STATE OF CONNECTICUT
WORKFORCE INNOVATION AND OPPORTUNITY ACT

POLICY MANUAL

Original Effective Date:  May 15, 2017
Revised:  May 2019
PURPOSE OF THE POLICY MANUAL

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

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WORKFORCE SYSTEM ORGANIZATIONAL CHART

GOVERNOR

Connecticut Employment and Training Commission/Office of Workforce Competitiveness

CT DEPARTMENT OF LABOR
Employment Services Division – WIOA Administration
Mandatory Programs and Oversight

CT Workforce Development Boards and American Job Center Locations

Northwest Workforce Development Board
dba Northwest Regional Workforce Investment Board
Waterbury American Job Center

Eastern Workforce Development Board
dba Eastern CT Workforce Investment Board
Montville American Job Center

North Central Workforce Development Board
dba Capital Workforce Partners
Hartford American Job Center

South Central Workforce Development Board
dba Workforce Alliance
Hamden American Job Center

Southwest Workforce Development Board
dba The WorkPlace
Bridgeport American Job Center

Affiliate American Job Centers
Ansonia
Danbury
Danielson
Enfield
Derby
(Valley)
Manchester
Meriden
New Britain
New Haven
Stamford
Torrington
Willimantic

Adult, Youth, Dislocated Worker Service Providers throughout Connecticut

CUSTOMERS
STATE AGENCY WIOA ORGANIZATION

GOVERNOR

Office of Workforce Competitiveness

CORE PARTNERS
- Dept. of Rehabilitation Services
  - Bureau of Rehab. Services/VR
  - Bureau of Education and Services for the Blind/VR
- CT State Dept. of Education
- CT Dept. of Labor
  - Workforce Development Boards
- Local Adult Ed Providers
- Local Workforce Development System

CT EMPLOYMENT & TRAINING COMMISSION
- CTDOL
- CSDE
- DORS
- DECD
- DSS
- BOR
- Business Majority
- Non-Business Members

STRATEGIC PARTNERS
- Dept. of Social Services
- Board of Regents
- Dept. of Economic and Community Development
- Jobs First Employment Services
- Community College System
- SNAP E&T

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<table>
<thead>
<tr>
<th>Month</th>
<th>Quarter</th>
<th>WIOA Formula Fund Allocations &amp; Contract Process</th>
<th>Program Monitoring</th>
<th>Fiscal/Financial Data Validation</th>
<th>ETPL</th>
<th>Other</th>
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<tbody>
<tr>
<td>July</td>
<td>1st Quarter Reports</td>
<td>due 11/15</td>
<td></td>
<td>ALL ETPL Providers must reapply</td>
<td>Perf. Targets negotiated?</td>
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<tr>
<td>August</td>
<td></td>
<td></td>
<td></td>
<td>Renewal is every 2 years</td>
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<td>Initial is 1 year Perf Targets finalized</td>
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<td>September</td>
<td></td>
<td>Recommended: field visits</td>
<td>WIOA Final Closeouts</td>
<td>Starts in October;</td>
<td></td>
<td>WIOA Annual Report Narrative Due</td>
</tr>
<tr>
<td>October</td>
<td>2nd Quarter Reports</td>
<td>due 2/15</td>
<td></td>
<td>final tabulation due mid-January for entering into EBSS</td>
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<td>November</td>
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<td>Recommended: modifications</td>
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<td>December</td>
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<tr>
<td>January</td>
<td>3rd Quarter Reports</td>
<td>due 5/15</td>
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<td>Issue LLSILs</td>
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<tr>
<td>February</td>
<td></td>
<td>Obtain US DOL changes to specific terms, terms &amp; conditions; OPP review</td>
<td>Fiscal Monitoring</td>
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<td>March</td>
<td></td>
<td>Youth Funding TEGL usually issued</td>
<td>Prepare Service Delivery Pkg &amp; reports</td>
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<td>WDBs update State &amp; federal forms &amp; certs to repository</td>
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<td>Updated budget template from BM</td>
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<td>Contract #s</td>
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<td>Annual Reports Due 9/15</td>
<td>Adult and DW TEGL usually issued</td>
<td>WIOA Program Monitoring</td>
<td>(conducted after Data Validation is completed)</td>
<td>Establish State Performance Goals</td>
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<td>April</td>
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<td>LMI formula calculations</td>
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<td>First CI w/ final allocations</td>
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<td>WDB meeting</td>
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<td>Send pkg to WDBs</td>
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<tr>
<td>May</td>
<td></td>
<td>Pkg due May 1</td>
<td>US DOL ETA issues TEGL for Data Validation</td>
<td></td>
<td>Establish WDB Performance</td>
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<td>Individual WDB meetings to resolve budget &amp; other issues w BM</td>
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<td>Final pkg due May 12</td>
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<td>June</td>
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<td>Packages due to BM, June 1</td>
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<td>June 30th Last Day ETPL Providers are grandfathere d</td>
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<td>Pkgs to Commissioner, June 10</td>
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<td>Pkgs to OAG, June 15</td>
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STATE WORKFORCE BOARD COMPOSITION AND DUTIES

The Connecticut Employment and Training Commission (CETC) serves as Connecticut’s State Workforce Development Board. Originally established under the former Job Training Partnership Act (JTPA), CETC was authorized in 1998 as the State Board under the Workforce Investment Act (WIA), and in July 2015 Governor Malloy designated CETC to serve as the State Workforce Development Board consistent with “alternative entity” provisions of the Workforce Innovation and Opportunity Act (WIOA). The United States Department of Labor (USDOL) subsequently approved that designation.

A. WIOA State Board Membership Requirements 20 CFR 679.110

1. The Governor or Governor’s designee;
2. A member of each chamber of the State Legislature, appointed by the appropriate presiding officers of each such chamber; and
3. Members appointed by the Governor, of which:
   a. a majority shall be representatives of businesses in the State, who:
      (1) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in WIOA section 107(b)(2)(A)(i);
      (2) represent businesses (including small businesses), or organizations representing businesses described in this sub-clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and
      (3) are appointed from among individuals nominated by State business organizations and business trade associations;
   b. not less than 20 percent shall be representatives of the workforce within the State, who:
      (1) shall include representatives of labor organizations, who have been nominated by State labor federations;
      (2) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;
      (3) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and
      (4) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; and
   c. the balance:
      (1) shall include representatives of government, who:
         (a) shall include the lead State officials with primary responsibility for the core programs; and
         (b) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and
      (2) may include such other representatives and officials as the Governor may designate, such as:
(a) the State agency officials from agencies that are one-stop partners not specified in section A.3.c(1) above (including additional one-stop partners whose programs are covered by the State plan, if any);
(b) State agency officials responsible for economic development or juvenile justice programs in the State;
(c) individuals who represent an Indian tribe or tribal organization, as such terms are defined in WIOA section 166(b); and
(d) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

B. Functions 20 CFR 679.130

1. As the State Board, the CETC’S responsibilities include the:
   a. development, implementation, and modification of the 4 year State plan;
   b. review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system including a review and provision of comments on the State plans, if any, for programs and activities of one-stop partners that are not core programs;
   c. development and continuous improvement of the workforce development system including:
      (1) identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities;
      (2) development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;
      (3) development of strategies to provide effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
      (4) development and expansion of strategies to meet the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
      (5) identification of regions, including planning regions, for the purposes of WIOA section 106(a), and the designation of local areas under WIOA section 106, after consultation with local Workforce Development Boards (WDBs) and chief elected officials;
      (6) development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local WDBs, one-stop operators, one-stop partners, and providers with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, job seekers, and employers; and
      (7) development of strategies to support staff training and awareness across workforce development system programs;
   d. development and updating of comprehensive State performance accountability measures to assess the effectiveness of core programs as required under WIOA section 116(b);
   e. identification and dissemination of information on best practices, including best practices for:
      (1) the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;
(2) the development of effective local WDBs, which may include information on factors that contribute to enabling local WDBs to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and
(3) effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual’s prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways;
f. development and review of statewide policies affecting the coordinated provision of services through the State’s one-stop delivery system described in WIOA section 121(e), including the development of:
(1) objective criteria and procedures for use by local WDBs in assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers;
(2) guidance for the allocation of one-stop center infrastructure funds under WIOA section 121(h); and
(3) policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;
g. development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to:
(1) enhance digital literacy skills (as defined in section 202 of the Museum and Library Services Act, 20 U.S.C. 9101); ;
(2) accelerate the acquisition of skills and recognized postsecondary credentials by participants;
(3) strengthen the professional development of providers and workforce professionals; and
(4) ensure technology is accessible to individuals with disabilities and individuals residing in remote areas;
h. development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs);
i. development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local areas as permitted under WIOA sections 128(b)(3) and 133(b)(3);
j. preparation of the annual reports described in paragraphs (1) and (2) of WIOA section 116(d);
k. development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act; and
l. development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.
C. **Conflict of Interest** *20 CFR 683.200(c)(5)(i)*

A CETC member must neither cast a vote on, nor participate in any decision making capacity on:
1. The provision of services by such member (or any organization that such member directly represents); nor
2. Any matter that would provide any direct financial benefit to that member or that member’s immediate family.

D. **Memorandum of Understanding** *WIOA Section 121(c)*

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

E. **Sunshine Provision** *20 CFR 679.140*

The CETC must conduct business in an open manner, in accordance with the provisions of the Connecticut [Freedom of Information Act](https://www.ct.gov/ctpedia/freedom-of-information-act) and the Sunshine Provision of the [Workforce Innovation and Opportunity Act section 101(e)](https://www.workforceinnovationandopportunityact.com). The CETC must make available to the public, on a regular basis, through electronic means and open meetings, information about its activities and functions including:
1. The State Plan, or modification to the State Plan, prior to submission of the State Plan or modification of the State Plan;
2. Information regarding membership;
3. Minutes of formal meetings upon request;
4. By-laws as described at *20 CFR 679.110(d).*

F. **Designation of Local Areas** *20 CFR 679.230*

As part of the process of designating or re-designating a local area, the Governor must develop a [policy for designation of local areas](https://www.workforceinnovationandopportunityact.com) that must include:
1. Consultation with the CETC;
2. Consultation with the chief elected officials and affected Local WDBs; and
3. Consideration of comments through a public comment process that must:
a. Offer adequate time for public comment prior to designation of the local area; and
b. Provide an opportunity for comment by representatives of Local WDBs, chief elected
   officials, businesses, institutions of higher education, labor organizations, other primary
   stakeholders, and the general public regarding the designation of the local area.
c. CT’s Local Designation policy can be found at:

G. Continuous Evaluation of Core Programs 20 CFR 682.220
   The CETC, in coordination with CTDOL WIOA Administration, shall conduct ongoing evaluation
   of activities carried out under core programs in order to promote continuous improvement.
LOCAL WORKFORCE DEVELOPMENT BOARD COMPOSITION AND DUTIES

A. Local WDB Composition **20 CFR 679.320**

1. For each local area in the State, the members of the Local WDB must be selected by the chief elected official consistent with criteria established under WIOA sec. 107(b)(1) and criteria established by the Governor, and must meet the requirements of WIOA sec. 107(b)(2).

2. A majority of the members of the Local WDB must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on Local WDBs also may serve on the CETC. Each business representative must meet the following criteria:
   a. Be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority; and
   b. Provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA sec. 3(23).

3. At least 20 percent of the members of the Local WDB must be workforce representatives. These representatives:
   a. Must include two or more representatives of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;
   b. Must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists;
   c. May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and
   d. May include one or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

4. The Local WDB also must include:
   a. At least one eligible training provider administering adult education and literacy activities under WIOA title II;
   b. At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
   c. At least one representative from each of the following governmental and economic and community development entities:
      (1) Economic and community development entities;
      (2) The State Employment Service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and

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(3) The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title;

5. The membership of Local WDBs may include individuals or representatives of other appropriate entities in the local area, including:
   a. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
   b. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
   c. Philanthropic organizations serving the local area; and
   d. Other appropriate individuals as determined by the chief elected official.

6. Members must be individuals with optimum policymaking authority within the entities they represent.

7. Chief elected officials must establish a formal nomination and appointment process, consistent with the criteria established by the Governor and CETC under sec. 107(b)(1) of WIOA for appointment of members of the Local WDBs, that ensures:
   a. Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations;
   b. Labor representatives are appointed from among individuals who are nominated by local labor federations (or, for a local area in which no employees are represented by such organizations, other representatives of employees); and
   c. When there is more than one local area provider of adult education and literacy activities under title II, or multiple institutions of higher education providing workforce investment activities as described in WIOA sec. 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities.

8. An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation, including the criteria described above, for each entity.

9. All required WDB members must have voting privilege. The chief elected official may convey voting privileges to non-required members.

B. Local WDB Criteria 20 CFR 679.350

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

C. Local WDB Responsibilities 20 CFR 679.370

As provided in WIOA sec. 107(d), the Local WDB must:
1. Develop and submit a four-year local plan for the local area, in partnership with the chief elected official and consistent with WIOA sec. 108;
2. If the local area is part of a planning region that includes other local areas, develop and submit a regional plan in collaboration with other local areas. If the local area is part of a planning region, the local plan must be submitted as a part of the regional plan;
3. Conduct workforce research and regional labor market analysis to include:
   a. Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses of (including the capacity to provide) such services to address the identified education and skill needs of the workforce and the employment needs of employers;
   b. Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
   c. Other research, data collection, and analysis related to the workforce needs of the regional economy as the WDB determines to be necessary to carry out its functions, after receiving input from a wide array of stakeholders;
4. Convene local workforce development system stakeholders to assist in the development of the local plan under 20 CFR 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the Local WDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the Local WDB;
5. Lead efforts to engage with a diverse range of employers and other entities in the region in order to:
   a. Promote business representation (particularly representatives with optimum policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Local WDB;
   b. Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
   c. Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
   d. Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.
6. With representatives of secondary and postsecondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;
7. Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
8. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and job seekers, by:
   a. Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
   b. Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;
   c. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
   d. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

9. In partnership with the chief elected official for the local area:
   a. Conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d); and the entire one-stop delivery system in the local area;
   b. Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and
   c. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA sec. 116.

10. Negotiate and reach agreement on local performance indicators with the chief elected official and the Governor;

11. Negotiate with chief elected official and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with 20 CFR 678.715, or notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism.

12. Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:
   a. Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the Local WDB determines there is an insufficient number of eligible training providers in a local area, the Local WDB may award contracts on a sole-source basis as per the provisions at WIOA sec. 123(b);
   b. Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;
   c. Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and
   d. One-stop operators in accordance with 20 CFR 678.600 through 20 CFR 678.635.

13. In accordance with WIOA sec. 107(d)(10)(E), work with the State to ensure there are sufficient numbers and types of providers of career services and training services
serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;

14. Coordinate activities with education and training providers in the local area, including:
   a. Reviewing applications to provide adult education and literacy activities under WIOA title II for the local area to determine whether such applications are consistent with the local plan;
   b. Making recommendations to the eligible agency to promote alignment with such plan; and
   c. Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

15. Develop a budget for the activities of the Local WDB, with approval of the chief elected official and consistent with the local plan and the duties of the Local WDB;

16. Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

17. Certification of one-stop centers in accordance with 20 CFR 678.800.

D. Standing Committees 20 CFR 679.360

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

E. Consumer Choice 20 CFR 679.380

1. In accordance with WIOA sec. 122 and working with the State, the Local WDB satisfies the consumer choice requirement for training services by:
   a. Determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers, and considering the possible termination of an eligible training provider due to the provider’s submission of inaccurate eligibility and performance information or the provider’s substantial violation of WIOA;
   b. Working with the State to ensure there are sufficient numbers and types of providers of training services serving the local area including eligible training providers with expertise in assisting individuals with disabilities, and eligible training providers with expertise in assisting adults in need of adult education and literacy activities described under WIOA sec. 107(d)(10)(E);
   c. Ensuring the dissemination and appropriate use of the State eligible training providers list through the local one-stop delivery system;

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d. Receiving performance and cost information from the State and disseminating this information through the one-stop delivery systems within the State; and

e. Providing adequate access to services for individuals with disabilities.

2. Working with the State, the Local WDB satisfies the consumer choice requirement for career services by:

a. Determining the career services that are best performed by the one-stop operator consistent with 20 CFR 678.620 and 20 CFR 678.625, and career services that require contracting with a career service provider; and

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

**F. Sunshine Provision** 20 CFR 679.390

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

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

**G. Staffing** 20 CFR 679.400

1. WIOA sec. 107(f) grants Local WDBs authority to hire a director and other staff to assist in carrying out the functions of the Local WDB.
2. Local WDBs must establish and apply a set of qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in carrying out the functions of the Local WDB.
3. The Local WDB director and staff must be subject to the limitations on the payment of salary and bonuses described in WIOA sec. 194(15).
4. In general, Local WDB staff only may assist the Local WDB fulfill the required functions at WIOA sec. 107(d).
5. Should the WDB select an entity to staff the WDB that provides additional workforce functions beyond the functions described at WIOA sec. 107(d), such an entity is required to enter into a written agreement with the Local WDB and chief elected official(s) to clarify their roles and responsibilities as required by 20 CFR 679.430.
H. Local WDB Direct Service Provision **20 CFR 679.410**

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

I. Local Fiscal Agent Functions **20 CFR 679.420**

1. In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local fiscal agent. Designation of a fiscal agent does not relieve the chief elected official or Governor of liability for the misuse of grant funds. If the chief elected official designates a fiscal agent, s/he must ensure such agent has clearly defined roles and responsibilities.
2. In general, the fiscal agent is responsible for the following functions:
   a. Receive funds;
   b. Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA, and the corresponding Federal regulations and State policies.
c. Respond to audit financial findings;
d. Maintain proper accounting records and adequate documentation;
e. Prepare financial reports; and
f. Provide technical assistance to subrecipients regarding fiscal issues.

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

J. Conflict of Interest 20 CFR 679.430
Local organizations often function simultaneously in a variety of roles including local fiscal agent, Local WDB, one-stop operator, and direct provider of services. Any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the Local WDB and chief elected official to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State’s conflict of interest policy.

K. Regional and Local Plan 20 CFR 679.500
1. The local plan serves as a four-year action plan to develop, align, and integrate service delivery strategies and to support the State’s vision and strategic and operational goals. The local plan sets forth the strategy to:
   a. Direct investments in economic, education, and workforce training programs to focus on providing relevant education and training to ensure that individuals, including youth and individuals with barriers to employment, have the skills to compete in the job market and that employers have a ready supply of skilled workers;
   b. Apply job-driven strategies in the one-stop delivery system;
   c. Enable economic, education, and workforce partners to build a skilled workforce through innovation in and alignment of employment, training, and education programs; and
   d. Incorporate the local plan into the regional plan per 20 CFR 679.540.
2. In the case of planning regions, a regional plan is required to meet the purposes described in Section K.1 above and to coordinate resources among multiple WDBs in a region.
3. The Governor must establish and disseminate to Local WDBs and regional planning areas a policy for the submission of local and regional plans. The policy must set a deadline for the submission of the regional and local plans that accounts for the activities required in plan development outlined in 20 CRF 679.510 and 20 CFR 679.550.
L. Local Plan Development 20 CFR 679.550
1. Under WIOA sec. 108, each Local WDB must develop a comprehensive four-year plan, in partnership with the appropriate chief elected officials, and submit it to the Governor.
   a. The plan must identify and describe the policies, procedures, and local activities that are carried out in the local area, consistent with the State Plan.
   b. If the local area is part of a planning region, the Local WDB must comply with WIOA sec. 106(c) and 20 CFR 679.510 through 679.540 in the preparation and submission of a regional plan.
2. Consistent with 20 CFR 679.510(b), the Local WDB must provide an opportunity for public comment on the development of the local plan or subsequent plan modifications, before submitting the plan to the Governor. To provide adequate opportunity for public comment, the Local WDB must:
   a. Make copies of the proposed local plan available to the public through electronic and other means such as public hearings and local news media;
   b. Include an opportunity for comment by members of the public including representatives of business, labor organizations, and education;
   c. Provide no more than a 30-day period for comment on the plan before its submission to the Governor, beginning on the date on which the proposed plan is made available to the public; and
   d. Submit any comments that express disagreement with the plan to the Governor along with the plan.
3. Consistent with WIOA sec. 107(e), the Local WDB must make information about the plan available to the public on a regular basis through electronic means and open meetings.

M. Local Plan Contents 20 CFR 679.560
1. The local workforce investment plan must describe strategic planning elements, including:
   a. A regional analysis of:
      1) Economic conditions including existing and emerging in-demand industry sectors and occupations; and
      2) Employment needs of employers in existing and emerging in-demand industry sectors and occupations.
      3) As appropriate, a local area may use an existing analysis, which is a timely current description of the regional economy, to meet the requirements of Sections M.1.a. (1)-(2) above;
   b. Knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;
   c. An analysis of the regional workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment;
   d. An analysis of workforce development activities, including education and training, in the region. This analysis must include the strengths and weaknesses
of workforce development activities and capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment, and the employment needs of employers;

e. A description of the Local WDB’s strategic vision to support regional economic growth and economic self-sufficiency. This must include goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), and goals relating to the performance accountability measures based on performance indicators described in 20 CFR 677.155(a)(1); and

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

2. The plan must include a description of the following requirements at WIOA secs. 108(b)(2)-(21):

a. The workforce development system in the local area that identifies:
   (1) The programs that are included in the system; and
   (2) How the Local WDB will support the strategy identified in the State Plan under 20 CFR 676.105 and work with the entities carrying out core programs and other workforce development programs, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) to support service alignment;

b. How the Local WDB will work with entities carrying out core programs to:
   (1) Expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment;
   (2) Facilitate the development of career pathways and co-enrollment, as appropriate, in core programs; and
   (3) Improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);

c. The strategies and services that will be used in the local area:
   (1) To facilitate engagement of employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations;
   (2) To support a local workforce development system that meets the needs of businesses in the local area;
   (3) To better coordinate workforce development programs and economic development;
   (4) To strengthen linkages between the one-stop delivery system and unemployment insurance programs; and
   (5) That may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers. These
initiatives must support the strategy described in Section M.2.c (1)-(4) above;

d. An examination of how the Local WDB will coordinate local workforce investment activities with regional economic development activities that are carried out in the local area and how the Local WDB will promote entrepreneurial skills training and microenterprise services;

e. The one-stop delivery system in the local area, including:
   (1) How the Local WDB will ensure the continuous improvement of eligible training providers through the system and that such providers will meet the employment needs of local employers, workers, and job seekers;
   (2) How the Local WDB will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and other means;
   (3) How entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and
   (4) The roles and resource contributions of the one-stop partners;

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

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

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

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

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

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

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

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

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

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

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

q. The actions the Local WDB will take toward becoming or remaining a high-performing WDB, consistent with the factors developed by the CETC;

r. How training services outlined in WIOA sec. 134 will be provided through the use of individual training accounts including, if contracts for training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter, and how the Local WDB will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

s. The process used by the Local WDB, consistent with WIOA sec. 108(d), to provide a 30-day public comment period prior to submission of the plan, including an opportunity to have input into the development of the local plan, particularly for representatives of businesses, education, and labor organizations;

t. How one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under WIOA and by one-stop partners; and

u. The direction given by the Governor and the Local WDB to the one-stop operator to ensure priority for adult career and training services will be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient consistent with WIOA sec. 134(c)(3)(E) and 20 CFR 680.600.

3. The local plan must include any additional information required by the Governor.

4. The local plan must identify the portions that the Governor has designated as appropriate for common response in the regional plan where there is a shared regional responsibility, as permitted by 20 CFR 679.540(b).

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5. Comments submitted during the public comment period that represent disagreement with the local plan must be submitted with the plan.

N. Local Plan Approval 20 CFR 679.570
Consistent with the requirements at 20 CFR 679.520 the Governor must review completed plans (including a modification to the plan). Such plans will be considered approved 90 days after the Governor receives the plan unless the Governor determines in writing that:
1. There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies;
2. The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the nondiscrimination requirements of 29 CFR part 38; or
3. The plan does not align with the State Plan, including with regard to the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E) and 20 CFR 676.105.

N. Local Plan Modification 20 CFR 679.580
1. Consistent with the requirements at 20 CFR 679.530, the Governor must establish procedures governing the modification of local plans.
2. At the end of the first two-year period of the four-year local plan, each Local WDB, in partnership with the appropriate chief elected officials, must review the local plan and prepare and submit modifications to the local plan to reflect changes:
   a. In labor market and economic conditions; and
   b. Other factors affecting the implementation of the local plan, including but not limited to:
      (1) Significant changes in local economic conditions,
      (2) Changes in the financing available to support WIOA title I and partner-provided WIOA services;
      (3) Changes to the Local WDB structure; and
      (4) The need to revise strategies to meet local performance goals.

O. Youth Committee 20 CFR 681.100
WIOA eliminates the requirement for Local WDBs to establish a youth council. However, USDOL encourages Local WDBs to establish a standing committee to provide information and to assist with planning, operational, oversight, and other issues relating to the provision of services to youth. If the Local WDB does not designate a standing youth committee, it retains responsibility for all aspects of youth formula programs.

P. Youth Committee Composition 20 CFR 681.110
1. If a Local WDB decides to form a standing youth committee, the committee must include a member of the Local WDB, who chairs the committee, members of community-based organizations with a demonstrated record of success in serving eligible youth, and other individuals with appropriate expertise and experience who are not members of the Local WDB.
2. The committee must reflect the needs of the local area. The committee members appointed for their experience and expertise may bring their expertise to help the committee address the employment, training, education, human and supportive service needs of eligible youth including out-of-school youth (OSY). Members may represent agencies such as secondary and postsecondary education, training, health, disability, mental health, housing, public assistance, and justice, or be representatives of philanthropic or economic and community development organizations, and employers. The committee may also include parents, participants, and youth.

3. A Local WDB may designate an existing entity such as an effective youth council as the standing youth committee if it fulfills the requirements in Section F.1 above.

Q. **Youth Committee Responsibilities** [20 CFR 681.120](#)

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

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

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

A. Conflict of Interest

1. The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, or administration of contracts. No employee, officer or agent may participate in the selection, award or administration of a contract supported by a Federal award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other similar interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the Non-Federal entity may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees or agents of the non-Federal entity (2 CFR 200.318).

2. If the non-Federal entity has a parent, affiliate or subsidiary organization that is not a state, local government or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organization conflicts of interest means that because of relationships with a parent company, affiliate or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization (2 CFR 200.318).

3. Non-Federal entity means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient (2 CFR 200.69).

4. A CETC member, Local WDB member or WDB standing committee member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter that would provide any direct financial benefit to that member or that member’s immediate family. Neither membership on the CETC, the Local WDB or a WDB standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates this conflict of interest provision (20 CFR 683.200).
5. Subrecipients of Federal awards must disclose any potential conflict of interest in writing to the recipient of grant funds (20 CFR 683.200).

B. Lobbying Activities (20 CFR 683.200)

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

C. Political Activities or Patronage

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

OR

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

D. Kickbacks 41 U.S.C. 53

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

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

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

F. Nepotism 20 CFR 683.200(g)

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

G. Child Labor Laws

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

H. Sectarian Activities 20 CFR 683.255

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

2. WIOA sec. 188(a)(3) prohibits the use of funds to employ participants to carry out the construction, operation or maintenance of any part of any facility used for sectarian instruction or as a place for religious worship with the exception of maintenance of facilities that are not primarily used for instruction or worship and are operated by organizations providing services to WIOA participants.

I. Criminal Activities
1. Criminal activities, including theft or embezzlement of employment and training funds, improper inducement, obstruction of investigations, and bribery, are prohibited under 18 U.S.C. 31 § 665 and § 666.

2. Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately to the USDOL Office of Inspector General, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. Contact information is available at https://www.oig.dol.gov/contact.htm (20 CFR 683.620).

J. Prohibited Activities 20 CFR 683.250
1. WIOA title I funds must not be spent on:
   a. The wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system;
   b. Public service employment, except as specifically authorized under title I of WIOA;
   c. Expenses prohibited under any other Federal, State or local law or regulation;
   d. Subawards or contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities; or
   e. Contracts with persons falsely labeling products made in America.

2. Formula funds available to States and local areas under WIOA title I, subtitle B must not be used for foreign travel.

K. Wage and Labor Standards
1. Individuals in on-the-job training or individuals employed in activities under title I of WIOA must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Such rates must be in accordance with applicable law, but may not be less than the higher of the rate specified in sec. 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), except in territorial jurisdictions in which such section does not apply, or the applicable State or local minimum wage law (20 CFR 683.275)
2. Allowances, earnings, and payments to individuals participating in programs under title I of WIOA are not considered as income for purposes of determining eligibility for, and the amount of income transfer and in-kind aid furnished, under any Federal or Federally-assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.) (20 CFR 683.275).

3. A participant in a program or activity authorized under title I of WIOA (referred to in that section as a “specified activity”) shall not displace any currently employed worker (including a partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits) (WIOA sec. 181(b)(2)(A)).

4. A specified activity shall not impair an existing:
   a. Contract for services; or
   b. Collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining unit agreement shall be undertaken, without the written concurrence of the labor organization and employer concerned (WIOA sec. 181(b)(2)(B)).

5. A participant in a specified activity shall not be employed in a job if:
   a. Any other individual is on layoff from the same or any substantially equivalent job;
   b. The employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or
   c. The job is created in a promotional line that infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of participation) (WIOA sec. 181(b)(3)).

6. Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers’ compensation law applies, workers’ compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment (WIOA sec. 181(b)(4)).

7. Individuals in on-the-job training or individuals employed in programs and activities under title I of WIOA must be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working in a similar length of time and doing the same type of work (20 CFR 683.275)

1. No participant shall be hired into or remain working in any position when the same or substantially equivalent position is vacant due to a hiring freeze, unless the recipient can demonstrate that the freeze resulted from a lack of funds to sustain staff and was not established in anticipation of the availability of funds under the Act.

3. When termination of participants is due to a hiring freeze the service provider shall make an attempt to place such participants into other non-affected positions or attempt placement into unsubsidized jobs or into another program or activity.

4. Whenever a promotional freeze affects non-WIOA funded employees it shall apply to WIOA participants similarly employed.

5. No former employees laid off or terminated in anticipation of WIOA funding of a position may be rehired under WIOA into such a position.
L. Unionization/Anti-unionization Activities and Work Stoppages

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

- Assist, promote or deter union organizing (20 CFR 680.830); or
- Aid in the filling of a job opening that is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage (20 CFR 680.840).

1. No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement, which contains a union security provision.

2. No participant in work experience or vocational exploration may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must:
   - Be relocated to positions not affected by the dispute;
   - Be suspended through administrative leave; or
   - Where participants belong to the labor union involved in work stoppage, be treated in the same manner as any other union member except such members must not remain working in the affected position. The service provider shall make every effort to relocate participants who wish to remain working into suitable positions unaffected by the work stoppage.

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

M. Business Relocation 20 CFR 683.260

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

1. The encouragement or inducement of a business or part of a business to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location; or

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

N. Employment Generating Activities 20 CFR 683.245

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

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

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

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

   29 CFR Part 38

P. Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries 29 CFR 2.32
   1. Religious organizations must be eligible to seek USDOL support or participate in USDOL programs for which they are otherwise eligible, on the same basis as any other organization. USDOL, USDOL social service intermediary providers, as well as State and local governments administering USDOL support, must not discriminate for or against an organization on the basis of the organization’s religious character or affiliation, although this requirement does not preclude USDOL, DOL social service providers or State and local governments administering USDOL support from accommodating religion in a manner consistent with the Establishment Clause of the First Amendment to the Constitution.
   2. USDOL, USDOL social service providers, and State and local governments administering USDOL support must comply with otherwise applicable
constitutional principles including, but not limited to those articulated in the Establishment, Free Speech, and Free Exercise clauses of the First Amendment to the Constitution.

Q. Testing and Sanctioning for Use of Controlled Substances  WIOA sec. 181(f)
1. Notwithstanding any other provision of law, the Federal Government shall not prohibit a State from:
   a. Testing participants in programs under WIOA title IB for the use of controlled substances; and
   b. Sanctioning such participants who test positive for the use of such controlled substances.
2. In sanctioning participants in a program under WIOA title IB who test positive for the use of controlled substances:
   a. with respect to the first occurrence, a State may exclude the participant from the program for a period not to exceed six months; and
   b. with respect to the second and each subsequent occurrence, a State may exclude the participant from the program for a period not to exceed two years.
3. The testing of participants and the imposition of sanctions under this section shall be subject to expeditious appeal, in accordance with due process procedures established by the State.
COMPLAINTS AND GRIEVANCES

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

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

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

I. Grievance and Complaints for Non-Criminal Complaints

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

A. Introduction to Complaints and Grievances

1. Complaints

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

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

2. Grievances

A grievance is a complaint about services, working conditions, wages, work assignment, etc., arising in connection with WIOA programs operated by WIOA recipients including service providers, eligible training providers, and other contractors.
In order to direct a complaint or grievance properly, it must be determined whether the complaint is a program or discrimination complaint. When a participant or employee alleges unfair treatment, find out what she or he believes to be the reason for the treatment. It is appropriate to ask the complainant if the alleged unfair treatment was due to one of the prohibited factors under the nondiscrimination and equal opportunity regulations at 29 CFR Part 38 or related to working conditions such as work scheduling or assignments.

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

B. Filing A Grievance

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

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

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

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

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

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

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

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

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

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

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

Director/Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

OR
Bernice Zampano, State EO Officer
Connecticut Department of Labor
200 Folly Brook Blvd.
Wethersfield, CT 06109
Phone: (860) 263-6732
TTY: (860) 263-6074
Complaint Forms:

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

Discrimination Complaint Procedure

1. Receipt of Complaint

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

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

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

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

- Acknowledgement of receipt of the complaint. The complainant will be advised that he or she has the right to representation in the complaint process.
• A list of the issues raised in the complaint and a statement for each issue that identifies whether the CT DOL will accept the issue for investigation or reject the issue, and the reasons for each rejection.
• Advisement to the complainant of the timeframes for processing the complaint and providing a determination.
• A written Notice of Final Action will be provided to the complainant within 90 days of the date the complaint was filed. If the complainant elects to file with both the Civil Rights Center and CT DOL, the complainant shall be informed that the CT DOL has 90 calendar days to process the complaint and that the Civil Rights Center shall not investigate the complaint until the 90 calendar day period has expired.
• The complainant may choose the customary investigation/decision process or the Alternative Dispute Resolution (ADR) process of mediation. Participation in the ADR process is voluntary, confidential, to the extent allowable by law, and must be agreed upon by both parties. An attorney with the Legal Division shall mediate disputes of the CT DOL. If the complainant elects the ADR process, an attorney from DOL would contact the complainant and respondent to confirm that they wish to participate in the mediation process and schedule a session. Both parties may choose to be represented by counsel at the time of mediation. If an agreement is reached as a result of mediation, that agreement is put in writing and signed by both parties.
• If the complainant chooses not to utilize the ADR process, the State EO Officer shall promptly initiate an investigation by contacting all witnesses and parties to the alleged discrimination and schedule interviews. The CT DOL may take up to 30 working days for fact-finding or investigation of the underlying issues.

3. Notice of Final Action

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

4. Corrective Action

If discrimination is found through the process of a complaint investigation, the Respondent shall be requested to voluntarily comply with corrective action(s) or enter into a Conciliation Agreement to correct the discrimination.
5. No Resolution Under ADR/ Breach of ADR Agreement

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

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

6. Confidentiality

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

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

7. Recordkeeping

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

8. Monitoring

The State EO Officer will review complaint data on a routine basis and during monitoring visits. Should deficiencies be noted in the implementation of these complaint procedures by any local program provider, the State EO Officer will work with the Local EO Officer to review information and/or provide technical assistance in the complaint process. Complaint data will be available for review by the Civil Rights Center/USDOL upon request.
A. **Complaint Filing 29 CFR 38.69**

1. Any person or the person’s representative who believes that any of the following circumstances exist may file a written complaint.
   a. A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA title I financially assisted program or activity as prohibited by WIOA or 29 CFR 38.
   b. Either the person, or any specific class of individuals, has been or is being retaliated against as described in 29 CFR 38.19.

2. A person or the person’s representative may file a complaint with either the recipient’s Equal Opportunity Officer (or the person the recipient has designated for this purpose) or the Director, Civil Rights Center (CRC), USDOL. Complaints filed with the Director should be sent to the address listed in the notice in 29 CFR 38.35, or filed electronically as described in the notice.

3. Generally, a complaint must be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the Director may extend the filing time. The time period for filing is for the administrative convenience of CRC, and does not create a defense for the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).

B. **Required contents of complaint 20 CFR 38.70**

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

1. The complainant’s name, mailing address, and if available, email address (or another means of contacting the complainant).

2. The identity of the respondent.

3. A description of the complainant’s allegations. This description must include enough detail to allow the Director or the recipient, as applicable, to decide whether:
   a. CRC or the recipient, as applicable, has jurisdiction over the complaint;
   b. The complaint was filed in time; and
   c. The complaint has apparent merit, in other words, whether the complainant’s allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR 38.

4. The written or electronic signature of the complainant or the written or electronic signature of the complainant’s representative.

5. A complainant may file a complaint by completing and submitting CRC’s Complaint Information and Privacy Act Consent Forms, which may be obtained either from the recipient’s Equal Opportunity Officer or from CRC. The forms are available electronically on CRC’s web site, and in hard copy via postal mail upon request. The latter requests may be sent to CRC at the address listed in the notice contained in 29 CFR 38.35.

40rev.1.2
C. Right to Representation 29 CFR 38.71
Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.

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

20 CFR Part 680.480(d)

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

B. Filing an Appeal
1. Timeline for Filing an Appeal
Appeals must be in writing and submitted within one hundred and eighty days (180) days of being notified of a denial or termination to:

   Kurt Westby
   Connecticut Department of Labor
   Employment Services Director
   200 Folly Brook Boulevard
   Wethersfield, CT 06109

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

C. Appeals to Local Boards.

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

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

   a. A provider wishing to appeal a decision by a Local Board must submit an appeal to the Local Board within ten (10) business days of the issuance of the denial notice. The appeal must be in writing and include a statement of the intent to appeal, description of the program in question, the reason(s) for the appeal, and the signature of the appropriate provider official.
b. The Local Board appeals process must include a meeting between the Local Board staff and the appealing provider for the purpose of effectuating informal resolution in lieu of further appeal process.

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

E. Appeals to the CTDOL.

1. This procedure applies to an appeal by a training provider based on:

   a. Denial of eligibility by a Local Board or the designated State agency under § 680.450 of the Federal Rules and Regulations WIOA Final Rule. This includes a CTDOL denial of the provider’s application for initial listing on the ETPL. In addition, a provider may appeal to the Connecticut Department of Labor Commissioner if it has exhausted the appeals process of a Local Board and is dissatisfied with the Local Board’s final decision.

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

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

   Commissioner Kurt Westby
   CT Department of Labor
   200 Folly Brook Boulevard
   Wethersfield, CT 06109

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

3. CTDOL procedures shall include the opportunity for a hearing before impartial hearing officer(s). The CTDOL Labor Commissioner will name the hearing officer(s). The hearing officer(s) or panel shall be comprised of persons that have not had any role in the underlying decision at issue. The hearing officer(s) shall provide written notice to the concerned parties of the date, time, and place of the hearing at least five (5) business days before the scheduled hearing. Subject to the hearing officer’s control, both parties shall be provided the opportunity to: present oral and written testimony; call and question witnesses; present oral and written argument; request relevant documents. Any party to a hearing shall have the right to be represented. CTDOL shall maintain a tape recording of the proceedings.
4. The CTDOL will notify a provider of its final decision on an appeal in writing within (30) days of receipt of the appeal.

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

6. A CTDOL decision under this appeal process shall be final.
MONITORING, EVALUATION AND TECHNICAL ASSISTANCE

Monitoring, evaluation and technical assistance are integral components of the oversight responsibilities required by law. The U.S. Department of Labor establishes law, rules (including “final rules”) and policy. Protocols for evaluation are established by The Connecticut State Workforce Investment Board with input from the Connecticut Department of Labor (CTDOL) as the designated state workforce agency. Monitoring and technical assistance processes are determined by CTDOL.

When program operations are awarded federal funds, those operations are subject to state monitoring and evaluation. Through monitoring and evaluation, areas of strength and weakness are identified in program operations and contributions are made for increased compliance or improved program performance. Technical assistance may be recommended for or requested by programs receiving federal awards. Monitoring, evaluation and technical assistance are considered separately as follows:

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

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

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

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

C. Technical assistance is provided with the intent to improve program performance, to increase program compliance, or to disseminate information.
The functions of Technical assistance are:

1. to increase effectiveness and efficiency of program operations and

2. to strengthen management capabilities.

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

A. Monitoring Process [20 CFR 683.410]

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

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

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

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

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

a. Compliance with the uniform administrative requirements described in WIOA Law Title IB Section 181 and USDOL uniform administrative requirements, including the
appropriate administrative requirements and applicable cost principles at WIOA Reg. Subpart B for all entities receiving WIOA title IB funds.

b. Compliance with applicable laws and regulations in accordance with the State’s monitoring system;

c. Determining that expenditures have been made against the cost categories and within the cost limitations specified in the Act and Regulations and in this part;

d. Ensuring that established policies are achieving program quality and outcomes meet the objectives of the Act and the WIOA regulations;

e. Compliance with the nondiscrimination and equal opportunity requirements of WIOA section 188 and 29 CFR part 37. Requirements for these aspects of the monitoring system are set forth in 29 CFR 37.54(d)(2)(ii);

f. Compliance with data collection and reporting system policies and procedures;

g. Determining whether or not there is compliance with other provisions of the Act and the WIOA regulations and other applicable laws and regulations; and

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

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

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

   a. provide technical assistance as necessary and appropriate;

   b. prohibit the use of eligible providers;

   c. select an alternative entity to provide services;

   d. withhold one (1) percent of the service provider’s administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld.

B. Terms and Definitions related to Monitoring

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

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

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

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

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

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

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

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

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

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

C. **Schedules and Timelines for Monitoring**

Below is the time line for fiscal monitoring

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

2. Timeline:

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

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

- **Request documentation/policies updates**: July-August following funding appropriation
- **Participant/Business selection for review**: August
- **Entrance Interviews**: September Conducted following the selection process
- **Ongoing Review**: September through April
- **Completion of Monitoring Tools**: March-April
- **On site review of AJC and Governors Reserve**: April-May
- **Exit Interview**: May
- **Completed Reports to WDB’s**: May 30th or 60 days from exit interview
- **Corrective Action Plan due**: 30 days from date the report was received
- **Accept or Deny Corrective Action Plan**: 45 days from date Corrective Action Plan was received by the State
- **Corrective Action taken**: 30 days after approval of corrective action plan
- **Accept or Deny Corrective Action Plan**: 45 days from date Corrective Action Plan was received by the State
4. In order to provide consistent and thorough monitoring Connecticut has developed a monitoring tool which incorporates sections for governance, program evaluation, a review of random case files for each Title I program, Adult, Dislocated Worker and Youth. In addition monitoring includes on-site interviews with WDB’s, providers and program participants. Sections of the monitoring tool may be completed throughout the year prior to formal monitoring. Informal monitoring takes place throughout the year.

D. Evaluation
Evaluation is the measurement of the effectiveness of programs in meeting objectives, program goals and performance standards. Evaluations are intended to promote, establish, implement, and utilize methods for continuously improving workforce activities in order to achieve high-level performance within, and high-level outcomes from the statewide workforce investment system.

CTDOL WIOA Administration unit will also analyze the data collected from the Customer Satisfaction surveys of participants and employers. A report will be written and presented to the WDB’s on an annual basis. Other reports as requested from the WDB’s will be produced on behalf of the workforce system. From these reports, the WDB’s and CTDOL WIOA Administration Unit will be able to assess how effective the programs are in meeting objectives and goals and recommend any improvements that need to be made.

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

Requests for minor technical assistance may be submitted verbally or in writing. If major assistance or assistance in several areas is requested, the request should be in writing so that staff has sufficient information to decide on the most appropriate form and level of assistance to provide. If several service providers request assistance in related areas, a general training session may be scheduled. Program managers may schedule technical assistance visits to service providers to provide information or special training, discuss areas of concern, evaluate program operation, or any combination thereof.

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

The purpose of the general statutory and regulatory waivers is to provide flexibility to states and local areas and enhance their ability to improve the statewide workforce investment system.

Workforce Innovation and Opportunity Areas may request waivers to address impediments to the implementation of the strategic plan, including the continuous improvement strategy, consistent with key principles of WIOA. These key principles include:

- Streamlining services and information to participants through a one-stop delivery system;
- Empowering individuals to obtain needed services and information to enhance their employment opportunities;
- Ensuring universal access to career employment-related services;
- Increasing accountability of state, localities and training providers for performance outcomes;
- Establishing a stronger role for the private sector;
- Providing increased state flexibility to implement innovative and comprehensive workforce investment systems; and
- Improving youth programs through services that emphasize academic and occupational learning.

CT has a current waiver which allows ETPL providers to report ONLY WIOA participants for performance through 2020.

A. Exceptions to Waivers 20 CFR Part 679.610

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

B. Waiver Requests 20 CFR Part 679.620

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

Waiver requests must include:
1. Statutory or regulatory requirements of the waiver;
2. Actions taken by the State to remove State statutory or regulatory barriers;
3. Goals of the waiver and expected programmatic outcomes if waiver is approved;
4. Description of how the waiver will align with USDOL’s policy priorities, such as:
   a. supporting employer engagement;
   b. connecting education and training strategies;
   c. supporting work-based learning;
   d. improving job and career results, and
   e. other priorities as prescribed in the forthcoming guidance.
5. Description of the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment; and
6. Description of the processes used to:
   a. Monitor the progress in implementing the waiver;
   b. Provide notice to any Local Board affected by the waiver;
   c. Provide any Local Board affected by the waiver the opportunity to comment on the waiver request;
   d. Ensure meaningful public comment by business and organized labor; and
   e. Collect and report information about waiver outcomes in the State’s WIOA Annual Report.
7. The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

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

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

D. Process for Submitting a Statewide Waiver Request
CTDOL may approve or disapprove certain requests for waivers that are not submitted to U.S.D.O.L. Statewide waiver requests must be submitted to CTDOL WIOA Administration unit who will review the request to determine if the request affects performance standards or as specifically stated in law or regulation. Examples of statewide waiver requests may be:
1. Findings of monitoring;
2. Eligible training issues such as out-of-state providers or time frames for getting providers on the State list for the participant’s training.

1. WDBs are to report waiver utilization and the impact of waivers on performance to CTDOL via the “WDB Waiver Utilization and Oversight Report.” The form must be completed quarterly in each program year and submitted to CTDOL by the 20th day
of the month following the last day of the quarter. Each report item must be completed and responses must provide sufficient detail to describe the effect of each waiver; specifically, how the waiver changed the activities of the local area or led to innovations, and how the activities carried out under the waiver directly or indirectly affected local performance. The form reflects current waivers and, therefore, any changes regarding waivers in the coming program years will require CTDOL to revise the form. The form may also be changed by CTDOL in future program years to reflect any additional federal guidance issued on waivers or the annual report (in regard to reporting on waivers).

2. The report, which must be submitted via email to CTDOL WIOA area liaisons, will be reviewed by CTDOL to fulfill waiver tracking, monitoring, and reporting requirements. Questions regarding this issuance may be directed to the WIOA Administration Unit at (860) 263-6590.
The Honorable Ned Lamont
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

Dear Governor Lamont:

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

Requested Waiver: Waiver of the obligation of eligible training providers (ETPs) to collect and report on the performance data on all students in a training program at WIOA Sections 166(d)(4)(A) and (B) and 122(d)(2)(A) and 20 CFR 677.230(a)(4) and (5) and 20 CFR 680.430(b)(5).

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

ETA is available for further discussion and to provide technical assistance to the State to support achieving its goals. The Department of Labor proposed additional flexibility in its Fiscal Year 2018 and 2019 budgets to give governors more decision-making authority to meet the workforce needs of their states and will continue to propose these additional flexibilities in future fiscal years.

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

Sincerely,

Molly E. Conway
Acting Assistant Secretary

Enclosure

cc: Kurt Westby, Commissioner, Connecticut Department of Labor
Timothy S. Martin, Acting Boston Regional Administrator, Employment and Training Administration
Douglas Shvonski, Federal Project Officer, Employment and Training Administration
WORKFORCE FLEXIBILITY PLAN 20 CFR 679.630

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

1. Requirements relating to the basic purposes of title I of WIOA described in 20 CFR 675.100

2. Wage and labor standards;

3. Grievance procedures and judicial review;

4. Nondiscrimination;

5. Eligibility of participants;

6. Allocation of funds to local areas;

7. Establishment and functions of local areas and Local WDBs;

8. Procedures for review and approval of local plans; and worker rights, participation, and protection.

9. Any of the statutory or regulatory requirements applicable to the State under secs. 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g-49i), except for requirements relating to:
   - The provision of services to unemployment insurance claimants and veterans; and
   - Universal access to basic labor exchange services without cost to job seekers.

10. Any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (OAA) (42 U.S.C. 3001 et seq.), to State agencies on aging with respect to activities carried out using funds allotted under OAA sec. 506(b) (42 U.S.C. 3056d(b)), except for requirements relating to:
   - The basic purposes of OAA;
   - Wage and labor standards;
   - Eligibility of participants in the activities; and
   - Standards for grant agreements.
B. A workforce flexibility plan submitted under paragraph (a) of this section must include descriptions of:

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

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

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

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

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

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

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

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

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

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

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

C. Limitations – refer to 20 CFR 679.640
STATEWIDE PERFORMANCE

A. Background

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

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

B. Definitions of Terms Related to the Performance Accountability System

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

States that retain or develop a common exit policy must require that a Participant be exited only when all the criteria for exit are met for the WIOA titles I and III core programs, as well as any additional USDOL-administered required partner programs in which the Participant is enrolled and to which the State’s common exit policy applies. The WIOA titles I and III core programs are title I Adult, Dislocated Worker, and Youth formula programs and Wagner-Peyser Act Employment Service program.
Additionally, USDOL encourages the additional required partner programs listed in sec. 121(b)(1)(B) of WIOA (that is, the title I non-core programs) that are under the authority of USDOL to be included in the common exit policy. Those partner programs\(^1\) are as follows:

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

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

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

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

e. YouthBuild program, under WIOA sec. 171;

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

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

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


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

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

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

c. for which the employer pays:

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

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

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

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\(^1\) Some of these programs may require common exit. Grantees should refer to guidance specific to these programs for more information.
4. **Exit** – as defined for the purpose of performance calculations, exit date is the last date of service for the Adult, Dislocated Worker, and Youth programs authorized under WIOA title I. The last date of service cannot be determined until at least 90 days have elapsed since the Participant last received services. Services do not include self-service, information-only services or activities, or follow-up services. Furthermore, there must be no plans to provide the Participant with future services. Follow-up services occur, by definition, after exit and therefore, do not trigger the exit date to change or delay exit.

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

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

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

a. Individuals who only use the self-service system; and

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

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

The U.S. Departments of Labor and Education (Departments) will negotiate levels of performance and calculate sanctions based on the outcomes of program Participants.
7. **Period of Participation** – for all indicators, except Measurable Skill Gains, a period of participation refers to the period of time beginning when an individual becomes a participant and ending on the participant’s date of exit from the program. For all indicators, except Measurable Skill Gains, a new period of participation is counted each time a participant enters and **exits** the program – even if multiple exits occur during the same program year. For Measurable Skill Gains, a new period of participation is counted each time a participant **enrolls**, even if multiple enrollments occur within the same program year. A person with more than one Period of Participation in a program year is counted separately for each Period of Participation in both the numerator and denominator of each applicable performance indicator.

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

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

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

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

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

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

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

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

h. Job Corps.

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

   a. Individuals who provide identifying information;

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

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

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

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

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

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

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

2. **Employment Rate – 4\textsuperscript{th} Quarter After Exit**: The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program, i.e., the number of participants who exited during the reporting period who are found to be employed in the fourth quarter after the exit quarter, divided by the number of participants who exited during the reporting period (for title I Youth program participants, the percentage of participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit, i.e., the number of participants who exited during the reporting period who are found to be employed, or found to be enrolled in secondary education, postsecondary education or occupational skills training (including advanced training) in the fourth quarter after the exit quarter, divided by the number of participants who exited the program during the reporting period);

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

4. **Credential Attainment**: The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized Postsecondary Credential, or a Secondary School Diploma or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a Secondary School Diploma or its recognized equivalent is included in the percentage of participants who have attained a Secondary School Diploma or its recognized equivalent only if the participant is also employed or is enrolled in an education or training program leading to a recognized Postsecondary Credential within one year after exit from the program. All In-School Youth (ISY) are included in the indicator. Only Out-of-School Youth (OSY) who participate in Occupational Skills Training, or secondary education, postsecondary education, YouthBuild or Job Corps during participation in the title I Youth program are included in the indicator.
5. **Measurable Skill Gains:** The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who achieved at least one type of measurable skill gain, defined as documented academic, technical, occupational or other forms of progress, towards such a credential or employment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Employer Penetration Rate is calculated as the total number of establishments that received or are continuing to receive WIOA core program services or other assistance during the reporting period, divided by the total number of establishments located within the State during the final month or quarter of the reporting period. If an establishment received or continues to receive more than one service during the reporting period, that establishment should be counted only once in this calculation. However, for employers with more than one physical location, each work site should be included in the numerator as a separate establishment. Initial results are to be included in the first WIOA annual report due in October 2017. However, due to the lag in data availability for the third approach, the Departments understand that complete data will not be available for reporting in October 2017.

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

D. Exclusions from Performance Calculations

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

1. Exits the program because s/he has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during the course of receiving services as a participant;

2. Exits the program because of medical treatment and that treatment is expected to last longer than 90 days, and precludes entry into unsubsidized employment or continued participation in the program;

3. Is deceased; or

4. Exits the program because s/he is a member of the National Guard or other reserve military unit of the armed forces, and is called to active duty for at least 90 days.

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

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

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

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

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

1. Office of Program Policy- Responsible for the review and oversight of specific terms and conditions contained within the contracts.

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

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

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

5. Office of Research- Responsible for providing LMI information used in the formula that determines local area allocations.
There are many moving parts to contracting from issuance to invoicing, and achieving targeted deadlines relies on units and factors outside the control and scope of the WIOA Administration unit. The following timeline represents the general time frames associated with contract processing. It does not reflect the potential issues which may delay timely issuance. Those risk indicators may be found in the attached operational guidance flowchart.

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

**WIOA Title 1 Contracts**

**March-**

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

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

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

**April-**

- Adult, Youth and Dislocated Worker TEGL is released with each state’s funding amounts.

- LMI information is released by the Research Department to determine local area allocations.

  Response to questions related to any major increase or decrease in local funding.

- Prepare First Contract Issuance with “final” allocations to be issued to WDBs from WIOA Administration.
• Meet with WDBs to review previous year’s issues and provide information on changes for the coming year.

• Issue Contract Packages to WDBs with response due date of May 1\(^{st}\).

May–

• Receive and review completed contract packages from WDBs.

• Schedule and conduct meetings with WDBs & Business Management unit to resolve identified contract issues.

• Final, revised completed WDB contract packages due for review in WIOA Administration by May 12\(^{th}\).

June –

• Finalized contract packages due in Business Management on June 1\(^{st}\).

• Finalized contract packages due for Commissioners Signature on June 10\(^{th}\).

• Finalized, signed contract packages submitted for Office Attorney General Approval on June 15\(^{th}\).

• Finalized, signed contract packages with OAG approval received.

July 1\(^{st}\) – Contracts executed and WDBs may begin providing services and submitting invoices for payments for the current program year.
ONE-STOP CERTIFICATION

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

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

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

IV. POLICY
1. One-Stop Evaluation and Certification Criteria

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

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

2. One-Stop Evaluation and Certification Frequency

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

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

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

One-stop certifications teams are comprised of LWDB members and staff and individuals who represent local partners with specific expertise serving populations with barriers and must include a staff member from the Office of Workforce Competitiveness. Certification team members should be free of conflicts of interest. Certification teams may utilize experts from the state level or outside of the local area to ensure evaluations are objective. They should also utilize local experts who represent targeted populations but have no financial ties with the one-stop site.

4. Certification Determinations

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

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

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

5. Appeals

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

6. Non-Certification

If an existing comprehensive one-stop site is ultimately not certified following a standard or “for-cause” evaluation, the LWDB and one-stop operator must have a plan to ensure continuity of service between the time a site is not certified and a new one-stop operator is procured.
V. CERTIFICATION TIMELINE
Certification must be completed by the local board prior to December 1, 2017.

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

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

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

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

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

A. Certification Regarding Lobbying
   As the duly authorized representative, the Grantee certifies that:
   1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
   2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
   3. The Grantee shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all sub shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification

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shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

B. Certification Regarding Drug-Free Workplace Requirements

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

1. Publishing a statement, signed by the authorized authority, notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violations of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about:
   a. The dangers of drug abuse in the workplace;
   b. The grantee’s policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. Penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

3. Making it a requirement that each employee engaged in or that plans to engage in the performance of WIOA federally funded grants be given a copy of the statement required by paragraph (1);

4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
   a. Abide by the terms of the statement; and
   b. Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

5. Notifying CTDOL WIOA Administration Unit in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is convicted:
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Ensure that all recipients of WIOA Title IB funds including participants, service and training providers provide notification that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at service and training provider sites and specify the actions that will be taken against employees for violations of such prohibition;
8. Making a good faith effort that the Grantee and provider worksites maintain a drug-free workplace through implementation of paragraphs (1)-(7).

C. Nondiscrimination and Equal Opportunity Assurance
As the duly authorized representative the Grantee assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
   a. WIOA Equal Opportunity and Nondiscrimination Regulations 29 CFR Part 37 and Section 188 of the Workforce Innovation and Opportunity Act of 2014 which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title IB financially assisted program or activity;
   b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
   c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
   d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
   e. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and

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

D. Certification Regarding Debarment, Suspension, and Other Responsibility Matters
As the duly authorized representative the Grantee certifies to the best of its knowledge and belief, that it and its principals:
   1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transaction by any Federal department or agency;
   2. Have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
   3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in certification; and
   4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
E. Assurances – Non-Construction Programs

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

1. Has the legal authority and the institutional managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of WIOA Title IB programs.

2. Will give the Comptroller General of the United States and the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to WIOA Title IB programs; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete work relating to financial and management information system reporting requirements within acceptable times frames.

5. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) all other laws incorporated into or referenced in the Workforce Innovation and Opportunity Act of 2014, including, Title VI of the Civil Rights Act as amended; (b) Title IX of the Education Amendments of 1972, as amended; (c) Section 504 of the Rehabilitation Act as amended; (d) the Age Discrimination Act of 1975, as amended; (e) the Drug Abuse Office and Treatment Act of 1972 (PL 91-616) as amended; (f) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 DD.3 AND 290 EE.3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (g) Title VIII of the Civil Rights Act of 1968 as amended; (h) Military Selective Service Act; (i) Nontraditional Employment for Women Act; and (j) Department of Labor Federal Regulations at 29 CFR Parts 34 and 1604.

6. Will comply with **OMB Uniform Guidance 2 CFR Part 200.333** regarding the retention of records;

7. Will certify if requested, in accordance with 29 CFR Part 98, Section 98.510, that neither it nor its one-stop operators, service providers or training providers are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.


9. Will comply with the provisions of the Hatch Act (U.S.C. 1501-1508 and 7324-7328), which limit political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

10. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

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11. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing WIOA Title IB programs.
PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION

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

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

B. Providing Initial and Continuing Notice

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

1. All recipients receiving financial assistance under Workforce Innovation and Opportunity Act Title I (excluding the beneficiaries of WIOA programs or activities) must provide initial and continuing notice that it does not discriminate on any prohibited ground.

2. Recipients for the purpose of equal opportunity and nondiscrimination regulations include, but are not limited to:
   a. State level agencies that administer, or are financed in whole or in part by WIOA Title I funds;
   b. State Employment Security Agencies;
   c. State Workforce Investment Boards;
   d. WIOA grant recipients such as service providers and eligible training providers;
   e. One-stop operators; and
   f. One-stop partners (by inclusion in one-stop centers).

3. Notice must be provided to:
   a. Registrants/applicants and eligible applicants/registrants;
   b. Participants;
   c. Applicants for employment and employees in WIOA funded programs;
   d. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient; and
   e. Members of the public, including those with impaired vision, hearing or limited English proficiency.

Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

4. “Equal Opportunity is the Law” Poster

The posters, which are printed in English and Spanish, must be posted in prominent areas of the agency to provide notice of equal opportunity and nondiscrimination.

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

C. Publications

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

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

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

29 CFR Part 37.34
D. Notification of Grievance Due Process

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

20 CFR Part 683.600
REPORTING

Service providers must submit quarterly program and expenditure reports for the adult, youth, dislocated worker, State Displaced Homemaker and One Stop Operator programs.

A. Quarterly Reports

1. Program Narrative
   The program narrative report tracks the progress of the goals as listed in the Scope of Services in the Provider Agreement. The narrative should address difficulties, successes, and accomplishments in meeting goals, and point out areas for technical assistance.

   Adult, youth, dislocated worker and State Displaced Homemaker program managers will review program narratives as part of the program management process during the grant year. Information gained will be used to provide technical assistance and training to individual providers, providers in a region, and for area and statewide training sessions.

2. Program Narrative Format
   a. Service Provider
   b. Program
   c. Report for quarter ending
   d. Discussion of activities, outreach, etc. (based on Scope of Services) and coordination with One Stop Operators, Community Management Teams and others
   e. Data entry issues
   f. Expenditures and enrollments planned versus actual at quarter end. Deficiencies explained.
   g. What works?
   h. What does not work?
   i. Technical Assistance/Training needed.

3. Timeline for Submitting Reports
   Quarterly program and expenditure reports are due by 5:00 p.m. on the twenty-fifth (25th) calendar day of the first month after the quarter end date. Quarter end dates are March 31, June 30, September 30, and December 31.

B. Financial Reporting

The purpose of this Administrative Policy (AP) is to notify Workforce Development Boards (WDBs) of the Connecticut Department of Labor’s (CTDOL) requirements for quarterly Workforce Innovation and Opportunity Act (WIOA) financial reporting beginning with the September 30, 2016 quarterly financial reports.

BACKGROUND

Form ETA-9130 has been in use for federal financial reporting since October 1, 2007. With the implementation of Uniform Guidance (2 CFR 200) effective December 26, 2014, the ETA-9130
was revised in order to meet the updated statutory reporting requirements for USDOL ETA funded programs.

There are a number of federally mandated changes that are being made to the ETA-9130 reporting form and instructions:

1. Line 10.l. (Recipient Share of Unliquidated Obligations) and line 10.m. (Total Recipient Obligations) from the old ETA-9130 have been removed; and

2. New reporting lines have been added to the ETA-9130, as follows:

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There are also new limitations and baselines on funds in WIOA that require further breakouts of obligations and expenditures. The following reporting line items have been added to the appropriate ETA-9130 forms.

1. **Work Experience Expenditures.** WIOA Sec. 129(c)(4) requires that a minimum of 20 percent of Federal funds allocated to local areas to carry out the local Youth program for a program year must be expended on work experience activities.

2. **Federal Share of Unliquidated Obligations for Pay-for-Performance Contracts.** The funds reported in this line item are a portion of the funds reported in the pre-existing line item ‘Federal Share of Unliquidated Obligations’. It is necessary to break out the pay-for-performance share of obligations because WIOA Sec.189(g)(2)(D) stipulates that funds for pay-for-performance contract strategies remain available until expended. This affects the Youth, Adult, and Dislocated Worker programs.

3. **Pay-for-Performance Contract Expenditures.** WIOA Sec. 129(c)(1)(D) and WIOA Sec.134(d)(1)(A)(iii) set an expenditure cap on funds that can be used for pay-for-performance contracts. The cap is 10 percent of the amount of Federal funds allocated to local areas to carry out the Youth, Adult, and Dislocated Worker programs for a program year.
4. **Incumbent Worker Training Expenditures.** WIOA Sec. 134(d)(4)(A)(i) sets a cap on incumbent worker training expenditures of 20 percent of the amount of Federal funds allocated to local areas to carry out the Local Adult and Local Dislocated Worker programs for a program year.

5. **Transitional Jobs Expenditures.** WIOA Sec. 134(d)(5) sets an expenditure cap of 10 percent of the amount of Federal funds allocated to local areas to carry out the Adult and Dislocated Worker programs for a program year.

**Note:** WIOA sections 134(d)(1)(A)(iii), 134(d)(4)(A)(i), and 134(d)(5) allow a local area to combine their Local Adult and Local Dislocated Worker allocations to meet the specified expenditure cap for each of the following activities: Pay-for-Performance Contracts; Transitional Jobs; and Incumbent Worker Training. For example, a local area receives $1.5 million in Adult funds and $1.0 million in DW funds. It may use up to $250,000 (10% of the total) for Transitional Jobs.

Expenditure rates are calculated by dividing the sum of the cumulative expenditures for each applicable reporting line item for both the Local Adult and Local Dislocated Worker funding streams by the sum of the Total Federal Funds Authorized for the Local Adult and Local Dislocated Worker funding streams.

Example of Transitional Jobs Expenditure Rate Calculation:

\[
\frac{\text{Sum of all PY and FY Local Adult Transitional Jobs Expenditures (11f entries)}}{\text{Sum of all PY and FY Local DW Transitional Jobs Expenditures (11f entries)}} +
\]

\[
\div
\]

\[
\frac{\text{Sum of all PY and FY Local Adult Total Federal Funds Authorized (10d entries)}}{\text{Sum of all PY and FY Local DW Total Federal Funds Authorized (10d entries)}}
\]
For the Local Youth allocations, the cap for Pay-for-Performance contracts is tabulated separately from the Local Adult and Local Dislocated Worker allocations.

**Administrative Costs**

WIOA has adopted and maintains the 10% administrative cost limitation that was specified under WIA. WDBs are required to account for administrative costs associated with each funding stream and year of appropriation, and report them on line item 10f (Total Administrative Expenditures).

**National Dislocated Worker Grants**

Due to the programmatic requirements in WIOA, a separate report has been created for National Dislocated Worker Grants (NDWGs), in lieu of NWDG’s utilizing the Basic ETA-9130.

**POLICY AND PROCEDURES**

1. Expenditures of WIOA federal funds allotted to the WDBs must be reported on the accrual basis of accounting, by Adult/Youth/Dislocated Worker funding streams, and cumulative by fiscal year of appropriation using the designated ETA-9130 form, as follows:
   a) ETA-9130 (B) – WIOA Local Youth;
   b) ETA-9130 (D) – WIOA Local Adult; and
   c) ETA-9130 (F) – WIOA Local Dislocated Worker.

   WDBs will be directed to use the appropriate ETA-9130 for any State funding or NEG funding.

2. Quarterly ETA-9130 financial reports must be submitted by the WDBs to CTDOL in accordance with a schedule prescribed by CTDOL. These quarterly financial reports must be approved by an authorized signatory and are due no later than 30 days after the end of each quarter. If the report due date falls on a weekend or holiday, all reports are due by close of business (COB) on the last working day prior to the report due date.
3. Reported ETA-9130 quarterly expenditures must be accompanied by financial statements, general ledger reports or other accounting documentation in sufficient detail to establish that WIOA funds have been used in accordance with the grant award and federal financial standards. The documentation provided must also directly tie back to expenditure amounts reported on the ETA-9130. If the required back-up financial documentation is not submitted accurately and on a timely basis, WDBs may be subject to a suspension of cash draw-downs until the deficiency is corrected. Advance notification of a potential suspension, along with time for corrective action, will be provided prior to any suspension of cash draw-downs.

4. In the event that there are adjustments or other changes to the reported amounts for a previously reported quarter, amended ETA-9130 reports must be submitted for the quarter to be adjusted or changed. It is unacceptable to simply include adjustments or changes to amounts reported for a previous quarter in a subsequent quarter submittal.

REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) Titles I, III, and V, as amended
- 2 CFR Part 200, Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards, Final Rule
- 2 CFR Part 2900, Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards, Final Rule
- One-Stop Comprehensive Financial Management Technical Assistance Guide (TAG) Part II
- TEGL 2-16, Revised ETA-9130 Financial Report, Instructions, and Additional Guidance
- TEGL 8-15, Second Title I WIOA Youth Program Transition Guidance
- TEGL 23-14, Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition
- TEGL 26-14, Workforce Innovation and Opportunity Act Transition Authority for Flexible Use of State Rapid Response Funds
- TEGL 15-14, Implementation of New Uniform Guidance Regulations
- TEGL 12-14, Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 Funds for Workforce Innovation and Opportunity Act (WIOA) Transitional Activities
INQUIRIES

Administration policy questions may be directed to the CTDOL WIOA Administration Unit at (860) 263-6590. Accounting or reporting questions should be directed to the CTDOL Business Management Contracts Unit by e-mail at DOLContractUnit@ct.gov.
FUNDING ALLOCATION

A  WIOA Adult, Youth and Dislocated Workers

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

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

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

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

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

- Total Insured Unemployed 5%
- Declining Industries 5%
- Long Term Unemployed 25%
- Plant Closings/Mass Layoffs 30%
- Total Unemployment Concentration 35%
- Farmers/Rancher economic hardship data thru the most current year 0%
  
  - According to the 2014 US Census Bureau American Community Survey Connecticut’s % of population (16+) working in the Agriculture and mining sector is five times smaller than the US average 0.4% (CT) vs 2% (US).
According to USDA 2012 Agricultural Census, the total value of Connecticut’s agricultural product sales is one-tenth of one percent of the US total. $550 million vs. $394 Billion.

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

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

20 CFR 683.130

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

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

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

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

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

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

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

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

5. As part of the supplemental requirements, local areas must provide for a minimum 15-day period of comment to the public and area stakeholders before a request is submitted. This can be done through publication of the request in local area newspaper(s).

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

7. Expenditures shall be reported in accordance with CT Department of Labor Policies.
INITIAL DESIGNATION OF LOCAL AREAS

Purpose

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

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

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

Initial designation will be for the period July 1, 2015 - June 30, 2017.

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

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

Procedure

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

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

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

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

A. Reportable, Participation & Registration

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

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

Reportable Individuals are not counted in performance calculations.

Participant: A reportable individual who has received services other than informational only services or activities after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

The following individuals are not participants:

   (1) Individuals in an Adult Education and Family Literacy Act program who have not completed at least 12 contact hours;
   (2) Individuals who only use the self-service system; and
   (3) Individuals who receive information-only services or activities, which provide readily available information that does not require an assessment by a staff member of the individual’s skills, education or career objectives.

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

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

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

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

For CTHires purposes programmatic participation is as follows:

- Wagner-Peyser participants have completed the Wagner Peyser registration in CTHires and received a service or activity other than self-service or information only.
  - In CTHires only staff assisted services and activities trigger participation.

- WIOA Adult & Dislocated Worker participants have completed the WIOA registration in CTHires and received a service or activity other than self-service or information only.
  - In CTHires only staff assisted services and activities trigger participation.

- WIOA Youth participants have completed the WIOA Youth registration in CTHires and:
  - Completed an objective assessment and;
  - Developed an Individual Service Strategy and;
  - Received 1 of the 14 WIOA youth program elements.

Customer service is a hallmark of WIOA legislation and to that end Workforce Development Boards and providers should ensure that customers receive the highest level of service possible. This includes reducing the time a completed registrant waits for enrollment/participation and first service. When registration and participation/enrollment are more than 48 hours apart a case note
indicating the reason for this delay should be noted in CTHires. The system will not allow more
than a ten day window between application/registration and enrollment/participation. Customers
will be required to resubmit a new application for any date beyond the ten day window.

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

B . Career Services

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

Basic Career Services

Per TEGL 19-16

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

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

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

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

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

Labor exchange services, including -
• Job search and placement assistance, and, when needed by an individual, career counseling, including -
  
  o Provision of information on in-demand industry sectors and occupations (as defined in Sec. 3(23) of WIOA); and
  
  o Provision of information on nontraditional employment; and
  
  o Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the one-stop delivery system;

• Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, when appropriate, other workforce development programs;

• Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including -
  
  o Job vacancy listings in labor market areas;
  
  o Information on job skills necessary to obtain the vacant jobs listed; and
  
  o Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
  
  • Provision of performance information and program cost information on eligible providers of training services by program and type of providers;

• Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;
• Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and

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

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

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

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

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

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

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

Individualized Career Services

Per TEGL 19-16

Individualized career services must be provided to participants after American Job Center staff determine that such services are required to retain or obtain employment, consistent with any applicable statutory priorities. Generally, these services involve significant staff time and customization to each individual's need. Individualized
career services include services such as: specialized assessments; developing an individual employment plan; counseling; work experiences (including transitional jobs); etc.

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

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

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

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

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

- Group counseling;

- Individual counseling;

- Career planning;

- Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;

- Internships and work experiences that are linked to careers

- Workforce preparation activities;

- Financial literacy services as described in sec. 129(b)(2)(D) of WIOA and 20 CFR 681.500 of that chapter;

- Out-of-area job search assistance and relocation assistance; and

- English language acquisition and integrated education and training programs.
• Follow-Up Services must be provided, as appropriate, including; counseling, regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.

Training Services

Per **TEGL 19-16**

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

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

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

• Selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individual is willing to commute or relocate.

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

• Who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to –

  a. be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described above;

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

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

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

• Are unable to obtain grant assistance from other sources to pay the cost of such training, including such sources as state-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under title IV of the Higher education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and
- If training services are provided through the adult funding stream, are determined eligible in accordance with the state and local priority system in effect for adults under WIOA.

C. Referral

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

D. Confidentiality and Release of Information

State and federal privacy laws safeguard an individual's privacy from the misuse of federal and state records and provide individuals access to their records. Providers must maintain participant and applicant files in a manner to safeguard confidentiality.

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

Access to the records from other agencies may also require authorization for release of information.
ADULT AND DISLOCATED WORKER
ELIGIBILITY AND SERVICE PRIORITY

I. General Eligibility Requirements 20 CFR 680.130
A. To receive Title I B Adult or Dislocated Worker individualized career and training services, an individual must:
   1. Be a U.S. Citizen or Authorized to work in the U.S. and
   2. Meet Selective Service Registration requirements, if applicable.

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

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

II. Service Priority For WIOA Adults (WIOA Law Section 134(c)(3)(E)) § 680.600
Career services are universally available to all individuals entering a one-stop system facility. However, covered persons (veterans and eligible spouses of veterans) are given priority of service over non-covered persons.
A. Adult Service Priority
   1. Priority for individualized career and training services shall be given to recipients of public assistance; low-income; and individuals who are basic skills deficient, consistent with the Workforce Innovation and Opportunity Act.

   WIOA defines a Low-Income individual as an individual who:
   (a) Receives, or in the past six (6) months has received, or is a member of a family that receives, or in the past six (6) months has received assistance through:
      (1) SNAP in accordance with the Food and Nutrition Act of 2008; or
      (2) TANF under Part A of Title IV of the Social Security Act; or
      (3) SSI (supplemental security income) established under Title XVI of the Social Security Act; or
      (4) State or local income-based public assistance. In Connecticut this is General Assistance (GA); Refugee Cash Assistance (RCA); and HUSKY Health*.
   (b) Received an income, or is a member of a family that received a total family income that did not exceed the higher of:
      (1) the poverty line; or
      (2) 70 percent of the lower living standard income level. Connecticut uses the 70 percent of the lower living standard income level to determine low-income. Refer to Federal Poverty Levels (FPLs) and Lower Living Standard Income Levels (LLSILs) included in this section as a hyperlink and guidance on what income must be included and or income that may excluded in determining low-income.
(c) Qualifies as a homeless individual as defined Section 41403(6) of the Violence Against Women Act of 1994;
(d) is an individual with a disability whose own income meets the requirements of a program described in subparagraph b., but who is a member of a family whose income does not meet this requirement. 20 CFR 680.640

2. Individuals who are recipients of public assistance (TANF, SNAP, Supplemental Security Income (SSI), HUSKY Health, Refugee Cash Assistance (RCA), and General Assistance (GA) are considered to meet Categorical Income Eligibility and may be automatically income eligible and no further income verification is required if the individual has provided acceptable documentation.
(a) (1) SNAP documentation must verify that the individual receives or is a member of a household that is receiving SNAP benefits as described in 1. (a). Examples of documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual as a member of the household receiving SNAP, and documentation such as a SNAP benefit summary showing the dates to verify that benefits were received within the six-month period prior to application to a WIOA program.

*HUSKY Health*

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

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

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

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

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

(b) Cash Public Assistance:

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

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

B. Dislocated Worker Priority for Individualized Career and Training Services

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

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

1. Veterans and eligible spouses of veterans (covered persons) are entitled to priority over non-covered persons for the receipt of employment, training, and placement services provided under new or existing USDOL-funded job training programs. See definition of Covered Persons in the glossary.

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

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

III. Dislocated Worker Eligibility Criteria
A dislocated worker, for the purposes of the Title I of the Workforce Innovation and Opportunity Act, is an individual who:
A. (i) has been terminated or laid off from their job, or who received a notice of termination or layoff, from their employer;*
   (ii) (I) is eligible for or has exhausted their unemployment payments; or
   (II) has been employed for a duration sufficient to demonstrate attachment to the workforce, but cannot get unemployment compensation because of low earnings or having done work for an employer not covered under a State unemployment compensation law; and
   (iii) is unlikely to return to a previous industry or occupation; **
B. (i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise;
   (ii) is employed at a facility which the employer has made a general announcement that such facility will close within 180 days; or
   (iii) for purpose of eligibility to receive services other than training services, intensive services or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
C. was self-employed (including employment as a farmer, rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or
D. is a displaced homemaker (must meet the dislocated worker definition of a displaced homemaker).
E. (i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or (ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B). SEE AP 15-05 written prior to the release of this guide. Attachments include WIOA Dislocated Documentation Guide & Self-attestation.

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

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

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

**Connecticut’s UI profiling and referral process satisfies the criteria necessary to meet category A. of the dislocated worker definition. Claimants who have been referred from the Unemployment Insurance Division through Worker Profiling, REA/RES, EUC REA and REA Pilot meet the definition. In such cases, documentation of the referral is sufficient to establish dislocated worker eligibility.

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

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

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

PURPOSE:

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

Case management and case note responsibility includes assuring:

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

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

Case Note Guidelines:

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

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

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

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

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

Legality - View case notes as a potential legal document. Case notes can and have been used as evidence in court. Ask yourself as you are writing, “would I want what I am writing to appear in court?”
Problems and Solutions- When documenting problems, also document solutions. For example, if you say “Participant not making progress”, then also suggest what you are doing to remedy the situation. For example, “Participant not making adequate progress. I spoke to him about training. He will receive individual tutoring in math and language to see if the situation improves.

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

Case Management system Case Notes

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

Significant customer service would include all of the following:

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

Critical Instances when Case Notes are required

Registration

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

- Registration Only- Used when clients self-register via the internet, register for self-services at the AJC or are registered directly into another program. (WIOA) All individuals who use the CTHires system are registered at this level. Note at this level some services are reportable while others are not.

- Registered- The client has completed the entire registration for the program they are applying for. (Wagner Peyser, WIOA, Trade, JFES etc)
Participation- The client has engaged in an activity which triggers participation as clearly defined in TEGL 10-16 Change 1.

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

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

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

Activities

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

An example would include:

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

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

An example that would not be acceptable follows:

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

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

1. Supportive services
2. Any and all types of paid or unpaid training – (OJT, ITA, Work Experience)
3. Follow-Up services
4. Testing/Assessments
5. Completion or review of the clients IEP and/or objective assessment

**Closure of Activities/Exit from program**

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

**Additional case notes must be entered under the following conditions:**

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

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

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

[WorkforceGPS](#)
A. General Requirements

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

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

B. Eligibility Requirements

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

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

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

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

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

20 CFR 681.280

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

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

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

(b) Cash Public Assistance:

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

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

20 CFR 681.200

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

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

**WIOA In-School Youth 20 CFR 681.220**

Eligible in-school youth must be:

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

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

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

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

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

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

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

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

Eligible out-of-school youth are youth who are:
(a) Not attending any school

**20 CFR 681.230** NOTE: Adult Education under WIOA Title II, YouthBuild programs, and Job Corps programs are not considered to be “schools” under WIOA;
(b) Not younger than 16 and not older than age 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; and
(c) One or more of the following:
   1. School dropout:
      20 CFR 681.240
      ✓ A youth attending an alternative school at the time of registration is not a dropout.
   2. Youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter. School year calendar quarter is based on how a local school district defines its school year quarters;
   3. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either:
      a. basic skills deficient; 20 CFR 681.290 or
      b. an English language learner;
   4. An individual who is subject to the juvenile or adult justice system;
   5. A homeless individual which may include:
      ✓ runaway youth;
      ✓ youth in foster care or has aged out of the foster care system;
      ✓ youth eligible for assistance under Sec. 477 of the Social Security Act (Chafee Foster Care Independence Program); or
      ✓ youth in an out-of-home placement
   6. Pregnant or parenting;
   7. Individual with a disability;
   8. A low-income individual who requires additional assistance 20 CFR 681.300 20 CFR 681.310

20 CFR 681.250

Non Low-Income Exception

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

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

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

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D. Youth Service Priority

1. Priority for services shall be given to recipients of public assistance and low-income individuals consistent with the Workforce Innovation and Opportunity Act.

**WIOA Section 3 (36)** defines a **Low-Income** individual as an individual who:
(a) receives, or in the past six (6) months has received, or is a member of a family that is receiving or in the past six (6) months has received, assistance through SNAP, cash payments under a Federal, State, or local income-based public assistance program such as TANF (Temporary Assistance for Needy Families), SSI (Supplemental Security Income), General Assistance (GA) or Refugee Cash Assistance (RCA);
(b) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved, including unemployment compensation and child support payments, cash public assistance, and old-age and survivors insurance benefits under the Social Security Act that, in relation to family size, does not exceed the higher of (I) the poverty line, for an equivalent period; or (II) 70 percent of the lower living standard income level, for an equivalent period (see **Federal Poverty Levels (FPLs) and Lower Living Standard Income Levels (LLSILs)** included in this section as a hyperlink);
(c) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act;
(d) qualifies as a homeless child or youth individual as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) the Steward B. McKinney Homeless Assistance Act;
(e) is an individual with a disability whose own income meets the requirements of a program described in subparagraph (a) or (b), but who is a member of a family whose income does not meet such requirements.
(f) is a youth in foster care on behalf of whom State or local government payments are made.

2. Individuals who are recipients of public assistance (TANF, SNAP/Food Stamps, Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), and General Assistance (GA)) may meet **Categorical Income Eligibility** and considered automatically income eligible and no further income verification is required if the individual has provided acceptable documentation.
(a) SNAP (Food Stamp) documentation must be current and verify that the individual receives or is a member of a household that is receiving SNAP benefits as described in 1. (c). Examples of documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual is a member of the household receiving SNAP, and documentation such as a SNAP benefit summary showing the dates to verify that benefits were received within the **six-month period prior** to application to a WIOA program.
(b) Cash Public Assistance:
(1) TANF documentation must be current and verify that the individual receives or in the past six (6) months has received TANF payments, or is a member of a family that is receiving or in the past six (6) months has received TANF payments. Examples of acceptable documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual as a member of the family currently receiving TANF, and documentation such as the TANF benefit summary that shows the dates of the public assistance. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

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

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

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

E. **Funding Requirements**

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

2. **Out-of-School Youth Program:** [20 CFR Part 681.410](#)

WIOA Law and Regulations require that 75% of WIOA funds allocated to youth programs must be used to provide activities to out-of-school youth.

3. **Youth Work Experience:** [20 CFR Part 681.590](#)

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

Allowable expenditures for work experience can include:

a. wages paid to the youth in work experience;
b. staff time spent identifying potential work experience opportunities;
c. staff time working with employers to develop the work experience;
d. staff time spent working with employers to ensure a successful work experience;
e. participant work experience orientation sessions, classroom training or the required academic education component directly related to the work experience;
f. orientation for employers.

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

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

G. **Program Service Elements**

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

1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
2. alternative secondary school services, or dropout recovery services, as appropriate;
3. paid and unpaid work experiences that have as a component academic and occupational education, which may include:
   • summer employment opportunities and other employment opportunities available throughout the school year;
   • pre-apprenticeship programs;
   • internships and job shadowing; and
   • on-the-job training opportunities;
4. occupational skills training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupation in the local area involved;
5. comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;
6. leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
7. supportive services;
8. adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. follow-up services for not less than 12 months after the completion of participation, as appropriate;
10. financial Literacy Education;
11. entrepreneurial Skills Training;
12. services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services;
13. activities that help youth prepare for and transition to postsecondary education and training;
14. education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

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

H. Career Pathways Development

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

I. Performance Indicators

The WIA Youth Common Measures will remain in effect through June 30, 2016. The following Performance Indicators are effective July, 2016
STATE DISPLACED HOMEMAKER PROGRAM 20 CFR 680.630

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

A. Eligibility Requirements

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

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

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

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

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

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

1. Job counseling services that consist of developing an Employment Plan, skills assessment, testing, personal and career goal setting and similar activities (refer to the Assessment and IEP sections of this manual).
2. Training and employment activities that include:
   a. Training and placement programs for jobs in the public and private sectors;
   b. Assistance to participants in gaining enrollment in a public or proprietary school or other institutional setting for pre-vocational or vocational instruction.
   c. Job placement assistance in obtaining unsubsidized employment. **Note:** Whenever possible, participants must be given priority to fill supervisory, technical, and administrative positions in service provider offices.
   d. Preparing participants for training and placement into nontraditional careers.
3. **Basic Skills Assessments**
   Literacy and math assessments are required for all participants.
4. **Supportive Services**
   The needs of displaced homemakers may be extensive. Besides the problems associated with economic loss such as child care, transportation, housing and lack of basic necessities, the disruption of family life may result in emotional, medical and legal difficulties. Supportive services are available to help with some of the needs resulting from the displacement. Those services may include but are not limited to:
   a. child care for preschool children;
   b. health care;
   c. transportation assistance to participate in the program;
   d. financial counseling;
   e. grants for education;
   f. temporary shelter; and
   g. post-termination services i.e., follow-up services after exit

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

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

ASSESSMENT AND PLANNING

I. INITIAL ASSESSMENT 20 CFR 680.170

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

II. COMPREHENSIVE ASSESSMENT GUIDELINES

A. Individual Employment Plan or Individual Service Strategy

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

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

a. Assessment means an examination of the capabilities, needs and vocational potential of an applicant or participant.

b. An initial assessment indicates that additional services are appropriate and triggers the completion of an Individual Employment Plan (IEP) or Individual Service Strategy (ISS) and registration in WIOA Title I programs.

c. A comprehensive assessment is completed upon enrollment in the WIOA program. The comprehensive assessment provides specific information for the development of the IEP/ISS.

d. WIOA service providers must use the assessment tools provided through their individual Workforce Development Boards when working with their
participants in the comprehensive assessment process. Service providers are required to track their work via activities in the CTHires system.
e. A written copy of the clients IEP/ISS should be maintained in the participants file or scanned/uploaded to the CTHires system.

B. Developing the Individual Employment Plan or the Individual Service Strategy. The assessment of the participant should be client-centered and provide for a diagnostic evaluation of a participant’s employment barriers, taking into account the participant’s family situation, work history, education, occupational skills, interests, aptitudes, attitudes towards work, motivation, behavior patterns affecting employment potential, financial resources and needs, supportive service needs, and personal employment information as it relates to the local labor market. The name(s) of the assessor, name(s) of participants being assessed and assessment results need to be identified on the IEP/ISS.

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

BASIC SKILLS ASSESSMENT GUIDELINES

A. All Adult, Dislocated Worker and Youth participants should be tested using only National Reporting System-approved Connecticut Competency System (CCS) test tools.

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

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

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

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

**Testing-Tools**

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

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

**Appraisal**

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

**Assessment Pre-testing**

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

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

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Basic Skills Deficiency

Youth

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

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

(2) Are unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual’s family, or in society.

Adults -

An adult, who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

In using only National Reporting System approved Connecticut Competency System (CCS) test tools and based on the CASAS NRS Educational Functioning Level, CT has determined that a score of 236 and below on any test is considered to meet the criteria of basic skills deficiency.

Assessment Post-Testing

Participants who were determined to be basic skills deficient are post-tested until they score 236 or higher in both reading and math, or until they exit the program.

A. The initial post-test version must be in the same series as the pre-test.

B. The CCS test form number of each subsequent post-test must be different from the form number of the last taken test.

Measurable Skill Gains

Per TEGL 10-16

The Measurable Skill Gains indicator is the percentage of program participants who, during a program year, are in education or training programs that lead to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational or other forms of progress, towards such a credential or employment.
The Measurable Skill Gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. Therefore, it is not an exit-based measure. Instead, it is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs. Depending upon the type of education or training program in which a participant is enrolled, documented progress is defined as one of the following:

1. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;

2. Documented attainment of a secondary school diploma or its recognized equivalent;

3. Secondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State Department of Education’s academic standards²;

4. Postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the Connecticut State College and University System’s academic standards³;

5. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or

6. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

Examples:

• A participant is enrolled in a four-year registered apprenticeship program: the Measurable Skill Gains indicator tracks the skills the participant gains throughout the reporting period, not just at the end of the four-year training program.

² Progress for WIOA purposes must comply with any applicable State standards.
³ Progress for WIOA purposes must comply with any applicable State standards.
• Low-skilled adult participants of an adult education program: the Measurable Skill Gains indicator provides an opportunity to track and report gains in reading, writing, mathematics, and English proficiency.

Documenting Progress for Types of Measurable Skill Gains

Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary level –

Programs may measure educational functioning level gain in one of the following three ways.

(a) By comparing the participant's initial educational functioning level, as measured by a pre-test, with the participant's educational functioning level, as measured by a post-test.

(b) By measuring and reporting educational gain through the awarding of credits or Carnegie units, for adult high school programs that lead to a secondary school diploma or its recognized equivalent.

(c) By reporting an educational functioning level gain for participants who exit a program below the postsecondary level and enroll in postsecondary education and training during the program year. A program below the postsecondary level applies to participants enrolled in a basic education program.

Documented attainment of a secondary school diploma or its recognized equivalent –

Programs may document attainment of a secondary school diploma or its recognized equivalent, if the participant obtains certification of attaining passing scores on all parts of a State-recognized high school equivalency test, or the participant obtains a diploma or State-recognized equivalent documenting satisfactory completion of secondary studies or an alternate diploma, including a high school or adult secondary school diploma.

Secondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State Department of Education’s (SDE’s) academic standards --

This gain may be documented through receipt of a secondary transcript or report card for one semester showing that the participant is achieving SDE’s policies for academic standards.

Postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the Connecticut State College and University System’s (CSCUS’) academic standards --

This gain must demonstrate a sufficient number of credit hours -- which is at least 12 hours per semester or, for part-time students, a total of at least 12 hours over the course of two completed
consecutive semesters during the program year -- that shows a participant is achieving CSCUS’ academic standards (or the equivalent for other than credit hour programs).

**Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training** –

Documentation for this gain may vary, as programs should identify appropriate methodologies based upon the nature of services being provided, but progress reports must document substantive skill development that the participant has achieved. The gain may be documented by a satisfactory or better progress report from an employer or training provider. Progress reports may include training reports on milestones completed as the individual masters the required job skills, or steps to complete an OJT or apprenticeship program. Increases in pay resulting from newly acquired skills or increased performance also can be used to document progress.

**Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams** –

Documentation for this gain may include passage of a component exam in a Registered Apprenticeship program, employer-required knowledge-based exam, satisfactory attainment of an element on an industry or occupational competency-based assessment, or other completion test necessary to obtain a credential.

**Accepting Test Results from Outside Entities**

The WDBs are to accept NRS approved CCS test scores from adult education, JFES and TAA for the purposes of determining pre-test selection and/or as a pre-test score provided that:

- there has not been substantial instructional intervention; and
- test results are no more than six months old.

Referrals to and from adult education, JFES and TAA should be made using the attached “Authorization to Record and Share Educational Information” form.

The WDBs, at their discretion, may accept NRS-approved CCS test scores from organizations and agencies other than adult education, provided that these conditions regarding substantial instructional intervention and age of test results are met. A separate referral and release will be required in these instances.
CASAS ASSESSMENT ACCOMMODATIONS

Assessment accommodations provide learners who have disabilities with an opportunity to demonstrate their skills and abilities without interference caused by the disability itself. Accommodations change the way that an assessment is administered or how learners may respond to the assessment situation. Appropriate accommodations meet learners’ needs without changing what a test is intended to measure. It is important to note that not all learners with disabilities will need testing accommodations.

Legislation Related to Accommodations

The accountability standards in the 2014 Workforce Innovation and Opportunity Act (WIOA) include the Rehabilitation Act Amendments of 1998. WIOA, effective July 2015, focuses on learners most in need, such as learners with a low level of literacy skills, English language learners, and those with disabilities. Other legislation addresses provisions related to testing accommodations for learners with disabilities, including the ADA Amendments of 2008, Section 504 in the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Improvement Act of 2004.

Local Agency Responsibility

Local agencies are responsible for providing fully accessible services and reasonable accommodations for learners with documented disabilities. Adult learners with disabilities are responsible for requesting accommodations and for submitting documentation of their disability at the time of registration, program entry, or after diagnosis. The need to use an accommodation should be documented in official learner records, such as the Individual Education Plan (IEP). The documentation must show that the disability interferes with the learner’s ability to demonstrate performance on the test. The information can come from a doctor’s report, a diagnostic assessment from a certified professional, and other clinical records. Adult agencies can often contact the local division of vocational rehabilitation or a secondary school to request documentation of a disability.

Accommodations in Administration Procedures and Learner Response

For learners with documented disabilities, local assessment staff may provide accommodations in administration procedures, such as allowing extra time, repeating directions, breaking an assessment into two sessions, using a separate room, giving frequent breaks, or providing a sign language interpreter (for test administration directions only). Accommodations in learner response may include using a sound amplification device, using a reader and scribe to record answers, using a simple calculator for math, typing on a Braille keyboard, and using speech-to-text software.
**Performance Adjustment**

The U.S. Department of Labor and the Connecticut Department of Labor acknowledge that the nature of some disabilities, such as severe cognitive impairment, may preclude meaningful literacy and numeracy testing and consequent attainment of the literary and numeracy common measure goal. It is not the intent of the federal and state Departments of Labor to discourage WIOA participation by individuals who have such disabilities.

In order to foster WIOA program development for individuals who have such disabilities, WDB’s may request one of two adjustment methods:

1. Service to individuals with such circumstances can be addressed in annual WIOA performance negotiations. In effect, negotiated target performance would be adjusted from expected levels so that a WDB would not be penalized for serving individuals who may not reasonably be expected to attain a positive outcome in a performance measure.

2. WDBs can request a performance adjustment at the end of the program year being measured. As part of such a request, WDBs must demonstrate that the inclusion of individuals with such circumstances negatively impacted performance.

**Test Administration**

WDBs must designate a WDB CCS Program Facilitator who is trained by the State Department of Education in CCS test administration. The Facilitator will be responsible for testing and/or for training test facilitators. The Facilitator must complete CCS Training Part 1 (Appraisals) and Part 2 (Survey Achievement Pre and Post Assessments).

WDBs must maintain a current *Test Security Agreement* that outlines the requirements relative to the secure storage and handling of all CCS materials. A signed *Test Security Agreement* must be filed with Adult Training and Development Network (ATDN) division of CREC or other entity designated by the Connecticut State Department of Education.
B. Youth Participants

Objective Assessment: WIOA Law (Sec. 129 (c) (1)(A)) requires that youth receive an objective assessment of the academic levels, skills levels, and service needs.

The Objective Assessment (OA) shall include a review of all the following:
● Basic skills
● Occupational skills
● Prior work experience
● Employability
● Interests
● Aptitudes (including interests and aptitudes for nontraditional jobs)
● Supportive service needs
● Developmental needs

WIOA does not require a new OA if the provider determines it is appropriate to use a recent assessment (within last six (6) months) of the participant conducted by another education or training program. This may include evaluations completed by a secondary school, Vocational Rehabilitation, Adult Basic and Literacy Education (ABLE) or other education or training providers.

Academic Skills Assessments: Academic skills assessments help program staff determine participants’ academic skill levels and uncover any subject areas requiring improvement. Case managers should use assessment results to guide the academic support services they provide the youth to help them gain aptitudes and increase literacy. Support may include case managers engaging dedicated tutors to assist participants improve math or reading comprehension.

1. All Out-of-School Youth must be assessed for basic skills deficiencies.
   An out-of-school youth is a youth who is not attending any school. This includes youth who are home schooled; and youth who are not younger than 16 nor older than age 24 at the time of enrollment.

2. Pre-Testing and Post Testing
   Only National Reporting System-approved Connecticut Competency System (CCS) test tools must be used for pre- and post-testing of youth.

The WDBs and/or their designees are to use the CCS/CASAS Life and Work series for pre- and post-testing of Reading and the CCS/CASAS Life Skills series for Math, unless circumstances indicate that another series is more appropriate for an individual.
3. **In-School Youth:** High-school youth (including youth attending an alternative school) do not need to be assessed for basic skills, however USDOL requires that states track youth who are basic skills deficient. Documentation of basic skills deficiencies includes: school records; a current IEP; or report card. Basic skills deficiencies should be documented in case notes with supporting documentation maintained in the participant’s file.

B. **Youth Participants**

**Objective Assessment:** WIOA Law (Sec. 129 (c) (1)(A)) requires that youth receive an objective assessment of the academic levels, skills levels, and service needs.

The Objective Assessment (OA) shall include a review of all the following:
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- Prior work experience
- Employability
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- Aptitudes (including interests and aptitudes for nontraditional jobs)
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- Developmental needs

WIOA does not require a new OA if the provider determines it is appropriate to use a recent assessment (within last six (6) months) of the participant conducted by another education or training program. This may include evaluations completed by a secondary school, Vocational Rehabilitation, Adult Basic and Literacy Education (ABLE) or other education or training providers.

**Academic Skills Assessments:** Academic skills assessments help program staff determine participants’ academic skill levels and uncover any subject areas requiring improvement. Case managers should use assessment results to guide the academic support services they provide the youth to help them gain aptitudes and increase literacy. Support may include case managers engaging dedicated tutors to assist participants improve math or reading comprehension.

1. **All Out-of-School Youth** must be assessed for basic skills deficiencies. An out-of-school youth is a youth who is not attending any school. This includes youth who are home schooled; and youth who are not younger than 16 nor older than age 24 at the time of enrollment.
2. **Pre-Testing and Post Testing**
   Only National Reporting System-approved Connecticut Competency System (CCS) test tools must be used for pre- and post-testing of youth.

   The WDBs and/or their designees are to use the CCS/CASAS Life and Work series for pre- and post-testing of Reading and the CCS/CASAS Life Skills series for Math, unless circumstances indicate that another series is more appropriate for an individual.

3. **In-School Youth:** High-school youth (including youth attending an alternative school) do not need to be assessed for basic skills, however USDOL requires that states track youth who are basic skills deficient. Documentation of basic skills deficiencies includes: school records; a current IEP; or report card. Basic skills deficiencies should be documented in case notes with supporting documentation maintained in the participant’s file.
A. Description

An Individual Employment Plan (IEP) is required for Adult and Dislocated Worker participants in WIOA Title IB Individualized Career and Training services. It is both a policy/form and a continual process. The IEP is developed in partnership with the participant. The IEP identifies where the participant is, where the participant wants to be and the appropriate mix and sequence of services and support to reach a realistic employment goal. The development of the IEP and updates or revisions should be based upon the results of the comprehensive assessment process.

1. Initially the IEP shall be the basic instrument, which documents:
   a. That participants have had an initial assessment;
   b. The decisions made regarding the mix and combination of services for the participant, including referrals; and
   c. Quarterly reviews to evaluate the progress of the participant in meeting planned objectives.

2. The IEP form shall include a description of:
   a. Short and long term goal(s) and objectives;
   b. Appropriate, measurable achievement objectives to meet those goals;
   c. Mix and sequence of services and other resources needed
   d. Organizations and/or individuals who will provide those services or resources; and
   e. The twelve-months of supplemental follow-up contact with participants who have exited to unsubsidized employment for performance purposes; and 12 months of follow-up services which may be provided to participants who have entered unsubsidized employment to help them with employment retention, wage gains and their career progress. (The extent of the follow-up services provided may be based on the availability of funding)

A signed copy (signed by program staff and participant) must be provided to the participant and the original attached to the Individual Employment Plan and maintained in the participant’s file or scanned and uploaded to the CTHires system.

The Employment Plan should be reviewed regularly and updated quarterly as documented in case or progress notes.

B. Goals and Objectives

Goals and objectives are the desired short and long-term program goals and outcomes and the steps established between program staff and the participant which, when reached, represent successful completion of that portion of the service plan. For each employment goal there should be one or more interim objectives. These objectives should be achievable in manageable steps, enabling the client to attain success.
Not every agency can provide all the services indicated by the comprehensive assessment and noted in the IEP. There is the expectation that if the needed services exist and are accessible in a community the agency will make a reasonable, concerted effort to link participants with those services. However, it is recognized that enrollment in WIOA is neither an entitlement nor legal right to services, nor automatic access to limited resources. Therefore, it is expected that if needed services are not available, it shall be so documented on the IEP, and alternative plans shall be developed.
INDIVIDUAL SERVICE STRATEGY (ISS)

A. Description
An Individual Service Strategy (ISS) is required for all WIOA Title IB youth (in-school and out-of-school) participants. Services provided under WIOA Title I youth programs are based on the individual needs of the participant, therefore the participant must be involved in the design and implementation of services to ensure their needs are being met.

The ISS identifies where the participant is, where the participant wants to be, and the appropriate mix and sequence of services and support to reach realistic goals. It is both a form and a continual process.

1. The ISS form shall be the basic instrument used to:
   a. Document the results of the objective assessment that included the review of the academic and occupational skill levels, as well as the service needs, of each youth for the purpose of identifying the appropriate services and career pathways for participants;
   b. Identify the appropriate career pathways that include education and employment goals;
   c. Consider career planning and the results of the objective assessment; and
   d. Prescribe achievement objectives and services for the participant including: program/employment/career goals, timeline for attainment, expected wage at placement;
   e. Determine the mix and sequence of services, including supportive services, and other resources needed to achieve program/employment/career goals; components of this section include:
      (1) short and long-term objectives;
      (2) which WIOA program element(s) to provide based on the participants objective assessment that will assist the youth in achieving short and long-term objectives;
      (3) Timeline for attainment and date attained;
   f. Document how the program element is being provided, i.e., in-house or through a referral with a specific agency or service listed;
   g. As appropriate determine effective connections to employers, including small employers, in in-demand industry sectors and occupations: and
   h. Discuss the provision of follow-up services that will track the progress of youth after exit from the program; and based on the youth’s needs, providing assistance to help the youth secure better jobs, career development and further education.

The ISS is a living document which should be continuously updated as needed as goals and circumstances dictate.
B. **Objective Assessment**

WIOA Law (Sec. 129 (c) (1)(A) and Regulations 20 CFR 664.400(a)(1)) require that youth receive an objective assessment of the academic levels, skills levels, and service needs.

The Objective Assessment (OA) shall include a review of all the following:
- Basic skills
- Occupational skills
- Prior work experience
- Employability
- Interests
- Aptitudes (including interests and aptitudes for nontraditional jobs)
- Supportive service needs
- Developmental needs

Service providers are required to provide an objective assessment of the academic levels, skill levels and service needs of each participant, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant. Participants concurrently registered in Youth, Adult and Dislocated Worker Programs will require both an ISS and an IEP.

C. **Individual Service Strategy and Objective Assessments from Other Agencies**

WIOA does not require a new OA if the provider determines it is appropriate to use a recent assessment *(within last six (6) months)* of the participant conducted by another education or training program. This may include evaluations completed by a secondary school, Vocational Rehabilitation, Adult Basic and Literacy Education (ABLE) or other education or training providers.

The methods used for other assessments and/or service strategies should include, but are not limited to, structured interviews, paper and pencil tests, performance tests, behavioral observations, interest and attitude inventories, career guidance instruments, personality profiles and aptitude tests. Assessment results shall be maintained in each participants file and include the participant’s name and the date the assessment was conducted.
A. **Family Size**

Family size must be determined and verified only if using family income to determine low-income status. Family size will be determined by counting the maximum number of family members in the residence during the prior six months, not including the current month.

A family, for eligibility purposes, means two or more persons related by blood, marriage or decree of court, who are living in a single residence. Family may also include a parent or guardian and dependent children. (Refer to the Glossary for the definitions of “dependent children” and “independent children” under Family.)

In certain cases, an individual may be considered a "family of one" for the purpose of eligibility determination. This includes individuals with a disability whose family income may exceed the income criteria, but whose own income meets the income criteria.  

20 CFR 680.640 (Adult)  
20 CFR 681.280 (Youth)

B. **Income Determination**

Income is the amount of all reportable income for each family member for the prior six (6) months, **not including the current month**. This amount multiplied by two (2) is the total annualized family income.

Family income means all includable income actually received from all sources by all members of the family during the income determination period. However, when computing family income, the income of a spouse and/or other family members shall only be counted for that portion of the income determination period that the person was actually a part of the family of the applicant. Family size for the determination period is the maximum size of the family during such period.

If an individual is not living in a single residence with other family members, that individual is not a member of a family for the purpose of WIOA income calculations. 20 CFR 675.300 defines family as “two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (1) a married couple and dependent children; (2) a parent or guardian and dependent children; or (3) a married couple.
All items not expressly excluded are includable income. Per TEGL 19-16, *for Adults and Dislocated Workers*, there is no exclusion of payments for unemployment compensation, child support payments, and old age and survivors insurance benefits from the income calculations for determining if an individual is low-income. These exclusions that were previously provided under WIA sec. 101(25) no longer apply. Old age and survivors insurance benefits, which are received under section 202 of the Social Security Act (42 USC 402) include:

- **Social Security Survivor Benefits**, which are benefits paid to people up to age 18 who have had a parent die and the parent had wages paid into the system; and
- **Social Security Retirement Benefits**, which are benefits paid to people who have reached their Social Security age and have wages paid into the system.


Per TEGL 21-16, there are circumstances where only a youth’s income is considered in determining whether the youth satisfies income limits for the program. [20 CFR 681.280](https://www.govinfo.gov/content/pkg/CFR-2015-title20-vol5/pdf/CFR-2015-title20-vol5.pdf) provides that *Out-of-School Youth with a disability* are not required to be low-income and for *In-School Youth with a disability*, the youth’s own income, rather than his or her family’s income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the Lower Living Standard Income Level (LLSIL).

*For Youth, INCLUDE In Family Income:*

1. Monetary wages, salaries, commissions and tips, before any deductions;
   - Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense);
2. Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
3. Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;
4. Alimony (excludes one-time property settlements);
5. Financial assistance from outside the household -- regular payments received from non-household members or absent family members (excludes gifts or sporadic assistance);
6. Military family allotments (voluntary/automatic deduction from military member’s paycheck, which is sent home to family members);
7. Pensions, whether private or government employee (including military retirement pay);
8. Regular insurance or annuity payments;
9. College or university grants, fellowships, and assistantships, other than needs-based;
10. Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts;
11. Net gambling or lottery winnings;
12. Terminal leave pay, severance pay or a cash-out of accrued vacation leave;
13. Disaster Relief Employment Wages; and
15. Unemployment Compensation Payments
16. Child Support Payments including foster care payments
17. Old age and survivors insurance benefits received under Social Security Act Section 202

**For Youth, EXCLUDE from family income:**

1. Strike benefits received from union funds;
2. Social Security Disability Insurance payments;
3. Cash welfare payments including Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), and General Assistance (GA);
4. Financial assistance under Title IV of the Higher Education Act (Pell Grants, Federal Supplemental Educational Opportunity Grants, Federal Work Study, State grants for higher education, PLUS, Stafford and Perkins loans, like any other loan, are debt, not income);
5. Needs-Based scholarship assistance;
6. Income earned while on active military duty and certain other veterans’ benefits (compensation for service-connected disability, family compensation for service-connected death, vocational rehabilitation, and educational assistance);
7. Allowances received while serving on active military duty (cost of living, overseas cost of living, clothing, dislocation, housing, travel, per diem, and subsistence);
8. Capital gains;
9. Any assets withdrawn from a financial institution, or proceeds from the sale of property, a house or a car;
10. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
11. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages Medicare, Medicaid, Food Stamps, school meals, and housing assistance;
12. Allowances, earnings and payments made to participants of Federally Assisted Needs-Based Employment and Training Programs including WIOA (except on-the-job training wages);
13. Job Corps payments;
14. Stipends received in the following programs – VISTA, Peace Corps, Foster Grandparents, Retired Senior Volunteer Program, AmeriCorps, and CT Job Corps;
15. National Flood Insurance Payments; and

When a federal statute specifically states that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments are excluded when determining eligibility for WIOA programs.
SELECTIVE SERVICE REGISTRATION REQUIREMENTS

A. Selective Service Registration

All participants enrolled in WIOA Adult, Dislocated Worker and Youth programs must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation.

Males between the ages of 18 and 26 who must register with the Selective Service include:
1. Citizens of the United States;
2. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or;
3. Dual nationals of the United States and another country regardless of whether they live in the United States.

Selective Service registration is not required of U.S. citizens if the male falls within one of the following categories:
1. Men who are serving in the military on full-time active duty;
2. Men attending the service academies; and
3. Disabled men who are continually confined to a residence, hospital or institution;
4. Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

Selective Service registration is not required of non-U.S. citizens if the male falls within one of the following categories:
1. Non-U.S. male who came into this country for the first time after his 26th birthday and has acceptable forms of supporting documentation including:
   a. Date of entry stamp in his passport;
   b. I-94 with date of entry stamp on it; or
   c. A letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual’s age.
2. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
3. Non-U.S. male on a valid non-immigrant visa.

The lists are not intended to be exhaustive and the Selective Service System provides a quick reference chart showing who must register on the Selective Service website at http://www.sss.gov.

B. Selective Service Compliance

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation showing registration status includes:
1. Selective Service Acknowledgement letter
2. Form DD-214 “Report of Separation”
3. Screen printout of the Selective Service Verification on the Selective Service website at http://www.sss.gov. For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
C. Registration Requirements for Males Under 26
Prior to being enrolled in a WIOA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at http://www.sss.gov.

Male participants who enter the WIOA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30th day after their 18th birthday to remain eligible for WIOA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in WIOA and refuses to comply with Selective Service Registration requirements shall be exited from the WIOA youth program. These youth would not be placed in follow-up and there should be case notes in ConnecticutWorks that describe, in detail, the circumstances as to why services were not/could not be continued.

D. Registration Requirements for Males 26 Years and Over
Prior to being enrolled in a WIOA-funded program, all males 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed above must obtain a Status Information Letter from Selective Service indicating whether he was required to register. The Request for Status Information Letter and instructions can be accessed at http://www.sss.gov.

The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances. The Status Information Letter is good for life and the individual should be encouraged to keep their original letter in a safe place for future reference. If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in WIOA-funded services.

If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. All costs associated with WIOA-funded services provided to non-eligible individuals may be disallowed.
E. Determining Knowing and Willful Failure to Register

If an individual was required to register with Selective Service but failed to do so the individual may only receive services if they can provide evidence to establish that the failure to register was not knowing and willful. Service providers will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. Evidence may include an applicant’s statement and supporting documentation of his circumstances at the time of the required registration and the reason for failure to register. Examples of documentation that may help in making a determination in these cases include:

1. Service in Armed Forces. Documentation verifying that a man has served honorably in the U.S. Armed Forces such as the DD Form 214 or his Honorable Discharge Certificate may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, are also acceptable documentation that may also be helpful to service providers determining whether the failure to register was willful and knowing.

In determining whether the failure was “knowing”, service providers should consider:

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

In determining whether the failure was “willful”, service providers should consider:

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

If the service provider determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the service provider determines that evidence shows that the individual’s failure to register was knowing, and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Service providers must keep documentation related to all evidence presented in determinations related to Selective Service.
SOCIAL SECURITY NUMBER PROCEDURE

In accordance with Section 7 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note (Disclosure of Social Security Number), unless the disclosure is required by Federal statute, applicants may not be denied any right, benefit or privilege provided by law because of the individual's refusal to disclose his/her Social Security Number (SSN).

Disclosure of an individual's social security number pursuant to the Internal Revenue Code where it is used as the identifying number for the purposes of a return, statement or any other document under the Code (i.e., for payment of wages for OJT, Work Experience, etc.) may be properly required.

NOTE: Applicants who do not possess a Social Security card must apply for one to ensure that a copy of that card may be placed in the applicant file.

A. Guidelines For Obtaining Social Security Number

Although an applicant cannot be denied WIOA services for failure to disclose their SSN, they must submit their SSN in order to receive wages paid while participating in WIOA (i.e., OJT).

Training and Employment Guidance Letter (TEGL) No. 5-08 (issued November 13, 2008) says that States must request a participant’s social security number when offering intensive WIOA services or providing financial assistance, however the State may not deny access to any participant who refuses to provide a social security number. Not obtaining an SSN from a participant means that any outcomes for this participant would be excluded from performance measures unless supplemental information is available to verify the performance outcomes for non-wage based measures.

It is important for service providers to request the applicant’s SSN at intake and advise them that their social security numbers are maintained in a secure and confidential manner. Applicants should also be advised that the State only uses the SSN for the following:

a. Payment of wages and allowances, even though at intake it may not be possible to determine the form of payment, if any, the applicant will receive; and
b. Tracking Unemployment Insurance Wage Records for the calculation of program performance measure outcomes.

According to Federal reporting requirements a valid SSN must be obtained and recorded prior to termination and record transmittal. The regulations further state that The Department (USDOL) assumes full responsibility for protecting the confidentiality of the data and will ensure that data files are maintained according to applicable Federal laws, with particular emphasis upon compliance with the provisions of the Privacy Act and the Freedom of Information act. It will remove SSN from participant files before they are shared with Federal agencies and other users. All recipients of WIOA Title IB funds are governed by these requirements.
ADULT AND DISLOCATED WORKER SERVICES AND ACTIVITIES

The Workforce Innovation and Opportunity Act provides for two levels of services beyond basic career services for **adults and dislocated workers**; individualized career and training services.

A. Basic Career Services

Basic career services are universally available to everyone entering the facility. Other partner sites need only provide the career services appropriate to their participants and funding source.

1. Pre-enrollment Services

   Pre-enrollment services include all self-help services and basic career services requiring minimal staff assistance including:
   a. Determinations of eligibility to receive assistance under WIOA Title I;
   b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

2. Orientation

   All individuals entering or re-entering services are to be oriented to the program. Required information for the orientation is the participant's rights and procedures for filing grievances and claims of discrimination. Additional topics for orientation may include:
   a. An introduction to the program -- purpose and goals;
   b. Rules and regulations of the program;
   c. Provider responsibilities;
   d. Participant responsibilities;
   e. Program resources and supportive services available;
   f. Job-related injury procedures; and
   g. Wage and pay information.

   While participants who have previously been enrolled in the program may not need an extensive orientation, they still need to be oriented briefly on all areas and especially on any program changes.

   Orientation must include information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices. Documentation that the applicants/participants have received information regarding the above-mentioned procedures is the completed two-part "Equal Opportunity is the Law" participant discrimination form. One copy of this document must be maintained in the participant file and one must be provided to the applicant/participant.

3. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;

4. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas.  Labor Market Information (LMI) must be provided to participants in every program. LMI generally encompasses four major areas:
   a. National job trends, including supply and demand.
   b. Local job opportunities.
   c. Education and skill requirements for jobs.
   d. Job seeking skills (writing resumes, job interview techniques, etc.).
LMI can be obtained from the CTHires system once a participant creates and account or from the State of CT Department of Labor Office of Research at: http://www1.ctdol.state.ct.us/lmi/index.asp

5. Provision of performance information and program cost information on eligible providers of:
   a. Training services;
   b. Adult education;
   c. Post-secondary vocational education;
   d. Vocational education activities available to school dropouts under Carl Perkins;
   e. Vocational Rehabilitation program activities.

6. Provision of information regarding how the local area is fulfilling performance measures and any additional performance information with respect to the one-stop delivery system in the local area;

7. Provision of accurate information relating to the availability of supportive services including child care and transportation available in the local area, and referral to such services, as appropriate;

8. Provision of information regarding filing claims for unemployment compensation;

9. Assistance in establishing eligibility for:
   a. Welfare-to-work activities available in the local area; and
   b. Programs of financial aid assistance for training and education programs that are not funded under WIOA and are available in the local area;

10. Computer Resources;

11. Resource Room use;

12. Open Workshops;

13. Job search and placement assistance, and where appropriate, career counseling;

14. Provide information on follow-up services that may be available to participants, as appropriate, including counseling regarding the workplace, for participants in workforce innovation and opportunity activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate;

15. Rapid Response – may only be used by Job Service Workforce Center staff or agency that receives Rapid Response funds.

16. One-Stop Services

**B. Individualized Career Services**

1. Priority Groups

   Individualized career services are available to adults and dislocated workers who are members of a priority group (see Section 3.10 for adult, dislocated worker and veterans’ priority of service); and

   a. are unemployed and are unable to obtain employment through basic career services provided; and

   b. have been determined to be in need of more individualized services in order to obtain employment; or

   c. are employed, but have been determined to be in need of individualized career services in order to obtain or retain employment that leads to self-sufficiency.
2. Individualized career services include:
   a. Comprehensive and specialized assessments of the skill levels and service needs, which may include:
      (1) Diagnostic testing and use of other assessment tools; and
      (2) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
   b. Development of an individual employment plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
   c. Group counseling;
   d. Individual counseling and career planning;
   e. Case management for participants seeking training services; (No proof of ETP needed if not paying tuition)
   f. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;
   g. Work Experience/Internships;
   h. Adult Basic Education/Financial Literacy Services.

C. Moving from Individualized Career to Training Services
   To move from individualized career services to training services there must be significant development of the IEP that indicates training is necessary for the individual to obtain or retain employment leading to self-sufficiency.

   The individuals must receive, at a minimum:
   1. a completed IEP as described above; and
   2. a comprehensive and specialized assessment of skill levels and service needs; or
   3. group and/or individual employment counseling; or
   4. case management and career planning.

D. Training Services
   Training services means any WIOA-funded and non-WIOA funded training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state’s vision to provide universal access for all customers.

   1. Training Services may be provided to adults and dislocated workers:
      a. Who have met the eligibility requirements for individualized career services and who are unable to obtain or retain employment through such services;
      b. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
      c. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
d. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or

e. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; and who are determined to be eligible in accordance with the priority for services criteria and the service provider’s determination of funds available to provide the service.

Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIOA funds used to pay the tuition portion of the training costs from the PELL Grant.

**WIOA Regs. 20 CFR Part 680.230(c) and WIOA Sec. 134 (c)(3)(B)**

**NOTE:** Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.

2. Training services may include:

a. Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; *(requires ETP)*

b. On-the-job training; *(does not require ETP)*

c. Programs that combine workplace training with related instruction, which may include cooperative education programs; *(requires ETP)*

d. Training programs operated by the private sector; *(requires ETP)*

e. Skill upgrading and retraining; *(requires ETP)*

f. Entrepreneurial training; *(requires ETP)*

g. Job readiness training; *(does not require ETP)*

h. Adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii) of WIOA Section 134 (d)(4); *(does not require ETP)*

i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training. *(does not require ETP)*

j. Short-term pre-vocational training that is generally one week (40 hours) or less which does not provide certification or a credential upon completion. *(does not require ETP)*

**NOTE:** WIOA funding may be used for training that leads to a goal of self-employment.
3. Training Payments
The service provider must verify and pay tuition and other training costs in accordance with the training provider’s documented payment policy or terms. WIOA funding may be used for any expenses considered to be part of the Cost of Attendance (see Section 4.60, D) that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIOA or non-WIOA programs (e.g. TAA, etc.), the case manager will coordinate with the training provider and other program(s) to ensure the participant’s training needs are met and there is no duplication of services. WIOA funding shall always be a supplement to other grant assistance.
YOUTH SERVICES AND ACTIVITIES

A. Youth Activities
The United States Department of Labor (USDOL) is committed to providing high quality services for youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skill training in in-demand industries and occupations, and culminating with a good job along a career pathway or enrollment in post-secondary education.

The Workforce Innovation and Opportunity Act of 2014 emphasized the importance of coordination among Federally-funded employment and training programs, including those authorized under WIOA Title I and II. Many disconnected youth ages 16 to 24 meet eligibility requirements for both WIOA Title I youth activities and WIOA Title II adult education. Co-enrollment between these two programs can be very beneficial to disconnected youth as they can receive work experience and occupational skills through Title I funding and literacy skills through Title II funding. Because the eligibility for Title II is similar to that for an OSY under Title I, an individual who is not enrolled or required to be enrolled in secondary school under State law, it is consistent to consider such youth already enrolled in Title II as an OSY for purposes of Title I WIOA youth eligibility.

B. Youth Required Elements 20 CFR 681.460
The following 14 elements must be available to youth participants. Service providers have the discretion of what specific services are provided to a youth, based on the individual’s Objective Assessment and Individual Service Strategy.
1. Tutoring, study skills training and instruction leading to secondary school completion, including dropout prevention strategies;
2. Alternative secondary school offerings;
3. Paid and unpaid work experiences that have academic and occupational education as a component of the work experience:
   > Summer employment opportunities and other employment opportunities available throughout the school year;
   > Pre-apprenticeship programs;
   > Internships as defined in 20 CFR 680.170 of the regulations and job shadowing; and
   > On-the-job training opportunities;
4. Occupational skill training with priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations; 20 CFR 681.540
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors; 20 CFR 681.520 & 20 CFR 681.530
7. Supportive services;
8. Adult mentoring for the duration of at least 12 months that may occur both during and after program participation; 20 CFR 681.490
9. Follow-up services for not less than 12 months after the completion of participation;
10. Comprehensive guidance and counseling, including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth; 20 CFR 681.510
11. Financial literacy education; 20 CFR 681.500
12. Entrepreneurial skills training; 20 CFR 681.560
13. Services that provide labor market and employment information about in-demand industry sectors
or occupations available in the local area*, such as career awareness, career counseling, and career exploration services; and

14. Activities that help youth prepare for and transition to post-secondary education and training.

WIOA Regents. 20 CFR Part 681.460

LMI can be obtained from the CTHires system once a participant creates an account or from the State of CT Department of Labor Office of Research at: http://www1.ctdol.state.ct.us/lmi/index.asp

C. Youth Goals and Services
Youth services are provided in conjunction with skill goals that may include any of the following services:
1. Basic Skills Goal
2. Occupational Skills Goal
3. Work Readiness Skills Goal
4. On-the Job Training
5. Customized Training
6. Work Experience
7. High School Equivalency Certificate Prep (Applies to youth 16 years and older)

D. Occupational Skills Training for Youth
Occupational Skills Training is one of the 14 elements that are offered to youth participants. WIOA allows ITAs for out-of-school youth, ages 18 to 24 using WIOA funds when appropriate.

Priority consideration must be given to training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area. Such training must:
(1) be outcome-oriented and focused on an occupational goal specified in the individual service strategy;
(2) be of sufficient duration to impart the skills needed to meet the occupational goal; and
(3) result in attainment of a recognized post-secondary credential.

The chosen occupational skills training must meet the quality standards in WIOA Law Sec. 123.

In order to receive Occupational Skills Training services the youth must receive, at a minimum:
1. a completed ISS as described above; and
2. a comprehensive and specialized assessment of skill levels and service needs; or
3. group and/or individual employment counseling; or
4. case management and career planning.

E. Training Services
Training services means any WIOA-funded and non-WIOA funded training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state’s vision to provide universal access for all customers.
1. Training Services may be provided to adults and dislocated workers:
   a. Who have met the eligibility requirements for individualized career services and who are
unable to obtain or retain employment through such services;

b. Who after an interview, evaluation, or assessment, and case management, have been
determined to be in need of training services and to have the skills and qualifications to
participate successfully in the selected program of training services;

c. Who select programs of training services that are directly linked to the employment
opportunities in the local area involved or in another area in which individuals receiving such
services are willing to relocate; and

d. Who are unable to obtain other grant assistance for such services, including Federal Pell
Grants; or

e. Require assistance beyond that made available under other grant assistance programs,
including Federal Pell Grants; and who are determined to be eligible in accordance with the
priority for services criteria and the service provider’s determination of funds available to
provide the service.

Training services may be provided under this paragraph to an individual who otherwise meets the
requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if
such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the
service provider the WIOA funds used to pay the tuition portion of the training costs from the PELL
Grant.

WIOA Regs. 20 CFR Part 680.230(c) and WIOA Law Sec. 134 (c)(3)(B)

NOTE: Tuition is the sum charged for instruction. Fees, books, supplies and other training related
expenses are not considered tuition.

2. Training services may include:

a. Occupational skills training, including training for nontraditional employment and for training
programs operated by the private sector; (requires ETP)

b. On-the-job training; (does not require ETP)

c. Programs that combine workplace training with related instruction, which may include
cooperative education programs; (requires ETP)

d. Training programs operated by the private sector; (requires ETP)

e. Skill upgrading and retraining; (requires ETP)

f. Entrepreneurial training; (requires ETP)

g. Job readiness training; (does not require ETP)

h. Adult education and literacy activities provided in combination with services described in any
of clauses (i) through (vii) of WIOA Section 134 (d)(4); (does not require ETP)

i. Customized training conducted with a commitment by an employer or group of employers to
employ an individual upon successful completion of the training. (does not require ETP)

j. Short-term pre-vocational training that is generally one week (40 hours) or less which does not
provide certification or a credential upon completion. (does not require ETP)

3. Training Payments

Youth service providers The service provider must verify and pay tuition and other training
 costs in accordance with the training provider’s documented payment policy or terms. WIOA
funding may be used for any expenses considered to be part of the Cost of Attendance (see
Section 4.60, D) that cannot be met from the PELL or other grant assistance. In situations of
co-enrollment with other WIOA or non-WIOA programs (e.g. TAA, etc.), the case manager will
 coordinate with the training provider and other program(s) to ensure the participant’s training
needs are met and there is no duplication of services. WIOA funding shall always be a supplement to other grant assistance.

NOTE: WIOA funding may be used for training that leads to a goal of self-employment.
CASE MANAGEMENT AND CAREER PLANNING

I. ADULTS AND DISLOCATED WORKERS

A. What is Career Planning?

Career Planning means the provision of a client-centered approach in the delivery of services, designed to:

1. prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and services, using where feasible, computer-based technologies; and

2. provide job, education, and career counseling during program participation and after job placement.

WIOA Law Sec. 3(8)

WIOA Adult and Dislocated Worker funded staff, provide case management services to all participants enrolled in Workforce Innovation and Opportunity Act Title I programs. Federal law identifies case management as follows:

1. Comprehensive and specialized assessment of skill levels and service needs through –
   a. Diagnostic testing and use of other assessment tools; and
   b. In-depth interviewing and evaluation to identify employment barriers and

2. Development of an individual employment plan to identify employment goals and objectives, and appropriate services needed to achieve those goals and objectives.

3. Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

1. Information on how to apply for financial aid, including referring participant to educational opportunity centers, and notifying participants that they may request financial aid administrators at institutions of higher education to use the administrators’ discretion under section 479A of such act (20 U.S.C. § 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the participant for Federal financial assistance under title IV of such Act (20 U.S.C. §§ 1070 et sep.).

2. Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare participants for employment or training.

6. Individual career counseling, including job search and placement counseling, during the period in which the participant is receiving services, and after receiving services for purposes of job placement.

7. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including –
   a. Job vacancy listings in such labor market areas;
b. Information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (a);
c. Information relating to local occupations that are in demand and earnings potential of such occupations; and
d. Skills requirements for local occupations described in subparagraph (c).

8. Information relating to the availability of supportive services as described in Section 4.100 of the WIOA policy manual.

B. Case Management Responsibilities
In addition to the defined case management identified above, case managers are responsible for –
♦ Providing testing of basic skills, comprehensive assessment and testing;
♦ Co-enrolling in all applicable programs as appropriate;
♦ Maintaining consistent contact with participants as appropriate; and, if unable to make contact after repeated attempts in a 90 day period, closing all services and enrollments effective the date the services were last provided;
♦ Developing and continually updating of an Individual Employment Plan (IEP) or Individual Service Strategy (ISS);
♦ Determining if participant requests for training services and supportive or other services are allowable, appropriate and able to be funded;
♦ Coordinating joint training plans and employment services as appropriate;
♦ Monitoring the progress of participants in their approved plan;
♦ Recording all program services and case notes in CTHires within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
♦ Maintaining the participant file (paper file);
♦ Ending the participant’s services and program enrollment when services are no longer being provided;
♦ Ensuring that participants are aware of their responsibilities as noted in C.

C. Participant Responsibilities
♦ Obtaining prior approval for any type of service or assistance from the WIOA Program;
♦ Informing case manager of progress;
♦ Informing case manager of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later).
♦ Informing case manager of problems in any area (training, personal, financial, etc.) that could impact successful completion of their approved plan;
♦ Informing case manager of work status;
♦ Timely submitting copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc.

II. YOUTH
Case management services are to be made available to youth participants enrolled in Workforce Innovation and Opportunity Act Title I programs. Case management includes:
1. Comprehensive and specialized assessment of skill levels and service needs through –
   a. Diagnostic testing and use of other assessment tools; and
   b. In-depth interviewing and evaluation to identify barriers to education and/or employment.
2. Development of an Individual Service Strategy (ISS) to identify career and education goals and objectives, and appropriate services needed to achieve those goals and objectives.

3. Provision of any or all of the 14 WIOA services (described in Youth Section 3.20) to youth participants based on assessments and the ISS.

4. Information on how to apply for financial aid, including referring participant to educational opportunity centers, and notifying participants that they may request financial aid administrators at institutions of higher education.

5. Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare participants for employment or training.

6. Individual career counseling, including job search and placement counseling, during the period in which the participant is receiving services, and after receiving services for purposes of job placement.

7. Information relating to the availability of supportive services as described in Section 4.100 of the WIOA policy manual.

B. Case Management Responsibilities

In addition to the case management identified above, case managers are responsible for –

- Providing testing of basic skills, comprehensive assessment and testing;
- Co-enrolling in all applicable programs as appropriate;
- Maintaining consistent contact with participants as appropriate; and, if unable to make contact after repeated attempts in a 90 day period, closing all services and enrollments effective the date the services were last provided;
- Maintaining an updated Individual Service Strategy (ISS);
- Determining if participant requests for supportive services are allowable, appropriate and able to be funded;
- Coordinating co-enrollments as appropriate;
- Monitoring the progress of participants in their ISS;
- Recording all program services and case notes in CTHires within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
- Maintaining the participant file (paper file);
- Ending the participant’s services and program enrollment when services are no longer being provided;
- Providing follow-up services for a minimum of 12 months; and
- Ensuring that participants are aware of their responsibilities as noted in C.

C. Participant Responsibilities

- Participating in the development and planning of their Individual Service Strategy (ISS);
- Taking an active role in working toward attainment of the goals developed on the ISS;
- Obtaining prior approval for any type of service or assistance from the WIOA Program;
- Informing case manager of progress;
- Informing case manager of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later).
Informing case manager of problems in any area (training, personal, financial, etc.) that could impact successful completion of their approved plan;

Informing case manager of work status;

Timely submitting copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc.
WORK EXPERIENCE (WEX)

I. ADULTS AND DISLOCATED WORKERS
   A. General Description Work Experience is a planned, structured learning experience that takes place in a worksite for a limited period of time that is based upon the needs of the participant. A work experience worksite may be in the private for-profit sector, the non-profit sector or the public sector. Work Experience is an authorized career services activity for WIOA Adults and Dislocated Workers.

   Youth providers refer to II. Youth Work Experience for instructions specific to the WIOA Title I youth program.

   WIOA Work Experience may be full-time or part-time depending upon the needs of the participant.

   Work Experience shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills.

   Work Experience shall be limited to persons needing assistance in becoming accustomed to basic work requirements, including basic work skills, or those needing to explore new career options due to recent layoffs or declining job growth in their current or most recent employment.

   Work Experience may be used as a Situational Assessment. A Situational Assessment provides a participant with the opportunity to explore different work interests and try out their skills and abilities in a work setting. In addition, it allows the program staff and the participant to jointly determine the social aspects, work culture, and physical and communication requirements of the worksite. This determination provides valuable information on the job supports needed by the participant to achieve a successful job match.

   Work Experience participation creates an employer/employee relationship. Normally, the WIOA service provider establishing the worksite is considered the employer and pays the participant’s wages along with necessary taxes and workers’ compensation costs.

   In some cases, the worksite employer can be considered the employer and would then be responsible for the payment of wages, taxes and workers’ compensation. In these situations, the service provider reimburses the worksite employer through an invoice process.

   Regardless of who is considered the employer, the activity must comply with all applicable employment laws and regulations as noted in Section B.

B. Employment Law & Work Experience Requirements
   Because an employer/employee relationship is established, Work Experience placements must:
   ● Comply with the Fair Labor Standards Act in regards to wages paid, hours worked and child labor regulations.
   ● Complete an I-9 in accordance with the Immigration Reform and Control Act
   ● Provide Workers Compensation coverage
Exclusions: Connecticut state law excludes work-training programs such as WIOA work experience from the definition of employment for purposes of unemployment insurance compensation (UI). Therefore, Work Experience wages are not subject to payment of UI taxes by the employer and WEX participants do not earn wage credits during their participation.

C. Participant Wages, Benefits, Hours of Work and Duration of Assignment

Work Experience Wages. Work Experience participants shall be paid an hourly wage for hours worked which may be in ¼ hour increments. Wages are considered a work-training or educational allowance.

Wage Rate. Each participant will receive a wage based on:

a. Applicable federal and state minimum wage; or

b. At the same rates as trainees or employees who are in similar occupations, and who have similar training, experience and skills within that worksite, whichever is higher. (WIOA 181(a)(1)(A))

Tax Withholding. Work Experience wages are subject to withholding for Social Security, Federal Income Tax, and Connecticut State Income Tax. Therefore participants must complete a W-4 and the employer must issue a W-2. Transportation and/or supportive services, if paid, are over and above wages and are not subject to tax deduction.

Injury - Providers are to ensure that each WEX participant is covered by State Workers' Compensation Insurance or adequate injury insurance.

Hours of Work – Work Experience participants can only be paid for the actual hours worked. Participants may not be paid when they are out sick on vacation or for holidays regardless of the worksite policy regarding holiday pay. Full-time participation is defined as working 32-40 hours per week, or the same number of hours worked by regular employees at the worksite, not to exceed 40 hours per week. Neither overtime work nor overtime pay are allowable.

Part-time Work Experience is encouraged, when appropriate, for older workers, the disabled, single parents with small children, or individuals in other similar circumstances.

Duration of WEX Assignment – Work Experience is to be for a limited time that is reasonable in duration. The length of the Work Experience assignment is to be based on the needs of the participant and purpose of placing that participant in a WEX. Factors such as prior work experience and occupational interests should be taken into consideration. Generally, a WEX assignment should not exceed 600 hours and may be shorter than that depending upon the participant. Providers wishing to establish or extend a WEX in excess of the 600 hour duration must get prior approval from the WIOA Program Manager.
D. **Worksite Supervision**

Service providers should visit participants and their supervisors at their worksites on a bi-weekly basis to assist in job-related or personal counseling and job coaching. The performance and progress of the participant is to be monitored on a regular basis to determine if continued participation, transfer to another activity, and placement in unsubsidized employment, or other action is most appropriate.

E. **Required Work Experience Documents**

**Standard Work Experience** (service provider as employer): A Memorandum of Agreement (MOA) and Training Summary must be completed prior to the placement of participants at a worksite.

Only one agreement per worksite is required per program year and slots are open entry/open exit and can be refilled as participants are transferred to other activities.

**Alternative Work Experience** (worksite as the employer): A Memorandum of Agreement must be completed prior to the placement of a participant at the worksite. WEX Wage Subsidy situations are specific to an individual participant, so new paperwork must be completed with each participant placed at a worksite.

All time sheets requirements listed under the Standard Work Experience apply to participants on an Alternative Work Experience.

**Union Concurrence**: Following an informal consultation with the appropriate labor organization, the Union Concurrence Form (WIOA.21B) is to be completed for each agreement where a collective bargaining agreement covers the occupation the participant(s) are to be placed in. A copy of the Union Concurrence Form must be kept with each MOA whether or not a collective bargaining agreement exists. A note on the Union Concurrent Form such as N/A is sufficient when there is no collective bargaining agreement. The Union Concurrent Form should always have the signature of the worksite authorized signatory regardless of whether or not there is a collective bargaining agreement in place.

**Training Summary**: A training summary must be completed for each job that will be performed at a Worksite. The original training summary must be attached to the worksite MOA and a copy placed in each of the participant’s file that will be maintained with the appropriate timesheets for that placement.

One training summary may be used and attached to the MOA if several participants are placed in the same occupation (using the same O’NET Code) on a worksite. Additional sheets to list the participants may be attached to the Training Summary.

The Training Summary must be completed by identifying the participant and employer (worksite); supervisor(s) that are authorized to sign timesheets and a phone number; occupation and the O’NET Code; Wage per hour and hours of work per week; the WEX start and end dates (not estimated but actual end date); a list of the skills, duties and tasks for which
the participant will receive training; check yes or no for initial skills and the actual training hours.

**Timesheets:** All participants on a WEX must complete a time sheet at the end of the scheduled work period. The job duties and tasks that the participant performed must be completed on the WIOA Adult Work Experience Time Sheet for each day worked and must tie to the work elements, duties and tasks listed on the WIOA Adult Training Summary.
- Time sheets must be completed with pay period dates, dates and hours worked, and duties documented;
- Time sheets must be signed and dated by both the participant and the supervisor;
- The supervisor must complete the evaluation section of the timesheet;
- The individual signing as the supervisor must be listed on Training Summary as authorized to sign time sheets;
Time sheets must be complete with dates, duties, supervisor evaluation, and signed and dated before a participant can be paid.

II. YOUTH

Work Experience is a critical WIOA youth program element. Work experience helps youth understand proper workplace behavior and what is necessary in order to attain and retain employment. Work experience can serve: (1) as a stepping stone to unsubsidized employment; and (2) is an important step in the process of developing a career pathway for youth. According to research, work experience is correlated with higher high school graduation rates and success in the labor market. This is particularly important for youth with disabilities. (Preamble, WIOA Regulations)

Work experiences are designed to enable youth to gain exposure to the working world and its requirements; help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment.

A. Work Experience Expenditures

Local youth programs must expend not less than 20 percent of funds allocated to them to provide in-school and out-of-school youth with paid and unpaid work experience. This includes wages, staff costs for the development and management of the Work Experience.

B. Work Experiences for Youth [20 CFR 681.590](#)

1. Work experience must include academic and occupational education.

   Education offered concurrently and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. ([WIOA Law Sec. 129(c)(2)(E)](#))

   The new program element requires integrated education and training to occur concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

   Youth participants are not required to master basic academic skills before moving on to learning career-specific technical skills.
20 CFR 681.600

2. The types of work experiences include the following categories:
   a. Summer employment;
   b. Opportunities and other employment;
   c. Opportunities available throughout the school year;
   d. Pre-apprenticeship programs;
   e. Internships and job shadowing; and
   f. On-the-job training opportunities as defined in WIOA Sec. 3(44) and in WIOA Regs. 20 CFR Part 680.700.

C. Employment Law & Work Experience Requirements

Work Experience placements must:
   ● Comply with the Fair Labor Standards Act in regards to wages paid, hours worked and child labor regulations.
   ● Complete an I-9 in accordance with the Immigration Reform and Control Act
   ● Provide Workers’ Compensation coverage

Exclusions: Youth that have been in a paid Work Experience may not claim unemployment insurance. Connecticut state law excludes work-training programs such as WIOA work experience from the definition of employment for purposes of unemployment insurance compensation (UI). Therefore, Work Experience wages are not subject to payment of UI taxes by the employer and WEX participants do not earn wage credits during their participation.

D. Participant Wages, Benefits, Hours of Work and Duration of Assignment

Work Experience Wages. Work Experience participants shall be paid an hourly wage for hours worked which may be in ¼ hour increments. Wages are considered a work-training or educational allowance.

Wage Rate. Each participant will receive a wage based on:
   a. Applicable federal and state minimum wage; or
   b. At the same rates as trainees or employees who are in similar occupations, and who have similar training, experience and skills within that worksite, whichever is higher. (WIOA 181(a)(1)(A))
   c. Providers are not restricted to paying minimum wage for a youth work experience and may pay the youth a higher wage based on wages in the community and are commiserate with other employees at the worksite doing the same job but not more than the other employees doing the same job.

Tax Withholding. Work Experience wages are subject to withholding for Social Security, Federal Income Tax, and Connecticut State Income Tax. Therefore participants must complete a W-4 and the employer must issue a W-2. Transportation and/or supportive services, if paid, are over and above wages and are not subject to tax deduction.

Injury - Providers are to ensure that each WEX participant is covered by State Workers' Compensation Insurance or adequate injury insurance.

Hours of Work – Work Experience participants can only be paid for the actual hours worked. Participants may not be paid when they are out sick on vacation or for holidays regardless of the worksite policy regarding holiday pay. Participants may work part-time or full-time in a
Work Experience depending on service provider funding and the number of youth in a WEX. Full-time participation is defined as working 32-40 hours per week, or the same number of hours worked by regular employees at the worksite, not to exceed 40 hours per week. **Neither overtime work nor overtime pay is allowable.** Child labor laws must be observed when scheduling work hours for youth under 18 years of age.

*Duration of WEX Assignment* – The length of the Work Experience assignment is to be based on the needs of the participant and purpose of placing that participant in a WEX.

**E. Worksite Supervision**

Service providers should visit participants and their supervisors at their worksites on a bi-weekly basis to assist in job-related or personal counseling and job coaching. The performance and progress of the participant is to be monitored on a regular basis to determine if continued participation, transfer to another activity, and placement in unsubsidized employment, or other action is most appropriate.

**Timesheets:** All participants on a WEX must complete a time sheet (WIOA.22D) at the end of the scheduled work period. The job duties and tasks that the participant performed must be completed on the WIOA Youth Work Experience Time Sheet for each day worked and must tie to the work elements, duties and tasks listed on the WIOA Youth Training Summary.
- Time sheets must be completed with pay period dates, dates and hours worked, and duties documented;
- Time sheets must be signed and dated by both the participant and the supervisor;
- The supervisor must complete the evaluation section of the timesheet;
- The individual signing as the supervisor must be listed on Training Summary as authorized to sign time sheets;

Time sheets must be complete with dates, duties, supervisor evaluation, and signed and dated before a participant can be paid.

Facsimile and instructions for the Memorandum of Agreement, Training Summary, Union Concurrence, Wage Subsidy Agreement and Wage Subsidy Invoice forms (only applies when the provider is paying the worksite and not the participant) are in the Forms Section on DLI’s WIA website. The provider’s copy of the appropriate WEX documents (Training Summary, Timesheet and Bi-Weekly Contact Record) must be attached together and kept in the provider’s office with a copy in each participant’s file. The provider may choose to maintain Work Experience MOAs in the participant’s file or in a separate binder.

**F. CTHires** – All work experience(s) should be data entered and tracked using the CThires system as activities
TRANSITIONAL EMPLOYMENT 20 CFR 680.190

WIOA allows local areas to allocate up to 10 percent of Title I - Adult and Dislocated Worker funds to transitional jobs for individuals with barriers to employment. Transitional jobs are defined as time-limited subsidized work experiences that help individuals who are chronically unemployed and have barriers to employment establish a work history and develop skills to access unsubsidized employment and progress in the workplace. Under the Workforce Investment Act, it was not clearly allowable to use funds for transitional jobs. The explicit inclusion of transitional jobs in WIOA will allow more local areas to add this model to their portfolio of services.

Per TEGL 19-16 Transitional Jobs are considered an Individualized Career Service.

Many job seekers, particularly those who face barriers to employment, require an array of work-based training and employment strategies to become gainfully employed. WIOA encourages a comprehensive set of supports that involve public and private partners to help individuals earn secondary and postsecondary credentials and transition into jobs.

CTDOL defines transitional jobs as “time-limited, wage-paid work experiences that are subsidized for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history.” By design, transitional jobs programs make work pay by allowing participants to earn wages while learning the norms and behaviors of work, gaining on-the-job success, increasing stability at a job, and increasing soft and hard job skills. As recipients of real wages, workers in transitional jobs should be classified as employees rather than independent contractors or trainees and should be subject to protections such as wage and hour laws, minimum wage laws, unemployment insurance, and workers compensation.

A. Each local WDB will establish a policy for “best practice design” before initiating their respective program.

B. Each local WDB must establish a work-site agreement that at minimum contains
   a. Conditions
   b. Responsibilities
   c. Training Outline
   d. Union Concurrence information
This service must be combined with career and supportive services. These jobs must be designed to establish a work history for the individual, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment. Unlike on-the-job training (OJT), there is no requirement that the employer retains the individual upon completion of the transitional job; however, retention, where appropriate, is preferred for the benefit of the worker and employer.

Under section 134(d)(5) of WIOA and 20 CFR 680.195 of the Final Rule, Local WDBs may use up to 10 percent of their combined total of adult and dislocated worker funds to provide transitional jobs to individuals. For example, if a local area receives $1.5 million in adult funds and $1.0 million in DW funds, the Local WDB may use up to $250,000 (10% of the total) for transitional jobs.

If the Local WDB uses transitional jobs as part of its service delivery strategy, it must adopt policies and identify appropriate employers (public, private or nonprofit). Additionally, these policies must include plans on the amount of reimbursements for the jobs (up to 100 percent of the wage), what supportive services must be included, and the limits on the duration of the transitional job.

If states and Local WDBs choose to use transitional jobs as a strategy, they must develop policies for defining and identifying individuals who are "chronically unemployed" or "have an inconsistent work history". The Department encourages targeting individuals who are long-term unemployed, formerly incarcerated individuals, and individuals who are currently receiving or have exhausted TANF benefits when developing these policies. Additionally, the Department encourages utilizing job readiness training in combination with transitional jobs, if determined appropriate by the Local WDB.
ON-THE-JOB TRAINING (OJT) 20 CFR 680.200

A. Description

OJT is training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

OJT is an important training services activity whereby employers provide necessary equipment and training for jobs by means of a "hire first, train later" strategy. WIOA participants who successfully complete the OJT period are subsequently retained in permanent employment. The OJT should be used for occupations in higher skills categories. It is not subsidized employment of low-skill occupations, which require very little training time. OJT is only appropriate for the length of time necessary to be trained in the specific occupation.

OJT may be sequenced with or accompanied by other types of services such as occupational, pre-vocational or literacy training.

§ 680.350 May title I adult and dislocated worker funds be used to directly support adult education and literacy activities?

Yes, under WIOA sec. 134(c)(3)(D)(x), title I funds may provide adult education and literacy activities if they are provided concurrently or in combination with one or more of the following training services:

(a) Occupational skills training, including training for nontraditional employment;
(b) OJT;
(c) Incumbent worker training (as described in §§ 680.780, 680.790, 680.800, 680.810, and 680.820);
(d) Programs that combined workplace training and related instruction, which may include cooperative education programs;
(e) Training programs operated by the private sector;
(f) Skill upgrading and retraining; or
(g) Entrepreneurial training.

OJT contracts may be written for either full-time or part-time employment. Contracts written for occupations identified on the Office of Apprenticeship (OA), USDOL or the Connecticut apprenticeable occupations list should, with the knowledge and approval of the employer, be coordinated with the Apprenticeship Unit of the CT Department of Labor.

Personnel involved in the decision making process to place an eligible participant into an OJT must document the decision in the participant’s Individual Employment Plan or Individual Service Strategy. The decision should demonstrate that the training chosen is appropriate, that the training is necessary, that the participant does not already possess the skills, or that the individual needs to upgrade their skills to move to a new job.

Reverse Referrals (see Glossary) may be accepted for OJT only if the participant's assessment and IEP/ISS document such OJT as an appropriate training activity. The employer must be aware that
an individual not currently in their employ may or may not be referred back for employment consideration. OJT contracts written for eligible employed workers do not constitute a reverse referral.

B. Eligibility 20 CFR 680.700, 20 CFR 680.710

OJT contracts may be written for WIOA eligible employed workers when:
1. The employee is not earning a self-sufficient wage as determined by policy;
2. The requirements in WIOA regulations, 20 CFR Part 680.700(b), contracts may not be made with an employer that exhibits a pattern of failure to provide participants long-term employment as well as wages and benefits; and the contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is provided; and
3. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

C. Reimbursement and Contract Requirements 20 CFR 680.720

Reimbursements under OJT contracts are deemed to be compensation for the extraordinary costs associated with training participants and the costs associated with the lower productivity of the participants. The standard reimbursement rate for OJT contracts is up to 50%. 20 CFR 680.730

An OJT contract reimbursement rate may be up to 75% if a higher rate is justified based on one or more of the following factors:

(I) the characteristics of the participant (e.g. long-term unemployed, little or no work history, physical or mental disability, ex-felon);
(II) the size of the employer (50 or fewer employees);
(III) the quality of employer-provided training and advancement opportunities;
(IV) the training is in an apprenticeable occupation and the employer has agreed to sponsor a registered apprenticeship.

WIOA Law Sec. 134(c)(3)(H)(ii)

1. Training that is not considered appropriate includes, but is not limited to:
   a. Occupations in lower wage industries where prior skill or training is not prerequisite for hiring;
   b. Occupations with high labor turnover;
   c. Occupations, which lead to relocation of establishments from one area to another;
   d. Seasonal occupations;
   e. Occupations with a substantial number of experienced and able workers who are presently unemployed;
   f. Occupations dependent on tips and/or commission to equal the minimum wage; and
   g. Occupations with low paying, dead-end jobs.

2. Contractor Eligibility
   a. OJT assistance will be available only in industries providing job continuity or security;
   b. Any firm or industry in violation of local, state or federal labor laws is not eligible for training assistance;
   c. Any firm, employer or industry who has had two (2) or more OJT contracts and has exhibited a pattern of failure to provide OJT participants continued, long-term employment as regular employees with wages and working conditions at the same level and to the same
extent as similarly situated employees are ineligible to enter into further WIOA OJT contracts. (See Glossary for definition of "Pattern of OJT Contract Failure")

WIOA Law Sec. 194(4)

d. Relocation
   (1) No funds provided under the Act shall be used, or proposed for use, to encourage or to induce the relocation of an establishment, or part thereof, that results in the loss of employment for any employee or such establishment at the original location.
   (2) For 120 days after the commencement or the expansion of commercial operations of a relocating establishment, no funds provided under this Act shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any relocating establishment or part thereof at a new, or expanded location, if the relocation of such establishment or part thereof results in a loss of employment for any employee of such establishment at the original location.
   (3) For the purposes of this section, relocating establishment means a business entity, including a successor-in-interest, which is moving any operations from a facility in one labor market area within the United States and its territories to a new or expanding facility in another labor market area. For the purposes of this section, a labor market area is an area within which individuals can readily change employment without changing their place of residence.

(4) Pre-award review. To verify that an establishment is expanding or not relocating employment from another area, the program operator shall conduct a pre-award review to ensure that the company has not relocated and the relocation resulted in layoffs or displacement of workers. Service providers shall use the OJT Pre-Award Review form (WIOA.24) to document this process. A facsimile of OJT Pre-Award Review form is in the forms section of this manual.

e. Approval. Before writing an OJT contract, service providers shall determine that abnormal labor conditions such as a strike, a lockout or similar conditions do not exist at the establishment or its affiliates;

f. Established Wages - industries not meeting the established wage priorities are not eligible;

g. Prevailing Standards - occupations must meet prevailing standards with respect to wages, hours and conditions of employment;

h. Reimbursements
   (1) WIOA funds shall not be provided to reimburse OJT training costs when the participant was referred and hired through a private employment agency and was required to pay a referral and placement fee;
   (2) Training costs will be an allowable WIOA expenditure if the employer paid the referral and placement fee;

i. Training Contracts may be with the private or public sector.

3. Contract Period
   OJT contracts should be written for a period of time that takes into account actual training time plus additional time to anticipate unexpected time away from training by the participant. This process should ensure that end date of the contract is sufficiently into the future so as not to require a contract modification to extend the end date. (NOTE: This is the contract period, not the training time.)

4. Length of Training
OJT training authorized for a participant shall be limited to a period not in excess of that generally required for the acquisition of skills needed for the particular occupation. For the purpose of this section, training shall not exceed a maximum of 1040 hours.

The following procedures will apply to determine the maximum number of reimbursable weeks of training for an occupation:

a. O*NET - The Occupational Information Network
   Locate the title of the occupation in the O*NET and identify the occupation's 5 or 6-digit occupational code. For example, Receptionist and Information Clerks: 43-4171

b. Job Zone Determination Process
   (1) Using the O*NET code, find the Job Zone level in the O*NET (Example: 43-4171 = Job Zone - 2)
   (2) Then locate the Job Zone on the chart below. It shows maximum OJT time reimbursable for any occupation at a given Job Zone. For example, Receptionist: 43-4171.00 has a Job Zone of 2. Read across to see that 800 hours is the maximum for any Job Zone 2 occupation.

<table>
<thead>
<tr>
<th>JOB ZONE-TRAINING TIME CONVERSION CHART</th>
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<td>Job Zone Level</td>
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*Occupations with a Job Zone of 3 or higher cannot exceed 1040 hours duration.

5. Employee/Trainee Wages

a. Minimum Starting rate
   The minimum starting rate of OJT employees shall be the greater of:
   - Applicable federal and state minimum wage; or
   - At the same rates as trainees or employees similarly situated in similar occupations by the same employer, and who have similar training, experience and skills, whichever is higher.
   **WIOA Sec. 181(a)(1)(A)**

b. Wage Rate Calculations
   - In cases where the OJT is for a salaried position, an hourly rate of pay should be calculated for reimbursement purposes by taking the gross monthly salary, multiplied by 12 then divided by 2080 hours (e.g. $2,600 x 12 = $31,200/2080 = $15). **NOTE:** With salaried positions, be sure that paid time off (i.e. vacation, sick, holiday, PTO) is accounted for in the Weekly Work Logs and not reimbursed.
   - In cases where the trainee may receive two different rates of pay (e.g. regular rate and shift differential for evening/weekend hours), calculate the maximum contract amount based on the best estimation of the trainee's schedule during the contract. On the monthly invoice, breakout the training hours and reimbursement for each rate of pay on a separate line.
Note: WIOA funds shall not be used for overtime wages, holidays, sick leave, or vacations.

6. Apprenticeable Occupations
When training is proposed for apprenticeable occupations, the provider should, with the knowledge and approval of the employer, consult with the appropriate apprenticeship representative regarding the coupling of training with apprenticeship programs. The purpose is to provide individuals who receive OJT training with the opportunity to participate in a structured training program that lasts beyond the limits of the WIOA OJT training, and provides for an incremental increase in wages.

8. Program Standards And Cost Guidelines For OJT Contracts
a. "Hire First" Principle means that employers must agree to hire prior to training for all entry-level positions. NOTE: This does not mean that the employers can "try out" or work the trainee for a period of time prior to contract funding to see if the trainee will work out. This means:
   (1) The employer "hires" the participant as of the entry date into the OJT program;
   (2) The participant is considered to be an employee, not a trainee, of the contractor;
   (3) The participant is entitled to all the rights and benefits of all regular employees; and
   (4) The employer has made a commitment to provide continued employment after training.

b. Trainee Entrance Schedule
All employees should enter training within a one-month period of the funding date on the contract.

c. Contract Assembly
An OJT contract contains the following:
   (1) OJT Pre-Award Review
   (2) Concurrence
   (3) On-the-Job Training Contract
   (4) Special Terms and Provisions/Assurances and Certifications
   (5) OJT Training Summary
   (6) Apprenticeship Notification

9. Referral and Hire
No participant will be started in a proposed OJT slot until a contract has been negotiated and signed.

After negotiation of the OJT contract referral of eligible trainees may begin.

A copy of the OJT Contract is to be given to the employer and the participant. The provider will maintain the original contract.

D. OJT Contract Modification
1. Contract modifications must be in writing.
2. The contractor or the provider may initiate a contract modification.
3. Signed contracts are not to be altered with whiteout or correction tape. Changes may only be made by a modification, or if that is not possible, by lining out the incorrect data, hand printing the new data and by having both parties initial the change.
4. Copies of the modifications should be distributed to all parties who have copies of the original contact.

   **E. Time Limitations**
   No person may participate in OJT in excess of the time generally required for acquisition of skills needed for the position within a particular occupation. The Occupational Information Network (O*NET) codes gives direction for determining the appropriate training time.
CUSTOMIZED TRAINING

A. Description 20 CFR 680.760
Customized Skills Training is designed to meet the special requirements of an employer or a group of employers by allowing them to tailor and design work-based skills training. Customized training is conducted with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, an individual on successful completion of the training. [Note: an incumbent worker must still meet the statutory definition of either adult or dislocated worker to receive customized training]. 20 CFR 680.780
Employers may be reimbursed by the WIOA program for the costs incurred in providing the training including staff/instructor time or training materials.

Customized Skills Training can be provided after a WIOA participant is hired or if an employer makes a commitment to hire the participant upon successful completion of the training.

B. Requirements 20 CFR 680.770
Customized training may be provided for an employer or group of employers when:

1. The employee is not earning a self-sufficient wage (there is currently no State established self-sufficiency wage).
2. The employer, or group of employers, have made the commitment to employ or continue to employ, an individual that has successfully completed the program; and
3. The customized training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

C. General Guidelines

1. For each participant, the employer develops the training plan and measurable goals and determines the method by which the training is provided. Proficiency levels should be based on local business or industry skill standards.
2. The training activity may take place at the worksite or in a classroom setting. The employer or an intermediary may provide the training.

E. Time Limitations
Training should be for a specified length of time and may take place at the worksite or in a classroom.
INDIVIDUAL TRAINING ACCOUNTS (ITA)

A. Description

Individual Training Accounts are established on behalf of the participant. WIOA Title IB Adult, Dislocated Worker and Older Youth (18 or older) participants will use ITAs to purchase training services from eligible providers they select in consultation with the case manager or case manager.

Individual Training Account services may be made available to employed and unemployed adults and dislocated workers who have met the eligibility requirements for Individualized Career services, and have been determined to be unable to obtain or retain employment leading to self-sufficiency through such services. Youth are not required to receive Individualized Career services as a condition for the ITA.

The participant must have a completed IEP or ISS that indicates that, through interview, evaluation or assessment, the participant has been determined to be in need of training and has the necessary skills and qualifications to successfully complete the selected training program.

Selection of a training program must include the identification that the training is directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker is willing to relocate. In determining local demand occupation(s), providers may allow for training in occupations that may have high potential for sustained demand or growth in the local area.

Participants may select training programs in religious activities/occupations provided the training costs are covered through an ITA, the training meets the requirements in Section 1.30 Administrative Standards part H. and the training provider is on the Eligible Training Provider List.

Participants may select training that leads to self-employment in a particular occupation provided the training costs are covered through an ITA and the training provider is on the Eligible Training Provider List. As noted in Section 1.30 Administrative Standards part J. d., WIOA funding cannot be used for business start-up costs.

Start-Up Costs. Costs associated with the start-up of businesses are not considered allowable under the provisions of WIOA Law Section 181. Start-up costs associated with entrepreneur training would also fall under this prohibition. This prohibition will also apply to the start-up costs of an agency that would provide services to WIOA clients. However, the purchase of equipment (with appropriate prior approval) will continue to be an allowable cost.

B. Limitations on who can receive training services

1. Training services may be made available to employed and unemployed adults, dislocated workers and youth (age 18 or older) who:
   (a) A case manager or case manager determines, after an interview, evaluation, or assessment, and career planning, are:
      (1) Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
      (2) In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
      (3) Have the skills and qualifications to participate successfully in training services;
(b) Have selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate;

(c) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants (provisions relating to fund coordination are found at WIOA 20 CFR Part 680.230 and WIOA Sec. 134(c)(3)(B)); and

(d) If training services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system, if any, in effect for adults under WIOA 20 CFR Part 680.600 and WIOA Sec. 134(c)(3)(E).

2. Service providers and training providers must coordinate funds available and make funding arrangements with partner agencies so that WIOA ITA funds supplement Pell and other grant sources to pay for the cost of training (see D. re: Cost of Attendance).

3. Participants may enroll in ITA funded training while their application for a Pell Grant is pending provided that the service provider has made arrangements with the training provider and the participant regarding the allocation of the Pell Grant, if it is subsequently awarded. If a Pell Grant is awarded, the training provider must reimburse the service provider the ITA funds used to underwrite the tuition portion of the training costs from the PELL Grant.

4. Service providers should consider all available sources of funds, excluding loans, in determining an individual’s overall need for WIOA funds. Resources such as PELL, GI Bill and other federal grants should not be included in calculations of the level of WIOA assistance until the grant has been awarded.

5. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the participant for education-related expense. Note: Tuition is the sum charged for instruction and does not include fees, books, supplies, equipment and other training related expenses.

C. Duration, Cost Limits and Availability

1. Currently, there is no monetary limit or cap on ITAs; nor is there a limit on the length of the training. Service providers should keep in mind that the intent of WIOA is to get participants trained and into the workforce as quickly as possible. Training that can be completed within a few years or even shorter timeframe is the standard expectation. If a participant is requesting a longer training program, service providers should consult with a program manager. Service providers are to base the amount of the ITAs and duration of the training on each eligible participant’s needs and circumstances and the availability of program funds; with the goal to serve as many individuals as possible with the funding available.

2. ITAs are awarded per semester, quarter or for uninterrupted training coursework. Second and subsequent ITAs will be awarded only for continuing classes in the educational or training institution initially attended, unless there is mutual and justifiable agreement between the service provider and the participant that another training institution or training program is necessary.

3. An individual who has been determined eligible for an ITA may select a training institution and program from the Connecticut Eligible Training Provider List (ETPL) or from another State, provided that the training institution and program is listed on that State’s Eligible Training
Provider List, after consultation with a case manager or case manager. Unless the program has exhausted funds for the program year, the Service provider must refer the individual to the selected training program, and establish an ITA for the individual to pay for training.

**WIOA Regs. 20 CFR Part 680.340**

4. Payments may not be made to a training provider until the service provider ensures that the training provider and program selected is on the Eligible Training Provider list at time of payment for tuition and fees under WIOA ITAs.

**D. Payment system**

Individual Training Accounts are designed to identify WIOA funded costs associated with the training cost of attendance. The Cost of Attendance may include tuition, fees, room and board, books, supplies, and tools (if required for the training course). The ITA identifies the WIOA obligation for the participant and the participant will be able to access information about the account from the Service provider. Each service provider is responsible for maintaining an ITA payment system which ensures that payments made to Eligible Training Providers are timely, for the agreed upon amount, ensuring that the provider is on the ETPL at time of payment and that the payments are supported by appropriate documentation. [Note: Cost of Attendance may also include other expenses that are not incurred through the training provider such as child care, transportation, rent and other living expenses. WIOA service providers should take into account the full cost of participating in training services, including the cost of support services and other appropriate costs. WIOA funds may be used to assist with such expenses and are considered supportive services]

Financial responsibility for ITAs remains with the service provider who developed the ITA, in consultation with the participant, throughout the period of training, regardless of the location of the training provider. The financial responsibility of the service provider also extends to supportive services.

**E. Retakes of required classes**

WIOA funds may be used to pay for retakes of required classes if there is sufficient justification that has been documented by the case manager. Examples of justifiable reasons to pay for a retake would be the requirement to attain a specific grade to advance to higher level coursework in the training program; or circumstances beyond the participant’s control such as an unforeseen health issue. Service providers should consult with a program manager if they are uncertain about funding a specific retake request.

**F. Documentation**

Contact between the case manager or case manager, and the participant must occur, at a minimum, at the end of each quarter, semester or uninterrupted training course during the lifetime of the training plan. Contact may be made by telephone, through the mail, personal contact or other appropriate means to provide documentation of successful progress. Documents such as attendance records, grade reports, and statements from the instructing agency, are required as proof of participation and satisfactory academic progress. If the documentation indicates the participant is having problems, the case manager should maintain more frequent contact. Documentation of status of the provider, either Connecticut’s ETPL or another State’s list, must be maintained in the participant’s file.
ELIGIBLE TRAINING PROVIDER (ETPL) POLICY

As of July 1, 2015, the Workforce Innovation and Opportunity Act (WIOA) superseded the Workforce Investment Act (WIA) in providing federal funds for employment and training assistance. To carry out the mandates of WIOA, states are required to maintain a list of eligible training providers (ETPs) and programs. First established under WIA, the Eligible Training Provider List (ETPL) process was part of a strategy to ensure informed customer choice for training, performance accountability, and continuous improvement. WIOA further advances these goals by aligning several federal programs that support employment and training services.

Under WIOA, the Connecticut Department of Labor (CTDOL) continues to be designated as the agency responsible for administering the list of eligible training providers and the programs they offer. The ETPL is comprised of providers and programs approved by the local workforce development boards (WDBs) and the state to offer training services to eligible WIOA participants. In accordance with 20 CFR 680.430(a), which requires that the state establish “the criteria, information requirements, and procedures, including procedures identifying the respective roles of the State and local areas, governing the eligibility of providers and programs of training services to receive funds through ITAs,” CTDOL has established the following policy.

What is an eligible training provider (ETP)?

Pursuant to 20 CFR 680.410, an ETP is the only type of entity that receives funding for training services, as defined in 20 CFR 680.200 (see “Training Services for Adults and Dislocated Workers” section below), through an individual training account (ITA). An ETP and its program(s) must be included on the ETPL, must provide a program of training services (see “Program of Training Services” below), and must be one of the following types of entities:

1. Institutions of higher education that provide a program which leads to a recognized postsecondary credential (see “Definition of a Recognized Postsecondary Credential”);

2. Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.); or

3. Other public or private providers of training services, which may include:
   (i) Community-based organizations;
   (ii) Joint labor-management organizations; and
   (iii) Eligible providers of adult education and literacy activities under Title II of WIOA if such activities are provided in combination with training services described at 20 CFR 680.350.
**Training services for Adults and Dislocated Workers**

According to 20 CFR 680.200, which details training services for adults and dislocated workers, the following are types of training services listed in §680.200 (a) through (k) and in WIOA sec. 134(c)(3)(D). This list is not all-inclusive and additional training services may be provided.

(a) Occupational skills training, including training for nontraditional employment;

(b) On-the-job training (OJT) (pursuant to §§ 680.700, 680.710, 680.720, and 680.730);

(c) Incumbent worker training, in accordance with WIOA sec. 134(d)(4) and §§ 680.780, 680.790, 680.800, 680.810, and 680.820;

(d) Programs that combine workplace training with related instruction, which may include cooperative education programs;

(e) Training programs operated by the private sector;

(f) Skills upgrading and retraining;

(g) Entrepreneurial training;

(h) Transitional jobs in accordance with WIOA sec 134(d)(5) and §§ 680.190 and 680.195;

(i) Job readiness training provided in combination with services listed in paragraphs (a) through (h) of this section;

(j) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in paragraphs (a) through (g) of this section; and

(k) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training (pursuant to §§ 680.760 and 680.770).

**Program of Training Services**

A program of training services, pursuant to 20 CFR 680.420, is one or more courses or classes, or a structured regimen, that provides the services in § 680.200 (see above) and leads to:

(a) An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;

(b) Consistent with § 680.350, a secondary school diploma or its equivalent;

(c) Employment; or

(d) Measurable skill gains (as defined in federal guidance, including TEGL 10-16, Change 1) toward a credential described in paragraph (a) or (b) of this section or employment.
Definition of a Recognized Postsecondary Credential

Per TEGL 10-16, Change 1, a recognized postsecondary credential is defined as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal government, or an associate or baccalaureate degree, as well as graduate degrees for purposes of the Vocational Rehabilitation program as required by section 103(a)(5) of the Rehabilitation Act of 1973, as amended by Title IV of WIOA. A recognized postsecondary credential is awarded in recognition of an individual’s attainment of measurable technical or industry/occupational skills necessary to obtain employment or advancement within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.

Certificates awarded by workforce development boards (WDBs) and work readiness certificates are not included in this definition because neither type of certificate is recognized industry-wide, nor documents the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation. Likewise, such certificates must recognize technology or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

A variety of different public and private entities issue recognized postsecondary credentials. Below is a list of the types of organizations and institutions that award recognized postsecondary credentials (not all credentials by these entities meet the definition of recognized postsecondary credential).

- A State educational agency or a State agency responsible for administering vocational and technical education within a State;
- An institution of higher education described in Section 102 of the Higher Education Act of 1965 (20 USC s e c. 1002) that is qualified to participate in the student financial assistance programs authorized by title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs;
- An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes.
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified IT Professional (MCITP), Certified Novell Engineer, a Sun Certified Java
Programmer, etc.) using a valid and reliable assessment of an individual's knowledge, skills and abilities;

• ETA’s Office of Apprenticeship or a State Apprenticeship Agency;

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

• A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons: or

• Job Corps, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements.

**Definition of a Secondary School Diploma or Recognized Equivalent** (pursuant to TEGL 10-16, Change 1)

For purposes of the credential attainment performance indicator, a secondary school diploma (or alternate diploma) (commonly referred to as high school diploma) is one that is recognized by a State and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirements for a high school education. The types of recognized equivalents, for those not covered under ESEA, that would satisfy this performance indicator are those recognized by a State.

Examples of secondary school diplomas, alternate diplomas, and recognized equivalents recognized by individual States include:

- Obtaining certification of attaining passing scores on a State-recognized high school equivalency test.
- Earning a secondary school diploma or State-recognized equivalent through a credit bearing secondary education program sanctioned by State law, code, or regulation.
- Obtaining certification of passing a State recognized competency-based assessment.
- Completion of a specified number of college credits.

**Types of Acceptable Credentials** (pursuant to TEGL 10-16, Change 1)

The following are acceptable types of credentials that count toward the credential attainment indicator:
• Secondary school diploma or recognized equivalent (see definition in section above)
• Associate’s degree
• Bachelor’s degree
• Graduate degree for purposes of the Vocational Rehabilitation (VR) program
  (In defining “recognized postsecondary credential,” WIOA sec. 3(52) does not include
  graduate degrees. As a result, graduate degrees do not count towards credential
  attainment, except for the Title IV VR programs, which are permitted to include
  graduate degrees as a type of recognized credential because of statutory and regulatory
  requirements specific to that program.)
• Occupational licensure
• Occupational certificate, including Registered Apprenticeship and Career and
  Technical Education educational certificates
• Occupational certification
• Other recognized certificates of industry/occupational skills completion
  sufficient to qualify for entry-level or advancement in employment.

**Industry-Recognized Credential**

USDOL has chosen not to define “industry-recognized credential,” explaining in the Final Rules
dated August 19, 2016 that it is an evolving term and that by defining it the regulation may limit
future innovation around industry-relevant training. CTDOL will not be issuing a definition of
this term.

**Credit or Non-credit Programs Offered By an Institution of Higher Education* That Do
Not Independently Result In a Credential**

*see the second bullet at “Definition of a Recognized Postsecondary Credential” as to “institution of higher
education”

As stated in this policy’s “Definition of a Recognized Postsecondary Credential” section, not all
credentials offered by an institution of higher education* meet the definition of a recognized
postsecondary credential. Some offerings by Connecticut community colleges and other
institutions of higher education are “non-credit” courses. Other offerings, upon successful
completion, may result in a few credits earned. In either of these cases, the outcome is often a
completion certificate (or other award) that does not independently offer the WIOA program
participant a recognized postsecondary credential under WIOA policy. USDOL’s Final Rules
dated August 19, 2016, however, states that “programs of training services (see “Program of
Training Services” within this policy) should be inclusive of non-credentialed training, such
as…single courses that fall within a career pathway. The introduction of § 680.420
emphasizes that training services that “lead to” any of the outcomes listed at § 680.420, which
includes employment, is a program of training services. Therefore, programs that are
components of such a regimen may be eligible programs.” Given this, WDBs may consider approving for inclusion on the WIOA ETPL programs of this nature.

To demonstrate that the single course (program) falls within a career pathway, the applying institution of higher education* must submit a fully completed (all fields) “Workforce Innovation and Opportunity Act Eligible Training Providers List Program Endorsement Form” for the program, bearing the signature, printed name, and date of signature of the president of the institution of higher education. The form may not simply state “stackable credential;” the justification must clearly describe the career pathway that ultimately leads to a recognized credential under WIOA policy, and must state the title(s) of any other program or sequence of programs (or program of study/structured pathway) that must, over time, also be successfully completed. For the “Curriculum aligned with named industry standards” field, the institution must provide a clear, comprehensive description that supports how the curriculum of the program is aligned with industry standards. Alternatively, the applying institution of higher education* may offer (upon successful completion of the program) a recognized credential issued by an entity other than itself.

In addition, the Individual Employment Plan (IEP) of any participant attending an “endorsed” program, must, in keeping with the objectives of WIOA sec. 134(c)(2)(A)(xii)(II), describe how the program is expected to lead to skills upgrading or retraining and the achievement or retention of employment that leads to self-sufficiency. The career plan must be developed with consideration of the assessment of the participant’s skills and abilities.

**Apprenticeship and the ETPL**

Pursuant to section 122(a)(3) of the WIOA, apprenticeship programs registered with the Connecticut Department of Labor, Apprenticeship Division are automatically eligible to be included on the ETPL.

Although registered apprenticeship programs are automatically eligible, the program will not be included on the ETPL unless the program provider notifies the Apprenticeship Division of its intention to be included on the ETPL.

The Apprenticeship Division will notify every apprenticeship program, registered as of the date of enactment of these procedures, to determine whether the program provider wants to be included on the ETPL.

New apprenticeship programs that want to be included on the ETPL shall indicate this intention on the provider section of the CTHires application.

If the program is already approved as a sponsor or related instruction provider through the Connecticut Department of Labor Office of Apprenticeship Training the program will be added
to the ETPL list in CTHires by the local Workforce Development Board in the region where the
program/sponsor is located.

If the program is not an approved sponsor or related instruction provider they must first contact
the Connecticut Department of Labor Office of Apprenticeship Training to seek approval.

Once an apprenticeship program is registered on the ETPL, the program will remain on the
ETPL until the program is no longer registered with the Connecticut Department of Labor Office
of Apprenticeship Training or until the provider notifies the Apprenticeship Division, in writing,
of the intention to be removed from the list.

Registered apprenticeship programs are not required to submit initial or continued eligibility
applications under these procedures. Registered apprenticeship programs are required to comply
with all laws and rules regarding apprenticeship programs and labor laws in the State of
Connecticut.

Per 20 CFR 680.480(b) all approved sponsors and related instructions providers will be notified
in writing or electronically bi-annually to reaffirm their request to remain on the ETPL list.

Note: Registered apprenticeship programs, which are not required to apply for the WIOA ETPL,
are subject only to certain reporting requirements as set forth in TEGL 41-14, applicable
regulation, or other guidance.

WIOA ETP Application Process

1. Application Form

An entity may apply for WIOA ETP approval by completing the “Connecticut Department of
Labor (CTDOL) Workforce Innovation and Opportunity Act (WIOA) Eligible Training Provider
(ETP) Application.” The application form is available on CTDOL’s website at

All fields on the application must be completed, including those for signatures, signatory dates,
and other attestations. If a field is not applicable to the entity, “N/A” or a dash must be entered.
All supporting documentation and required attachments, as specified in the application, must be
included with the application at the time it is submitted to the WDB. Incomplete applications and
those submitted without supporting documentation and required attachments will be returned to
the entity for completion and will not be considered for review and approval by the WDB(s) until
the application is complete.

As described in the WIOA ETP Application, the applying entity must submit the original
application form, with all required attachments and supporting documentation, to the lead WDB
and, if applicable, a copy of the application must be sent to any secondary WDB(s) for review.
Lead board - the WBD for the area in which the applying entity’s headquarters (or, as applicable, main campus) is located. An entity may only select one lead WDB.

Secondary board – the WDB(s) for the local board area(s) in which any of the applying entity’s training sites for program offerings are located. If the entity is applying to list training that will be offered at a site other than at the headquarters/main campus, the applying entity must send a copy of the entire, completed ETP application, with all required attachments and supporting documentation, to each applicable secondary WDB.

2. Review by the WDB

Upon receipt of a WIOA ETP Application, the WDB shall review the application for completeness. As described above, incomplete applications and those submitted without supporting documentation and required attachments shall be returned to the entity for completion and will not be considered for review and approval by the WDB(s) until the application is complete.

The local lead WDB and any applicable secondary WDB shall review each complete ETP Application. The local WDB review process shall be conducted in compliance with local board policy, as well as with applicable federal and state policies, and shall include a review for completeness, verification of application information (which must also include confirmation of entity and program approvals, as applicable, by other state agencies), and consideration of whether the factors for initial or continued eligibility have been satisfied.

Initial Eligibility

Eligibility Factors

Pursuant to WIOA sec. 122(b)(4)(B), ETPs may receive initial eligibility for only one year for a particular program; after initial eligibility expires, ETPs are subject to application procedures for continued eligibility (see “Continued Eligibility.”) The Workforce Innovation and Opportunity Act (WIOA) includes certain criteria that must be met in order ensure that a provider of programs offers the highest quality training services and is responsive to in-demand and emerging industries by providing training services for those industries (WIOA §122(b)(4)(A)). The applying entity shall describe each program of training services to be offered and provide verifiable program-specific performance information based on criteria established by the state (WIOA §122(b)(4)(C)) to support the entity’s ability to serve program participants. Pursuant to WIOA §122(b)(4)(D)(i-iv), an entity seeking initial eligibility as a provider of training services must meet the following criteria:

- A factor related to indicators of performance as described in WIOA §116(b)(2)(A)(j)(I-IV) and 20 CFR 680.460(g)(1), as set by Connecticut Department of Labor ETPL policy. For PY2015 an entity’s initial eligibility under
WIOA (first year), the entity must document that it meets at least one of the following by submitting performance data:

- Median Earnings (Quarterly basis) - $3,459.00
- Average Wage at Placement - $9,344.00
- Attainment of a Post-Secondary Credential - 60%
- Completion Rate - 60%
- Employment Rate - 65%
- Training-related Employment Rate - 65%

For each program to be offered on the ETPL, documentation must include the program name and the most recent annual data that is available (for example, 7/1/14 - 6/30/15 or 7/1/15 - 6/30/16) for ALL individuals enrolled in the program for at least one of the factors above. The timeframe that the data is from must be stated on the documentation. If the program is new to the entity and historical data are not available, data must be tracked upon ETP approval and submitted in accordance with the requirements described at Reporting Performance Indicators.”

- A factor concerning whether the provider is in a partnership with business. Consideration for satisfying this factor will include active involvement (not just membership) in: a local Chamber of Commerce, the Connecticut Business and Industry Association (CBIA) or other local business association, Connecticut Workforce Development Board, Advisory Boards (colleges/universities), clinical partnership agreements, internships/externships with businesses, and affiliations with business associations. Submit a list of partnerships and describe the nature of the partnership.

- Other factors that indicate high-quality training services. If the applying entity or its programs are required by Connecticut statute to be approved by the Connecticut Office of Higher Education, State Department of Education, Department of Consumer Protection, or Department of Public Health to offer training, this Eligibility Factor will be deemed as met. For other entities, high quality may be demonstrated by providing information to show that the training services lead to any one of the outcomes listed at Program of Training Services ((a) –(d)).
• A factor concerning alignment of the training services with in-demand industry sectors and occupations. To satisfy this factor, review the in-demand occupations listed on CTDOL’s website, [http://www1.ctdol.state.ct.us/lmi/projections.asp](http://www1.ctdol.state.ct.us/lmi/projections.asp), and provide documentation from the site to verify the training service is specifically related to an in-demand industry sector or occupation. Otherwise, provide information and documentation to show the extent to which the training service(s) aligns with the in-demand industry sectors and occupations displayed on this CTDOL website. In-demand occupations may vary at the local level; applying providers may consult with the lead WDB.

The lead WDB and any secondary WDBs must determine local approval or denial of ETP applications pursuant to federal and state policy via the process set forth by each board’s policy. Secondary WDBs must advise the lead WDB once approval or denial has been decided. For application denials at the local board level, refer to the “Reason for Application Denial” section below.

Once the lead and all applicable secondary board approvals have been made, the lead WBD shall submit an email request to CTDOL’s WIOA Administration Unit to conduct the state-level review of the applying entity. The email must include the entity’s:

• Name (legal and any documented DBA) as stated on the WIOA ETP Application
• Address
• Provider type, as indicated on the WIOA ETP Application

The WDB will also fax to CTDOL WIOA Administration the applying entity’s “Employer Authorization for the Release of Confidential Data,” which form is available on CTDOL’s website at [http://www.ctdol.state.ct.us/wia/wioa-trngproviderapps.htm](http://www.ctdol.state.ct.us/wia/wioa-trngproviderapps.htm). This authorization permits CTDOL to share the specific results of the state-level review of the applying entity with the designated WDB. The WDB will then relay the information to the applying entity.

The WDB and applying entity shall provide to CTDOL any other information requested by CTDOL during the state-level review process to ensure compliance with federal and state policy.

3. **Review by CTDOL**

The state-level review process will include the following steps:

• CTDOL will review the applying entity with the following CTDOL divisions to determine if there is a record of any employment law non-compliance:
  
  • Wage and Workplace Standards Division
  • UI Tax, including Employer Status as applicable
  • OSHA
- CTDOL’s WIOA Administration Unit will either:
  - inform the lead WDB that the applying entity has been approved for listing on the WIOA ETP (the lead WDB will then inform any secondary WDB and the entity), or
  - notify the lead WDB that the review has identified substantive violations or inaccuracies.
- The lead WDB will notify the applying entity that its application cannot receive final approval until the entity and the enforcing agency have agreed to a remedy.

4. Approved ETPs – WDB and ETP Requirements

Once the WDB has informed the applying entity that it has been approved as an ETP, the WDB shall enter the entity’s ETP application information into CTHires. All ETPs are subject to WIOA performance and reporting requirements upon entity approval for the ETPL, except where specifically exempt under WIOA. See Reporting Performance Indicators section of this policy for details.

5. Reasons For Initial Application Denial

The following policy applies in the event the WIOA ETP application is not approved by the local board or when a substantive identified violation or inaccuracies cannot be remedied as described above at the state-review level:

A. The lead WDB and any secondary WDB(s) shall deny the entity’s application for ETP eligibility if the application from an entity is not complete.

B. The lead WDB and any secondary WDB(s) shall deny the entity’s application for ETP eligibility if an applying entity fails to meet the minimum criteria for initial eligibility and approval as specified in this policy.

C. The WDB(s) or CTDOL shall deny the entity’s application for ETP eligibility if it is determined that the applicant intentionally supplied inaccurate information.

D. The WDB(s) or the CTDOL shall deny the entity’s application for ETP eligibility if it is determined a provider has substantially violated any WIOA requirements or federal or state laws.

If a WDB denies a provider’s application for listing on the ETPL, the WDB shall, within 30 days of receipt of the application, inform the applying entity in writing and include the reason(s) for the denial and provide information on the appeals process.
If CTDOL denies an applying entity for listing on the ETPL, CTDOL shall, within 30 days of receipt of the state-level review request, inform the lead WDB and applying entity and include the reason(s) for the denial and provide information on the appeals process.

**Continued Eligibility**

Pursuant to [20 CFR 680.460](https://www.gpo.gov/fdsys/pkg/CFR-2012-title20-vol1/pdf/CFR-2012-title20-vol1.pdf), CTDOL has established this continued eligibility policy for all WIOA-approved training providers and programs. All ETPs and their programs will be reviewed biennially following their one year of initial WIOA ETP eligibility. Since applications for the WIOA ETPL were reviewed for approval on a rolling basis during the transition from WIA to WIOA, Connecticut will conduct continued eligibility determinations on a rolling basis. As with initial eligibility, decisions regarding continued eligibility will be made on a program by program basis. Applications must be complete and accurate.

The continued eligibility review will take the following required factors into account:

1. The performance of the ETP’s program on:
   - The performance accountability measures described in WIOA secs. 116 (b)(2)(A)(i)(I)-(IV) and the other matters required by WIOA sec. 122 (b)(2);
   - Other appropriate measures of performance outcomes determined by the state for program participants receiving training services under WIOA Title I-B.
   - Outcomes of the programs of students in general with respect to employment and earnings as defined by WIOA sec. 116(b)(2).
   - All of these measures may include minimum performance standards.
   - Until data from the conclusion of each performance indicator's first data cycle are available, alternate factors related to the measures described in 1-4 above will be taken into consideration.

2. Access to training services throughout the state, including in rural areas, and through the use of technology;

3. Information reported to state agencies on federal and state training programs other than programs within WIOA Title I-B;

4. The degree to which programs of training services relate to in-demand industry sectors and occupations in the state;

5. State licensure requirements of training providers;

6. Providers’ offering of industry-recognized certificates and credentials;
7. The ability of providers to offer programs of training services that lead to postsecondary credentials;

8. The quality of the program of training services including a program that leads to a recognized postsecondary credential;

9. The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment;

10. The timeliness and accurately of training providers’ performance reports;

11. Other factors that the state determines are appropriate in order to ensure: The accountability of providers; that one-stop centers in the state will meet the needs of local employers and participants; and, that participants will be given an informed choice among providers.

12. Compliance with the information requirements that the state has established herein which require ETPs to submit appropriate, accurate and timely information for participants receiving training under WIOA Title I-B. The information must include:

   - The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
   - The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
   - The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
   - The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;
   - Information on recognized postsecondary credentials received by program participants;
   - Information on cost of attendance, including costs of tuition and fees, for program participants;
   - Information on the program completion rate for such participants.
Apprenticeship Eligibility

Procedures for registered apprenticeship programs to be included and maintained on the list are described in 20 CFR 680.470. Apprenticeship programs registered under the National Apprenticeship Act must be included and maintained on the State list of eligible training providers and programs as long as the program remains registered, unless the registered apprenticeship program is removed from the list for a reason set forth in 20 CFR 680.470.

Removal from the ETPL

1. Reasons for Removal.

A training provider must meet the requirements for eligibility and provide accurate information in order to retain its status as an eligible training provider.

   a. WDBs or CTDOL may remove a program if the provider fails to provide all the data required for continued eligibility determination within the required timeframes.

   b. WDBs or CTDOL shall remove a program at any point at which it is determined that the program does not meet the minimum criteria for initial listing specified in this procedure.

   c. WDBs or CTDOL shall remove a program if, as a result of the continued eligibility determination process, the program has not met the minimum levels of performance set by the State or by the Local Board.

   d. CTDOL shall remove a program if it determines after consultation with the WDB involved, that the applicant intentionally supplied inaccurate information.

   e. WDBs or CTDOL may remove a program if the provider is found to have substantially violated any WIOA requirements.

2. If a WDB removes a program from the ETPL, the WDB must, within 10 business days of its decision, inform the provider in writing and include the reason(s) for the denial and provide information on the appeals process.

3. If CTDOL removes a program from the ETPL, CTDOL shall inform the provider in writing within 10 business days and include the reason(s) for the denial and provide information on the appeals process. In addition, CTDOL must inform the LWDB where the provider applied of the denial and the reason(s) for the denial.

4. A provider whose eligibility is terminated under these conditions must be terminated for not less than 2 years and is liable to repay all youth, adult, and dislocated worker training funds it received during the period of noncompliance.
5. In order for the program to be added back to the ETPL, the provider must reapply through the LWDB. Performance data is required as part of the application process for the time period when the program was removed from the ETPL.

6. While a program is removed from the ETPL for continued eligibility reasons, the ETP cannot receive new training participants utilizing ITA funds for the removed programs.

**ETPL Appeal Process**

Appeals to Local Boards.

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

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

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

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

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

Appeals to CTDOL

1. This procedure applies to an appeal by a training provider based on:

   - Denial of eligibility by a WDB or the designated State agency under 20 CFR 683.630. This includes a CTDOL denial of the provider’s application for initial listing on the ETPL as outlined in WIOA sec. 122. In addition, a provider may appeal to the Connecticut Department of Labor Commissioner if it has exhausted the appeals process of a WDB and is dissatisfied with the WDB’s final decision.

   - Termination of eligibility or other action by a WDB or State agency under WIOA sec. 122 (c), which refers to the removal of a program already listed on the ETPL.
• Denial of eligibility as a provider of on-the-job training (OJT) or customized training by a One-Stop operator under WIOA sec. 122 (h).

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

Commissioner Kurt Westby
CT Department of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109

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

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

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

5. CTDOL will promptly notify the appropriate WDB of any appeal request and any final decision.

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

**Reporting Performance Indicators**

Per WIOA 20 CFR 680.490 performance as indicated at “continued eligibility” should be reported at least every two years. Information collected may be completed and submitted in the following fashion.

All providers may report this information through the CTHires extract system (under development at this time) or manually to the LWDB at least quarterly.
Each WDB will be responsible for creating a policy to ensure the timely submission of ETPL performance information. The policy must outline the procedures for submission and the associated time frames required for submission to the WDB.

CTDOL will issue specific procedures for reporting specific performance information.

Providers who demonstrate that providing required performance information would be unduly burdensome or costly; may be provided exclusion from performance reporting requirements or provided with technical assistance in order to comply.
SUPPORTIVE SERVICES

A. Supportive Services § 680.900
Supportive services are services that are reasonable and necessary to enable a WIOA participant who cannot afford to pay for such services to participate in activities funded under WIOA. The provision of Supportive Services must be determined on an individual case-by-case basis.

All WIOA participants are eligible to receive supportive services provided they meet all other criteria described in this supportive services policy. The funding for the supportive services is provided by the program(s) in which they are enrolled.

Supportive services shall only be used to pay for specific necessary services and shall be limited to payments that are necessary for participation in the program. The individual determination of need and the amount of such assistance shall be based upon the results of the comprehensive assessment or objective assessment and similarly documented in the Individual Employment Plan (IEP) for adults/dislocated workers and the Individual Service Strategy (ISS) for youth. Documentation must be maintained in the participant’s files. Source documentation includes but is not limited to actual utility bills and receipts for goods and services purchased. Accepting a participant’s self-disclosure or declaration of expenses as documentation is not allowable. Additionally, source documentation must be current and not incurred prior to the individual’s enrollment in a WIOA program. The provider is responsible for documenting in the IEP/ISS or case notes that the service is not available from any other source (including the participant’s own resources).

All supportive services must have been approved prior to the participant receiving or obtaining the goods or services.

A participant may waive WIOA payments (except for a paid Work Experience) if accepting payment would mean the loss of the benefits. The participant may request the payment to start at a later date, but may not claim retroactive payments. Advances against future payments are not allowed.

Supportive services cannot be used to pay for charges that were incurred prior to the participant’s enrollment. Therefore to be eligible for any WIOA financial assistance payments, a participant must have been determined WIOA eligible and:
- participating in youth services/activities or participating in intensive and/or training services for adults and dislocated workers;
- are unable to obtain supportive services through other programs providing such services; and
- must have complied with program regulations and policies during the period of training and/or enrollment as applicable.

Service providers should provide no further payments to participants that fail to participate without good cause.
The use of supportive services is encouraged to enable hard-to-serve populations in particular to participate in longer-term interventions. As noted earlier the provision of supportive services must be determined on an individual basis.

§ 680.910 When may supportive services be provided to participants?
(a) Supportive services may only be provided to individuals who are:

(1) Participating in career or training services as defined in WIOA secs. 134(c)(2) and
(2) Unable to obtain supportive services through other programs providing such services.

(b) Supportive services only may be provided when they are necessary to enable individuals to participate in career service or training activities.

Youth Supportive Services 20 CFR 681.570
Supportive services for youth, as defined in WIOA sec. 3(59), are services that enable an individual to participate in WIOA activities. These services include, but are not limited to, the following:

- Linkages to community services
- Assistance with transportation;
- Assistance with child care and dependent care;
- Assistance with housing;
- Needs-related payments;
- Assistance with educational testing;
- Reasonable accommodations for youth with disabilities;
- Legal aid services;
- Referrals to health care;
- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- Payments and fees for employment and training-related applications, tests, and certifications.

E. Needs-Related Payments 20 CFR 680.930
1. Needs-related payments provide financial assistance to participants for the purpose of enabling individuals to participate in training and are one of the supportive services authorized by WIOA Sec. 134(d)(3).

2. Individual determination of a participant's payment and the amount of such payment shall be based upon the results of the objective assessment and recorded in the IEP.

3. Needs-related payments shall not be provided to any participant for the period that such individual is employed, enrolled in or receiving on-the-job training, out-of-the area job search allowances, relocation allowances, trade readjustment allowances, or basic readjustment services in WIOA programs.
Needs-related payments may be provided if the participant has been accepted in a training program that will begin within 30 calendar days.

20 CFR 680.940
4. Needs-related Payments to Adults and Youth (age 18 or older)
   a. To meet the eligibility requirements for needs-related payments the individual must:
      (1) be unemployed;
      (2) not qualify for, or has ceased to qualify for unemployment compensation; and
      (3) be enrolled in a program of WIOA Title IB training services under WIOA Sec. 134(c)(3).

20 CFR 680.970
b. Needs-Related Payment Level. There is currently no needs-related payment level in place. Service providers should determine the level of needs-related payments based on budget and the participant’s needs.

20 CFR 680.950
5. Needs-related Payments to Dislocated Workers
   a. To meet the eligibility requirements for needs-related payments an individual must:
      (1) be unemployed;
      (2) have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
      (3) be enrolled in WIOA Title IB dislocated worker training services by the end of the thirteenth week after the most recent layoff that resulted in eligibility determination for the program; or if later, by the end of the eighth week after the worker is informed that a short-term layoff will exceed six months; or
      (4) be unemployed and did not qualify for unemployment compensation or trade readjustment allowance under TAA and be enrolled in a program of training services under WIOA Sec. 134(c)(3).

b. Needs-Related Payment Level. The needs-related payment level for dislocated workers must not exceed the greater of either of the following levels:
   (1) the payment may not exceed the applicable weekly level of the unemployment compensation; or
   (2) the economically disadvantaged income level for participants who did not qualify for unemployment insurance as a result of a qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period.

WIOA 20 CFR Part 680.970
c. Needs-related payments may be provided while the participant is waiting to start training classes. The participant must have been accepted in a training program that will begin within 30 calendar days.

WIOA 20 CFR Part 680.960

6. Needs-related Payments to Youth
   Needs-related payments are allowable supportive services to youth.

WIOA 20 CFR Part 681.570

7. “Enrolled in a training or education program" means that the application for training has been approved and the training institution has furnished written notice that the individual
has been accepted in the approved training program beginning within thirty calendar days.

Needs-related payments are only allowable where WIOA Formula funds are sufficient to allow such costs. With National Emergency Grants, needs-related payments must be part of the grant budgets submitted and approved by the United States Department of Labor.
FOLLOW-UP SERVICES AND ACTIVITIES

Follow-up Services are services that are provided to adult and dislocated worker participants who enter employment and all youth participants after exiting their WIOA enrollment. Follow-up services provide a continuing link between the participant and workforce system. These services allow providers to assist with other services that the participant may need once he or she obtains employment.

A. Adult and Dislocated Worker Follow-up Services

Appropriate follow-up Services, which may include counseling regarding the workplace, must be made available to Adult and Dislocated Worker participants who exit to unsubsidized employment for a minimum of 12 months following the first date of employment.

Case managers should contact the participant at least once a quarter to check in with participants who have obtained unsubsidized employment to see if they need assistance in job retention, wage gains and career progress.

Appropriate follow-up services may vary among different participants, for example participants with multiple employment barriers and limited work histories may need significant follow-up services to ensure long-term success in the labor market including program funded supportive services. Others may identify an area of weakness in WIOA training that may affect their ability to progress further in their occupation or to retain employment.

Follow-up services could include:
1. additional career planning and counseling
2. contact with the participant’s employer, including assistance with work related problems that may arise;
3. peer support groups;
4. information about additional educational opportunities;
5. limited financial support; and
6. referral to supportive services available in the community.

Financial assistance such as needs-related payments are not an allowable follow-up service.

Note: Per TEGL 19-16 Follow-up Services do not extend the date of exit in performance recording.

B. Youth Follow-up Services

1. All WIOA Youth participants, with the exception of those listed in B.2, must receive some form of follow-up services for a minimum duration of 12 months. Follow-up services may be provided beyond 12 months if it’s beneficial to the youth to continue to receive follow-up services. Follow-up services are critical services that are provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training. Case manager should make contact at least quarterly with the youth to ascertain their status and to determine if they
need additional service or support. This must be documented in case notes. The types of services provided and the intensity of follow-up services may differ for each participant however **follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.**

WIOA Law Sec. 129(c)(2)(I)

**20 CFR 681.580**

Youth follow-up services may include:
(1) The leadership development and supportive service activities listed in 20 CFR Parts 681.520 and 681.570;
(2) Regular contact with youth participant’s employer, including assistance in addressing work-related problems that arise;
(3) Assistance in securing better paying jobs, career pathway development and further education or training;
(4) Work-related peer support groups;
(5) Adult mentoring; and/or
(6) Providing services as necessary to ensure the success of youth participants in employment and/or post-secondary education.

WIOA Regs. **20 CFR Part 681.580**

2. Although WIOA regulations mandate the provision of follow-up services to all youth there will be times when it might not be possible to provide follow-up services or to provide these services for a minimum of twelve (12) months. Some youth may have relocated to another state, or cannot be located or contacted after several attempts, or have clearly communicated that they are not interested in receiving further services or additional assistance. While there is no doubt of the value of providing follow-up services that service provision may not be possible in every instance and cannot be “forced.” In these instances it is critical to exercise due diligence with respect to the mandatory provisions of follow-up services for a minimum duration of 12 months after exit. Case managers must document thoroughly in CTHires case notes the justification for not providing follow-up services.

Youth that might not receive follow-up services include:
- Youth that have not been in contact with the case manager for a period of at least 90 days (3 quarters). NOTE: Case managers should document at least six attempts to contact the youth in that time period;
- Youth that have moved from the area;
- Youth that refuse to participate;
- Youth that are institutionalized;
- Youth receiving medical treatment or providing care for a family member with a health/medical condition that precludes continued participation in the program;
- Youth who have relocated to a mandated program
  o i.e., youth in foster care or another mandated program and have moved from the area because of such program

This does not include relocation to Job Corps
3. **Youth that are in follow-up but cannot be contacted.** Keep the follow-up service activity open on the youth’s CTHires Employment Plan. Attempt to contact the youth at least once a quarter and document this in a case note. Close the follow-up service at the end of the minimum requirement period of 12 months.

C. **Follow-up Activities**

Follow-up activities are conducted to ensure positive outcomes and to give credit for outcomes. Obtaining supplemental data to determine if the individual is employed in the four calendar quarters following exit to unsubsidized employment is a follow-up activity.
THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

The Worker Adjustment and Retraining Notification Act (WARN) was enacted on August 4, 1988 and became effective on February 4, 1989.

A. General Provisions
WARN offers protection to workers, their families and communities by requiring employers to provide 60 days in advance notice of covered plant closings, and covered mass layoffs. This notice must be provided to either affected workers or their representatives (e.g., a labor union); to the State dislocated worker unit; and to the appropriate unit of local government.

B. Employer Coverage
In general, employers are covered by WARN if they have 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months and not counting employees who work an average of less than 20 hours a week. Private, for-profit employers and private, nonprofit employers are covered, as are public and quasi-public entities which operate in commercial context and are separately organized from the regular government. Regular Federal, State, and local government entities that provide public services are not covered.

C. Employee Coverage
Employees entitled to notice under WARN include hourly and salaried workers, as well as managerial and supervisory employees. Business partners are not entitled to notice.

D. What Triggers Notice
Plant Closing: A covered employer must give notice if an employment site (or one or more facilities or operating units within an employment site) will be shut down, and the shutdown will result in an employment loss (as defined later) for 50 or more employees during any 30-day period. This does not count employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week for that employer. These latter groups, however, are entitled to notice (discussed later).

Mass Layoff: A covered employer must give notice if there is to be a mass layoff which does not result from a plant closing, but which will result in an employment loss at the employment site during any 30-day period for 500 or more employees, or for 50-499 employees if they make up at least 33% of the employer’s active workforce. Again, this does not count employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week for that employer. These latter groups, however, are entitled to notice (discussed later).

An employer must also give notice if the number of employment losses which occur during a 30-day period fails to meet the threshold requirements of a plant closing or mass layoff, but the number of employment losses for 2 or more groups of workers, each of which is less than the minimum number needed to trigger notice, reaches the threshold level, during any 90-day period of either a plant closing or mass layoff. Job losses within any 90-day period will count together toward WARN threshold levels, unless the employer demonstrates that the
employment losses during the 90-day period are the result of separate and distinct actions and causes.

E. Sale of Business
In a situation involving the sale of part or all of a business, the following requirements apply.
(1) In each situation, there is always an employer responsible for giving notice.
(2) If the sale by a covered employer results in a covered plant closing or mass layoff, the required parties (discussed later) must receive at least 60 days notice.
(3) The seller is responsible for providing notice of any covered plant closing or mass layoff, which occurs up to, and including the date/time of the sale.
(4) The buyer is responsible for providing notice of any covered plant closing or mass layoff, which occurs after the date/time of the sale.
(5) No notice is required if the sale does not result in a covered plant closing or mass layoff.
(6) Employees of the seller (other than employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week) on the date/time of the sale become, for purposes of WARN, employees of the buyer immediately following the sale. This provision preserves the notice rights of the employees of a business that has been sold.

F. Employment Loss
The term “employment loss” means:
(1) An employment termination, other than a discharge for cause, voluntary departure, or retirement;
(2) A layoff exceeding 6 months; or
(3) A reduction in an employee’s hours of work of more than 50% in each month of any 6-month period.

Exceptions: An employee who refuses a transfer to a different employment site within reasonable commuting distance does not experience an employment loss. An employee who accepts a transfer outside this distance within 30 days after it is offered or within 30 days after the plant closing or mass layoff, whichever is later, does not experience an employment loss. In both cases, the transfer offer must be made before the closing or layoff, there must be no more than a 6 month break in employment, and the new job must not be deemed a constructive discharge. These transfer exceptions from the “employment loss” definition apply only if the closing or layoff results from the relocation or consolidation of part of all of the employer’s business.

G. Exemptions
An employer does not need to give notice if a plant closing is the closing of a temporary facility, or if the closing or mass layoff is the result of the completion of a particular project or undertaking. This exemption applies only if the workers were hired with the understanding that their employment was limited to the duration of the facility, project or undertaking. An employer cannot label an ongoing project “temporary” in order to evade its obligations under WARN.
An employer does not need to provide notice to strikers or to workers who are part of the bargaining unit(s) which are involved in the labor negotiations that led to a lockout when the strike or lockout is equivalent to a plant closing or mass layoff. Non-striking employees who experience an employment loss as a direct or indirect result of a strike and workers who are not part of the bargaining unit(s), which are involved in the labor negotiations that led to a lockout, are still entitled to notice.

An employer does not need to give notice when permanently replacing a person who is an “economic striker” as defined under the National Labor Relations Act.

**H. Who Must Receive Notice**
The employer must give written notice to the chief elected officer of the exclusive representative(s) or bargaining agency(s) of affected employees and to unrepresented individual workers who may reasonably be expected to experience an employment loss. This includes employees who may lose their employment due to “bumping,” or displacement by other workers, to the extent that the employer can identify those employees when notice is given. If an employer cannot identify employees who may lose their jobs through bumping procedures, the employer must provide notice to the incumbents in the jobs, which are being eliminated. Employees who have worked less than 6 months in the last 12 months and employees who work an average of less than 20 hours a week are due notice, even though they are not counted when determining the trigger levels.

The employer must also provide notice to the State dislocated worker unit and to the chief elected official of the unit of local government in which the employment site is located.

**I. Notification Period**
With three exceptions, notice must be timed to reach the required parties at least 60 days before a closing or layoff. When the individual employment separations for a closing or layoff occur on more than one day, the notices are due to the representative(s), State dislocated worker unit and local government at least 60 days before the separation. If the workers are not represented, each worker’s notice is due at least 60 days before that worker’s separation. The exceptions to 60-day notice are:

1. Faltering company. This exception, to be narrowly construed, covers situations where a company has sought new capital or business in order to stay open and where giving notice would ruin the opportunity to get the new capital or business, and applies only to plant closings;
2. Unforeseeable business circumstances. This exception applies to closings and layoffs that are caused by business circumstances that were not reasonably foreseeable at the time notice would otherwise have been required; and
3. Natural disaster. This applies where a closing or layoff is the direct result of a natural disaster, such as a flood, earthquake, drought or storm.

If an employer provides less than 60 days advance notice of a closing or layoff and relies on one of these three exceptions, the employer bears the burden of proof that the conditions for the exception have been met. The employer also must give as much notice as is practical.
When the notices are given, they must include a brief statement of the reason for reducing the notice period in addition to the items required in notices.

J. Form and Content of Notice
No particular form of notice is required. However, all notices must be in writing. Any reasonable method of delivery designed to ensure receipt 60 days before a closing or layoff is acceptable. Notice must be specific. Notice may be given conditionally upon the occurrence or nonoccurrence of an event only when the event is definite and its occurrence or nonoccurrence will result in a covered employment action less than 60 days after the event.

The content of the notices to the required parties is listed in section 637.7 of the WARN final regulations. Additional notice is required when the date(s) or 14-day period(s) for a planned plant closing or mass layoff are extended beyond the date(s) or 14-day period(s) announced in the original notice.

K. Record
No particular form of record is required. The information employers will use to determine whether, or whom, and when they must give notice is information that employers usually keep in ordinary business practices and in complying with other laws and regulations.

L. Penalties
An employer who violates the WARN provisions by ordering a plant closing or mass layoff without providing appropriate notice is liable to each affected employee for an amount including back pay and benefits for the period of violation, up to 60 days. The employer’s liability may be reduced by such items as wages paid by the employer to the employee during the period of violation and voluntary and unconditional payments made by the employer to the employee.

An employer who fails to provide notice as required to a unit of local government is subject to a civil penalty not to exceed $500 for each day of violation. This penalty may be avoided if the employer satisfies the liability to each affected employee within 3 weeks after the employer orders the closing or layoff.

M. Enforcement
Enforcement of WARN requirements is through the United States district courts. Workers, representatives of employees and units of local government may bring individual or class action suits. In any suit, the court, in its discretion, may allow the prevailing party a reasonable attorney’s fee as part of the costs.

N. Information
Specific requirements of the Worker Adjustment and Retraining Notification Act may be found in the Act itself, Public Law 100-379 (29 U.S.C. 2101, et seq.) The Department of Labor published final regulations on April 20, 1989 in the Federal Register (Vol. 54, No. 75).

The regulations appear at 20 CFR Part 639.
General questions on the regulations may be addressed to:
Employment and Training Administration (ETA)
Office of National Response
Division of Worker Dislocation and Special Response
200 Constitution Avenue, NW
Room N-5422
Washington, DC 20210.
Tel: 1-877-US2-JOBS (1-877-872-5627), or 202-693-3500
TTY: 1-877-889-5627

Or:
Connecticut Department of Labor
Rapid Response Coordinator
200 Folly Brook Boulevard
Wethersfield, CT 06109
(860) 263-6589

The US Department of Labor and Connecticut Department of Labor, since they have no administrative or enforcement responsibility under WARN, cannot provide specific advice or guidance with respect to individual situations.
RAPID RESPONSE § 682.300

Rapid Response encompasses the strategies and activities necessary to (1) plan for and respond to announcements of a closure or layoff; or mass job dislocations due to natural or other disasters; and (2) to deliver services to enable dislocated workers to transition to new employment as quickly as possible. The purpose of rapid response is to promote economic recovery by responding to layoffs and dislocations and preventing or minimizing the impact on workers, businesses and communities.

§ 682.302 Under what circumstances must rapid response services be delivered?
Rapid response must be delivered when one or more of the following circumstances occur:

(a) Announcement or notification of a permanent closure, regardless of the number of workers affected;

(b) Announcement or notification of a mass layoff as defined in § 682.305;

(c) A mass job dislocation resulting from a natural or other disaster; or

(d) The filing of a Trade Adjustment Assistance (TAA) petition.

§ 682.305 How does the Department define the term “mass layoff” for the purposes of rapid response?
For the purposes of rapid response, the term “mass layoff” used throughout this subpart will have occurred when at least one of the following conditions have been met:

(a) A layoff meets the State’s definition of mass layoff, as long as the definition does not exceed a minimum threshold of 50 affected workers;

(b) Where a State has not defined a minimum threshold for mass layoff meeting the requirements of paragraph (a) of this section, layoffs affecting 50 or more workers; or

(c) When a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the layoff announced.

§ 682.320 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.

WIOA 20 Parts CFR 682.300 and 682.310

§ 682.330
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.

WIOA 20 CFR Part 682.330

C. Layoff aversion: Consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. Layoff aversion strategies and activities may include, but are not limited to:  
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.

State Rapid Response Policy

The policy below outlines the total process from the time the Rapid Response Unit (RRU) learns of a potential layoff until all workers have received Early Intervention services. It also includes layoff aversion strategies and general guidelines for Rapid Response Team Members.

The Workforce Innovation and Opportunity Act (WIOA), Section 134 (a)(2)(A), declares that the state shall use funds to carry out statewide rapid response activities which shall include the provision of rapid response activities, carried out in local areas by the state, working in conjunction with local boards and chief elected officials for the local areas.

Connecticut’s Rapid Response Team

Connecticut’s Rapid Response Team (RRT), headed by the State Department of Labor’s Rapid Response Unit (RRU), exists to ease the impact of layoffs and to assure that workers are offered a full range of benefits and services. RRU staff, located in the DOL Central Office in Wethersfield, coordinates all Rapid Response activities in the State.

The Team is made up of representatives from the RRU, local Labor Department American Job Center, local workforce development board and American Job Center staff contracted by the local workforce development board to provide WIOA services. Representatives of other state, federal and municipal agencies such as the US DOL Employee Benefits Security Administration (EBSA), Access Health CT (Connecticut’s health insurance marketplace), the Department of Social Services (DSS), as well as elected officials, AFL-CIO, and community service organizations may be added to the team as needed. The RRT also works with the Department of Economic and Community Development (DECD) in cases where there may be a chance of preventing imminent or future layoffs. DECD and the RRT also share news of yet-to-be announced layoffs or business expansions where Dislocated Workers could potentially be placed.

The goal of the RRT is to provide employers, workers, and unions with information up-front on the many local, state, and federal programs that are available to potentially prevent layoffs or, if that is not possible, assist in making the transition to new employment as quick and as easy as possible.

Layoff Response

The Rapid Response layoff response process begins when the RRU learns of a possible layoff or plant closing. Notification is obtained through any number sources including:
• Worker Adjustment and Retraining Notification Act (WARN) notices

• Phone calls or e-mails from employers, employees, unions, state and local representatives

• Referrals from Rapid Response Team members and other field and central office DOL staff

• Calls from private outplacement firms or reemployment support groups

• Media announcements and/or inquiries

• Trade Adjustment Assistance Act (TAA) petitions

• Unemployment Insurance monthly query of new claims filed under registered employer numbers and weekly scan of pending large layoff unemployment dismissal pay hearings

The RRU will e-mail RRT members of any publicly announced layoffs or possible layoffs to advise them that outreach to the employer and workers is in progress.

**Initial Contact**

Upon hearing of a possible layoff/closing, the RRU initiates contact with the employer and/or union to ask or confirm that layoffs are planned, offer layoff aversion strategies, such as the Shared Work Program if the decision to lay off has yet to be made, and provide preliminary information about the many free job search and supportive services the Rapid Response Team can provide.

**Rapid Response Meeting**

In cases where the decision to lay off workers has been made and will affect 100 or more employees, or if the company, union representative, or other party requests, an initial **Rapid Response (RR)** meeting will be scheduled. This meeting can be held in person or via webinar/conference call. The RR meeting is an information gathering session where the company and/or union provides details on the layoff and each RRT member in turn explains the array of services that his/her agency or affiliated partners can offer before and after layoff.

RRT members are notified of the RR meeting through a Rapid Response notice that is e-mailed by a RRU staff member. Team members must advise the RRU representative who will be attending the meeting. If a RRT member cannot attend, the RRU representative will provide information to the company and/or union on what that agency can provide.

For layoffs affecting fewer than 100 workers, or if there are time constraints or other concerns, the Rapid Response meeting will be conducted over the phone or by e-mail between the
company and/or union and the RRU representative alone with the RRU representative giving an overview of what all the RRT members can provide.

Information gathered through the Rapid Response meeting is compiled into a RRU layoff/closing fact sheet. The fact sheet contains details on the reason for the layoff, layoff dates, types of skills/positions affected, workers’ ages, educational levels, length of service, language or other barriers, and wage ranges. The sheet also contains the company and union contacts (where applicable) as well as benefits the company is providing to workers such as extended health benefits, outplacement assistance, retraining assistance, dismissal pay and/or retirement benefits.

During the course of the RR meeting, an initial assessment of worker needs is developed. This assessment would include whether or not the company is a candidate for Trade Adjustment Assistance (TAA) or if there is a need to apply for a National Dislocated Worker Grant (NDWG).

When it appears that increased imports, foreign competition, or a shift of work to another country are a factor in the decision to lay off workers, the RRU will assist the employer or union in filing a TAA petition. In cases where a trade impact is indicated but the employer is reluctant to file a TAA petition, the RRU representative will submit a petition on behalf of workers.

When it appears that there may be a need to apply for a NDWG, the RRU will conduct needs assessment surveys of workers which will assist in the application process.

**Early Intervention Meeting**

At the conclusion of the RR meeting, the RRU representative will ask the company and/or union if the RRT can provide, as a basic service, an on-site or virtual Early Intervention (EI) session(s) where workers can learn about available reemployment and supportive services. All workers in attendance are asked to sign in providing the Team with their name and home e-mail address. Workers are given a standard Rapid Response information packet with the information outlined below. Additional pamphlets on veterans’ benefits, upcoming job fairs or recruitments/job postings, and other local or company-specific programs may also be provided.

RRU staff will e-mail an EI notice to RRT members. The EI notice provides the name of the employer, date and time of the meeting, number of workers to be seen, layoff/closing dates, Rapid Response Event Number and some details of the reason for layoff, positions impacted, etc. Business Service RRT members will reach out to related businesses to advise them of the availability of these potential hires. Any employers who are interested in hiring displaced workers will contact the RRU who will, in turn, forward job leads to the employer and/or displaced workers.

**Duration and Content of the EI Session**

The EI session will last approximately one hour. An additional 30 minutes will be scheduled to provide adequate time for questions. Additional time will be needed if translation is required. The EI session will be conducted by a Rapid Response Unit Coordinator and, local (AJC)
representative. Additional speakers from community service organizations, local Chambers of Commerce, DOL’s Trade Act Unit, the Social Security Administration, or the Employee Benefit Security Administration may be added if their inclusion adds value to the presentation or if they are specifically requested by the employer. Any additional speakers must be pre-approved by the Rapid Response Coordinator.

The topics and approximate length of each topic covered in the EI are as follows:

- Unemployment Insurance Benefits: 25 minutes
- Job Seeker Services: 10 minutes
- Training Opportunities for Dislocated Workers: 10 minutes
- Health Insurance Options: 10 minutes
- Community Support Services: 5 minutes

**Presenters, Details, and Content Guidelines for EI Topics**

**Unemployment Insurance**

The Rapid Response Unit Coordinator will provide the overview of the unemployment insurance program.

**Points to be covered:**

- Rights and responsibilities
- Application process
- Eligibility requirements
- Benefit Calculation
- Reasons benefits may be reduced or denied (severance, vacation, pensions, part-time work)

**Job Seeker Services**

The local AJC representative will provide the Job Seeker Services presentation. If a local AJC representative is not available, the Rapid Response Coordinator will cover this topic. This presentation should provide a verbal tour of the American Job Center (AJC) offices, market the career centers and the programs provided, provide appropriate job leads, and just generally make people feel welcome. It should also apprise workers of certain key program guidelines, including those which have the potential to cause them financial hardship if not followed (for example WIOA training must be pre-approved as there is no reimbursement for programs paid out of pocket).
Points to be covered

- General AJC services: continuous eligibility, available now to anyone, whether or not employed

- Addresses, operating hours, parking and entrance instructions for the local AJC offices

- Available resources including, but not limited to:
  - CTHires – Connecticut’s Employment & Training site – how to register and what it provides
  - Computers & Internet access
  - Résumé & cover letter stationery & assistance
  - Career Center copiers, mail & fax, resource libraries, etc.
  - Job search skills workshops and how to register for them
  - Labor market information
  - Special services for veterans
  - Career counseling
  - Apprenticeship information
  - Networking Groups and other helpful job search sites

- Job Search Tips – What should job seekers do to make themselves marketable in today’s job market such as having an e-mail address, getting an updated résumé, establishing a LinkedIn account (if appropriate), making sure your resume is formatted properly, using on-line tools such as O*Net Online, mySkills myFuture, My Next Move, Reemployment Portal, and networking.

- Applicable job openings or local recruitment events

Training Opportunities for Dislocated Workers

The local AJC representative will provide information on training and job seeker services under WIOA and any other local initiatives, and the Rapid Response Coordinator will provide information on TAA and State tuition waivers. If a local AJC representative is not available, the Rapid Response Coordinator will provide the presentation for the entire topic.

Points to be covered

- Explanation of WIOA and what workers need to do if they are interested in becoming a WIOA participant.

  - Specific Points of Emphasis:
- Eligible for services upon *notice of layoff*. Workers don't have to wait to be laid off
- Services driven by the needs of the individual
- Retraining funds as a last resort & limited – *No reimbursement*
- Approved list of training providers
- Referral to other sources of funds for training and supportive services
- Information on orientation dates/times
- Specific documents/information workers should bring with them
- OJT
- Supportive Services
- Details on any local grants/initiatives
- Explanation of the TAA program – who the program targets, who can file a petition, and the benefits that are available to trade-impacted workers
- Advisement to complete a FAFSA form every year if they or their children are applying for financial aid and to notify the school’s Financial Aid office of the change of circumstances
- Links to local scholarships
- War-time veteran and senior tuition waivers

**Health Insurance Options**

The Rapid Response Unit Coordinator will provide information health insurance options unless speakers from Access Health CT (or another state’s health insurance marketplace vendor) or the Employee Benefits Security Administration are requested.

**Points to be covered**
• Special Enrollment Period

• What is COBRA and how does it work?

• Window for enrolling in a spouse’s health plan

• Health Insurance through the Affordable Care Act
  ▪ Access Health and Healthcare.gov contact information
  ▪ Screens for eligibility for Medicaid and CHIP based on family size and household income

• Financial help through advanced premium tax credits and/or cost sharing reductions for private insurance plans offered through the marketplace

• Office Of the Healthcare Advocate for insurance problem resolution and locating affordable coverage

• Community Health Centers that provide health services on a sliding scale basis regardless of age, insurance, or immigration status

Community Support Services

Local Community Services representatives or the Rapid Response Coordinator will present this information.

Points to be covered
  • Department of Social Services and 2-1-1 websites
  
  • Safety net in time of need
  
  • State/local prescription drug programs, food banks, heating and mortgage assistance programs

General Guidelines for Rapid Response Team Members

Any information that is sent out about a layoff is considered strictly confidential and should not be shared with anyone, other than DOL, WIOA, and WDB contacts. Employers are assured by Rapid Response Unit staff that any information they provide regarding a particular dislocation (outside of information provided in a WARN notice) is to be considered and treated as confidential and privileged information by all DOL, WIOA, WDB and Community Services staff and will be used solely to assess workers’ needs and eligibility for services. Business Services
Representatives can share with their employer network the types of workers/skills of specific impacted worker groups along with their layoff date(s) once authorized by the RRU.

The Rapid Response/Early Intervention sessions (RR/EI) will be conducted according to the following guidelines:

1. Presenters, both individually and as a team, will be concise, professional, organized, and consistent.

2. Information will flow smoothly from speaker to speaker. Information covered will enhance, but not repeat, earlier speakers’ presentations.

3. Presentations will be tailored for the particular company and worker group. The information provided must be appropriate for the company’s dislocated workers.

4. Presenters will be up-to-date on their respective agency’s procedures and status. Presenters should have information such as details of services available at local AJC and satellite offices.

5. Presenters need to be on time for the presentation (at least fifteen (15) minutes before the starting time) and end their presentation within the allotted timeframe.

6. Presenters will bring suitable area-specific materials (job leads, workshop calendars, orientation material not included in the Rapid Response packet), in adequate supply, with them to sessions. Materials must be pre-approved by the Rapid Response Coordinator.

7. Materials will be displayed on a table or distributed before each session begins, whichever is appropriate.

8. Presentations will be positive but realistic.

9. Basic EI content will be uniform throughout the state.

**DOL Team Leader**

1. The DOL Rapid Response Unit is the Team Leader responsible for the content and delivery of the RR/EI session to the employer, union, and/or employees.

2. Upon receipt of a RR/EI notice, the American Job Center and any other requested agencies must notify the Rapid Response Unit representative if they will be sending a representative to the meeting, and, if so, the representative’s name and
contact information (cell phone number is particularly helpful in the event of a last minute change). In instances when an agency representative cannot attend a RR/EI meeting, the Rapid Response Unit representative will cover that agency’s part of the presentation. It is for this reason that all Team members will provide the Rapid Response Coordinator with timely updates regarding any changes in hours, office locations, programs/grants/initiatives, and contacts.

3. The DOL Team Leader has the responsibility, and the right, to address deficiencies affecting team performance. Feedback from Team Members to the Rapid Response Coordinator is always welcome.

4. The DOL Team Leader will act as the “gatekeeper” in keeping presenters within time limits and monitoring content.

Responsibilities of EI Presenters

1. Presenters will read the RR/EI notice in order familiarize themselves with the company and the types of workers who will be seen. Presenters will not provide information on programs that are not applicable to the audience being addressed.

2. Each presenter is responsible for controlling the length of his or her presentation and audience questioning. Questions that cannot be covered in the time provided are to be deferred until after the presentation.

3. Each presenter must, at minimum, cover certain main topics in their presentation, to which they may add personal style. The main topics, or commonalties, will be developed by the Team.

4. When available, presenters will use visual aids (PowerPoint presentation) to enhance the verbal presentation.

Code of Conduct for EI Presenters

1. Limit your presentation to your own material. Introduce, but don’t elaborate, on the next presenter’s material.

2. Don’t interrupt another speaker.
3. If you don’t know the answer to a question, state you don’t know but will find out and get back to the person.

4. Questions not applicable to others in the group should be answered following the session.

5. Don’t repeat what someone has already covered.

6. There is no talking amongst presenters while the session is in progress. Talking during a presentation is not only unprofessional, but it is very distracting.

7. If a worker approaches a non-presenting team member with a question during the presentation, the question may be answered outside the room or after the presentation.

8. If possible, all presenters should stay to answer questions at the end of the session.

Follow-up after the Early Intervention Meeting

Following each EI session, the RRU representative sends an e-mail to EI participants summarizing the most important parts of the EI session, and providing answers to any questions that could not be answered during the meeting. Additional e-mails on possible job opportunities, training options, or other programs are forwarded on an on-going basis. Workers are encouraged to reach out to the RRU if they have questions going forward.

Additional Services Provided by the Rapid Response Team

The RRT will offer additional on-site services such as job search workshops, health insurance options workshops and/or marketplace registrations, job fairs, and Dislocated Worker certifications. The RRU will also work with CTDOL’s Wage and Workplace Standards Division, Legal Division, or the Attorney General’s office to help procure unpaid wages/services or benefits for workers.

Alternate Means of Providing Rapid Response Services to Laid Off Workers

In cases where workers have already been laid off prior to Rapid Response outreach, or if an employer declines an in-person or virtual EI meeting prior to layoff, the RRU representative will provide either the employer, union, or impacted workers, a complete EI packet or a one-page overview of services letter with an invitation to attend an EI session via webinar. Webinars are usually held once a week.

Workers who attend a webinar after layoff are e-mailed the PowerPoint presentation and other applicable materials not previously provided.
Online Access to Rapid Response Materials

All EI materials along with additional layoff-related information including help for struggling businesses, requirements for WARN, a listing of WARN notices, and labor laws are available on the CTDOL website: http://www.ctdol.state.ct.us/progsupt/bussrvce/rrt-infopacket.htm.

As mentioned previously, RRU staff conducts virtual EI sessions for workers whose companies decline on-site services. The RRU also provides virtual EI sessions to individuals who complete an on-line registration after clicking on an icon on the CT DOL website that asks if he/she was laid off due to a large layoff or plant closing.

Layoff Aversion and Additional Rapid Response Activities

The RRT will suggest various layoff aversion strategies (Shared Work, state incentive programs, etc.) when companies are contacted regarding potential layoffs. When layoffs cannot be avoided, RRT Business Services staff will reach out to their employer network to market Dislocated Workers who are being served by the RRU. The goal is to make connections between to-be-displaced workers and businesses that are looking for help therefore minimizing the duration of unemployment. RRU staff will send available job postings to the RR company contact and directly to workers who attended an EI session. The RRT employer network will also be advised of any planned company-specific job fairs.

Once a month the RRU receives from the Unemployment Technical Unit a spreadsheet of workers who have been laid off and who filed new claims for unemployment. The spreadsheet identifies workers according to employer. The RRU reaches out to both employers and impacted workers where seven or more non-seasonal/non-temporary workers have filed claims. Employers are contacted to investigate the reason for layoffs, to provide information on layoff aversion strategies like Shared Work, and to provide information on Rapid Response services should additional layoffs be planned. Workers are e-mailed outreach letters which invite workers to attend a virtual Early Intervention session.

RRU staff regularly review Shared Work applications and contacts non-seasonal employers who have signed up seven or more workers for the program as often employers who use Shared Work are businesses that are struggling. Employers are provided with referrals to local business service and Economic Development professionals who may be able to provide various forms of assistance geared at helping the business grow.

RRU staff also participate in monthly or bi-monthly regional business services meetings where information on local business engagement activities are shared by WIOA partners as well as local chambers and other business organizations.

WIOA 20 CFR Part 682.320
I. Eligibility Categories for Dislocated Workers

To be determined eligible for Dislocated Worker status, an individual must meet the criteria of one of the following eight categories:

Category 1:
1) An individual who has been terminated or laid off, or received notice of termination or layoff, from employment;

AND

2) is eligible for or has exhausted entitlement to Unemployment Compensation;

AND

3) is unlikely to return to a previous industry or occupation.

Category 2:
1) An individual who has been terminated or laid off, or received notice of termination or layoff, from employment;

AND

2) has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law;

AND

3) is unlikely to return to a previous industry or occupation.

Category 3:
An individual who has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise.

Category 4:
An individual is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;

OR

for purposes of eligibility to receive services other than training services, career services,
or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

**Category 5:**
An individual who was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

**Category 6:**
An individual who is a displaced homemaker. The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who:
1. has been dependent on the income of another family member but is no longer supported by that income;

   **OR**

1(a). Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member;

   **AND**

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

**Category 7:**
An individual who is the spouse of a member of the Armed Forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member.

**Category 8:**
Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**II. Definitions used in determining eligibility**

**Category 1:** Laid off/terminated (or received notice of layoff/termination), eligible/exhausted unemployment, and unlikely to return to previous industry/occupation
Note that all three parts must be met to meet eligibility criteria for this category

Part One:
The worker must have been laid off or terminated, or received a notice of layoff or termination from employment. A worker who files partial claims without having a separation from employment does not meet the criteria for part one.

Part Two:
Definition of Eligible for Unemployment:
Eligible for Unemployment means the worker:

1. has, or will be, monetarily eligible for unemployment; AND
2. has, or will be, laid off OR
3. has a separation that has been approved as a termination by an adjudicator; AND
4. is able and available for full-time work.

- Workers who are not collecting unemployment due to a dismissal pay disqualification, pension offset, or a prior overpayment are deemed “eligible” under this category.

- This also includes workers who choose not to file for unemployment but would meet the above definition of “eligible for unemployment”. If the worker has not filed for unemployment but is “eligible for unemployment” as described above, a note of “Worker is A&A (able and available)” must be written in the verification field on the WIOA-5 in addition to the other documentation needed for this part of the category.

- Workers who have been indefinitely denied unemployment due to an availability issue are not eligible for unemployment.

Part Three:
Determining Unlikely to Return to a Previous Industry or Occupation
The following individuals automatically meet the unlikely to return to a previous industry or occupation portion:
- Individuals who are currently eligible for, or are currently receiving, Trade Adjustment Assistance Act (TAA) benefits
- UI claimants selected for ERS/RESEA or other programs that target workers who are likely to exhaust unemployment benefits (except in cases where the individual has a return to work date with his/her previous employer)
- Individuals with less than a high school diploma or its equivalent
- Recently separated veterans (Recently separated veterans means a veteran who was discharged or released from active military duty under other than dishonorable conditions within the past 48 months)
- Individuals with disabilities

**Individuals with Disabilities** as defined by 42 U.S. Code 12102 means an individual who has:
(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
(B) a record of such an impairment; or
(C) being regarded as having such an impairment

- Older Individuals (Individuals age 55 or older)
- Ex-offenders (An individual who has been the subject to any stage of the criminal justice process)
- Individuals who are English Language Learners (An individual who has limited ability in reading, writing, speaking or comprehending the English language and whose native language is other than English or who resides in a community where English is not the dominant language)
- Individuals who are long-term unemployed (Individuals unemployed for 27 weeks or more)
  - Individuals who are unemployed as a result of a natural disaster. A natural disaster is any event or force of nature that has catastrophic consequences, such as avalanche, earthquake, flood, forest fire, hurricane, lightning, tornado, tsunami, and volcanic eruption.

**Unlikely to return to a previous occupation can include an individual who does not have a return to work date with his/her previous employer and:**

- for whom there are fewer than 10 full-time job postings in his/her
primary occupation for which he/she is qualified within a 25 mile radius from his/her residence. An individual may have held an occupation that is in demand, but if he or she does not have the required skills as stated in the job description of the posting, then it is unlikely that the worker will be hired.

- who provides a doctor’s note stating that the individual can no longer perform his/her previous occupation for medical reasons.

- who is in an occupation for which State labor market information or other local/regional business and professional information shows a decline in growth.

- who was employed in an occupation that is not demand in the geographic region in which the individual is applying.

- whose skills are highly specialized and not easily transferable.

- who has conducted an active job search in his/her primary occupation for the past four weeks.

An active job search is described as one where, for each of the past four weeks, the worker has applied on at least two separate days to at least three employers in his/her primary occupation. A documented job search log with the following information must be provided:

- Date of the contact
- Employer name and address (if known)
- Name of contact person (if known)
- Method of contact (resume, application, etc.)
- Position applied for
- Result of contact (waiting to hear back, interview scheduled)
Unlikely to return to a previous industry can include an individual who does not have a return to work date with his/her previous employer and:

- who worked in an industry in which there are a limited number of local employers.
- who worked in an industry in the state in which multiple layoff announcements have been made.

Category 2: Laid off/terminated (or received notice of layoff/termination), worked for a sufficient duration to show attachment to the workforce, but is not eligible for unemployment due to insufficient wages or employment not covered by UC law, and unlikely to return to previous industry/occupation

Attachment to the workforce for applicants who are ineligible for unemployment compensation is defined as:

- individuals who have been working three (3) months or more at the time of separation;
  OR
- individuals who have worked less than three (3) months at the time of separation but who have conducted an active job search for a period of four weeks or more.

Employment not covered under State unemployment compensation means that the individual worked as an employee for an employer that is not obligated to contribute to the unemployment compensation fund. Examples include certain religious organizations and real estate salespersons paid only by commission. This does not include individuals who are self-employed.

Category 3: Plant closing/substantial layoff

Definition of permanent closure of a plant, facility, or enterprise:
A permanent closure of a plant, facility or enterprise is defined as the shutting down of any business, building, or unit within a company with no plans of re-opening, regardless of the number of workers affected.

Definition of Substantial Layoff at a plant, facility, or enterprise:
A substantial layoff is an announced reduction in labor force which results in an employment loss at a business, building, or business unit for:

C. At least 25% of employees
OR

D. At least 25 employees

OR

E. Any layoff for which a WARN notice has been issued

Please note that a substantial layoff can encompass employees who work from home or in different locations as long as are part of an employment loss that meets one of the above conditions.

Category 4: Plant Closing - General Announcement

General announcement means a company official made a verbal announcement of a facility closure. No written documentation of the closing was provided.

Category 5: Previously self-employed but unemployed due to economic conditions or natural disaster

- Self-employed means the individual owned his or her own business. Performing casual labor does not meet the definition of self-employed under this category.

- Unemployed as a result of general economic conditions means the business failed because expenses exceeded or barely covered income.

- See Category 1, Part three for the definition of a natural disaster.

Category 6: Displaced Homemaker

Definition of Displaced Homemaker:

Providing unpaid services to family members in the home means:

- The individual resided in the home with family member(s)

AND

- provided care, housekeeping, and related homemaking services for family member(s)
Dependent on the income of another family member is defined as:
An individual who, for six (6) months or more, has relied upon another family member for more than one half of the household income. Individuals who have been dependent on public assistance do not meet the definition of a Displaced Homemaker.

Definition of Dependent Spouse of an Active Duty Armed Forces Member:
Dependent spouse of a member of the Armed Forces member means a lawful husband or wife who is/was the spouse of a member of the Armed Forces and who is/was substantially dependent on the income of the Armed Forces member. Lawful husband or wife includes a partner acquired through a legal Civil Union or a common-law husband or wife if the common-law relationship was established in a state that recognizes such relationships as valid.

Definition of Significant Reduction in Family Income:
Significant reduction in family income means the family income has been reduced 20% or more.

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

Definition of Deployment:
A member of the armed forces shall be considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides.

Definition of Call to Order to Active Duty:
A call or order to active duty means a provision of law during a war or during a national emergency declared by the President or Congress.

Definition of Service-Connected:
The term “service-connected” means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

Definition of Underemployed:
- Underemployed means an individual who is working part-time but is seeking full-time (35+ hours/week) employment;

OR
An individual who is working full-time but whose current annualized wage rate, in relation to family size, does not exceed the higher of either the poverty level or 70% of the lower living standard income level;

OR

I. An individual who is working but whose current employment does not match former wages and/or skill level;

OR

II. An individual who is working but whose job does not match his or her educational level.

**Experiencing difficulty in obtaining employment means:**
An individual has looked for employment for a minimum of four weeks and has been unable to find work.

**Experiencing difficulty in upgrading employment means:**
An individual has looked for employment for a minimum of four weeks and:

- has been unable to secure full-time employment;

OR

- has attempted but been unable to find work at a higher level

**Category 7:** Spouse of an active duty armed forces service member who is unemployed due to change in duty station

- **The Armed Forces Member must be on active duty.** See the definition of active duty under Category 6.

- Spouse is defined as a lawful husband or wife who is/was the spouse of a member of the Armed Forces on active duty. Lawful husband or wife includes a partner acquired through a legal Civil Union or a common-law husband or wife if the common-law relationship was established in a state that recognizes such relationships as valid.

**Category 8:** Unemployed/underemployed spouse of an active duty armed forces experiencing difficulty in obtaining/upgrading employment
See the definition of spouse under category 7 and definitions of active duty, underemployed, and experiencing difficulty in obtaining or upgrading employment under Category 6.

3. Forms

The WIOA-5 form, “Eligibility and Certification for Dislocated Workers” is used to certify eligibility for Dislocated Worker status. A copy of the WIOA-5 form (Rev. 10/17) is attached to this policy issuance and is available on-line on the CT DOL website under WIOA. In the verification field on the WIOA-5, please indicate the type of documentation that shows the individual meets all the criteria as outlined in this memorandum.

The original completed and signed WIOA-5 and accompanying verification documentation is retained in the CTHires system. DOL staff must scan the documents to a file, then save the file to a Dislocated Worker folder on the S-Drive for the DOL office to which the staff member is assigned. The saved documents will be uploaded into the CTHires system. WIOA staff can scan the documents directly into CTHires if the scanner is a non-networked scanner or scan the documents to a file then upload the documents into CTHires.

Please note that if the Dislocated Worker documentation contains the worker’s former employer’s employment registration number (for example a copy of MD20), this number must be blacked out prior to uploading the form into CTHires.

Additionally, for Department of Labor staff, a JS/WIOA-1 form, “Equal Opportunity is the Law”, also must be completed and uploaded into CTHires. A copy of the JS/WIOA-1 (Rev. 5-17) and JS/WIOA-2 (Spanish version) (Rev. 5-17) form are attached to this memorandum.

Once the WIOA-5, accompanying verification documents, and JS/WIOA-1/JS-WIOA-2 form have been entered into CTHires, these documents must be given to the individual for his/her records.

IV. Eligibility Determination Documentation

A complete documentation guide that outlines acceptable documentation for each category is included as an attachment to this memorandum.

Note on the Use of the Self-Certification Form:
Self-certification is accepted only where indicated and only when other listed forms of documentation are unavailable, or when obtaining such documentation causes undue hardship to the individual.

V. Dislocated Worker Certification, Redetermination of Certification, and WIOA Participation
To be registered as a WIOA Dislocated Worker participant, an individual must have been certified as a Dislocated Worker within the twelve-month period prior to the date of the first WIOA service. The certification date is the date the authorized staff member signs the WIOA-5 form.

Individuals certified as Dislocated Workers prior to one year before the date of the first WIOA service are to have eligibility and certification re-determined prior to receiving WIOA services as Dislocated Workers. If nothing has changed since the prior certification, simply complete a new WIOA-5, “Eligibility and Certification for Dislocated Workers” using the prior documentation with updated signatures and certification dates. If the individual had employment since being certified, refer to section VI of this memorandum.

VI. Effect of Interim (including temporary or contract work) and/or Part-time Employment on Dislocated Worker Status

An individual will not lose his/her dislocated worker status if he/she accepts interim employment and/or holds or accepts part-time employment for the purpose of income maintenance provided that the individual has the intention of entering into permanent, full-time employment as an employee and such employment is/was with an employer other than that from which the individual was dislocated.

Definition of Interim Employment:

One of the following three conditions must be met to classify employment as interim employment:

1) The interim employment is characterized as temporary by the employer at the time of hire. Under this condition, there is no time limit on how long the employment lasts. This includes contract work where the worker is deemed “self-employed” for tax purposes;

OR

2) The interim employment is outside the individual’s area of training and expertise, is considerably below his or her highest wage and skill level, and is understood to be stop-gap employment taken for the purpose of income maintenance.

Considerably below the individual’s highest wage is defined as less than 80% of the individual’s previous highest wage level.

OR
3) The interim employment lasts less than one year in duration. This applies to any employment held by the applicant including work which is similar to his or her previous occupations.

**Definition of Part-time Employment**
Part-time work is defined as employment of less than 35 hours per week. Per diem work which is less than 35 hours per week is included in this definition.

Part-time employment, unlike interim employment, may be within the individual’s area of training and expertise. **Part-time employment may not be with the employer from which the individual was dislocated.**

A case note should be entered into CTHires stating that the client is working an interim position or working part-time, but is still available and looking for full-time work.

**VII. CTHires Procedures**

Prior to determining eligibility, applicants must have a current, complete CTHires registration.

**Process for entering Dislocated Worker certifications (DOL instructions):**

*Please note that the individual’s work history for his/her primary occupation/industry needs to be in CTHires.*
Log into CTHires with your Username and Password.

Locate the individual you are certifying by entering the worker’s Social Security Number, Last Name, User ID or other usable identifier in the “Quick Search” area of the dashboard or in the “Manage Individuals, Assist an Individual” area.
Select the individual to open up the worker’s CTHires file.

Once the worker’s file is open, click on the “Activities link under “General Profile”.
Click Activity History/Service Plan.

Select “Add multiple services”.
Enter LWIA/Region and office location from the drop down menu. The customer group is “Self-service/registration only”.

Check the box to the left of Activity 107 – “Provision of Labor Market Research” and enter the date of the certification in the Scheduled Date area.
If the worker attended an in-person or virtual Rapid Response Early Intervention orientation session, under the “RR Event” column, select the “RR Search” link, type in either the Rapid Response Event Number, (these begin with CT00 and can be found on Rapid Response notices and fact sheets), the name of the worker’s employer or town of the employment site, and click search. Select the appropriate event. The system will automatically populate this field.

Check the box to the left of Activity 211 -- “Referral to WIOA” and enter the date of the certification in the Scheduled Date area. If the worker attended an in-person or virtual Rapid Response Early Intervention orientation session, under the “RR Event” column, select the “RR Search” link, type in either the Rapid Response Event Number, (these begin with CT00 and can be found on Rapid Response notices and fact sheets), the name of the worker’s employer or town of the employment site, and click search. Select the appropriate event. The system will automatically populate this field.
Select the date of the certification for contact date.

Enter LWIA/Region

Enter Office location

Under “Program”, Wagner-Peyser (WP) program should be pre-selected. If it is not, select it.

Under “Subject”, write “Dislocated Worker Certification”.

Under “Case Note Description”, write a case note with the following information: date, your initials, the Dislocated Worker category the worker is certified under (if mass layoff/plant closing, the name of the company should be listed), and a note that the Equal Opportunity form was completed.
Click “Save”. This will return you to the Activity page, then click “Save” to save the activities provided.

Activities will appear here.
Click on the workers name under “Currently Managing” to bring you back to the client’s file, then click on the “Documents(staff)” tab.

Click on “Add/Upload a document” to attach the WIOA-5, accompanying verification documents, and EO form from a document scanned to a file.

Under Document Information, Document Tags, name the document the client’s name and “Dislocated Worker Certification”.

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Process for those deemed ineligible (DOL instructions):

For CT DOL staff entering Dislocated Worker denials -- Follow the above instructions to locate the worker.

Under “Attach Document”, click “browse” to find the certification documents, then click “Save”.

Once the worker’s file is open, click on the Activities link under “General Profile”.

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Click Activity History/Service Plan.

Select “Add multiple services”.

Enter LWIA/Region and office location from the drop down menu. The customer group is “Self-service/registration only”.

Check the box to the left of Activity 107 -- “Provision of Labor Market Research” and enter the date of the certification in the Scheduled Date area.
Scroll to the bottom of the page and under “Case Note”, select “Add a new Case Note”.

Select the date of the certification for contact date. Enter LWIA/Region and office location

Under “Program”, Wagner-Peyser (WP) program should be pre-selected. If it is not, select it.

Under “Subject”, write “Dislocated Worker Denial”

Under “Case Note Description”, write a case note including the reason for the denial (for example, individual not eligible as worker quit last job and no other categories were applicable), the date, your initials, and a note that the Equal Opportunity form was completed.
Click “Save”. This will return you to the Activity page. Click “Save” again to save the activity.

Click on the workers name under “Currently Managing” to bring you back to the client’s file, then click on the “Documents (staff)” tab.
Process for entering Dislocated Worker certifications (WIOA staff):

Click on “Add/Upload a document” to attach the WIOA-5, accompanying verification documents and EO form from a document scanned to a file.

Under Document Information, Document Tags, name the document the client’s name and “Dislocated Worker Denial”. Under “Attach Document”, click “browse” to find the saved Dislocated Worker documents, then click “Save”.

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WIOA staff must enter a complete WIOA application. The following is a summary of just items within the WIOA application that must be completed for Dislocated Worker Certification:

Log into CTHires with your Username and Password.

Locate the individual you are certifying by entering the worker’s Social Security Number, Last Name, User ID or other usable identifier in the “Quick Search” area of the dashboard or in the “Manage Individuals, Assist and Individual” area.
Select the individual to open up the worker’s CTHires file.

Once the worker’s file is open, click on the “Programs tab” under “Case Management Profile”

Scroll down to Title I – Workforce Development, and select “Create Title I-Workforce Development (WIOA) application.”
On the Intro tab, enter the application date and enter the Dislocated Worker Eligibility Date (must be application date or later) and hit “next”
Complete Contact, Demographic, and Veterans tabs. On the Employment tab, select proper employment status, click “Verify” and select the appropriate verification for the category selected. If the worker is employed, you must indicate if the worker is under-employed. Indicate whether the worker is in a registered apprenticeship program. Select and enter appropriate Unemployment Eligibility status, click “Verify” and select the appropriate verification for the category selected.

If the worker is an unemployment claimant or exhaustee, a “UI Referred by” status must be selected. The “Claimant has been exempted from work search” field must be selected (check “no”). Indicate if the individual is long-term unemployed. Enter the worker’s most recent hourly rate of pay and occupational code by clicking on “Find Occupational Code” then search by your desired method to select the occupation of most recent employment prior to WIOA participation.
Enter employment history if not already entered.

Under “Dislocated Worker”, check the appropriate “Employment Status at Dislocated Worker Eligibility”. If employed, check whether under-employed at Dislocated Worker Eligibility.
Check the appropriate Dislocated Worker category, click “Verify” and select the appropriate option. Please note that the verification documentation indicated in this field in CTHires is not as comprehensive as the verification outlined earlier in this policy issuance. All documentation as outlined in this policy must be obtained.
Click either “Scan” (use this option if you are using a non-networked scanner to scan the WIOA-5 form and accompanying verification documents) or “Upload” (use this option if you will be attaching the WIOA-5 and accompanying verification documents from a document scanned to a file).

Under Document Information, Document Tags, name the document the client’s name and “Dislocated Worker Certification”. If uploading a document, under “Attach Document”, click “browse” to find the document. Click “Save”.

Document Information Description:

Document Tags: George Jones Dislocated Worker Certification

User Accessible: Yes

Date Received: If left blank, today’s date will be used.

Location: Browse

Save Cancel Close Window

Supported File Format
Enter the date of projected or actual layoff.

Enter whether the individual attended a Group Orientation (Rapid Response), and the date of the Rapid Response event, if applicable.
If the worker attended a Rapid Response session, click “Find Rapid Response Event” and search for the event number. You can search by Rapid Response Event Number, (these begin with CT00 and can be found on Rapid Response notices), the name of the worker’s employer, or town of the employment site, and click search.

Select the appropriate event by clicking on the Event Number.

The Dislocation Employer field will automatically populate. You may need to enter the Dislocation hourly wage.
Complete Education, Public Assistance, Barriers, and Household Income tabs. On the Eligibility Summary tab, click the Case Notes tab, then “Add a new Case Note”.

If the worker did not attend a Rapid Response event, Enter Dislocation Employer, address, Dislocation wage, then click “Next”.
Select the date of the certification for contact date. Enter LWIA/Region and office location if not pre-selected. Under “Program”, Title I – Workforce Development should be pre-selected. If it is not, select it. Under “Subject”, write “Dislocated Worker Certification”.

Under “Case Note Description”, write a case note with the following information: date, your initials, the Dislocated Worker category the worker is certified under (if mass layoff/plant closing, the name of the company should be listed) was completed.

Click “Save”.

Click “Finish”.
Process for those deemed ineligible (WIOA staff instructions):

When the worker does not meet DW certification requirements, complete the WIOA application as normal, but check the “None of the above, individual does not meet the definition of Dislocated Worker” button on the Employment tab of the application, and add a case note with the subject “Dislocated Worker Denial”. Under Case Note Description, write a case note with the date, your initials, and the reason for the denial (for example, individual not eligible as worker quit last job and no other categories were applicable).
IV. **Record Retention**

Since documents will now be housed in the CTHires system, they will remain there indefinitely. However, below is the policy on record retention:

Dislocated Worker eligibility and certification records are to remain in a secure location for a period of three years from the date of certification. This includes records of individuals certified as Dislocated Workers but who did not receive WIOA services and individuals who were deemed ineligible.

However, according to Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government, codified at 29 CFR Part 97 Section 97.42, if any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later.

Questions regarding this issuance should be directed to Susan Fracasso, Rapid Response Coordinator, at 860-263-6589 or susan.fracasso@ct.gov.

**Attachments:**
- WIOA-5 form, “Eligibility and Certification for Dislocated Workers,” (Rev. 5-19)
- WIOA Eligibility Documentation Guide (Rev. 5-19)
- Self-certification form
- JS/WIOA-1, “Equal Opportunity is the Law”, (Rev. 5-17)
- JS/WIOA-2, “Equal Opportunity is the Law”, Spanish version, (Rev. 5-17)

**YOUTH INCENTIVES**

Incentives are allowable under Workforce Innovation and Opportunity Act of 2014. Incentives are used to provide incentives for recognition and achievement to eligible youth and must be tied to program goals on the youth’s Individual Service Strategy and provided in accordance with the requirements in 2 CFR 200.

20 CFR 681.650

Youth Service Providers are **encouraged but not required** to provide incentives. Youth Service Providers may determine whether or not to provide an incentive award however if they choose to provide incentive awards they will base the award amount on their fund availability. Incentives, both non-cash and cash incentives must be in an amount that is consistent to each youth receiving an incentive for their achievement; for example if the Youth Service Provider
determines that the amount awarded for attainment of one goal is $10, then all youth achieving that goal and receiving an incentive award will receive $10.

Awarding of incentives is a means to encourage participation, achievement and attainment of individual goals that lead to success and completion of a secondary school diploma or its equivalent. **Incentives may also be awarded to youth who have successfully completed the WIOA program and obtained full-time unsubsidized employment.**

Incentives may be given to youth if the provision of an incentive is included in the participant’s Individual Service Strategy. The ISS should describe the plans for preparing the youth for post-secondary education and/or employment, finding effective connections to the job market and employers, and understanding the links between academic and occupational learning, and setting and achieving goals, and for providing incentives as appropriate to youth who achieve goals. **Service providers must also document the plans for providing incentives based upon the youth attaining one or more of the goals described in part II. below in the youth’s case notes.** The youth must be an active participant in the WIOA Youth program in order to receive an incentive.

§ 681.640
Youth incentives may not include entertainment costs such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. (2 CFR Part 200)

Incentive awards may be non-cash (not redeemable for cash) or cash incentives.

I. Incentives
   A. Non-cash incentives
      Examples of the types of items that could be awarded as non-cash incentives include but are not limited to:
      - Gift certificates (restaurants, video, movie passes, retail, and school book stores)
      - Plaques
      - Credentials
      - Cap and gowns
      - Class pictures
      - Class ring
      - School supplies/calculators
   
   B. Cash incentives
      The cash incentive awarded a participant within a program year (July 1st through June 30th) is limited to **$500** for the entire program year.
PROGRAM PERFORMANCE REPORTING REQUIREMENTS

20 CFR 677.155 the primary indicators of performance under the Workforce Innovation and Opportunity Act

Requires that CTDOL must propose expected levels of performance for each of the primary indicators of performance for the adult, dislocated worker, and youth programs authorized under WIOA title I; the AEFLA program authorized under WIOA title II; the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III; and the VR program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV.

Primary indicators of performance

The six primary indicators of performance for the adult and dislocated worker programs, the AEFLA program, and the VR program are:

1. The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program;

2. The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program;

3. Median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program;

4. (A) The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training [OJT] and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within 1 year after exit from the program.

(B) A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program;

5. The percentage of participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending upon the type of education or training program, documented progress is defined as one of the following:

(A) Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;

(B) Documented attainment of a secondary school diploma or its recognized equivalent;
(C) Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards;

(D) Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of 1 year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or

(E) Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.


CT is required to select from two of three approaches in considering Effectiveness in serving employers. CT has selected the following approaches:

**Approach 1 – Retention with the Same Employer**

*Percentage of participants with wage records who exit and were employed by the same employer in the second and fourth quarters after exit.*

**Methodology:**
The number of participants with wage records who exit during the reporting period and were employed by the same employer during the second quarter after exit and the fourth quarter after exit DIVIDED by the number of participants with wage records who exit and were employed during the second quarter after exit.

For this measure, States must report on data element 1618 (Retention with the Same Employer in the 2nd Quarter and the 4th Quarter) in the WIOA Joint PIRL. This data element is calculated based on information included in the wage record matches for participants in their fourth quarter after exit. This means that the only participants who are included in this approach are those for whom a wage record match is available. In order to count as a “yes” for this measure, the participant must have the same establishment identifier (such as an employer FEIN or State tax id) in both the second and fourth quarters after exit. This creates the numerator for this measure. The denominator for this measure is calculated based on those participants with wage records who were employed in the second quarter after exit.

Data on employee retention for all participants who received ETA-funded WIOA program services will be collected by the American Job Centers and reported at the State-level by the SWA. Outcomes for title II AEFLA participants who are coenrolled and receiving career services through the American Job Center would also be captured in that set of data. Data on title IV VR participants will be collected at the State level, through the State VR agency, and submitted to the SWA, which will aggregate both sets of information to provide one shared outcome for this approach.
Approach 3 – Employer Penetration

Percentage of employers using WIOA core program services out of all employers in the State.

Methodology:
The total number of establishments, as defined by the BLS QCEW program, that received a service or, if it is an ongoing activity, are continuing to receive a service or other assistance during the reporting period DIVIDED by the total number of establishments, as defined by BLS QCEW. This measure is a unique count of employers using WIOA core programs. If an establishment receives, or continues to receive, more than one service during the reporting period (i.e., during the program year), that establishment should be counted only once in this calculation.

For this measure, States must report data elements E1 and E2 found in “WIOA Effectiveness in Serving Employers’ Data Elements and Specifications” part of the WIOA joint reporting requirements (see Attachment 4, Table A for the data elements and their definitions). For employers with more than one physical location, the QCEW reports each work site as a separate establishment and therefore, the total number of business establishments receiving services should be counted this way.

Participants
For purposes of the primary indicators of performance participant will have the meaning given to it in 20 CFR 677.150(a), except that -

Youth Performance Measures

For the youth program authorized under WIOA title I, the primary indicators are:

1. Percentage of participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program;

2. Percentage of participants in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program;

3. Median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program;

4. The percentage of those participants enrolled in an education or training program (excluding those in OJT and customized training) who obtained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within 1 year after exit from the program, except that a participant who has attained a secondary school diploma or its recognized equivalent is included as having attained a secondary school diploma or recognized equivalent only if the participant is also employed or is enrolled in an education or training program leading to a recognized postsecondary credential within 1 year from program exit;

5. The percentage of participants who during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are
achieving measurable skill gains, defined as documented academic, technical, occupational or other forms of progress towards such a credential or employment. Depending upon the type of education or training program, documented progress is defined as one of the following:

(A) Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;

(B) Documented attainment of a secondary school diploma or its recognized equivalent;

(C) Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is achieving the State unit's academic standards;

(D) Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of 1 year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or

(E) Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

Negotiating State and Local Levels of Performance

Use of the Statistical Adjustment Model in the Negotiation Process: Under WIOA, the statistical adjustment model, established by the Secretaries, will be used to ensure that the negotiated levels of performance are based on the actual economic conditions and characteristics of participants. Select labor market factors in the model include differences in unemployment rates and job losses or gains in particular industries. Characteristics of participants include indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency. The Departments emphasize the critical importance of the statistical adjustment model in the performance negotiation process under WIOA in addition to acknowledging that the model will be refined with ongoing use and application using pertinent data.

The initial statistical adjustment model was developed based on historical data reported by States against the Workforce Investment Act of 1998 (WIA) performance measures, which were used as a proxy for WIOA data. WIOA data were reported by the States for PY 2016 in October 2017; however, due to the timing of the data availability, limited performance outcomes were available.
The statistical adjustment model will provide two major functions in performance negotiations and assessment. First, it is one of the factors used when reaching agreement with the States on the negotiated levels of performance. It is used to account for the expected economic conditions and the expected characteristics of participants to be served in the State and/or local areas. Second, it will be applied at the close of a program year to the negotiated levels of performance to adjust for actual economic conditions experienced and actual characteristics of participants.

DOL will utilize the targets generated from the statistical adjustment model in its negotiation process with the States for the non-baseline indicators for this State Plan modification.

**Local Performance Negotiations:** In addition to the State negotiated levels of performance, CTDOL will work with local workforce development areas to establish performance goals for WIOA title I programs. The local board, the chief elected official, and the Governor must negotiate and reach agreement on local levels of performance based on the State negotiated levels of performance. In negotiating the local levels of performance, the local board, the chief elected official, and the Governor must make adjustments for the expected economic conditions and expected characteristics of participants to be served in the local area, using the statistical adjustment model developed at the Federal level as a tool. The statistical adjustment model must be used at the end of the program year to adjust negotiated local levels of performance in order to reflect the actual economic conditions experienced in the local area and the characteristics of participants served. DOL has developed the framework for an objective statistical adjustment model that satisfies the WIOA requirements at the state level. States must use this model and adapt it to their needs at the local level.

**NOTE:** CT is in the process of adapting the statistical model for use at the local level in terms of performance negotiations. The tool provided by DOL is based on data aggregated by county; however CT’s Workforce Development Regions are not based on county structure. In the interim CT has adopted the STATE Performance Measures as developed by the tool and adapted by CTDOL.
The States Negotiated Performance Levels are as follows:

### WIOA Titles I Performance Goals Summary

#### Program Year (PY) 2018 and PY 2019

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Final Goals PY 2018</th>
<th>Final Goals PY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WIOA Title I Adults</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment (Second Quarter after Exit)</td>
<td>71.0%</td>
<td>71.5%</td>
</tr>
<tr>
<td>Employment (Fourth Quarter after Exit)</td>
<td>69.0%</td>
<td>69.5%</td>
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<tr>
<td>Median Earnings</td>
<td>$4,850.00</td>
<td>$4,900.00</td>
</tr>
<tr>
<td>Credential Attainment Rate</td>
<td>70.0%</td>
<td>70.5%</td>
</tr>
<tr>
<td>Measurable Skill Gains</td>
<td>Baseline</td>
<td>Baseline</td>
</tr>
<tr>
<td>Effectiveness in Serving Employers</td>
<td>Baseline</td>
<td>Baseline</td>
</tr>
<tr>
<td><strong>WIOA Title I Dislocated Workers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment (Second Quarter after Exit)</td>
<td>76.0%</td>
<td>76.5%</td>
</tr>
<tr>
<td>Employment (Fourth Quarter after Exit)</td>
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<td>Median Earnings</td>
<td>$7,250.00</td>
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<td>Credential Attainment Rate</td>
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<tr>
<td>Measurable Skill Gains</td>
<td>Baseline</td>
<td>Baseline</td>
</tr>
<tr>
<td>Effectiveness in Serving Employers</td>
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<td>Baseline</td>
</tr>
<tr>
<td><strong>WIOA Title I Youth</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment (Second Quarter after Exit)</td>
<td>76.5%</td>
<td>76.5%</td>
</tr>
<tr>
<td>Employment (Fourth Quarter after Exit)</td>
<td>72.5%</td>
<td>73.0%</td>
</tr>
<tr>
<td>Median Earnings</td>
<td>Baseline</td>
<td>Baseline</td>
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<tr>
<td>Credential Attainment Rate</td>
<td>72.0%</td>
<td>72.5%</td>
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<tr>
<td>Measurable Skill Gains</td>
<td>Baseline</td>
<td>Baseline</td>
</tr>
<tr>
<td>Effectiveness in Serving Employers</td>
<td>Baseline</td>
<td>Baseline</td>
</tr>
</tbody>
</table>
ETPL PROVIDER PERFORMANCE REPORTING

Desk Aide/Guidance

As indicated in 20 CFR 677.230 and as required by CTDOL’s policy, providers of training funded by WIOA Title I must submit, at least annually, performance information for their programs. Each Workforce Development Board is required to maintain a policy on how and when providers will submit their required performance information; however, CTDOL’s ETPL policy indicates that the information is to be provided at least quarterly. Providers may begin reporting data effective 10/1/2018 and every quarter thereafter.

At a minimum, the reports must include for each program of study that is eligible to receive funds under WIOA:

1) The total number of participants as defined by 20 CFR 677.150(a) who received training services under the adult and dislocated worker programs authorized under WIOA Title I for the most recent year and the 3 preceding program years, including:
   - The number of participants under the adult and dislocated worker programs disaggregated by barriers to employment;
   - The number of participants under the adult and dislocated worker programs disaggregated by race, ethnicity, sex, and age;
   - The number of participants under the adult and dislocated worker programs disaggregated by the type of training entity for the most recent program year and the 3 preceding program years;

2) The total number of participants who exit a program of study or its equivalent, including disaggregate counts by the type of training entity during the most recent program year and the 3 preceding program years;

3) The average cost-per-participant for participants who received training services for the most recent program year and the 3 preceding program years disaggregated by type of training entity;

4) The total number of individuals exiting from the program of study (or the equivalent) with respect to all individuals engaging in the program of study (or the equivalent); and

5) The levels of performance achieved for the primary indicators of performance identified in 20 CFR 677.155(a)(1)(i) through (iv) with respect to all individuals engaging in a program of study (or the equivalent).

Apprenticeship programs registered under the National Apprenticeship Act are not required to submit ETP performance information. If a registered apprenticeship program voluntarily submits performance information, CTDOL must include this information in the report.
CTDOL will utilize the CTHires Virtual One Stop System supported by Geographic Solutions as a means of disseminating the required performance information so participants and consumers may make informed choices when selecting a training program. Some information regarding performance may currently be found online at www.cthires.com or www.ctdol.state.ct.us. Developers of the CTHires system are in the process of developing an electronic means of uploading performance information directly into the system. In the interim, CTDOL will make available as much performance information as soon as possible via the above online addresses.

In order to gather the required information for performance, CTDOL has developed the attached Excel spreadsheet which must be completed for every program which is listed on the ETPL. The information requested in the spreadsheet, when manually or electronically entered into the CTHires system, is used along with participant information to supply the required performance data.

**Spreadsheet Data Definitions**

Provider ID - This is the unique ID number assigned for each provider in the CTHires system. WDBs should make the number available to each provider so they can complete the spreadsheet as required.

Provider Name - This is the name of the training provider as listed in the CTHires system and reflected in the ETPL application at the time of initial approval or at the time a legal name change has taken place and has been reported to the WIOA Administration unit.

Social Security Number - This is the Social Security number associated with each participant in the program. CTDOL utilizes Social Security numbers to match quarterly wage data reported by employers to participant data for performance purposes. In the event Social Security Numbers are not provided by a training provider for the individuals who attended the training program, CTDOL will not be able to obtain necessary data via the wage match process.

Program ID - This is the unique ID number of the training class as listed in the CTHires system. WDBs should make the number available to each provider for each class so they can complete the spreadsheet as required.

Program Name - This is the name of the training class as listed in the CTHires system at the time of initial approval as reflected in the ETPL application.

Program CIP Code - This is a six digit code used to classify the industry of the program offered. The number is created when the provider registers in the CTHires system and can be found on the initial ETPL application.

Date Enrolled - The date the student began the program.

Status - This information gathered will be used to record the total number of students who completed, withdrew, or transferred from the program of study during the reporting period.

Required entry is as follows:

1-Currently enrolled and not completed
2-COMPLETED
3-WITHDREW
4-TRANSFERRED

Exited Training (Exit Date) - This is the date the student stopped attending the program. This could be because they have completed, withdrew or dropped out.

Earned a Credential - Indicate yes or no based on the credential definition as provided in CTDOL’s ETPL policy.

Required entry is as follows:

1=Yes
0=No

Employed 2nd quarter after date left program - This field will be used to capture any policy-defined supplemental data the provider may have in regard to employment. Information regarding the use of supplemental wages for determining performance accountability measures can be found in TEGL 26-16.

Required entry is as follows:

1=Yes
0=No
9=Unknown – If the provider does not have any method of tracking supplemental data, they should provide this value. Geographic Solutions will then attempt to obtain employment information through a wage match only or by matching to the WIOA records through the appropriate follow-up.

Employed 4th quarter after date left program - This field will be used to capture any supplemental data the provider may have in regard to employment.

Required entry is as follows:

1=Yes
0=No
9=Unknown

Additional notes regarding provider performance information:

The WDB, in coordination with CTDOL, may take into account the provider’s inability to produce the required information if it is unduly burdensome or incurs extraordinary costs. Before requesting relief from performance reporting the provider must first request technical assistance from the WDB/CTDOL.

Until data from the conclusion of each performance indicator’s first data cycle are available, alternate factors related to performance will be taken into consideration as indicated in CTDOL’s ETPL policy.
DATA ELEMENT VALIDATION

TO BE INCLUDED
REPORTING REQUIREMENTS FOR REVISED ETA 9130 FINANCIAL REPORTS

The purpose of this Administrative Policy (AP) is to notify Workforce Development Boards (WDBs) of the Connecticut Department of Labor’s (CTDOL) requirements for quarterly financial reporting for the Workforce Innovation and Opportunity Act (WIOA), including National Dislocated Worker Grants (DWGs), and the Workforce Innovation Fund (WIF) beginning with the quarterly financial reports due for the period ending September 30, 2016.

BACKGROUND

Form ETA-9130 has been in use for federal financial reporting since October 1, 2007. With the implementation of Uniform Guidance (2 CFR 200) effective December 26, 2014, the ETA-9130 was revised in order to meet the updated statutory reporting requirements for USDOL ETA funded programs.

There are a number of federally mandated changes that are being made to the ETA-9130 reporting form and instructions:

3. Lines 10.l. (Recipient Share of Unliquidated Obligations) and 10.m. (Total Recipient Obligations) from the old ETA-9130 have been removed; and

4. New reporting lines have been added to the ETA-9130, as follows:

<table>
<thead>
<tr>
<th>9130 Report</th>
<th>Work Experience</th>
<th>Federal Share of Unliquidated Obligations</th>
<th>Pay-for-Performance</th>
<th>Incumbent Worker Training</th>
<th>Transition Jobs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Youth</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Adult</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Dislocated Worker</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There are also new limitations and baselines on funds in WIOA that require further breakouts of obligations and expenditures. The following reporting line items have been added to the appropriate ETA-9130 forms:

6. **Work Experience Expenditures** - WIOA Sec.129 (c)(4) requires that a minimum of twenty percent of Federal funds allocated to local areas to carry out the local Youth program for a program year must be expended on work experience activities.

7. **Federal Share of Unliquidated Obligations for Pay-for-Performance Contracts** - the funds reported in this line item are a portion of the funds reported in the pre-existing line item ‘Federal Share of Unliquidated Obligations’. It is necessary to break the pay-for-
performance share of obligations out, because WIOA Sec.189 (g)(2)(D) stipulates that funds for pay-for-performance contract strategies remain available until expended. This affects the Youth, Adult, and Dislocated Worker programs.

8. **Pay-for-Performance Contract Expenditures** - WIOA Sec. 129 (c)(1)(D) and WIOA Sec.134 (d)(1)(A)(iii) sets an expenditure cap on funds that can be used for pay-for-performance contracts. The cap is ten percent of the amount of Federal funds allocated to local areas to carry out the Youth, Adult, and Dislocated Worker programs for a program year.

9. **Incumbent Worker Training Expenditures** - WIOA Sec. 134 (d)(4)(A)(i) sets a cap on incumbent worker training expenditures of twenty percent of the amount of Federal funds allocated to local areas to carry out the Local Adult and Local Dislocated Worker programs for a program year.

10. **Transitional Jobs Expenditures** - WIOA Sec. 134 (d)(5) sets an expenditure cap of ten percent of the amount of Federal funds allocated to local areas to carry out the Adult and Dislocated Worker programs for a program year.

**Note:** WIOA sections 134 (d)(1)(A)(iii), 134 (d)(4)(A)(i), and 134 (d)(5) allow a local area to combine their Local Adult and Local Dislocated Worker allocations to meet the specified expenditure cap for each of the following activities: Pay-for-Performance Contracts, Transitional Jobs, and Incumbent Worker Training. For example, a local area receives $1.5 million in Adult funds and $1.0 million in DW funds. It may use up to $250,000 (10% of the total) for Transitional Jobs.

Expenditure rates are calculated by dividing the sum of the cumulative expenditures for each applicable reporting line item for both the Local Adult and Local DW fund streams by the sum of the Total Federal Funds Authorized for the Local Adult and Local DW fund streams.

Example for Transitional Jobs Expenditure Rate Calculation:

\[
\frac{\text{Sum of all PY and FY Local Adult Transitional Jobs Expenditures (11f entries)}}{\text{Sum of all PY and FY Local DW Transitional Jobs Expenditures (11f entries)}}
\]

\[
\frac{\text{Sum of all PY and FY Local Adult Total Federal Funds Authorized (10d entries)}}{267}
\]
Sum of all PY and FY Local DW Total Federal Funds Authorized (10d entries)

For the Local Youth allocations, the cap for Pay-for-Performance contracts is tabulated separately from the Local Adult and Local DW allocations.

Administrative Costs

WIOA has adopted and maintains the 10% administrative cost limitation that was specified under WIA. WDB’s are required to account for administrative costs associated with each funding stream and year of appropriation and report them on line item 10f (Total Administrative Expenditures).

Discretionary Grants

1) National Dislocated Worker Grants (DWGs)

Due to the programmatic requirements in WIOA, a separate report has been created for each National Dislocated Worker Grant (DWG) in lieu of utilizing the Basic ETA-9130. The following updates have been added to each respective reporting form:

a) Job Driven NEG (9130-b; Rev. 10-27-16)

- Note: Needs Related Payments line item has been removed for space considerations since it is not a budgeted line item under this grant.

- New: Line 11. Additional Expenditures Data Required (a). Other Federal Funds Expended. Enter any other Federal funds expended, by the recipient organization and any subrecipient organization for the same purposes or activities of the subject grant. Expenditures included must be allowable costs which could otherwise have been paid for out of subject grant funds. See TEGL 2-16 (ETA 9130-G Instructions for additional details on this new line item.

- Note: Lines 11 (b) and (c) are auto-calculated and no entry is required by the WDB.

b) Sector Partnership NEG (9130-b2; Rev. 10-27-16)

- New: Line 11. Additional Expenditures Data Required (a). Other Federal Funds Expended. Enter any other Federal funds expended, by the recipient organization and any subrecipient organization for the same purposes or activities of the subject grant. Expenditures included must be allowable costs which could otherwise have
been paid for out of subject grant funds. See TEGL 2-16 (ETA 9130-G Instructions for additional details on this new line item.

- Note: Lines 11 (b) and (c) are auto-calculated and no entry is required by the WDB.

2) Workforce Innovation Fund (9130d-WIF; Rev. 10-27-16)

Due to the programmatic requirements in the WIF, a separate report has been created in lieu of utilizing the Basic ETA-9130. The following update has been added to the current form:

- New: Line 11. Additional Expenditures Data Required (a). Other Federal Funds Expended. Enter any other Federal funds expended, by the recipient organization and any subrecipient organization for the same purposes or activities of the subject grant. Expenditures included must be allowable costs which could otherwise have been paid for out of subject grant funds. See TEGL 2-16 (ETA 9130-Basic Instructions for additional details on this new line item.

POLICY AND PROCEDURES

5. Expenditures of WIOA and WIF federal funds allotted or awarded to the WDB’s must be reported on the accrual basis of accounting, by Adult/Youth/Dislocated Worker funding streams, and cumulative by fiscal year of appropriation using the designated ETA-9130 form, as follows:
   d) ETA-9130 (B) – WIOA Local Youth
   e) ETA-9130 (D) – WIOA Local Adult
   f) ETA-9130 (F) – WIOA Local Dislocated Worker
   g) WDB’s will be directed to use the appropriate ETA-9130 for any Statewide funding, DWG funding, or other discretionary funding such as the WIF.

6. Quarterly ETA-9130 financial reports must be submitted by the WDB’s to CTDOL in accordance with a schedule prescribed by CTDOL. These quarterly expenditure reports must be approved by an authorized signatory and are due no later than 30 days after the end of each quarter, i.e. October 30, January 30, April 30, and July 30. If the reporting deadline falls on a weekend or holiday, all reports are due by close of business (COB) on the last working day prior to the reporting deadline, without exception.

7. Reported ETA-9130 quarterly expenditures must be accompanied by financial statements, general ledger reports or other accounting documentation in sufficient detail.
to establish that WIOA and WIF funds have been used in accordance with the grant award and federal financial standards. The documentation provided must also directly tie back to expenditure amounts reported on the ETA-9130. If the required backup financial documentation is not submitted accurately and on a timely basis, WDB’s may be subject to a suspension of cash draw-downs until the deficiency is corrected. Advance notification of a potential suspension, along with time for corrective action, will be provided prior to any suspension of cash draw-downs.

8. In the event that there are adjustments or other changes to the reported amounts for a previously reported quarter, amended ETA-9130 reports must be submitted for the quarter to be adjusted or changed. It is unacceptable to simply include adjustments or changes to amounts reported for a previous quarter in the current quarter submittal.

REFERENCES

- Workforce innovation and Opportunity Act (WIOA) (Pub. L. 113-128) Titles I, III, and V, as amended
- 2 CFR Part 200, Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards, Final Rule
- 2 CFR Part 2900, Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards, Final Rule
- One-Stop Comprehensive Financial Management Technical Assistance Guide (TAG) Part II
- TEGL 2-16, Revised ETA-9130 Financial Report, Instructions, and Additional Guidance
- TEGL 8-15, Second Title I WIOA Youth Program Transition Guidance
- TEGL 23-14, Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition
- TEGL 26-14, Workforce Innovation and Opportunity Act Transition Authority for Flexible Use of State Rapid Response Funds
- TEGL 15-14, Implementation of New Uniform Guidance Regulations
- TEGL 12-14, Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 Funds for Workforce Innovation and Opportunity Act (WIOA) Transitional Activities

INQUIRIES

Administration policy questions may be directed to the WIOA Administration Unit at (860) 263-6590. Accounting or reporting questions should be directed to CTDOL - Business Management Contracts Unit by e-mail at DOLContractUnit@ct.gov.
The OMB Uniform Guidance 2 CFR Part 200 Subpart E contains the Federal cost principles that define when and how costs can be charged to grants. Even though the circular does not address every possible cost, they are the groundwork for all grant financial management, and grantees and subgrantees should rely on their guidance to avoid audit findings and potential liability.

The following general cost principles, as specified in the circular must be used in determining if costs are allowable for grants.

A. **Costs must be necessary and reasonable.**
   Any cost charged to a grant must be necessary and reasonable for the proper and efficient performance and administration of the grant. A grantee or subgrantee is required to exercise sound business practices and to comply with its procedures for charging costs.

B. **Costs must be allocable.**
   A grantee or subgrantee may charge costs to the grant if those costs are clearly identifiable as benefiting the grant program. Costs charged to the grant should benefit only the grant program, not other programs or activities. In order to be allocable, a cost must be treated consistently with like costs and incurred specifically for the program being charged. Shared costs must benefit both the ETA grant and other work and be distributed in reasonable proportion to the benefits received.

C. **Costs must be authorized or not prohibited under Federal, State, or local laws or regulations.**
   Costs incurred must not be prohibited by any Federal, State, or local laws.

D. **Costs must receive consistent treatment by a grantee.**
   A grantee or subgrantee must treat a cost uniformly across program elements and from year to year. Costs that are indirect for some programs cannot be considered direct ETA grant costs.

E. **Costs must not be used to meet matching or cost-sharing requirements.** A grantee may not use federally funded costs, whether direct or indirect, as match or to meet matching fund requirements unless specifically authorized by law.

F. **Costs must be adequately documented.**
   A grantee must document all costs in a manner consistent with GAAP. Examples include retaining evidence of competitive bidding for services or supplies, adequate time records for employees who charge time against the grant, invoices, receipts, purchase orders, etc.

G. **Costs must conform to ETA grant exclusions and limitations.**
   A grantee or sub-grantee may not charge a cost to the grant that is unallowable per the grant regulations or the cost limitations specified in the regulations.
BUDGET VS. EXPENDITURE REPORT

A. Background

29 CFR 97.20(b)(4) requires, “Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.”

2 CFR 200.302(b)(5) requires, “Comparison of expenditures with budget amounts for each Federal award.”

B. Purpose

The WIOA Line Item Report, Contract Budget vs. Expenditures, itemizes actual and accrued federal expenses into the same line items as the contract budget summary.

Use of the budget line items will facilitate the comparison of budgeted versus actual and accrued expenditures to determine compliance with contract variance restrictions.

C. General Instructions for Completion of the Form

The Local Workforce Development Boards (WDBs) must prepare a separate form for each of the three (3) funding streams in its current contract(s):

- Adult Program
- Youth Program
- Dislocated Worker Program

The reported expenditures shall be cumulative from the start of the contract period to the end of the reporting period.

D. Frequency and Report Due Dates

The report shall be submitted monthly beginning with the start date of the contract. The report is due no later than twenty (20) calendar days after the end of each month and should be submitted to the email shown below.

CTDOLWorkforceAdmin@ct.gov

Staff assigned to a specific WDB will review the reports, determine the rate of expenditure, and then address the specific line item and overall budget under/over with the WDB within seven (7) days.
E. Detailed Instructions

1. Identifying Information
   a. Contractor
   b. Contract No:
   c. Report Period (from inception of the contract to the last day of the month being reported on)
   d. Year/Funding Stream
   e. Contractor Certification

2. Total Expenditures
   Column (1) Budget Line Items: Describes the line items for each line item category as listed in the contract budget summary.
   Column (2) Budget Line Item Amounts: List by line item the amounts from the contract budget summary.
   Column (3) Actual Expenditures: Enter the cumulative actual expenditures for each line item listed in Column (1). Actual expenditures are the actual disbursements (payments other than advances).
   Column (4) Accrued Expenditures: Enter the accrued expenditures for each line item listed in Column (1). Accrued expenditures are invoices on hand, other projected payments for goods and services received (for which invoices have not been received), and salaries and related benefit costs incurred (earned, but not paid) by the end of the reporting period.
   Column (5) Total Expenditures: Column (3) plus Column (4).
   Column (6) Variance: The difference between line item amounts in the contract budget and total expenditures.
   Column (7) Percent of Budget Line Item Expended: For each line item, the result shows the percentage over or under of the total expenditures made against the budget line item amount.

Example:

50% of line item expended indicates 50% of the line item amount has or will shortly be expended.
100% of line item expended indicates the line item has been or will shortly be fully expended.

>100% - greater than 100% of line item expended indicates an over expenditure of that line item.

NOTE: If the variance exceeds the contractual threshold for line item amount changes, a Line Item Budget Revision Request will need to be submitted to CTDOL for approval of requested line item changes.
## CASH ON HAND

### References: as may be updated or revised by the United States government from time to time

<table>
<thead>
<tr>
<th>Reference</th>
<th>URL</th>
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<tbody>
<tr>
<td>Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200)</td>
<td><a href="https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.1.1.2.2.2.2.1&amp;rgn=div5">https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.1.1.2.2.2.2.1&amp;rgn=div5</a></td>
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See:

<table>
<thead>
<tr>
<th>CFR Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>2 CFR 200.30</td>
<td>Financial management</td>
</tr>
<tr>
<td>2 CFR 200.305</td>
<td>Payment</td>
</tr>
<tr>
<td>2 CFR 200.326</td>
<td>Contract provisions</td>
</tr>
<tr>
<td>2 CFR 200.327</td>
<td>Financial reporting</td>
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</tbody>
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<td>31 CFR 205</td>
<td><a href="http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&amp;SID=ecfr822b8a49032cf42a1e969c7734866b&amp;r=div5&amp;v=text&amp;n=31:2.1.1.5&amp;idno=31">http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&amp;SID=ecfr822b8a49032cf42a1e969c7734866b&amp;r=div5&amp;v=text&amp;n=31:2.1.1.5&amp;idno=31</a></td>
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A. The Local Workforce Development Boards (WDBs) and their subcontractors shall minimize the time elapsing between receipt and disbursement of WIOA funds in order to maintain only the minimum cash balance, in accordance with federal requirements.

B. Cash advances by CTDOL to Local WDBs shall be limited to the minimum amounts needed (including a proportionate share of any allowable indirect costs) by WDBs to carry out the purpose of the approved program or project.
C. Local WDBs shall provide reasonable documentation to show that the expenditures for which such cash is requested are immediate, appropriate and necessary.

D. Local WDBs and their subcontractors shall maintain an adequate system of internal controls to safeguard cash in accordance with federal guidelines and standards for financial management systems.

E. The timing of any such cash advances shall be tied, as closely as is administratively feasible, to the Local WDBs’ actual, immediate cash disbursement needs.

F. Local WDBs shall manage cash requests to allow for timely execution of subcontracts, without holding excess cash-on-hand.

G. Cash Management Practices
   1. Local WDBs shall implement effective “cash forecasting” systems and procedures that identify specific cash needs within a defined time period linked to the disbursement cycle including, but not limited to the following:
      a. Implementation of ongoing, continuous projection of cash needs so that cash is received as closely as possible to the time of actual cash disbursement;
      b. Implementation of proper accounting procedures to segregate federal grant funds, state funds, and private funds – on a grant and project basis;
      c. Written procedures, as required by the CTDOL WIOA contract, for maintaining and monitoring the minimum amount of cash on hand necessary to efficiently improve the timing and control of disbursements; and
      d. Scheduling disbursement cycles to coincide with the receipt and payout of cash by:
         (1) determining cash needs using estimated check (bank) clearance dates rather than dates of disbursement;
         (2) controlling payables and the timing of payments to coincide with the receipt of cash from CTDOL;
         (3) scheduling payables for specific dates to improve cash management efficiency;
         (4) waiting for actual invoices before paying training costs; and
         (5) requesting cash only when obligations require actual payment.

H. Regarding the implementation of accurate cash forecasting, please note all of the following:
   1. Net Payroll/Payroll Taxes/Fringe Benefits
      a. Net payroll -- not gross salaries and wages -- should be used for cash forecasting purposes.
      b. If payroll deductions, payroll taxes and/or fringe benefits (e.g., retirement, medical insurance, FICA, and workers’ compensation) are disbursed at a different time than the payroll dates, cash must not be requested until the actual cash disbursement date is imminent.
2. **Accrued expenses**  
   a. In general, accrued expenses will exceed the amount of cash received and requested.  
   b. Cash is not needed to accommodate an accrued expenditure until an invoice has been received requiring actual, immediate cash payment to be made.

3. **Obligations**  
   a. Incurring an obligation does not require cash.  
   b. Cash is only needed at the time that a cash disbursement is scheduled to be made to liquidate an obligation.

4. **Other cash**  
   Before requesting additional cash, WDBs shall disburse funds available (to the extent available) from:  
   a. program income (including repayments to a revolving fund);  
   b. rebates;  
   c. refunds;  
   d. contract settlements;  
   e. audit recoveries; and/or  
   f. interest earned on such funds.

I. **Cash Management Procedures**

1. **WIOA Contract Issuances**  
   Upon receipt of the USDOL ETA TEGL (Training and Employment Guidance Letter) -- typically in March or April prior to the start of the Program Year:  
   a. CTDOL will calculate the WIOA allocations by Local WDB and funding stream (Adult, Dislocated Worker, Youth) and issue a contract package in April;  
   b. Local WDBs must submit such contract packages to CTDOL by the due date indicated in the contract issuance;  
   c. Local WDB adherence to all CTDOL contract requirements and submissions without errors will achieve expedited contract approvals.

2. **Notice of Fund Availability (NFA)**  
   a. Upon receipt of a Federal Notice of Obligation (NOO) from the USDOL ETA and CTDOL’s calculation of allocations according to the applicable TEGL, the CTDOL will issue a Notice of Fund Availability (NFA) and Form WIOA-6 Request for Funds to the Local WDBs. For each WDB, the NFA shall specify the:  
      (1) year of appropriation;  
      (2) WIOA funding stream;  
      (3) CFDA (Catalog of Federal Domestic Assistance, https://www.cfda.gov/) number;  
      (4) aggregate of all funding streams corresponding to the approved maximum contract amount; and  
      (5) status of open and closed contracts.  
   b. Availability of funds when both of the following occur:  
      (1) within 30 days of ETA allocation of funds, and  
      (2) upon CTDOL Business Management’s verification of actual receipt of federal funds into CTDOL accounts.  
   c. Funds cannot be drawn down until the funding contract is fully executed including approval by the CT Office of the Attorney General, and only then may invoicing begin.
3. Local WDB request for and receipt of WIOA funds

WDBs shall:

a. complete Form WIOA-6 Request for Funds:
   i. according to the instructions; and
   ii. without altering or changing the embedded formulas;

b. complete the WIOA-6 Request for Funds supporting schedules entitled:
   i. Cash Expenditures to Date; and
   ii. Cash Needs for this Request;

c. if requested by CTDOL, provide a current Trial Balance, Bank Statement, General Ledger, financial reports or other documentation substantiating the Form WIOA-6 Request for Funds;

d. time the Form WIOA-6 Request for Funds in accordance with actual, immediate cash disbursement requirements in carrying out the purposes of WIOA;

e. only request funds:
   i. for delivery as closely as possible to actual payout through the WDB’s disbursement process;
   ii. that are authorized by the appropriate NFA; and
   iii. to pay costs which are allowable, allocable, reasonable, and documented;

f. have the WDB’s authorized contract signatory sign and date the Form WIOA-6 Request for Funds, or delegate such signature authority to another by submitting a designation of signature authority to CTDOL which meets all the following criteria:
   i. in writing;
   ii. signed and dated by the contract signatory; and
   iii. in force and on file at CTDOL prior to any request for funds; and

g. submit the Form WIOA-6 Request for Funds electronically by e-mail attachment to CTDOL at CTDOL.WorkforceAdmin@ct.gov.

4. A Form WIOA-6 Request for Funds submitted by a Local WDB may be rejected by CTDOL and not processed (until resolved to CTDOL’s satisfaction) if the Form WIOA-6:

a. is submitted with unacceptable entries,

b. reveals there to be excess cash-on-hand, and/or

c. is submitted without requested or acceptable supportive documentation.

CTDOL will notify any WDB regarding rejection of an unsatisfactory Form WIOA-6 Request for Funds within five (5) business days of CTDOL receipt of such Form WIOA-6.

5. Upon CTDOL’s approval of a Form WIOA-6 Request for Funds, the Local WDBs are required to comply with all of the following.

a. Deposit funds received via CTDOL Electronic Funds Transfer (EFT) or Automatic Clearing House (ACH) into an authorized, insured (and if required, interest-bearing) bank account.

b. If a new bank account needs to be established, the WDB will provide CTDOL with:
   i. a letter signed by the authorized contract signatory or designee; and
   ii. a check marked “VOID” (if for deposit of WIOA grant funds).

c. The WDB shall provide the following information to CTDOL in order for CTDOL to deposit funds:
i. the name of the bank;  
ii. bank address;  
iii. bank account number; and  
iv. transit routing number of the bank.

d. Disburse cash in accordance with the Cash Needs for this Request form submitted by the WDB for the approved Form WIOA-6 Request for Funds; and

e. Fully expend the cash received (exclusive of processing lead times) before initiating a new cash request.

6. Funds requested by Local WDBs and approved by CTDOL shall be electronically transferred by the CT Office of the State Comptroller into the designated WDB account within three (3) to (five) 5 business days after receipt and approval of an acceptable Form WIOA-6 Request for Funds.

7. Deposited funds:
   a. shall be held by each Local WDB in a financial institution that is insured by at least one of the following:
      i. the Federal Deposit Insurance Corporation (FDIC); or
      ii. the Federal Savings and Loan Corporation (FSLC); or
      iii. the administrator of the National Credit Union (NCU); and
   b. shall, pursuant to 2 CFR 200.306, be held in an interest-bearing account, UNLESS:
      i. the non-Federal entity receives less than $120,000 in Federal awards per year; or
      ii. the best, reasonably-available, interest-bearing account would not be expected to earn interest in excess of $500 per year on Federal cash balances; or
      iii. the depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

8. Pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, the Local WDBs shall adhere to the following as to any and all interest earned on WIOA Title I funds.
   a. Interest income earned on funds received under WIOA Title I must be included as program income. Program income means:
      i. gross income earned by the non-Federal entity that is directly generated by a supported activity; OR
      ii. earned as a result of the Federal award during the period of performance except as provided in 2 CFR 200.307(f).
   b. Under WIOA, program income includes all of the following:
      i. Receipts from goods or services provided (including conferences) as a result of WIOA-funded activities;
      ii. Funds provided to a service provider under WIOA that are in excess of the costs associated with the services provided;
      iii. Interest income earned on any WIOA funds received; and
      iv. Any excess of revenue over costs incurred for services provided by a governmental or non-profit entity.
   c. All program income earned under WIOA Title I grants may be retained only if the income is used to continue to carry out the program.
   d. When the cost of generating program income has been charged to the program, the gross amount earned must be added to the program in which it was earned.
e. The cost of generating program income MUST be subtracted from the amount earned, to establish the **net amount of program income** available for use under the grants, when these costs have not been charged to the program.
HANDLING PII

Handling and Protection of Personally Identifiable Information (PII)

BACKGROUND

PURPOSE
ETA Grantees and Subgrantees are required to handle and protect Personally Identifiable Information (PII) in order to mitigate risks associated with the collection, storage and dissemination of sensitive data, including PII. This AP cites the specific requirements with which grantees must comply in the acquisition, handling and transmission of PII.

DEFINITIONS:

| Personally Identifiable Information (PII) | Defined by the federal OMB (Office of Management and Budget) as information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. See OMB Memorandum M-07-16 (5/22/07) at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2007/m07-16.pdf |
| Sensitive Information | Any unclassified information whose loss, misuse or unauthorized access to or modification of could adversely affect the interest of the conduct of Federal programs, or the privacy to which individuals are entitled under the Privacy Act. |
| Protected PII and Non-Sensitive PII | USDOL has identified two (2) types of PII, primarily based on an analysis regarding the “risk of harm” that could result from release of PII: Protected PII Information that if disclosed could result in harm to the individual whose name or identity is linked to that information. Examples: Social Security numbers, credit card and bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometrics (fingerprints, voice prints, iris scans, etc.), medical history, financial information, computer passwords, etc. All Unemployment Compensation (UC) tax, wage or claims data is also Protected PII. |
Non-Sensitive PII

Information that if disclosed, by itself, could not reasonably be expected to result in personal harm as it is not linked or closely associated with any protected or unprotected PII.

Examples:
First and last names, e-mail addresses, business addresses, business telephone numbers, general education credentials, gender, race, etc.

However, depending on the circumstances, a combination of such items may combine could potentially be categorized as protected or sensitive PII.

POLICY

As stewards of federal funds, USDOL ETA grantees must secure transmission of PII and sensitive data that is developed, obtained or otherwise associated with ETA-funded grants. All grantees must comply with all of the following:

1. No sensitive PII may be placed or stored on a mobile computing or storage device, without specific approval from the Connecticut Department of Administrative Services, Bureau of Enterprise Systems and Technology (as process through CTDOL IT Division). If emailing PII, data must be encrypted using a FIPS 140-2 compliant and NIST-validated cryptographic module. Grantees must not e-mail unencrypted sensitive PII to an entity, including ETA or contractors.

   Additionally, no information obtained from Unemployment Compensation data (e.g. tax, wage or claims data) may be emailed, even if encrypted.


2. In accordance with the ETA standards under TEGL 39-11 and any updates thereto, grantees must ensure the privacy of all sensitive PII obtained from participants and/or other persons and protect such information from unauthorized disclosure.

3. Any sensitive PII used by a grantee during the performance of any ETA grant must only be obtained in conformity with applicable Federal and state laws governing confidentiality.

4. All sensitive PII data obtained by grantees through ETA grants shall be stored in an area that is at all times physically safe from unauthorized access. All such sensitive data must be processed using grantee-issued equipment, managed information technology (IT) service and designated locations approved by ETA. Unless approved by ETA, accessing, processing and storing ETA grant sensitive PII on personally-owned equipment at off-site locations (e.g. employee’s home) or using non-grantee-managed IT services (e.g. Yahoo mail) is strictly prohibited.

5. Grantee’s employees and other personnel who will have access to sensitive, confidential, proprietary and/or private data must be advised of:
   • the confidential nature of such information
   • the safeguards required to protect the information and
   • that there are civil and criminal sanctions in Federal and state law for non-compliance
6. Grantees must implement policies and procedures under which grantee employees and other personnel acknowledge their understanding of #5, above, **before** such persons are granted access to PII.

<table>
<thead>
<tr>
<th>PRIOR TO COLLECTION of sensitive PII or sensitive personal information:</th>
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<tbody>
<tr>
<td><strong>WIOA Program Applicants and Participants:</strong></td>
</tr>
<tr>
<td>a. Persons shall be notified that such sensitive information shall only be used for purposes of service under the WIOA-funded grant and its corresponding regulations. Persons must sign a release acknowledging such notification as part of the WIOA program application.</td>
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<tr>
<td>b. Persons shall also be notified that with written consent, such sensitive information may be shared with other WIOA partner organizations, for purposes of referral and potential coordination of services beyond WIOA.</td>
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<tr>
<td>c. The person may agree in writing to release all or portion/s of their sensitive PII information and shall be provided the opportunity to indicate:</td>
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<tr>
<td>i. what information may or may not be shared <strong>and</strong></td>
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<td>ii. if there are specific organization(s) to which their information may <strong>not</strong> be shared. Such consent may be modified or revoked at any time, by providing written notice. The person must initial designations and changes, to document any such modifications.</td>
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<tr>
<td>d. Unless modified or revoked by the person, written consents shall remain in effect for one year from the date of last signature.</td>
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| **WIOA–funded Staff, Volunteers and Partner Personnel:** |
| a. WIOA-funded staff and unpaid volunteers and other partner personnel who have access to sensitive/confidential/proprietary/private data must be advised through training of the confidential nature of the information and the safeguards required to handle and protect the information. Only CTDOL-employed staff may have access to UC data. |
| b. WIOA service provider staff – including the staff of Workforce Development Boards – shall sign written **Acknowledgement / Confidentiality Agreements** indicating receipt of training regarding the requirements and that they understand all such requirements. |
| c. Such **Acknowledgements** must be kept for in staff personnel files. |

7. Grantees must not extract information from ETA-supplied data for any purpose not stated in the grant Agreement.

8. Access to sensitive PII generated through participation in ETA programs or obtain via ETA funded grant participation must be restricted to **only** those employees of the grant recipient who need it and have signed required a **Acknowledgement of Policy and Confidentiality Agreement** in their official capacity to perform duties under the grant agreement’s Scope of Work.

Note: Individuals with access to Wage Data must sign an additional, separate **Acknowledgement of Policy and Confidentiality Agreement** form. **Acknowledgement of Policy and Confidentiality Agreement** is attached as an **Exhibit** under this AP.
<table>
<thead>
<tr>
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<th>All sensitive PII data must be processed in a manner that will:</th>
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<tr>
<td>9.</td>
<td>- protect confidentiality of the data (records and/or documents) <strong>and</strong></td>
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<td></td>
<td>- must prevent unauthorized persons from retrieving such data, by computer, remote</td>
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<td>terminal or any other means.</td>
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<td>Data may not be downloaded to -- or maintained on – portable storage or mobile devices.</td>
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<td></td>
<td>Wage data may only be accessed from secure locations, may not be downloaded to -- or</td>
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<td></td>
<td>maintained on – portable storage or mobile devices, and must follow guidelines prescribed by</td>
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<td>CTDOL Internal Security Unit.</td>
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<td>* see link to NIST and FIPS information, embedded at #1, above</td>
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<td>10.</td>
<td>Social Security numbers and UC data shall never be transmitted via e-mail or any other</td>
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<td>unencrypted, unsecured media or channel.</td>
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<td>11.</td>
<td>Records containing sensitive PII shall not be left open and unattended.</td>
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<td>Documents containing PII shall be kept in locked cabinets when not in use.</td>
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<td>12.</td>
<td>Sensitive PII in paper files shall be destroyed using an appropriate method (e.g. shredding or</td>
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<td>use of a “burn bag”).</td>
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<td>13.</td>
<td>Sensitive PII data obtained by the grantee through an ETA request must <strong>not</strong> be disclosed to</td>
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<td>anyone but the individual requestor, <strong>except</strong> as permitted by the Grant Officer.</td>
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<td>14.</td>
<td>Grantees must:</td>
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<td>- permit on-site inspections (including audits or other investigations) by ETA during</td>
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<td>regular business hours, for the purpose of determining grantee’s compliance with these</td>
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<td>confidentiality requirements, <strong>and</strong></td>
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<td>- make records applicable to the grant Agreement available to authorized persons for the</td>
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<td>purpose of inspection, review and/or audit.</td>
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<td>15.</td>
<td>Grantees must retain data received from ETA <strong>only</strong> for the period of time required to use it for</td>
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<td>assessment and other purposes, <strong>or</strong> to satisfy applicable Federal record retention requirements,</td>
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<td>if any. <strong>Thereafter</strong>, the grantee shall destroy all data, including the degaussing (i.e. neutralize</td>
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<td>or erase) of magnetic tape files and deletion of electronic data.</td>
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<tr>
<td>16.</td>
<td>Breach or suspect breach of any of these protocols regarding handling and protection of PII</td>
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<td>must be immediately reported to the <strong>Manager, Workforce Investment Opportunity Act</strong></td>
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<td><strong>Unit, CTDOL, who in turn will report the breach to:</strong></td>
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<td>- the Federal Project Officer (FPO) responsible for the grant <strong>and</strong></td>
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<td>- ETA Information Security @ <a href="mailto:ETA.CSIRT@dol.gov">ETA.CSIRT@dol.gov</a> (202) 693-3444</td>
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<tr>
<td></td>
<td>and follow any instructions received from officials of the U.S. Department of Labor.</td>
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<td></td>
<td>CTDOL staff must report breaches pertaining to wage data by using the Unauthorized data</td>
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<tr>
<td></td>
<td>disclosure form found at <a href="http://intranet/security/UnauthData.htm">http://intranet/security/UnauthData.htm</a> and via the Incident</td>
</tr>
<tr>
<td></td>
<td>Reporting process at the CTDOL Facilities Intranet site.</td>
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</tbody>
</table>
Communication / Inquiries between WDBs and CTDOL

If local area WDBs or CTDOL need to communicate by e-mail regarding a WIOA participant, only the following information may be transmitted:

<table>
<thead>
<tr>
<th>Participant’s name</th>
<th>and location of service</th>
</tr>
</thead>
<tbody>
<tr>
<td>ONLY</td>
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</table>

Use of any other information regarding participant’s identification or sensitive PII is strictly prohibited.

Action

Upon issuance of this AP, the following protocols are hereby implemented at CTDOL and local area WDBs must implement these policies among all respective WDB and One-Stop operator staff:

1. Before collecting sensitive PII from WIOA customers, each such WIOA customer must sign release forms:
   a. acknowledging the collection of such sensitive PII use,
   b. disclosing the entities that will have access to the customer’s sensitive PII, and
   c. notifying the WIOA customer that in providing WIOA services to the customer will necessitate the proper, secure release of their respective PII.

2. Authorization and Consent for Release of Information is attached as an Exhibit under this AP.

3. CTDOL and WDBs must not transmit any customer’s PII to each other or any other entity for any purpose whatsoever. Inquiries involving WIOA customers or participants must use ONLY the person’s first and last name and location of WIOA service. Staffs have varying levels of access to PII information via CT’s MIS system CTHires based on administrative rights.

4. Records from CTHires containing sensitive PII must never be left open and unattended.

5. Destruction of sensitive PII:
   a. in paper files must use methods such as cross-cut shredding or a burn bag; and
   b. electronic PII must be securely deleted;

6. Contracts with all disposal facilities must clearly state that strict confidentiality of sensitive PII records is required throughout the disposal process.

7. Documents containing PII and other sensitive information must be stored in locked cabinets when the documents are not in use.

8. Chain-of-custody of any and all sensitive PII documents must be documented whenever such documents are removed from storage premises.

9. PII and other sensitive information may only be retained:
   a. for the period of time required to use it for assessment and other official purposes, or
   b. to satisfy applicable federal or state records retention requirements, if any.

10. Outside of circumstances described above, such sensitive PII must be destroyed, including but not limited to shredding or burning paper files, degaussing magnetic tape files and deleting electronic data.
9. Immediately report any breach or suspected breach of sensitive PII to the Manager, WOIA Administration Unit, CTDOL using the Instructions for Lost, Stolen, or Compromised PII and Breach Report is attached as an Exhibit under this AP.

10. All breaches or suspected breaches of sensitive PII shall be immediately reported by CTDOL to the USDOL ETA Region I office in Boston, Massachusetts.

Non-Compliance; Consequences

A grantee’s:
- failure to comply with the requirements identified in TEGL 39-11 and/or
- improper use or disclosure of PII for an unauthorized purpose
may result in one or more of the following consequences:
- the termination or suspension of the grant,
- the imposition of special conditions,
- such other actions as the Grant Officer may deem necessary to protect the privacy of participants or the integrity of data.

Questions

Please contact WIOA Administration Unit at (860) 263-6590.

Exhibits

Exhibits: 1. Instructions for Lost, Stolen, or Compromised PII and Breach Report
2. Acknowledgement of Policy and Confidentiality Agreement
3. Authorization and Consent to Release of Information

Releases for use by WIOA and One-Stop operator Staff and Customers
Instructions for Lost, Stolen or Compromised PII and Breach Report
MANAGEMENT INFORMATION SYSTEM

MANAGEMENT INFORMATION SYSTEM REQUIREMENTS

The WIOA portion of CTHires VOS system collects and disseminates information on participants and program results. The system was designed using the Workforce Investment Act Standard Record Data (WIASRD), used to provide guidance in completing registration and outcome information.

Information about an individual and their WIOA Title 1B experiences is used to:
1. share program results with consumers, taxpayers, Congress, and other program overseers;
2. compare results among WIOA service providers, other states, and with other federally funded programs;
3. and evaluate and continuously improve services.

This information is required by legislation. It is confidential and protected by all applicable privacy rules.

For the staff member at a one-stop or workforce center, Virtual OneStop incorporates case management, customer tracking, and follow-up services. A case manager or counselor can help individuals with basic (i.e., core) services, and track the information. They can also track and share information regarding eligible individuals receiving intensive and training services. Staff can also support employers with basic services related to job orders and employer accounts.

Intensive Individual Services

Program Application and Eligibility Determination – Virtual OneStop uses a common database. Staff members can enter data once for individuals using various services from different programs or agencies, or they can enter required data for a specific program application. Either way, the data is shared by programs from different agencies within the one-stop partnership, and accessed where it is needed. This streamlines the process of matching customers with services they need pertaining to employment.

• Case Management and Tracking – Staff can enter, assign, review, and monitor case information for specific individuals registered within the workforce center. Authorized staff can automatically assign customers to specific case managers, or to multiple members of the one-stop staff. The case manager or counselor can view personal folder information, employment and training research, reports, and program activities. Applications, enrollment forms, status changes, program outcomes, and follow-up forms can be entered, viewed, and modified. Case histories can also be viewed. For more information about case management, see chapter 3 - Manage Individuals – Create, Assist, and Manage Profiles, and chapter 4 - Individuals – Case Management.

• Case Notes – Counselors and case managers can enter their own case notes for activities and observations about their customers. Security privileges control who
sees case notes, as well as other case management and tracking features, so that data is viewed on a need-to-know basis. For information about working with case notes, see the topic “Case Notes Tab” in chapter 4 - Individuals – Case Management.

- **Assessment** – Assessment Process Summary Information can be recorded for multiple test results, allowing progress to be tracked for a customer with multiple intensive assessments. For more information about assessments, see the topic “Managing a Self-Assessment Profile” in chapter 3 - Manage Individuals – Create, Assist, and Manage Profiles.

- **Skills and Interests Analysis** – Staff can help individuals define their skill sets, work interests and work importance, and match the skills to standard O*NET occupation definitions (which helps to match individual skills to existing jobs). For more information on skills and interests, see the topic “Managing a Self-Assessment Profile” in chapter 3 - Manage Individuals – Create, Assist, and Manage Profiles.

- **Appointments and Messaging** – Staff can send and view messages from all the cases in their caseload. This includes appointment and event notifications. For more information about working with appointments and messages, see the topic “Messages” in chapter 2 - My Workspace.