letter(s) addressed to the Governor.

Veterans' Priority
DWGs are subject to the provisions of 38 U.S.C. 4215, which provides priority of service to veterans and eligible spouses in all Department of Labor-funded job training programs. Veterans and eligible spouses who meet DWG eligibility will receive priority of service for training made available under DWGs as described in TEGL No. 10-09, "Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)."

Consistent Services
On projects with multiple regional, local, or state sub-recipients, ETA will award the DWG to one entity designated as grant recipient. The project should be designed to operate under a consistent set of service

policies and procedures. An agreement must be executed among all of the involved eligible applicants and the agreement must designate one of the entities to be the grant recipient, as well as identify the service policies and procedures that will apply. The provision of employment and training assistance through DWGs must reflect the activities authorized at Sections 134© through (d) of WIOA and 20 CFR Part 680 and at 20 CFR 687.180. The particular services to be provided in a project are negotiated between the Department and the grantee, taking into account the needs of the target population covered by the grant, and may be changed through grant modifications, if required. Generally, the supportive services provided through a DWG must be consistent with the local policies applicable for the provision of such services using Dislocated Worker formula funding. This includes needs-related payment levels and the duration of payments.

Early Intervention and Rapid Response
ETA recognizes the value of early intervention as a critical component of successful workforce transition efforts. Typically carried out by state or local Rapid Response teams, early intervention activities have shown to be important in helping workers affected by dislocations to return to new employment as quickly as possible. For Employment Recovery DWGs, early intervention activities are important in gathering demographic information and identifying the needs and interests of affected workers. Therefore, DWG applications should reflect the results of the early intervention processes and strategies, including business engagement efforts. Projects should use the appropriate methods, including surveys, to collect assessments, demographic information, and interest in participating in services. This data provides a rationale for enrollment estimates and justifies that proposed grant activities will meet the needs of the participants.
To maximize the effectiveness of early intervention strategies for dislocated workers, and to deliver services while a DWG application is pending, states are encouraged to use the flexibility contained in WIOA to provide comprehensive rapid response services, when funds are available. DWGs are part of a continuum of services addressing the workforce and economic impacts of substantial job loss, a continuum that aligns strategic workforce development planning with economic development priorities. Where possible, states and local workforce areas should focus on preventing or minimizing the impacts of dislocation through layoff aversion efforts under the Rapid Response program prior to requesting supplemental funds through a DWG. More information on Rapid Response and allowable layoff aversion activities may be found in TEGL 19-16.

When funds are available, states should consider providing additional assistance through Rapid Response, per 20 CFR 682.350, to local areas impacted by significant layoffs to allow the local area(s) to start delivery of individualized reemployment assistance as soon as dislocated workers become eligible for WIOA services.

Other Terms
The Department may negotiate and fund projects under terms other than those specified in these DWG guidelines when applicants can demonstrate that such adjustments will achieve a greater positive benefit for the workers and/or the communities assisted and provided the altered terms are allowable under WIOA and 20 CFR part 687.

Section 5 Further Guidance
Further Guidance includes: Performance Targets and Reporting; and Post-Award Policies

Performance Goals
For grantees that are states or outlying areas, state performance goals for the title I WIOA Dislocated

Worker program serve as a basis for each DWG's performance goals. ETA negotiates with states to determine acceptable performance targets for the title I Dislocated Worker program, including the use of statistical regression model targets.

These goals will be used for DWGs goals unless applicants request additional considerations in setting performance targets for an individual grant. Grantees that are local areas utilize goals negotiated with the state for the title I Dislocated Worker program. Grantees that are entities described in WIOA Section 166(c) Indian and Native American program should use goals established for that program as a basis for DWG performance targets. Goals approved in the DWG application serve as final performance targets. For all other eligible entities that are grantees, goals approved in the DWG application serve as final performance targets. As mentioned in Section 3, previous performance in the title I Dislocated Worker program and previous DWGs may be a factor in ETA's grant funding approach.

Reporting
DWG grantees must submit Quarterly Performance and Quarterly Narrative Reports in accordance with TEGL 14-18, Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL), Attachment 6.

Further resources and information on DWG performance are available on the DWG performance web page, https://www.doleta.gov/DWGs/Performance-and-Reporting-Resources/.

DWG grantees must submit financial reports using the ETA-9130 (G) Financial Report, including training expenditures under Section 11c. Guidance and instructions are available at the following link: https://www.doleta.gov/grants/financial_reporting.cfm.

Post-Award Policies
DWG recipients must request and obtain prior written approval for revisions to a grant project, per the Uniform Guidance at 2 CFR 200.308. In order to request such changes (e.g., statement of work changes, budget realignments, and period of performance extensions) recipients must submit modifications to address the changing circumstances affecting the project's implementation. Recipients must also submit DWG modifications to respond to special conditions of award, or to request incremental or supplemental funding. For additional information on the DWG modification process, go to the following link: https://www.doleta.gov/grants/application_howto.cfm

Grantees must adhere to the Project Implementation Plan submission requirements of their respective regional office. Unless otherwise specified by the regional office, each grantee must develop an implementation plan to reflect the approved project design and funding parameters in the grant award. The grantee must complete the implementation plan within 60 calendar days following grant award and transmit it to the Federal Project Officer upon completion.

41. INCENTIVES

YOUTH INCENTIVES

Incentives are allowable under Workforce Innovation and Opportunity Act of 2014. Incentives are used to provide incentives for recognition and achievement to eligible youth and must be tied to program goals on the youth's Individual Service Strategy and provided in accordance with the requirements in 2 CFR 200.

20 CFR 681.650

Youth Service Providers are encouraged but not required to provide incentives. Youth Service Providers may determine whether or not to provide an incentive award however if they choose to provide incentive awards they will base the award amount on their fund availability. Incentives, both non-cash and cash incentives must be in an amount that is consistent to each youth receiving an incentive for their achievement; for example if the Youth Service Provider determines that the amount awarded for attainment of one goal is $10, then all youth achieving that goal and receiving an incentive award will receive $10.

Awarding of incentives is a means to encourage participation, achievement and attainment of individual goals that lead to success and completion of a secondary school diploma or its equivalent. **Incentives may also be awarded to youth who have successfully completed the WIOA program and obtained full- time unsubsidized employment.**

Incentives may be given to youth if the provision of an incentive is included in the participant's Individual Service Strategy. The ISS should describe the plans for preparing the youth for post-secondary education and/or employment, finding effective connections to the job market and employers, and understanding the links between academic and occupational learning, and setting and achieving goals, and for providing incentives as appropriate to youth who achieve goals. **Service providers must also document the plans for providing incentives based upon the youth attaining one or more of the goals described in this policy and documented in the youth's case notes.** The youth must be an active participant in the WIOA Youth program in order to receive an incentive.

DISLOCATED WORKER AND ADULT INCENTIVES

Incentives may be provided to eligible WIOA Title I-B Adult and Dislocated Worker Program participants to recognize the achievement of milestones directly related to training services. All incentives are based on the availability of funding.

a) Incentive Criteria
   i) Incentives may be awarded to participants upon:
      (1) Progress, achievements, or milestones in a training-related service;
      (2) Completion of a training-related service to include occupational skills training, on-the-job training, customized training, and work readiness and workforce preparation training;

(3) Receipt of a recognized credential related to a training service provided prior to exit from the program. The incentive can be provided during participation or within one year after exit.

WDB POLICY FOR YOUTH, ADULT AND DISLOCATED WORKERS

a) § 681.640

i) Incentives 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. (**2 CFR Part 200)**

ii) US DOL has also clarified that incentives are not allowed for activities such as recruitment, submitting eligibility documentation.

iii) Incentive awards may be non-cash (not redeemable for cash) or cash incentives.

(1) Non-cash incentives: Examples of the types of items that could be awarded as non-cash incentives include but are not limited to:

(2) Gift certificates (retail and bookstores)

(3) Plaques

(4) Credentials

(5) Cap and gowns

(6) Class pictures

(7) Class ring

(8) School supplies/calculators

iv) Cash incentives

(1) The cash incentive awarded to a participant within a program year (July 1st through June 30th) is based on limitations set by local WDB policy.

b) Incentive Payment Amounts

i) Workforce Development Boards must establish a local policy for limitations of funding amounts and defining the milestones for incentives. CTDOL recommends an incentive should not exceed a Workforce Board's cost per participant.

(1) Refer to suggested milestones or examples within applicable Youth, Dislocated Worker, and Adult sections above.

ii) WDB policy which should include distribution method (check, cash mailed or sent electronically, etc.) and any potential caps to payments within a time period based on funds available.

iii) CTDOL also recommends the following milestones as suggestions but can review other WDB milestones for consideration:

(1) Completion of Work Readiness Skills Training

(2) Completion of Workforce Preparation Skills, Occupational Skills, or On-the Job Training

(3) Attainment of a Recognized Credential

c) Documentation & Tracking

i) Justification for all incentive payments must be documented in CTHires case notes and the individual employment plan. Staff must document:

(1) How the incentive payment will contribute to the participant's success; and

(2) How the incentive payment was calculated

ii) All incentives must comply with 2 CFR 200 (e.g., federal funds must not be spent on entertainment).

iii) Appropriate and identifiable expenditure records of incentive payments for the purposes of local, state, and federal monitoring/audits must be internally maintained.

iv) Staff must safeguard cash cards, gift cards and other like items in accordance with internal controls as defined in WDB fiscal policies.

FORMS OF PAYMENTS FOR WIOA YOUTH PROGRAM PARTICIPANTS

The Workforce Innovation and Opportunity Act (WIOA) youth program allows for several types of payments for participants engaged in activities such as work experience, occupational skills training, classroom activities and more.

The two main types of compensation are wages and stipends. A third, but distinct, type of payment is an incentive, which may be given to youth to reward positive behavior towards achieving goals.

Incentive payments may not be used to recognize attendance in any activity, and are not considered to be stipends. Incentives must be tied to a measurable achievement of milestones such as completion of all components of a work experience, acquisition of a credential, or achievement of another specific goal documented in the ISS.

No part of this policy should misconstrue incentive payments as an alternative for wages or stipends for hours of performed work.

Subrecipients should consult with the Connecticut Department of Labor's Wage and Workplace Standards Division. Administrative Regulations are accessible via this URL with additional information copied below: https://www.ctdol.state.ct.us/wgwkstnd/laws-regs/adminregs.htm

LEGAL USE OF FEDERAL FUNDS

WIOA funds may not be used to help participants or employers fill positions that promote or support the use, possession or distribution of marijuana.

42. PROGRAM PERFORMANCE REPORTING REQUIREMENTS

20 CFR 677.155 the primary indicators of performance under the Workforce Innovation and Opportunity Act

Requires that CTDOL must propose expected levels of performance for each of the primary indicators of performance for the adult, dislocated worker, and youth programs authorized under WIOA title I; the AEFLA program authorized under WIOA title II; the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III; and the VR program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV.

Primary indicators of performance

The six primary indicators of performance for the adult and dislocated worker programs, the AEFLA program, and the VR program are:

1. The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program;

2. The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program;

3. Median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program;

4.

(A) The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training [OJT] and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within 1 year after exit from the program.

(B) A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program;

5. The percentage of 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 skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending upon the type of education or training program, documented progress is defined as one of the following:

(A) Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;

(B) Documented attainment of a secondary school diploma or its recognized equivalent;

(C) Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards;

(D) 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

(E) 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.

6. Effectiveness in serving employers.

CT is required to select from two of three approaches in considering Effectiveness in serving employers. CT has selected the following approaches:

Approach 1 – Retention with the Same Employer
Percentage of participants with wage records who exit and were employed by the same employer in the second and fourth quarters after exit.

Methodology:
The number of participants with wage records who exit during the reporting period and were employed by the same employer during the second quarter after exit and the fourth quarter after exit DIVIDED by the number of participants with wage records who exit and were employed during the second quarter after exit.

For this measure, States must report on data element 1618 (Retention with the Same Employer in the 2nd Quarter and the 4th Quarter) in the WIOA Joint PIRL. This data element is calculated based on information included in the wage record matches for participants in their fourth quarter after exit. This means that the only participants who are included in this approach are those for whom a wage record match is available. In order to count as a “yes” for this measure, the participant must have the same establishment identifier (such as an employer FEIN or State tax id) in both the second and fourth quarters after exit. This creates the numerator for this measure. The denominator for this measure is calculated based on those participants with wage records who were employed in the second quarter after exit.

Data on employee retention for all participants who received ETA-funded WIOA program services will be collected by the American Job Centers and reported at the State-level by the SWA. Outcomes for title II AEFLA participants who are co-enrolled And receiving career services through the American Job Center would also be captured in that set of data. Data on title IV VR participants will be collected at the State level, through the State VR agency, and submitted to the SWA, which will aggregate both sets of information to provide one shared outcome for this approach.

Approach 3 – Employer Penetration
Percentage of employers using WIOA core program services out of all employers in the State.

Methodology:
The total number of establishments, as defined by the BLS QCEW program, that received a service or, if it is an ongoing activity, are continuing to receive a service or other assistance during the reporting period DIVIDED by the total number of establishments, as defined by BLS QCEW. This measure is a unique count of employers using WIOA core programs. If an establishment receives, or continues to receive, more than one service during the reporting period (i.e., during the program year), that establishment should be counted only once in this calculation.

For this measure, States must report data elements E1 and E2 found in "WIOA Effectiveness in Serving Employers' Data Elements and Specifications" part of the WIOA joint reporting requirements (see **Attachment 4, Table A** for the data elements and their definitions). For employers with more than one physical location, the QCEW reports each work site as a separate establishment and therefore, the total number of business establishments receiving services should be counted this way.

Participants For purposes of the primary indicators of performance participant will have the meaning given to it in 20 CFR 677.150(a), except that -

Youth Performance Measures

For the youth program authorized under WIOA title I, the primary indicators are:

(1) Percentage of participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program;

(2) Percentage of participants in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program;

(3) Median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program;

(4) The percentage of those participants enrolled in an education or training program (excluding those in OJT and customized training) who obtained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within 1 year after exit from the program, except that a participant who has attained a secondary school diploma or its recognized equivalent is included as having attained a secondary school diploma or recognized equivalent only if the participant is also employed or is enrolled in an education or training program leading to a recognized postsecondary credential within 1 year from program exit;

(5) The percentage of 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 skill gains, defined as documented academic, technical, occupational or other forms of progress towards such a

credential or employment. Depending upon the type of education or training program, documented progress is defined as one of the following:

(A) Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;

(B) Documented attainment of a secondary school diploma or its recognized equivalent;

(C) 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;

(D) 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

(E) 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.

Negotiating State and Local Levels of Performance

Use of the Statistical Adjustment Model in the Negotiation Process: Under WIOA, the statistical adjustment model, established by the Secretaries, will be used to ensure that the negotiated levels of performance are based on the actual economic conditions and characteristics of participants. Select labor market factors in the model include differences in unemployment rates and job losses or gains in particular industries. Characteristics of participants include indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency. The Departments emphasize the critical importance of the statistical adjustment model in the performance negotiation process under WIOA in addition to acknowledging that the model will be refined with ongoing use and application using pertinent data.

The initial statistical adjustment model was developed based on historical data reported by States against the Workforce Investment Act of 1998 (WIA) performance measures, which were used as a proxy for WIOA data. WIOA data were reported by the States for PY 2016 in October 2017; however, due to the timing of the data availability, limited performance outcomes were available.

The statistical adjustment model will provide two major functions in performance negotiations and assessment. First, it is one of the factors used when reaching agreement with the States on the negotiated levels of performance. It is used to account for the expected economic conditions and the expected characteristics of participants to be served in the State and/or local areas. Second, it will be applied at the close of a program year to the negotiated levels of performance to adjust for actual economic conditions experienced and actual characteristics of participants.

DOL will utilize the targets generated from the statistical adjustment model in its negotiation process with the States for the non-baseline indicators for this State Plan modification.

Local Performance Negotiations: In addition to the State negotiated levels of performance, CTDOL will work with local workforce development areas to establish performance goals for WIOA title I programs. The local board, the chief elected official, and the Governor must negotiate and reach agreement on local levels of performance based on the State negotiated levels of performance. In negotiating the local levels of performance, the local board, the chief elected official, and the Governor must make adjustments for the expected economic conditions and expected characteristics of participants to be served in the local area, using the statistical adjustment model developed at the Federal level as a tool. The statistical adjustment model must be used at the end of the program year to adjust negotiated local levels of performance in order to reflect the actual economic conditions experienced in the local area and the characteristics of participants served. DOL has developed the framework for an objective statistical adjustment model that satisfies the WIOA requirements at the state level. States must use this model and adapt it to their needs at the local level.

NOTE: CT is in the process of adapting the statistical model for use at the local level in terms of performance negotiations. The tool provided by DOL is based on data aggregated by county; however CT's Workforce Development Regions are not based on county structure. In the interim CT has adopted the STATE Performance Measures as developed by the tool and adapted by CTDOL.

Supplemental Wages

WIOA Wage and Supplemental Data Sources Policy

Wage Records:
To ensure comparability of performance on a national level, wage records are the primary data source for the employment-related measures.

Unemployment Insurance (UI) wage records:
To the extent it is consistent with state law, UI wage records will be the primary data source for tracking the Employment Rate and Median Earnings. UI wage records include private sector, non-profit sector, and government employer wage reports.

Additional Wage Records:
While most forms of employment in a state's workforce are covered and will be in the UI wage records, certain types of businesses and employees are excluded by Federal UI law or are not covered under states' UI laws. States may use record sharing and/or automated record matching with other employment and administrative data sources to determine and document employment and earnings for non-covered workers.

Additional wage record data sources include the following:

- Wage Record Interchange System (WRIS)
- U.S. Office of Personnel Management (OPM)
- U.S. Postal Service
- Federal Employment Data Exchange System (FEDES)

Supplemental Sources of Data:

Supplemental data will be used for program management purposes and to gain a full understanding of program performance and activities. Although most employment situations will be covered by wage records, certain other types of employment, particularly self-employment, are either excluded from the sources of data identified above or very difficult for grantees to access due to data confidentiality.

- Grantees should not be discouraged from providing entrepreneurial training or assisting the hard-to-serve simply because the subsequent employment is not covered by wage records. Therefore, to convey full and accurate information on the employment impact of ETA programs, grantees may use supplemental sources of data to document a client's entry and retention in employment for those clients not covered by wage records.

- Allowable sources of supplemental information for tracking employment-related outcomes include case management notes, automated database systems, One-Stop operating systems' (CTHires) , administrative records, surveys of clients, and contacts with businesses. All supplemental data and methods must be documented and are subject to audit.

- Supplemental data must be entered in the CTHires Employment tab to ensure it will be used when calculating performance. Proof of wages must be uploaded as an attached document.

Administrative Records:

- Administrative records will be the data source for the education and training portion of the placement in employment or education measure and the credential attainment measure. All data and methods used to determine placement in education and training or credential attainment must be documented and are subject to audit.

- Placement in post-secondary education or advanced training/occupational skills training:

The following data sources can be used to determine whether clients in youth programs are placed in post-secondary education and/or advanced training/occupational skills:

  - Case management notes and surveys of clients to determine if the individual has been placed in post-secondary education and/or advanced training/occupational skills training; or

- Record-sharing agreements and/or automated record matching with administrative or other data sources to determine and document that the client has been placed in post-secondary education and/or advanced training/occupational skills training. These data sources may include:

  State boards governing community colleges
  State boards governing universities
  State education associations
  Integrated post-secondary or higher education reporting units
  Training institutions/providers

Degree or Credential:

- The following data sources can be used to determine whether clients have attained degrees or credentials:

  - Document in case management notes that the individual has received a degree or credential. For data validation purposes, required documentation in the client file includes the following sources:

    Transcripts
    Credentials
    Diploma
    Letter from school system

The date on the degree or certificate must match what is entered in CTHires.
Record-sharing agreements and/or automated record matching with administrative or other data sources to determine and document that the client has received a degree or credential.
Monitoring and Evaluation:

A formal monitoring will be conducted on an annual basis by the WIOA Administration Unit.

References:
Family Educational Rights and Privacy Act (FERPA)

ETPL PROVIDER PERFORMANCE REPORTING

Desk Aide/Guidance

As indicated in 20 CFR 677.230 and as required by CTDOL's policy, providers of training funded by WIOA Title I must submit, at least annually, performance information for their programs. Each Workforce Development Board is required to maintain a policy on how and when providers will submit their required performance information; however, CTDOL's ETPL policy indicates that the information is to be provided at least quarterly. **Providers may begin reporting data effective 10/1/2018 and every quarter thereafter.**

At a minimum, the reports must include for each program of study that is eligible to receive funds under WIOA:

1) The total number of participants as defined by 20 CFR 677.150(a) who received training services under the adult and dislocated worker programs authorized under WIOA Title I for the most recent year and the 3 preceding program years, including:

- The number of participants under the adult and dislocated worker programs disaggregated by barriers to employment;
- The number of participants under the adult and dislocated worker programs disaggregated by race, ethnicity, sex, and age;
- The number of participants under the adult and dislocated worker programs disaggregated by the type of training entity for the most recent program year and the 3 preceding program years;

(2) The total number of participants who exit a program of study or its equivalent, including disaggregate counts by the type of training entity during the most recent program year and the 3 preceding program years;

(3) The average cost-per-participant for participants who received training services for the most recent program year and the 3 preceding program years disaggregated by type of training entity;

(4) The total number of individuals exiting from the program of study (or the equivalent) with respect to all individuals engaging in the program of study (or the equivalent); and

(5) The levels of performance achieved for the primary indicators of performance identified in 20 CFR 677.155(a)(1)(i) through (iv) with respect to all individuals engaging in a program of study (or the equivalent).

Apprenticeship programs registered under the National Apprenticeship Act are not required to submit ETP performance information. If a registered apprenticeship program voluntarily submits performance information, CTDOL must include this information in the report.

CTDOL will utilize the CTHires Virtual One Stop System supported by Geographic Solutions as a means of disseminating the required performance information so participants and consumers may make informed choices when selecting a training program. Some information regarding performance may currently be found online at www.cthires.com or www.ctdol.state.ct.us. Developers of the CTHires system are in the process of developing an electronic means of uploading performance information directly into the system. In the interim, CTDOL will make available as much performance information as soon as possible via the above online addresses.

In order to gather the required information for performance, CTDOL has developed the attached Excel spreadsheet which must be completed for every program which is listed on the ETPL. The information requested in the spreadsheet, when manually or electronically entered into the CTHires system, is used along with participant information to supply the required performance data.

Spreadsheet Data Definitions

Provider ID - This is the unique ID number assigned for each provider in the CTHires system. WDBs should make the number available to each provider so they can complete the spreadsheet as required.

Provider Name - This is the name of the training provider as listed in the CTHires system and reflected in the ETPL application at the time of initial approval or at the time a legal name change has taken place and has been reported to the WIOA Administration unit.

Social Security Number - This is the Social Security number associated with each participant in the program. CTDOL utilizes Social Security numbers to match quarterly wage data reported by employers to participant data for performance purposes. In the event Social Security Numbers are not provided by a training provider for the individuals who attended the training program, CTDOL will not be able to obtain necessary data via the wage match process.

Program ID - This is the unique ID number of the training class as listed in the CTHires system. WDBs should make the number available to each provider for each class so they can complete the spreadsheet as required.

Program Name - This is the name of the training class as listed in the CTHires system at the time of initial approval as reflected in the ETPL application.

Program CIP Code - This is a six digit code used to classify the industry of the program offered. The number is created when the provider registers in the CTHires system and can be found on the initial ETPL application.

Date Enrolled - The date the student began the program.

Status - This information gathered will be used to record the total number of students who completed, withdrew, or transferred from the program of study during the reporting period.

Required entry is as follows:

1-Currently enrolled and not completed

2-Completed
3-Withdrew
4-Transferred

Exited Training (Exit Date) - This is the date the student stopped attending the program. This could be because they have completed, withdrew or dropped out.

Earned a Credential - Indicate yes or no based on the credential definition as provided in CTDOL's ETPL policy.

Required entry is as follows:

1-Yes
0-No

Employed 2nd quarter after date left program - This field will be used to capture any policy-defined supplemental data the provider may have in regard to employment. Information regarding the use of supplemental wages for determining performance accountability measures can be found in TEGL 26-16.

Required entry is as follows:

1=Yes
0=No
9=Unknown – If the provider does not have any method of tracking supplemental data, they should provide this value. Geographic Solutions will then attempt to obtain employment information through a wage match only or by matching to the WIOA records through the appropriate follow-up.

Employed 4th quarter after date left program - This field will be used to capture any supplemental data the provider may have in regard to employment.

Required entry is as follows:

1=Yes
0=No
9=Unknown

Additional notes regarding provider performance information:

The WDB, in coordination with CTDOL, may take into account the provider's inability to produce the required information if it is unduly burdensome or incurs extraordinary costs. Before requesting relief from performance reporting the provider must first request technical assistance from the WDB/CTDOL.

Until data from the conclusion of each performance indicator's first data cycle are available, alternate factors related to performance will be taken into consideration as indicated in CTDOL's ETPL policy.

43. JOINT DATA VALIDATION POLICY

References

- TEGL 7-18 - Joint guidance for common data elements in Titles I – IV of WIOA
- TEGL 5-18 - DV policy summary in the state annual narrative formula report
- TEGL 26-16 - Collecting and documenting supplemental information
- TEGL 23-19 Change 2- Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs

State Data Validation Policy and Process

USDOL's TEGL 23-19 and following updates seen in Change 2 requires a data validation process for activities and services provided under the Workforce Innovation and Opportunity Act (WIOA), including WIOA core programs and non-core programs such as Trade Adjustment Assistance (TAA), National Dislocated Worker Grants (DWG), Wagner Peyser (WP) and Jobs for Vets State Grants (JVSG). Data validation, pursuant to TEGL 23-19 Change 2, is a series of internal controls or quality assurance techniques established to verify the accuracy, validity, and reliability of data.

In regard to individuals served by the workforce development system's six core programs, the Workforce Innovation and Opportunity Act established performance accountability indicators and performance reporting requirements to assess the effectiveness of states and local areas in achieving positive outcomes. WIOA core programs are required to follow the data validation framework outlined in Section B of TEGL 23-19 Change 2, as well as any program-specific guidance outlined in Attachments I and II of the TEGL.

Programs under Title III Wagner Peyser, Trade Adjustment Assistance, WIOA Title I Adult, Dislocated Worker, and Youth, are required to follow all data validation policies and procedures set forth in TEGL 23-19 Change 2 regarding these programs. This includes validating all elements listed for Required for Data Element Validation (RDEV), by program and in compliance with allowable WIOA source documentation and program-specific parameters, in Attachment II of the TEGL. In accordance with USDOL Employment and Training Administration's (ETA) data validation requirements for the WIOA programs, reviews will be conducted at least annually.

Recipients of National Dislocated Worker Grants (NDWG) are encouraged to fully implement the data validation framework outlined in Section 4.B of TEGL 23-19 Change 2. Grant recipients should implement a data validation policy; DOL recommends aligning with the policy established for the core programs.

Selection of Participants

Staff of the CTDOL from Employment Services Operations and the WIOA Administration Unit will conduct data validation annually. Participants in an active, exited, or follow up program status will be randomly selected at the conclusion of each program year via data validation processes within CTHires, Connecticut's Management Information System. Lists of the selected active program participants, exiters, and follow up participants from each workforce development board (WDB) and the individual data validation records for those selected will be prepared, including:

- Name
- Social Security Number
- WIOA title/category (Wagner Peyser, Trade, Adult, Dislocated Worker, Older/Younger Youth, National Dislocated Worker Grant)

Notification to Local Offices/WDBs
Notification will be shared based on the organizational structure of the programmatic units and the connection to CTDOL.

- For Title III and Title I-Trade Act, notifications will come from CTDOL Central Office staff to CTDOL AJC Directors and Programs and Services Coordinators (PSCs) to share with local offices.
- For Title I WIOA Programming (Adult, Dislocated Worker, Youth, NDWG), notification will come from CTDOL to WDB partners to share with local offices.

The notification will inform the local offices or WDBs of the time frame during which the reviews will be conducted and state that local offices or WDBs should be prepared to respond to any inquiries that may arise within 48 hours throughout the data validation review period. Inquiries may, for example, include requests for proof of supporting documentation and other related information to verify the accuracy of participant data.

Review Procedures
Data validation is performed by reviewing samples of participant records against source documentation and via electronic data checks (case management data entered in CTHires) to ensure compliance with federal data validation definitions. CTDOL will conduct data validation on participant files for each of the WIOA Core programs within CTDOL and National Dislocated Worker Grants. In conducting WIOA data validation, WIOA Administration Unit and Employment Services Operations Monitors will reference USDOL ETA's WIOA Data Validation Training and Employment Guidance Letters (TEGLs); applicable federal regulations, state laws, and policies; and other documents, as needed, to assist in making appropriate pass/fail decisions. The elements reviewed as of TEGL 23-19 Change 2 are listed in Attachment II.

Selection for WIOA Title I Adult, Dislocated Worker, Youth and NDWG programs will be as follows:

Methodology in selection may vary slightly to identify records in active, follow up, or exited program status, with specific criteria issued and retained in the corresponding PY monitoring files with the onset of monitoring each year. Effective January 2023, monitoring will include the data validation activities, with a subset getting additional programmatic review outside of data validation. Data validation will include a fiscal review based on payments made for funded activities such as ITAs for a sampling of the participants selected.

WIOA Title I will sample 10% of an average quarter's available records for a WDB by program utilizing the total numbers of participants served and exited in the program year's cohort (the totals available in the Q4 statewide performance reports for each region by program). Additional criteria may be used based on the year's methodology used to identify the quarter and participant status (active, follow up, or exiter).

Selection for WIOA Title I Trade Adjustment Assistance programs will be as follows:

1. CTDOL will conduct data validation on a minimum of 50 participant files statewide during the specific quarter selected or 10% of all participants reported within the selected quarter. The sample selection will be a combination of active and exited participant files.
2. If there is not an adequate amount of participant files in the specific quarter selected (e.g. no active participants in the quarter), additional files will be reviewed from a different quarter in order to reach the 50 files or 10% threshold when possible.

Selection for WIOA Title III Core programs will be as follows:

1. CTDOL will conduct data validation on no less than 20 participant files for each of the AJCs.

In the event these absolute figures are not a sufficient representation of records and required data elements, CT DOL may modify the selection to a percentage of total participants served or exiters in each program and provide the regions notice in advance of the change. This will be discussed on an annual basis when the CTDOL Data Validation policy is assessed for effectiveness or required updates.

All applicable data elements are sampled in each case file based on program participation in the sampled quarter. It is essential that participant files contain all documentation necessary to confirm (pass) reported data. If supporting documentation is not in the file, or there are discrepancies in a file, the data element may fail. Likewise, incorrect, or missing data may also result in a fail. In the event that a file is found to lack supporting documentation, discrepancies are apparent, or there is incorrect or missing data identified during the review, CTDOL Monitors will:

- Advise the appropriate WDB/local office staff of the situation;
- Ask for clarification; and/or
- Give the WDB/local office an opportunity to supply the necessary documentation, make corrections,
- and/or complete data reporting (of missing data) as allowable.

All supplemental documentation must be provided to the data validation monitors prior to their completion of the area's data validation review. Boards/Local Offices must place the supplemental documentation in the corresponding participant file for retention or otherwise maintain the supplemental documentation (i.e., a data validation file). Data validation monitors will attach a copy of the supplemental documentation to the individual data validation record and make notations, as applicable, regarding any corrections, updated data, and validation determinations.

Local areas should dedicate a specific contact person in the local office or region for Data Validation Monitoring staff to reach out to as questions arise, in order to resolve documentation issues as quickly as possible. Most commonly, CTDOL will be seeking a response within 48 hours as noted in the Notification section above. CTDOL Data Validation Monitoring staff will provide deadlines as to when responses are required in order to maintain timelines for the Data Validation review effort and report to US DOL on time before the annual report is certified.

Any eligibility issues that arise as a result of lack of supporting documentation or discrepancies in the files will be referred to WDB/local office staff for review and submission of, or update to, supporting documentation in order to reach resolution.

Data validation wage elements will be validated by a comparison to wage freeze files which files will be retained pursuant to established policies.

Feedback and Resolution Process
Upon completing reviews, data validation results (passes/fails) will be documented by WDB area and made part of the WIOA annual report submission.
CTDOL will issue a letter to each WDB or local area explaining the overall and specific findings in that particular WDB/ local area and request a corrective action plan, as necessary and appropriate. This letter will include the method for determining which data elements are identified with higher trends in validation errors. If all regions experience similar issues identified by CTDOL during validation efforts, a statewide notice may be sent to issue information and resources to resolve issues if more efficient for time and notice.

The feedback process will ensure regions and local staff are advised of data elements and types of source documentation that had higher trends in errors, or other general data quality concerns identified.

When a corrective action for local area staff would be required, the Data Validation letter would include how that corrective action is tracked or monitored. Most commonly this will include responses from the impacted party back to CTDOL Monitoring teams, typically within 30 days unless otherwise specified. Communication will be ongoing until CTDOL Monitoring teams note that all identified findings have been sufficiently resolved.

CTDOL will notify the Office of Workforce Strategy (OWS), functioning as the State Board, of the results of monitoring efforts, including Data Validation. The summary results will be a high level review of performance and pass/fails for element validation. The format and method of how results are reported to OWS will be refined over time based on OWS need.

In the event a local area has a finding that does not get resolved, or stops responding to requests for updates on the resolution, OWS would be notified. CTDOL would seek to resolve the situation locally but if needed, would escalate the situation to OWS and notify local supervisory parties following performance and sanctioning policies.

Changes related to TEGL 23-19 Change 2
CTDOL will change the status of items (e.g. moving from Fail to Pass) when we can remedy the situation before the Data Validation due date, which is typically by 9/30. If CTDOL is unable to remedy the item's status prior to the file upload date to meet the 9/30 deadline, we will note locally (on the spreadsheet itself) when the item status has changed after the file upload date. The spreadsheets uploaded to CTHires will be those uploaded to meet the requirement and will not be changed within CTHires if corrected after the DV period.

For particular examples, if CTDOL uploads files by 9/20 to meet the 9/30 deadline, items will be noted from Fail to Pass if an item is corrected in CTHires within the requested timeframe to resolve the item. Some items, such as missing documentation, can be uploaded to resolve a need, but other items, such as misidentified activity dates, may be unable to be changed based on system parameters and functionality.

If consistent items fail, leading to a trend in a region or statewide, technical assistance will be provided (e.g. group staff training) to address correct/clarified procedures.

Training and Policy Review

The WIOA Administration Unit in concert with applicable programmatic units and the Performance & Accountability Unit will initiate the annual Data Validation process with a meeting of all monitoring staff to be included in the process. Staff will be provided with an overview of the process and any updates to the process as determined by a review of the policy.
Annual Training will involve attendees needed by program, which at a minimum will include CT DOL Programmatic Units involved in the Administration of WIOA Title I and III programming, including Trade and Wagner Peyser.
Information learned during annual Data Validation efforts will inform each programmatic agenda for annual Data Validation training. The annual session will also discuss regular assessments of the effectiveness of the data validation process, including revisions to the policy and process, as needed, including:

- The effectiveness of the data validation process
- Frequency for how often this assessment occurs
- An assessment of over-use of self-attestation as a form of source documentation instead of its use as a last resort
- An assessment of data collection accuracy through supplemental information gathering processes

Programmatic monitoring protocols that are linked to the data validation policy and procedures will be noted for updates and editing if a change in the Data Validation procedures impact program monitoring. Notices will be sent to affected parties with any policy updates.

Within available resources, CT DOL will provide regular, ongoing data integrity checks outside of formal Data Validation for quarterly reported program data on a quarterly basis, including:

- Checks for errors, missing data, out-of-range variances in values reported, and other anomalies
- Any electronic or automated data validity checks
- The ongoing data quality process to correct errors and improve accuracy of data
- Utilization of quarterly feedback provided by DOL regarding performance report anomalies, outliers and other potential data quality issues
- How ETA data integrity and Quarterly Report Analysis (QRA) results are incorporated into the state's ongoing data integrity process

Data Validation Documentation Process

Data validation review records will be securely stored and retained by CTDOL pursuant to state and federal record retention requirements, PII mandates, and other applicable policies.
Documentation CTDOL will maintain during the retention period includes:

- Copies of worksheets on data elements and files / records reviewed
- Frozen quarterly wage records for wage record matching used for reporting outcomes
- Frozen / retained screen shots and documents displaying pre-correction data
- Trends in common data accuracy issues
- Error rate calculations
- Corrective action efforts made after data validation reviews
- Manner in which results are memorialized and records retained
- Document process for the correction of missing and erroneous data identified

This documentation will allow federal auditor's the ability to "walk in the state's footsteps" should any questions arise during a future consolidated review.

If you have any questions, please contact the WIOA Administration Unit.

Attachments
Accompanying desk aids and CTHires instructional guides are available from programmatic units.

44. REPORTING REQUIREMENTS FOR REVISED ETA 9130 FINANCIAL REPORTS

The purpose of this Administrative Policy (AP) is to notify Workforce Development Boards (WDBs) of the Connecticut Department of Labor's (CTDOL) requirements for quarterly financial reporting for the Workforce Innovation and Opportunity Act (WIOA), including National Dislocated Worker Grants (DWGs), and the Workforce Innovation Fund (WIF) beginning with the quarterly financial reports due for the period ending September 30, 2016.

BACKGROUND

Form ETA-9130 has been in use for federal financial reporting since October 1, 2007. With the implementation of Uniform Guidance (2 CFR 200) effective December 26, 2014, the ETA-9130 was revised in order to meet the updated statutory reporting requirements for USDOL ETA funded programs.

There are a number of federally mandated changes that are being made to the ETA-9130 reporting form and instructions:

1. Lines 10.l. (Recipient Share of Unliquidated Obligations) and 10.m. (Total Recipient Obligations) from the old ETA-9130 have been removed; and

2. New reporting lines have been added to the ETA-9130, as follows:

9130 Report	Work Experience	Federal Share of Unliquid	Pay-for-Performance	Incumbent Worker	Transitional
Local Youth	X	X	X		
Local Adult		X	X	X	X
Local Dislocated Worker		X	X	X	X

There are also new limitations and baselines on funds in WIOA that require further breakouts of obligations and expenditures. The following reporting line items have been added to the appropriate ETA-9130 forms:

1. **Work Experience Expenditures** - WIOA Sec.129 (c)(4) requires that a minimum of twenty percent of Federal funds allocated to local areas to carry out the local Youth program for a program year must be expended on work experience activities.

2. **Federal Share of Unliquidated Obligations for Pay-for-Performance** Contracts - the funds reported in this line item are a portion of the funds reported in the pre-existing line item 'Federal Share of

Unliquidated Obligations'. It is necessary to break the pay-for-performance share of obligations out, because WIOA Sec.189 (g)(2)(D) stipulates that funds for pay-for-performance contract strategies remain available until expended. This affects the Youth, Adult, and Dislocated Worker programs.

3. **Pay-for-Performance Contract Expenditures** - WIOA Sec. 129 (c)(1)(D) and WIOA Sec.134 (d)(1)(A)(iii) sets an expenditure cap on funds that can be used for pay-for-performance contracts. The cap is ten percent of the amount of Federal funds allocated to local areas to carry out the Youth, Adult, and Dislocated Worker programs for a program year.

4. **Incumbent Worker Training Expenditures -** WIOA Sec. 134 (d)(4)(A)(i) sets a cap on incumbent worker training expenditures of twenty percent of the amount of Federal funds allocated to local areas to carry out the Local Adult and Local Dislocated Worker programs for a program year.

5. **Transitional Jobs Expenditures** - WIOA Sec. 134 (d)(5) sets an expenditure cap of ten percent of the amount of Federal funds allocated to local areas to carry out the Adult and Dislocated Worker programs for a program year.

Note: WIOA sections 134 (d)(1)(A)(iii), 134 (d)(4)(A)(i), and 134 (d)(5) allow a local area to combine their Local Adult and Local Dislocated Worker allocations to meet the specified expenditure cap for each of the following activities: Pay-for-Performance Contracts, Transitional Jobs, and Incumbent Worker Training. For example, a local area receives $1.5 million in Adult funds and $1.0 million in DW funds. It may use up to $250,000 (10% of the total) for Transitional Jobs.

Expenditure rates are calculated by dividing the sum of the cumulative expenditures for each applicable reporting line item for both the Local Adult and Local DW fund streams by the sum of the Total Federal Funds Authorized for the Local Adult and Local DW fund streams.

Example for Transitional Jobs Expenditure Rate Calculation:

$$\left[\begin{array}{c}\text{Sum of all PY and FY Local Adult Transitional Jobs Expenditures (11f entries)} \\ + \\ \text{Sum of all PY and FY Local DW Transitional Jobs Expenditures (11f entries)}\end{array}\right]$$

$$\div$$

$$\left[\text{Sum of all PY and FY Local Adult Total Federal Funds Authorized (10d entries)}\right]$$

+

Sum of all PY and FY Local DW Total Federal Funds Authorized (10d entries)

For the Local Youth allocations, the cap for Pay-for-Performance contracts is tabulated separately from the Local Adult and Local DW allocations.

Administrative Costs

WIOA has adopted and maintains the 10% administrative cost limitation that was specified under WIA. WDB's are required to account for administrative costs associated with each funding stream and year of appropriation and report them on line item 10f (Total Administrative Expenditures).

Discretionary Grants

1) **National Dislocated Worker Grants (DWGs)**
Due to the programmatic requirements in WIOA, a separate report has been created for each National Dislocated Worker Grant (DWG) in lieu of utilizing the Basic ETA-9130. The following updates have been added to each respective reporting form:

a) **Job Driven NEG (9130-b; Rev. 10-27-16)**

- Note: Needs Related Payments line item has been removed for space considerations since it is not a budgeted line item under this grant.
- New: Line 11. Additional Expenditures Data Required (a). Other Federal Funds Expended. Enter any other Federal funds expended, by the recipient organization and any subrecipient organization for the same purposes or activities of the subject grant. Expenditures included must be allowable costs which could otherwise have been paid for out of subject grant funds. See TEGL 2-16 (ETA 9130-G Instructions for additional details on this new line item.
- Note: Lines 11 (b) and (c) are auto-calculated and no entry is required by the WDB.

b) **Sector Partnership NEG (9130-b2; Rev. 10-27-16)**

- New: Line 11. Additional Expenditures Data Required (a). Other Federal Funds Expended. Enter any other Federal funds expended, by the recipient organization and any subrecipient organization for the same purposes or activities of the subject grant. Expenditures included must be allowable costs which could otherwise have been paid for out of subject grant funds. See TEGL 2-16 (ETA 9130-G Instructions for additional details on this new line item.
- Note: Lines 11 (b) and (c) are auto-calculated and no entry is required by the WDB.

2) Workforce Innovation Fund (9130d-WIF; Rev. 10-27-16)

Due to the programmatic requirements in the WIF, a separate report has been created in lieu of utilizing the Basic ETA-9130. The following update has been added to the current form:

- New: Line 11. Additional Expenditures Data Required (a). Other Federal Funds Expended. Enter any other Federal funds expended, by the recipient organization and any subrecipient organization for the same purposes or activities of the subject grant. Expenditures included must be allowable costs which could otherwise have been paid for out of subject grant funds. See TEGL 2-16 (ETA 9130-Basic Instructions for additional details on this new line item.

POLICY AND PROCEDURES

1. Expenditures of WIOA and WIF federal funds allotted or awarded to the WDB's must be reported on the accrual basis of accounting, by Adult/Youth/Dislocated Worker funding streams, and cumulative by fiscal year of appropriation using the designated ETA-9130 form, as follows:
    a) ETA-9130 (B) – WIOA Local Youth
    b) ETA-9130 (D) – WIOA Local Adult
    c) ETA-9130 (F) – WIOA Local Dislocated Worker
    d) WDB's will be directed to use the appropriate ETA-9130 for any Statewide funding, DWG funding, or other discretionary funding such as the WIF.

2. Quarterly ETA-9130 financial reports must be submitted by the WDB's to CTDOL in accordance with a schedule prescribed by CTDOL. These quarterly expenditure reports must be approved by an authorized signatory and are due no later than 30 days after the end of each quarter, i.e. October 30, January 30, April 30, and July 30. If the reporting deadline falls on a weekend or holiday, all reports are due by close of business (COB) on the last working day prior to the reporting deadline, without exception.

3. Reported ETA-9130 quarterly expenditures must be accompanied by financial statements, general ledger reports or other accounting documentation in sufficient detail to establish that WIOA and WIF funds have been used in accordance with the grant award and federal financial standards. The documentation provided must also directly tie back to expenditure amounts reported on the ETA-9130. If the required backup financial documentation is not submitted accurately and on a timely basis, WDB's may be subject to a suspension of cash draw-downs until the deficiency is corrected. Advance notification of a potential suspension, along with time for corrective action, will be provided prior to any suspension of cash draw-downs.

4. In the event that there are adjustments or other changes to the reported amounts for a previously reported quarter, amended ETA-9130 reports must be submitted for the quarter to be adjusted or changed. It is unacceptable to simply include adjustments or changes to amounts reported for a previous quarter in the current quarter submittal.

REFERENCES

- Workforce innovation and Opportunity Act (WIOA) (Pub. L. 113-128) Titles I, III, and V, as amended
- 2 CFR Part 200, Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards, Final Rule
- 2 CFR Part 2900, Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards, Final Rule
- One-Stop Comprehensive Financial Management Technical Assistance Guide (TAG) Part II
- TEGL 2-16, Revised ETA-9130 Financial Report, Instructions, and Additional Guidance
- TEGL 8-15, Second Title I WIOA Youth Program Transition Guidance
- TEGL 23-14, Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition
- TEGL 26-14, Workforce Innovation and Opportunity Act Transition Authority for Flexible Use of State Rapid Response Funds
- TEGL 15-14, Implementation of New Uniform Guidance Regulations
- TEGL 12-14, Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 Funds for Workforce Innovation and Opportunity Act (WIOA) Transitional Activities

INQUIRIES

Administration policy questions may be directed to the WIOA Administration Unit at (860) 263-6590. Accounting or reporting questions should be directed to CTDOL - Business Management Contracts Unit by e-mail at DOLContractUnit@ct.gov.

45. COST PRINCIPLES, ALLOWABLE COSTS AND UNALLOWABLE COSTS

The OMB Uniform Guidance 2 CFR Part 200 Subpart E contains the Federal cost principles that define when and how costs can be charged to grants. Even though the circular does not address every possible cost, they are the groundwork for all grant financial management, and grantees and subgrantees should rely on their guidance to avoid audit findings and potential liability.

The following general cost principles, as specified in the circular must be used in determining if costs are allowable for grants.

A. Costs must be necessary and reasonable.
Any cost charged to a grant must be necessary and reasonable for the proper and efficient performance and administration of the grant. A grantee or subgrantee is required to exercise sound business practices and to comply with its procedures for charging costs.

B. Costs must be allocable.
A grantee or subgrantee may charge costs to the grant if those costs are clearly identifiable as benefiting the grant program. Costs charged to the grant should benefit only the grant program, not other programs or activities. In order to be allocable, a cost must be treated consistently with like costs and incurred specifically for the program being charged. Shared costs must benefit both the ETA grant and other work and be distributed in reasonable proportion to the benefits received.

C. Costs must be authorized or not prohibited under Federal, State, or local laws or regulations.
Costs incurred must not be prohibited by any Federal, State, or local laws.

D. Costs must receive consistent treatment by a grantee.
A grantee or subgrantee must treat a cost uniformly across program elements and from year to year. Costs that are indirect for some programs cannot be considered direct ETA grant costs.

E. Costs must not be used to meet matching or cost-sharing requirements. A grantee may not use federally funded costs, whether direct or indirect, as match or to meet matching fund requirements unless specifically authorized by law.

F. Costs must be adequately documented.
A grantee must document all costs in a manner consistent with GAAP. Examples include retaining evidence of competitive bidding for services or supplies, adequate time records for employees who charge time against the grant, invoices, receipts, purchase orders, etc.

G. Costs must conform to ETA grant exclusions and limitations.
A grantee or sub-grantee may not charge a cost to the grant that is unallowable per the grant regulations or the cost limitations specified in the regulations.

46. LINE ITEM REVISION POLICY FOR CTDOL CONTRACT BUDGETS

In a policy change issued in October 2023, the requirements for a Budget Line-Item Revision changed.

The modification in this policy requires a line-item revision when cumulative expenditures of a budgeted line item, or group of line items as identified below, exceeds 10% of the contracted budget's line-item total, or sum total identified below. This policy does not limit the WDB's or other subrecipients or contractors from requesting a line-item revision at any time if their executed contracted budget no longer meets the needs of the contracted program.

During the invoice review process, CTDOL staff may identify the overage and request a Line-Item Revision at that point if it appears expenditures exceeded allowable limits. The contractor or subrecipient can pursue the Line-Item Revision or modify their invoice and supporting documentation to reallocate costs to stay within policy limits. Contractors and subrecipients must follow a cost allocation method and report actual expenditures on their invoice requests to CTDOL. For WIOA funds, expenditures should be consistent and align with the ETA-9130 Reports.

See next page for the visual of the policy line items.

The lines that trigger a Line Item Revision are identified below:

Policy Change Visual:

	Administrative Costs	
A.	**Direct Administration**	
I.	Salaries	Only the **SUM** of **Total Administration** with Expenditures Exceeding 10% of Budgeted amount would trigger a LIR. **Note**: Where applicable, the administrative cap defined by contract/grant terms (ex. 10% for WIOA) and/or approved Negotiated Indirect Cost Rate Agreement (NICRA) must not be exceeded.
II.	Fringe / Payroll Taxes	
III.	Premises	
IV.	Equipment	
V.	Communications	
VI.	Information Technology	
VII.	Travel	
VIII.	Insurance and Bonding	
IX.	Contractual Services	
X.	Other Direct Costs	
	Total Direct Administration	
B.	**Indirect Administration**	
	Total Administration	

	Program Costs	
C.	**Direct Program**	
I.	Participant Contractual and Direct Services	Expenditures exceeding 10% of this individual line-item's Budgeted amount would trigger a Line-Item Revision.
II.	Salaries	Expenditures exceeding 10% of this individual line-item's Budgeted amount would trigger a Line-Item Revision.
III.	Fringe / Payroll Taxes	Expenditures exceeding 10% of this individual line-item's Budgeted amount would trigger a Line-Item Revision.
IV.	Premises	Expenditures exceeding 10% of this individual line-item's Budgeted amount would trigger a Line-Item Revision.
V.	Equipment	Expenditures exceeding 10% of this individual line-item's Budgeted amount would trigger a Line-Item Revision.
VI.	Communications	Only the **SUM** of **Communications, IT, Travel, Insurance and Bonding, Non-Participant Contractual Services and Other Direct Costs (VI. through XI.)** with Expenditures Exceeding 10% of Budgeted total amount would trigger a LIR.
VII.	Information Technology	
VIII.	Travel	
IX.	Insurance and Bonding	
X.	Non-Participant Contractual Services	
XI.	Other Direct Costs	
	Total Program	

47. WIOA INVOICE AND CASH ON HAND

References: *as may be updated or revised by the United States government from time to time*

2 CFR § 200.305 Federal payment. **2 CFR § 2900.7 Federal payment.**	https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.305 https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XXIX/part-2900#2900.7
2 CFR § 200.1 – Definitions. **2 CFR § 200.332 Requirements for pass-through entities** **2 CFR § 200.334 Retention requirements for records**	https://www.law.cornell.edu/cfr/text/2/200.1 https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR031321e29ac5bbd/section-200.332 https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.334
2 CFR § 200.344 Closeout **2 CFR § 2900.15 Closeout.**	https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR682eb6fbfabcde2/section-200.344 https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XXIX/part-2900/subpart-D/section-2900.15

A. Purpose:

The purpose of this policy guidance is to ensure that all recipients of federal Workforce Innovation and Opportunity Act (WIOA) funds implement and maintain procedures for cash management that are in compliance with federal regulations and directives regarding timely invoices and prompt payments to the subrecipient for allowable reimbursable costs under the Federal award.

Additional updates to this policy made in April 2023 reflect the following changes:

a. requesting the WDBs invoice on a monthly basis when cash is needed, but removing the 20th as a specific date in policy to avoid interpretation of a "due date";
b. eliminating the Status of Funds report as a monthly requirement and revising it to only apply when invoices are not submitted for a 3-month time period (This is an effort to maintain communication but reduce paperwork burden on both CTDOL and WDB parties);
c. additional minor edits to reduce redundancy of prior policy sections.

Retired Forms:

This policy eliminates the WIOA-6 for Rapid Response contracts and PY22 Formula Fund Contracts and introduces the WIOA Invoice Template (Effective June 2022) and applicable policy found on AP 13-10. Policy updates will be updated and put into the WIOA Policy Manual and will retire separate AP issuances as new policy is drafted.

This policy also eliminates the following supplemental forms to the WIOA-6: Cash Expenditures to Date, Cash Needs for this Request.

PY21 WIOA Formula Fund Contracts that have the WIOA-6 and corresponding forms will continue to use the required forms but will be phased out when those contracts end.

Policy:

1. The Workforce Development Boards (WDBs) and their subcontractors shall minimize the time elapsing between receipt and disbursement of WIOA funds in order to maintain only the minimum cash balance, in accordance with federal requirements.
2. The WDBs will invoice on a monthly basis, but at a minimum quarterly.
    a. The WDBs will provide supporting documentation to verify costs incurred within the period when reimbursement is requested on the invoice. *(See Supporting Documentation section below.)*
    b. Expenditures should reflect the sum of actual cash disbursements for direct charges for goods and services, the amount of cash paid out for indirect expenses, and the amount of cash advance payments and payments made to subrecipients and subcontractors.
3. The WDBs will maintain policies and procedures to track accruals and expenditures by contract and allocation by PY/FY amounts for Adult/DW/Youth, minimize cash on hand, and have sufficient internal controls in place to ensure proper segregation of duties for the following functions: recording, custodian, authorizing, and reconciliation.
4. Cash advances by the CT Department of Labor (CTDOL) to WDBs shall be limited to the minimum amounts administratively feasible (including a proportionate share of any allowable indirect costs) by a WDB to carry out the purpose of the approved program or project.
    a. WDBs shall provide reasonable documentation to show that requested advances are for immediate costs that would be spent in the following month. The documentation should show that the requested funds are appropriate and necessary for program and service delivery. *(See Supporting Documentation section below.)*
5. WDBs shall manage cash requests to allow for timely execution of vendor contracts, without holding excess cash-on-hand. Excess cash-on-hand is defined as an advance that was requested for the upcoming month and did not materialize in actual costs, resulting in a balance of unspent funds that cannot be spent down within the following month.
    a. Cash forecasting accuracy may be questioned by CTDOL on a quarterly basis to monitor advances as they relate to WDB service delivery and related conversations about estimated needs that were unmet (e.g. anticipated increase in customers but actual results were lower than expected, resulting in a large balance of cash on hand tied to Participant Contractual advances previously received.).
    b. The WDB should not submit an invoice for reimbursement or advances until they have fully spent prior advances received.
6. WDBs will submit Status of Funds Reports when three months will elapse without a request for cash. This may be to reflect a period of low activity in a contract or to report out to CTDOL on spending down of cash on hand.
    a. This will separate invoices, where a payment is requested, from a fiscal report to mutually share information related to contract expenditures and activity.

b. Incrementing of invoices (e.g. #1, #2, #3) will be tied only to the documents tied to a payment request.

Supporting Documentation:

Supporting documentation will be required for all invoices. Supporting documentation, or "backup," can take on a variety forms but should clearly show the expenditures data from the WDB accounting system for the time period indicated on the invoice. As stated above, expenditures should reflect the sum of actual cash disbursements for direct charges for goods and services, the amount of cash paid out for indirect expenses, and the amount of cash advance payments and payments made to subrecipients and subcontractors.

CTDOL will review supporting documentation to verify expenditures or requested advances align with allowable costs for the program and were incurred during the period identified on the invoice, or for an immediate need that will be expensed within the following month. Any request that isn't clear to CTDOL may result in follow up questions before processing the invoice.

CTDOL will review the backup documentation in further detail during monitoring or random sampling periods. In order to approve an invoice payment, CTDOL will confirm that the backup documentation clearly identifies:

1. The total expenditures to the contract being invoiced and the figure on the invoice template corresponds with the expenditure data from the accounting system.
2. The amount previously invoiced and matches the figure on the invoice template and CTDOL Core-CT records of payments.
3. Advance payment request shares rationale, such as a brief narrative statement, budgeted list, or copy of a corresponding bill if available.

Basis of Reporting:

Department of Labor's Employment and Training Administration (ETA) requires that recipients of Federal awards report on an accrual basis, as allowed under DOL's exceptions to the Uniform Guidance at 2 CFR 2900.14. Grant recipients are not required to maintain their accounting systems on an accrual basis and are not required to convert their cash or modified cash basis of accounting system but must develop and report such accrual information through best estimates on an analysis of the documentation on hand.

The WDB must:

1. Have policy in place that ensures accounts are reported on an accrual basis.
2. Maintain its books of accounts on a cash or accrual basis. If on a cash basis, be able provide evidence to support accrual reporting (e.g., MIS reports, spreadsheets, linking documents).
3. Ensure it captures the costs of all activities that took place in the reporting period.
4. Provide methodology if estimates are used to complete a financial report and have it reviewed by an appropriate staff member.

WIOA Invoice Template Submission and Delivery Format:

CTDOL requests all WDBs utilize the Notice of Funds Availability (NFA)s to populate subaccount and allocation information for the WDB by WIOA program.

When delivering the invoice to CTDOL, please email the request to CTDOL.WorkforceAdmin@ct.gov. The WDB may email a signed PDF but CTDOL requests moving to sharing the Excel file. This will allow easier tracking of fund utilization rates for CTDOL and minimize requests sent back to the WDB.

Attachments:
Attachment 1: WIOA Invoice Template (November 2022), *WDBS may request the latest version from the Business Management, Contracts Unit.*
Attachment 2: Instructions for New WIOA Invoice (June 2022), *copied below*.

Attachment 2: Instructions for New WIOA Invoice
The invoice will be populated by CTDOL staff in some locations, and in other locations will be locked from WDB edits. Functionally, the major changes are a shift to having an invoice for WIOA funds that tracks expenditures by budget line item. Additionally, the header conveys information about the funds by allocation by Program Year (PY) and Fiscal Year (FY) funds for each contract. The invoice template contains 3 tabs, one for Adult, Youth, and Dislocated Worker (DW).

The intention is a WDB can submit an individual tab and increment the invoice request number by program funding stream. (e.g. The WDB can issue Request Number 1 for the Adult program, and issue a Request Number 1 for DW.) The WDB also has the option to submit one request by Contract, so for example, if there is a drawdown of Youth, Adult, and DW funds at the same time, the WDB can send the full Excel spreadsheet with each request (i.e. one attached Excel spreadsheet with three populated tabs for Adult, DW, and Youth requests). CTDOL will review and issue payments individually for each need.

The invoice template will be released to the WDB with the initial Notice of Funds Availability (NFA). The NFA is shared when PY funds are available for drawdown, and once again when FY Funds are available for drawdown. The NFA that includes the FY funding will come without a new template.

The WDB will be responsible for populating the Allocation, Account Number, and Prior Payments with each invoice, in addition to the directions within this document. The WDB will have the ability to add sheets to the Excel spreadsheet, which can be used for supporting documentation. The WDB will also be able to add notes into unlocked cells to the right of the invoice template (column L) if needed.

Note: The Rapid Response Invoice will follow these same rules but will have an RR tab and an Adult tab (to be populated if funds were transferred for Adult use). The Adult tab will be treated by CTDOL as supporting documentation to track the transferred amount towards Adult use. All expenditures and financial reports will continue to report out on these funds as Rapid Response dollars.

Invoice Header
The header of the template includes the following items:

- **Contract Number:**
  - The WDB can enter the Contract Number in this location.
- **Contractor Name:**
  - The WDB can enter the WDB name here.

- **Remit Address:**
  - The WDB can enter the WDB address here.
- **PY/FY Account Number**
  - The WDB can enter the PY and FY Account Number here.
  - **PY line**: The WDB will populate the PY Account from the NFA.
  - **FY line**: The WDB will populate the FY Account from the NFA
- **Allocation per NFA**
  - The WDB can enter the Allocation from the NFA here.
  - **PY line**: The WDB will populate the PY Allocation from the NFA.
  - **FY line**: The WDB will populate the FY Allocation upon release of the NFA where FY funds are available. (This means the FY line will be blank until the NFA notifying FY funds are available is delivered.)
- **Prior Payments**
  - WDBs can populate a figure here.
  - **PY line:** The WDB can input the total amount of prior payments received thus far.
  - **FY line:** The WDB can input the total amount of prior payments received thus far, after the PY funds were fully expended.
- **Balance**
  - This will be locked from WDB entry.
  - **PY line:** The functionality and Excel formula will display content following these rules:
    - Excel Formula =IF(G4 > F4, "Error", F4-G4)
    - If Prior Payment(G4) exceeds Allocation(F4) per NFA it will display “Error.” Otherwise, the Balance (H4) will show the Prior Payment(G4) subtracted from the Allocation per NFA(F4).
  - **FY line:** The functionality and Excel formula will display content following these rules:
    - Excel Formula =IF(F4="","",(IF(F5=0,"PY OVERAGE",IF(G5>F5,"Error",F5-G5))))
    - If Prior Payment(G5) exceeds Allocation per NFA(F5) it will display “Error.” Otherwise, the Balance(H5) will show the Prior Payment(G5) subtracted from the Allocation per NFA(F5).
    - If the Allocation for PY (F4) is blank, this will remain blank.
    - If the Allocation for PY (F4) is populated, but the FY Allocation (F5) is blank, the Balance on the FY Line will show “PY Overage”.
      - This display will accommodate the scenario where a WDB exhausted their PY allocation, they can still submit monthly Status of Funds reports and track the PY Overage. The Overage amount will inform the first FY payment when FY funds are available.
- **Current Request by PY/FY**
  - This will be locked from WDB entry.
  - The functionality here will display the request to draw funds following a method to first exhaust the PY before moving to FY. This will allow WDBs to draw the remaining PY funds without exceeding the PY allocation. (This would likely happen at that last PY invoice before moving to FY funds.) When PY is fully spent, the field will display “Exhausted.” Once the WDB draws FY funds, the Current Request will split the total across lines, moving the totals to the FY line after Prior Payments for PY matches the PY Allocation.
  - The functionality and Excel formula will display content following these rules:

- **PY line:**
  - Excel Formula =IF(F4=0,"",(IF(G4=F4,"EXHAUSTED",IF(H40>H4,H4,H40))))
  - If the Prior Payments (G4) is Equal to the Allocation (F4) , it will display "Exhausted". If there is Balance available to draw (Balance is not "Exhausted"), it will follow the next rule:
    - If the Request Total (H40) is greater than the PY Balance (H4), then display the PY Balance (H4). If the Request Total does not exceed the PY Balance (H4), then display the Request Total (H40).
    - If the PY Allocation (F4) is blank, this will also be blank.
- **FY line:**
  - Excel Formula =IF(F4="","",((IF(I4="EXHAUSTED",H40,H40-I4))))
  - If PY line is Exhausted, the FY line will display the Request Total (H40) in the FY line of "Current Request by PY/FY". If the PY line is not Exhausted, we will subtract the Request Total (H40) from the Current Request by PY/FY's PY Line (I4).
  - If the PY Allocation (F4) is blank, this will also be blank.

- **Total**
  - This will be locked from WDB entry.
  - This is a running summary total of the following columns: Allocation per NFA, Prior Payments, Balance, Current Request by PY/FY.
- **Request Number**
  - The WDB can enter the Request Number here.
  - The invoices will increment by program request (Adult, DW, Youth) by PY funds, and then restart incrementing numbers upon the use of the first FY draw by program request (Adult, DW).
  - As of April 2023, the Status of Funds reports, if required, will not increment the Request Number.
- **FEIN**
  - The WDB will record their FEIN here.
- **Contract Start/End Dates:**
  - The WDB will record the Contract Start and End Dates here. (E.g. 7/1/22-6/30/24)

Budget Line-Item Sections

The budget line item and request section of the template includes the following items:

Note: This is very similar to the invoice template for other DOL funded programs.

- **Column 1 - Budget Line Items**
  - The WDB can populate this column as needed following the Budget Line Items as shown in the contract.
- **Column 2 - Budget Totals**
  - WDB can populate with the line-item budget totals from the budget within the contract.
- **Column 3 - Cumulative Expenditures to Date**
  - WDB can populate the date field requested in the " / / " field and then follow with any cumulative expenditures by line item below.
    - Reminder: This new invoice format eliminates the need of populating "Expenditures to Date". CTDOL will seek supporting documentation instead.
- **Column 4 - Total Amount Previously Requested**
  - WDB can populate the total amount previously requested.

  - *Note: This will be blank for the first invoice of the contract year.*
  - The cumulative training provided thru the date entered in the col description
- **Column 5 - Reimbursement Due to Contractor (Cash on Hand appears as a negative number)**
  - This will be locked from WDB entry.
  - Form will show the calculation of amount in Column 3 - Column 4 by line item.
- **Column 6 - Immediate* Cash Needs**
  - The WDB can enter requests for immediate cash needs by line item.
    - Reminder: This new invoice format eliminates the need of populating "Cash Needs for this Request". CTDOL will seek supporting documentation instead.
    - The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-Federal entity for direct program or project costs and the proportionate share of any allowable indirect costs.
- **Column 7 - Amount of Current Request**
  - This will be locked from WDB entry.
  - Form will show the calculation of Column 3 + Column 6 by line item.
- **Column 8 - Cumulative Requested**
  - This will be locked from WDB entry.
  - Form will show the calculation of Column 4 + Column 7 by line item.
- **Column 9 – Remaining Balance Available to Draw**
  - This will be locked from WDB entry.
  - Form will show the calculation of Column 2 - Column 8 by line item.
- **Fund Utilization Rate**
  - The WDBs do not need to input data here, but this new column will display a calculation of Column 3 ÷ Column 4 by line item.
- Free cells exist to the right of the Fund Utilization Rate if the WDB would like to send any applicable notes about the invoice or line item.

Certification and Footer of Invoice Template

The bottom half of the template includes the following items:

- A **Certification** that is considered accepted and acknowledged when a WDB signs and dates the form when submitting to CTDOL. Text copied below:
  - Certification: I certify that this Request for WIOA funds has been done in accordance with the terms and conditions of the WIOA and the Notice of Fund Availability (NFA). I also certify that the data reported is accurate and correct and that the amount of this request is not in excess of immediate cash disbursement needs.
- **WDB Use:**
  - A section for the WDB to provide up to two signatures lines that include Date, Signature, Name, and Title.
- **CTDOL Use:**
  - A section that will be completed by CTDOL for fiscal sufficiency and programmatic approvals.
  - If the request is approved, the invoice will be marked as Approved and signed by CTDOL approvers.

- If there are any issues with the request, CTDOL staff will mark Denied and populate a Reason for Denial, and return the request to the WDB for correction.

Submission to CTDOL

WDBs should email all invoices and accompanying supporting documentation to CTDOL.WorkforceAdmin@ct.gov.

47.1 CASH MANAGEMENT PROCEDURES

1. WIOA Contract Issuances
   Upon receipt of the USDOL ETA TEGL (Training and Employment Guidance Letter) – typically between March through Mary prior to the start of the Program Year:
   a. CTDOL will calculate the WIOA allocations by Local WDB and funding stream (Adult, Dislocated Worker, Youth) and issue a contract package;
   b. Local WDBs must submit such contract packages to CTDOL by the due date indicated in the contract issuance;
   c. Local WDB adherence to all CTDOL contract requirements and submissions without errors will achieve expedited contract approvals.
2. Notice of Fund Availability (NFA)
   a. Upon receipt of a **Federal Notice of Obligation (NOO)** from the USDOL ETA and CTDOL's calculation of allocations according to the applicable TEGL, the CTDOL will issue a **Notice of Fund Availability (NFA)** to the Local WDBs. For each WDB, the **NFA** shall specify the:
      (1) year of appropriation;
      (2) WIOA funding stream;
      (3) Assistance Listing Number (ALN) formerly the CFDA (Catalog of Federal Domestic Assistance number);
      (4) aggregate of all funding streams corresponding to the approved maximum contract amount; **and**
      (5) status of open contracts.
   b. Availability of funds when both of the following occur:
      (1) within 30 days of ETA allocation of funds, **and**
      (2) upon CTDOL Business Management's verification of actual receipt of federal funds into CTDOL accounts.
   c. Funds cannot be drawn down until the funding contract is fully executed including approval by the CT Office of the Attorney General, and only then may invoicing begin.

WIOA Invoice Approval Process

CTDOL will strive to notify any WDB regarding rejection of an unsatisfactory WIOA Invoice within seven (7) business days of CTDOL receipt of such an invoice.

1. Upon CTDOL's approval of a WIOA Invoice, the Local WDBs are required to comply with all of the following.
   a. Deposit funds received via CTDOL Electronic Funds Transfer (EFT) or Automatic Clearing House (ACH) into an authorized, insured (and if required, interest-bearing) bank account.
   b. If a new bank account needs to be established, the WDB will need to issue a new ACH form to the Office of the Comptroller.
      i. Changes to bank account information can only be authorized by the individuals listed on the Vendor Direct Deposit (ACH) Election Form.
      ii. To request changes to the authorized individuals please contact the ACH/VSS Unit at osc.apdvf@ct.gov.

iii. To process a change to the destination account number or financial institution, the WDB will need to submit another application package with the new information.
iv. Changes can take up to a week from the receipt of the form.
v. To stop payment to a closed account immediately contact the ACH/VSS Unit by email at osc.apdvf@ct.gov.
vi. When contacting the Comptroller's office by email, always include ACH(EFT) in the subject line.

c. Fully expend the cash received (exclusive of processing lead times) before initiating a new cash request.

2. Funds requested by Local WDBs and approved by CTDOL shall be electronically transferred by the CT Office of the State Comptroller into the designated WDB account within three (3) to five (5) business days after receipt and approval of an acceptable WIOA Invoice.
3. Deposited funds:
   a. shall be held by each Local WDB in a financial institution that is insured by at least one of the following:
      i. the Federal Deposit Insurance Corporation (FDIC); **or**
      ii. the Federal Savings and Loan Corporation (FSLC); **or**
      iii. the administrator of the National Credit Union (NCU); **and**
   b. shall, pursuant to 2 CFR 200.306 and exceptions from 2 CFR §2900.8, be held in an interest-bearing account, <u>UNLESS</u>:
      i. the non-Federal entity receives less than $120,000 in Federal awards per year; **or**
      ii. the best, reasonably-available, interest-bearing account would not be expected to earn interest in excess of $500 per year on Federal cash balances; **or**
      iii. the depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
   c. § 2900.8 Cost sharing or matching.
      i. In addition to the guidance set forth in 2 CFR 200.306(b), for Federal awards from the Department of Labor, the non-Federal entity accounts for funds used for cost sharing or match within their accounting systems as the funds are expended.
4. Pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, the Local WDBs shall adhere to the following as to any and all interest earned on WIOA Title I funds.
   a. Interest income earned on funds received under WIOA Title I must be included as program income. *Program income* means:
      i. gross income earned by the non-Federal entity that is directly generated by a supported activity; **or**
      ii. earned as a result of the Federal award during the period of performance except as provided in 2 CFR 200.307(f).
   b. Under WIOA, program income includes **all** of the following:
      i. Receipts from goods or services provided (including conferences) as a result of WIOA-funded activities;
      ii. Funds provided to a service provider under WIOA that are in excess of the costs associated with the services provided;
      iii. Interest income earned on any WIOA funds received; **and**

iv. Any excess of revenue over costs incurred for services provided by a governmental or non-profit entity.

c. All program income earned under WIOA Title I grants may be retained only if the income is used to continue to carry out the program.

d. When the cost of generating program income has been charged to the program, the gross amount earned must be added to the program in which it was earned.

The cost of generating program income MUST be subtracted from the amount earned, to establish the net amount of program income available for use under the grants, when these costs have not been charged to the program.

48. USE OF RAPID RESPONSE 25% - SET ASIDE FUND

Background

Use of Governor's 25% Rapid Response funds for providing additional assistance services are allowable per Section 134(a)(2)(A)(i)(II) of PL 113-128 – Workforce Innovation and Opportunity Act (WIOA). These funds are available to Local Workforce Development Boards (WDBs) whose region experiences sudden and large increases of unemployment due to natural disasters, mass layoffs, or other events. The funds are to provide direct services to Dislocated Workers when local resources are inadequate.

Policy

For any program year in which the economy is impacted in a local workforce development region or statewide, such that there is a substantial increase in the number of Dislocated Workers, 25% Rapid Response funds may be made available to address the needs of Dislocated Workers in the impacted area(s) or statewide. Funds may not be used to replace formula funds.

When the economic impact is experienced throughout the state, funds will be awarded to WDBs using the currently-approved WIOA Title I Dislocated Worker funding allocation formula. For regional-specific experiences, award funds will be based on a threshold. Dislocations and numbers of individuals seeking services are frequently unpredictable, as are the number of requests received for funding. In all situations, staff will review the requests, the total amount of funding available at that time, and current projects to determine funding possibilities. Modification of current contracts may be considered in the review process.

Note: This is not a competitive process. It is designed to best serve workers dislocated in Connecticut.

Application for Additional Funds

Overall guidelines for regional application for this funding include, but are not limited to:

- Targeted to companies with layoffs affecting thirty-five (35) to one hundred fifty (150) workers.
- The grants are for Individual Training Accounts (ITAs), on-the-job training (OJT) and other direct participant activities only; administrative costs will not be funded. The cost for ITAs, OJT and classroom training (i.e., basic computer skills, remedial skills) must be in line with the board's current policy.
- All participants served with Rapid Response 25% set-aside funds will be counted in the applicable local area performance measures.

The procedure for procuring funding will be similar to that of requesting a National Dislocated Worker Grant. In establishing the need for the grant and determining which layoffs necessitate **additional funding**, CTDOL will consider a number of criteria. These include, but are not limited to:

1. Within 60 days of application, the local area expected accrued expenditure rate is or will be at least 70% of total available funds;
2. The number of workers being laid off and the workers' skill levels relative to the job market;
3. The board's administration of previous NDWGs and current performance management accountability;
4. The current needs in the local job market;
5. The company's eligibility for trade benefits.

In addition to the above, CTDOL may require surveys of the workers regarding the need for and interest in training and post-layoff support.

If it is agreed that the circumstances warrant additional funding, the board will submit a short proposal to CTDOL that will include:

- Basic company information (name, address, phone, type of business, size and timing of the layoff(s);
- A short explanation of the current situation and why funding is needed;
- A timeline for the project;
- The estimated number of workers to be served and the estimated number of workers to receive training and/or ITAs;
- Any additional activities, such as GED or computer classes, that may be needed; and
- A line-item budget, including a narrative and, if applicable, salary information; a cumulative expenditure schedule; and an implementation plan.

Once this package has been approved by CTDOL, a contract package will be created, or an existing contract may be modified.

Performance Reporting

All participants must be counted in the applicable local area performance measures. These participants are to be served in the same manner as with regular formula funds.

Inquiries

If you have any questions, please contact your Regional WDB Liaison.

References

Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) Sections 133(a)(2), 134(a)(2)(A)(ii), and 183

49. HANDLING PII

Handling and Protection of Personally Identifiable Information (PII)

BACKGROUND

USDOL Employment and Training Administration (ETA) Training and Employment Guidance Letter (TEGL) No. 39-11 (June 28, 2012).
See **http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872.**

PURPOSE
ETA Grantees and Subgrantees are required to handle and protect Personally Identifiable Information (PII) in order to mitigate risks associated with the collection, storage and dissemination of sensitive data, including PII. This AP cites the specific requirements with which grantees must comply in the acquisition, handling and transmission of PII.

DEFINITIONS:

Personally Identifiable Information (PII)	Defined by the federal OMB (Office of Management and Budget) as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. *See* **OMB Memorandum M-07-16 (5/22/07)** at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2007/m07-16.pdf	
Sensitive Information	Any unclassified information whose loss, misuse or unauthorized access to or modification of could adversely affect the interest of the conduct of Federal programs, or the privacy to which individuals are entitled under the Privacy Act.	
Protected PII and Non-Sensitive PII	USDOL has identified two (2) types of PII, primarily based on an analysis regarding the "risk of harm" that could result from release of PII:	
	Protected PII	Information that if disclosed could result in harm to the individual whose name or identity is linked to that information. *Examples*: Social Security numbers, credit card and bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometrics (fingerprints, voice prints, iris

		scans, etc.), medical history, financial information, computer passwords, etc. All Unemployment Compensation (UC) tax, wage or claims data is also Protected PII.
	Non-Sensitive PII	Information that if disclosed, by itself, could not reasonably be expected to result in personal harm as it is not linked or closely associated with any protected or unprotected PII. *Examples:* First and last names, e-mail addresses, business addresses, business telephone numbers, general education credentials, gender, race, etc. **However**, depending on the circumstances, a combination of such items may combine could potentially be categorized as protected or sensitive PII.

POLICY

As stewards of federal funds, USDOL ETA grantees must secure transmission of PII and sensitive data that is developed, obtained or otherwise associated with ETA-funded grants. All grantees must comply with all of the following:

1.	Non-sensitive PII may be placed or stored on a mobile computing or storage device, without specific approval from the Connecticut Department of Administrative Services, Bureau of Enterprise Systems and Technology (as process through CTDOL IT Division). If emailing PII, data must be encrypted using a FIPS 140-2 compliant and NIST-validated cryptographic module. Grantees must not e-mail unencrypted sensitive PII to an entity, including ETA or contractors. Additionally, no information obtained from Unemployment Compensation data (e.g., tax, wage or claims data) may be emailed, even if encrypted. *See* **http://csrc.nist.gov/publications/fips/fips140-2/fips1402.pdf.**
2.	In accordance with the ETA standards under TEGL 39-11 and any updates thereto, grantees must ensure the privacy of all sensitive PII obtained from participants and/or other persons and protect such information from unauthorized disclosure.
3.	Any sensitive PII used by a grantee during the performance of any ETA grant must only be obtained in conformity with applicable Federal and state laws governing confidentiality.
4.	All sensitive PII data obtained by grantees through ETA grants shall be stored in an area that is at all times physically safe from unauthorized access. All such sensitive data must be processed using grantee-issued equipment, managed information technology (IT) service and designated locations approved by ETA. Unless approved by ETA, accessing, processing and storing ETA

	grant sensitive PII on personally owned equipment at off-site locations (e.g. employee's home) or using non-grantee-managed IT services (e.g. Yahoo mail) is strictly prohibited.
5.	Grantee's employees and other personnel who will have access to sensitive, confidential, proprietary and/or private data must be advised of: • the confidential nature of such information • the safeguards required to protect the information **and** • that there are civil and criminal sanctions in Federal and state law for non-compliance with such safeguards.
6.	Grantees must implement policies and procedures under which grantee employees and other personnel acknowledge their understanding of #5, above, **before** such persons are granted access to PII. **<u>PRIOR TO COLLECTION of sensitive PII or sensitive personal information</u>:** **WIOA Program Applicants and Participants:** a. Persons shall be notified that such sensitive information shall only be used for purposes of service under the WIOA-funded grant and its corresponding regulations. Persons must sign a release acknowledging such notification as part of the WIOA program application. b. Persons shall also be notified that with written consent, such sensitive information may be shared with other WIOA partner organizations, for purposes of referral and potential coordination of services beyond WIOA. c. The person may agree in writing to release all or portion/s of their sensitive PII information and shall be provided the opportunity to indicate: i. what information may or may not be shared **and** ii. if there are specific organization(s) to which their information may <u>not</u> be shared. Such consent may be modified or revoked at any time, by providing written notice. The person must initial designations and changes, to document any such modifications. d. Unless modified or revoked by the person, written consents shall remain in effect for one year from the date of last signature. **WIOA–funded Staff, Volunteers and Partner Personnel:** a. WIOA-funded staff and unpaid volunteers and other partner personnel who have access to sensitive/confidential/proprietary/private data must be advised through training of the confidential nature of the information and the safeguards required to handle and protect the information. Only CTDOL-employed staff may have access to UC data. b. WIOA service provider staff – including the staff of Workforce Development Boards – shall sign written **Acknowledgement / Confidentiality Agreements** indicating receipt of training regarding the requirements and that they understand all such requirements. c. Such **Acknowledgements** must be kept for in staff personnel files.
7.	Grantees must not extract information from ETA-supplied data for any purpose not stated in the grant Agreement.

8.	Access to sensitive PII generated through participation in ETA programs or obtain via ETA funded grant participation must be restricted to only those employees of the grant recipient who need it and have signed required a **Acknowledgement of Policy and Confidentiality Agreement** in their official capacity to perform duties under the grant agreement's Scope of Work. Note: Individuals with access to Wage Data must sign an additional, separate **Acknowledgement of Policy and Confidentiality Agreement** form. **Acknowledgement of Policy and Confidentiality Agreement** is attached as an **Exhibit** under this AP.
9.	All sensitive PII data must be processed in a manner that will: • protect confidentiality of the data (records and/or documents) **and** • must prevent unauthorized persons from retrieving such data, by computer, remote terminal or any other means. Data may not be downloaded to -- or maintained on – portable storage or mobile devices. Wage data may only be accessed from secure locations, may not be downloaded to -- or maintained on – portable storage or mobile devices, and must follow guidelines prescribed by CTDOL Internal Security Unit. * See link to NIST and FIPS information, embedded at #1, above
10.	Social Security numbers and UC data shall never be transmitted via e-mail or any other unencrypted, unsecured media or channel.
11.	Records containing sensitive PII shall not be left open and unattended. Documents containing PII shall be kept in locked cabinets when not in use.
12.	Sensitive PII in paper files shall be destroyed using an appropriate method (e.g. shredding or use of a "burn bag").
13.	Sensitive PII data obtained by the grantee through an ETA request must **not** be disclosed to anyone but the individual requestor, **except** as permitted by the Grant Officer.
14.	Grantees must: • permit on-site inspections (including audits or other investigations) by ETA during regular business hours, for the purpose of determining grantee's compliance with these confidentiality requirements, **and** • make records applicable to the grant Agreement available to authorized persons for the purpose of inspection, review and/or audit.
15.	Grantees must retain data received from ETA **only** for the period of time required to use it for assessment and other purposes, **or** to satisfy applicable Federal record retention requirements, if any. **Thereafter**, the grantee shall destroy all data, including the degaussing (i.e. neutralize or erase) of magnetic tape files and deletion of electronic data.

16.	Breach or suspect breach of any of these protocols regarding handling and protection of PII must be immediately reported to the **Manager, Workforce Investment Opportunity Act Unit, CTDOL, who in turn will report the breach to:** • the **Federal Project Officer (FPO)** responsible for the grant **and** • **ETA Information Security @ ETA.CSIRT@dol.gov** (202) 693-3444 and follow any instructions received from officials of the U.S. Department of Labor.
	CTDOL staff must report breaches pertaining to wage data by using the Unauthorized data disclosure form found at **http://intranet/security/UnauthData.htm** and via the Incident Reporting process at the CTDOL Facilities Intranet site.

Communication / Inquiries between WDBs and CTDOL

If local area WDBs or CTDOL need to communicate by e-mail regarding a WIOA participant, **only the following information may be transmitted:**

Participant's name and **location of service ONLY**

Use of any other information regarding participant's identification or sensitive PII is strictly prohibited.

Action

Upon issuance of this AP, the following protocols are hereby implemented at CTDOL and local area WDBs must implement these policies among all respective WDB and One-Stop operator staff:

1. Before collecting sensitive PII from WIOA customers, each such WIOA customer must sign **release forms**:
   a. acknowledging the collection of such sensitive PII use,
   b. disclosing the entities that will have access to the customer's sensitive PII, and
   c. notifying the WIOA customer that in providing WIOA services to the customer will necessitate the proper, secure release of their respective PII.

   Authorization and Consent for Release of Information is attached as an **Exhibit** under this AP.
2. CTDOL and WDBs must not transmit any customer's PII to each other or any other entity for any purpose whatsoever. Inquiries involving WIOA customers or participants must use ONLY the person's first and last name and location of WIOA service. Staffs have varying levels of access to PII information via CT's MIS system CTHires based on administrative rights.
3. Records from CTHires containing sensitive PII must never be left open and unattended.
4. Destruction of sensitive PII:
   a. in paper files must use methods such as cross-cut shredding or a burn bag; **and**
   b. electronic PII must be securely deleted;

Contracts with all disposal facilities must clearly state that strict confidentiality of sensitive PII records is required throughout the disposal process.

5. Documents containing PII and other sensitive information must be stored in locked cabinets when the documents are not in use.
6. Chain-of-custody of any and all sensitive PII documents must be documented whenever such documents are removed from storage premises.
7. PII and other sensitive information may only be retained:
   a. for the period of time required to use it for assessment and other official purposes, **or**
   b. to satisfy applicable federal or state records retention requirements, if any.
8. Outside of circumstances described above, such sensitive PII must be destroyed, including but not limited to shredding or burning paper files, degaussing magnetic tape files and deleting electronic data.
9. Immediately report any breach or suspected breach of sensitive PII to the Manager, WOIA Administration Unit, CTDOL using the **Instructions for Lost, Stolen, or Compromised PII and Breach Report** is attached as an **Exhibit** under this AP.
10. All breaches or suspected breaches of sensitive PII shall be immediately reported by CTDOL to the USDOL ETA Region I office in Boston, Massachusetts.

Non-Compliance; Consequences

A grantee's:

- failure to comply with the requirements identified in TEGL 39-11 **and/or**
- improper use or disclosure of PII for an unauthorized purpose

may result in one or more of the following consequences:

- the termination or suspension of the grant,
- the imposition of special conditions,
- such other actions as the Grant Officer may deem necessary to protect the privacy of participants or the integrity of data.

Questions

Please contact WIOA Administration Unit at (860) 263-6590.

Exhibits

Exhibits:

1) **Instructions for Lost, Stolen, or Compromised PII and Breach Report**
2) **Acknowledgement of Policy and Confidentiality Agreement**
3) **Authorization and Consent to Release of Information**

Releases for use by WIOA and One-Stop operator Staff and Customers

Instructions for Lost, Stolen or Compromised PII and Breach Report

50. MANAGEMENT INFORMATION SYSTEM

MANAGEMENT INFORMATION SYSTEM REQUIREMENTS

The WIOA portion of CTHires Virtual OneStop (VOS) system collects and disseminates information on participants and program results. The system was designed using the Workforce Investment Act Standard Record Data (WIASRD), used to provide guidance in completing registration and outcome information.

Information about an individual and their WIOA Title 1B experiences is used to:
1. share program results with consumers, taxpayers, Congress, and other program overseers;
2. compare results among WIOA service providers, other states, and with other federally funded programs;
3. and evaluate and continuously improve services.

This information is required by legislation. It is confidential and protected by all applicable privacy rules.

For the staff member at a one-stop or workforce center, VOS incorporates case management, customer tracking, and follow-up services. A case manager or counselor can help individuals with basic (i.e., core) services, and track the information. They can also track and share information regarding eligible individuals receiving intensive and training services.
Staff can also support employers with basic services related to job orders and employer accounts.

Intensive Individual Services

Program Application and Eligibility Determination – Virtual OneStop uses a common database. Staff members can enter data once for individuals using various services from different programs or agencies, or they can enter required data for a specific program application. Either way, the data is shared by programs from different agencies within the one-stop partnership, and accessed where it is needed. This streamlines the process of matching customers with services they need pertaining to employment.

- **Case Management and Tracking** – Staff can enter, assign, review, and monitor case information for specific individuals registered within the workforce center. Authorized staff can automatically assign customers to specific case managers, or to multiple members of the one- stop staff. The case manager or counselor can view personal folder information, employment and training research, reports, and program activities. Applications, enrollment forms, status changes, program outcomes, and follow-up forms can be entered, viewed, and modified. Case histories can also be viewed. For more information about case management, see chapter 3 - Manage Individuals – Create, Assist, and Manage Profiles, and chapter 4 - Individuals – Case Management.
- **Case Notes** – Counselors and case managers can enter their own case notes for activities and observations about their customers. Security privileges control who sees case notes, as well as other case management and tracking features, so that data is viewed on a need-to-know basis. For information about working with case notes, see the topic “Case Notes Tab” in chapter 4 - Individuals – Case Management.

- **Assessment** – Assessment Process Summary Information can be recorded for multiple test results, allowing progress to be tracked for a customer with multiple intensive assessments. For more information about assessments, see the topic "Managing a Self-Assessment Profile" in chapter 3 - Manage Individuals – Create, Assist, and Manage Profiles.
- **Skills and Interests Analysis** – Staff can help individuals define their skill sets, work interests and work importance, and match the skills to standard O*NET occupation definitions (which helps to match individual skills to existing jobs). For more information on skills and interests, see the topic "Managing a Self-Assessment Profile" in chapter 3 - Manage Individuals – Create, Assist, and Manage Profiles.
- **Appointments and Messaging** – Staff can send and view messages from all the cases in their caseload. This includes appointment and event notifications. For more information about working with appointments and messages, see the topic "Messages" in chapter 2 - My Workspace.

ELIGIBILITY DOCUMENTATION

Staff should refer to the latest TEGL guidance on items that may be self-attested to or require documentation. CTDOL WIOA Administration is supportive of any local procedures that focus on engaging and enrolling clients first, while gathering subsequent documentation, as opposed to policies that require documentation as a first step prior to enrollment. As long as funds allow and local WDB resources permit, this is the preferred model of CTDOL WIOA Administration.

Within this section will be guidance on ways to specifically upload supporting documentation. Whenever possible, eligibility documents should be linked directly to the WIOA application by item, so staff and future auditors or monitors may make use of the Verification Items functionality within the business system, CTHires, to easily identify which supporting documentation verifies which data element. For documentation that supports multiple data elements, the WIOA Application functionality allows the ability for the staff user to link to existing documents, so the same source document can meet the needs of multiple elements. This organization and utilization of system functionality will expedite case file reviews and provide a level of consistency among data collection that will improve federal reporting needs.

ELIGIBILITY DOCUMENTATION RELATED TO THE ImpaCT SYSTEM FROM DEPARTMENT OF SOCIAL SERVICES

For specific elements applicable to the recent CTDOL and CT Department of Social Services (CTDSS) Memorandum of Understanding (MOU), the following options are allowed primarily to verify SSN, DOB, and public assistance receipt (e.g. TANF (or state-funded/commingled TFA) and SNAP).

Verification Process:

1. Social Security Number (SSN) Verification:

   a. Staff users can access the DSS data system (ImpaCT) to verify the applicant's SSN. No screenshots are allowed.
   b. Verification will be documented in case notes with the specific source of the SSN data from the DSS system. The local WDB is able to upload a general document stating, "SSN for (Name, State ID) verified in DSS ImpaCT system this date."
2. Date of Birth (DOB) Verification:
   a. Staff users can access the DSS data system (ImpaCT) to verify the applicant's Date of Birth. No screenshots are allowed.
   b. Verification will be documented in case notes with the specific source of the SSN data from the DSS system. The local WDB is able to upload a general document stating, "Date of Birth for (Name, State ID) verified in DSS ImpaCT system this date."
3. Receipt of Public Assistance Verification:
   a. Supporting Documentation Options:
      i. A generic letter indicating that the information was verified in the DSS data system on a specific date.
      ii. A copy of an eligibility letter from the recipient, indicating the specific assistance received.
      iii. An eligibility letter downloaded from the social services data system at the recipient's request.
      iv. For individuals enrolled in the Jobs First Employment Services Program (JFES), the existence of an active program application in CTHires, noting receipt of public assistance on the "DSS Information Page", can serve as eligibility.
      v. A request to CTDOL WIOA Admin with the individual's name, DSS Client ID, and/or last 4 of the SSN sent securely via email to verify elements when no local office access exists. CTDOL WIOA Admin has access to a daily SNAP file and can verify Yes/No for SNAP receipt and will provide a generic letter stating the client's name, ID, and whether or not the client was identified on the file that date. If it meets the eligibility need, this can be uploaded to CTHires to support verification of SNAP receipt.

Case Notes:
Case notes will be maintained for each verification, detailing the source of information and the date of verification. In cases where eligibility is established through the JFES program application, the active status of the application will be noted in the case notes.

Restrictions:
1. Screenshots Prohibition: Screenshots of the DSS data system are strictly prohibited. Staff users are not allowed to capture, store, or share screenshots of any information from the DSS data system.

50.1 MANAGEMENT INFORMATION SYSTEM DATA ENTRY POLICY FOR WIOA YOUTH, ADULT, AND DISLOCATED WORKER PROGRAMS

I. Purpose:

a. The purpose of this policy is to establish clear and consistent data entry requirements for the case management of participants in the Workforce Innovation and Opportunity Act (WIOA) Youth, Adult, and Dislocated Worker programs. Timely and accurate data entry is essential to monitor program performance while ensuring effective case management and compliance with WIOA regulations.

II. Basic and Career Services:

a. WIOA specifies that most Adult and Dislocated Worker program services will be provided through the American Job Center network, also known as one-stop career centers. Youth program services will be provided in areas designated by the local Workforce Development Board.
b. Under WIOA, eligible individuals can receive career services, which are classified into two categories: basic and individualized services. While some job seekers may only need self-service or other basic career services such as labor exchange services, others may need more comprehensive services, such as individualized services, which include career planning, and developing an individual employment plan outlining needs and goals of the job seeker.
c. Participants will also receive training services linked to job opportunities in their communities. To promote customer choice and involvement in career decisions, participants use an Individual Training Account to select an appropriate training program from an eligible training provider list.
d. WIOA also authorizes the provision of supportive services (e.g. transportation and child care assistance) to enable an individual to participate in the program.

III. Intake and Eligibility:

a. Individuals can enroll in WIOA for a variety of services such as career services and training. This can be done in a variety of ways:
    i. A customer can sign up for a WIOA Orientation and become enrolled later that day or in a follow up appointment.
    ii. A customer can complete a WIOA Pre-Application as a self-service tool that staff can convert into a WIOA Application.
b. The local Workforce Boards and subrecipients are strongly encouraged to align services in a client-centered approach following WIOA sec. 3(8).
    i. WDBs should not put screening mechanisms in place that reduce enrollment into WIOA, i.e., the use of one-size-fits-all ‘checklists’ that prevent enrollment until the customer returns with all documentation required are strongly discouraged as they conflict with a

variety of ways individuals can be eligible for WIOA based on co-enrollment and data sharing agreements across agencies such as the CT Unemployment System or the CT Department of Social Services data systems. (See below on CTDSS data system procedures for WIOA eligibility.)

ii. See Section 36 Support Services Policy to see how individuals can be assisted financially in the collection of eligibility documentation as an allowable cost.

c. Customers enrolled in WIOA and determined eligible or that are in the process of gathering eligibility documentation should be assigned a Case Manager. To the extent possible, the WIOA Program delivering services should attempt to maintain a single point of contact for the individual in order to communicate effectively with the customer and support their career journey.

i. CTDOL discourages the practice of 'cold handoffs' such as providing a phone number for the customer to call another agency themselves and when possible, recommending the Case Manager assist the customer in making the phone call or doing the second action together to determine next steps needed.

IV. Documentation

a. Staff should refer to the latest TEGL guidance on items that may be self-attested to or require documentation.

b. As mentioned above, CTDOL WIOA Administration is supportive of any local procedures that focus on engaging and enrolling clients first, while gathering subsequent documentation, as opposed to policies that require documentation as a first step prior to enrollment. As long as funds allow and local WDB resources permit, this is the preferred model of CTDOL WIOA Administration.

c. Whenever possible, eligibility documents should be linked directly to the WIOA application by item, so staff and future auditors or monitors may make use of the Verification Items functionality within the business system, CTHires, to easily identify which supporting documentation verifies which data element.

d. For documentation that supports multiple data elements, the WIOA Application functionality allows the ability for the staff user to link to existing documents, so the same source document can meet the needs of multiple elements. This organization and utilization of system functionality will expedite case file reviews and provide a level of consistency among data collection that will improve federal reporting needs.

V. Intensive Individual Services:

a. Monthly Contact and Case Notes:

i. Case managers must maintain monthly contact with participants to assess progress and provide guidance.

ii. Succinct case notes must be recorded after each contact, documenting key information such as goals, barriers, and services provided.

iii. See Section 18 Case Note Policy.

b. Assessment:
   i. Assessment Process Summary Information can be recorded for multiple test results such as the CASAS or Career Interest Assessments, allowing progress to be tracked for a customer with multiple intensive assessments.

c. Skills and Interests Analysis:
   i. Staff can help individuals define their skill sets, work interests and work importance, and match the skills to standard O*NET occupation definitions (which helps to match individual skills to existing jobs).
   ii. An assessment of an individuals career interests, skills and barriers should be utilized based on local Workforce Board Policy to inform the contents of the Individualized Employment Plan.

VI. Individual Employment Plan (IEP) Creation and Updates:

a. The IEP must be updated as needed to reflect changes in participants' goals, needs, or circumstances.
b. Updates should be made promptly to ensure the IEP remains an effective tool for guiding participants toward employment success.

VII. Activities/Services:

a. The creation of activities should be informed by the IEP.
b. The duration of the activity (Projected Start and End Dates) should be realistic based on the service provided. For example, a new single day activity of Career Planning may be utilized to reflect appointments where Career Planning was discussed. In contract, an Individual Training Account activity can have a three month duration to mirror the time the customer will be in a training course at a local provider or online.
   i. Overly extended or shortened durations should be avoided to maintain program integrity and accountability.
c. The completion of the activity should be updated when the status or outcome of the activity is known. For example, dropping out of a class or successfully finishing the activity should prompt the Case Manager to input the Actual End Date and mark an appropriate Completion Status Reason such as Successful or Unsuccessful.
   i. Note: Failure to record a Completion Reason will make the CTHires system default to “System Closure” and this service will not accurately reflect a successful outcome in certain measures such as “Training Related Employment”. The match of the Employment outcome mirroring the employment-related training previously completed will only indicate as a match (or “yes”) if the Training activity was successfully completed.

VIII. Measurable Skills Gains:

a. Case Managers should record Measurable Skills Gains in the system when a gain is reflected for participants who are in an education or training programs.
b. Measurable Skills Gains are reported for individuals in education or training programs that lead to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:
    i. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
    ii. Documented attainment of a secondary school diploma or its recognized equivalent;
    iii. Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards;
    iv. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
    v. 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.

IX. Credential Attainment:
a. Case Managers should record Credential Attainment in the system when it is received, or reported to be received, for participants who are in an education or training programs.
b. Credential Attainment is reported for individuals an education or training program (excluding those in OJT and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.
c. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

X. Appointments and Messaging:
a. Staff can send and view messages from all the cases in their caseload. This includes appointment and event notifications.

XI. Exit:
a. Exit occurs after participants receive no services for 90 days in either WIOA, WP, or TAA programs (referred to as "system exit" or "soft exit"). Exit will occur automatically based on actual end dates of entered services/activities.

b. Exit typically occurs after a completion of training and/or a transition into unsubdivided employment and the customer loses contact.
c. When an Exit occurs, Case Managers should record a Closure against the WIOA application in order to capture elements related to employment at the time of exit.
d. Exemptions:
    i. All exited customers will continue to be reported in after Exit cohorts, but there is the ability to exclude certain customers if information is known that warrants an Exit Exemption. The following reasons can be selected in the "Create Outcome" section of CTHires:
        1. Institutionalized
        2. Health/medical
        3. Death
        4. Reservist called to active duty
        5. Family care
        6. Relocated to a mandated program (foster care)

XII. Follow Up:

a. Follow Up is strongly encouraged for all Adult and Dislocated Worker participants but is **required** for a minimum of one year for all participants who entered unsubsidized employment.
    i. See § 680.150 What career services must be provided to adults and dislocated workers? (Copied below.)
        1. At a minimum, all of the basic career services described in WIOA secs. 134(c)(2)(A)(i)–(xi) and § 678.430(a) of this chapter must be provided in each local area through the one-stop delivery system.
        2. Individualized career services described in WIOA sec. 134(c)(2)(A)(xii) and § 678.430(b) of this chapter must be made available, if determined appropriate in order for an individual to obtain or retain employment.
        3. Follow-up services, as described in WIOA sec. 134(c)(2)(A)(xiii) and § 678.430(c) of this chapter, must be made available, as determined appropriate by the Local WDB, for a minimum of 12 months following the first day of employment, to participants who are placed in unsubsidized employment.
b. Follow up is **required** for one year for all youth participants.
    i. See § 681.580 What are follow-up services for youth? (Copied below.)
        1. Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise.
        2. Follow-up services for youth also may include the following program elements:

a. Supportive services;
b. Adult mentoring;
c. Financial literacy education;
d. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
e. Activities that help youth prepare for and transition to postsecondary education and training.

3. All youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months unless the participant declines to receive follow-up services or the participant cannot be located or contacted. Follow-up services may be provided beyond 12 months at the State or Local WDB's discretion. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

c. Follow Up is also a location where Supplemental Data can be recorded if new employment is learned. Supplemental Data is pulled, if the participant is in a reported cohort, in the event there is no wage data for a participant in the quarter. Additionally, supplemental data is the only location entering the military would be visible in reports, as the regular CT wage file does not have certain wages such as military (UCX) or railroad wages.
d. To accurately reflect follow up services provided, Case managers should select the appropriate "F-named" activity. (As opposed to all numbers, activities coded as Follow Up services in CTHires begin with an "F" and are the only activities visible for staff selection when a Closure is recorded.

XIII. Re-Enrollment:
a. Customers can re-enroll in WIOA 90 days after exit. Eligibility would be required again but staff should consider the last enrollment's information and case note current circumstances to see if new documentation is required or if the customer reports any differences.

XIV. WIOA Performance
a. A local Workforce Development Board is strongly encouraged to focus on timely data entry over determining when a data entered item may position them 'best' for WIOA performance cohorts. This moving target can be unpredictable and case file information should not be retained or hung on to longer than necessary in an attempt to control outcomes.
b. Delays in data entry can hinder program evaluation and may lead to compliance issues.

XV. Monitoring and Compliance:
a. Regular audits and reviews will be conducted to ensure compliance with this data entry policy.

b. Corrective actions will be taken for instances of non-compliance, which may include additional training or coaching.

XVI. Conclusion:

a. This policy outlines the data entry requirements for the case management of participants in WIOA Youth, Adult, and Dislocated Worker programs. By adhering to these guidelines, we aim to maintain program integrity, facilitate effective case management, and comply with all relevant regulations and guidance.

ELIGIBILITY DOCUMENTATION SPECIFIC TO DEPARTMENT OF SOCIAL SERVICES DATA

For specific elements applicable to the CTDOL and CT Department of Social Services (CTDSS) Memorandum of Understanding (MOU), the following options are allowed primarily to verify SSN, DOB, and public assistance receipt (e.g. TANF (or state-funded/commingled TFA) and SNAP).

Verification Process:

4. Social Security Number (SSN) Verification:
    a. Staff users can access the DSS data system (ImpaCT) to verify the applicant's SSN. No screenshots are allowed.
    b. Verification will be documented in case notes with the specific source of the SSN data from the DSS system. The local WDB is able to upload a general document stating, “SSN for (Name, State ID) verified in DSS ImpaCT system this date.”
5. Date of Birth (DOB) Verification:
    a. Staff users can access the DSS data system (ImpaCT) to verify the applicant's Date of Birth. No screenshots are allowed.
    b. Verification will be documented in case notes with the specific source of the SSN data from the DSS system. The local WDB is able to upload a general document stating, “Date of Birth for (Name, State ID) verified in DSS ImpaCT system this date.”
6. Receipt of Public Assistance Verification:
    a. Supporting Documentation Options:
        i. A generic letter indicating that the information was verified in the DSS data system on a specific date.
        ii. A copy of an eligibility letter from the recipient, indicating the specific assistance received.
        iii. An eligibility letter downloaded from the social services data system at the recipient's request.
        iv. For individuals enrolled in the Jobs First Employment Services Program (JFES), the existence of an active program application in CTHires, noting receipt of public assistance on the “DSS Information Page”, can serve as eligibility.

v. A request to CTDOL WIOA Admin with the individual's name, DSS Client ID, and/or last 4 of the SSN sent securely via email to verify elements when no local office access exists. CTDOL WIOA Admin has access to a daily SNAP file and can verify Yes/No for SNAP receipt and will provide a generic letter stating the client's name, ID, and whether or not the client was identified on the file that date. If it meets the eligibility need, this can be uploaded to CTHires to support verification of SNAP receipt.

Case Notes:
Case notes will be maintained for each verification, detailing the source of information and the date of verification. In cases where eligibility is established through the JFES program application, the active status of the application will be noted in the case notes.

Restrictions:

2. Screenshots Prohibition: Screenshots of the DSS data system are strictly prohibited. Staff users are not allowed to capture, store, or share screenshots of any information from the DSS data system.