



Gina M. Raimondo

Governor – State of Rhode Island

Workforce Innovation and Opportunity Act

Rhode Island Proposed Waivers –2018



DATA AND PERFORMANCE REPORTING 3

 Waiver: Reporting of Individual Level Data for Wagner-Peyser..... 3

ELIGIBLE TRAINING PROVIDER LIST 5

 Waiver: No longer require ETPL Providers to collect Data on All Students 5

 Waiver: Industry-Lead Partnerships (Real Jobs RI) as Eligible Training Providers 8

WIOA TITLE I - YOUTH 11

 Waiver: Allow Children of Adult Priority Parents to Meet Youth Eligibility Definition ... 11

 Waiver: Include Apprenticeship in the definition of a Youth Work Experience 13

Statutory and/or Regulatory Requirement to be Waived – Individual Record Reporting for Wagner-Peyser Customer Requirements

The State of Rhode Island is seeking a waiver from the requirements outlined at 20 CFR 677.235(a), which require the collection and reporting of individual level data for Wagner-Peyser customers to the same level as other programs.

Background

Wagner-Peyser Employment Services focus on providing a variety of employment related labor exchange services including job search assistance, job referral, and placement assistance for job seekers, re-employment services to unemployment insurance claimants, and recruitment services to employers with job openings. Generally, these are low-cost, “light touch” services.

Consistent with the requirements of 20 CFR 677.235(a), the USDOL Participant Individual Record Layout, requires that states collect and record specific data elements regarding participants in the Wagner-Peyser program in a comprehensive manner on par with more intensive “high touch” services offered under WIOA Title I (Adult, Dislocated Worker, and Youth) programming. These programs offered more comprehensive services and often require a greater ‘commitment’ of time on behalf of the customer, during which the information necessary to report on such data elements can be obtained.

Issue

Wagner-Peyser is intended as a universal access program to, ideally offer low-cost relatively brief services to job seekers to enter or return to the workforce. Requesting information including, but limited to: disability status; homelessness; income level; skills deficiencies; and single parenthood; represents a burden and potential deterrent for participants, especially when most of the data points are not essential factors to be utilized in the statistical adjustment model for performance.

Furthermore, Wagner-Peyser funding does not support the additional workload for staff that is necessary collect and verify all the data to be reported. In some instances, it may take longer for staff to obtain the relevant information than it takes to actually provide the service being requested. Some data elements are vague or somewhat confusing, and the staff time it takes to work through the definitions with customers to arrive at an accurate answer is not the most effective use of limited resources.

Actions Undertaken to Remove State or Local Statutory or Regulatory Barriers

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

Waiver Goals and Outcomes

Goals and outcomes related to this waiver request Include:

- Improved customer experience in utilization of Wagner-Peyser programs
- Better allocation of staff time and resources on value-added customer-facing services and activities
- Continued accurate reporting on essential performance metrics

Individuals Benefiting from the Waiver

Individuals accessing Wagner-Peyser services will benefit from a less-intensive data collection process and more time spent on employment-related activities. AJC staff and other partners will benefit from a less labor-intensive WP process that is focused more on customer service and less on administration and reporting.

How the State plans to monitor waiver implementation, including collection of waiver outcome information

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance. Specific focus will be on whether the Wagner-Peyser staff and customer experience has been observed to improve as a result of the less intense data collection requirements.

Notice to Local Boards and Public Comment

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This and all waiver requests will be posted to the State Workforce Development Board's website for comment and review by the general public. Any comment received will be reviewed for applicability and, if determined appropriate, forwarded to the USDOL.

Statutory and/or Regulatory Requirement to be Waived - Eligible Training Provider List Requirements

The State of Rhode Island is seeking a waiver from the requirements outlined in the WIOA at Sections 116 and 122, and at 20 CFR 677.230 and 20 CFR 680.400 thru 680.530, which require the collection and reporting of performance related data on all students participating in training programs listed on the state's ETPL.

Background

Over the last three years Rhode Island has undertaken an aggressive and ambitious economic development strategy focused on developing high wage, high demand, and high skilled occupations that, among other criteria - are less likely to be outsourced overseas, provide a higher standard of living, and are more 'recession proof' than other lower skilled occupations. The state Workforce Development Board recently issued guidelines for all workforce network partners, including Secondary Education, Postsecondary Education, Community organizations, and training providers on the prioritization for high wage high demand employment.

Simultaneous to those activities; the state has dramatically improved and innovated our approach to data collection and the administration of the Eligible Training Provider List. For too long the ETPL lacked adequate supervision and quality controls. In 2016, oversight of the ETPL transition from LWDBs to the State. The state now manages the ETPL through its management information system. All programs are submitted by vendors and approved through the MIS. Performance management will also transition to the MIS system once the state's information technology vendor completes the requisite scorecard programming within the provider. Finally, the state is working to leverage its existing multi-agency longitudinal data system, which is one of the most robust and comprehensive in the nation, to dramatically enhance and re-imagine our workforce system reporting, including the required WIOA ETP performance reporting requirements.

Issue

The WIOA ETP requirement that providers must collect and report performance related data on all students participating in training programs listed on the state's ETPL (outlined in the WIOA at Sections 116 and 122, and at 20 CFR 677.230 and 20 CFR 680.400 thru 680.530) has presented a number of challenges:

- Proprietary schools, particularly those with the resources, equipment, and technology necessary to train for high wage, high demand occupations- lack a formal system to report student data and lack the ability to automatically match student data with other data sources to calculate outcomes – resulting in a large reporting burden on these types of training providers.
- In the absence of an automated data system - much of the required performance information would have to be self-reported through surveys, phone interviews, etc., which is very labor intensive and reduces the accuracy of the information.
- Proprietary schools would have to collect sensitive information, such as social security numbers, etc., on all students in order for the state to match wages and earnings information, which may leave the students open to identity theft, privacy considerations, etc.

- The requirement that providers collect data on all students has threatened an exodus of high functioning training providers from the ETPL, including those with resources and technology necessary to train for high wage, high demand occupations.
- This loss of training providers would limit consumer choice and the opportunity for WIOA participants to access high quality training for several high wage, high demand occupations.
- This loss of training providers would reduce the ‘market’ of eligible training providers to compete for ITA resources
- This loss of training providers would limit the ability of local workforce development boards to respond to the diverse talent needs of employers in their area.

Actions Undertaken to Remove State or Local Statutory or Regulatory Barriers

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

Waiver Goals and Outcomes

Goals and outcomes related to this waiver request Include:

- Increased consumer choice and opportunity for more diverse training programs, particularly those focused on high wage, high demand occupations.
- Increased competition among eligible training providers, resulting in lower costs
- Increased utilization of the ETPL by individuals interested in high wage, high demand occupations.
- Better overall performance outcomes for individuals utilizing ITAs by returning several high functioning training providers to the ETPL
- Enhanced ability of local workforce development boards to respond to the diverse needs of employers in their area

Individuals Benefiting from the Waiver

Individuals who access training services via ITAs will benefit from greater diversity of training providers, increased competition, and additional pathways into high wage high demand opportunities. Training providers will benefit from a reduced data collection and reporting burden. AJC staff and other partners will benefit from a greater range of solutions and training opportunities with which they can connect customers.

How the State plans to monitor waiver implementation, including collection of waiver outcome information

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance. State staff responsible for administration of the ETPL and performance reporting will periodically examine the appropriateness and the effectiveness of this waiver, including whether training providers that were determined most sensitive to the new reporting burden are successful in preparing and placing customers into high wage high demand opportunities.

Notice to Local Boards and Public Comment

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This an all waiver requests will be posted to the State Workforce Development Board's website for comment and review by the general public. Furthermore, the Board has reached out to and apprised relevant stakeholders and advocates of the proposed waiver and its posting on the website, a copy of this waiver request was provided to all local workforce development board. Any comment received will be reviewed for applicability and, if determined appropriate, forwarded to the USDOL.

Statutory and/or Regulatory Requirement to be Waived – Definition of Eligible Training Providers to allow for Industry-based Training Partnerships/Consortiums

The State of Rhode Island is seeking a waiver from the requirements outlined at 20 CFR 680.410 which define the types of entities that may function as an eligible training provider (ETP).

Background

The Real Jobs RI (RJRI) initiative represents a new way of organizing the workforce development system around meeting the needs of industries, businesses and job seekers. The program relies on industry-based partnerships comprised of a convening intermediary (such as an industry association or nonprofit), employers, training providers and other key actors. These partnerships function as sophisticated, real-time, workforce intelligence aggregators and are uniquely positioned to understand emerging workforce trends, articulate skill requirements, and design the training and career service solutions to meet them. Real Jobs RI is an advanced workforce development sector-strategy that skillfully advances the objectives of WIOA. The program places employers directly in the driver’s seat—designing and, in partnership with other entities, delivering training that meets their needs. Feedback from employer partners to this point has been overwhelmingly positive.

Importantly, Real Jobs RI training helps to capture the ‘long tail’ of employer demand that is often overlooked by traditional eligible training providers. Typically, for a training provider to develop and deploy a training or education program, the demand for that program must reach a certain scale in order to be profitable and, thus, worth the investment. Experience tells us that industry demands extend well beyond just the most common and ‘commodified’ occupations – yet few training providers are willing to ‘step up’ and train for these occupations that are often specialized and, although in medium demand, are nonetheless critical for employer growth and success. Industry-sector partnerships can train for these positions, among others, by leveraging flexible state investments alongside federal dollars to rapidly deploy and conclude training cohorts – building pathways to high wage employment, while meeting a new previously unmet ‘level’ of employer and industry demand.

Issue

The Real Jobs RI program had been funded predominantly through state funds, alongside strategic braiding of federal grant funding (including, but not limited to WIA Incentive funds and WIOA Set Aside funds). The intent once the program had moved beyond the pilot stage was to include it as a permanent fixture of the workforce system, including the ability to access WIOA ITA funds when appropriate. In July 2016, the state of Rhode Island shared with its Regional Administrator its intent to automatically qualify industry-sector training partnerships through the Real Jobs RI programs (which had been previously vetted from a fiscal and programmatic perspective) for the Eligible Training Provider List. The state was informed that such an action would be out of compliance with the WIOA law, specifically the definition of which entities are eligible training providers.

The 'partnership' design of the industry-sector partnerships is essential to their success. Such a model acknowledges that no one entity 'has all the answers' and enables training, community, and employer partners to each 'play to their strengths' in delivering comprehensive solutions that directly reflect real-time employer demand. The partnership becomes an entity unto itself that is a composite of all partner entities, but is not exclusive to any single one.

Actions Undertaken to Remove State or Local Statutory or Regulatory Barriers

Regulations promulgated by the Rhode Island Board of Governors for Postsecondary Education pertaining to proprietary schools requires that the Office of Postsecondary Commissioner must approve the establishment and operation of any proprietary school in Rhode Island. The Department of Labor and Training and the Office of Postsecondary Commissioner have developed a simplified approval process for the state Eligible Training Provider List and industry-sector training partnerships through the Real Jobs RI program. The process has removed any potential regulatory barrier related to this waiver.

Waiver Goals and Outcomes

Goals and outcomes related to this waiver request include:

- Increased consumer choice and opportunity for more diverse training programs, particularly those focused on high wage occupations.
- Increased competition among eligible training providers, resulting in lower costs
- Enhanced ability of local workforce development boards to respond to the diverse needs of employers in their area
- Better overall performance outcomes for individuals utilizing ITAs by introducing an effective employer-driven training strategy to the ETPL
- Piloting an innovative demand-driven training strategy in the smallest state, perfecting a model that holds promise for duplication across all states.

Individuals Benefiting from the Waiver

Individuals who access training services via ITAs will benefit from greater diversity of training providers, increased competition, and a new effective pathway into high wage opportunities. Industries and employers will benefit from the expansion of a new and popular workforce development tool that is uniquely positioned to meet their real-time talent needs. AJC staff and other partners will benefit from a greater range of solutions and training opportunities with which they can connect customers.

How the State plans to monitor waiver implementation, including collection of waiver outcome information

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance. State staff responsible for administration of the ETPL and performance reporting will periodically examine the appropriateness and the effectiveness of this waiver, including a particularly focus whether industry-sector partnerships that are approved for the ETPL are successful in preparing and placing customers into high wage opportunities.

Notice to Local Boards and Public Comment

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This and all waiver requests will be posted to the State Workforce Development Board's website for comment and review by the general public. Furthermore, the Board has reached out to and apprised relevant stakeholders and advocates of the proposed waiver and its posting on the website, a copy of this waiver request was provided to all local workforce development board.

Statutory and/or Regulatory Requirement to be Waived – Youth Participant Eligibility

The State of Rhode Island is seeking a waiver that would allow a youth to automatically be determined eligible for Title I Youth services if their parent/guardian receives Title I Adult services and is from a priority population pursuant to Section 134(c)(3)(E)

Background

Two-generation (also known as “whole family”) approaches to solving poverty focus on creating opportunities for, and addressing the needs of, both youth and adult(s) in their lives together. These methods have been proven effective and are strongly supported and promoted by the United State Department of Health and Human Services – Administration for Children and Families.

<https://www.acf.hhs.gov/two-generation-approach/two-gen-strategies>

Rhode Island is currently participating in an effort lead by the National Conference of State Legislatures collaboration with the US Administration for Children and Families Region 1 entitled “A Whole Family Approach to Jobs” This effort is a two-year initiative to help participating states and leaders develop program, policy and system solutions that support parents in achieving greater employment gains and economic stability, while at the same time focusing on meeting the future employment and economic needs of the child as well.

Effective WIOA Youth services can dramatically improve a young person’s career development, academic performance, and future economic stability. Presently these services are available to youth that many one of several eligibility criteria, focusing on both in-school and (predominately) out-of-school youth.

Issue

Allowing a youth to automatically be determined eligible for Title I Youth services if their parent/guardian receives Title I Adult services and is from a priority population pursuant to Section 134(c)(3)(E) of WIOA – even if the youth otherwise would not have met categorical eligibility - supports a two-generation approach to overcoming poverty that has been endorsed by the US DHS-ACF and has been proven effective at building family economy security.

Actions Undertaken to Remove State or Local Statutory or Regulatory Barriers

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

Waiver Goals and Outcomes

Goals and outcomes related to this waiver request Include:

- Improved outcomes for youth facing potential economic hardship
- Multi-generational interventions to improve family economic stability
- Advancement of a national best practice in building economic security

Individuals Benefiting from the Waiver

Youth undergoing, or potentially facing, instances of multi-generational hardship will become eligible for WIOA services even if they do not directly meet the eligibility criteria state in the WIOA law.

How the State plans to monitor waiver implementation, including collection of waiver outcome information

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance. Specific focus will be on the total number of WIOA Youth clients who are enrolled through this criterion and their outcomes under the WIOA Core Performance Measures.

Notice to Local Boards and Public Comment

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This and all waiver requests will be posted to the State Workforce Development Board's website for comment and review by the general public. Any comment received will be reviewed for applicability and, if determined appropriate, forwarded to the USDOL.

Statutory and/or Regulatory Requirement to be Waived – Definition of Work Experiences for Youth

The State of Rhode Island is seeking a waiver from the definition outlined at WIOA Section 129(C)(2)(c) and described at 20 CFR 681.600 relating to activities meeting the definition of a work experience.

Background

“Paid and unpaid work experience” is one of the 14 program elements that are required within the WIOA youth program. Work experience is defined as a planned, structured learning experience that takes place in a workplace and provides youth with opportunities for career exploration and skill development. Further defined in 20 CFR 681.600, “Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists.” WIOA Section 129(C)(2)(c) identifies four types of work experience for youth: summer employment and other employment opportunities available throughout the school year, pre-apprenticeship programs, internships and job shadowing, and on-the-job training. Registered apprenticeships are currently not included in the list of eligible work experiences in the WIOA youth program.

The State of Rhode Island is actively pursuing registered apprenticeships as a valid career pathway in high-wage, high-demand fields. Apprenticeship is a tried and true training model that is increasingly receiving a second look in today's economy. The ability to ‘learn and earn’ through apprenticeship is mutually beneficial to employer and employee. Particularly for in-school and out-of-school youth, apprenticeships are a vehicle to self-sufficiency and good jobs, allowing participants to earn while they learn during the apprenticeship period.

Issue

Currently, registered apprenticeships are not counted as a type of work experience for youth because they are not explicitly listed. Registered apprenticeships are in practice a paid work experience that includes academic and occupational education, and should be considered eligible as a work experience under WIOA. Excluding registered apprenticeships from the list of eligible work experiences would act as a disincentive for creating and enrolling youth into apprenticeship programs.

Waiver Goals and Outcomes

Goals and outcomes related to this waiver request include:

- More options for and more accurate reporting of youth work experience participation
- Incentive for expansion of registered apprenticeship programs for youth

Individuals Benefiting from the Waiver

Youth participating in WIOA will have more options for work experience participation, and by participating in registered apprenticeships, will be able to earn while they learn the skills needed for advancement in high-wage, high-demand career paths.

How the State plans to monitor waiver implementation, including collection of waiver outcome information

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance.

Notice to Local Boards and Public Comment

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This and all waiver requests will be posted to the State Workforce Development Board's website for comment and review by the general public. Furthermore, the Board has reached out to and apprised relevant stakeholders and advocates of the proposed waiver and its posting on the website, a copy of this waiver request was provided to all local workforce development board.