



**District of Columbia  
Workforce Investment Council**

**POLICY MANUAL**

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## **Preface**

The purpose of this Workforce Innovation and Opportunity Act (WIOA) Policy Manual is to provide policy guidance and interpretation of Federal and District workforce development laws.

Procedural guidance is also provided to assure consistency. The manual is intended for use in conjunction with Federal and District laws and regulations. This manual includes four major components: (1) Governance; (2) Financial and Grant Administration; (3) Programs and Services; and (4) Performance. Each section details necessary policies and activities to meet our strategic goals and support ongoing program development and coordination of the One Stop service delivery system.

## **Authority**

The State Workforce Development Board, referred to in the District of Columbia as the Workforce Investment Council (WIC), has been designated, to act on behalf of the Mayor, as the oversight entity of the Workforce Innovation and Opportunity Act (WIOA) of 2014, Title I adult, youth and dislocated worker programs. As the designated oversight entity, the WIC is given the following responsibilities and authority by law:

1. To write or modify any policies or procedures, which are necessary to interpret or clarify policies on behalf of the Mayor;
2. To waive, for good cause, any parts of the manual, which are not required by law or regulations;
3. To interpret the manual; and
4. To monitor to ensure compliance with applicable Federal law.

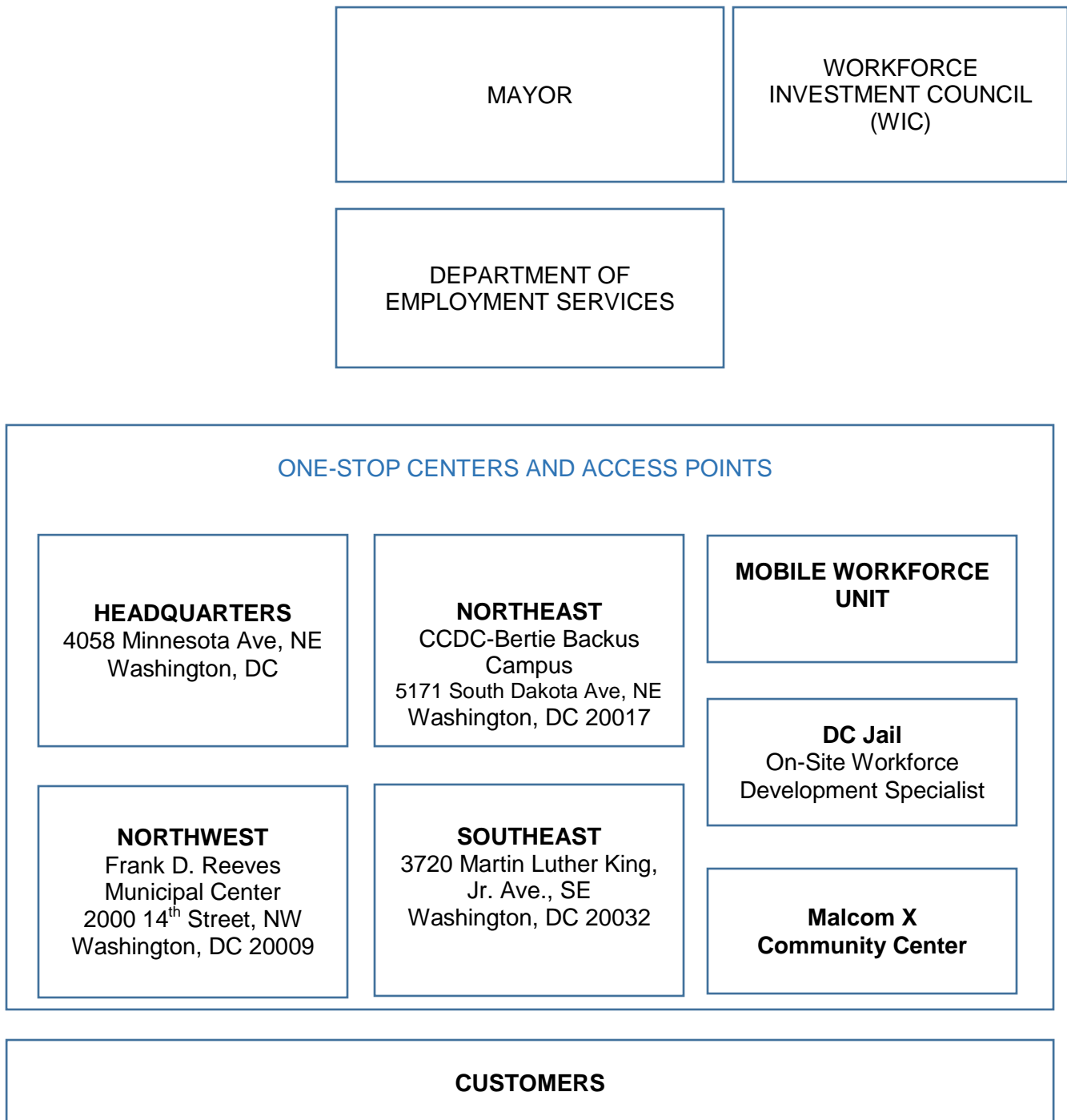
All complaints and requests for waivers or interpretation of any part of this policy manual must be sent to the WIC at:

Government of the District of Columbia  
Office of the Deputy Mayor for Greater Economic Opportunity  
2235 Shannon Place SE, Suite 3031  
Washington, DC 20020

# 1. Governance

## 1.1 District of Columbia Workforce Development System Organization

### WORKFORCE SYSTEM ORGANIZATION CHART



## 1.2 District of Columbia Workforce Development Board Composition and Administration

### A. Board Composition

As required by Section 101(a) of the Workforce Innovation and Opportunity Act of 2014 the Mayor established a State Workforce Development Board, referred to in the District of Columbia as the Workforce Investment Council (WIC) or “the Board.” The Mayor’s appointments to the Board were made in compliance with the criteria in WIOA Section 101(b)(1).

1. Mayor or Mayor’s designee;
2. Two members of the legislature, appointed by the appropriate presiding officers; and
3. Members appointed by the Mayor, of which:
  - a. a majority shall be representatives of businesses in the District, who:
    - i. 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;
    - ii. represent businesses (including small businesses), or organizations representing businesses, 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 District; and
    - iii. are appointed from among individuals nominated by business organizations and business trade associations;
  - b. not less than 20% shall be representatives of the workforce within the District, who:
    - i. shall include at minimum two (2) representatives of labor organizations, who have been nominated by labor federations;
    - ii. shall include at minimum one (1) 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, such a representative of an apprenticeship program in the State;
    - iii. 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:
    - i. shall include representatives of government, who:
      - (a) shall include the lead officials with primary responsibility for the core programs; and
      - (b) shall include local elected officials; and
    - ii. may include such other representatives and officials as the Mayor may designate, such as:
      - (a) agency officials from agencies that are One-Stop partners not specified (including additional One-Stop partners whose programs are covered by the plan, if any);
      - (b) agency officials responsible for economic development or juvenile justice programs in the District;
      - (c) individuals who represent an Indian tribe or tribal organization; and
      - (d) officials responsible for education programs in the District, including chief executive officers of community colleges and other institutions of higher education.

## **B. Board Administration**

1. Mayor's Order. Mayor's Order 2016-086, Re-Establishment—Workforce Investment Council (governing purpose of the WIC, appointment of the Chairperson and election of officers, establishment of committees and taskforces, terms of appointment, Board responsibilities and compensation, and the Executive Director and staff), is herein incorporated, in its entirety, by reference.
2. Bylaws. In accordance with Mayor's Order 2016-086, the WIC may establish its own bylaws and rules of procedure, subject to approval of the Mayor or his or her designee. The WIC bylaws are herein incorporated, in their entirety, by reference.

### 1.3 Conflict of Interest

All WIC members and staff serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the WIC are to be based on promoting the workforce system, including employers and jobseekers of the District of Columbia. This policy applies to all WIC members and staff and is intended to supplement, but not replace, any applicable Federal or District laws governing conflicts of interest.

#### **A. WIC Board Members**

1. WIC board members must be aware of and abide by the WIOA Conflict of Interest Policy in 29 U.S.C. § 3111 (f) which states, “A member of a State board may not:
  - a. vote on a matter under consideration by the State board—
    - i. regarding the provision of services by such member (or by an entity that such member represents); or
    - ii. that would provide direct financial benefit to such member or the immediate family of such member; or
  - b. engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.”
2. If a board member experiences an actual or potential Conflict of Interest, the board member shall take the following steps:
  - a. remove him or herself from the topic or issue involving the Conflict of Interest; and
  - b. not take any action on the impacted topic or issue until the Conflict of Interest has been resolved. The Conflict of Interest may be resolved by having an independent third party review the actual or apparent Conflict of Interest, and issue a written report or statement indicating that it is permissible to proceed with the impacted topic or issue.

#### **B. WIC Staff**

Conflicts of interest can also arise with respect to the WIC Executive Director and their staff. While these individuals do not participate in formal Board votes, they nonetheless make decisions regarding the use of WIOA funds and the provision of WIOA services. Therefore, the WIC Executive Director and their staff have a duty to avoid Conflicts of Interest and take appropriate steps when an actual or perceived Conflict of Interest arises.

1. The WIC Executive Director and their staff shall not:



- a. use WIOA funds or services to provide a direct or indirect financial benefit to themselves or any of their immediate relatives;
  - b. directly or indirectly accept or solicit any gratuities, favors, or anything involving more than the minimum monetary value from any person with whom the Executive Director or staff interacts in his or her capacity as a recipient of Federal funds. This section includes, without limitation, any potential or actual supplier, contractor, subcontractor, grant recipient or other service provider;
  - c. participate in the selection, award or administration of a procurement supported by Federal funds in any case where the Executive Director or staff is aware that any immediate relative, business partner, or any organization that employs or is about to employ any of those persons, has any financial or material interest in any organization that may be considered for an award of Federal funds;
  - d. advocate for or cause the advancement, appointment, employment, promotion, or transfer of an immediate relative to any office or position administering or handling Federal funds including without limitation, any potential or actual supplier, contractor, subcontractor, grant recipient or other service provider; or
  - e. take any action determined to constitute a Conflict of Interest. If a staff member experiences an actual or potential Conflict of Interest, the impacted staff member shall notify the Executive Director and not undertake any action on the topic or issue involving the Conflict of Interest. Instead, the impacted staff member shall allow the Executive Director to address and resolve the actual or potential Conflict of Interest, if possible.
2. If the WIC Executive Director experiences an actual or potential Conflict of Interest, the Executive Director shall take the following steps:
- a. notify the WIC Chair and the official who signs as the Fiscal Agent for the Administrative Entity of the actual or potential Conflict of Interest as soon as possible;
  - b. remove him or herself from the topic or issue involving the Conflict of Interest; and
  - c. not take any action on the impacted topic or issue until the Conflict of Interest has been resolved. The Conflict of Interest may be resolved by having an independent third party such as the WIC Chair or Mayor, review the actual or apparent Conflict of Interest, and issue a written report or statement indicating that it is permissible to proceed with the impacted topic or issue.

## 1.4 Designees Policy and Procedure

This policy provides the Workforce Investment Council (WIC) board members policy and procedures for assigning designees for WIC quarterly meeting and committee meetings. This applies to all WIC board members.

### A. Quarterly Meetings

The WIC board convenes at least four (4) times a year. Board members are required to attend each meeting in person, or, in limited cases, by phone or other electronic means arranged to accommodate remote participation. Any member of the WIC who fails to attend three (3) consecutive, official WIC meetings shall be deemed removed from the WIC and a vacancy created.

1. In accordance with Mayor's Order 2016-086, the Mayor, the Deputy Mayor for Greater Economic Opportunity, the Deputy Mayor for Planning and Economic Development, the Director of Department of Employment Services, the State Superintendent of Education, the Director of Department of Disability Services, the Director of the Department of Human Services, and the President of the Community College of the University of the District of Columbia may assign a designee to represent their government agency. In addition, members of the Council of the District of Columbia, may assign a designee to represent their office. Should a WIC member choose to nominate a designee, said designee must hold a senior management position within the agency or office they represent, be in a position to serve for a full year to preserve board continuity and the nomination must be made by letter addressed to the Chair of the WIC.
2. Other WIC members, not specified in the paragraph above, MAY NOT, designate someone to serve or vote on their behalf at the full-board meetings.

### B. Committee Meetings

The WIC's Executive, Implementation, and Youth committees meet regularly, and in person attendance is required, or, in limited cases, participation by phone or other electronic means may be arranged. All WIC members may designate a representative to serve on their behalf on committees, subcommittees, or taskforces established by the Chairperson, Executive Committee, and the Mayor.

1. Executive Committee. To serve on the Executive Committee, the designee does not have to be another member of the WIC board. The designee CANNOT be receiving or seeking

ANY workforce development funding from the District. Furthermore, the designee must serve on an ongoing basis and the responsibility cannot rotate.

2. Other Committees. To serve on all other committees, the designee must be a permanent, high-level designee empowered to make decisions on the member's behalf. The responsibility cannot rotate.

## 1.5 Monitoring and Technical Assistance

Monitoring, evaluation and technical assistance is an integral part of the oversight responsibilities required by law. Monitoring and evaluation identify areas of strength and weakness in program operation with the intent of improving program performance. Technical assistance increases program operation and management capabilities.

### A. Monitoring

1. Monitoring is an essential part of program management to ensure compliance with appropriate laws, regulations, plans, provider agreements, policies and procedures. Monitoring provides the opportunity to strengthen or improve programs and systems to promote continuous improvement. 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 WIC. Members of entities such as One-Stop Operators, WIC Board members, or U.S. Department of Labor may accompany onsite monitors. 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.
2. The One Stop Operator may conduct supplemental oversight reviews of providers to determine the extent to which the provider is assisting in the development and operation of the One Stop Center. The One Stop Operator may recommend that a service provider take a course of corrective action for any deficiencies found in the provider's operations that relate to the One Stop Center.

### B. Technical Assistance

1. Technical assistance and training may be recommended by the WIC or requested by the One-Stop Operators. Technical assistance may be a means of improving operations, implementing corrective action, or providing information. Offices will not be

monitored on the quality or compliance of their programs during technical assistance visits, but will be provided direction to improve quality and compliance issues. The WIC may provide technical assistance and training directly or outside sources may be used. Such requests should be coordinated through the WIC staff.

2. 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 the WIC staff has sufficient information to decide on the most appropriate form and level of assistance to provide. If multiple requests are made for training in related areas, a general training session may be scheduled. WIC staff may schedule technical assistance visits to provide information or special training, discuss areas of concern, evaluate program operation, or any combination thereof. Service provider attendance may be required at state-sponsored technical assistance sessions.

#### 1.6 Providing Notice of Equal Opportunity and Non-Discrimination

- A. All eligible service and training providers receiving WIOA Title IB funds must comply fully with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and Equal Opportunity and Nondiscrimination Regulations.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

F. Sexual Harassment/Sex-Based Harassment. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Assurances regarding nondiscrimination and equal opportunity apply to sexual harassment as well.

## 2. Financial and Grant Administration

This section outlines general policies and procedures surrounding fund allocation, cost principles, accounting, and fiscal reporting requirements. In order to facilitate the orderly, timely, and accurate accounting, reporting, and auditing of Federal and State grant transactions, the District's Department of Employment Services (DOES) must ensure the following:

- A. Appropriate budgetary and accounting controls (in accord with generally accepted accounting principles (GAAP)) are in place to separately identify grant transactions.
- B. Appropriate administrative controls are in place to ensure that costs claimed are in compliance with applicable program statutes, regulations, Federal directives, and terms and conditions of the grant award.

### 2.1 Cost Allocation

At times, it will become necessary to utilize cost allocations and cost pooling to best distribute costs among all funding resources that receive benefits from the good or service being utilized. Allocability is the measure of the extent to which a cost benefits a grant program and its cost objectives. Costs that are not readily chargeable to a final cost objective should be aggregated into cost objectives commonly called cost pools. These should be periodically allocated to final cost objectives using a Federally recommended allocation methodology. These include: administrative cost pools, indirect cost pools, intake cost pools, supplies expense pool, and other cost pools.

### 2.2 Grant Allocation

DOES serves as the District's fiscal agent. As such, DOES receives annual allocations for WIOA Adult, Youth and Dislocated Worker programs from the U.S. Department of Labor and must allocate funds in compliance with guidance issued by the WIC. The WIC shall direct DOES to allocate a portion of the District's WIOA funding for statewide activities (up to 15% under WIOA), which may include both WIC and DOES staff and administrative functions as well as other allowable program costs.

### 2.3 WIOA Allocation Process and Timeline

The following timeline outlines the WIC's expectations regarding fund allocations.

#### **A. February**

1. DOES staff begins the process of compiling data to prepare for the allocation factors of all 3 funding streams.
2. DOES will complete all required data reports and compile all necessary information for Programmatic and Compliance teams.

#### **B. March**

1. DOES reviews and distributes the allocation factors to the appropriate DOES staff and the WIC. If the allocation factors have been modified since the previous year, the allocation factors will be presented to the WIC for review and approval.
2. USDOL publishes state allotments for all 3 funding streams. The state allotments represent total funding for the life of the grants, unless there is a rescission or reallocation of funds.
3. DOES signs a funding agreement with USDOL.
4. Preliminary allocations for all 3 funding streams are issued to DOES.

#### **C. Mid-April**

1. USDOL issues the WIOA Youth funding Notice of Award (NOA) to DOES in April. The signed NOA authorizes DOES to issue the grant awards. The grant awards are issued to DOES in accordance with the WIOA and District guidelines.
2. The Youth grant awards are issued to sub-recipients in accordance with the WIOA and DOES guidelines. The funding period for the Youth grant awards starts on April 1st and lasts for 27 months. The grant ends on June 30th. The Youth funds are program year funds.

#### **D. Mid-July**

1. The WIOA Adult and Dislocated Worker funding Notice of Award (NOA) is received by DOES.
2. The Adult & Dislocated Worker grant awards are issued in accordance with WIOA and DOES guidelines. The funding period for the Adult & Dislocated Worker grant awards starts on July 1st and lasts for 24 months. These Adult & Dislocated Worker funds are program year funds. The grants end on June 30th. The smaller portion of these funds is awarded at this time, with the balance of the awards being funded in October.

3. DOES shall submit its yearly budget to the WIC. The budget shall be signed by DOES's Director.

**E. Mid-October**

1. The WIOA Adult and Dislocated Worker funding Notice of Award (NOA) is received by DOES.
2. The balance of the Adult & Dislocated Worker grant awards are issued in accordance with WIOA and DOES guidelines. The funding period for this portion of the Adult & Dislocated Worker grant awards starts on October 1 and lasts for 21 months. The grants end on June 30. These Adult & Dislocated Worker funds are fiscal year funds. The larger portion of these funds is awarded at this time.

**2.4 Mayor's Reserve Fund**

- A. At times, USDOL may see fit to provide funds to the state for discretionary projects. If made available, these funds shall be known as the Mayor's Reserve Funds and may only be utilized in accordance with the purpose of the discretionary project. This may include the following services, for example:
1. Disseminating the State list of eligible providers of training services;
  2. Conducting evaluations;
  3. Providing incentive grants for regional cooperation and activities carried out under this Act;
  4. Providing technical assistance to DOES if it fails to meet local performance measures;
  5. Assisting in the establishment and operation of One-Stop delivery systems;
  6. Operating a fiscal and management accountability information system;
  7. Instituting data-driven measures to match the needs of the DC workforce.
  8. Implementing pilot and demonstrations projects.
- B. While Reserve Funds are not bound by the eligibility criteria outlined for adult, dislocated worker, and youth formula-funded programs, the following requirements must be met:
1. Compliance with the Selective Service registration requirements for males 18 years and older;
  2. Compliance with all District and Federal Right to Work laws.



C. When individuals are serviced, the following criteria must be met:

1. The use of funds must align with the purpose of WIOA specified in 29 U.S.C. § 2811;
2. Individuals served with funds must demonstrate a need for service actually received while in the program.

## 2.5 Federal Funding Accountability and Transparency Act (FFATA) Reporting

DOES will require all sub-recipients who receive grant awards of \$25,000 or more to complete a Federal Funding Accountability and Transparency Act (FFATA) reporting document prior to the grant award being considered executed. DOES will document on the FFATA form the date that all required documentation is received for the grant award to be considered fully executed. This will be documented as the “receipt date.”

## 2.6 Cost Principles

Requirements for Federal grants prescribed by the Office of Management and Budget (OMB) have changed with the implementation of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([Uniform Guidance](#)), Final Rule, at 2 CFR Part 200, including the Department of Labor’s (DOL’s) approved [exceptions](#) at 2 CFR Part 2900. Even though the Uniform Guidance does not address every possible cost, it is the groundwork for all grant financial management, and DOES and its sub-recipients must follow its requirements to avoid audit findings and potential liability. The following general cost principles, as specified in the Uniform Guidance and regulations, must be used in determining cost allowability 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. DOES and its sub-recipients are required to exercise sound business practices and to comply with its procedures for charging costs.

### **B. Costs must be allocable**

DOES and its sub-recipients may charge costs to a grant if those costs can be clearly assigned to the grant program in accordance with relative benefits received. This standard is met if the cost:

1. Is incurred specifically for the applicable grant award;
2. Benefits both the grant award and other work of DOES and/or sub-recipients and can be distributed in proportions that may be approximated using reasonable methods; and

3. Is necessary to the overall operation of DOES and/or sub-recipients and is assignable in part to the grant award in accordance with the principles in 2 CFR 200.405 (Allocable Costs).

**C. Costs must be allowable and conform to DOL grant exclusions and limitations**

Costs incurred must not be prohibited by any Federal, state, or local laws or regulations. They must conform to any limitations or exclusions set forth in Uniform Guidance or in the grant award terms and conditions as to types or amount of cost items. They must be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of DOES and/or sub-recipients.

**D. Costs must receive consistent treatment by a recipient**

DOES and its sub-recipients must treat a cost uniformly across program elements and from year to year. Costs that are indirect for some programs cannot be considered direct DOL grant costs.

**E. Costs must be determined in accordance with generally accepted accounting principles (GAAP)**

DOES and/or sub-recipients must employ GAAP, except, for state and local governments and Indian tribes only, as otherwise provided for in the Uniform Guidance.

**F. Costs must not be used to meet matching or cost-sharing requirements**

A recipient may not use Federally funded costs, whether direct or indirect, as match or to meet matching fund requirements unless specifically authorized by law.

**G. Costs must be adequately documented**

A recipient 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.

## 2.7 Expense Guidelines

DOES and its sub-recipients may not charge a cost to the grant that is unallowable per the grant regulations or the cost limitations specified in the regulations.

## 2.8 Reporting

DOES submits Quarterly Financial Reports to DOL based on the Monthly Expenditure Reports compiled and submitted to the WIC. Monthly Expenditure Reports are submitted by DOES for each grant funding stream/program year by the 20th day of the following month. DOES will prepare the quarterly ETA-9130 financial report for each program year and funding stream, including final and closeout reports.

Quarterly ETA-9130 financial reports are due no later than 45 calendar days after the end of each quarter, unless otherwise specified in reporting instructions. A report must be submitted for each subaccount listed in the Notice of Award (NOA) document. All financial data must be reported based on the accrual basis of accounting and be cumulative by fiscal year of appropriation through the entire period of performance (POP).

Quarter Ending Dates	Financial Reports Due to DOL
March 31	May 15
June 30	August 14
September 30	November 14
December 31	February 14

At the end of a grant, two reports must be submitted:

1. The Final 9130 report must be submitted no later than 45 calendar days after the reporting period in which the grant period of performance expires or all funds are expended, whichever comes first.
2. The Closeout 9130 report must be submitted no later than 90 calendar days after the expiration of the grant period of performance. The Closeout 9130 Report must be completed in addition to the Final 9130 report. For additional information regarding grant closeout procedures, refer to section 2.9.

Upon request, DOES shall complete ad hoc reports.

## 2.9 Grant Award Closeout

DOES will close-out Federal awards when it determines that all applicable administrative actions and all required work of a Federal award have been completed at the end of the period of performance. The Uniform Guidance, at 2 CFR 200.343 – 200.344, specifies the actions a non-Federal entity and Federal awarding agency or pass-through entity must take to complete this

process (including post-closeout adjustments and continuing responsibilities). DOES shall abide by these requirements.

Each service provider/sub-recipient is responsible for developing and maintaining a system to comply with the Federal grant closeout requirements. To ensure that DOES closes out grants in a timely manner for USDOL ETA, the following guidelines are established for service providers/sub-recipients:

#### **A. Closeout Process**

1. All refunds due to the awarding agency must be made before the closeout or submitted with the closeout documents.
2. Pending claims or late arriving invoices must be best estimated and identified in the closeout reports. Once the items are received, reconciliation must be done and sent to DOES to be attached to the reports. If a refund is due the awarding agency, it must be included with the reconciliation.
3. Any refunds, rebates, or credits received after the closeout must be sent to DOES. If stand-in costs were reported, they may be offset by such refunds, rebates, or credits; however, the stand-in costs must have been reported prior to the receipt of the refund.
4. DOES reserves the right for further grant adjustments based on audit findings after the closeout reports are submitted.

#### **B. Closeout Package**

The closeout package consists of the following forms:

1. Service Provider's Submittal of Closeout Documents: Include a cover sheet that lists all the documents included in the closeout package.
2. Financial Status Report
3. If necessary, a copy of the approved indirect cost rate. If indirect costs have been charged to the grant, a copy of the provisional or final rate must be included. If the grant is closed based on a provisional rate and the final rate is lower, the recipient is required to recalculate indirect costs and return all excess indirect costs within 45 days of the final rate approval letter.
4. Recipient's Release: The recipient certifies the release of the grantor agency from further monetary obligations under the grant. Certain specifically identified claims such as unclaimed wages, Worker's Compensation claims, or other outstanding claims must be identified and the list attached to the recipient's release.

5. Recipient's Assignment of Refunds, Rebates, and Credits: The recipient waives claim to any refunds, rebates, or credits received after the grant has terminated and assures prompt remittance to the awarding agency.
6. Government Property Closeout Inventory Certification: This form provides for an inventory of all real or personal property purchases acquired with grant funds or received from the Federal government where USDOL reserves the right to take title, or a certification that no such property was acquired with grant funds.

## 2.10 Audits and Record Retention

### A. Audit Requirements

A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of Subpart F, Audit Requirements, of 2 CFR 200. A recipient, whether a state or a board that passes down funds to a service provider must ensure that the entity receiving the funds has an audit conducted if the entity meets the \$750,000 expenditure threshold. If DOES expends less than \$750,000 a year in Federal awards, it is exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO). Responsibility for non-WIOA audit costs and for maintaining complete financial records remains with the service providers. When DOES has an A-133 audit conducted, it is to inform the auditing firm that audits are to be made in accordance with the:

1. Generally Accepted Governmental Auditing Standards (GAGAS)
2. The OMB Uniform Guidance (CFR Part 200, including the Department of Labor's (DOL's) approved exceptions at 2 CFR Part 2900)
3. AICPA Generally Accepted Auditing Standards. The audits will include, at a minimum, an examination of:
  - a. The systems of internal control;
  - b. Compliance with laws, regulations, contracts/grants;
  - c. Financial statements and Federal awards schedule; and
  - d. Prior year audit findings

The examinations are to determine whether:

- a. There is effective control over and proper accounting for revenues, expenditures, assets and liabilities;

- b. Financial statements are fairly presented in accordance with generally accepted accounting principles; and
- c. Funds are being expended in accordance with the terms of provider agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or the awards tested.

DOES must ensure that the audit work papers and reports are maintained for a minimum of seven years, and that the work papers are available to the WIC. A copy of the final audit report is due to the WIC within 30 days after publication of the auditor's report, or 9 months after the end of the audit period.

## **B. Record Retention Requirements**

This policy provides guidance for proper maintenance of financial and programmatic records. These records must be accessible to authorized Federal and WIC oversight staff and verifiable for monitoring, reporting, audit, and evaluation. For both recipients and service providers, records must be retained for 3 years following the date on which the expenditures report containing the final expenditures charged to a program year's allotment or a grant is submitted to DOES. The record retention period does not start over if final expenditure reports are revised, if these revisions are for the following reasons:

1. Revisions resulting from closeout. Such revisions are considered expenditure adjustments and do not alter the initial time period for retention. The records must be retained for three years from the original submission date to the final expenditure report.
2. Revisions resulting from litigation, audit/audit resolution, or claims. Records must be maintained for five years following the submission of the final expenditure report or until all issues resulting from litigation, audit/audit resolution, or claims have been resolved and final action taken, whichever is longer.

## **C. Other Requirements**

1. Real property and equipment records must be retained for five years after final disposition of the property.
2. WIOA Complaint Records. Actions related to resolving complaints shall be maintained for not less than three years from the date of resolving the complaint. In addition, recipients and service providers must follow the requirements of the OMB Uniform Guidance, as these regulations apply to the entire organization receiving WIOA funds. These records should be maintained as a whole record system.

3. Litigation/Audit Records. These records must be retained beyond the prescribed period if any litigation or audit has begun, or if a claim is initiated involving the grant or agreement covered by the records. The records must be retained until resolution of the litigation, audit, or claim and final action is taken; or until the end of the regular five-year record retention period, whichever is longer.
4. Failure to Obtain an Audit. A failure to obtain an audit extends the record retention requirement indefinitely. A delay in obtaining an audit or in resolving audit findings extends the record retention period until all audit requirements have been satisfied and all findings have been resolved to the satisfaction of the awarding agency.
5. Indirect Cost Records. Computations or proposals, cost allocation plans, and supporting documentation and records must be retained for five years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the records must be maintained for three years from the end of the Program Year that contains the final grant costs.

#### **D. Termination of Relationship**

When the relation with a service provider is terminated, the service provider's responsibility for maintenance and retention of records does not end. However, DOES may want to take physical custody of the records to assure that they are available if needed in instances where the sub-recipient is unable to physically retain them.

#### **E. Record Storage**

Records shall be retained and stored in a manner that will preserve their integrity and admissibility as evidence in any audit/litigation or other proceeding. Scanned or photocopied records can be substituted for original records because they are generally accepted as admissible for evidentiary purposes. The burden of production and authentication of the records shall be on the custodian of the records. Failure to authenticate the records will deny the custodian the right to use it. If not retained electronically, is recommended that customer files be alphabetized and placed in bankers' boxes with a copy of the report taped to the lid of the box. Boxes should be clearly marked by Program Year and stored in a secure location. (Exceptions may apply.)

## 2.11 Grant Eligibility Disbarment

All DOES sub-recipients must certify that they are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntary excluded from participation in this (or any other voluntary) transaction by any Federal or state department/agency. Furthermore, any sub-recipient that has been declared ineligible within two years preceding the date of application to be a fiscal agent will not qualify to be a fiscal agent. If at any time during the grant agreement a sub-recipient's status changes, it is the responsibility of the sub-recipient to notify DOES in writing of this change. At that time, the sub-recipient will have 30 days from status change to propose a new fiscal agent for the sub-recipient. It is at the discretion of DOES to accept this new sub-recipient and re-establish the grant award with the new fiscal agent. Any sub-recipient who fails to notify DOES of a change in status will be considered in default of the grant agreement. DOES will immediately suspend the grant agreement and no further funds shall be expended under the grant. Any such funds that were expended from the time of the status change to the DOES notification of the status change are due back to DOES as disallowed costs. DOES will utilize all legal resources to collect these funds. The Federal debarment registry may be found at: <https://www.sam.gov/portal/SAM/##11> .



## 3. Programs and Services

### 3.1 One-Stop Service Delivery System

The One-Stop Service Delivery System is the foundation of the workforce system. The system brings together a series of partner entities and programs responsible for workforce development, educational, and other human resource programs to collaborate in the creation of a seamless customer-focused service delivery network that enhances access to the programs' services for jobseekers and employers. As the state and local workforce investment board for the District, the WIC is responsible for establishing and overseeing the One-Stop Service Delivery system.

#### **A. Service Delivery**

WIOA requires there to be at least one physical comprehensive One-Stop Center in the District of Columbia. The DC Workforce Investment Board may choose to establish additional comprehensive One-Stop Centers and may choose to approve affiliate site locations (as defined by law) and satellites locations as access points for services. At a minimum, a certified comprehensive One-Stop Center must provide the career services specified in WIOA section 132(c)(2). One-Stop Centers must also provide access to other programs and activities carried out by the One-Stop partners. Co-location of programs is encouraged to the extent possible. When selecting a site location, consideration must be given to customer accessibility, particularly for those with disabilities and those who speak languages other than English.

#### **B. Required Partners**

1. Programs authorized under Title I of WIOA serving Adults, Dislocated Workers, Youth, and veterans, as well as Job Corps, Native American programs, and migrant and seasonal farm worker programs;
2. Adult education and literacy activities authorized under Title II of WIOA;
3. Programs authorized under the Wagner-Peyser Act;
4. Programs authorized under parts A and B of Title I of the Rehabilitation Act;
5. Welfare-to-Work programs authorized under the Social Security Act;
6. Senior Community Service Employment Program activities authorized under Title V of the Older Americans Act of 1965;
7. Postsecondary vocational education authorized under the Carl D. Perkins Career and Technological Education Act;

8. Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance authorized under the Trade Act of 1974;
9. Local veterans' employment representatives and disabled veterans outreach programs;
10. Employment and training activities under the Community Services Block Grant;
11. Employment and training activities of the Department of Housing and Urban Development;
12. Programs authorized under District of Columbia unemployment compensation laws;
13. Trade Adjustment Assistance;
14. Second Chance Act programs; and
15. Temporary Assistance for Needy Families (TANF)

**C. Optional Partners May Include**

1. Employment and training programs authorized under the Food Stamp Act of 1977;
2. Work programs authorized under the Food Stamp Act of 1977;
3. Programs authorized under the National and Community Service Act of 1990; or
4. Other appropriate Federal, state, or local programs

**D. Partner Responsibilities**

All mandatory partners as defined in WIOA or optional partners approved by WIC must provide their services within the following parameters:

1. Make their core services defined by their funding source available and seamless as directed by the One-Stop Operator and their appointed site manager;
2. Make available through a seamless process other activities and programs carried out under their program direction or authorizing law;
3. Ensure their staff is adequately trained on their respective program rules and regulations and capable of effectively delivering program services and activities within a seamless service delivery environment;
4. Enter into a written Memorandum of Understanding with the WIC;
5. Enter into an MOA with the One-Stop Operator; establishing shared success indicators, operating strategies and procedures, and customer flow for an effective seamless service delivery within the DCAJC;
6. Participate in center functional unit cross-training of staff as determined necessary by the operator;
7. Ensure adequate staff coverage at all times by coordinating leave requests with the operator;

8. Maintain direct supervision over their respective staff and volunteers that support their program;
9. Take responsibility for and retain sole discretion for anything that may affect the current base pay, status, and tenure of their respective staff, or any of the following employee actions:
  - a. hiring;
  - b. termination;
  - c. discipline;
  - d. promotion;
  - e. permanent assignments (the site manager may temporarily assign staff to ensure coverage and positively impact service and a seamless service delivery);
  - f. permanent transfer (the site manager may temporarily assign staff to ensure coverage);
  - g. performance evaluations - with input from the site manager;
  - h. grievances;
  - i. corrective action;
  - j. disciplinary action. the city agency retains the sole right to terminate, demote, and suspend its employees for disciplinary reasons. The operator and site manager will assist and provide information deemed necessary by the city partner agency in conjunction with proposed disciplinary actions.
  - k. timesheet and leave approval; final approval and sign-off of timesheets and leave requests for all city employees must remain with the city agency; and
  - l. approval of costs not addressed in the MOA with the WIC related to the operation of the Center such as travel or training.

#### **E. Memorandum of Understanding**

The WIC, with the agreement of the Mayor, and the One-Stop partners must enter into a written Memorandum of Understanding (MOU) relating to the operation of the One-Stop Service Delivery System. The WIC acts as the convener of MOU negotiations and shaper of how local One-Stop services are delivered. The written agreement must include:

1. Description of the services to be provided through the One-Stop Service Delivery System;
2. Description of how services will be provided through functional teams as described in WIC Policy 3.1.2 One-Stop Certification Process below. This should include customer flow and service options in One-Stop Centers;
3. Methods for referral of individuals to mandatory partners;

4. Duration of the MOU and the procedures for amending the MOU;
5. A resource sharing agreement (RSA) outlining how services and operating costs of the system will be funded by partners; methodology for cost sharing; and invoicing and payment processes;
6. A cost allocation plan outlining mandatory partner costs based on accepted methodology; and
7. Any other provisions consistent with the requirements of the Workforce Investment and Opportunity Act and agreed to by the partners.

#### **F. Common Identifier**

All comprehensive One-Stop Centers will be known as DC American Job Centers (DCAJCs); all affiliate or satellite centers must also clearly indicate that they are a part of the DC American Job Center network.

#### **G. Performance Measurements and Fiscal Reporting**

1. One-Stop Operator Performance. One Stop Operator performance will be evaluated based on the terms and provisions and scope of service in their One Stop Operator Agreement.
2. Service Provider Performance. Federal performance measures will be applied to all service providers. Service providers must meet all of the Federal performance measure levels applicable to the program(s), Adult, Dislocated Worker or Youth, for which they receive funding. Service providers that fail to meet applicable performance standards will be subject to sanctions.

#### **H. Management Information System**

The Board is responsible for developing strategies for aligning technology and data systems across One-Stop partner programs. The One-Stop Operator is required to maintain data as detailed in section 4.2 of this document, to provide for the collection and dissemination of information on participants and program results. The system is designed to provide guidance in completing registration and outcome information. Information about an individual and their WIOA experience is used to:

1. share program results with consumers, taxpayers, Congress, and other stakeholders;
2. compare results among WIOA service providers, states, and with other Federally funded programs; and
3. evaluate and continuously improve services.

This information is required by legislation. It is confidential and protected by all applicable privacy rules. This data is also used to monitor the effectiveness of the service provider in their procedures, accuracy and timeliness of their data collection process.

## **I. Relocation or Closure of a One-Stop Center**

1. Unforeseen Closure. In the event of an unforeseen closure (e.g., inclement weather, power outages, fires, floods, etc.) of a DCAJC, the operator must notify the Board via e-mail at [wic.dmped@dc.gov](mailto:wic.dmped@dc.gov) as soon as possible. Notices to the general public should include an address for the nearest operational DCAJC. In instances of unforeseeable closures, DCAJC operators should use media sources, such as online newspapers and local television stations that broadcast school and local event closures, to alert the general public.
2. Planned Closure. DCAJC operators may close a single location for a limited time for the purpose of all day staff training. Operators shall take into consideration days of the week with historically low customer flow when scheduling these closures. Notification to the general public should begin at least two weeks prior to the date of closure, and should include the address for the nearest operational DCAJC. Operators will notify the Board via e-mail at [wic.dmped@dc.gov](mailto:wic.dmped@dc.gov) of a planned closure as soon as the closure is scheduled.
3. Permanent Closure or Relocation. In the event a DCAJC is permanently relocated or closed, the Board must be notified not less than 30 days prior to the relocation or closure, and must provide information to current participants, and the general public of the new location or the nearest operational DCAJC.

### **3.1.1 One-Stop Operator**

A One-Stop Operator is an entity designated by the Workforce Investment Council to perform the day-to-day oversight and operation of one or more One-Stop Centers. Overall operation of the One-Stop Center includes entering into agreements with the partners collocated in the center; cost allocation plan(s); service mix and flow; planning and monitoring center operations; and coordination with other service providers in the service area.

#### **A. One-Stop Operator Roles and Responsibilities**

The One-Stop Operator is also responsible for developing a strategic operations or business plan for the center including the development of a common mission and goals. The One-Stop Operator should ensure that the center is guided by customer needs, customer satisfaction,

and customer success. The plan should include strategies for training of center staff to insure integration of service delivery to provide seamless access to services for all customers. The One-Stop Operator must ensure that the career services specified in WIOA section 132(c)(2) are provided by the center and provide access to the other activities, and that programs provided under WIOA by the mandatory partner programs are available in the area. The One-Stop Operator must ensure that the One-Stop Center and services are accessible to all customers including individuals with disabilities.

## **B. Designating One-Stop Operators**

The WIC must designate a One-Stop Operator for each One-Stop operating in the District. Under WIOA, One-Stop Operators must be designated through a competitive process conducted at least every four years.

### **3.1.2 One-Stop Certification**

The Workforce Investment Council, with the agreement of the Mayor, is responsible for certifying and recertifying comprehensive, affiliate, and satellite One-Stop Centers every 2 years. A location must be certified in order to receive funds. Through the One-Stop certification process, the WIC seeks to establish uniform standards for One-Stop Centers, and will work with the One-Stop Operators to ensure such standards are being met.

#### **A. Certification Process**

1. An entity seeking to certify a One-Stop Center must submit a business plan as described in Section B below, and must demonstrate that a proposed site satisfies the certification criteria described in this policy.
2. WIC staff will review all business plans, and will conduct an on-site review of the proposed site to ensure the site meets the criteria described in this policy. If WIC staff determines that the criteria for certification have been satisfied, the WIC staff will provide a recommendation to the WIC Board and the Mayor that the proposed One-Stop be certified. If WIC staff determines that the criteria for certification have not been satisfied, the WIC staff will provide a recommendation to the WIC Board and the Mayor that the proposed One-Stop Center not be certified, and shall provide the entity with a detailed explanation of such recommendation. An entity may submit a revised plan to re-initiate the process at any time.

3. Upon receiving a recommendation from WIC staff with respect to any entity seeking to certify a One-Stop Center, and with the approval of the Mayor, the WIC Board shall vote on the designation of the site as a certified One-Stop Center.
4. All One-Stop Centers must be recertified by the WIC at least once every two (2) years.
5. The WIC may certify as many DCAJCs - including affiliate and satellite sites - as are necessary to provide adequate employment and training services to jobseekers and employers in the District of Columbia; the WIC is not required to certify One-Stop Centers other than the initial comprehensive One-Stop Center required by law.

**B. All business plans must contain the following items:**

1. A vision and mission statement;
2. A diagram or narrative of customer flow throughout the tiers of services;
3. Identification of the clear flow of services between all partners; Identification of the facility's service delivery structure, i.e., location service mix and customer flow;
4. Demonstration of a plan for increased enrollment in various programs and increased use of facilities;
5. Identification of a system for referral to training services and use of ITAs;
6. Identification of leveraged resources with various funding streams, educational grants, and other financial aid programs;
7. Identification of a community outreach plan; and
8. Identification of all One-Stop partners and the ways in which services are integrated.

## 3.2 WIOA Adult and Dislocated Worker services

WIOA describes required employment and training activities that must be offered through local One-Stop Service Delivery System, including career and training services, follow-up services, and supportive services. The District will offer these services to jobseekers through DC American Job Centers (DCAJCs), as described the Workforce Investment Council (WIC) policies section 3.1.

### 3.2.1 Services

WIOA establishes two levels of services for adults and dislocated workers: Career Services and Training Services. WIOA removed the sequence of service requirement established under WIA, which required that an individual complete an intensive service before receiving training services. Other than a determination of need made using an employment plan, there is no requirement that additional career services be provided before an individual enrolls in training. If it is determined that individuals are in need of training consistent with WIOA then they may be placed in training services.

#### A. Career Services

Career services for adults and dislocated workers must be available in each certified one-stop center. There are three types of career services: Basic Career Services; Individualized Career services; and Follow-up Services.

1. Basic Career Services: Basic career services are available to anyone coming to an AJC seeking assistance. These services are informational services and may require limited to no assistance by AJC staff. Provision of these services does not require registration into the WIOA adult or dislocated worker programs. Those services available to the universal customer include:
  - a. Determinations of whether the individual is eligible to receive WIOA services;
  - b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the workforce development delivery system;
  - c. Initial assessment of skill levels, including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs;
  - d. Labor exchange services, including:



- i. job search and placement assistance, and, when needed by an individual, career counseling, including the provision of information regarding in-demand industry sectors and occupations;
  - ii. appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services not traditionally offered through the one-stop system;
- e. Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;
- f. Provision of workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas, including:
  - i. job vacancy listings in labor market areas;
  - ii. information on job skills necessary to obtain the vacant jobs listed; and
  - iii. information relating to local occupations in demand and the earnings, skills requirements, and opportunities for advancement in those jobs;
- g. Provision of performance information and program cost information on the eligible providers of training services by program and type of providers;
- h. Provision of information regarding how the local is performing on the local performance accountability measures and any additional performance information with respect to the one-stop delivery system in the local area;
- i. Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including:
  - i. Child care;
  - ii. Child support;
  - iii. Medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program;
  - iv. Supplemental Nutrition Assistance Program (SNAP);
  - v. Assistance through the earned income tax credit;
  - vi. Temporary Assistance to Needy Families (TANF);
- j. Provision of information and assistance regarding filing claims for unemployment compensation, by which the AJC must provide meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation;
- k. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not funded through WIOA; and

2. Individual Career Services. Individualized career services must be made available if determined to be appropriate in order for an individual to obtain or retain employment. In accordance with TEGL 3-15, individuals must be declared eligible to receive these services. These include the following services, as consistent with WIOA requirements and Federal cost principles:
  - a. Comprehensive and specialized assessments of the skills levels and service needs of adults and dislocated workers, which may include:
    - i. diagnostic testing and use of other assessment tools; and
    - ii. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
  - b. Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information regarding the ETPL;
  - c. Group counseling;
  - d. Individual counseling and mentoring;
  - e. Career planning;
  - f. 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;
  - g. Internships and work experience that are linked to careers;
  - h. Workforce preparation activities;
  - i. Financial literacy services;
  - j. Out-of-area job search and relocation assistance; and
  - k. English language acquisition and integrated education and training programs.
3. Follow-up Services. Follow-up services must be made available, as appropriate, for a minimum of 12 months after the first day of exit, for participants in adult or dislocated worker activities who are placed in unsubsidized employment. 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 WIA training that may affect their

ability to progress further in their occupation or to retain employment. Follow-up services could include but are not limited to:

- a. assistance with employer benefits, health insurance, and financial literacy and budgeting assistance;
- b. additional career planning and counseling;
- c. contact with the participant's employer, including assistance with work related problems that may arise;
- d. peer support groups;
- e. information about additional educational opportunities;
- f. limited financial support; and
- g. referral to supportive services available in the community.

## **B. Training Services**

Training Services are provided to equip individuals to enter the workforce and retain employment. Examples of training services include:

1. Occupational skills training, including training for nontraditional employment;
2. On-the-job training (OJT);
3. Incumbent worker training;
4. Workplace training and cooperative education programs;
5. Private sector training programs;
6. Skills upgrading and retraining;
7. Entrepreneurial training;
8. Apprenticeship;
9. Transitional jobs;
10. Job readiness training provided in combination with other training described above;
11. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, in combination with training; and
12. Customized training.

### **3.2.2 Eligibility**

#### **A. General**

In order to be eligible to receive career services or participate in activities funded by WIOA adult and dislocated worker program, all participants must be 18 years of age or older, able to

prove their Citizenship or Eligible Noncitizen status with authority to work in the United States, and be in compliance with the Military Selective Service Act (This applies to males 18 or older who were born on or after January 1, 1960). Adults and dislocated workers who receive services other than self-service or information-only activities must be registered and must be a participant. Registration is the process for collecting information to support a determination of eligibility. Participant eligibility must be proven through acceptable documentation prior to enrollment into the District's Management Information System, DC Networks.

1. Acceptable Documents to Verify Age:

- a. Baptismal Record
- b. Birth Certificate (Document Inspection Form is not allowed)
- c. Driver's License
- d. Federal, State, or Local photo ID
- e. DD-214
- f. Passport
- g. Hospital record of birth
- h. Public assistance/social service record
- i. School records or ID card
- j. Work permit
- k. Cross match with Department of Vital Statistics
- l. Tribal records
- m. Self-attestation (not to be used as the primary method of gathering documentation but to be used when the preferred options of paper documentation or third party corroboration are not available to support eligibility)
- n. Case note

2. Acceptable documents to establish both citizenship and employment eligibility status:

- a. U.S. Passport (unexpired or expired)
- b. Unexpired Foreign Passport, with temporary I-551 stamp or attached unexpired Arrival- Departure Record, INS Form I-194, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for a US employer.
- c. Permanent Resident Alien Card or Alien Registration Receipt Card (INS Form I-551)
- d. Unexpired Employment Authorization Document that contains a photograph (INS Form I-688, I 688-A, I-688B, or I-766)
- e. If the applicant does not provide one of the above documents, they will be

required to provide at least 1 document from each of the 2 lists below.

3. Acceptable documents to establish citizenship:
  - a. Valid Driver's License or ID Card issued by a state or U.S. Territory
  - b. ID Card issued by Federal, State, or local government agency or entity – must contain photograph or information, such as name, date of birth, gender, height, eye color, and address
  - c. School ID Card with photograph
  - d. Voter Registration Card
  - e. US Military Card or Draft Record
  - f. US Coast Guard Merchant Mariner Card
  - g. Native American Tribal Document
  - h. Driver's License issued by a Canadian government authority
  - i. For individuals under the age of 18 they may provide either a school record, school report card, clinic record, doctor record, hospital record, day care record, or nursery record.
4. Acceptable documents to establish employment eligibility:
  - a. US Social Security Card issues by the Social Security Administration
  - b. Certificate of Birth Abroad issued by the Department of State (Form FS-545 of Form DS-1350)
  - c. Original or Certified copy of birth certificate issues by a state, county, or municipal authority
  - d. Native American Tribal Document
  - e. US Citizen ID Card (INS Form-I-179)
5. Acceptable documents verify Military Selective Service (males who are 18 or older and born on or after January 1, 1960, unless an exception is justified):
  - a. Screen printout of the On-line verification at [www.sss.gov](http://www.sss.gov)
  - b. Acknowledgement Letter from Selective Service
  - c. Selective Service Verification Form (For 3A)
  - d. Selective Service Registration Card
  - e. Stamped Post Office Receipt of Registration
  - f. DD-214 "Report of Separation"

## **B. Family Size, Income Determination and Self-Sufficiency Standards**

1. 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 last 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, and are included in one or more of the following categories:
  - a. A husband, wife and dependent children
  - b. A parent or guardian and dependent children
  - c. A husband and wife

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.

2. Income Determination. Income is the amount of all reportable income for each family member for the prior six (6) months. 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. All items not expressly excluded are includable income. Applicants having low or no income should complete an applicant statement that describes their means of support in the last six months.
  - a. **Include in family income:**
    - i. Money wages and salaries before any deductions;
    - ii. Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expenses);
    - iii. 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); 3.2.3-2 Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;
    - iv. Alimony;

- v. Military family allotments or other regular support from an absent family member or someone not living in the household;
- vi. Pensions, whether private, public employee (including Military retirement pay);
- vii. Regular insurance or annuity payments other than Supplemental Security Income disability (SSI) or Veterans' disability;
- viii. College or university grants, fellowships, and assistantships;
- ix. Net gambling or lottery winnings;
- x. Social Security Disability Insurance payments (SSDI). SSDI pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of a disability. SSDI is considered income replacement and must be included in family income.

**b. Exclude from family income:**

- i. Unemployment compensation;
- ii. Child support payments;
- iii. Public Assistance payments (including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Case Assistance (RCA), and General Assistance (GA));
- iv. Foster care child payments;
- v. Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), and Federal Work-Study (FWS));
- vi. Needs-based scholarship assistance;
- vii. Military benefits;
- viii. Income earned while [the veteran was] on active military duty and certain veteran's benefits (i.e., compensation for service-connected disability, compensation for service connected death, vocational rehabilitation, and education assistance);
- ix. Capital gains;
- x. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
- xi. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- xii. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps (received or has been determined eligible to receive Food Stamps (SNAP) within the six-month

period prior to application for the program); school meals, and housing assistance;

- xiii. Old age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402), including Social Security Survivor Benefits and Social Security Retirement Benefits.

3. Self-Sufficiency Standards. WIOA section 134 (a)(3)(A)(xii) and section 134 (d)(1)(A)(x) address state and local determinations of economic self-sufficiency standards that specify the income needs of families, by family size, number and ages of children in the family, and sub-state geographical considerations. The WIC may make adjustments to the following factors based on local considerations. Under WIOA sec. 134(c)(3)(A), training services may be made available to employed and unemployed adults and dislocated workers who, among other criteria, are unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services, and are in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment. The State defines minimum standards for “lacks self-sufficiency.” Local areas are permitted to define self-sufficiency at a higher income level than the state minimum, as long as supporting documentation is provided. An individual is declared to “lack self-sufficiency” if:

- a. An individual has a personal or family income that is at or below 100% of the Lower Living Standard Income Level (LLSIL),
- b. A Food stamp or TANF recipient (current or within the last six months),
- c. A Supplemental Social Security Income recipient, or
- d. An individual (single family of one) who is employed, but in a job earning \$10.69 (Living Wage Calculator for the State of Georgia) an hour or less. (See the Living Wage Calculator Section Below) Dislocated workers may be considered to lack self-sufficiency if they are employed, but in a job/occupation that is at a wage or skill level that is significantly less than the job of dislocation.

### **C. Eligibility for Career Services**

- 1. Additional Eligibility Requirements for Adults:
  - a. Adults must be either unemployed or underemployed and meet the priority of service requirements.



- b. Individuals who are underemployed include persons who are employed less than full-time and are seeking full-time employment; are employed in a position not commensurate with the individual's demonstrated level of educational attainment and skills; are working full time and meet the definition of low income, according to the WIC policies; or are employed, but whose current job earnings are not sufficient compared to their previous earnings.
2. Additional Eligibility Requirements for Dislocated Workers:
- a. An individual must meet the definition of "dislocated worker" in WIOA sec. 3(15) to receive career services in the dislocated worker program. A dislocated worker is an individual who meets one of the following five sets of criteria:
    - i. The individual: a. has been terminated or laid off, or has received a notice of termination or layoff from employment; b. is eligible for or has exhausted entitlement to unemployment compensation; c. 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 was not covered under a state's UI law; or d. is unlikely to return to a previous industry or occupation.
    - ii. The individual: a. has been terminated or laid off or has received a notice of termination or layoff from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility, or enterprise; b. is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or c. for purposes of eligibility to receive services other than training services, career services, or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.
    - iii. The individual was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters. This includes individuals working as independent contractors or consultants but not technically employees of a firm.
    - iv. The individual is a displaced homemaker, as defined in WIOA § 3 (16). A displaced homemaker is an individual who has been providing unpaid

services to family members in the home and who: a. is unemployed or underemployed and experiencing difficulty finding or upgrading employment; and b. has been dependent on the income of another family member but is no longer supported by that income; or 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.

- v. The individual is the spouse of a member of the Armed Forces on active duty who: a. has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or b. is unemployed or underemployed and experiencing difficulty finding or upgrading employment.

#### **D. Eligibility for Training Services**

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

1. Are determined by a one-stop center or one-stop partner after an interview, evaluation, or assessment and career planning to be:
  - a. 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;
  - b. 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
  - c. Have the skills and qualifications to participate successfully in training services;
2. Have selected a program of training services that is directly linked to employment opportunities in the planning region or in another area to which the individual is willing to commute or re-locate;
3. Are unable to obtain grant assistance from other sources to pay the costs of training, including HOPE, Pell, and TAA, or require WIOA assistance in addition to the other sources of grant assistance; and

4. 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 sec. 134(c)(3)(E) and § 680.600.

The case files for individuals must document the participant need for training services, as determined through the interview, evaluation, or assessment and career planning informed by local labor market information or other career service and explain how this determination was made. The selection of a training program should be fully informed by the performance of relevant training providers, and individuals must be provided with the performance reports for all training providers who provide a relevant program.

### 3.2.3 Priority of Service and Special Populations

WIOA sec. 134(c)(3)(E) states that priority for individualized career services and training services funded with title I adult funds must be given to recipients of public assistance, other low-income individuals and individuals who are basic skills deficient in the local area. The priority for these populations is not a criterion for eligibility for services under this program; rather, it is a statutory emphasis on providing individualized career services and training services to these populations. This priority applies to funds allocated to a local area for the WIOA title I adult program; this priority is not required for the WIOA title I dislocated worker program. There is no priority of service in the dislocated worker program, other than veteran's priority of service. Under WIA, priority with adult funds was to be provided in the event that funding was limited; that provision was removed from WIOA. Priority applies regardless of funding levels.

#### **A. Public assistance and other low-income Individuals**

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

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or the Supplemental Security Income (SSI) program, or state or local income-based public assistance;
2. Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the current combined U.S. Department of Labor (USDOL) 70% Lower Living Standard Income Level;
3. Is a homeless individual, as defined in § 41403 (6) of the Violence Against Women Act

of 1994, or a homeless child or youth as defined in § 725 (2) of the McKinney-Vento Homeless Assistance Act;

4. Receives or is eligible to receive a free or reduced-price lunch under the NSLA;
5. Is a foster youth, on behalf of whom state or local government payments are made; or
6. Is an individual with a disability whose own income meets the income criteria established here or meets the income eligibility criteria for payments under any Federal, State or local public assistance program. This individual is eligible even if his/her family does not meet the income eligibility criteria.

#### **B. Basic skills deficient**

An individual who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society satisfies the basic skills deficient requirement for WIOA adult services. In assessing basic skills, Boards must use assessment instruments that are valid and appropriate for the target population and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

#### **C. Veterans**

Veterans receive priority of service in all Department of Labor-funded employment and training programs, including dislocated worker program, as described in the Jobs for Veterans Act (38 U.S.C. 4215 (2)) and 20 CFR 1010. Veterans and eligible spouses of veterans who otherwise meet the eligibility requirements for adult programs must receive the highest priority for services.

#### **D. Transitioning Military Service Members**

Still-active, transitioning military service members may qualify for Dislocated Worker services, however, they would not be considered 'veterans' for the purposes of DOL reporting or be eligible for Priority of Service. For the purposes of serving still-active transitioning service members under the "notice of termination or layoff" eligibility criterion, documentation must align with the DOL Data Element Validation (DEV) requirement for "Date of Actual Qualifying Dislocation." Military Personnel are eligible to begin receiving Dislocated Worker Program services upon receipt of discharge orders (Effective Termination of Service "ETS" Orders or DD-2648-ACAP Transition Checklist). Length of service to qualify an individual for such discharges or separations under WIOA guidance may be as few as one day of service.

Qualified individuals can receive services up to 18 months prior to retirement or 12 months before normal separation. If a transitioning service member successfully reenlists into active military duty, then that service member is no longer eligible for services.

#### **E. Order of Priority**

Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, when programs are statutorily required to provide priority for a particular group of individuals, priority must be provided in the following order:

1. First, to veterans and eligible spouses who are also recipients of public assistance, are low income individuals, or who are basic skills deficient. Military earnings are not to be included as income for veterans and transitioning service members.cd
2. Second, individuals who are not veterans or eligible spouses who meet WIOA adult formula funds priority criteria.
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. Last, to individuals outside the groups given priority under WIOA.

### **3.2.4 Assessments**

#### **A. Individual Employment Plan (IEP)**

An Individual Employment Plan (IEP) is required for Adult and Dislocated Worker participants to access individualized career services and training services. It is both a form and a continual process. The IEP must be developed in partnership with the participant. The IEP is a comprehensive employment plan that describes the employment, skill training (if applicable), and supportive service needs of participants, as well as the service strategy that has been developed to meet those needs and achieve the employment goal. The IEP must reflect the employment, training, and supportive service needs indicated by the objective assessment, as well as the expressed interests and desires of the participant. Decisions must be participant-centered; that is, intended to enhance the employability of the participant. Providers should ensure that the employment goal, action steps, and appropriate services are kept current on the IEP. The WIC requires documentation of the justification for the employment goal, action steps, and required services. Monitors will look for justification of the IEP during their reviews. The IEP shall, at minimum, address the following five basic elements:

1. Employment Goal. An employment goal must be established for each participant. This goal should identify a specific occupation or occupational cluster.
2. Training and Supportive Service Needs (if applicable).
  - a. This portion of the IEP must describe the participant's training needs and supportive service needs. Training needs are to be identified in the areas of pre-employment/work maturity skills, basic education skills, and occupational skills. These needs are identified by comparing the information obtained in the objective assessment process to the skills required by the participant's employment goal.
  - b. Supportive service needs of each participant, as determined through the objective assessment, must also be identified.
  - c. Document the needs of the participant, whether in skill training or supportive services, must include all skill deficiencies and barriers which may prevent the participant from attaining the employment goal, regardless of whether those needs will be met through WIA or non-WIA resources.
3. Schedule of Activities and Services. All activities and services that are planned for the participant, in response to needs identified, must be described in the IEP. The WIC requires that the flow of services must be included. This must include the training and supportive services provided through WIA resources and all non-WIA sources. The timeline of the scheduled services provided must be entered in the GWROPP.
4. Achievement Objectives. Achievement objectives or benchmarks to measure progress toward the ultimate attainment of the employment goal must also be included in the IEP. Such objectives should establish interim standards of success throughout the period of program participation. Examples of achievement objectives include completion of training activities, attainment of basic skills levels, completion of GED, elimination of employment barriers or other goals that are specific to the individual needs or barriers of a participant.
5. Follow-Up Services. The twelve-months (12) of follow-up contact with participants who have exited to unsubsidized employment for performance purposes should be collected and entered in DC Networks.

A signed copy (signed by program staff and participant) must be provided to the participant and the original maintained in the participant's file or scanned into the participant's DC Networks profile.

## **B. Individual Service Strategy (ISS)**

An Individual Service Strategy (ISS) is required for all WIA Title IB youth participants. It is both a form and a continual process. The ISS must be developed in partnership with the participant. The ISS is a comprehensive service plan, based on the results of the objective assessment, that describes the employability, academic, skill training (if applicable), and supportive service needs of the participant, as well as the service strategy developed to meet those needs and achieve the employment/education goal(s). The ISS shall reflect the employability, training, and supportive service needs indicated by the objective assessment as well as the expressed interests and desires of the participant. The local grant recipient and youth service providers must ensure that decisions are participant-centered; that is, intended to enhance the employability of the participant. Providers should ensure that the employment/education goal(s), action steps, and appropriate services are kept current on the ISS. The WIC requires documentation of the justification for the employment/education goal(s), action steps, and required services. Monitors will look for justification of the ISS during their reviews. The ISS shall, at minimum, address the following basic elements:

1. Employment/Education Goal
  - a. Every youth participant should have one employment/education goal, at minimum, outlined in the ISS. These goals may be short-term or long-term.
  - b. Each goal and the attainment of the goal must be fully documented, including the date the goal was set and the date the goal was attained. Goal attainment must be based on an individual assessment using widely accepted and recognized measurement or assessment techniques.
  - c. Each goal must require substantial improvement in the individual's skills. The attainment of any goal must be directly related to the WIA services provided.
2. Training and Supportive Service Needs (if applicable)
  - a. This portion of the ISS must describe the participant's training needs and supportive service needs. Training needs are to be identified in the areas of basic literacy skills, occupational skills and work readiness skills. These needs are identified by comparing the information obtained in the objective assessment process to the skills required by the participant's career, skill attainment, and employment goals.
  - b. Supportive service needs of each participant, as determined through the objective assessment, must be identified.
  - c. The documented needs of the participant, whether in skill training or supportive services, must include all skill deficiencies and barriers which may prevent the

participant from attaining the employability goal, regardless of whether those needs will be met through WIA or non-WIA resources.

3. **Schedule of Activities and Services.** All activities and services that are planned with the participant, in response to the needs identified, must be described. This schedule must include the training and supportive services provided through WIA resources and all non-WIA sources. A timeline that identifies the planned beginning and ending date of each activity and service, as well as the planned program completion date, must also be included.
4. **Achievement Objectives.** Achievement objectives or benchmarks to measure progress toward the ultimate attainment of the employability goal must be included in the ISS. Such objectives should establish interim standards of success throughout the period of program participation. Examples of achievement objectives include completion of training activities, attainment of specified grade levels, completion of GED, elimination of employment barriers or other goals that are specific to the individual needs or barriers of a participant.
5. **Follow-Up Services.** The case manager must discuss the follow-up services that will track the progress of the youth after exit from the program and, based on the youth's needs, provide assistance to help the youth secure better jobs, career development and further education. Follow-up information should be collected and entered in the DC Networks system.

The ISS should be reviewed at least quarterly and updated as needed. A signed copy (signed by program staff and participant) must be provided to the participant and the original maintained in the participant's file or in the participant's on the DC Networks system (<https://www.dcnetworks.org/loginintro.asp>).

### **C. Objective Assessment (OA)**

All youth participants must receive an Objective Assessment (OA). The OA process collects information upon which a participant's Individual Service Strategy (ISS) will be based. The OA may be completed using a combination of structured interviews, paper and pencil tests, performance tests, work samples, behavioral observations, interest and/or attitude inventories, career guidance instruments, aptitude tests and basic skills tests. The OA process is intended to provide information necessary for the youth to develop an ISS with realistic goals. The results of OA instruments and how the results were used to develop the ISS must be



documented in the participant case file with copies of results and detailed in participant case notes.

The OA must be a participant-centered, objective evaluation of the academic levels, skill levels and service needs of each participant. The OA must include a review of basic skills, occupational skills, work readiness skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), support service needs, and developmental needs of participants. The assessment process must collect information on each of the following factors for each participant:

1. Family situation;
2. Work history;
3. Education;
4. Basic literacy skills;
5. Occupational skills;
6. Work readiness skills;
7. Interests and aptitudes;
8. Attitude and motivation;
9. Financial resources; and
10. Basic subsistence needs.

As additional relevant information about a participant becomes available, the OA should be reviewed, reevaluated, and updated if necessary. The participant should be re-assessed as necessary to determine further service strategies. When a participant is determined through the OA to be better served by a program other than WIA, referral to the appropriate program must be made and documented. If there will be a continuing relationship with that participant through additional WIA services, the referral becomes part of the participant's service strategy and must be documented in the ISS. If there will not be a continuing relationship with the individual as the result of a referral to another program, that referral must be documented in the participant case file.

### 3.2.5 Individual Training Accounts

Individual Training Accounts (ITAs) are key tools used in the delivery of many training services. This policy provides instruction and guidance on the use of ITAs supported through WIOA Adult

and Dislocated Worker funds for use by Eligible Training Providers (as defined by WIC Policy in section 3.2.6) in providing occupational training to District of Columbia residents.

#### A. Provision of ITA-Funded Training Services

1. Training Program Eligibility. ITAs will only be approved for occupational training programs that are on the District's Eligible Training Provider List (ETPL), as established by WIC Policy in section 3.2.6.
2. Duration and Amount. The maximum amount available under an ITA contract shall be \$10,000 per year per participant, subject to other provisions of this manual.
3. ITA Receipt Limitation per Five-Year Period. A participant may receive a maximum of one (1) ITA in any five-year period. A DCAJC operator may waive this restriction and approve a second ITA during the five-year period so long as the participant meets eligibility requirements and the combined cost of the ITAs do not exceed \$10,000 per year.
4. Allowable ITA-Funded Services. Payments may be made under an ITA for the following services:
  - a. **Occupational Training:** Tuition for a program of training services, defined as one or more courses or classes, or a structured regimen, that leads to 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, or an associate's degree. This training must enable a participant to enter into an occupation consistent with the District's High-Demand Sectors and Occupations List or an occupation approved through the exemption process established in Section 3.2.6 of this manual. ITA tuition payment amounts will be based on market rate research for comparable training programs and services offered at comparable training institutions in the regional market. The market value rate for program costs will be contractually negotiated between the Department of Employment Services (DOES) and the training provider.
  - b. **Related Expenses:** Books, required equipment, and license exam fees for the training program that are not otherwise covered by a grant or other financial aid may be paid through the ITA, provided that evidence is submitted establishing their cost. The provider or participant will be reimbursed for the actual paid for the related expenses.
  - c. **Career or Supportive Services:** WIOA allows for a variety of career and support

services to be funded for participants in the Adult and Dislocated Worker programs. These services may be provided directly through DCAJCs or through other contracts outside the ITA process. An AJC operator may elect to fund one or more WIOA-eligible career or supportive service through the ITA process, in which case they will contractually negotiate the terms of these services and payment amounts to providers.

6. Degree Programs Not Allowed. ITAs may not be used to pay for instruction leading to a bachelor's degree or above. An ITA may be used to pay for content area instruction courses leading to an associate's degree.
7. Enrollment. A participant must participate in the training program for not less than five (5) class days before they may be considered enrolled in the program for purposes of ITA payments and Eligible Training Provider WIOA performance levels.
8. Non-ITA Participant Requirements. Per DC Law 20-263, no eligible training provider shall be eligible to receive funding for more than five (5) ITAs in a calendar year unless at least 50% of all the students participating in the entity's training program are funded by sources other than the ITAs. DOES shall require evidence that this requirement is being met before authorizing more than five ITAs for each eligible provider, and may require additional evidence from providers for additional ITA enrollments.

## **B. Individual Training Account Procedures**

1. In General. The WIOA Administrative Entity shall develop and implement procedures for establishing ITAs for eligible participants, subject to approval by the WIC. Such procedures must provide that the maximum time for processing of an ITA application with respect to any participant shall be no more than thirty (30) days from the date on which a one-stop operator submits a complete ITA application.
2. Priority of Service. Section 3.2.3 delineates all Priority of Service procedures. The District will provide ITAs to all District residents meeting eligibility requirements within the terms of these procedures and contingent upon funding availability. The WIOA Administrative Entity may leverage other local or Federal funds as possible to ensure service can be maintained for all eligible individuals, and may also implement a waiting list as needed.

## **C. Participant Requirements**

1. Participant Eligibility. WIOA ITA funding may be provided for individuals who are bona fide District residents and have met the eligibility requirements described in WIC Policy

Manual sections 3.2.2.F (Eligibility for Training Services), 3.2.4.A (Individual Employment Plan) and:

- a. Are unable to obtain grant assistance from other sources to pay the costs of their training, OR require assistance beyond that available under grant assistance from other sources to pay the cost of such training; and
  - b. After an interview, evaluation or assessment, and career planning with DCAJC staff, they have determined that the individual is eligible for WIOA services and:
    - i. 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;
    - ii. 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 through career services alone; and
    - iii. has the skills and qualifications to successfully participate in the selected program of training services.
2. Pell Grants and Other Financial Assistance. Participants in qualifying programs must apply for Pell Grants and other appropriate grants. Funding should be coordinated to the extent possible with other sources of assistance as detailed in WIOA sec. 134 (c)(3)(B). WIOA funds may only be used to cover costs described in "Use of ITA Funds" above, and may not be used for living expenses.
3. Withdrawal or Removal from Program.
- a. **Participant Withdrawal:** Participants may withdraw from an ITA-funded program within five (5) class days of beginning such program without impacting their future eligibility for ITAs, subject to the eligibility and timing parameters outlined at Sections 3.2.4.A.2 and 3.2.4.A.3. If a participant withdraws within the initial five class-day period, they shall not be considered to have enrolled in the program or count against performance levels of the eligible training provider. To the extent that drug testing shall be conducted as part of a determination of a participant's eligibility for a program, such drug testing must be conducted before or within the initial five class day period. If a participant withdraws after the initial five class day period, such withdrawal must be accompanied by a statement of good cause submitted to the WIOA employment specialist and signed by the educational institution and the participant. Good cause must demonstrate a reasonable basis for withdrawal including life events or the participant's inability to grasp the course requirements. If the employment specialist approves such withdrawal, the participant shall maintain

eligibility for future ITAs, subject to the eligibility and timing parameters outlined at Sections 3.2.4.A.2 and 3.2.4.A.3., and shall not count against performance levels of the eligible training provider. If the employment specialist does not approve such withdrawal due to lack of demonstration of good cause as demonstrated by the participant and affirmed by the educational institution, the participant shall be barred from receiving an ITA for a period of one (1) year following such withdrawal. Such participants shall count against performance levels of the eligible training provider.

- b. **Removal from Program:** Participants must remain in good academic standing as defined by the eligible training provider and otherwise comply with the requirements of the selected training program in order to maintain eligibility for funding. A training provider may remove a participant from a training program if such removal is accompanied by a statement of good cause submitted to the WIOA employment specialist. The eligible training provider shall be eligible to receive all funds currently payable under the ITA at the time of removal. If the employment specialist does feel that the training provider has adequately documented good cause for a participant's removal from the program, the One-Stop Operator must notify the WIC and the Administrative Entity of any removals under this section within five (5) business days of notification of the participant's removal.

6. Provider Reimbursements for Participant Withdrawal or Removal from a Training Program within First Five (5) Class Days. If a participant withdraws or is removed from a program within five (5) class days of the start of the program, that participant shall not be considered enrolled in the program and the eligible training provider shall not be entitled to receive ITA funds with respect to that participant or be required to include the participant in performance level calculations.

#### **D. Customer Choice**

Training services must be provided in a manner that maximizes informed customer choice in selecting an eligible training provider in accordance with the goals and objectives outlined in the client's Individual Employment Plan. A key philosophical foundation of WIOA is "informed customer choice" with the ultimate decision resting with the customer within policy and procedure parameters.

1. The DCAJC Operator will assist customers in making informed choices regarding career paths and training through the dissemination of information on state and local targeted industry and occupations in demand.

2. Participants must be able to use their ITAs to acquire training services from any training provider on the eligible training provider list in a manner that maximizes informed customer choice.
3. Customer choice must be exercised within the targeted industry and demand occupations designated. Individuals, eligible or otherwise, that seek training outside of these designated areas can be provided assistance in pursuing other sources of financial aid. WIOA is not an entitlement program.

#### **E. Exceptions to the Use of ITAs**

While ITAs are the primary method to be used for procuring training services under WIOA, in certain circumstances a contract for training services may be developed instead of an ITA. Additionally, a local board may determine that providing training through a combination of ITAs and contracts is the most effective approach. The contract exceptions to using an ITA are listed in WIOA section 134(c)(3)(G)(ii), and include the following:

1. On-the-job training, which may include placing participants in a registered apprenticeship program, customized training, incumbent worker training, or transitional job;
2. If there is a training services program of demonstrated effectiveness offered in a local area by a community-based organization or other private organization to serve individuals with barriers to employment;
3. If the local board determines that the most appropriate training could be provided by an institution of higher education to train multiple individuals for jobs in in-demand sectors or occupations and such contract does not limit customer choice; or
4. If the local board determines that a pay-for-performance contract is the most effective means of providing training services (note that no more than 10% of the local funds may be spent on pay-for-performance contract strategies as they are defined in section 3(47) of WIOA). This approach could be used to support the placement of participants into programs such as RA and other similar types of training.

#### **3.2.6 Eligible Training Providers and Programs**

Under WIOA, adults and dislocated workers may access career services and training services. In general, the Workforce Innovation and Opportunity Act (WIOA) requires that training services be paid for through vouchers known as Individual Training Accounts (ITAs). In order for a training provider to receive ITA funding in the District, they must be certified as an Eligible Training Provider (ETP), and placed on the District's Eligible Training Provider List (ETPL). Not all eligible

training providers that are placed on the ETPL are automatically eligible to receive ITA funding. Eligibility for Eligible Training Providers to receive ITA funding is contingent on meeting the guidelines specified in the WIC policy section 3.2.5. Additionally, per DC Law 20-263, effective May 2, 2015, no ETP shall be eligible to receive funding for more than five (5) ITAs in a calendar year unless at least 50% of the students participating in the entity's training programs are funded by sources other than ITAs. WIOA's requirements regarding the State list of eligible training providers pertains to WIOA title I, subtitle B funds only. Core programs and partners other than the title I programs are not required to use the list of eligible training providers and programs. The Mayor, in consultation with the WIC, must establish eligibility criteria and procedures for initial and continued eligibility for training providers and programs to receive funds under WIOA title I, subtitle B. The WIC must ensure sufficient numbers and types of training providers and programs in order to maximize customer choice while maintaining the quality and integrity of training services.

#### **A. Eligible Entities**

To be eligible to receive WIOA Title I-B Adult and Dislocated Worker funds for the provision of training services, an applicant must be one of the following:

1. A institution of higher education that provides a program that leads to a recognized post-secondary credential;
2. An entity that carries out programs registered with the District's Office of Apprenticeship Information and Training; or
3. Another public, private, or community-based provider of a program of training services which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training.

#### **B. Eligible Programs**

A program of training services is defined as one or more courses or classes or a structured regimen that, upon successful completion, leads to an industry recognized post-secondary credential, secondary school diploma or its equivalent; employment; or measureable skill gains toward such a credential or employment. Identical programs offered in different locations by the same eligible training provider shall be considered as one program if they are all covered by a single educational license.

### **C. Procedure**

The training provider applicant must register as a vendor with the Department of Employment Services (DOES), Office of Contracts and Procurement (OCP) and wait to be notified of a solicitation for an open Request for Quotations (RFQ) to become an Eligible Training Provider. Once a training provider submits requirements for the RFQ, OCP staff will determine which providers meet contracting eligibility and electronically forward all proposed program information to WIC staff. The WIC will review and certify training providers who meet the requirements. Eligible training providers may then be added to the ETPL. However, the District retains the discretion to identify credentialing organizations or to restrict the types of providers included on the ETP List. It is up to the District to determine what providers meet its initial and continued eligibility criteria in order to be included on the List.

### **D. Initial Eligibility**

1. Application. An applicant seeking to be certified as an eligible training provider in the District of Columbia must submit an application to the WIC that includes the following information:
  - a. Information about the provider and each proposed training program as requested in the RFQ solicitation;
  - b. Evidence of program accreditation and/or provider educational license with appropriate state or governing entity;
  - c. Information identifying the industry-recognized post-secondary credential received by program completers;
  - d. A description of the training provider's/program's relationship or partnership with industry-related employers;
  - e. Information demonstrating alignment of training program with the DC High Demand Sectors and Occupation List;
  - f. Information on program cost per participant, including course catalogue or brochures demonstrating that all program-related costs are standard rates charged to the public;
  - g. A copy of the provider's refund, grievance, drug testing (if applicable), equal employment opportunity, and ADA accessibility policies;
  - h. A description of training facilities and equipment to be utilized for each program, including evidence that such training facilities and equipment are safe, accessible by public transportation, and ADA compliant to provide an environment conducive to



- student achievement;
- i. Information about performance for the most recent twelve (12) month period that includes:
    - i. Completion rates for all individuals in the listed program;
    - ii. Percentage of all individuals participating in the listed program who obtain unsubsidized employment after program exit;
    - iii. Wages at placement in employment of all individuals participating in the listed program;
    - iv. Percentage of program completers who attained a post-secondary credential, secondary school diploma or equivalent during program participation or within 1 (one) year after program completion; and
    - j. Any additional information requested by the WIC.
  2. Determinations. The WIC shall make a determination with respect to an application for initial eligibility within 30 calendar days of receiving all of the required information. The WIC shall notify an applicant if an application is determined to be incomplete, and shall keep such application open for a period of 90 calendar days from the date of the notice. If an applicant fails to submit all required information or materials within this 90-day period, the WIC shall deny the application (as set for in H.1 of this Section below), and the applicant must wait 30 calendar days before resubmitting an application. An initial eligibility determination will be decided for each training provider on a program-to-program basis and be based on the following criteria:
    - a. The ability of the program to offer education and/or training programs necessary resources and services to support student attainment of goals;
    - b. The degree to which the program relates to in-demand industry sectors and occupations within the District;
    - c. Whether the program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials; and
    - d. The degree to which program completion is directly connected to related industry employment.
  3. Period of Eligibility. New providers will be continually added to the ETPL as they become eligible. Initial eligibility remains in effect for one (1) calendar year (January 1 – December 31).

## E. Continued Eligibility

1. Application. Eligible training providers seeking to remain on the ETPL must apply for continued eligibility by November 30 of each year:
  - a. Information on any additions or modifications to programs and services offered including course summary, breakdown of costs, credentials to be attained, and class schedule;
  - b. Currently published course catalog with student cost information;
  - c. Current copies of the provider's refund, grievance, drug testing (if applicable), equal employment opportunity, and ADA accessibility policies, if changes have occurred since the initial eligibility period;
  - d. Current proof of commercial liability insurance coverage;
  - e. Most recent program accreditation and/or provider educational license;
  - f. Updated information pertaining to alignment of training program with DC High Demand Sectors and Occupation List;
  - g. Performance Data Report for each approved training program that includes data on all program participants that show:
    - i. Completion rate
    - ii. Employment and employment retention rate
    - iii. Credential attainment rate
    - iv. Average wage after program completion; and
  - h. Student roster information for all training participants for each approved program;
  - i. A current academic calendar;
  - j. Any additional information required by the WIC.
2. Performance Requirements. ETP performance reports, which require providers to supply performance information for all individuals enrolled in a program are addressed in § 677.230. The provider agrees to submit student data and performance data by November 30 of each year after the first full year for performance calculation. If an eligible training provider fails to meet or exceed performance levels for at least two of the performance indicators, or fails to achieve at least 80% of the required performance levels for each of the performance indicators, the ETP will be removed from the ETPL and be ineligible to apply for a period of one (1) year. If an eligible training provider has failed to meet required performance levels for one or more of the District's performance indicators but has either
  - a) met or exceeded performance levels for two or more of the performance indicators, or
  - b) achieved at least 80% of the required performance levels for each performance

indicator, they shall be placed on probationary status. The WIC may approve an application for continued eligibility for an eligible training provider on probationary status for one (1) year if the eligible training provider enters into a performance improvement plan that describes how the provider will meet or exceed performance levels for the subsequent year. If an eligible training provider on probationary status fails to meet or exceed performance levels for each of the five performance indicators during the subsequent year, they will be removed from the District's ETPL, and will be ineligible to apply for the ETPL for a period of one (1) year.

3. Determinations. The WIC shall make a determination with respect to an application for continued eligibility within 30 calendar days of receiving all requested information. The WIC shall notify an applicant if an application is determined to be incomplete, and shall keep such application open until the expiration of the provider's ETP contract with OCP. If a provider fails to submit in a timely and accurate manner all required information or materials before the expiration of the ETP contract, the WIC shall deny subsequent eligibility, and the provider must reapply under the terms of initial eligibility by responding to a new Request for Quotations solicitation through OCP. A continued eligibility determination will be decided for each training provider on a program to program basis and be based on the following criteria:
  - a. The ability of the program to offer education and/or training programs necessary resources and services to support student attainment of goals;
  - b. The degree to which the program relates to in-demand industry sectors and occupations within the District;
  - c. Whether the program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials;
  - d. The degree to which program completion is directly connected to related industry employment; and
  - e. The ability to meet minimum performance measures established by the WIC
4. Period of Eligibility. Training providers must apply for continued eligibility by November 30 of each year. The eligibility period will span the respective following calendar year (January 1 – December 31).

## **F. Program Modifications**

1. Current Programs. An eligible training provider seeking to make modifications to a program that is currently covered under an approved application for initial or continued

eligibility shall submit a written request to the WIC describing the proposed modifications and the purpose for such modifications. Upon receipt of the request, the WIC shall approve or deny such modifications within ten (10) business days.

2. Additional Programs. An eligible training provider seeking to add new programs to an approved application for initial or continued eligibility shall submit a written request to the WIC that includes all information listed in this policy under Initial Eligibility for each additional program. Upon receipt of the request, the WIC shall approve or deny additional programs within 30 days.

## **G. Eligibility Exemptions**

1. Registered Apprenticeship Programs. Pursuant to WIOA section 122(a)(3), registered apprenticeship programs with the District's Office of Apprenticeship Information and Training (OAIT) may be included in the ETPL without adhering to the eligibility requirements established above, and therefore are not required to apply for initial or continuing eligibility determination or to submit performance data. These providers shall be informed of their automatic eligibility for inclusion on the ETPL, and must submit a letter to the WIC consenting to their inclusion on the ETPL. Registered Apprenticeship programs remain eligible for as long as the program remains registered in the OAIT apprenticeship database.
2. On-the-Job Training, Customized Training, Incumbent Worker Training, and Other Training Exceptions. Pursuant to WIOA section 122(h), providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional employment, as those terms are defined by WIOA, are not subject to the Eligible Training Provider List requirements, but are required to provide performance information established by the Mayor. The one-stop operator shall collect such performance information to determine whether the providers meet such performance criteria.
3. Demand Sectors and Occupations. A training program that does not directly align with the DC High Demand Sectors and Occupations List will be eligible for consideration if the training provider submits a letter of support from at least two relevant employers certifying that the proposed training is well aligned with their projected hiring needs in the occupation(s) specified within the next year. The provider must also submit labor market data demonstrating that at least fifty (50) job openings within the target occupation(s) are projected within the Washington–Arlington– Alexandria, DC–VA–MD–WV Metropolitan

Statistical Area during the current or subsequent year; and that the occupation(s) specified have a median wage that is equal or greater than the District's current Living Wage, as determined by the Department of Employment Services pursuant to the Living Wage Act of 2006.

4. Additional Exemptions. Pursuant to WIOA section 134(c)(3)(G)(ii), training providers will not be subject to eligibility criteria if the WIC determines that:
  - a. There are an insufficient number of providers;
  - b. There is a training program with demonstrated effectiveness offered by a provider that serves individuals with barriers to employment as defined in WIOA section 3(24);
  - c. An institution of higher education, or other training provider, can facilitate the training of multiple individuals in a high demand sector or occupation, and this training does not limit customer choice; or
  - d. The provider is contracted for services through a pay-for-performance contract instead of an Individual Training Account (ITA).

## **H. Denial and Removal**

1. Denial of Initial or Continued Eligibility. A training provider and/or its program(s) may be denied inclusion on the ETPL for the following reasons:
  - a. The eligibility application is not complete, in which case the WIC shall notify the applicant if an application is determined to be incomplete, and may close the application if the applicant does not furnish required materials or information within 90 calendar days of such notification;
  - b. The applicant fails to meet the minimum criteria for initial or continued eligibility as specified in this policy, in which case the WIC may, at its discretion, enter into a performance improvement plan with an eligible training provider if it is determined that the eligible training provider has failed or will fail to meet required performance levels for one or more of the District's performance indicators;
  - c. The applicant intentionally supplied inaccurate information. Penalties are described in WIOA Sec.122(f)(1)(A) and subparagraph (C);
  - d. The applicant substantially violated any requirement under WIOA. Penalties are described in WIOA Sec.122(f)(1)(B) and subparagraph (C) ;
  - e. Additionally, a registered apprenticeship program may be removed from the State

List of Eligible Training Providers and Programs for having intentionally supplied inaccurate information or substantially violated any provision of WIOA title I (e.g., civil rights or discrimination violations) or WIOA regulations. Removal for this reason will result in a termination of eligibility for the ETPL for not less than 2 years and liability to repay all training funds received during the period of noncompliance.

2. Removal of Provider or Program from the ETPL. A training provider and/or its program(s) may be removed from the ETPL for the following reasons:
  - a. The training provider fails to meet the minimum criteria for continued eligibility as specified in this policy;
  - b. The training provider fails to submit participant data and performance data required for the performance review within the established due date;
  - c. It is determined that the training provider intentionally supplied inaccurate information;
  - d. It is determined that the training provider substantially violated any requirement under WIOA;
  - e. The training provider or program loses its educational license or accreditation;
  - f. The training provider or program fails to meet the minimum levels of performance established by the WIC;
  - g. The training provider fails to notify the WIC of any program changes including, but not limited to, costs or location of training;
  - h. It is determined the training provider is not in compliance with or ineligible for OCP contracting requirements;
3. Notice. If the WIC denies or removes eligibility for the ETPL, the WIC must inform the provider in writing including the reason(s) for the denial/removal and information on the appeals process within 30 days of the denial/removal. The WIC shall remove a program that was determined to be no longer eligible no earlier than the 31st calendar day from issuance of removal notice. If a training provider chooses to appeal, a training program that is subject to removal shall remain on the ETPL until the appeal is concluded.

## **I. Appeals**

An applicant may appeal to the WIC based on the denial of an application for initial or continued eligibility for the ETPL or the removal of a program(s) already listed on the ETPL.

- a. A provider wishing to appeal a decision by the WIC must submit an appeal to the WIC within 30 days of the issuance of the denial or removal notice. The appeal must be in

writing and include a statement of the desire to appeal, specification of the program in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.

- b. Upon receipt of the written appeal, the WIC shall schedule a hearing.
- c. The WIC will notify appellants of its final decision on an appeal within 30 days of the hearing.

#### **J. Penalties**

1. If the WIC determines that an ETP intentionally supplied inaccurate information for ETPL purposes, the WIC shall terminate the eligibility of the ETP to receive any funds under WIOA Section 133(b) for at least two years.
2. If the WIC determines that an ETP substantially violates any WIOA requirement, WIC, may terminate the eligibility of the ETP to receive any funds for a period of time under WIOA Section 133(b) or take other such action as the WIC deems appropriate.

#### **K. Publication**

In order to facilitate and assist participants in choosing employment and training activities and in choosing providers of training services, the Mayor shall ensure that an appropriate list of providers determined to be eligible under this section to offer a program in the State (and, as appropriate, in a local area), accompanied by information identifying the recognized postsecondary credential offered by the provider and other appropriate information, is prepared. The list shall be made available to such participants and to members of the public through the one-stop delivery system in the State. The list must be accompanied by relevant performance and cost information and must be made widely available, including in electronic formats, and presented in a way that is easily understood, in order to maximize informed consumer choice and serve all significant population groups, in a manner that does not reveal personally identifiable information about an individual participant.

#### **3.2.7 Work Based Training and Transitional Jobs**

Sections 680.700 through 680.840 are the final regulations for work-based training under WIOA. The regulations apply to on-the-job (OJT) training, customized training, and incumbent worker training, including Registered Apprenticeship, as applicable. The regulations include specific information about general, eligibility, contract, and employer payment requirements. Work-based training is employer-driven with the goal of unsubsidized employment after participation or

retention and skills enhancement for already-employed and incumbent workers. Generally, work-based training involves a commitment by an employer or employers to employ successful participants fully after they have completed the program or retain already-employed or incumbent employees following training participation. Registered apprenticeship training is a type of work-based training that can be funded in the adult and dislocated worker programs, specifically through OJT; additionally, pre-apprenticeships may be used to provide work experiences that can help participants obtain the skills needed to be placed into a registered apprenticeship. Work-based training can be an effective training strategy that can provide additional opportunities for customers in obtaining or retaining employment and for employers in both finding high quality work and in developing a highly skilled workforce. Transitional jobs can also be an effective work-based tool for assisting individuals with barriers to employment who are chronically unemployed or have an inconsistent work history. Each of these models can be effectively used to meet a variety of job seeker, employee, and employer needs:

#### **A. On the Job Training (OJT)**

WIOA § 3 (44) defines On-the-Job Training (OJT) as training that is provided by an employer or a Registered Apprenticeship program sponsor in the public, private non-profit, or private sector 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; provides reimbursement to the employer of up to 75% of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the skill requirements of the occupation, the academic and occupational skill level of the participant, the prior work experience of the participant, and the participant's IEP and service strategy of the participant.

##### 1. Eligibility.

- a. **General:** OJT may be provided to eligible WIOA participants who, after assessment, are found to be in need of and suitable for training services in order to obtain or retain employment that leads to self-sufficiency.
- b. **Eligibility for Employed Workers:** OJT contracts may be written for eligible employed workers when:
  - i. The employee is not earning a self-sufficient wage as determined by WIC guidance;



- ii. The requirements in WIOA § 194 (4) that 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
  - iii. 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 identified by DOES.
- 2. Documentation Requirements. One-Stop staff must document the decision to provide OJT in the participant's IEP. The decision should demonstrate that the training chosen is appropriate and necessary, that the participant does not already possess all of the skills necessary for the job, or that the participant needs to upgrade skills to effectively perform in another job. No participant may begin OJT employment until a contract has been signed by the employer.
- 3. Contract Requirements. WIOA OJT training is provided based on a formal, written contract with the private or public sector employer or registered apprenticeship program sponsor that is signed prior to the initiation of training with a copy given to the employer. In determining an employer's viability for OJT contracts, DOES should consider the employer's past history with OJT or customized contracts, financial stability, layoffs, relocation and labor disputes, as well as the occupational and industry outlook. Contracts must not be entered into with an employer that received payments under previous contracts under WIOA or WIA if the employer has exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages, employment benefits, or working conditions at the same level as other employees performing the same types of work for the same length of time.
- 4. Employer Reimbursements.
  - a. OJT training reimbursement to employers is deemed to be compensation for the extraordinary costs associated with training participants, including extra supervisory efforts, non-productive time, material waste and other incidentals, and the costs associated with the lower productivity of the participants. Employers are not required to document such extraordinary costs.
  - b. Employers that meet the Contract Requirements are eligible to receive a wage reimbursement rate of 50%; however, some employers may be eligible to receive a wage reimbursement rate of up to 75%.

- c. In order for an employer to be eligible for a wage reimbursement rate of over 50% and up to 75%, that employer must meet one of the four following criteria:
  - i. The employer must be a small business as defined by the Small Business Administration. Small business size standards by industry can be found at [https://www.sba.gov/sites/default/files/files/Size\\_Standards\\_Table.pdf](https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf).
  - ii. The OJT must lead to the participant's attainment of an industry recognized credential.
  - iii. The participant must be determined to be an individual "with barriers to employment," as listed in WIOA § 3 (24), to include individuals who are long-term unemployed.
  - iv. The participant's job title must be on the state's in-demand occupations list.
- b. DOES staff must document the factors that they considered when deciding to increase the wage reimbursement levels above 50% up to 75%.
- c. OJT contracts are granted based upon availability of funding and may be limited or unavailable due to funding constraints.
- d. If a collective bargaining agreement exists between the employer and the employees or their representatives, a written concurrence from the appropriate labor organization(s) is required prior to the OJT.

## **B. Customized Training**

Customized Skills Training is designed to meet the special requirements of an employer 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. The employer must pay for a significant share of the cost of the training. The training activity may take place at the worksite or in a classroom setting. The employer or an intermediary may provide the training.

1. Eligibility. Customized training may be provided for an employer or group of employers when:
  - a. The employee is not earning a self-sufficient wage; an incumbent worker must still meet the statutory definition of either Adult or Dislocated Worker to receive customized training.
  - b. 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

- c. 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 that may be identified by the WIC through additional guidance.
2. Documentation Requirements.
  - a. Employers must complete a training plan for each participant. When completed, this form documents the training plan, skills attainment, costs incurred by employer, and amount of reimbursement. This form must be maintained in the participant's file. 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.
  - b. The IEP shall be updated accordingly to reflect participation in customized skills training.
3. Employer Reimbursements. Employers may be reimbursed by the WIOA program, provided that the employer must pay for a significant share of the costs incurred in providing the training, including staff/instructor time or training materials.
4. Time Limitations. Customized Training should be for a specified length of time and may take place at the worksite or in a classroom.

### **C. Incumbent Worker Training (IWT)**

IWT is designed to improve the skills of employees and the competitiveness of an employer and groups of employers. It is intended to retain skilled employees or avert a potential layoff. IWT may be offered to employers who, after assessment, are found to be in need of training for existing employees in order to remain competitive. The District may utilize up to 20% of its Adult and Dislocated funds for IWT, and may also use statewide activities and Rapid Response funds for this purpose. IWT must be designed to be between employees and employers with an established relationship in which the majority of individuals receiving training have been employed by the company for at least six (6) months at the time of the training; to improve the skills of the existing workforce (It is encouraged that this training lead to an industry recognized credential); and to mitigate the impact of a layoff if utilized as a part of a layoff aversion strategy.

1. Eligibility. In accordance with WIOA § 134 (d)(4)(A)(ii), the WIC must determine the eligibility of an employer for IWT taking into consideration:
  - a. The characteristics of the participants;

- b. The ability of the training to increase the competitiveness of the participant and the employer; and
  - c. Such other factors as the local board may consider appropriate including, but not limited to:
    - i. the number of employees participating in the training;
    - ii. the wages and benefit to the employee before the training and the wages and benefit to the employee after the training; and
    - iii. the existence of other training opportunities provided by the employer.
2. Employer Reimbursement. In accordance with WIOA § 134 (d)(4)(C) and § 134 (d)(4)(D)(i-iii) eligible employers must also provide a portion of the training costs as a non-Federal share. This contribution may be in the form of wages of a participant while attending a training program or a direct percentage of the costs of training. The employer share must be tracked and recorded on the District's monthly Financial Status Report. The portion of the non-Federal share that an employer must contribute is dependent upon the size of the employer as follows:
- a. For employers with fewer than 50 employees: 10% of the training costs;
  - b. For employers with 51 to 100 employees: 25% of the training costs; or
  - c. For employers with greater than 100 employees: 50% of the training costs.

**D. Registered Apprenticeships (RA)**

Registered Apprenticeships generally involve both classroom and on-the-job instruction. In some instances an RA is operated by the employer and in others it is operated by a training provider with a direct connection to an employer or group of employers. RAs do not have a unique funding mechanism; the District may use an ITA to support classroom portions of a RA program, and OJT contract may be used to support the on-the-job elements of the RA program. ITAs and OJTs may be used simultaneously to fund the RA. If a participant is in a RA and employed as part of that arrangement, then the OJT must be treated as other OJT contracts provided for employed workers, as described in Section 3.2.7.A.

**E. Transitional Jobs**

Transitional jobs are time-limited work experiences that are subsidized for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history. These jobs may be in the public, private, or non-profit sectors. Transitional jobs can be effective solutions for individuals to gain necessary work experience that they would otherwise not be able to get through training or an OJT contract. The goal is to establish a work history for the

individual, demonstrate work success, and develop skills that lead to entry into unsubsidized employment. The difference between a transitional job and an OJT contract is that in a transitional job there is no expectation that the individual will continue his or her hire with the employer after the work experience is complete. The District may reserve up to 10% of its combined total of adult and dislocated worker allotments for transitional jobs and must be provided along with comprehensive career services and supportive services.

### 3.2.8 Supportive Services and Needs-Related Payments

Supportive Services are defined as services such as, but not limited to, transportation, childcare, dependent care, housing assistance, and needs-related payments that are necessary to enable an individual who cannot afford to pay for such services to participate in career or training services authorized under WIOA Title IB. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is one of the career services that must be available to adults and dislocated workers through the One-Stop delivery system. The provision of Supportive Services must be determined on an individual basis. All supportive services must have been approved prior to the participant receiving or obtaining the goods or services. Backdated requests for services will not be approved.

#### **A. Allowable Supportive Services.**

1. Transportation assistance;
2. Childcare assistance;
3. Training and work-related clothing, uniforms/work attire, tools;
4. Assistance with books, fees, and school supplies for participants enrolled in postsecondary education;
5. Payments for employment and training-related tests and certification exams;
6. Housing assistance;
7. Employment-related medical testing; and
8. Background checks.

#### **B. Eligibility and Determination of Need for Supportive Services.** To be eligible for WIOA-funded supportive services, a participant must have been determined WIOA eligible and:

1. Participating in career or training services; Limited supportive services may be provided to eligible applicants (e.g., paying for a birth certificate), before they are enrolled as participants, to permit participation in assessment activities;

2. Are unable to obtain supportive services through other programs providing such services;
3. Require such services in order to participate in career services or training activities; and
4. Must be in compliance with WIOA program regulations and policies.

The decision to provide a supportive service must be based on an objective assessment that is described and justified in the participant's individual employment plan and documented in case notes.

**C. Documentation of Eligibility and Determination of Need.** The provision of supportive services must be determined by the appropriate One-Stop staff on an individual basis and requires proof of expenditure in the participant's file. The documentation must include:

1. Documentation of individual's participation in WIOA career services and/or training activities and need for supportive services to enable that participation.
2. Financial/physical need: There must be documentation in the case file that participants are incapable of providing these services for themselves. Examples: low income status as documented by family/household income determination, receipt of Federal or state public assistance, UI benefits, documentation of skill upgrading that would lead to employment in a local or state in-demand occupation, documentation of lack of employment or underemployment, separation notice, birth certificates for children receiving childcare, documentation of transportation distance to attend training, etc.
3. Resource coordination: There must be documentation supporting that these services or funds for these services were not available from any other State and or Federal grant/program/funding stream/agency. There should be an analysis of all federal/state/local resources available in the local area and how they are being coordinated to promote the most efficient use of resources. Examples: UI records, application for applicable state and Federal funds (HOPE, PELL, etc.).
4. Type of supportive service requested and how the supportive service will assist the individual's participation in WIOA Title I career or training activities. Examples: WIC-created supportive service request form.
5. Amount requested and justification for the amount being necessary and reasonable to enable participation in qualifying WIOA activities. Examples: WIC-created supportive service request form, case notes in MIS system.
6. Establishment of a timeframe that the supportive services will be provided to assist participation in WIOA Title I activities. Examples: DOES created supportive service request form, case notes in MIS system.

- D. One-Stop Operator Procedure.** The One-Stop Operator must include a written procedure as part of the DCAJC business plan to ensure coordinated, allowable, reasonable, and appropriate utilization of support services. The One-Stop Operator procedure must include:
1. The process and documentation required for the determination of need for specific support services, including documentation that the participant is unable to obtain supportive services through other resources, as discussed in Section 3.2.8.C., above;
  2. Who is the responsible party (title) for approval of the supportive service to be provided to participants;
  3. The basis and standard for determination of reasonableness for provision of a support service;
  4. How the \$1,000 per participant support service limitation is controlled and administered;
  5. The process for establishing relationships with specific vendors who provide pre-approved support services for participants;
  6. How participants will be referred to supportive services providers;
  7. The specific documentation required from the vendor or participant verifying the support service provided, date, and its associated cost;
  8. Who is the responsible party (title) for retention of supportive service documentation and related expenditures; and
  9. Who is the responsible party (title) for approval of the invoice for payment of the supportive services received by a specific participant.

### 3.2.9 Rapid Response

Rapid Response strategies and activities are noted in Title I-B, Section 134 of WIOA, are provided by the Department of Employment Services Business Services Group through the DCAJCs to individuals determined to be eligible dislocated workers. Section 682.300 of the final regulations describes the purpose of Rapid Response (RR), which is to promote economic development and vitality and deliver critically important solutions to workers and businesses in transition. Rapid Response encompasses the strategies and activities necessary plan for and respond to announcements of a closure or layoff; or mass job dislocations due to natural or other disasters and to deliver services to enable dislocated workers to transition to new employment as quickly as possible.

**A. Rapid Response Activities include, but are not limited to:**

1. 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;
2. 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;
3. 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
4. Strategic planning, data gathering and analysis designed to anticipate, prepare for, and manage economic change.

**B. Required Rapid Response activities:**

1. Layoff aversion activities;
2. Immediate contact with the employer, representatives of the affected workers, and the local community, including an assessment of and plans to address the:
  - a. Layoff plans and schedule of the employer;
  - b. Background and probable assistance needs of the affected workers;
  - c. Reemployment prospects for workers; and
  - d. Available resources to meet the short and long-term assistance needs of the affected workers;
3. 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;
4. The delivery of other necessary services and resources including workshops, classes and job fairs to support reemployment efforts for the affected workers;
5. 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:
  - a. Conduct strategic planning to develop strategies to address dislocation events and ensure timely access to a broad range of necessary services;



- b. 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;
- 6. Delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed;
- 7. 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:
  - a. Conduct strategic planning to develop strategies to address dislocation events and ensure timely access to a broad range of necessary services
  - b. 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;
- 8. Delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed.

**C. Layoff aversion:** Consists of strategies and activities that aim to help companies and organizations make changes so that layoffs are reduced completely. Layoff aversion strategies and activities may include, but are not limited to:

- 1. 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;
- 2. 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;
- 3. Establishing linkages with economic development entities including local business retention and expansion activities;
- 4. 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.

#### **D. Local Rapid Response Activities and Procedures:**

##### **1. Responding to and documenting layoffs or potential layoffs.**

- a. When the Business Services Group learns of a layoff or possible layoff, they contact the business to gather more information, explain the services available to both the business and the workers and arrange a way to get information about services to the affected workers as soon as possible. In these initial contacts, staff will provide the business information about the WIOA Dislocated Worker program, WARN Act, Trade Adjustment Assistance Act (TAA) and National Emergency Grants (NEG) that might possibly apply to the dislocation. If applicable and approved, the TAA and NEG programs would provide additional funding beyond the WIA Dislocated Worker program to meet the reemployment needs of the affected workers.
- b. One-Stop Centers are responsible for documenting all layoffs regardless of the number of workers affected in their respective communities within three (3) work days or at the earliest possible time after learning of the layoffs.
- c. The Department of Employment Services shall respond to WARN notices within 48 hours of the layoff or plant closure notice. In those cases where a WARN notice is not required but the closure or layoffs will have a significant impact on the community, the Department of Employment Services will respond at the earliest possible time. A significant layoff is defined as one which impacts the community, taking into consideration the occupations and skill levels of the laid off workers, in which it is located. Services to dislocated workers shall be provided to those who are most in need and can most benefit from those services.

##### **2. Disseminating information to the affected workers.**

- a. Ideally, the Business Services Group staff would meet with the workers in a group setting for a Rapid Response informational meeting. These meetings provide information to workers of the services available to them through the workforce system. If possible, these meetings would take place at the work site, but can also be done at the local One-Stop Center or in a rented meeting room at a time that is convenient to the workers. The partners in the communities who provide various services to people should be invited to attend the Rapid Response meeting and present their program information to the workers. Some of the partners who might attend a Rapid Response meeting are as follows: the Dislocated Worker program operator, Unemployment Insurance representatives, and Business Services Group

staff. Depending on the need of the workers there may be additional partners who attend a Rapid Response meeting.

- b. RR Workshop/Meeting Reports: If a Rapid Response group meeting is conducted, staff should prepare and submit a report to the Rapid Response Program Manager that includes the business name, location, date and time of the workshop, Rapid Response staff in attendance, number of workers in attendance and the occupations represented, information and services provided and partner programs that participated in the meeting.
  - c. When group meetings are not possible, information is disseminated to workers individually by either leaving informational packets at the business or, if names and addresses can be obtained from the employer, contacting the workers by mail and encouraging them to schedule an appointment to learn about the available services.
3. Assessment of worker needs and documentation of Rapid Response service.
- a. Whether in a group setting or one-on-one, information must be collected on each of the affected employees to assess their particular needs and goals. Rapid Response services provided to each worker include registering for work, resume assistance, information and assistance in how to file for Unemployment Insurance, intensive case management, information on the Dislocated Worker program and other services as appropriate. The information gathered at a group meeting shall be compiled (1) year from the date of the work.
  - b. When Rapid Response services are provided to affected workers it must be recorded in the worker's file.
4. Referral to WIOA. Workers may then follow-up by scheduling an appointment with a WIOA case manager to determine if enrollment into the Dislocated Worker program would be a possibility based on their particular needs/goals and the program guidelines and capabilities. If determined eligible and enrolled into the Dislocated Worker program, services that may be provided could include: retraining or skills upgrade through a classroom setting or On-the-Job Training, supportive services to assist with participation in training, conducting job search and/or relocating out of the area to new employment.

### 3.3 WIOA Youth Services

The WIOA Title I Youth program provides a comprehensive array of high quality services, including career exploration and guidance, continued support of educational attainment, and training in in-demand industries and occupations. The goal is for youth to obtain a good job along a career pathway or enrolment in post-secondary education or a Registered Apprenticeship prior to the end of program participation. The youth program provides services to in-school youth (ISY) and out-of-school youth (OSY) with barriers, with a special focus on supporting the educational career success of out-of-school youth.

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.

#### 3.3.1 Program Elements

WIOA specifies 14 youth elements that must be made available to WIOA eligible youth. While all 14 youth elements must be made available to youth, they do not all have to be funded through WIOA youth funds. Partner resources may be leveraged to provide program elements that are available through other funding streams. The 14 youth elements are detailed below.

##### **A. Alternative Secondary School Services of Dropout Recovery Services**

Alternative Secondary School Services or Dropout Recovery Services provide options for students who are at risk of dropping out of high school to remain engaged in an alternative learning environment that focuses on their particular skills, abilities, and learning style.

## **B. Paid and Unpaid Work Experiences**

Paid and Unpaid Work Experiences are planned, structured learning experiences that take place in a workforce for a limited period of time. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work experiences provide the youth participant with opportunities for career exploration and for skill development. The types of youth work experiences include the following categories:

1. Summer employment opportunities and other employment opportunities available throughout the school year; summer employment opportunities are a component of the work experience program element.
2. Pre-apprenticeship programs; a pre-apprenticeship is a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship program;
3. Internships and job shadowing; and
4. On-the-job training opportunities.

## **C. Occupational Skills Training**

Occupational Skills Training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Priority consideration must be given to training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations as defined by the WIC. In order to enhance individual participant choice in their education and training plans and provide flexibility to service providers, WIOA allows ITAs for out-of-school youth, ages 18 - 24, using WIOA Youth funds when appropriate.

## **D. Education Offered Concurrently With and in the Same Context As Workforce Participation**

This program element reflects the integrated education and training model and requires integrated education and training to occur concurrently and contextually with workforce preparation activities and workforce training. This program element describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to

be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway.

## **E. Leadership Development**

Leadership Development includes community service and peer-centered activities encouraging responsibility and focusing on other positive social and civic behavior opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors such as:

1. Exposure to postsecondary educational possibilities;
2. Community and service learning projects;
3. Peer-centered activities, including peer mentoring and tutoring;
4. Organizational and team work training, including team leadership training;
5. Training in decision-making, including determining priorities and problem solving;
6. Citizenship training, including life skills training such as parenting and work behavior training;
7. Civic engagement activities which promote the quality of life in a community; and
8. Other leadership activities that place youth in a leadership role such as serving on youth leadership committees, such as a Standing Youth Committee. WIOA § 129(c)(2)(F).

Positive social and civic behaviors are outcomes of leadership opportunities, which are incorporated by local programs as part of their menu of services. Positive social and civic behaviors focus on areas that may include the following:

1. Positive attitudinal development;
2. Self-esteem building;
3. Openness to work with individuals from diverse backgrounds;
4. Maintaining healthy lifestyles, including being alcohol- and drug-free;
5. Maintaining positive social relationships with responsible adults and peers, and contributing to the well-being of one's community, including voting;
6. Maintaining a commitment to learning and academic success;
7. Avoiding delinquency;
8. Responsible parenting, including child support education;
9. Positive job attitudes and work skills; and
10. Keeping informed in community affairs and current events.

## **F. Supportive Services**

Supportive Services (outlined in Section 3.2.8) are services that enable a youth to participate in WIOA activities.

## **G. Adult Mentoring**

Adult Mentoring must occur for a duration of at least 12 months and may occur both during and after program participation. Adult mentoring for youth must:

1. Last at least 12 months, be documented, and may take place both during the program and following exit from the program;
2. Be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee;
3. Include a mentor who is an adult other than the assigned youth case manager; and
4. While group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company.

## **H. Comprehensive Guidance and Counseling**

Comprehensive Guidance and Counseling provides individualized counseling to participants. This includes career and academic counseling, drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. WIOA § 129(c)(1)(C)(J). When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the local youth program must coordinate with the organization it refers to in order to ensure continuity of service.

## **I. Financial Literacy Education**

Financial Literacy Education includes activities which

1. Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions;

2. Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
3. Teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit;
4. Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;
5. Educate participants about identity theft, ways to protect themselves from identify theft, and how to resolve cases of identity theft and in other ways understand their rights and protections related to personal identity and financial data;
6. Support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials;
7. Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by providing access to safe and affordable financial products that enable money management and savings; and
8. Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

## **J. Entrepreneurial Skills Training**

Entrepreneurial Skills Training should provide the basics of starting and operating a small business. Such training must develop the skills associated with entrepreneurship. Some examples of entrepreneurial skill development include, but are not limited to, the ability to:

1. Take initiative;
2. Creatively seek out and identify business opportunities;
3. Develop budgets and forecast resource needs;
4. Develop a customer-centered environment;
5. Understand various options for acquiring capital and the tradeoffs associated with each option; and
6. Communicate effectively and market oneself and one's ideas.



Approaches to teaching youth entrepreneurial skills include, but are not limited to, the following:

1. Entrepreneurship education that provides an introduction to the values and basics of starting and running a business. Entrepreneurship education programs often guide youth through the development of a business plan and may also include simulations of business start-up and operation.
2. Enterprise development which provides support and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurship education by helping youth access small loans or grants that are needed to begin business operation and by providing more individualized attention to assist in the development of viable business ideas.

**K. Labor Market and Employment Information Services**

Labor Market and Employment Information Services 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. The Labor Market Area is an economically-integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence.

**L. Activities that Prepare for Transition to Postsecondary Education and Training**

Activities that Prepare for Transition to Postsecondary Education and Training include career exploration and research. WIOA recipients (both District Government agencies and subgranted service providers) are encouraged to provide youth with relevant information and opportunities. Recipients may utilize case managers to assist students with gaining entrance into postsecondary education and training and financial aid applications. Recipients may provide access to postsecondary education and training entrance examination preparation, and may also provide access to the remedial coursework necessary to gain entrance into post-secondary education and training.

**M. Follow-Up Services**

Follow-up Services 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. A Youth participant is placed in follow-up services after the completion of all WIOA activities. Follow-up services must be a minimum of 12 months in duration and are designed to

support the Youth in their transition to post-secondary education or unsubsidized employment. Examples of appropriate follow-up services include, but are not limited to: supportive services, comprehensive guidance and counseling, mentoring, and leadership activities.

### 3.3.2 WIOA Youth Eligibility

#### **A. General**

In order to be a participant in the WIOA youth program, all of the following must occur:

1. An eligibility determination;
2. The provision of an objective assessment;
3. Development of an individual service strategy; and
4. Participation in any of the 14 WIOA youth program elements.

Further Guidance on Objective Assessments and Individual Service Strategies can be found in section 3.2.4 Assessments located above.

#### **B. Out-of-school Youth Eligibility Requirements**

To be provided services under the youth funding stream as an “out-of-school youth,” the individual must be:

1. Not attending any school (defined under District law as a school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, a parochial school, or a private instructor); However, for purposes of WIOA, USDOL does not consider providers of Adult Education under title II of WIOA, YouthBuild programs, and Job Corps programs to be schools. Therefore, WIOA youth programs may consider a youth to be out-of-school youth for purposes of WIOA youth program eligibility if he/she is attending Adult Education provided under title II of WIOA, YouthBuild, or Job Corps. Student attendance at a post-secondary institution qualifies as “attending school” and leads to the youth being directed to the In-School Youth eligibility criteria.
2. Not younger than age 16 or older than age 24 at the 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
3. One or more of the following:
  - a. A school dropout as defined by the state;

- b. A youth who is with the age of compulsory school attendance, but has not attended school for at least the most recent school year. The complete school calendar year is from August through June for the District of Columbia;
- c. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is:
  - i. Basic skills deficient (20 CFR 681.290); or
  - ii. An English language learner.
- d. Offender;
- e. Homeless, a runaway, in foster care or aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act , or in an out-of-home placement;
- f. Pregnant or parenting;
- g. An individual with a disability;
- h. A low-income individual requiring additional assistance to enter or complete an educational program or to secure or hold employment.

**C. In-School Youth Eligibility Requirements**

To be provided services under the youth funding stream as an “in-school youth,” the individual must be:

- 1. Attending school (as defined by state law), including secondary and post-secondary school;
- 2. Not younger than 14 (unless an individual with a disability attending school under State law) or older than 21 at the time of enrollment);
- 3. A low-income individual, including an individual who receives or is eligible to receive a free or reduced price lunch or who lives in a high poverty area; and
- 4. One or more of the following:
  - a. Basic skills deficient, defined as a youth who:
    - i. has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
    - ii. 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.

In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable

accommodation in the assessment process, if necessary, for individuals with disabilities.

- b. An English language learner.
- c. An offender.
- d. Pregnant or parenting.
- e. An individual with a disability
- f. An individual requiring additional assistance to enter or complete an educational program or to secure or hold employment.

#### **D. Low-Income**

1. All ISY must be low-income with the exception that up to 5% of ISY who meet all the other eligibility requirements need not be low-income. The up to 5% is calculated based on all newly enrolled youth who would ordinarily be required to meet the low-income criteria in a given program year.
2. Low income is not a requirement to meet eligibility for most categories of OSY under WIOA. For OSY, only those youth who are the recipient of a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner and youth who require additional assistance to enter or complete an educational program or to secure or hold employment must be low-income. OSY with disabilities do not need to meet low-income eligibility requirements.
3. The individual is a person who:
  - a. Receives, or in the past six months has received, or is a member of a family that receives, or in the past six months has received, assistance through SNAP, TANF, SSI under Title XVI of the Social Security Act, or another state or local income-based public assistance program. Other income-based public assistance program includes:
    - i. Refugee Cash Assistance (RCA)
    - ii. General Assistance (GA) (state/local government). In the United States, General Assistance encompasses a varying set of assistance programs that share two defining characteristics: 1) They are funded and administered by the state, county and/or locality in which the particular program operates; and 2) They provide benefits to low-income persons who are not eligible for Federal assistance. Across states, assistance is usually cash benefits and also includes state-funded medical assistance.

- b. Is a member of a family that received a total family income, for the six-month period prior to program participation (exclusive of unemployment compensation, child support payments, payments described in (1.) above and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402) that, in relation to family size does not exceed the higher of:
  - i. The poverty line, for an equivalent period; or
  - ii. 70% of the Lower Living Standard Income Level, for an equivalent period;
- c. Is a homeless individual, as defined in section 41403(6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act;
- d. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act;
- e. Is a foster child on behalf of whom state or local government payments are made;
- f. Is a person with a disability whose own income meets the income criteria established in WIOA 3(36)(A)(ii), but is a member of a family whose income does not meet this requirement (for ISY 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% of the lower living standard income level);
- g. Is a youth living in a high poverty area. A youth who lives in a high poverty area is automatically considered to be a low-income individual. A high poverty area is 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% as set every five (5) years using American Community Survey 5-Year data.

**E. Exception and Limitation**

- 1. Exception for persons who are not low income: in each local area not more than 5% of all youth participants may be persons who are not low income, but who otherwise meet the definition of covered individuals. WIOA § 129 (a)(3)(A)(i) defines a covered individual as any ISY or an OSY who meets all other eligibility requirements and who meets the following conditions:

- a. Recipient of a secondary school diploma or its recognized equivalent who is basic skills deficient or an English language learner, and
  - b. An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. Individuals who are not low income must provide documentation (no self-attestation) to prove they are covered individuals.
2. Limitation: WIOA § 129 (a)(3) further defines that in each local area not more than 5% of the in-school youth may be eligible based on the criteria for requiring additional assistance to complete an educational program or to secure or hold employment.
3. The above exception/limitation percentages must be calculated on a yearly basis.

### 3.3.3 Selection of WIOA Youth Services Providers

WIOA requires the competitive selection of youth providers, though some services may be provided directly by the WIOA grant recipient. The WIC must identify eligible providers of youth workforce investment activities in the District by awarding grants or contracts on a competitive basis. A minimum of 75% of non-administrative WIOA Youth funds must be spent on out-of-school youth; and a minimum of 20% of non-administrative funds must be spent on the work experience program element (this component is not applied separately for in-school and out-of-school youth). Program expenditures on the work experience program element include wages as well as staffing costs for the development and management of work experiences.

The WIC must conduct a full and open competition to secure youth providers. The WIC can choose to assign that function to the WIC's Youth Committee and/or direct the grant recipient/fiscal agent to conduct the competition on its behalf with appropriate guidance. The requirement that eligible youth providers must be selected on a competitive basis does not apply to design framework services when these services are more appropriately provided by the grant recipient/fiscal agent. Design framework services include intake, objective assessments, and the development of individual service strategy, case management, and follow-up services. Further guidance on Objective Assessments and Individual Services strategies is available in section 3.2.4 Assessments located above.

### 3.3.4 Procurement Process

The WIC or its designated procurement agent must follow all applicable Federal and District laws in conducting the procurement process for WIOA Youth services. Additional WIC guidance on procurement may be issued at a later date.

## 4. Performance

### 4.1 Performance Under WIOA

The WIOA Performance measures reports (quarterly and annual) will cover participants who receive services financially assisted by formula or statewide reserve funds under the following USDOL ETA programs:

- WIOA Adult Program
- WIOA Dislocated Worker Program
- WIOA Youth Program

Under WIOA, there are five (5) performance measures that the District must adhere to for each program, as follows, plus at least two measures related to services to employers that the District will establish through subsequent policy updates:

#### A. Adult and Dislocated Worker Performance Measures

Use of the term “Adult” in definitions and calculations implies both Adult and Dislocated Worker participants. For participants in the Adult or Dislocated Worker programs, the following performance measures apply:

##### 1. Q2 Employment Rate

- a. **Methodology:** Percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program” WIOA Sec. 116 (b)(2)(A)(i)(I)
- b. **Operational Parameters:**
  - i. Individuals who are employed at the date of participation are included in this measure, though data must be tracked on employment status at enrollment, as the Departments of Labor and Education plan to calculate an “employment rate” for participants who were unemployed at the time of program entry.
  - ii. Individuals who, although employed, have either received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or are transitioning service members are considered not employed, but must still be included in this measure as noted above.

- iii. For WIOA purposes, a Transitioning Service Member is defined as a service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation. Employment at the date of participation is based on information collected from the individual, not from wage records.

## 2. Q4 Employment Rate

- a. **Methodology:** Percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program” WIOA Sec. 116 (b)(2)(A)(i)(II).
- b. **Operational Parameters:**
  - i. Individuals who are employed at the date of participation are included in this measure, though data must be tracked on employment status at enrollment, as the Departments of Labor and Education plan to calculate an “employment rate” for participants who were unemployed at the time of program entry.
  - ii. Individuals who, although employed, have either received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or are transitioning service members are considered not employed, but must still be included in this measure as noted above.
  - iii. For WIOA purposes, a Transitioning Service Member is defined as a service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation. Employment at the date of participation is based on information collected from the individual, not from wage records.

## 3. Median Earnings

- a. **Methodology:** Median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program” WIOA Sec. 116 (b)(2)(A)(i)(III)
- b. **Operational Parameters:**
  - i. When possible, wage records should be used for this measure. Acceptable wage record sources are a state’s unemployment insurance wage records, federal employment wage records, military employment wage records, and



other administrative records, such as tax records for self-employed participants.

- ii. For Individuals whose employment in the second quarter after the exit quarter was determined solely from supplemental sources and not from wage records (if applicable), wage data must also be provided from this supplemental source. This could apply for individuals that are self-employed or that are otherwise legally employed but not accounted for in available wage record sources.

#### 4. Credential Attainment Rate

a. **Methodology:** 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” WIOA Sec. 116 (b)(2)(A)(i)(IV).

b. **Operational Parameters:**

- i. Program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program. WIOA Sec. 116 (b)(2)(A)(iii)
- ii. Excludes participants enrolled in work-based on-the-job or customized training from this indicator because such training does not typically lead to a credential. Final Rule Preamble Sec. 677.155(a)(1)(iv).

#### 5. Measurable Skills Gains

a. **Methodology:** Percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measureable skill gains toward such a credential or employment” WIOA Sec. 116 (b)(2)(A)(i)(V) Proposed §677.155

- i. Achievement of at least one educational functioning level of a participant in an education program that provides instruction below the post-secondary level.

- ii. Documented attainment of a secondary school diploma or its recognized equivalent.
- iii. A transcript or report card for either secondary or post-secondary education that shows a participant is achieving the District's policies for academic standards. The Departments of Labor and Education's current standard for a sufficient number of credit hours is at least 12 hours per semester or, for part-time students, a total of at least 12 hours over the course of 2 completed consecutive semesters during the program year that shows a participant is achieving the State unit's academic standards.
- iv. Satisfactory or better progress reports, towards established milestones from an employer who is providing training. Completion of on-the-job training (OJT) or completion of 1 year of an apprenticeship program will also be included as accepted achievable milestones.)
- v. Successful completion 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.

## **B. The Youth Performance Measures**

### 1. Q2 Placement in Employment or Education

- a. **Methodology:** Percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program" WIOA Sec. 116 (b)(2)(A)(ii)(I)]
  - i. The number of Youth participants who are in employment (including the military); or
  - ii. Enrolled in secondary education, postsecondary education and/or advanced training/occupational skills training in the second quarter after the exit quarter divided by the number of Youth participants who exit during the quarter.
- b. **Operational Parameters:**
  - i. Employment and education status at the date of participation are based on information collected from the individual.
  - ii. Individuals in secondary school at exit will be included in this measure.

2. Q4 Placement in Employment or Education

a. **Methodology:** Percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program” WIOA Sec.116 (b)(2)(A)(ii)(I)]

- i. The number of Youth participants who are in employment (including the military); or
- ii. Enrolled in secondary education, postsecondary education and/or advanced training / occupational skills training in the fourth quarter after the exit quarter divided by the number of Youth participants who exit during the quarter.

b. **Operational Parameters:**

- i. Employment and education status at the date of participation are based on information collected from the individual.
- ii. Individuals in secondary school at exit will be included in this measure.

3. Q2 Median Earnings

a. **Methodology:** Median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program” WIOA Sec. 116 (b)(2)(A)(i)(III)

b. **Operational Parameters:**

- i. When possible, wage records should be used for this measure. Acceptable wage record sources are a state’s unemployment insurance wage records, Federal employment wage records, military employment wage records, and other administrative records, such as tax records for self-employed participants.
- ii. For individuals whose employment in the second quarter after the exit quarter was determined solely from supplemental sources and not from wage records (if applicable), wage data must also be provided from this supplemental source. This could apply for individuals that are self-employed or that are otherwise legally employed but not accounted for in available wage record sources.

4. Credential Attainment Rate

a. **Methodology:** 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” WIOA Sec. 116 (b)(2)(A)(i)(IV)

b. **Operational Parameters:**

- i. program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program. WIOA Sec. 116 (b)(2)(A)(iii)
- ii. Excludes participants enrolled in work-based on-the-job or customized training from this indicator because such training does not typically lead to a credential. Final Rule Preamble Sec. 677.155(a)(1)(iv).

5. Measurable Skills Gains

- a. **Methodology:** Percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measureable skill gains toward such a credential or employment” WIOA Sec. 116 (b)(2)(A)(i)(V) Proposed §677.155 Achievement of at least one educational functioning level of a participant in an education program that provides instruction below the post-secondary level.
- b. Documented attainment of secondary school Diploma or its recognized equivalent
- c. A transcript or report card for either secondary or post-secondary education for 1 academic year (or 24 credit hours) that shows a participant is achieving the District’s policies for academic standards. The Departments of Labor and Education’s current standard for a sufficient number of credit hours is at least twelve (12) hours per semester or, for part-time students, a total of at least twelve (12) hours over the course of two (2) completed consecutive semesters during the program year that shows a participant is achieving the State unit’s academic standards.
- d. Satisfactory or better progress reports, towards established milestones from an employer who is providing training. (Completion of on-the-job training (OJT) or completion of 1 year of an apprenticeship program will also be included as accepted achievable milestones.)

- e. Successful completion 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.

## 4.2 Data Reporting

Reporting in the Virtual OneStop (VOS) system requires DOES and other subrecipients to record required workforce system participant data into Virtual OneStop (VOS) or a comparable management information system in a timely manner. DOES shall produce ad hoc reports for the WIC from this system upon request and may grant WIC staff system access as relevant for performing their assigned duties. To comply with regulatory reporting requirements and to determine the success of the WIOA Program investments, DOES must ensure that the following data are reported into the system:

- A. Participant characteristics necessary to meet both WIOA and program application requirements;
- B. Participant services received from program provider; and
- C. Participant outcomes on all required applicable performance measures.

DOES staff must ensure that data are entered into the system within fourteen (14) days of activity. DOES is responsible for maintaining the quality and completeness of this data and complying with all Federal and District laws related to records management and reporting.

## 4.3 Quarterly Reporting

Quarterly, DOES must submit to the WIC a Quarterly Status Report (QSR) on administrative and program costs and enrollment no later than the thirtieth date after the quarter ends (July 30th, October 30th, January 30th, and April 30th). This information can then be reported to DOL on a quarterly basis. The WIC can also present this information to the board in order to inform key decisions and processes.