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Governor – State of Rhode Island

Workforce Innovation and Opportunity Act (WIOA)

Policy Manual - State

Updated as of 12/07/2021

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Background

(for informational purposes only, not official legal or regulatory guidance)

The Workforce Innovation and Opportunity Act (WIOA) is the primary federal law (and funding stream) that supports workforce development systems and programs in the United States. While WIOA is administered by the US Department of Labor (USDOL), the law is intended and designed to bring as many public workforce development programs under the same governance umbrella (and, occasionally, physical umbrella) as possible. The Governor's Workforce Board is the entity charged with implementing the WIOA law in the state. Oversight and administration of the specific programs and titles within WIOA are the responsibility of the Department of Labor and Training, the Department of Education, and the Department of Human Services, among others.

WIOA was signed into law on July 22, 2014, replacing the Workforce Investment Act (WIA) of 1998, which itself replaced and revised a legacy of federal workforce development legislation dating back to the New Deal era. WIOA seeks to improve services to both the job seeker and the employer; aligns programs, services, and data collection for adults, youth, dislocated workers, adult basic education participants, and vocational rehabilitation clients; and emphasizes use of career pathways and industry sector partnerships to promote employment for in-demand industries and occupations.

Administration and Governance of WIOA is intended to be 'bottom-up', not 'top-down.' While the federal government and State Workforce Boards make many key decisions under WIOA; most programmatic and funding decisions are the purview of Local Workforce Development Boards which oversee WIOA functions in specific local workforce development areas. The process by which local workforce areas are identified is described in the **Local Workforce Development Area Designation** policy. The responsibilities of the local workforce boards are described in the **Governance and Duties of Local Workforce Development Boards** policy. Who should be appointed to local boards and the process through which those appoints should be made is described in the **Establishment and Membership of Local Workforce Development Boards** policy. Among other duties, the Local Workforce Board is required to prepare a local WIOA plan. The required elements of that local plan are described in the **Local Planning Policy** which is not included in this document as it is revised and newly issued every four years. In some cases, WIOA requires that local areas combine their planning efforts to create regional plans. Due to a number of factors including Rhode Island's comparatively small geographic size, the State Board elected not to require regional planning, as described in the **Regional Planning Policy.** Lastly, WIOA requires that certain programmatic and financial records be retained and made available for a certain period of time; those timelines are described in the **Records Retention** policy.

The One-Stop (America's Job Center) Delivery System [branded as 'netWorkRI'] is the physical and virtual infrastructure through which WIOA and associated programs are made available to job seekers and employers. WIOA has certain requirements for how the One Stop delivery system should be structured which are described in the **Establishment of the One Stop Delivery System** policy**.** WIOA recommends that the day-to-day operations and administration of the One Stop Centers be overseen by an 'Operator' which should be competitively procured as described in the **Competitive Procurement of One Stop Operator** policy**.** As mentioned, WIOA endeavors to integrate multiple public workforce development programs under the same physical umbrella. That integration requires a mutual understanding and agreement for what each partner program will provide and contribute to the One Stop system. These agreements should be negotiated by Local Elected Officials and local workforce boards as described in the **Local One Stop Partner MOU** policy. If local parties cannot agree on a shared funding arrangement, the **State Mechanism for One Stop Infrastructure Funding** must be utilized. Lastly, in order to receive continued funding to maintain the One Stop infrastructure, one stop locations must maintain certain standards related to access and quality of service as described in the **One Stop Certification Standards** policy.

Program Funding and Grants Management concerns how the WIOA system is financed. Congress provides the USDOL an allocation which is then distributed to states using a formula that factors in, among other criteria, population size and relative economic hardship and unemployment. The Governor and the State Workforce Development Board then distribute those funds to the local areas using the formulas described in the **WIOA Funding Allocations** policy which is not included in this document as it is revised and newly issued every year. Under WIOA, local boards can shift dollars between WIOA's unique funding streams as long as they comply with the state board's **WIOA Funding Transfer Policy.**

Nondiscrimination and Equal Opportunity in WIOA programming is critically important. Participants should be treated equally, and all programming should be free from discrimination and disparate treatment. Should a participant have a complaint of any form, or if they believe they were subject to discrimination, local boards are required to have and make available a process through which participants can raise their concern and pursue remedy as required in the **Nondiscrimination, Equal Opportunity, Grievance Procedures** policy.

Adult and Dislocated Worker Programs are two of the three primary funding streams for which WIOA directly provides resources. Generally, a WIOA Adult is an individual aged 18 or older who is legally authorized to work in the United States as described in the **WIOA Adult – Definition** policy. While the workforce system should help as many individuals as possible, WIOA requires that certain subpopulations (such as, but not limited to, individuals on public assistance and veterans) receive priority for services as described in the **WIOA Adult – Priority of Service** policy. Low income individuals are also a priority population and determining low-income status under WIOA is described in the **Lower Living Standard and Federal Poverty Level** policy, which is not included in this document as it is revised and newly issued every year. Another priority population is individuals that are considered 'basic skills deficient' - a term which WIOA allows state and local boards to further refine and define as described in the **Basic Skills Deficient – Definition** policy.

Generally, a WIOA Dislocated Worker is an individual who previously had employment and was separated from that employment through not fault of their own and is unlikely to return to their previous occupation. There are a number of other important conditions and criteria involved in determining whether someone is a dislocated worker and those are described in the **WIOA Dislocated Worker – Definition** policy.

Regardless of which funding stream an individual is served through, there are certain documents they must provide to establish eligibility (such as a driver's license or a termination letter from a previous employer), these documents (as well as the ability to accept signed attestation in the event a document is unavailable) is described in the **Eligibility and Performance Documentation** policy. As with most federal programs, males aged 18-26 must meet United States selective service requirements through a process described in the **Selective Service Requirement** policy.

Once determined eligible, a WIOA participant may receive a range of services and resources from the workforce system, including career services such as counseling, resume assistance, and help with their job search (as described in the **Provision of Career Services** policy); as well as support services such as help paying for transportation, child care, reasonable clothing, and other costs that might interfere with their participation and completion of programming (as described in the **Provision of Support Services** policy). 'Rapid Response' services are a special type of services that are made available in the event of a plant closure and/or mass layoff event, the process for providing such services is described in the **Rapid Response Services** policy.

Training Programs and Allowable Training Models concern the resources that the workforce system can provide to help pay for training and retraining of participants. Two of the more popular training models that WIOA can authorize are employer-led On-the-Job Training (OJT) and participant-specific Individual Training Accounts (ITA), which are payment agreements established on behalf of a participant with a training provider.

Both ITA and OJT are described in the **Provision of Training Services** policy. ITA funds can only be used to pay for training at select eligible training providers. How a provider applies and remains an eligible training provider is described in the **Eligible Training Provider Policy.**

Other effective training models that are authorized under WIOA include incumbent worker training to upskill currently employed workers (described in the **Provision of Incumbent Worker Training Services** policy), custom training cohorts prepared for one or more unique employers (described in the **Provision of Customized Training Services** policy), training provided by a specific provider on a contractual-basis (described in the **Provision of Contract-Based Training Services** policy), and innovative Apprenticeship models (described in the **Apprenticeship under WIOA Policy**).

Youth Programs are the third primary funding stream that WIOA directly provides resources for. Youth programs help prepare the workforce of the future while providing currently unemployed and underemployed youth with career services, supports, and training (as described in the **Provision of Youth Services** policy). WIOA describes most of the eligibility requirements to receive WIOA youth services but there are some criteria left up to state and local boards to determine, including whether a youth requires additional assistance to complete an educational program or to secure and hold employment as described in the **Youth Requiring Additional Assistance – Definition** policy. Local Boards have the option of providing reasonable incentive cash payments to encourage youth to persist and achieve certain program milestones, as described in the **Youth Incentive Payments** policy. Paid and unpaid work experiences are a required youth program element and providers have a degree of latitude and flexibility in meeting this requirement as described in the **Youth Work Experience Guidance.**

Performance Accountability and Reporting is a key requirement under WIOA. To ensure program integrity and return on taxpayer investment, WIOA establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of WIOA-funded programming. These requirements are described in the **Performance Accountability Policy**. Monitoring and oversight of the WIOA system helps to ensure programs achieve intended results; ensure resources are efficiently and effectively used for authorized purposes and are protected from waste, fraud, and abuse; and ensure reliable and timely information is captured and reported to serve as the basis to improve decision-making. More information on monitoring and oversight responsibilities is provided in the **Monitoring Policy.** Along with key performance measures such as Employment and Earnings, WIOA tracks outcomes such as credential attainment. The definition of a credential for WIOA reporting purposes is described in the **Credentials Definition Policy.**

Purpose of the Policy Manual

The purpose of the Policy Manual is to provide policy guidance and interpretation of Federal and State workforce laws. Procedural guidance is also provided when necessary to assure consistent application. The Manual is intended for use in conjunction with Federal and State laws and regulations.

WORKFORCE INNOVATION NOTICE: 01-01

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Local Workforce Development Area Designation

DATE: **Effective: June 5, 2018,**
Reauthorized: September 1, 2020

STATUS: **Active**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** The purpose of this policy is to outline the process for new and subsequent area designation for local workforce development boards (LWDBs) under the Workforce Innovation and Opportunity Act (WIOA).

2. **REFERENCES:** Workforce Innovation and Opportunity Act (Pub. L. 113-128, Section 106, 107 and 116); Training and Employment Guidance Letter (TEGL No. 19-14) ; Training and Employment Guidance Letter (TEGL) No. 27-14 ; Training and Employment Guidance Letter (TEGL) No. 10-16 ; 20 CFR 679.230-679.260 ; 20 CFR 683.630(a) ; 20 CFR 683.640 ; 20 CFR 677.205-677.210

3. **BACKGROUND:** Under the Workforce Innovation and Opportunity Act, the Governor must designate local workforce development areas after consultation with (1) the State Workforce Board and (2) chief local elected officials (CEOs) and (3) local workforce development boards. WIOA also requires CEOs to utilize a public comment period and take into consideration comments made during the process as part of their consultative process with the Governor.

   WIOA outlines the term "Initial Designation" of local workforce development areas in WIOA section 106(b)(2). WIOA section 106(b)(2) states, "During the first 2 full program years following the date of enactment of this Act, the Governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 for the 2-year period preceding the date of enactment of this Act, performed successfully, and sustained fiscal integrity."

   WIOA outlines the term "Subsequent Designation" of local workforce development areas in WIOA section 106(b)(3). WIOA section 106(b)(3) states, "After the period for which a local area is initially designated under paragraph (2), the Governor shall approve a request for subsequent designation as a local area from such local area, if such area:
   a. performed successfully;
   b. sustained fiscal integrity; and
   c. in the case of a local area in a planning region, met the requirements described in subsection (c)(1) [note: Pursuant to WIN 17-01; the state plan serves as a regional plan and the regional planning requirement does not apply to local areas].

This policy provides the steps for consideration of workforce development areas under WIOA.

4. INQUIRIES: Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. POLICY: Consistent with WIOA section 106(b)(4), the Governor's Workforce Board, in consultation with Local Boards and chief local elected officials, reviews all requests for local workforce development area designation using the procedures outlined in this policy, and makes a recommendation to the Governor. In reviewing new designation requests, the State Board shall evaluate the extent that requested areas meet the following:

a. Are consistent with labor market areas in the state;
b. Are consistent with regional economic development areas in the state; and
c. Have available the federal and non-federal resources necessary to effectively administer activities under provisions of WIOA, including whether the areas have the appropriate education and training providers, such as institutions of higher education and career and technical education schools.

WIOA section 106(b)(2) outlines the criteria by which a Governor must designate a local workforce development area under Initial Designation. WIOA section 106(b)(3) outlines the criteria by which a Governor must designate a local workforce development area under Subsequent Designation. Even under an application for Initial Designation, the CEOs shall utilize a public consultation process and outline how the local workforce development area follows the three criteria outlined above.

6. PROCEDURES: The procedures for designating local workforce development areas are outlined below:

Initial Designation: For the first two full program year following the date of enactment of WIOA and clarified through the WIOA Final Rule to mean Program Years 2016 and 2017 (July 1, 2016-June 30, 2018), any area that was designated as a local area for the purposes of the Workforce Investment Act of 1998 for the 2-year period preceding the date of enactment of WIOA received initial designation provided they performed successfully, and sustained fiscal integrity.

Subsequent Designation: Per federal regulation - after the period of Initial Designation, the Governor shall approve a request for Subsequent Designation as a local workforce development area from such local area, if such area:

a. performed successfully;
b. sustained fiscal integrity; and
c. in the case of a local area in a planning region, met the requirements of planning regions outlined in WIOA [note: Pursuant to WIN 17-01; the state plan serves as a regional plan and the regional planning requirement does not apply to local areas]

Per section 106 (b)(3) of WIOA and 20 CFR 679.250, local areas are considered to have requested continued or subsequent designation unless the local area and chief elected official notifies the State indicating that they no longer seek designation. Therefore it is not necessary for existing local areas to submit requests for designation.

The State will review the criteria for subsequent designation for local areas considered to requested such designation. Under section 106 (b)(3) of WIOA, the State shall approve subsequent designation of a local workforce development area which met the criteria for subsequent designation.

The State will notify the chief elected official(s) within 30 calendar days after the review indicating approval or denial of subsequent designation of the local workforce development area.

New Designation: The process outlined below is to be followed by a unit or units of local government seeking new designation of local workforce development areas under the WIOA:

Step 1. The local government unit(s) seeking designation of a local workforce development area(s) should coordinate and consult with the chief local elected officials of the local areas and existing local workforce investment boards**.**

Step 2. If a decision is made by the local government unit(s), in coordination with the chief local elected officials, to seek designation under the WIOA, the local government units must undertake a formal public comment period and provide documentation of the results of the formal public comment period with the designation request to partners, including existing local workforce investment boards. The formal comment period must allow for comments by businesses, labor organizations, institutions of higher education, community based organizations, and the public at-large.

Step 3. The request for designation of a local workforce development area under the WIOA shall include the following information:

a. How the proposed local workforce development area is aligned with labor market areas including information on growth industries and occupations in the local labor market.
b. How the proposed local workforce development area is aligned with a regional economic development area within the state of Rhode Island.
c. How the proposed local workforce development area can effectively administer activities under provisions of the WIOA with available federal and non-federal resources, including a description of area education and training providers, a description of how the available resources will be made available for training activities, and a description of the percentage of overall resources administered by the local area that will be dedicated to training activities.

Step 4. After submission of the designation request, the Governor's Workforce Board will review the request and provide a recommendation for the Governor. As required by the WIOA, the Governor will use the consultation of the Board and consult with chief local elected officials prior to designating local workforce development areas in the state. The Governor may rely on the submissions from the requestor(s) as meeting the requirement for consultation with chief local elected officials, including the public records of meetings and any recorded votes or resolutions regarding the designation request.

Step 5. Pursuant to WIOA section 106(b), the Governor may designate local workforce development areas in Rhode Island for two-year periods, as appropriate.

7. **PERFORMED SUCCESSFULLY:** For the purpose of determining subsequent local workforce development area designation, the term ‘‘performed successfully” means the local workforce development area met or exceeded the adjusted levels of performance for primary indicators of performance for the last two consecutive years for which data are available, and that the local area has not failed the same measure for the last two consecutive program years.

8. **SUSTAINED FISCAL INTEGRITY:** Sustained Fiscal Integrity for all program years means the Secretary of the United States Department of Labor has not made a formal determination that either the grant recipient or the administrative entity of the area misexpended funds due to willful disregard of the requirements of the provision involved, gross negligence or failure to comply with accepted standards of administration for the two-year period preceding the determination.

9. **APPEAL:** Pursuant to section 106 (b)(5) of WIOA and 20 CFR 683.630, if the State denies designation of a local area, the chief elected official(s) may appeal the decision through the following appeals process:

   a. Within 14 days from the date of receipt of the notice of denial, the chief elected official(s) may file an appeal to the GWB by submitting in writing all of the following information:

      i. a statement that the chief elected official(s) is appealing the denial of designation;
      ii. the reason(s) why the local area should be designated;
      iii. signature of the chief elected official(s).

   b. The written appeal shall be submitted by e-mail to: DLT.GWBINFO@DLT.RI.GOV.

   c. Pursuant to 20 CFR 679.290 (b) and 20 CFR 683.630 (a), the State Board will provide the parties with the opportunity for a hearing, review the appeal, and make a ruling on the appeal within 60 days after the submission of the appeal.

The State Board shall notify the chief elected official(s) in writing, of its decision on whether or not to approve subsequent designation of an area as a local area under section 106(b)(3) of WIOA and 20 C.F.R. 679.250.

In the event the State Board denies the appeal or fails to issue a decision within 60 days of the date the appeal is submitted, the chief elected official(s) may further appeal the State Board's decision or lack thereof to the U.S. Department of Labor (USDOL). Pursuant to 20 CFR 683.640, appeals made to USDOL, must be filed no later than 30 days after receipt of written notification of the denial from the State. The appeal must be submitted by certified mail, with return receipt requested, to the following address:

Secretary, U.S. Department of Labor
200 Constitution Ave. N.W.
Washington, D.C. 20210
Attention: ASET

The appellant must establish in its appeal to USDOL that the appellant was not accorded procedural rights under this appeal process, or that it meets the requirements for designation.

The appellant must provide a copy of the appeal to the State Board at the same time that the appellant sends the appeal to USDOL.

WORKFORCE INNOVATION NOTICE: 01-02

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Governance and Duties of Local Workforce Development Boards

DATE: **Effective: September 1, 2020**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** This policy provides guidance regarding the duties of Local Workforce Development Boards under the Workforce Innovation and Opportunity Act (WIOA).

2. **REFERENCES:** Workforce Innovation and Opportunity Act (Pub. L. 113-128); Training and Employment Notice No. 05-14, Workforce Innovation and Opportunity Act Announcement and Initial Informational Resources; Training and Guidance Letter No. 19-14, Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014

3. **BACKGROUND:** Each local workforce development area designated in the State shall establish and maintain a Local Workforce Development Board (Local Board). Chief Elected Officials (CEOs) appoint the Local Board, which is certified every two years by the Governor.

   The Local Board is part of a statewide workforce system which is demand-driven, customer-centric, streamlined, and outcome-oriented. The Local Board shall carry out strategies and policies that support both the economic development mission(s) for the local area and the State of Rhode Island. The Local Board sets policy for the local area, in compliance with broader state policy, and is a strategic convener, in addressing workforce development issues, including but not limited to WIOA activities. The Local Board shall be led by committed business leaders who can ensure that the local workforce system is responsive to current and projected labor market demand, shall contain a broad range of partners needed to develop a comprehensive vision for the local workforce system, and shall focus on strategic decisions.

4. Roles of the Local Board: Local Boards shall carry out their responsibilities in partnership with chief local elected officials, in consultation with regional workforce partners. A Chief Local Elected Official Agreement outlining responsibilities is required where a local area includes more than one unit of local government. The term "chief local elected official" means the chief elected executive officer of a unit of general local government in a local area or an elected official so designated by the chief local elected official. This agreement must specify which entity will serve as the fiscal and administrative agent, as well as the roles of the individual chief elected officials in regard to Local Board nominations and appointments and carrying out all other responsibilities assigned to the chief local elected officials under WIOA. Chief Local Elected Officials are encouraged to meet at least annually to review program performance for the grant as well as the performance of the fiscal and administrative agent as designated. The joint roles include, but are not limited to the following:

- Development of a vision and goals for the local workforce development system that are aligned with both the economic development mission(s) for the local area and the state
- Development of the 4-year local strategic plan to include a workforce demand plan and a plan for business engagement
- Selection of one-stop operator(s) and locations
- Selection of training providers, when appropriate
- Approval of the local one-stop operation(s) budget
- Program oversight
- Negotiations with the Governor to reach agreement on local performance accountability measures
- Any other activities as required by the Workforce Innovation and Opportunity Act, Section 107(d), by state statute, or by the Governor

6. Responsibilities of the Local Board: The responsibilities and functions of the Local Board include the following:

- The Local Board shall enter into an agreement with the chief local elected officials clearly detailing the partnership between the two entities for the governance and oversight of activities under the WIOA.
- The Local Board shall develop a budget for the purpose of carrying out the duties of the Local Board. The chief local elected officials must approve the budget.
- The Local Board shall meet and review presented financial reports that reflect actual expenditures and their relationship to the approved budget as well as workforce program outcomes and their relationship to negotiated performance levels.
- The Local Board may solicit and accept grants and donations from sources other than federal funds made available under Title I of WIOA, if it has organized itself in a manner to do so.
- The Local Board, in partnership with chief local elected officials, shall develop the vision, goals, objectives, and policies for the local workforce development area. The vision shall be aligned with both the economic development mission(s) for the local area and the state.
- The Local Board, in partnership with the chief local elected officials, shall develop and submit to the Governor, a local strategic plan that meets the requirements in Section 108 of the Workforce Innovation and Opportunity Act.

- The Local Board, with the agreement of the chief local elected officials, shall select one-stop operator(s) through a competitive process and may terminate for cause the eligibility of one-stop operators.
- The Local Board shall select eligible providers of youth activities by awarding grants or contracts on a competitive basis.
- The Local Board shall identify eligible providers of training services for adults and dislocated workers.
- The Local Board, in partnership with the chief local elected officials, shall conduct oversight of local programs of youth, adult, and dislocated worker activities authorized under Title I of the WIOA.
- The Local Board, in partnership with the chief local elected officials, shall negotiate and reach agreement with the State Workforce Development Board on behalf of the Governor on local performance accountability measures.
- The Local Board shall help the Governor develop a statewide employment statistics system.
- The Local Board shall coordinate the workforce activities authorized under WIOA with local economic development strategies, and develop employer linkages with those activities.
- The Local Board shall promote the participation of local private sector employers though the statewide workforce development system.
- The Local Board may employ staff and/or utilize other options for carrying out these responsibilities.
- The Local Board is responsible for any other activity as required by the Workforce
- Innovation and Opportunity Act, Section 107(d) or by the Governor

Restrictions

- The Local Board may not directly provide training services unless granted a waiver by the Governor due to an insufficient number of eligible providers of training services to meet the local area demand.
- The Local Board may not mandate curricula for schools.
- The Local Board may not be designated or certified as a one-stop operator unless an agreement is reached with the chief local elected officials and the Governor.

7. Local Board Meetings

Sunshine Provisions:

- The Local Board shall share information regarding its meetings and activities with the public subject to the provisions of the Rhode Island Open Meetings Act.
- The Local Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the Local Board, including information regarding the local plan prior to submission of the plan, membership, the designation and certification of one- stop operator(s) consistent with the State Plan, and the award of grants or contracts to eligible providers of youth activities, and minutes of formal meetings of the Local Board.

8. State Board to Act as Local Board

Notwithstanding the above; pursuant to waiver authority granted by the US Secretary of Labor in his letter dated September 30, 2019 and pending renewal through the waiver request submitted on June 29, 2020; the State Workforce Development Board shall act as the Local Workforce Development Board for the Greater Rhode Island region. Appointment of the State Workforce Development Board is addressed in Chapter 42-102 of the Rhode Island General Laws. Consistent with the conditions of approval for the state waiver request, the State Board will ensure local stakeholder interests are represented and engaged by, among other actions, forming a subcommittee of the Governor's Workforce Board to reflect the geographic diversity of the Greater Rhode Island area.

9. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 01-03

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Establishment, Membership, and Certification of Local Workforce Development Boards

DATE: **Effective: September 1, 2020**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** This policy provides guidance for the establishment, membership, and certification of Local Workforce Development Boards under the Workforce Innovation and Opportunity Act (WIOA).

2. **REFERENCES:** Workforce Innovation and Opportunity Act (Pub. L. 113-128); Training and Employment Notice No. 05-14, Workforce Innovation and Opportunity Act Announcement and Initial Informational Resources; Training and Guidance Letter No. 19-14, Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014; Notice of Proposed Rulemaking (NPRM) Docket No. ETA-2015-0001, RIN: 1205- AB73: Subpart C

3. **REVISIONS:** This WIN 01-02 voids and replaces WIN 15-06, subject "Preliminary Policy on Criteria for Selection and Appointment of Local Area Workforce Development Boards"

4. **BACKGROUND:** Each local workforce development area designated in the State shall establish and maintain a Local Workforce Development Board (Local Board). Chief Elected Officials (CEOs) appoint the Local Board, which is certified every two years by the Governor.

   The Local Board is part of a statewide workforce system which is demand-driven, customer-centric, streamlined, and outcome-oriented. The Local Board shall carry out strategies and policies that support both the economic development mission(s) for the local area and the State of Rhode Island. The Local Board sets policy for the local area, in compliance with broader state policy, and is a strategic convener, in addressing workforce development issues, including but not limited to WIOA activities. The Local Board shall be led by committed business leaders who can ensure that the local workforce system is responsive to current and projected labor market demand, shall contain a broad range of partners needed to develop a comprehensive vision for the local workforce system, and shall focus on strategic decisions.

The Local Board has responsibility for making the following critical decisions:

- How best to organize the local area workforce system to most effectively serve the needs of current and emerging industries, local employers and job seekers;
- How best to provide comprehensive services to employers;
- How best to deploy available resources to achieve negotiated local performance
- accountability measures and build capacity for continuous improvement; and
- How to expand the resource base and service capability through the development of strategic partnerships, an integrated service delivery system, and generation of additional public and private funding.

5. Membership of the Local Board

As indicated below, WIOA provides minimum requirements as to what stakeholders are represented on local boards as well as minimum percentages of representation for two stakeholder categories: business and workforce.

- **A majority (at least 51%) 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 State WDB. Each business representative must meet the following criteria:
    - Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority; and
    - Provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA sec. 3(23).

- **At least 20% of the members of the Local WDB must be workforce representatives**. These representatives:
    - 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;
    - 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;
    - 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
    - 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.

- **The Local WDB also must include:**
    - At least one eligible training provider administering adult education and literacy activities under WIOA title II;
    - At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
    - At least one representative from each of the following governmental and economic and community development entities:
        - Economic and community development entities;
        - The State Employment Service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
        - The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title;

- **The membership of Local WDBs may include individuals or representatives of other appropriate entities in the local area, including:**
    - 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;
    - Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
    - Philanthropic organizations serving the local area; and
    - Other appropriate individuals as determined by the chief elected official.

Members must be individuals with optimum policy-making authority within the entities they represent.

Chief elected officials must establish a formal nomination and appointment process, consistent with the criteria established by the Governor and State WDB under sec. 107(b)(1) of WIOA for appointment of members of the Local WDBs, that ensures:

- Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations;
- 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
- 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.

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 in paragraphs (c) through (g) of this section, for each entity.

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

6. Appointment of Local Board(s)

The Chief Elected Officials (CEOs) in a local area are authorized to appoint the members of the local board for such area, in accordance with the State composition criteria established under Sec. 107(b). In a case in which a local area includes more than one unit of general local government, the CEOs of such units may execute an agreement that specifies the respective roles of the individual CEOs in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the composition criteria established under Sec. 107(b) and in carrying out any responsibilities assigned to such officials. If, after a reasonable effort, the CEOs are unable to reach agreement as provided above, the Governor may appoint the members of the local board from individuals so nominated or recommended.

7. Certification of the Local Board(s)

The Governor shall, once every two years, certify one local board for each local area in the State. Such certification shall be based on the composition criteria established under Sec. 107(b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures and achieve sustained fiscal integrity. [Sustained fiscal integrity means that the Secretary has not made a formal determination, during either of the last two (2) consecutive years preceding the determination of such integrity, that either the grant recipient or the administrative entity of the area misexpended funds under WIOA due to willful disregard of requirements, gross negligence, or failure to comply with accepted standards of administration.]

Failure of a local board to achieve certification shall result in appointment and certification of another local board for the local area pursuant to the process described in Sec. 107(c)(1) and Sec. 107(c)(2).

8. State Board to Act as Local Board

Notwithstanding the above; pursuant to waiver authority granted by the US Secretary of Labor in his letter dated September 30, 2019 and pending renewal through the waiver request submitted on June 29, 2020; the State Workforce Development Board shall act as the Local Workforce Development Board for the Greater Rhode Island region. Appointment of the State Workforce Development Board is addressed in Chapter 42-102 of the Rhode Island General Laws. Consistent with the conditions of approval for the state waiver request, the State Board will ensure local stakeholder interests are represented and engaged by, among other actions, forming a subcommittee of the Governor's Workforce Board to reflect the geographic diversity of the Greater Rhode Island area.

9. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor’s Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 01-04

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Regional Planning Identification

DATE: **Effective: June 25, 2020**
Reauthorized: September 1, 2020

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** As directed by U.S. Department of Labor Training and Employment Guidance Letter 27-14, WIOA requires the Governor, in consultation with the State Board, to identify regions as required by WIOA Section 106.

2. **REFERENCES:** WIOA Section 106(a); TEGL 27-14; TEN 21-16

3. **REVISIONS:** This WIN 19-01 voids and replaces WIN 17-01, subject "Regional Identification"

4. **BACKGROUND:** The Workforce Innovation and Opportunity Act (Pub. L. 113-128), contains a provision in Section 106(a) requiring a state to identify regions prior to the second full program year after the date of enactment in order to receive allotments under the WIOA Adult, Dislocated Worker and Youth programs. States shall identify regions after consultation with Chief Elected Officials and Local Workforce Development Boards and take into account the following factors:

   1. The extent to which regions are consistent with labor market areas in the state;
   2. The extent to which regions are consistent with regional economic development areas in the state; and
   3. An assurance that regions have available the federal and non-federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of the WIOA, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

   The WIOA defines three types of regions:
   1. Regions that are comprised of one local area.
   2. Regions are comprised of two or more local areas.
   3. Regions that are interstate areas contained within two or more States.

Regions comprised of two or more local areas or are interstate in nature must conduct regional planning as defined in the WIOA.

Per Training and Employment Notice 21-16, if a region, as designated by the State, includes only on local area, then a Regional Plan is not required. In this case, the Local Board must submit only a Local Plan to the Governor for approval.

5. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

6. Policy:

The Governor must develop a policy and process for identifying regions in consultation with the State Workforce Board and chief local elected officials. The policy must evaluate the local areas in the proposed region considering the following criteria:

- Share a single labor market
- Share a common economic development area
- Possess federal and nonfederal resources, including appropriate education and training institutions to administer activities under WIOA subtitle B.

The Governor may also consider the following factors.

- Population centers
- Commuting patterns
- Land ownership
- Industrial composition
- Location quotients
- Labor force conditions
- Geographic boundaries
- Additional factors as determined by the Secretary of Labor

Rhode Island has designated each local area (the Providence-Cranston LWDA and the Greater Rhode Island LWDA) a planning region. Accordingly, regional plan is not required, and Local Boards must submit only a Local Plan to the Governor for approval.

The Board may periodically revisit this policy and the designation of planning regions using the factors described above. Furthermore, the state may approach bordering states and local areas about the possibilities of regional planning in the future. The Governor shall have final authority over the identification of regions.

WORKFORCE INNOVATION NOTICE: 01-05

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Record Retention

DATE: **Effective: September 1, 2020**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: Local Board's must issue policy and guidance to comply with these requirements.

1. **PURPOSE:** To provide guidance with the Workforce Innovation and Opportunity Act (WIOA) record retention requirements.

2. **REFERENCES:** Workforce Innovation and Opportunity Act (P.L. 113-128); 2 CFR §200; 29 CFR §38.4; TEGL 39-11; 2 CFR Parts 200.333 – 200.337 2 CFR 200, Appendix II to Part 200

3. **BACKGROUND:** The State Workforce Development must ensure that local workforce systems are knowledgeable of the requirements for retention of all records pertinent to all grants awarded, and contracts and agreements entered into with respect to services and activities performed under the Workforce Innovation and Opportunity Act (WIOA). This requirement applies to all federal funds issued under WIOA including financial, civil rights, statistical, property and participant records and supporting documentation of sub-grantees.

4. **Inquiries:** Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. **Policy:** Records must generally be retained for a period of 3 years. Specific requirements are described below. All sub-recipients of Federal grants must assure that local policies and procedures regarding the retention of pertinent records comply with the guidance provided, herein. Any provisions contained in any other applicable laws and regulations shall apply, even if they are not explicitly stated in this policy. Nothing in this policy shall be construed to contradict prevailing laws and requirements for records retention that may be more restrictive than the federal requirement.

Type of Record	Three-Year Retention Period Begins
All financial records, supporting documents, statistical records, and property records.	Date of submission of the final expenditure report or quarterly or annual financial report
All records of real property and/or equipment acquired with administered funds	Date of the item's disposition
All records pertinent to each grant agreement	Date of submission of the settlement or closeout reports
All records for program income transactions after the period of performance	End-date of the entity's fiscal year in which the program income is earned
Indirect cost rate proposals and cost allocation plans including indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable	Date of submission to state agency for negotiation or End-date of the entity's fiscal year (or other accounting period) covered by the proposal, plan, or other computation
All records pertinent to each participant's enrollment in programs funded under the agreement, including the dates of entry and termination in each activity	Last date of the participant's enrollment in the program
All records pertinent to applicants that have been determined eligible, but not served	Date of the eligibility determination
All pertinent records of each applicant who is determined ineligible	Date of the ineligibility/refusal determination; the records must indicate the reason for ineligibility/refusal
All records pertinent to complaints/grievances, appeals, and resolutions	Date the complaint/grievance is closed following final settlement of the case.

In any case where a litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. In these cases, a new three-year retention period will begin on the day the litigation, claim, or audit finding is deemed to be resolved.

In cases where the federal awarding agency (USDOL) requires an extended retention period, the State Board require an extended retention period of its grantees and/or subrecipients.

Costs related to records retention are allowable costs.

WORKFORCE INNOVATION NOTICE: 02-01

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Establishment of One-Stop Delivery System

DATE: **Effective: September 1, 2020**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: Local plans should include details of all comprehensive and affiliate one-stop career centers in local workforce development areas.

1. **PURPOSE:** This policy defines and describes the requirements for comprehensive and affiliate onestop career centers in Rhode Island as authorized under the Workforce Innovation and Opportunity Act (WIOA).

2. **REFERENCES:** Workforce Innovation and Opportunity Act Section 121(d)(2)(A); Training and Guidance Letter No. 19-14, Vision for the Workforce System and Initial; Implementation of the Workforce Innovation and Opportunity Act of 2014; United States Department of Labor, Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the OneStop System Joint Provisions; Final Rule, 20CFR, Part 678, Subpart D, One-Stop Operators

3. **BACKGROUND:** WIOA requires at least one comprehensive one-stop center in each local workforce development area in a state. A comprehensive one-stop center is a physical location where job seeker and employer customers can access the programs, services, and activities of all required one-stop partners. In addition, affiliate one-stop career centers may exist in local workforce development areas. Affiliate one-stop career centers have WIOA partner programs available at a smaller scale than comprehensive one-stop career centers. Local Workforce Development Boards are required to provide physical and/or programmatic access in their designated local workforce areas through this network of comprehensive and affiliate sites.

4. **POLICY:** One-Stop centers in Rhode Island are collectively branded as NetworkRI centers. The mandatory partner programs involved in one-stop delivery in include the following:

   a. Programs authorized under title I of WIOA, including Adults, Dislocated Workers, and Youth; Job Corps; YouthBuild; Native American programs; and Migrant and Seasonal Farmworker programs;
   b. Wagner Peyser Employment Services;
   c. Adult Education and Literacy activities authorized under title II of WIOA
   d. Vocational Rehabilitation

e. The Senior Community Service Employment Program (SCSEP)
f. Carl D. Perkins career and technical education programs
g. Trade Adjustment Assistance
h. Jobs for Veterans State Grants authorized under chapter 41 of title 38
i. Community Services Block Grant (CSBG) employment and training activities
j. Department of Housing and Urban Development (HUD) employment and training
k. Activities
l. Programs authorized under state unemployment compensation laws
m. Second Chance Act programs
n. Temporary Assistance for Needy Families (TANF)

WIOA requires at least one comprehensive physical one-stop center in each local workforce development area. The comprehensive one-stop center must be physically and programmatically accessible to individuals with disabilities.

All local plans should include details of all comprehensive and affiliate one-stop career centers in local workforce development areas. Arrangements are further detailed in a local Memorandum of Understanding (MOU), including roles and responsibilities of partners and cost sharing arrangements, including the local infrastructure funding agreement. Local areas requiring technical assistance should submit an official request to the WIOA Title I Administrator outlining the issue, possible resolution or options, and a specific request for assistance.

5. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax

www.dlt.ri.gov | www.gwb.ri.gov
DLT.GWBINFO@DLT.RI.GOV

WORKFORCE INNOVATION NOTICE: 02-02

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Competitive Selection of One-Stop Operators

DATE: **Effective: September 1, 2020**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: Local boards must competitively solicit a One Stop Operator. If the process fails to identify a capable entity, the local board may request permission to serve as the operator from the Governor.

1. **PURPOSE:** This policy provides the policy and procedures for competitive selection of one-stop operators under the Workforce Innovation and Opportunity Act (WIOA).

2. **REFERENCES:** Workforce Innovation and Opportunity Act Section 121(d)(2)(A); Training and Guidance Letter No. 19-14, Vision for the Workforce System and Initial; Implementation of the Workforce Innovation and Opportunity Act of 2014; United States Department of Labor, Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the OneStop System Joint Provisions; Final Rule, 20CFR, Part 678, Subpart D, One-Stop Operators

3. **BACKGROUND:** The One-Stop Operator coordinates the service delivery of participating NetWorkRI service partners and service providers and other duties identified by Local Workforce Development Boards (WDBs) in each local area. The Workforce Innovation and Opportunity Act (WIOA) requires that Local WDBs use a competitive process for the selection of a One-Stop Operator. Competitive selection of One-Stop Operators is intended to improve the ability of Local WDBs to regularly examine performance and costs against original expectations.

4. **POLICY:** Local Workforce Development Boards (WDBs) must select their One-Stop Operator through a competitive process at least once every four years (WIOA sec. 121(d)(2)(A)). The competitive process must comply with 2 CFR § 200, including the Department of Labor specific requirements at 2 CFR part 2900. As part of that competitive process, Local WDBs are required to clearly articulate the expected role(s) and responsibilities of the One-Stop Operator (20 CFR § 678.620(a)) and include the role(s) and responsibilities in the resulting contract.

   In Rhode Island, Local WDBs can only serve as a One-Stop Operator through a sole source process with approval of the Chief Elected Official (CEO) and the Governor after the failure of the initial competitive process to result in an entity capable of carrying out the duties of

the One-Stop Operator. Eligible Entities One-Stop Operators may be a single public, private, or non-profit entity or consortium of entities. However, if a consortium of entities consists of WIOA partners, it must include a minimum of three of the required WIOA Center partners listed in WIOA sec. 121(b)(1). The types of entities eligible to be a One-Stop Operator include the following (WIOA sec. 121(d)(2)(B)):

- Government agencies or governmental units such as: local or county governments, school districts, state agencies, and federal WIOA partners;
- Employment Service state agencies under the Wagner-Peyser Act, as amended by title III of WIOA'
- Educational institutions, such as: institutions of higher education, nontraditional public secondary schools such as night schools, and area career and technical education schools (however, elementary and other secondary schools are not eligible to become a One-Stop Operator); Community-based organizations, nonprofit entities, or workforce intermediaries;
- Private for-profit entities;
- Other interested organizations that are capable of carrying out the duties of the One-Stop Operator as identified in Training and Employment Guidance Letter WIOA No. 15-16, Competitive
- Selection of One-Stop Operators; and
- Local WDBs, if approved by the CEO and the Governor as required in WIOA sec. 107(g)(2).

Per this policy, each Local WDB will implement a competitive process to select a One-Stop Operator for their Local Area.

As stated above, a Local WDB can serve as a One-Stop Operator, but they cannot participate in the initial competitive process. Local WDBs wanting to serve as One-Stop Operators must follow the process in Section 5. Local WDBs must ensure that, in carrying out WIOA programs and activities, One-Stop Operators adhere to the following (20 CFR § 678.600):

- Disclose any potential conflicts of interest arising from the relations of the One-Stop Operator with particular training service providers or other service providers in accordance with 2 CFR § 200.318.
- Do not establish practices that create disincentives to providing services to individuals with barriers to employment.
- Comply with federal regulations and procurement policies relating to the calculation and use of profits as outlined in 2 CFR § 200, including the Department of Labor specific requirements at 2 CFR part 2900.
- Adhere to any applicable firewalls or internal controls.

Local WDBs must retain extensive written documentation of the procurement process (20 CFR § 678.605(d) and 678.610(b)). Local WDBs must also make available to the public, through electronic means and open meetings, information regarding their selection of One-Stop Operators (WIOA sec. 107(e)).

5. Local Board as One Stop Operator: If the initial competitive process fails to result in an entity capable of carrying out the duties of the One-Stop Operator, a Local Workforce Development Board (WDB) may serve as a One-Stop Operator with approval of the CEO and the Governor. Local WDBs wanting to serve as One-Stop Operators must:

1. Submit email request to the email address under the Inquiries section of the Policy to begin the Governor's review and approval process.
2. Submit all materials related to the initial procurement process including an analysis of the failed One-Stop Operator procurement.
3. Submit sole source documentation regarding the Local WDB as One-Stop Operator.
4. Submit a letter indicating approval of the Local WDB as One-Stop Operator from the Local Area CEO.
5. Submit a description of how potential conflicts of interest will be addressed.

The Governor will make a determination within 30 days of the receipt of the materials described above. If approved, the Local WDB will become the One-Stop Operator immediately.

6. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax

www.dlt.ri.gov | www.gwb.ri.gov
DLT.GWBINFO@DLT.RI.GOV

WORKFORCE INNOVATION NOTICE: 02-03

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Local Partner Memorandums of Understanding

DATE: **Effective: September 1, 2020**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: Local boards must enter into an MOU with WIOA service partners.

1. **PURPOSE:** The purpose of this policy is to detail the requirements for a local Memorandum of Understanding (MOU) under the Workforce Innovation and Opportunity Act (WIOA) and apply a consistent set of standards for MOU development.

2. **REFERENCES:** Workforce Innovation and Opportunity Act (Pub. L. 113-128); Training and Employment Notice No. 05-14, Workforce Innovation and Opportunity Act; Announcement and Initial Informational Resources; Training and Guidance Letter No. 19-14, Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014

3. **BACKGROUND:** Under WIOA, the local Memorandum of Understanding (MOU) is the primary vehicle for the Local Board to implement an agreement among the one-stop partner programs regarding one-stop delivery of services in the local workforce development area. Within a local area, the Local Board may establish an "umbrella" agreement that creates a single MOU negotiated among all partners.

4. **POLICY:** Local Partner MOUs, at a minimum, must cover the following details:

   - A description of services to be provided through the one-stop delivery system, including the manner in which the services will be coordinated and delivered through the system.
   - A plan on how the costs of the services and the operating costs of the system will be funded that incorporates shared delivery costs locally.
   - A specific provision outlining how one-stop infrastructure costs will be funded.
   - Locations and addresses of all comprehensive and affiliate/satellite one-stop centers in the local workforce development area and a list of which partners will have a physical presence at each location.
   - Methods for referring individuals between the one-stop operators and partners for appropriate services and activities.

- Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system.
- The duration of the MOU and procedures for amending it.
- Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every 3-year period to ensure appropriate funding and delivery of services.

The Local Partner MOU may cover additional items at the Local Board's direction, and if agreed to by the partner programs.

Procedure: Local MOUs must reflect the State Board's priority for seamless delivery of high quality client-driven services. Further, local MOUs must address cost sharing and infrastructure costs in a fair and equitable manner consistent with all policies and procedures. The review of local MOUs will be conducted with an eye toward equitable cost sharing among partners, including a consistent approach to in-kind costs.

The Local Board must report to the State Board, the Governor, and the Department of Labor and Training when MOU negotiations with one-stop partners have reached an impasse.

The Local Board and partners must document the negotiations and efforts that have taken place in the MOU. The State Board, one-stop partner programs, and the Governor may consult with the appropriate Federal agencies to address impasse situations related to issues other than infrastructure funding after attempting to address the impasse. Impasses related to infrastructure cost funding must be resolved using the State infrastructure cost funding mechanism (See WIN 02-04).

The Local Board must report failure to execute an MOU with a required partner to the Governor, State Board, and the relevant state agency responsible for administering the program. Additionally, if the State cannot assist the Local Board in resolving the impasse, the Governor or the State Board must report the failure to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of a partner's program.

5. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 02-04

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: State Mechanism for Funding One-Stop Career Center Infrastructure Costs

DATE: **Effective: October 1, 2017**
Reauthorized: September 1, 2020

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local boards must notify the state board if they are unable to come to an agreement with one or more partners on funding One Stop infrastructure.

1. **PURPOSE:** To communicate guidance and parameters for implementation of the state infrastructure funding mechanism when required partners and the local workforce development boards (LWDB) cannot reach consensus on funding One Stop Career Center infrastructure costs through the local infrastructure funding mechanism.

2. **REFERENCES:** Workforce Innovation and Opportunity Act, § 121, Public Law 113-128.; 20 C.F.R. §§ 678.700 thru 678.760.; 2 C.F.R. Parts 200 and 2900.

3. **BACKGROUND:** Per section 121 (h) of the Workforce Innovation and Opportunity Act (WIOA), states are required to develop an infrastructure funding mechanism that will be implemented by the state to determine and collect each partner's proportionate share of funds for One Stop Career Center infrastructure costs when a LWDB and local partners in a local workforce development area cannot reach a consensus on infrastructure funding through the local infrastructure funding mechanism.

   The state infrastructure funding mechanism must take into consideration the number of centers in the area, the population served, and services provided. It must take into account each local partner's costs for administration of the local workforce development system that are not for purposes related to One Stop Career Centers, as well as the statutory requirements for each partner program, all other legal requirements, and the ability of each partner program to fulfill those requirements.

4. **INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. POLICY

A. State Infrastructure Funding Mechanism

If a local workforce development board (LWDB) is unable to come to agreement with one or more partner programs on a local infrastructure funding mechanism; notification must be given to the GWB by December 1, 2017. All documents utilized by the local area in the negotiations process, including any budgets or allocation methodologies that have been agreed upon, should be sent via email with the notice. In subsequent years in which agreements are renewed, notification must be given by April 15th.

The GWB will be statutorily compelled to impose the State infrastructure funding mechanism as prescribed by WIOA sec. 121(h) and the Final Rules in 20 CFR Part 678, and consistent with Training and Employment Guidance Letter (TEGL) 17-16, and any subsequent revisions thereafter.

After determining and collecting each partner's proportionate share of funds for One Stop Career Center infrastructure costs; this information will be transmitted to the LWDB, the CEO, and the one-stop Required Parties for the LWDA prior to the start of the program year, if feasible.

The State mechanism generally makes fewer funds available than a local agreement. The U.S. Department of Labor notes in its preamble to the WIOA Final Rules, "…while under the local-funding mechanism partner programs may contribute through any funds allowed by their authorizing statutes, under the State funding mechanism, infrastructure funds must come from administrative funds for the majority of partner programs."

B. Factors used in determining one-stop infrastructure budget

In determining allocations under the State infrastructure funding mechanism, the GWB is required to identify the factors, as well as each factor's corresponding weight, that the GWB will use in determining a one-stop center infrastructure budget. The GWB will utilize the following factors equally weighted:

Factor	Weight
the number of one-stop centers in a local area	33.3%
the total population served by such centers	33.4%
the services provided by such centers	33.3%

C. Maximum Potential Caps

Under a State Funding Mechanism, partner program's maximum contribution to infrastructure costs is limited to a specific percentage of the total Federal funding which that program receives for the affected program year. The applicable limiting percentage for each program is listed in WIOA sec. 121(h)(2)(d), 20 CFR 678.738(c), 34 CFR 361.738(c), and 34 CFR 463.738(c) and is as follows:

- For the WIOA youth, adult, or dislocated worker programs, no more than three percent (3%) of Federal funds provided to carry out the program.
- For the Wagner-Peyser Act, no more than three percent (3%).
- For vocational rehabilitation programs funded under the Rehabilitation Act, no more than three-quarter percent (0.75%) of Federal funds provided in State Fiscal Year (SFY) 2016; one percent (1.0%) in SFY 2017; one and one quarter percent (1.25%) in SFY 2018; and one and one half percent (1.5%) percent thereafter.
- For other required partners, no more than one half percent (1.5%) of Federal funds provided to carry out the education or employment and training program in the fiscal year.

The GWB must further select a determining factor or factors that reasonably indicates the use of one-stop centers in the State. This factor will be used to determine each local area's share of infrastructure funds made available through the State Infrastructure Funding Mechanism. This will be the percentage of Title I-B funding each local area receives during the program year during which infrastructure funding is being negotiated.

6. APPEALS

Partners may appeal the determination of state infrastructure funding contributions on the basis that such determination is inconsistent with this policy or with any part of section 121(h) of WIOA. The appeals process is as follows:

1. Within 21 calendar days from the date of receipt of the notice of state infrastructure funding determination, the partner(s) may file an appeal to the State in writing that clearly describes the reason(s) the partner is disputing the required contribution amount calculated under the state infrastructure funding mechanism.
2. The State will review the request for appeal.
3. The State will notify the partner of its actions in writing within 30 calendar days upon receipt of the appeal.

7. MONITORING: Through the state's monitoring system, program monitors and auditors will review the area's MOU negotiation process during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

8. EFFECTIVE DATE. These guidelines are effective immediately

WORKFORCE INNOVATION NOTICE: 02-05

TO: **WORKFORCE INVESTMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: One Stop Certification Policy

DATE: **Effective: November 16, 2017**
Reauthorized: March 18, 2021

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Workforce Boards may establish additional criteria, or set higher standards for service coordination, than those set by the State criteria below.

1. **PURPOSE:** The purpose of this policy is to provide guidance and a timeline regarding the certification of one-stop career 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.

2. **REFERENCES:** WIOA Sec. 101(d)(6)(a); Sec. 121 (g); 20 CFR 678.800; 34 CFR 361.800 and 34 CFR 463.800; TEGL 16-16

3. **BACKGROUND:** WIOA specifies in Section 101(d)(6) and 121(g)(1) that the State Board must establish the minimum criteria for certification of One-Stop Centers and the One-Stop delivery system. CFR § 678.800 further requires that the State Board review and update the criteria every two years. CFR § 678.800 further states that a Local Board may establish additional criteria beyond those in state policy every two years.

   This policy provides a statewide framework that addresses the specific areas that WIOA requires be evaluated, promotes partner coordination consistent with the goals of the state plan, and provides consistency in quality service delivery to employers and job seekers across the state. Local Boards may add additional criteria beyond this policy at their discretion.

4. **INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. General Certification Timelines:

CFR § 678.800 requires that certification of One-Stop Centers and the One-Stop delivery system based on established criteria and standards must be completed by the Local Board at least once every three (3) years in order to receive One Stop infrastructure funding.

The most recent certification of One Stops in the Greater Rhode Island Area was completed in May of 2018.

The most recent certification of One Stops in the Providence/Cranston Area was completed in June of 2018.

The next certification for that area should be completed by June of 2021; however, the State Board may provide additional time for One Stop Certifications if warranted due to health and safety conditions as a result of Covid-19.

6. General Certification Criteria:

Certification Criteria Categories

The certification criteria requirements for One Stop centers are listed separately in Attachment A in the following categories:

Effectiveness

- Program Services
- Service Delivery
- Partner Coordination

Accessibility

- Programmatic Accessibility
- Physical Accessibility
- Other Building Requirements

Continuous Improvement

- Staff Development
- Continuous Improvement Evaluation

Customer Feedback

Infrastructure Cost Sharing Agreement

7. Certification Procedures:

One-Stop Certification Team

A One-Stop Certification Team (OSCT) should be established by the Local Board and made responsible for conducting independent and objective evaluations of One-Stop sites and making certification recommendations to the full Board

The OSCT should consist of five (5) Board Members. To align the OSCT with the business majority requirements as state in WIOA, the OSCT should consist of:

- A minimum of three (3) OSCT members who are representative of local businesses;
- The balance of team members should be representative of the community, labor, state agencies, or other non-business representative on the board.

The OSCT should select a Chairperson.

Certification team members should be free of conflicts of interest. The certification team may utilize experts from the state level or outside the local area to ensure evaluations are objective. They may also utilize local experts who represent targeted populations but have no financial ties with the One-Stop site.

One-Stop Certification Process

Certification of NetworkRI system one-stops begins with the managers of service locations seeking certification submitting a request to the One-Stop Operator demonstrating their compliance with the certification criteria. The One-Stop Operator will submit the request to the One-Stop Certification Team of the Local Board.

The One-Stop Certification Team will review the requests and self-assessments and schedule a site visit to the center. The visit will include a review of the self-assessment, discussion on the extent to which service delivery is integrated, and review of customer feedback. The site visit leader will note any deficiencies against the approval criteria and make recommendations for coming into compliance.

The results of the site visit will be provided to the full Board and a decision will be made to grant full certification, provisional certification or to deny certification.

Full Certifications shall be granted for three years.

Provisional Certifications shall be granted on a year by year basis with the One Stop center providing a report to the Board on progress towards correcting deficiencies as required by law. Provisional certifications must be accompanied by a detailed description of the issues/ concerns identified to provide the One-Stop Operator with sufficient information around which to develop required action plans and timelines.

A determination not to 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.

Monitoring of One Stop Centers Required

WIOA Section 121(a)(3), states: "Consistent with an approved State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall… conduct oversight with respect to the One-Stop delivery system in the local area." 20 CFR 679.370(i)(1) further states that the local board must partner with chief elected official(s) to "conduct oversight…the entire one-stop delivery system in the local area."

20 CFR 678.800 outlines the requirements to ensure that the local workforce development board(s) fulfills its role to ensure that the one-stop centers and one-stop delivery systems are certified for effectiveness, physical and programmatic accessibility, and continuous improvement once every three years.

There is potential overlap between one-stop delivery system monitoring and the one-stop certification process and to avoid duplication of efforts, the following guidance is being provided. Local workforce development boards are strongly encouraged to develop a single policy and procedure that encompasses one-stop delivery system monitoring and certification of the one-stop centers and delivery systems into a single monitoring process. More specifically, since one-stop delivery system monitoring is not defined in the Act, the local workforce development boards have flexibility in how to conduct one-stop monitoring and may leverage the criteria established at 20 CFR 678.800 for one-stop delivery system monitoring. To avoid duplication of efforts, it is strongly encouraged that this monitoring function is unified at all levels as it relates to process, as well as, conducting it and scheduling it.

Annual Assessment for Accessibility for Individuals with Disabilities

The State Board has an additional responsibility to ensure all one stop centers are assessed annually for physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990.

To prevent duplication of efforts, certification criteria under this policy also includes annual assessment requirements. The One Stop Operator and the leadership of the centers are instructed to coordinate these assessments with the Statewide Equal Opportunity Officer and other entities with similar requirements to physically and/or programmatically inspect the one-stop centers. One Stop centers cannot become fully certified until they are in compliance; however, they may be provisionally certified while working towards compliance as required by law.

8. Appeals Process for One-Stop Certification Determination:

A One Stop Operator may choose to appeal the non-certification or decertification of a site in writing to the Board. Those appeals will be subject to the processes and procedures outlined herein.

Within fourteen (14) days of written notification of the decision, the Operator must submit the appeal in writing, either by mail or email, to the Executive Director of the Local Board. The appeal must include the justification for the appeal in the request. The Operator has the right to request a hearing to discuss the appeal.

The appeals procedure will allow for a review before the One-Stop Certification Team, if requested, and a decision will be made within sixty (60) days of appeal. If the Operator requests

a hearing to discuss the appeal, the Board will notify the Operator of a hearing date and time. The hearing will be scheduled to occur within sixty (60) days of the appeal and will take place before the One-Stop Certification Team.

The decision made by the One-Stop Certification Team upon appeal will be the final decision and the site will be unable to request certification for one (1) year from the date of final decision.

If an existing One-Stop site is ultimately not certified following a standard or “for-cause” evaluation, the Board and the Operator must have a plan to ensure continuity of service between the time a site is not certified, and a new Operator is procured.

Governor's Workforce Board
RHODE ISLAND
train for success · connect for growth

State of Rhode Island One-Stop Certification

Certification Criteria Requirements

Program Services	**Yes**	**No**	**Description**
Career Services provided to job seekers and coordinated with core partners.			
Employer Services provided to employers and coordinated with core partners.			
Labor Market Information readily available and used by career service providers to assist clients in making informed choices.			
Access to training services provided through approved eligible training providers.			
Staff provides access to additional programs and activities carried out by partners through referrals.			
Accepts referrals from affiliate and network partners.			

Service Delivery	**Yes**	**No**	**Description**
Physical location and program information is easily obtainable online and at least listed on the state Department of Labor and Training website			
Staff is available full-time during regular business hours			
Customers can receive direct service from a staff member during their first site visit, either a complete assessment or an actionable next step.			
Customers can directly serve themselves from available resources in the center.			
Front-line staff can perform an initial review of one-stop partner programs that may be applicable to the customer.			

Partner Coordination	**Yes**	**No**	**Description**
Employer/Business Services are coordinated among the partners under a locally developed business outreach plan.			
Participant outreach is coordinated among the partners under a locally developed outreach plan.			
Coordinated on-site intake process/initial interview is available.			

Cost Effectiveness	**Yes**	**No**	**Description**

Center operates in a cost-efficient manner, as attested to by funding partner(s)			

Programmatic Accessibility

	Yes	No	Description
Reasonable accommodations are available for individuals with disabilities and services are delivered in the most integrated setting appropriate			
Electronic materials are 508 compliant.			
Assistive technology is available.			
Materials are printed in English and Spanish.			
Electronic materials available in English and Spanish.			
Translation/interpretation services are available when needed.			
Programmatic assessment is performed/updated annually.			

Physical Accessibility

	Yes	No	Description
Center is physically accessible for individuals with disabilities and assessment is performed/updated annually.			

Other Building Requirements	**Yes**	**No**	**Description**
Signage is highly visible and includes common identifier of America's Job Center.			
Private Room for Counseling is available.			
Conference room with technology for audio/video available.			
On or near public transportation route.			
Open normal State business hours.			
Other hours or methods of service are encouraged to meet customer needs (if applicable)			

Customer Feedback	**Yes**	**No**	**Description**
Customers are provided the opportunity to provide real-time feedback electronically or in writing.			
Complaints are accepted and acted upon.			

Staff Development	**Yes**	**No**	**Description**
Regular cross-training for all partner staff is provided.			
Up-to-date training and referral resources are available and readily accessible			

Continuous Improvement Evaluation	**Yes**	**No**	**Description**
Program performance outcomes are made publicly accessible.			
Program performance meets/exceeds negotiated performance expectations.			
Review of customer feedback from individuals and employers/businesses is completed at least quarterly and improvement plans are developed/implemented.			
Review of data on serving individuals with barriers to employment is discussed quarterly by partners and improvement plans are developed/implemented.			

Infrastructure Cost-Sharing Agreement	**Yes**	**No**	**Description**
A MOU with all partners, including an infrastructure cost sharing agreement is signed.			

One-Stop/American Job Center Certification Narrative

Taking into consideration all of the requirements and related assessments above, describe whether the One Stop Center, overall, fully meets, partially meets, or does not meet the Criteria for certification:

WORKFORCE INNOVATION NOTICE: 03-01 [formerly 18-07]

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Adult and Dislocated Worker Allocation Transfer Policy

DATE: **Effective: June 5, 2018**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards may request permission to transfer up to 100% of their Adult or Dislocated Worker Title I allocation between the two programs.

1. **PURPOSE:** To issue the terms under which local Workforce Innovation and Opportunity Act (WIOA) formula funds may be transferred between Adult and Dislocated Worker Programs.

2. **REFERENCES:** Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014; WIOA Final Rule at 20 CFR 683.130

3. **BACKGROUND:** In accordance with WIOA Section 133(b)(4), Local Workforce Development Boards may transfer up to 100% of a Program Year (PY) allocation for Adult employment and training activities and up to 100% of a Program Year allocation for Dislocated Worker employment and training activities between the two programs. The Governor's Workforce Board is required to track, manage, and report Adult and Dislocated Worker expenditures by fund and by Program Year of each allotment at the State level. Since local fund transfers impact original state allotments, as well as local fund availability, the GWB has established procedures to manage transfers to facilitate accurate reporting to the US Department of Labor.

4. **INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. **Transfer of Adult and Dislocated Worker Allocations:** While up to 100% transfer is allowable, Local Workforce Development Areas are reminded that appropriate service levels to both Dislocated Workers and Adult customers must be maintained. Requests for transfers may be made through the last working day of May of the current Program Year's funds.

   Local Workforce Development Boards may transfer up to 100% of the base Adult and Dislocated Worker allocations of the current year allocation. Youth funds may not be transferred. Transfer requests are to be signed by the Local Board Chair and Executive Director, submitted to the GWB Executive Director and must include the following information: (1) The reason for the transfer request, including current service level information, (2) Assurances that services for Adults and Dislocated Workers will be maintained, and (3) a listing of other Local Area funding available to serve Adulty and Dislocated Worker populations (for example: NDWG, other federal or state funding, other special grant funding). Once the request has been received by the Board, it will be reviewed within five business days to determine approval or denial of the request.

6. **Authority of State WIOA Liaison to Act on Governor's Behalf:** At the beginning of each program year, the State WIOA Liaison shall request, in writing, authority from the Governor to serve as his or her designee and act on his or her behalf for the purposes of this policy. If such authority is not granted, transfer requests shall be submitted to the Governor directly and must include the required information. A Governor may request additional information from Local Boards before rendering a decision.

WORKFORCE INNOVATION NOTICE: 03-02

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Distinctions: Sub-recipient vs Contractor Designation

DATE: **Effective: June 21, 2021**

STATUS: **ACTIVE**

Matthew D. Weldon, Director

LOCAL POLICY REQUIREMENT: Local Boards should issue clarifying policies and procedures as appropriate consistent with this policy.

1. **PURPOSE:** This policy provides the guidance and establishes the procedures regarding the distinction between subrecipients and contractors as well as the roles and responsibilities for all parties of an agreement. This policy applies to all entities contracted with the Governor's Workforce Board and its administrative entity, the Department Of Labor and Training and is effective on the date of issuance.

2. **REFERENCES:** Title 2 Code of Federal Regulations (CFR) Part 200: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance); Title 2 CFR Part 2900: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance); Title 20 CFR Chapter V Part 675 (Final Regulations)

3. **BACKGROUND:** The Uniform Guidance, effective for federal funds awarded on or after December 26, 2014, provides additional requirements for subrecipients, contractors, and pass-through entities. Depending on the substance of individual contractual agreements, a non-federal entity may simultaneously receive federal awards as a recipient, a subrecipient, or/and a contractor. The determination of the type of legal relationship (subrecipient or contractor) must be made on a case-by-case basis prior to the creation of each individual agreement. With each determination comes specific requirements for the non-federal entities involved.

4. DEFINITIONS

Subcontract/Subaward/Subagreement: The terms subcontract, subaward, and sub agreement are used interchangeably in this policy. However, in the strictest sense they are distinct. A subaward is used when the originating award is a grant and a subcontract is used when the originating awards is a contract. A subagreement refers to any lower tier award of financial support from a prime recipient to a subrecipient. These documents represent legal instruments used to contract with organizations, individuals, or institutions for services that are for the direct benefit of an activity
The instruments serve many purposes:

1. They are the legal, binding documents that state the rights and responsibilities of both parties.
2. They protect the interest of the funding agency and the prime recipient, and they "flow- down" all necessary requirements, certifications, and assurances required by the sponsor.
3. They demonstrate to the sponsor that the prime recipient has acted on its behalf and is demonstrating proper stewardship of awarded funds.

Subrecipient 2 CFR 200.93: Subrecipients are entities that perform a portion of the scope of work identified in a proposal for a funding agency (grantor).Per 2 CFR 200.330(a)(1-5) their performance is measured against whether the objectives of the federal programs are met. They also have responsibility for adherence to applicable federal program compliance requirements. Normally, a deliverable is required.

Contractor 2 CFR 200.22-23: A contractor provides goods and services but does not participate in the scope of the work itself. Under 2 CFR 200.23 and 2 CFR 200.330(b)(1-5), an organization is considered to be a contractor when it provides goods and services within its normal business operations, provides similar goods and services to many different purchasers, operates in a competitive environment, provides goods and services that are ancillary to the operation of the Federal program, and is not subject to compliance requirements of the Federal program as a result of the agreement. Payments for goods or services provided by a contractor represent a procurement arrangement and are not considered subawards to subrecipients.

5. SUBRECIPIENT AND CONTRACTOR DISTINCTIONS

Following is a list of the characteristics of a subrecipient versus a contractor:

Subrecipient: (2 CFR 200.330)

- ☐ Determines who is eligible to receive Federal financial assistance.
- ☐ Has its performance measured against whether the objectives of the Federal program are met.
- ☐ Has responsibility for making programmatic decisions.
- ☐ Has responsibility for adherence to applicable Federal program compliance requirements.
- ☐ Uses Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity.

Contractor: (2 CFR 200.330)

- ☐ Provides the goods or service within its normal business operations.
- ☐ Provides similar goods or services to many different purchasers.
- ☐ Normally operates in a competitive environment.
- ☐ Provides goods or services that are ancillary to the operation of the Federal program.
- ☐ Is not subject to compliance requirements of the Federal program.

As there are exceptions to the above list of characteristics, judgment must be used in determining whether an entity is a sub-recipient or a provider of professional services/contractor. In making this determination, the substance of the relationship is more important than the form of the agreement.

6. GWB/DLT RESPONSIBILITIES

The Governor's Workforce Board and its administrative entity the Department of Labor and Training are bound by the regulations stated in 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The CFR requires that the prime recipient be responsible for activities of the subrecipients, monitor their performance, and review their audits. 2 CFR 200.331

Responsibilities of the pass-through entity (2 CFR 200.331) include:

1. Identifying federal awards made by informing each subrecipient of the Catalog of Federal Domestic Assistance (CFDA) title and number, the award name and number, the award year, whether the award is Research and Development (R&D), and the name of federal agency. When some of this information is not available, the pass-through entity shall provide the best information available to describe the federal award. 2 CFR 200.331(a)(1)
2. Advising subrecipients of requirements imposed on them by federal laws, regulations, provisions of contracts or grant agreements, as well as any supplemental requirements imposed by the pass-through entity. 2 CFR 200.331(a)(2-3)
3. Ensuring that an approved federally recognized indirect cost rate has been negotiated between the subrecipient and the Federal government or, if no such rate exists that either a rate negotiated between the pass-through entity and the subrecipient or a de minimis indirect cost rate is used. 2 CFR 200.331(a)(4)
4. Monitoring the activities of the subrecipients as necessary to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved. 2 CFR 200.331(b)(4)(d)
5. Ensuring that subrecipients expending $750,000 or more in federal awards during the subrecipient's fiscal year have met the audit requirements of this part for that fiscal year. 2 CFR 200.331(f)
6. Issuing a management decision on audit findings within six months after receipt of the subrecipient's audit report and assurance that the subrecipient takes appropriate and timely corrective action. 2 CFR 200.331(d)(3) and 2 CFR 200.521(d)
7. Considering whether subrecipient audits necessitate adjustment of the pass-through entity's own records. 2 CFR 200.331(g)
8. Requiring each subrecipient to permit the pass-through entity and auditors to have access to the records and financial statements as necessary for the pass-through entity to comply with these guidelines. 2 CFR 200.331(a)

7. GWB/DLT PROTOCOLS

All staff involved in the awarding or administering of the award of funds shall be required to acknowledge receipt of this policy and familiarize themselves with its contents. Each file maintained in relation to an award of funds to another entity shall include this policy and a written determination, made using the above reference materials, as to whether the funded entity is a subrecipient or contractor and a brief explanation of the factors underlying this determination.

8. INQUIRIES: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 04-01 [formerly 15-16]

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: WIOA State Level Grievance Policy and Procedures

DATE: June 16, 2016

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards must develop and distribute grievance procedures.

1. **PURPOSE.** To issue policy and procedures regarding the Grievance Policy and Procedure.

2. **REFERENCE.** WIOA Sections 106(b)(5) and 181(c)

3. **BACKGROUND.** This policy issuance sets forth the procedures that shall govern state-level grievances in accordance with the prescribed programs.

   With the implementation of WIOA on July 1, 2015, the State will supplement the grievance procedure requirements of WIOA with the additional guidance found in the WIA regulations until such time the final federal regulations for WIOA are published and necessitate a change.

   Local Grievance Policy and Procedures: Local Workforce Development Boards are responsible for developing, maintaining, and making available to participants, and other interested parties grievance procedures consistent with this policy. The locally developed procedures must be in compliance with all state and federal rules and regulations. The procedures must also describe how the content of the policy is provided to interested parties affected by the local Workforce System, including One-Stop partners, service providers, Employer-Based Training employers and participants. All locally developed grievance and complaint policies, procedures, signed acknowledgments, and related documentation shall be maintained and available for review by the RI Department of Labor and Training.

4. **ACTION REQUIRED.** Local Areas should distribute this Workforce Investment Notice to all staff, One-Stop Operators, Youth Vendors and One-Stop partners.

5. **INQUIRIES.** Questions concerning this WIN may be directed to the Assistant Director of Workforce Development Services, Department of Labor and Training at (401) 462-8712.

WORKFORCE INNOVATION AND OPPORTUNITY ACT
GRIEVANCE PROCEDURE STATE LEVEL

Any participant or other interested or affected party alleging violations of this law may file a grievance or complaint within one year.

Procedures for Filing Grievances/Complaints from State Area

The grievance/complaint must be prepared in writing and submitted to the following individual:

Rhode Island State WIOA Liaison Officer
Rhode Island Department of Labor and Training
1511 Pontiac Avenue, Building 72
Cranston, Rhode Island 02920

The grievance/complaint must include the following information:

a. Your name, address, business and home telephone numbers;
b. A description of your grievance/complaint;
c. The regulations or policies violated, if known;
d. The date(s) of the alleged unfair act(s);
e. The name(s) and address(es) of any other(s) involved in the situation; and
f. A request for a hearing, if you desire one.

1. The Rhode Island State WIOA Liaison Officer will issue a decision within 60 (sixty) days of the filing of the complaint, or set a hearing date, if one was requested, to be completed within 60 (sixty) days of the filing of the compliant.

2. If a decision has not been issued by the Rhode Island State WIOA Liaison Officer within the 60 (sixty) days or a decision has been reached and a party is dissatisfied an appeal may be taken to the Secretary of Labor at the following address:

Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

The Secretary of Labor will render a decision within 120 days of receiving the appeal.

WORKFORCE INNOVATION NOTICE: 05-01

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: WIOA Adult – Definition

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** The purpose of this policy is to communicate guidance and parameters when determining eligibility requirements for individuals who are seeking to participate in Workforce Innovation and Opportunity Act (WIOA)-funded Adult employment and training programs.

2. **REFERENCES:** Workforce Innovation and Opportunity Act, Pub. L. 113-128; 20 C.F.R Parts 603 et al; 29 U.S.C. 3101 et seq.

3. **BACKGROUND:** 'Adult' is a category of participant that may receive career services and training under WIOA Title I. WIOA outlines the criteria to meet the eligibility for Adult services.

4. **INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. **DEFINITIONS:** Individuals wishing to receive employment and training services funded through the adult program must meet all of the following requirements:
   a. Be legally authorized to work in the United States;
   b. Be 18 years of age or older;
   c. Be properly registered for selective service, if applicable.

   There are no additional eligibility criteria for the adult program. However, priority of service requirements as described in WIN 05-02 [formerly 18-03] apply.

WORKFORCE INNOVATION NOTICE: 05-02 [formerly 18-03]

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: WIOA Title I Priority of Service

DATE: **Effective: November 16, 2017**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local boards may add additional requirements or discretionary priorities to give priority to other individuals for the Adult program

1. **PURPOSE:** To provide policy guidance to Local Workforce Development Boards for the implementation of priority of service for WIOA Title I Adult program customers.

2. **REFERENCES:** WIOA Title I sec. 134(c)(3)(E) ETA Training and Employment Guidance Letter (TEGL) No. 19-16

3. **BACKGROUND:** Section 134(c)(3)(E) of WIOA requires priority be given to public assistance recipients, other low-income individuals, and individuals who are basic skills deficient, when providing individualized career services and training services using WIOA Title I Adult program funds. In addition, the Jobs for Veterans Act (JVA) of 2002 (Public Law 107-288) requires priority of service for veterans and eligible spouses in qualified job training programs. Lastly, training and Employment Guidance Letter (TEGL) 19-16 specifies that priority should also be applied to individuals that are both underemployed and low-income.

   WIOA provides a focus on serving individuals with barriers to employment, and the intent of this priority in the law is to ensure access to these populations on a priority basis. Under WIA, priority was required for public assistance recipients and other low-income individuals when funds were limited. Under WIOA, priority of service is required regardless of the funding levels and also is expanded to include individuals who are basic skills deficient.

4. **INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. DEFINITIONS

"Individuals with barriers to employment" includes:

a) Displaced homemakers;
b) Low-income individuals;
c) Indians, Alaska Natives, and Native Hawaiians;
d) Individuals with disabilities;
e) Older individuals (age 55 or older);
f) Ex-offenders;
g) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)));
h) Youth who are in or have aged out of the foster care system;
i) Individuals who are English learners, have low literacy levels, or face substantial cultural barriers;
j) Eligible Migrant Seasonal Farm Workers as defined in WIOA Sec. 167(i);
k) Individuals within two years of exhausting lifetime eligibility under TANF;
l) Single parents (including pregnant women);
m) Long-term unemployed individuals; and
n) Members of other groups identified by the Governor (WIOA, Sec. 3(24)).

"Individualized career services" includes: comprehensive and specialized assessments, development of an individual employment plan, group and individual counseling, career planning, short-term prevocational services, internships and work experiences, workforce preparation activities, financial literacy services, out-of-area job search and relocation assistance, and English language acquisition and integrated education and training programs.

"Recipients of public assistance" includes individuals who receive, or in the past 6 months have received, or are a member of a family that is receiving or in the past 6 months has received, assistance through one or more of the following:

a) Supplemental Nutrition Assistance Program (SNAP);
b) Temporary Assistance for Needy Families (TANF) program;
c) Supplemental Security Income (SSI) program; or
d) State or local income-based public assistance.

"Low-income" includes:

a) Recipients of public assistance (defined above);
b) Individuals in a family with total family income that does not exceed the higher of:
a. the poverty line; or
b. 70% of the lower living standard
c) Homeless (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)));
d) Foster youth; and
e) Individuals with disabilities whose own income does not exceed the higher of:
a. the poverty line; or
b. 70% of the lower living standard

A youth 18 or older, who was determined low-income for the WIOA Title I Youth Program, may be co-enrolled in the Title I Adult Program without an eligibility redetermination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than 6 months prior to the date of co-enrollment.

"Basic skills deficient" is defined as 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 participant's family, or in society. Lacking soft skills or specific skills needed for a particular job may not be used to determine otherwise high-functioning individuals as basic skills deficient.

"Underemployed" includes individuals who are:

a) employed full- or part-time and also meet the definition of a low-income individual.
b) Individuals employed less than full-time who are seeking full-time employment;
c) Individuals who are employed in a position that is inadequate with respect to their skills and training;
d) Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment.

6. POLICY:

Other Priority Groups Designated by the Governor: Dislocated Workers as Defined by WIOA Sec. 3 are designated as a priority Group.

Priority of Service Order: The priority of service for veterans and eligible spouses always applies across all qualified employment and training programs. The priority of service for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to the receipt of individualized career services and training services in the WIOA Title I Adult program. Priority of service for the Title I Adult program must be applied in the following order to all individuals that otherwise meet Adult program eligibility:

1. Veterans and eligible spouses who meet the statutory priority (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) must receive the highest level of priority for services;
2. Other individuals (not veterans or eligible spouses) who meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient) then receive the second level of priority for services;
3. All other veterans and eligible spouses then receive the third level of priority for services;
4. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient), but who are individuals with barriers to employment as defined by this policy or who meet local discretionary priority, then receive the fourth level of priority for services.
5. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient) who are not individuals with barriers to employment as defined by this policy nor meet the local discretionary priority, then receive the fifth level of priority for services.

Priority of Service Definition: Priority of service means that individuals in the targeted groups (public assistance recipients, other low-income individuals, individuals who are basic skills deficient, and underemployed who are also low-income) are given priority over other individuals for receipt of individualized career services and training services funded by the Title I Adult program. Veterans within these groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment
.

Priority of service does not mean that individuals outside of targeted groups cannot access services. Rather it means that individuals in such targeted groups should receive access to services earlier in time than those who are not. If a resource is limited, then individuals in the targeted groups should

access the service instead of, or before, those who are not. For a service such as classroom training, priority of service applies to the selection procedure, as follows: First, if there is a waiting list for the formation of a training class, priority of service is intended to require individuals in the targeted groups to go to the top of that list. Second, priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled in a training class. Therefore, once an individual outside of targeted groups has been approved for funding and accepted/enrolled in a training class, priority of service is not intended to allow an individual from the targeted groups who is identified subsequently to “bump” the previously approved individual from that training class.

Local Requirements and Discretionary Priority: Local workforce development boards may add additional requirements or discretionary priorities to give priority to other individuals for the Adult program. Local workforce development boards may also refine the definitions in this policy further if they determine such refinement is necessary.

Local requirement: A local area may add a requirement, for example, that an individual receiving priority has to be a resident of the region. In this instance, residency would need to be considered along with the individual being one of the following to meet the priority of service: a public assistance recipient, low-income, basic skills deficient, or low-income and underemployed.

Local discretionary priority: A local area may also identify one new priority of service category if it is consistent with the intent of the WIOA Title I Adult program. Because a discretionary focus of this type is not a statutorily mandated priority in the law, veterans and eligible spouses must still receive the highest priority in local areas that set a local discretionary priority. Local requirements and discretionary priorities must be identified in local policy, including data to support the need and how the local requirement and/or priority will be documented and implemented.

Local Policy Requirements: Local workforce areas are required to have Adult priority of service policies and procedures in place that include the following:

1. Local procedures for determining priority during the eligibility process and enrollment;
2. How the local area will define “low income” (it may be more stringent than the state definition in this policy) and the relevant data used to establish the definition;
3. What criteria and procedures will be used to assess priority for basic skills deficient individuals;
4. Any local requirements, such as residency, that will be established in relation to the four priority groups;
5. Any local discretionary priorities that will be established in addition to the four targeted groups, the data to support the need for the local priority, and the documentation that will be required from an individual for the local priority; and
6. Local procedures for internal monitoring of the prioritization of adult participants from the target groups.

WORKFORCE INNOVATION NOTICE: 05-03

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

DATE: Effective: December 14, 2016 | **Revised: March 18, 2021**

SUBJECT: Dislocated Worker Eligibility Determination Policy

STATUS: **ACTIVE**

NOTE: Policy Will Be Reviewed and Reconsidered no later than 4/30/2021

LOCAL POLICY REQUIREMENT: N/A

WIOA Section 3[15] lays out the federal definition for a dislocated worker in terms of determining eligibility for training and career services within the One Stop American Job Centers, and other programs in which dislocated workers are a targeted population. The following state policy further defines a dislocated worker in order to expand access to services for the state's unemployed and underemployed populations.

The term "pandemic" as used in this policy refers to novel coronavirus (alternatively referred to as COVID-19) which was characterized as pandemic on March 11, 2020 by the World Health Organization.

Recognizing the economic effects of the global COVID-19 pandemic, the state has interpreted the federal Dislocated Worker definition as follows:

DISLOCATED WORKER [WIOA sec. 3(15)] – The term "dislocated worker" means an individual who:

(A)(i) Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and

(ii)(I) Is eligible for or has exhausted entitlement to unemployment compensation; or

Interpretation: Rhode Island interprets "unemployment compensation" to include any compensation or assistance received under Subtitle A – Unemployment Insurance provisions of the CARES Act, and any similar compensation received under subsequent federal law(s).

(II) Has been employed for a **duration sufficient to demonstrate, to the appropriate entity at a one-stop center, attachment to the workforce** but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; and

Interpretation: Rhode Island interprets "**Duration sufficient to demonstrate…an attachment to the workforce**" as any labor performed in any occupation where the employee has worked for two full pay periods or one month, whichever is less.

(iii) Is **unlikely to return** to a **previous industry or occupation**; or

Interpretation: Client certification is sufficient to determine if the client is unlikely to "**return to a previous industry or occupation.**" Self-Certification must include a "reasonable" explanation of why the individual would be unable to return to the previous occupation. This explanation shall include an analysis of LMI data around the economic outlook of the occupation or a personal reason why the individual would be unable to return to a previous occupation.

Rhode Island interprets "**Industry**" as any industry identified in the North American Industry Classification System (NAICS). When applying a NAICS code local areas may use the most specific classification to reference the industry that the client is unlikely to return to.

Rhode Island interprets "**Occupation**" as any occupation identified in the Standard Occupational Classification System (SOC). When using the SOC system, Local Areas may use the most specific classification to reference the occupation the client is unlikely to return to.

Rhode Island considers a person **"unlikely to return**" to their industry or occupation if they are unlikely to return during the duration of the COVID-19 pandemic.

(B)(i)Has been terminated or laid off, or has received a notice of termination or layoff from employment as result of any permanent closure of, or any **substantial layoff** at, a plant, facility, or enterprise; or

Interpretation: Rhode Island interprets **"Substantial Layoff**" as the layoff of 5 people or 10% of that employer's workforce, whichever is less. Due to the collective economic effects of COVID-19 related layoffs, any layoff during the pandemic is considered substantial.

(ii) Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

(iii) For purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close; or

Interpretation: Rhode Island interprets "general announcement that such facility will close" to include any COVID-19 related facility closures. Due to the uncertainty of reopening and the inability for workers to know that status of their facility management, any COVID-19 related closure shall satisfy this definition. Facilities where the primary function of the facility is to directly serve consumers and those operations were closed due to COVID-19 shall also be considered to meet the definition of "closed." For example, a restaurant that primarily served consumers in a seated dining room that closed to the public due to COVID-19 would be considered closed, despite limited take-out operations continuing.

(C) Was self-employed (including employed 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; or

Interpretation: Rhode Island interprets "**the community in which the individual resides"** as the geographic boundaries of the state **or** as the industry, sector, or occupational community not bound by physical location which may be affected by general economic conditions. An individual's economic community may extend beyond the geographical location of that person and/or their business or source of income. Conditions that affect general economic conditions may include the logistical supply chain or location of product/service delivery. An individual is defined as a resident of Rhode Island.

Individuals who wish to be eligible as a Dislocated Worker under Section (C) need to provide a

description of their business and the economic conditions or natural disaster that contributed to the individual's unemployment. Individuals must provide One Stop staff with supporting documentation of the economic events. Supporting documentation may include, but is not limited to, financial statements, business correspondence, press announcements or any other documentation that supports this explanation.

Any self-employed individual who became unemployed on March 9, 2020 or after is considered by Rhode Island to be unemployed as a result of the general economic conditions in the community in which the individual resides due to the economic effect of the pandemic in all cities and towns within the state

(D) Is a **displaced homemaker** *(See Definition Below)*; or

(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 is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

DISPLACED HOMEMAKER [WIOA sec. 3(16)] – 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

Interpretation: Rhode Island interprets "**unpaid services**" as any service provided without an employer/employee relationship between family members.

The term "**family members**" is defined as a spouse, child, spouse's child, daughter-in-law, son-in-law, brother, sister, mother, father, grandparents, grandchild, step-brother, step-sister, step-parents, parents-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, guardian, ward, or domestic partnership.

The term **"dependent on the income"** is defined as receiving financial or other form of assistance from a family member to meet any ***basic need*** of the individual.

The term "***basic need***" means food, shelter, clothing, transportation or any other need necessary for self-sufficiency.

The term "**no longer supported by that income"** is defined as the removal of financial or other form of assistance that is provided to meet any basic need of the individual. This definition is not limited to the removal of the total assistance received by the induvial, rather the assistance received per basic need.

(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.

Interpretation: Rhode Island interprets "**significantly reduced**" as any reduction in family income due to deployment.

Rhode Island interprets "**underemployed**" as an individual making less than the sum of the average quarterly wage rates for the most recent year, based on data published by the Labor Market Information division; or is earning less than their projected earnings (as defined in the Continuing Dislocation Section); or

is not currently connected to a full-time job commensurate with the individual's level of education, skills, or wage and/or salary earned previously, or who have obtained only episodic, short-term, or part-time employment.

Rhode Island interprets "**experiencing difficulty**" as being unsuccessful in finding employment or upgrading employment, as determined by self-certification.

Until the RI unemployment rate reaches the pre-pandemic rate of 3.4% (February 2020), any displaced homemaker applying for services as of March 9, 2020 is considered to be experiencing difficulty in finding work or upgrading employment due to the hardship created by the COVID-19 pandemic.

CONTINUING DISLOCATION

Rhode Island recognizes the continuing effect of dislocation events across the state, and therefore does not dictate a time frame in which a person must have been dislocated in order to be deemed eligible as a dislocated worker. The following methodology shall be used to determine eligibility in addition to other accepted methods.

The base rate of pay of the highest unemployment insurance claim shall be adjusted for industry growth over time and compared to the individual's current earnings. If the current earnings of the individual are less than the adjusted base rate of pay on the UI claim, then the individual is considered a dislocated worker due to the continuing effect of the dislocation event. The methodology is as follows:

1. Identify:
    - Benefit Year Ending Date (for each claim)
    - Earnings at time of lay-off – i.e. Base Period of Wages (for each claim)
    - Industry sector (two-digit NAICS) associated with the employer on the claim with the **highest** base period wages
    - Current Earnings – total of last four quarters from Wage Record
2. Obtain annual wage for the industry sector (based on NAICS code identified above) at the time of layoff from the Quarterly Census of Employment and Wages Report for Rhode Island
    - Use the average wage for the industry sector associated with the employer on the claim for the year associated with the most recent base period quarter used on the claim
    - Annual Average Earnings for the most recent year for the industry sector associated with the employer on the claim. – Currently 2015 Quarterly Census of Employment and Wages Report for Rhode Island.
3. Calculate **percent change in earnings**
    - Calculation: (2015 annual average wage for industry sector – annual average wage at time of layoff for industry sector)/ annual average wage at time of layoff for industry sector
4. Calculate **Projected Earnings**
    - Calculation: Base Period Earnings + (Percent change in earnings * Base Period Earnings)
5. Compare Earnings
    - If Current Earnings are less than Projected Earnings, the individual is a Dislocated Worker

Methodology Equations:

Percent Change in Earnings:

$$F(IE) = \frac{IE_{cy} - IE_{dy}}{IE_{dy}}$$

Projected Earnings:

$$F(BP) = BP[f(IE)] + BP$$

Compare Earnings:

$$If\ F(BP) > E, then\ the\ individual\ IS\ a\ Dislocated\ Worker$$
$$If\ F(BP) \leq E, then\ the\ individual\ is\ NOT\ a\ Dislocated\ Worker$$

KEY

IE = Annual Average Earnings for the Industry Sector

CY = Current Year

DY = Dislocation Year

E= Current Earnings

WORKFORCE INNOVATION NOTICE: 05-04

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Basic Skills Definition

DATE: **Effective: March 18, 2021**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: Local Boards may issue policy and procedures for establishing that an individual is 'basic skills deficient' as defined in this policy.

1. **PURPOSE:** This policy provides guidance for determining Basic Skills Deficiency in Workforce Innovation and Opportunity Act (WIOA) Title I programming.

2. **REFERENCES:** Workforce Innovation and Opportunity Act Section 3(5); Training and Employment Guidance Letter (TEGL) 21-16

3. **BACKGROUND:** Certain WIOA programs prioritize serving individuals who are "basic skills deficient" WIOA Section 3(5) defines "basic skills deficient" as a participant:

   (A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
   (B) who is a youth or adult, that the individual 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.

   Federal Regulation §681.290 provides states with the authority to develop policy on Part B of the Basic Skills Deficient (BSD) definition.

4. Basic Skills Deficient - Defined

Rhode Island further defines an individual that is basic skills deficient as a youth or adult that has English, writing, or computation skills at or below the 8.9 grade level or are English Language Learners or an individual that meets one of the following criteria:

- Lacks a high school diploma or high school equivalent and is not enrolled in secondary education
- Is enrolled in a Title II Adult Education/Literacy program
- Lacks basic computer literacy or basic financial literacy skills

Note: Computation (or 'computing') skills are defined as the ability to calculate basic addition, subtraction, multiplication, and division problems quickly and accurately using mental methods, paper-and-pencil, and other tools, such as a calculator. These skills are different from computer literacy which relates to the knowledge and ability to use computers and related technology.

5. Basic Skills Deficient – Determination

When using formal assessment tests to determine basic skills deficient, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

In addition, if a standardized test is used to assess basic skills, the test should include reading, writing, or computing skills. Lacking soft skills or specific skills needed for a particular job may not be used to assess otherwise high-functioning individuals as basic skills deficient

Acceptable Documentation for Basic Skills Deficiency includes:
___Standardized assessment test
___School records
___Case manager observation and case notes
___Adult Basic Education program referral or records

All youth program participants must have an assessment of basic skills as a part of their objective assessment; however, this type of assessment is less formal than the assessment to determine basic skills deficiency (TEGL 21-16). There is no requirement to test all Youth and Adult applicants for basic skills deficiency, only those for whom basic skills deficiency is being established as an eligibility criterion.

Rhode Island is committed to providing as much flexibility as possible to local workforce development boards (LWDBs) and their service providers to establish basic skills deficiency as an eligibility or priority of service criterion in WIOA Title I Youth and Adult programs. The following means may be utilized to establish Basic Skills Deficiency in the WIOA Title I Youth and Adult programs:

Youth Program	**Federally allowable options to determine and document BSD:**
Basic skills deficient – In school youth (ISY) per WIOA Section 129(a)(1)(C)(iv)(I) or Out of school youth (OSY) per WIOA Section 129(a)(1(B)(iii)(III)(aa)	• Standardized assessment • Transcript with a failing grade in math or reading during the most recent academic year (or a detailed case note if verified verbally with appropriate entity) • School records showing test scores from a generally accepted standardized test within the last year showing grade level below 9th grade (grade 8.9 or lower) (or a detailed case note if verified verbally with appropriate entity)
Adult Program Priority of service categories 1 & 2	**Options to determine and document BSD:**
Basic skills deficient per WIOA Section 134(c)(3)(E)	• Standardized assessment • Verification of enrollment in a Title II adult education program (documented in case notes) • Staff observation of deficient functioning, such as observing the applicant is not able to read or complete an application form, or observing that applicant does not have basic computer literacy (documented in case notes) • Self-certification that the individual lacks a HS diploma or equivalency • Self-certification that the individual lacks occupational skills necessary to obtain desired occupation

6. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 05-05

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Source Documentation for Program Eligibility & Performance

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards may identify additional acceptable documentation as well as a procedure for self-certification consistent with this policy.

1. **PURPOSE:** This policy provides guidance on the acceptable documentation to support participant eligibility and performance outcomes for specific programs funded by the Workforce Innovation and Opportunity Act (WIOA). The documentation sources listed have been established based on Data Validation requirements and concerns for the accuracy, effectiveness and reliability of program reporting.

2. **REFERENCES:** WIOA, Sections 129, 134, 166, 167 and 189; Training and Employment Guidance Letter (TEGL) WIOA NO. 19-16, "Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules)"; Training and Employment Guidance Letter (TEGL) NO. 11-11, Change 2 "Selective Service Registration Requirements for Employment and Training Administration Funded Programs"; Training and Employment Guidance Letter (TEGL) NO. 23-14, "WIOA Youth Program Transition"

3. **BACKGROUND:** To ensure program integrity, WIOA requires that certain eligibility determinations or reporting of reporting outcomes be accompanied by documentation confirming status.

Note that applicants are **not** required to disclose their social security numbers if they so choose. However, all other eligibility information provided by the applicant must be verified as outlined in this document. Self-certification is allowed when applicable in a manner to be determined by the local board.

Attachment A provides a comprehensive, but not exclusive list of acceptable verification and documentation that may be relied upon to confirm certain eligibility criteria. Local Areas may accept additional documents not included on this list, provided they meet the requirements and intent as outlined in WIOA and related federal regulation.

ATTACHMENT A

ELIGIBILITY CRITERIA	ACCEPTABLE VERIFICATION and DOCUMENTATION	Youth	Adult	Dislocated Worker
SOCIAL SECURITY NUMBER Assignment of pseudo Social Security Number is permissible only when applicant refuses to disclose his or her social security number. **NOTE:** An unsigned social security card is valid, and a child's social security card is valid if signed by a parent. When the child reaches working age (14 or 15), the parent can apply for another card, which can then be signed by the child.	1. Social Security Card/Notice of Social Security Number Assignment W-2 Form 2. DD-214, Report of Transfer or Discharge if Social Security Number is listed 3. Employment Records 4. IRS Form Letter 1722 5. Letter from Social Service Agency 6. Drivers License if Social Security Number is listed 7. Pay Stub if Social Security Number is listed 8. Social Security Benefit Documents 9. Unemployment Compensation/Insurance Records, if Name and Social Security Number are shown 10. School Records, if Name and Social Security Number are shown	**X**	**X**	**X**
CITIZENSHIP OR ELIGIBLE TO WORK DSS records of printout of a parent can be used as proof of citizenship of dependent children. If on the verification source, the place of birth is not in the United States, additional verification may be needed. * From List B of the I-9 Form, the Voter Registration Form cannot be used.	1. U.S. Baptismal Certificate if Place of Birth is shown 2. U.S. Birth Certificate 3. Hospital Record of Birth if Place of Birth is shown 4. U.S. Passport (either current or expired) 5. Naturalization Certification 6. Social Security Card (Work Eligible) with I. D. 7. U.S. Citizenship and Immigration Services (USCIS) Forms: https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents - Documentation from List A; or - A combination of List B & List C documentation 8. DD-214, Report of Transfer or Discharge if Place of Birth is shown 9. Native American Tribal Document 10. Public Assistance Records 11. Letter from relevant State of Rhode Island EOHHS Agency (for Foster Child and State Custody Youth, only)	**X**	**X**	**X**

AGE/BIRTHDATE	1. Baptismal Record if Date of Birth is shown 2. Birth Certificate 3. DD-214, Report of Transfer or Discharge Paper 4. Driver's License 5. Federal, State or Local Government Identification Card 6. Selective Service Card 7. Hospital Record of Birth if Full Name is shown 8. Passport 9. Public Assistance/Social Service Records 10. School Records/Identification Card 11. Letter from relevant State of Rhode Island EOHHS Agency (for Foster Child and State Custody Youth, only) 12. Work Permit	**X**	**X**	**X**
SELECTIVE SERVICE REGISTRANT	1. Selective Service Registration Record (Form 3A) 2. Selective Service Registration Acknowledgement Card 3. Selective Service Status Information Letter 4. DD-214, Report of Transfer or Discharge 5. Stamped Post Office Receipt of Registration 6. Internet Verification/Registration (www.sss.gov) 7. Selective Service Telephone Verification (847) 688-6888 8. U.S. Passport (for non-U.S. born customers, only)	**X**	**X**	**X**
VETERAN STATUS (for determining Priority of Service only). See WIN 18-03 for guidance.	1. DD214, Report of Transfer or Discharge 2. Letter from Dept. of Veterans' Affairs stating applicant's veteran status		**X**	**X**
DEPENDENT MILITARY SPOUSE	1. Permanent Change of Station ("PCS") orders authorizing dependent travel 2. Military Dependent I.D. Card		**X**	**X**

ATTACHMENT A

When relevant, applicants must meet at least one of the following Specific Eligibility Criteria, which consists of Individual/Family Income, Individual Status/Family Size, Cash Public Assistance, SNAP (Food Stamps), Homeless, Supported Foster Child, and Persons with Disabilities.

Documentation of the following must represent the applicant's circumstances within a period not to exceed six months prior to the application date.

ELIGIBILITY CRITERIA	ACCEPTABLE VERIFICATION and DOCUMENTATION	**Youth**	**Adult**	**Dislocated Worker**
INDIVIDUAL/FAMILY INCOME Verification should be provided for each applicable income source. If the applicant is low-Income based on meeting the definition of TANF, SNAP (Food Stamps), SSI, Homeless, or Foster Child, this must be verified. .	1. Alimony Agreement 2. Award Letter from Veterans Administration 3. Bank Statement (Direct Deposit) 4. Compensation Award Letter 5. Court Award Letter 6. Employer Statement/Contact 7. Business Financial Records 8. Housing Authority Verification 9. Pay Stubs 10. Pension Statement 11. Public Assistance Records 12. Quarterly Estimated Tax for Self-employed Persons (Schedule C) 13. Social Security Benefits 14. Unemployment Insurance Documents and/or Printout	**X**	When used to confirm Priority of Service population	

ATTACHMENT A

ELIGIBILITY CRITERIA	ACCEPTABLE VERIFICATION and DOCUMENTATION	Youth	Adult	Dislocated Worker
CASH PUBLIC ASSISTANCE If the applicant is low-income based on meeting the definition of TANF, SNAP (Food Stamps), SSI, Homeless, or Foster Child, this must be verified.	1. Copy of Authorization to Receive Cash Public Assistance Copy of Public Assistance Check 2. Public Assistance Identification Card Showing Cash Grant Status 3. Public Assistance Records/Printout 4. Refugee Assistance Records	X	When used to confirm Priority of Service population	
SUPPLEMENT NUTRITION ASSISTANCE PROGRAM, "SNAP" (FOOD STAMPS) If the applicant is low-income based on meeting the definition of TANF, SNAP, SSI, Homeless, or Foster Child, this must be verified.	1. Current Authorization to receive SNAP 2. Current SNAP Letter 3. SNAP / EBT Card with Current Date 4. Postmarked SNAP Letter with Applicable Name and Address 5. Public Assistance Records/Printout	X	When used to confirm Priority of Service population	
HOMELESS/RUNAWAY If the applicant is low-income based on meeting the definition of TANF, SNAP, SSI, Homeless, or Foster Child, this must be verified.	1. Written Statement from an Individual Providing Temporary Residence 2. Written Statement from Shelter 3. Written Statement from Social Service Agency 4. Letter from relevant State of Rhode Island EOHHS Agency (for Foster Child and State Custody Youth, only) 5. Applicant Statement of Self Certification	X	When used to confirm Priority of Service population	

ATTACHMENT A

ELIGIBILITY CRITERIA	ACCEPTABLE VERIFICATION and DOCUMENTATION	**Youth**	**Adult**	**Dislocated Worker**
SUPPORTED FOSTER CHILD / STATE CUSTODY YOUTH If the applicant is low-income based on meeting the definition of TANF, SNAP, SSI, Homeless, or Foster Child, this must be verified.	1. Court Contact 2. Court Documentation 3. Medical Card 4. Verification of Payments made on Behalf of the Child 5. Written Statement from State/Local Agency 6. Letter from relevant State of Rhode Island EOHHS Agency (for Foster Child and State Custody Youth, only)	**X**		
PERSONS WITH DISABILITIES **20 CFR 663.640** May an individual with a disability whose family does not meet income eligibility criteria under the Act be eligible for priority as a low-income adult? Yes, even if the family of a disabled individual does not meet the income eligibility criteria, the disabled individual is to be considered a low-income individual if the individual's own income: (a) Meets the income criteria established in WIOA section 3(36)(A)(ii); or (b) Meets the income eligibility criteria for cash payments under any Federal, State or local public assistance program. (WIOA section 3(36)(A)(i).)	1. Letter from Drug or Alcohol Rehabilitation Agency 2. Letter from Child Study Team stating Specific Disability 3. Medical Records 4. Observable Condition 5. Physician's Statement 6. Psychiatrist's and/or Psychologist's Diagnosis 7. Rehabilitation Evaluation 8. School Records 9. Sheltered Workshop Certification 10. Social Service Records/Referral 11. Social Security Administration Disability Records Veterans Administration Letter/Records 12. Vocational Rehabilitation Letter 13. Workers Compensation Record	**X**	When used to confirm Priority of Service population	

ATTACHMENT A

YOUTH BARRIERS

Youth must be within one or more of the following Youth Barriers which consist of Basic Skills Deficient, Pregnant or Parenting, School Dropout, Offender, Homeless, Runaway Youth or Foster Child, and Requires Additional Assistance. **Documentation of the following must represent the applicant's circumstances within a period not to exceed six months prior to the application date.**

ELIGIBILITY CRITERIA	ACCEPTABLE VERIFICATION and DOCUMENTATION	Youth	Adult	Dislocated Worker
YOUTH BARRIERS	**BASIC SKILLS DEFICIENT** 1. Assessed by a Generally Accepted Standardized Test 2. Academic Transcript 3. School Records	**X**		
YOUTH BARRIERS	**PREGNANT OR PARENTING** 1. Birth Certificate of child 2. Hospital Record of Birth of child 3. Medical Card 4. Physician's Note 5. Referrals from Official Agencies 6. School Program for Pregnant/Parent Teens 7. School Records 8. Statement from Social Service Agency	**X**		
YOUTH BARRIERS	**SCHOOL STATUS: Dropout/Basic Skills Deficient/English Language Learner**	**X**		
	Not Attending Any School – Age 16 to 17 1. School records			
	Not Attending Any School – Age 18 and above 1. Applicant Statement of Self Certification			
	School Dropout 1. School records			
	Required to attend school but not attended in most recent school year quarter - Age 14 – 17 1. School records			
	Received HS Diploma <u>or</u> GED <u>and</u> Low Income <u>and</u> BSD <u>or</u> ELL 1. Standardized tests 2. School Records 3. ESL provider verification			

YOUTH BARRIERS	**OFFENDER** 1. Court Documents 2. Halfway House Resident 3. Letter of Parole 4. Letter from Probation Officer 5. Police Records 6. Letter from Division of Juvenile Corrections 7. Re-Entry Representative Telephone Verification	X		
YOUTH BARRIERS	**REQUIRES ADDITIONAL ASSISTANCE** Out-of-School Youth must also be ***Low-Income***	X		
	Has Missed 18 or More Days of School in the Most Recent Academic Year 1. School Records			
	In-School with a GPA of Less than 2.0 1. Academic Transcript / Report Card			
	One or More Grade Levels Below Age Appropriate Level 1. Assessed by a Generally Accepted Standardized Test			
	Has Left Educational Program Because of Transportation or Financial Situation 1. Letter from School Counselor/Advisor			
	Has Never Held a Job 1. Applicant Statement of Self Certification			
	Has Had Two or More Employment Interviews Without Being Hired in Past 60 Days 1. Applicant Statement of Self Certification			
	Has Lost Employment Placement in Past 30 Days 1. Termination Letter/Documentation			
	Has a Family History of Chronic Unemployment, including Long-term Public Assistance 1. Applicant Statement of Self Certification			
YOUTH 5% EXCEPTION	As provided in LWDB Plan	X		

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DISLOCATED WORKER – the term "dislocated worker" means a person who:

(A) has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and

i. is eligible for or has exhausted entitlement to unemployment compensation; or

ii. has been employed for a *duration sufficient to demonstrate, to the appropriate entity at a one-stop center, 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

[**Interpretation**: Rhode Island interprets "*Duration sufficient to demonstrate an attachment to the workforce*" as any labor performed in any occupation where the employee has worked for two full pay periods or one month, whichever is less]

iii. is *unlikely to return to a previous industry or occupation;*

[Interpretation: Client certification is sufficient to determine if the client is unlikely to "*return to a previous industry or occupation."* Self-Certification must include a "reasonable" explanation of why the individual would be unable to return to the previous occupation. This explanation shall include an analysis of LMI data around the economic outlook of the occupation or a personal reason why the individual would be unable to return to a previous occupation.

Rhode Island interprets *"Industry*" as any industry identified in the North American Industry Classification System (NAICS). When applying a NAICS code local areas may use the most specific classification to reference the industry that the client is unlikely to return to.

Rhode Island interprets *"Occupation"* as any occupation identified in the Standard Occupational Classification System (SOC). When using the SOC system, Local Areas may use the most specific classification to reference the occupation the client is unlikely to return to.]

(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; or

[Rhode Island interprets *"Substantial Layoff"* as the layoff of 5 people or 10% of that employer's workforce, whichever is less.]

ii. is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

iii. 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, 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; or

[**Interpretation:** Rhode Island interprets "t*he community in which the individual resides"* as the geographic boundaries of the state or as the industry, sector, or occupational community not bound by physical location which may be affected by general economic conditions. An individual's economic community may extend beyond the geographical location of that person and/or their business or source of income.

Conditions that affect general economic conditions may include the logistical supply chain or location of product/service delivery. An individual is defined as a resident of Rhode Island. Individuals who wish to be eligible as a Dislocated Worker under Section (C) need to provide a description of their business and the economic conditions or natural disaster that contributed to the individual's unemployment. Individuals must provide One Stop staff with supporting documentation of the economic events. Supporting documentation may include, but is not limited to, financial statements, business correspondence, press announcements or any other documentation that supports this explanation.

(D) is a *displaced homemaker*; or

(E) i. 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; or ii. is the spouse of a member of the Armed Forces on active duty.

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DISPLACED HOMEMAKER: The term “displaced Homemaker” means a person who provides 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

[**Interpretation:** Rhode Island interprets “unpaid services” as any service provided without an employer/employee relationship between family members.]

The term “family members” is defined as a spouse, child, spouse's child, daughter-in-law, son-in-law, brother, sister, mother, father, grandparents, grandchild, step-brother, step-sister, step-parents, parents-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, guardian, ward, or domestic partnership.

The term “dependent on the income” is defined as receiving financial or other form of assistance from a family member to meet any basic need of the individual.

The term “basic need” means food, shelter, clothing, transportation or any other need necessary for self-sufficiency.

The term “no longer supported by that income” is defined as the removal of financial or other form of assistance that is provided to meet any basic need of the individual. This definition is not limited to the removal of the total assistance received by the induvial, rather the assistance received per basic need.]

(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

[**Interpretation:** Rhode Island interprets “significantly reduced” as any reduction in family income due to deployment.]

(B) is unemployed or *underemployed* and is *experiencing difficulty* in obtaining or upgrading employment.

[**Interpretation:** Rhode Island interprets “underemployed” as an individual making less than the sum of the average quarterly wage rates for the most recent year, based on data published by the Labor Market Information division; or is earning less than their projected earnings

(as defined in the Continuing Dislocation Section).

Rhode Island interprets “experiencing difficulty” as being unsuccessful in finding employment or upgrading employment, as determined by self-certification.]

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CONTINUING DISLOCATION: Rhode Island recognizes the continuing effect of dislocation events across the state, and therefore does not dictate a time frame in which a person must have been dislocated in order to be deemed eligible as a dislocated worker. The following methodology shall be used to determine eligibility in addition to other accepted methods.

The base rate of pay of the highest unemployment insurance claim shall be adjusted for industry growth over time and compared to the individual's current earnings. If the current earnings of the individual are less than the adjusted base rate of pay on the UI claim, then the individual is considered a dislocated worker due to the continuing effect of the dislocation event. The methodology is as follows:

1. Identify:
   - Benefit Year Ending Date (for each claim)
   - Earnings at time of lay-off – i.e. Base Period of Wages (for each claim)
   - Industry sector (two-digit NAICS) associated with the employer on the claim with the highest base period wages
   - Current Earnings – total of last four quarters from Wage Record

2. Obtain annual wage for the industry sector (based on NAICS code identified above) at the time of layoff from the Quarterly Census of Employment and Wages Report for Rhode Island [https://dlt.ri.gov/lmi/datacenter/qcew.php]
   - Use the average wage for the industry sector associated with the employer on the claim for the year associated with the most recent base period quarter used on the claim
   - Annual Average Earnings for the most recent year for the industry sector associated with the employer on the claim.

3. Calculate percent change in earnings
   - Calculation: (annual average wage for industry sector – annual average wage at time of layoff for industry sector)/ annual average wage at time of layoff for industry sector)

4. Calculate Projected Earnings
   - Calculation: Base Period Earnings + (Percent change in earnings * Base Period Earnings)

5. Compare Earnings
   - If Current Earnings are less than Projected Earnings, the individual is a Dislocated Worker

KEY

IE = Annual Average Earnings for the Industry Sector

CY = Current Year

DY = Dislocation Year

E= Current Earnings

BP = Base Period of Earnings

T = time not worked during a calendar year (unit = years)

Methodology Equations:

Percent Change in Earnings:

$$F(IE) = \frac{IE_{cy} - IE_{dy}}{IE_{dy}}$$

Projected Earnings:

$$F(BP) = BP[f(IE)] + BP$$

Compare Earnings:

$$If\ F(BP) > E, then\ the\ individual\ IS\ a\ Dislocated\ Worker$$
$$If\ F(BP) \leq E, then\ the\ individual\ is\ NOT\ a\ Dislocated\ Worker$$

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Documentation of the following must represent the applicant's circumstances within a period not to exceed six months prior to the application date.

ELIGIBILITY CRITERIA	ACCEPTABLE VERIFICATION and DOCUMENTATION	Youth	Adult	Dislocated Worker
DISLOCATED WORKER **Note:** UI monetary determination alone does not demonstrate that the applicant is eligible for Unemployment Compensation	**TERMINATED/LAID OFF/RECEIVED NOTICE OF TERMINATION OR LAYOFF** 1. Certification of Expected Separation 2. Layoff Letter from Employer 3. Verification from Prospective Employer 4. Verification from Employment Agency 5. Telephone verification from the employer **AND ELIGIBLE FOR UI** 1. UI Documents and/or Printout that demonstrates applicant is eligible for UI, has exhausted UI benefits or does not work for a covered employer **AND UNLIKELY TO RETURN TO PREVIOUS INDUSTRY OR OCCUPATION** 1. Applicant Statement of Self Certification (see Page 11) 2. Current Labor Market Information showing occupations in decline 3. Participation in Reemployment. Services and Eligibility Assessment (RESEA) program **EXPERIENCING CONTINUED DISLOCATION** 1. Application of Continuing Dislocation Methodology (see Page 13)			**X**
DISLOCATED WORKER	**PERMANENT CLOSURE OF PLANT/FACILITY/ ENTERPRISE OR SUBSTANTIAL LAYOFF** 1. Certification of Expected Separation 2. Letter from Employer 3. Media Announcement with Employment Verification 4. Contact with Separating Employer 5. Public Notice as determined by the State's Rapid Response Coordination Services 6. WARN Notice to Individual with Separating Employer 7. WARN Notice to Labor Union which represents Worker			**X**

DISLOCATED WORKER	**GENERAL ANNOUNCEMENT OF CLOSURE** 1. Verification from Media Source with employment verification 2. Employer Verification			**X**
DISLOCATED WORKER	**FORMERLY SELF-EMPLOYED/CURRENTLY UNEMPLOYED** 1. IRS Forms 2. Business Ledgers 3. Chapter 7 – Bankruptcy published in Newspaper (Date must be shown) or letter from trustee of bankruptcy court 4. Chapter 11 – Bankruptcy published in Newspaper (Date must be shown) or letter from trustee of bankruptcy court 5. Statement of Failure of Business Supplier 6. Statement of Failure of Business Customer 7. Applicant Statement of Self Certification 8. Federal/State Declaration of Disaster 9. Media Announcement related to economic conditions of disaster			**X**

ELIGIBILITY CRITERIA	ACCEPTABLE VERIFICATION and DOCUMENTATION	Youth	Adult	Dislocated Worker
DISLOCATED WORKER	**DISPLACED HOMEMAKER** 1. IRS Forms Court Records 2. Medical Records 3. Bank/Financial Records 4. Divorce Decree 5. Spouse Death Certificate 6. Spouse Disability check 7. Signed statement from Family member(s) **Military Dependent Spouse** 1. Permanent Change of Station ("PCS") orders authorizing dependent travel 2. Military Dependent ID Card **UNEMPLOYED OR UNDEREMPLOYED** 1. Employment verification (previous, current or prospective depending on employment status) **EXPERIENCING DIFFICULTY IN OBTAINING OR UPGRADING EMPLOYMENT** 1. Applicant Statement of Self Certification			**X**

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PROGRAM ENTRY AND EXIT

PERFORMANCE DATA ELEMENT	DOCUMENTATION IN FILE OR CASE MANAGEMENT SYSTEM (One document required per applicable performance outcome)
DATE OF PROGRAM ENTRY	1. Electronic records (i.e., case management system data) 2. Individual employment plan 3. Program intake or enrollment forms
DATE OF PROGRAM EXIT	1. Electronic records (i.e., case management system data) 2. Letter to participant indicating the case was closed 3. WIOA status/exit forms 4. Attendance records 5. Service records identifying the last qualifying service with no planned gap
OTHER REASONS FOR EXIT (GLOBAL EXCLUSIONS FROM PERFORMANCE)	1. Electronic records (i.e., case management system data) 2. Case notes 3. Information from partner services 4. WIOA status/exit form 5. Withdrawal form with explanation 6. Information received from an institution or long-term care facility

MEDIAN EARNINGS

PERFORMANCE DATA ELEMENT	DOCUMENTATION IN FILE OR CASE MANAGEMENT SYSTEM (One document required per applicable performance outcome)
WAGES IN SECOND QUARTER AFTER EXIT	1. Cross-match with wage records 2. Cross-match with automated employment database system 3. Follow-up survey of participants 4. Pay stubs (minimum of two) or W-2 form 5. Detailed case notes verified by employer and signed by case manager 6. Document from employer attesting to earnings 7. Quarterly estimated tax for self-employed persons such as IRS form 941 8. Self-employment worksheets signed by self-employed participant

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POST-EXIT EMPLOYMENT RATES (2Q and 4Q)

PERFORMANCE DATA ELEMENT	DOCUMENTATION IN FILE OR CASE MANAGEMENT SYSTEM (One document required per applicable performance outcome)
EMPLOYMENT IN POST-EXIT QUARTER	1. Cross-match with wage records 2. Cross-match with automated employment database system 3. Follow-up survey of participants 4. Pay stub or W-2 form 5. Detailed case notes verified by employer and signed by case manager 6. Document from employer attesting to employment status 7. Quarterly estimated tax for self-employed persons such as IRS form 941 8. Self-employment worksheets signed by self-employed participant
YOUTH PARTICIPATION IN EDUCATION OR TRAINING ACTIVITIES IN POST-EXIT QUARTER	1. Cross-match with education or training provider database 2. Copy of enrollment record 3. Case notes 4. School records 5. Transcript or report card 6. Vendor/training provider training documentation

MEASURABLE SKILL GAINS

PERFORMANCE DATA ELEMENT	DOCUMENTATION IN FILE OR CASE MANAGEMENT SYSTEM (One document required per applicable performance outcome)
ENROLLED IN SECONDARY EDUCATION (FOR DENOMINATOR)	1. Case notes 2. Copy of enrollment record 3. School record 4. Transcript or report card 5. Cross-match with State's K-12 data system
PARTICIPATED IN POSTSECONDARY EDUCATION OR TRAINING DURING PROGRAM PARTICIPATION (FOR DENOMINATOR)	1. Case notes 2. Copy of enrollment record 3. School record 4. Transcript or report card 5. Cross-match with postsecondary data system

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PERFORMANCE DATA ELEMENT	DOCUMENTATION IN FILE OR CASE MANAGEMENT SYSTEM (One document required per applicable performance outcome)
DATE OF MOST RECENT ACHIEVEMENT OF AT LEAST ONE EDUCATIONAL FUNCTIONING LEVEL (EFL)	1. Pre- and post-test results (using an approved type of test) which document EFL gain 2. Secondary school transcript or report card showing EFL gain based on academic credits earned 3. Postsecondary transcript or report card showing EFL gain based on credit hours completed 4. Enrollment in postsecondary education or training verified by data match, survey, or case notes
DATE OF ATTAINMENT OF SECONDARY SCHOOL DIPLOMA OR RECOGNIZED EQUIVALENT	1. Results of State-recognized high school equivalency test with passing scores on all parts 2. Copy of high school diploma 3. Copy of adult secondary school diploma 4. Copy of State-recognized high school equivalent diploma
TYPE OF RECOGNIZED POSTSECONDARY CREDENTIAL AND DATE ATTAINED	1. Cross-match 2. Copy of credential 3. School record 4. Follow-up survey of program participants 5. Case notes documenting information obtained from education or training provider
ENROLLMENT IN POSTSECONDARY EDUCATION OR TRAINING (FOR YOUTH WHO EXITED FROM A BASIC EDUCATION PROGRAM IN THE SAME PROGRAM YEAR)	1. Case notes 2. Copy of enrollment record 3. School records 4. Transcript or report card 5. Cross-match with postsecondary data system
DATE OF MOST RECENT TRAINING MILESTONE	1. Employer or training provider report of satisfactory or better progress 2. Completion of an on-the-job training program 3. Apprenticeship program sponsor letter documenting completion of one year of training 4. Satisfactory or better performance evaluation from employer 5. Pay stub or other documentation of pay increase due to increased skill or performance
DATE OF MOST RECENT SKILLS PROGRESSION	1. Results of an employer-required knowledge-based exam or certification of completion 2. Results of a Registered Apprenticeship component exam 3. Progress report from training provider or employer 4. Attainment of an element in an industry or occupational competency assessment 5. Copy of credential required for an occupation that is only earned after passage of an exam

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CREDENTIAL ATTAINMENT

PERFORMANCE DATA ELEMENT	DOCUMENTATION IN FILE OR CASE MANAGEMENT SYSTEM (One document required per applicable performance outcome)
ENROLLED IN SECONDARY EDUCATION (FOR DENOMINATOR)	1. Case notes 2. Copy of enrollment record 3. School record 4. Transcript or report card 5. Cross-match with State's K-12 data system
PARTICIPATED IN POSTSECONDARY EDUCATION OR TRAINING DURING PROGRAM PARTICIPATION (FOR DENOMINATOR)	1. Case notes 2. Copy of enrollment record 3. School record 4. Transcript or report card 5. Cross-match with postsecondary data system
TYPE OF TRAINING SERVICE	1. Electronic records (i.e., case management system data) 2. Case notes 3. Copy of enrollment record 4. Cross-match with vendor training information 5. Vendor documentation of training 6. Individual training account form 7. Attendance records
TYPE OF RECOGNIZED POSTSECONDARY CREDENTIAL AND DATE ATTAINED	1. Cross-match 2. Copy of credential 3. School record 4. Follow-up survey of program participants 5. Case notes documenting information obtained from education or training provider
DATE ENROLLED IN POST-EXIT EDUCATION OR TRAINING LEADING TO A RECOGNIZED POSTSECONDARY CREDENTIAL (FOR YOUTH WHO EXITED WITH ONLY A HIGH SCHOOL DIPLOMA OR EQUIVALENT)	1. Case notes 2. Copy of enrollment record 3. School record 4. Transcript or report card 5. Cross-match with postsecondary data system

WORKFORCE INNOVATION NOTICE: 05-06

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Selective Service Requirement

DATE: **Effective: March 18, 2021**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** This policy provides guidance regarding Selective Service requirements under WIOA

2. **REFERENCES:** Training and Employment Guidance Letter No. 11-11, Change 1 - Selective Service Registration; Training and Employment Guidance Letter No. 11-11, Change 2 - Selective Service Registration

3. **BACKGROUND:** Males who are subject to, and have complied with, the registration requirements of the Military Selective Service Act are eligible for participation in WIOA funded programs and services. WIOA requires the Secretary of Labor to ensure that each individual participating in any WIOA program or receiving any assistance under the Act has not violated the requirement of Section 3 of the Military Selective Service Act. All service providers are charged with ensuring Selective Service compliance in the workforce system.

4. **POLICY:**

Selective Service Registration:

- All male clients between the ages of 18 and 25 must register with the Selective Service.
- All male clients 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. The Who Must Register Chart located on the Selective Service System web page provides guidance on who must register and who may be exempt.

Selective Service Compliance:

- To be eligible to receive WIOA funded service, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to show registration status includes:
    - Selective Service Acknowledgement letter;
    - Form DD-214 “Report of Separation”;
    - Screen printout of the Selective Service Verification on the Selective Service website. Males who have already registered can be verified using this website;
    - Selective Service Registration Card.

Registration Requirements for Males Under 26 Years of Age:

- Male clients 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 the 30th day after their 18th birthday to remain eligible for WIOA services. Funds expended on male clients not registered for Selective Service by the 30th day after their 18th birthday will be considered disallowed costs. Any male youth client 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. Youth should not be placed in follow up and there should be case notes that describe, in detail, the circumstances as to why services were not/could not be continued.

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 and “Status Information Letter” from Selective Service indicating whether he was required to register. The instructions and form to request the “Status Information Letter” is available on the Selective Service website.
- 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. 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 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. 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.

Determining Knowing and Willful Failure to Register

- If an individual was required to register with Selective Service but fails 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 shall 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:
    - Service in Armed Forces. Documentation verifying that a man has serviced honorably in the U.S. Armed Forces such as the DD-214 form or his Honorable Discharge Certificate may be considered sufficient evidence that his failure to register was not willful or knowing.
    - Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, are also acceptable documentation that may 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:
    - Was the individual aware of the requirement to register?
    - 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)?
    - On which date did the individual first learn that he was required to register?
    - Where did the individual live when he was between the ages of 18 and 26?
    - Does the status information letter indicate that Selective Service sent a letter to the individual at that address and did not receive a response?

- In determining whether the failure was "willful", service providers should consider:
    - Was the failure to register done deliberately and intentionally?
    - Did the individual have the mental capacity to choose whether or not to register and decided not to register?
    - 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 service 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 determination related to Selective Service.

Monitoring and Evaluation:
Formal monitoring will be conducted as required.

WORKFORCE INNOVATION NOTICE: 05-07

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Provision of Career Services

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards must identify providers of career services in their area through contracts and MOUs.

5. **PURPOSE:** This policy provides guidance on the provision of career services under the Workforce Innovation and Opportunity Act (WIOA).

6. **REFERENCES:** Workforce Innovation and Opportunity Act (Pub. L. 113-128) Training and Employment Notice No. 03-15, Guidance on Services Provided through the Adult and Dislocated Worker Program Under the Workforce Innovation and Opportunity Act, and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services

7. **BACKGROUND:** The Workforce Innovation and Opportunity Act (WIOA) authorizes "career services" for adults and dislocated workers. Career services replaces "core" and "intensive" services and removes the sequence of services that was required under the previous Workforce Investment Act (WIA).

   There are three types of career services: basic career services, individualized career services, and follow-up services. The three levels of career services can be provided in any order based on local priorities and the employment needs of job seeker customers. This policy supports integrated service delivery in the one stop centers and braids funding for career services in the centers.

8. **POLICY:** WIOA requires the one-stop system to provide universal access to "career services" to meet the diverse needs of adults and dislocated workers. Service delivery must be universally accessible, customer-centered, and job-driven. The three levels of career services—basic, individualized, and follow-up—may be provided in any order based on local priorities and the employment needs of job seeker customers.

“Basic” career services are defined as including the following:

- Client intake, and orientation to workforce system services
- Initial needs assessment and evaluation of work history and educational attainment
- Registration in EmployRI
- Labor exchange services, such as job search and job placement assistance
- Basic job search assistance, including resume writing and interview skills
- Labor market information
- Information on available supportive services
- Assistance through trained and available staff, either onsite at a one-stop career center
  or by telephone or other technology, on filing unemployment compensation claims
- Staff-supported assistance in resource rooms
- Referrals to other programs and services available through the one-stop system

“Individualized” career services are defined as including the following:

- Comprehensive and specialized assessments of skill levels and service needs
- Development of an individual employment plan and information on available training and training providers
- Assistance in establishing eligibility on non-WIOA financial aid for employment and training programs
- Group and individual counselling
- 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 linked to careers
- Financial literacy services
- Out-of-area job search assistance and relocation assistance
- English language acquisition and integrated education and training programs

“Follow-up services” are defined as counselling regarding the workplace, for participants in adult or dislocated worker activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.

Basic career services shall be available to all individuals seeking services through the One Stop system, and are to be provided in comprehensive One Stop centers by Wagner Peyser-funded staff in coordination with other one-stop partners. If Wagner Peyser-funded staff are present in affiliate sites, they will deliver basic career services in coordination with other one-stop partners. Basic career services shall be accessible to all customers; therefore, any necessary accommodations shall be available for customers with disabilities or other barriers, including language barriers.

If one-stop staff determines that individualized career services are appropriate to obtain or retain employment, then the individualized career services shall be made available through the one-stop system. Local workforce development boards must have policies and/or processes in place to determine when individuals require individualized career services to obtain or retain employment.

Follow-up Services shall be provided for participants who are placed in unsubsidized employment for up to 12 months after the first day of employment.

Certain career services, such as labor exchange services and labor market information, shall be made available to business and industry customers as part of the region's business service strategy. EmployRI is the state's official labor exchange system. Local workforce boards and business service teams shall identify specific strategies employed to ensure business customers receive these services.

9. PROCEDURE: All local workforce development boards shall identify eligible providers of individualized career services for WIOA Title I programs and award contracts and/or MOUs, as appropriate.

Basic career services provided by state staff through the Wagner Peyser program are not subject to contract requirements and shall provide services using the funding provided by the WIOA Title III, Wagner Peyser Act in comprehensive centers and in affiliate sites where staff is present.

A local workforce development board may act as a provider of individualized and follow-up services only with the agreement of the chief local elected official in the local area and the Governor. If a local workforce development board wants to serve as a provider of individualized career services, it must submit a request for waiver to the WIOA Title I Administrator seeking approval by the Governor. If a local board acts as a provider of career services, it must establish a policy documenting appropriate controls and performance review practices.

The State Workforce Development Board will conduct reviews of local workforce development plans and practices to ensure there are sufficient numbers and types of providers of career services in local workforce development areas to ensure that consumer choice and opportunities for individuals with disabilities and other barriers to employment are maximized.

6. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 05-08

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: State Workforce Development Board

SUBJECT: WIOA Support Services

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards must issue a policy regarding the provision of support services.

1. **PURPOSE:** The purpose of this policy is to provide guidance and clarity regarding the provision of support services to WIOA Title I clients.

2. **REFERENCES:** WIOA Sections 3(59), 134(d)(2)-(3), and 129(c)(2)(g); 20 CFR 680.900 through 20 CFR 680.970

3. **BACKGROUND:** WIOA supports the provision of supportive services to give individuals support to overcome hurdles that prevent them from participating in, and benefitting from, WIOA Title I employment and training activities. WIOA defines supportive services as services necessary to enable individuals to participate in WIOA Title I authorized activities. This policy applies for supportive services provided through the Title I-funded Adult, Dislocated Worker, and Youth Programs.

   Examples of supportive services under WIOA include employment-related necessities such as uniforms or tools, transportation, child care, dependent care, housing, and needs-related payments. Supportive services may also include employment-related necessities such as payment of fees for employment and training related applications, as well as educational testing and certification cost.

   The definition of needs-related payments refers to financial assistance to participants and are available only to individuals enrolled in training services.

4. **POLICY:** The State Workforce Development Board recognizes that supportive services may be necessary for individuals to successfully enter and complete a training program and/or enter into employment. Under WIOA and this policy, Local Boards have the discretion to provide the supportive services they deem appropriate based on the local workforce system and the needs of the local community.

   Local Boards, in consultation with one-stop partners and other community service providers, must develop policies authorizing supportive services, procedures for referral to such services, and how such services will be funded. Policies shall include procedures to ensure coordination with other entities to avoid duplication of resources and services, as well as establish limits on the amount and duration of such services. Supportive services that are

not necessary for an individual to participate in WIOA Title I employment and training activities shall not be funded through WIOA Title I funds. Supportive services may be provided to individuals enrolled in career and training services who have been unable to obtain these services through other programs.
To be eligible for needs-related payments, individuals must be unemployed, must not qualify for Unemployment Compensation or Trade Readjustment Assistance, and must be enrolled in a WIOA Title 1–funded training program as defined in WIOA sections 134(c)(2) and (3).

PROCEDURES: Local Boards are directed to develop policies and procedures governing the provision of supportive services under WIOA Title I. Such policies and procedures shall ensure the following:

1. The provision of supportive services is fairly and consistently applied to customers.
2. The types of supportive services and amounts (if applicable) available are clearly identified.
3. Procedures are in place to coordinate the provision of supportive services funded with WIOA Title I resources with other supportive services funded by other one-stop partners.

   WIOA Title I-funded supportive services should only be provided in the absence of other available resources within the local workforce area which includes supportive service resources from other one-stop and community partners.
4. Procedures that document how a participant will document that they have pursued, and not been provided, supportive services through other sources.
5. Procedures are in place for whether needs-related payments are offered in the local area, the eligibility criteria for needs-related payments, and how the amount of needs-related payments will be calculated.
6. Clear financial tracking and reporting systems must account for the expenditure of WIOA Title I funds for supportive services.

5. INQUIRIES: Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax

WORKFORCE INNOVATION NOTICE: 05-09 [Formerly 18-06]

TO: **WORKFORCE INVESTMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Rapid Response Process Under WIOA

DATE: **Effective: April 19, 2018**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** To notify Local Workforce Development Boards, One-Stop Career Center Operators and other local workforce partners of the process for Rapid Response layoff aversion, plant closing and/or mass layoff activity under the Workforce Innovation and Opportunity Act of 2014 (WIOA)

2. **REFERENCES:** WIOA Sec. 134

3. **BACKGROUND:** Rapid Response (RR) is a Layoff Aversion / Outplacement program designed to respond to businesses in transition, including major layoffs and plant closings, by rapidly coordinating services and providing immediate aid to affected companies and their workers. The success of any effort to avoid potential closings or layoffs is dependent on how quickly and smoothly state and local workforce development partners can implement an appropriate service strategy.

   The Business Workforce Center (BWC) within the Department of Labor and Training is responsible for providing all pre-layoff, early intervention Rapid Response activities (WIOA Sec. 3(51)). These activities are provided as part of a comprehensive workforce development system designed to respond quickly to a company that provides notice under the Worker Adjustment and Retraining Notification Act (WARN), a general announcement of a plant closing or other notification when a layoff appears imminent. It is the responsibility of the BWC Rapid Response Team to plan and provide early intervention services to assist dislocated workers, to promote their efficient and rapid transition into gainful employment, and to notify the Local Workforce Boards of these services.

4. **Inquiries:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

Policy:

The Governor's Workforce Board's policy regarding Rapid Response activities is specified herein.

Required Delivery of Rapid Response Services

Rapid Response services must be made available when one or more of the following circumstances occur:

1. Announcement or notification of a permanent closure, regardless of the number of workers affected,
2. Announcement or notification of a mass layoff that affects 50 or more workers or when a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the layoff announcement,
3. A mass job dislocation resulting from a natural or other disaster, or
4. The filing of a Trade Adjustment Assistance (TAA) petition.

While businesses are under no obligation to allow or help ensure smooth delivery of rapid response services, Rapid Response Teams should take reasonable effort to make available services to affected workers.

Step 1: Plant Closing / Layoff Notification

Rapid Response activities are initiated upon receipt of information regarding a plant closing or a substantial layoff. Such information may come from a number of sources including, but not limited to informal notifications to a state agency such as the Department of Labor and Training, the Governor's Workforce Board, the Commerce Corporation, and others; or through a formal Worker Adjustment and Retraining Notification Act (WARN) notification submitted by the company, itself.

The Worker Adjustment and Retraining Notification Act (WARN) is a federal law that requires an employer to provide its employees with adequate notice when it plans to go out of business or layoff a large number of them. Rhode Island does not have its own layoff notice law therefore Rapid Response will utilize the federal notification.

If the information is not received directly by the Rapid Response Team, the Rapid Response Manager and/or Rapid Response Coordinator should be notified immediately by the informed party of any plant closing or layoff.

Step 2: Call to Company

Upon receipt of notification, it is the responsibility of the Rapid Response Manager or designated Rapid Response Coordinator to:

- make the initial contact to the identified company to verify the information regarding a layoff/closing
- investigate possible layoff aversion strategies
- determine labor union involvement
- introduce the company to potential services, and
- request the scheduling of an initial company meeting

Any interactions beyond this step related to Rapid Response services are to be initiated at the employer's invitation or request.

Step 3: Initial Company Meeting

The Rapid Response Manager and/or Rapid Response Coordinator will attend the initial company meeting.

The Rapid Response Manager or Coordinator will provide the company with general information regarding the services available to the company and its workers through the local One-Stop Career
Center system. The presentation will also include information with respect to: layoff aversion strategies, matching affected workers with area employers who are hiring, Trade Adjustment Assistance (TAA), National Dislocated Worker Grants (NDWG), Rapid Response Set-Aside Grants (if available), state and federally funded incumbent worker training opportunities, the state WorkShare Program, and the other available services.

The Rapid Response Manager or Coordinator will obtain requisite information regarding the potential layoff including, but not limited to: the number of employees effected, the cause/reason for the layoff (if available), whether outplacement assistance will be offered by the company and, if available, demographic information regarding the workers impacted including, but not limited to; the average age, average wage, and education level.

Step 4: Employee Services

At a minimum, the Rapid Response Team will provide workers with information and access to unemployment compensation benefits, comprehensive One-Stop Career Center system services, and employment and training activities including information on the Trade Adjustment Assistance program (TAA) and National Dislocated Worker Grants (NDWG). Employee meetings may held at the most convenient location including the nearest One Stop Career Center.

When appropriate, the Rapid Response Team will provide additional services to employees, which may include:

- Group or Individual Registration
- Job Search Workshops
- Individual Assessment/Counseling
- Job Search Strategies and Techniques
- Resume Writing
- Interviewing
- TAA Orientations
- Job fairs/Company matching
- Other services as necessary

Step 5: Layoff Aversion

The Rapid Response Team will develop and maintain collaborative partnerships with a range of organizations that can help identify and avert potential layoffs. These partnerships will include but are not limited to: Rhode Island Commerce Corporation, the U.S. Department of Commerce Trade Adjustment Assistance for Firms, the Governor's Workforce Board, and the Department of Labor and Training's WorkShare Program. Information will be gathered at all downsizing companies regarding reasons for layoff as well as what, if anything, the state can do, or could have done, to avert the layoff. Through job matching and onsite job fairs, Rapid Response will also work with affected employees to assist with transition to either a different job with the same employer or to a new job with a different employer while experiencing minimal or no spell of unemployment. The Rapid Response Team will support the strategic planning and implementation of revitalized or enhanced business engagement activities within the state.

Step 6: Other Rapid Response Activities

Additional Rapid Response activities include the following:

- Operate a reporting and management system for program management, tracking and oversight of Rapid Response activities as well as maintain the WARN data base.
- Exchange information and coordinate programs with appropriate economic development agencies and educational programs to provide effective Rapid Response services upon notification of a permanent closure or mass layoff.
- Disseminate and exchange information on Rapid Response activities to ensure that employer organizations, organized labor and employee groups are aware of the availability of Rapid Response services.

TRADE ADJUSTMENT ASSISTANCE:

Rapid Response will provide Trade Adjustment Assistance (TAA) information to companies and when appropriate, assist in the completion of the company's application for certification. The Rapid Response Team will coordinate and disseminate information to affected workers regarding the Trade Program, and will outline the various services and benefits available under the Trade Program and the criteria for eligibility for training.

NATIONAL DISLOCATED WORKER GRANTS:

Part of a coordinated response to a dislocation event may include the development of an application for a National Dislocated Worker Grant (NDWG), formerly known as National Emergency Grant (NEG). The Rapid Response Team is responsible for gathering demographics for National Dislocated Worker Grant proposals and providing company and layoff information for the development of the grant application. During group or individual meetings, the Rapid Response Team will assess the workers to determine skill levels, occupations, wages and length of service with the company. The data collected may be used to inform a NDWG application. As part of the NDWG application process, the BWC will collaborate with the relevant local Workforce Boards and One-Stop Career Centers to develop the plan to address the dislocation event.

All members of the Rapid Response Team and appropriate partners must be in compliance with all relevant state and federal information confidentiality requirements Information including submission of a signed Confidentiality Agreement Form.

WORKFORCE INNOVATION NOTICE: 06-01

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Provision of Training Services

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards must issue policies and procedures regarding how training services will be provided.

1. **PURPOSE:** This policy provides guidance on the provision of training services under the Workforce Innovation and Opportunity Act (WIOA).

2. **REFERENCES:** Workforce Innovation and Opportunity Act (Pub. L. 113-128) Training and Employment Notice No. 03-15, Guidance on Services Provided through the Adult and Dislocated Worker Program Under the Workforce Innovation and Opportunity Act, and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services

3. **BACKGROUND:** The Workforce Innovation and Opportunity Act is designed to provide employment and training opportunities to those who can benefit from, and are in need of, such opportunities. WIOA reinforces that training services can be critical to the employment success of adults and dislocated workers. Training services may include occupational skills training that leads to an in-demand workforce credential, on-the-job training (OJT), registered apprenticeship, incumbent worker training, pre-apprenticeship training, workplace training, skill upgrading and retraining, entrepreneurial training, and other forms of training.

4. **POLICY:** The State Workforce Development Board strongly supports provision of training services to job seekers in need of such training. Training services should be linked to in-demand occupations and industries in the state. Selection of training services should maximize customer choice, be linked to in-demand occupations, and be informed by performance of training providers. Individuals should be provided with performance reports for training providers on the state's eligible training provider list who provide a relevant program, when requested. Training services should be funded by WIOA Title I when other sources of grant assistance are unavailable to the individual.
   There is no sequence of services requirement and staff may determine that training is appropriate regardless of whether an individual has received basic or individualized career services. Individuals may receive training services after an interview, evaluation, or, assessment, <u>and</u> career planning, if the one-stop partner determines the individual is unlikely or unable to obtain or retain employment by receiving only career services. Case files must document the participant eligibility for training services and explain how the determination was made in order to justify the need for training services. There is no

requirement that career services (including basic skill assessments) be provided as a condition to receipt of training services; however, if career services are not provided before training, the Local Workforce Development Board must document the circumstances that justified its determination to provide training without first providing the services.

A Local Board may not be the provider of training services unless the Governor grants a waiver. The intent of any waiver is to provide the option for Local Boards to provide training services in extenuating circumstances only, such as rural areas with limited training providers.

WIOA focuses on serving "individuals with barriers to employment" and establishes priority for these populations (see WIN 18-03). The a one-stop delivery system provides a priority for adult funds to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, consistent with WIOA. Veterans and eligible spouses also receive priority of service, consistent with state policy and federal law ((see WIN 18-03).

5. PROCEDURE: Local Boards shall identify the priorities, procedures, and monitoring of the provision of all training services through policy, documents and manuals, or their Local Plan.

At a minimum, Local Boards are responsible for having policies and procedures about how to align training services with in-demand occupations, how Individual Training Accounts (ITAs) will be available and issued, including integration of informed customer-choice principles, and how information on eligible training providers will be made available. Local Boards desiring to be a provider of training services must submit a waiver request to the WIOA Title I Administrator for review for approval by the Governor. A waiver request shall be in the form of a memorandum that includes, at a minimum, the rationale for the waiver, the specific training services to be provided by the Local Board, and how those Local Board-provided services complement other training available in the local area or region.

7. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE:06-02 [fmr 15-19-02]

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: WIOA Eligible Training Providers List Policy

DATE: Effective: January 1, 2016
Revised: December 1, 2016
Revised: May 7, 2019

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** To issue updated policy and procedures regarding the State's Eligible Training Provider List's initial and continuing eligibility in accordance to the Workforce Innovation and Opportunity Act.

2. **REFERENCES:** WIOA Title I sec. 116 & sec. 122, ETA Training and Employment Guidance Letter (TEGL) No. 41-14, ETA Training and Employment Guidance Letter (TEGL) No. 15-10, and 20 CFR Part 680 §680.400 – §680.510

3. **BACKGROUND:** Rhode Island's Eligible Training Provider List (ETPL) identifies training providers who qualify to receive WIOA funds to train adults, dislocated workers, and out of school youth. The State's ETPL and related eligibility procedures ensure the accountability, quality, and labor-market relevance of programs of training services that receive funds through WIOA. WIOA outlines the responsibilities of the Governor and state agencies in creating and maintaining a list of eligible training providers.

4. **INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. **Policy:** The WIOA Eligible Training Provider List Policy is as follows:

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Introduction: [Ref. – Act Sec. 122(a); Regs. – Subpart D §680.400]

A. What is the ETPL?

a. Purpose and Mission

The Eligible Training Provider List (ETPL) was established in compliance with the Workforce Investment Act (WIA) of 1998 and amended by the Workforce Innovation and Opportunity Act (WIOA) of 2014 to provide quality training choices for a growing workforce.

b. How is the list used?

Eligible WIOA title I-B participants in need of training services to enhance their job readiness or career pathway are referred to the ETPL by a counselor at a *net*WORKri office and may access career training through a list of state-approved training provider programs, including Registered Apprenticeship programs.

c. How are ETPL training services funded?

WIOA provides funding for various types of training. The ETPL is funded through Individual Training Accounts (ITAs). ITAs are one training option available to eligible and appropriate participants when it is determined by a career counselor in the American Job Center, known as *net*WORKri Offices in Rhode Island. An ITA is limited in cost and duration, and result in employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

ITAs are allowed for out-of-school youth ages 18-24 (out-of-school youth ages 16-17 are not eligible for ITAs) per WIOA Section 129(c)(2)(D) and 20 CFR 681.550. ITAs are not entitlements and shall be provided to eligible participants on the basis of an individualized assessment of the person's job readiness, employment and training needs, financial, social and supportive needs, labor market demand and potential for successful completion, as documented on the participant's Individual Employment Plan (IEP). Participants choose career training with Eligible Training Providers in consultation with career counselors.

ITA funding for training is limited to participants who:

- Complete an assessment and an IEP that identifies the selected training course;
- Are unable to obtain grant assistance from other sources to pay the costs of training or require assistance beyond available grant resources from other sources, such as Pell Grants in order to complete their training goals;
- Select training programs that are directly linked to an in-demand industry sector or occupation or sectors that have a high potential of sustained demand or growth in the local area or in another area in which the participant is willing to travel or relocate [WIOA Section 134(c)(3)(G)(iii)]; and
- Maintain satisfactory progress/grades throughout the training program.

Other WIOA Training Options Exempt from the ETPL Policy:

Not all allowable types of training services are subject to the requirements of the eligible training provider provisions in WIOA title I-B. Training services exempt from the Section 122 (ETPL) eligibility requirements include:

- On-the-job training; customized training; incumbent worker training; transitional paid or unpaid employment or work experiences; or
- The circumstances described in WIOA sec.134(c)(3)(G)(ii), training services authorized pursuant to a contract in lieu of an individual training account where the LWDB determines that:
    - There are insufficient providers, or
    - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment, or
    - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice, or
- When the LWDB provides training services through a pay-for-performance contract.

B. Roles and Responsibilities

The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, career pathways, and continuous improvement. The quality and selection of providers and programs of training services, including Registered Apprenticeship programs and others, is vital to achieving these core principles. The State plays a leadership role in ensuring the success of the eligible training provider system in partnership with local workforce development boards (LWDBs), the one-stop system, and its partners. The approved list of eligible training providers should serve as an important tool for participants seeking training to identify appropriate providers, and relevant information such as cost and program outcomes.

The Role of the State: [Ref. - TEGL 41-14]

The Department of Labor and Training (DLT) is the designated state agency for WIOA administration. The Governor's Workforce Board (GWB) on behalf of the Governor must establish eligibility criteria and procedures for initial determination and renewals of eligibility for training providers and training programs to receive funds under WIOA Title I-B. The Governor and DLT has explicit responsibility for managing and disseminating the approved list of eligible training providers. The State must perform the following roles:

- Establishing eligibility procedures and criteria, and clarifying State and LWDB roles and responsibilities;
- Establishing a mechanism for adding Registered Apprenticeship programs to the list and verifying registered status at least every two years;
- Consulting with the State Board (GWB) when establishing these procedures;
- Providing an opportunity for interested members of the public to make recommendations and submit comments regarding the eligibility procedure including LWDBs;
- Determining whether the provider submitted accurate information, and take enforcement actions as needed;
- Making training provider eligibility decisions in collaboration with the LWDBs;
- Notifying training providers and the LWDBs of denial of programs at the state level;
- Disseminating the list to the LWDBs, the one-stop system, its partner programs,

and the public accompanied by credential, cost, and performance, and other consumer information for each ETPL training program;

- Evaluating performance data of all training providers during the continued eligibility review;
- Monitoring training providers for compliance and performance;
- Monitoring LWDBs and administration of ETPL implementation;
- Determining if state-established minimum performance levels for eligibility are met;
- Removing programs that do not meet state-established program criteria or performance levels for eligibility and/or are out of compliance with provisions of WIOA; and,
- Establishing an appeals procedure for providers to appeal a denial of eligibility under this section.

The Role of the Local Workforce Development Boards (LWDB):

The LWDBs have statutorily required responsibilities related to eligible training providers, roles that the Governor assigns the LWDB, and additional options for their local area.

Local Workforce Development Boards must work with the State to ensure that:

- There are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities;
- The State's Eligible Training Provider list is disseminated publicly through the local one-stop system, and its partner programs;
- Inform the State ETPL Coordinator in cases where termination of an eligible provider is considered;
- Inform the State ETPL Coordinator of any changes reported by the training provider that ultimately affect their corresponding approved programs;
- Collecting participant information for purposes of managing individual participant data; and
- The LWDB may set additional eligibility criteria, information requirements, and minimum performance levels for local providers beyond what is required by the DLT's procedure. LWDBs may also provide comment and input into the DLT's development of the eligible provider procedure through the public comment process. Any additional requirements established by the LWDB will only affect a program's eligibility and performance level eligibility requirements within the local area.

C. Eligible Provider Entities:

a. Types of Entities

In order to receive WIOA title 1-B funds, eligible providers shall be at least one of the following types of entities:

1) Institutions of higher education that provide a program which leads to a recognized post-secondary credential.

Entities requiring approval by the RI Board of Governors for Higher Education under R.I.G.L. §16-40 are considered eligible under this section.

2) Entities that carry out programs registered under the National Apprenticeship Act 29 U.S.C. 50 *et seq.*)

Registered Apprenticeship Programs can request to be added to the Eligible Training Provider List during their registration process with the Office of Apprenticeship. Once a Registered Apprenticeship Program has indicated that they desire to be placed on the ETPL, they will automatically be included in the State's ETPL and are not subject to the same application and performance requirements or to a period of initial eligibility or initial eligibility procedures. Performance data on Registered Apprenticeship programs will be provided by the State Apprenticeship Agency. Once on the State Eligible Training Provider list, Registered Apprenticeship programs will be included and maintained on the list for as long as the program remains registered under the National Apprenticeship Act or until the program sponsor notifies the State that it no longer wants to be included on the list. Pre-Apprenticeship programs do not have the same automatic ETP status. [20 CFR §680.470; ETA TEGL 41-14 sec. 8(a)]

3) Other public or private providers of a program of training services, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training.

This includes Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness that provide training under contract with the LWDB. [ETA TEGL No. 41-14 sec. 4]

4) LWDBs, if they meet the conditions of WIOA sec. 107(g)(1).

b. Training Provider Qualifications

Licensing/Accreditation:

Eligible Training Providers must be licensed by the appropriate Rhode Island or federal licensing authority, as required both by Rhode Island and Federal law. Training providers must be in good standing and compliant with all other state and federal regulatory agencies following:

A. Specific occupations have governing boards that issue licenses, such as the RI Department of Health, RI Division of Motor Vehicles, and others. Training providers must be licensed by the appropriate governing board to offer training for the occupation.
B. Private post-secondary institutions and training providers must be approved by a federal or RI authority such as the RI Office of Postsecondary Commissioner.
    a. The RI Council on Postsecondary Education has approval authority for

private/nonprofit degree-granting institutions not specifically exempted by statute or legislative action and approval authority.

b. Nonprofit organizations that do not solely or primarily exist to provide education or training are not covered under this requirement. Please note that determination that an entity holds such status is solely related to its ETPL eligibility and is not an indication that the entity is otherwise exempt from or not subject to RI Council on Postsecondary Education or RI office of Postsecondary Commissioner requirements. To establish status as a nonprofit organization not primarily or solely operated to provide education or training for ETPL eligibility purposes, an entity must provide:

   i. Internal Revenue Service (IRS) documentation indicating appropriate tax exempt status;

   ii. The organization's mission statement, articles of incorporation, or other evidence of organizing principles evidencing that the entity's primary purpose is other than education or training; and

   iii. A signed attestation indicating that the majority of the entity's operations relate to activities other than education or training.

c. If the Department, after review of these submissions, determines that the entity is not eligible for status as a nonprofit organization not primarily or solely operated to provide education or training, the entity must be approved or exempted by the RI Council on Postsecondary Education.

Licensed/Accredited Training Providers not eligible to be on the ETPL include but are not limited to:

C. Training providers that are debarred by any state or the federal government during the debarment period;

D. Private post-secondary training providers, who apply for a RI Private Postsecondary license and are denied due to a determination that the training program is not vocational in nature.

Business Requirements:

A. Training providers must be a legal entity, registered to do business in the State of Rhode Island.

B. Training providers must have provided training services during all of the 12 months prior to applying for the ETPL and have a proven track record of students successfully completing the programs. This provision does not apply to Registered Apprenticeship programs.

C. Training providers are required to have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies that indicate that no refunds will be made are not acceptable. Refund policies must be written and published so that students are aware of how to request a refund.

D. Training providers must have a grievance policy which provides for due process for students to file complaints with an organization against faculty, staff, or other employees. Grievance policies must be written and published so that students are aware of how to file a complaint.

E. Training providers must have a form of general liability insurance. General Liability Insurance is defined as a standard insurance policy issued to business organization to protect against liability claims for bodily injury (BI) and property damage (PD) arising out of premises, operations, products, and completed operations; and advertising and

personal injury (PI) liability. If the nature of the organization is “all other Public or Private Provider of Training”, this certificate must be current and provide “insurance coverage as may be required by any federal or state applicable laws and/or the Workforce arising out the operation of this agreement”. Upon expiration of the certificate, the provider must submit a new certificate to the designated ETPL agency.

F. Training providers must establish, publish, and disseminate to students materials including, but not limited to, official catalogs and other materials. Training providers must provide to students, and to prospective students, information that is complete and accurate. The information provided must be sufficient to enable prospective students to make rational decisions about enrolling in the school and to enable enrolled students to understand their rights and responsibilities as students in the school.

G. A training provider’s financial capacity must be appropriate to its scale of operations. The school must demonstrate, principally from its annual comprehensive financial statements, and from other financial information, that it has adequate capability to satisfy its contractual obligation to students, including the capability to provide the programs and services described in its official publications and to meet its financial obligations.

H. Training providers must comply with non-discrimination and equal opportunity provisions of all federal and state applicable laws including but not limited to:

1. Regulations under Section 188 of the Workforce Innovation and Opportunity Act of 2014;
2. 29 CFR 37, Title VI of the Civil Rights Act of 1964;
3. Age Discrimination Act of 1998;
4. Sections 504 and 508 of the Rehabilitation Act of 1973;
5. Title IX of the Education Amendments of 1972;
6. Title II Subpart A of the American with Disabilities Act of 1990; and
7. The Genetic Information Nondiscrimination Act of 2008.

D. Eligible Program of Training Services:

a. Definition

A program of training services must be delivered in person, online, or in a blended approach that includes one or more courses, or a structured regimen that leads to:

a) A recognized post-secondary credential, secondary school diploma or its equivalent,

b) Employment, or

c) Measurable skill gains toward such a credential or employment.

The Employment and Training Administration (ETA) defines a measurable skills gain as one of the following types of gains; 1) Educational Functioning Level (EFL), 2) Secondary Transcript/Report Card, 3) Training Milestone, 4) Skills Progression, and 5) Other Recognized Credential.

b. Apprenticeship Programs

Under WIOA Title I-B, Registered Apprenticeship Programs are considered eligible programs of training services that meet one or more of the criteria defined above. Once on the State eligible provider list, registered apprenticeship programs will be included and maintained on the list for as long as the program remains registered under the National Apprenticeship Act or until the program sponsor notifies the State that it no longer wants to be included on the list.

Pre-Apprenticeship programs do not have the same automatic ETP status. Pre-Apprenticeship programs are, therefore, subject to the eligibility requirements outlined in this policy.

c. Technology-Based Learning

Requirements

Training providers using technology-based learning, also referred to as distance, online, web-based or computer-based learning, must meet the following requirements:

A. Training providers offering distance learning programs must be licensed to provide training in the State of Rhode Island.
B. Training providers must have a mechanism for student interaction with an instructor or instructors.
C. Training providers must ensure periodic assessment of each student.
D. Training providers' policy must describe the responsibilities of each party (training provider, participant) to the distance learning experience.
E. Training providers must have a mechanism in place for tracking student's participation in the ETPL Training program.
F. Training providers must comply with any additional requirements determined by the LWDB.

d. Program Quality

The WIOA legislation mandates that providers of education and training meet certain specified performance levels. This performance information is required to ensure customers can effectively evaluate the quality of each training program. The performance and cost information that training providers must submit for their program(s) to be identified as eligible for WIOA funding is essential for ensuring consumers are able to make informed decisions on types of training that will lead to their individual success.

Factors determining quality of a training program include:

- the degree in which the training program relates to in-demand industry sectors and occupations;
- length and cost;
- training delivery method including reasonable access to individuals who are employed and individuals with barriers to employment, and the ability to access the training program in rural areas;
- credentials- how they are valued by an employer, and how they are associated with specific occupations;
- training program completion rates
- performance as defined by participant outcome information, taking into consideration the characteristics of the population served and relevant economic conditions, and information

specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable.

E. Criteria for Eligibility:

a. State Criteria - In establishing criteria pursuant to WIOA sec. 122(b)(1), the State shall take into account each of the following:

- **i.** Performance Accountability and Outcomes
- **ii.** Ensure access to training services throughout the State (including use of technology)
- **iii.** Dissemination of Performance Outcomes and training information
- **iv.** Training must lead to "In-Demand" industry occupations and sectors
- **v.** State licensing requirements and licensing status of providers
- **vi.** Encouragement of industry recognized certifications
- **vii.** Provider's ability to offer a credential
- **viii.** Quality of training
- **ix.** Ability to serve individuals with barriers
- **x.** Other;
  - **a.** Compliance
  - **b.** Informed Choice
  - **c.** Providers must meet the needs of local employers and participants
  - **d.** Accountability of providers
    - **i.** Collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.

b. Local Criteria: The LWDBs may establish criteria and information requirements in addition to the criteria and information requirements established by the State, or may require higher levels of performance than required by the State for purposes of determining the eligibility of providers of training services to receive funds. The criteria set by each LWDB will be described in their corresponding policy and contract.

F. Solicitation:

The State and each LWDB may solicit an invitation to training providers to submit applications to apply for status as approved training providers. This solicitation may be done through a combination of direct mailings, newspaper notices and other appropriate means. The State and the LWDBs may also solicit training providers from outside of the local area, including other states. The State will be responsible for ensuring that the training providers have access to the forms for making application and to a list of demand occupations for its area. The application will be reviewed by the ETPL Application Team, consisting of members from the LWDB, the ETPL Coordinator, and DLT management.

Inquiries: If a student expresses an interest in a provider and the provider is an eligible entity but is not currently on the list, the State shall make an effort to reach out to the provider. An interested Provider that is currently not on the list can also inquire with the State. Inquiries can be directed to:

Rhode Island Department of Labor and Training
ETPL Office
1511 Pontiac Avenue, Building 73-3
Cranston, Rhode Island 02920
Phone (401) 462-8860

G. Publication of List [ETA TEGL 41-14 sec. 10]

WIOA requires that the State disseminate the statewide list of eligible training providers and accompanying performance and cost information to LWDBs and to members of the public. The State of Rhode Island will post the list on its Virtual One-Stop System. Individuals, counselors, and providers will have direct access to the list.

Training providers will appear on the statewide list after the State verifies the eligibility. As new programs are submitted and approved throughout the year, the statewide list will be updated on an ongoing basis. If the program is removed from the statewide list, the LWDB will cease to approve additional Individual Training Accounts for that program and the ineligible program will be removed from the statewide list.

The State eligible training provider list must be accompanied by appropriate information to assist participants in choosing employment and training activities. Such information must include the following, disaggregated by local areas served, as applicable:

- Recognized post-secondary credential(s) offered;
- Provider information supplied to meet the State's eligibility procedure;
- Performance and cost information aligned with the time periods; and,
- Additional information is determined by the State as follows:
    - Program Length including number of units such as credits, hours, weeks or semesters needed to earn the credentials offered.
    - Program Service/Location and type
    - Class/Faculty Size
    - Program Pre-requisites
    - Target Occupations
    - Program Description, and
    - Additional information as deemed appropriate.

I. Eligibility Determination:

A. Initial Eligibility

All providers and programs that have not previously been eligible to provide training services under WIOA sec. 122 or WIA sec. 134, except for registered apprenticeship programs, must submit required information to be considered for initial eligibility. The requirements to become an eligible provider of training services apply to all organizations providing WIOA Title I-B training to adults and dislocated workers, with the specific exception of Registered Apprenticeship programs. For Registered Apprenticeship programs, WIOA makes a change from WIA in that Registered Apprenticeship programs must be included upon request and maintained on the list of eligible training providers for as long as the program remains registered.

a. Application Process

Determining ETPL eligibility is a two tier approach. First, the training provider must be an eligible entity to apply for the ETPL and secondly, the training programs offered by the training provider must meet eligibility and performance criteria to be listed on the ETPL.

Under WIOA Title I-B, a training provider must provide verifiable program-specific information based on criteria established by state. The application process for initial eligibility on the ETPL is as follows:

1. The Training Provider must submit an online application on the State's website: www.dlt.ri.gov/wio/ApplicationInfo.htm. The provider must submit any required supporting documents via standard mail, or by electronically uploading the documents into the online application.

   The provider application will include the following required information:
   a. At least one or more factors for performance [refer to section III for details on performance information];
   b. A description of the degree in which the training provider is in partnership with a business. This could include information about the quality and quantity of employer partnerships;
   c. A description of the accessibility of all training programs pertaining to physical access, programmatic process, and communications. This includes but is not limited to location, delivery of service, and access for individuals with barriers;
   d. Other documentation as needed [refer to section IV for list of Documentation Needed]

2. An initial review is conducted by the State's ETPL Coordinator to determine if the Training Provider is an eligible entity.

3. Once the Training Provider is deemed an eligible entity, the Training Provider will receive log-on credentials for the State's virtual one-stop system.

4. The Training Provider will then be instructed to submit each desired program for program approved through the virtual one-stop system.

5. The application is scored by the ETPL Application Team through the use of a standard ETPL Rubric.

   Rubric Components include factors determining quality of a training program as indicated in Section I-A:
   i. Performance Data
   ii. Partnership(s) with Employer(s)
   iii. In-Demand Occupation/Industry
   iv. Credential obtained upon completion
   v. Accessibility of Program

6. A determination of eligibility letter will be sent to the training provider.
   a. If approved, a WIOA Eligible Training Provider Agreement and Approved Program List Addendum (ETPL Contract) is sent by the State's ETPL Coordinator to the provider with 30 days of the provider application submittal.

      Once the contract is signed, the State will disseminate the new program listing on the State's website and virtual one-stop system.

   b. If denied, the training provider has the right to appeal or reapply when ready.

b. Process for Registered Apprenticeship Inclusion on the List

The inclusion process for a Registered Apprenticeship begins once a Registered Apprenticeship program has indicated that they desire to be placed on the ETPL. At that time, the Registered Apprenticeship program must supply the following information to RIDLT:

- Occupations included in the RA program
- The name and address of the RA program sponsor
- The name and address of related technical instruction provider and location of instruction if different from the sponsor address
- The method and length of instruction and,

- The number of active apprentices

The Registered Apprenticeship program will automatically be included in the State's Eligible Provider List (ETPL) and are not subject to the same application and performance requirements or to a period of initial eligibility or initial eligibility procedures. Performance data on Registered Apprenticeship programs will be provided by the State Apprenticeship Agency. Once on the State eligible provider list, Registered Apprenticeship programs will be included and maintained on the list for as long as the program remains registered under the National Apprenticeship Act or until the program sponsor notifies the State that it no longer wants to be included on the list. Pre-Apprenticeship programs do not have the same automatic ETP status. [20 CFR §680.470; ETA TEGL 41-14 sec. 8(a)]

c. Initial Period of Eligibility for Approved Programs

Initial eligibility will be granted for a 12-month period once approved by the State. After the initial period of eligibility, the training provider is subject to continuing eligibility requirements outlined in section II - B.

B. Continuing Eligibility

Eligible training providers that were determined to be initially-eligible under WIOA title I-B will be subject to the application procedure for continued eligibility when their initial year of eligibility expires.

a. Application Process

Initially eligible providers of training services must submit a reapplication on the State's virtual one-stop system for each program for which recertification is sought 1 month prior to the expiration of the initial period of eligibility. The training provider must confirm all detailed program information listed. To maintain eligibility status, training providers must submit to the State, at such time, in such manner and containing such information as the State may request to adequately prepare the performance information for each training program for which continued eligibility is being sought.

In determining continuing eligibility status, the State takes into consideration the following elements:

1. Changes in Organization/Provider Info:
    a) Business requirements
    b) Accreditation/licensure renewals, if needed
    c) Updated Certificate of Insurance
    d) Updates and/or changes in refund or grievance policies, if any;
2. Changes in Program Information:
    a) Schedule changes
    b) Curriculum updates
    c) Match against In-Demand List
    d) Credential offered
    e) Review of business partners that affect the program; and
3. The performance of providers of training services on the performance accountability measures described in WIOA sec 116(b)(2)(A)(i)(I-IV). This includes the timeliness and accuracy of the eligible training provider's performance reports. The State reserves the right to establish minimum performance standards. Until the performance data for all accountability measure is available, the State may take into account alternate factors related to performance for that accountability measure. Once training providers have two years of performance outcomes using the WIOA performance indicators specified in section 116, the State will take them into account.

Other factors taken into consideration when determining eligibility include:

1. Specific economic, geographic and demographic factors in the local area for which providers are seeking continued eligibility; and
2. Characteristics of the populations served, including demonstrated difficulties in serving these populations.

Upon completed review of factors above, the State will determine if the program maintains eligibility. A continuing eligibility determination letter will be sent to the training provider. Continued eligibility status will be confirmed through the virtual one-stop system.

A continuing eligibility review must be conducted at least once every two years from the first continuing eligibility review.

b. Continuing Eligibility Review for Registered Apprenticeship Programs

Registered Apprenticeship Programs who have initially indicated their desire to be placed on the ETPL are not subject to the same continuing eligibility and performance requirements of the State's ETPL policy. The biennial review of the provider eligibility will include verification of the registration status of registered apprenticeship programs and removal of any registered apprenticeship programs as described in 20 CFR sec 680.470. Performance data on Registered Apprenticeship programs will be provided by the State Apprenticeship Agency. Once on the State eligible provider list, Registered Apprenticeship Programs will be included and maintained on the list for as long as the program remains registered under the National Apprenticeship Act or until the program sponsor notifies the State that it no longer wants to be included on the list. Pre-Apprenticeship programs do not have the same automatic ETP status. [20 CFR §680.470; ETA TEGL 41-14 sec. 8(a)]

c. WIOA Transitional Eligibility Period

WIOA provides for a transition period that allows previously approved training programs who were approved under WIA to continue to be considered eligible until June 30, 2016. These programs will not be subject to the initial eligibility process during this transition period. The continuing eligibility of these programs as of June 30, 2016 will be contingent upon receiving outcome data previously set forth by WIA and according to the provider's existing contract for each program currently on the ETPL prior to June 30, 2016. Once continuing eligibility is established, the State will conduct another continuing eligibility review within 2 years of this determination. These procedures do not apply to Registered Apprenticeship programs.

C. Provision [Act Sec. 122(b)(4)(E)]

The provider shall provide the information described in this policy to the State and LWDB in a manner that will permit the State and LWDB to make a decision on inclusion of the provider on the list of eligible providers.

III. Documentation Needed

The provider must meet all State and Local criteria listed in section I of this document. The information requirements established require that a provider of training services submit appropriate, accurate, and timely information to the State, to enable the State to disseminate information that assist participants in choosing providers.

Approval or Exemption Letter from Oversight Agency
Pursuant to WIOA sec 122(b)(1), state licensing and accreditation status of providers are a required state criteria in determining an eligible entity. An approval or exemption letter from oversight agency must be supplied at time of application. For example: A private postsecondary institution must be approved or exempted by the RI Office of Postsecondary Commissioner.

Financial Statements.
The determination will consist of checking liquidity and solvency ratios over 2-years' time or in relation to assets and liabilities. A copy of a Profit and Loss Statement, Balance Sheet or Statement of Financial Position, A Financial Audit, or other financial document that would detail the financial soundness of the organization will be accepted. If revenues are $700,000 or more, A133 Audited Financial Statements are required.

Certificate of Liability of Insurance.
General Liability insurance is defined as a standard insurance policy issued to business organization to protect against liability claims for bodily injury (BI) and property damage ~~(PD)~~ arising out of premises, operations, products, and completed operations; and advertising and personal injury ~~(PI)~~ liability. If the nature of the organization is "all other Public or Private Provider of Training", this certificate must be current and provide "insurance coverage as may be required by any federal or state applicable laws and/or the Workforce arising out of the operation of this agreement." Upon expiration of the certificate, the provider must submit a new certificate.

Refund Policy.
A refund policy must establish general guidelines, document circumstances in which a refund will be given for tuition, fees, or other costs, and clearly define the refund process for over-invoicing or for services not provided.

Grievance Policy.
A training provider must have an established grievance policy to provide a process for the effective management and resolution of concerns, disagreements or complaints arising out of premises, operations, products, and completed operations.

Published Course Catalog or Program Brochure
The catalog and/or brochure MUST be available to the public and prospective students and must include the following:

- All fees required to be paid by students including tuition, required fees, books, supplies, activities, and all other program costs. Providers must ensure that the cost of training to WIOA students does not differ from the training cost charged to non-WIOA students;
- Educational program details and curricula;
- Course cancellation policies.
- All other student policies and procedures promulgated by the school, including those required by state or federal regulations.

The catalog and/or brochure must be submitted in electronic form or hard copy. The student policies can be submitted separately from the catalog and/or brochure but must be an official document that is available to the public and prospective students.

W-9 Form
A W-9 form must be submitted at time of initial application and every two years thereafter in order to file the Tax Payer Identification Number and Certification for tax purposes.

IV. Performance

A. Required Information

The State will collect performance data from eligible training providers for all students as well as WIOA participants in ETPL eligible training programs annually and/or upon request. Reportable elements include:

i. The percentage of all program participants who are in unsubsidized employment during the second quarter after exit from the program;
ii. The percentage of all program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
iii. The median earnings of all program participants who are in unsubsidized employment during the second quarter after exit from the program;
iv. The percentage of program participants who obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent (subject to indicators relating to credential in WIOA sec 116(b)(2)(iii));

This information will be self-reported by the training provider to the State in the aggregate using a digital reporting portal. As part of its ETPL Monitoring process, the Department of Labor and Training will randomly audit the information reported by select providers to ensure it its accurate and that the methodology to collect, compile, and report this information is reasonable, secure, and effective.

B. Insufficient Performance Information

Of those entities applying for eligibility, if the training provider does not have the required performance data, it must 1) show good cause and 2) provide alternate information that demonstrates compliance with State and Local eligibility criteria. “Good cause” should include:

1. The training program is new and data on past performance is not available;
2. Only partial performance data is available;
3. Collection of data will cause excessive costs and/or hardship for the training provider during the initial eligibility; and/or
4. Other reasonable circumstances that may cause data to be unavailable.

If the required and alternate information cannot be provided, DLT will provide technical assistance to allow the provider an opportunity to demonstrate its ability to meet eligibility criteria. DLT will assist the provider in developing a plan of action with an appropriate timeline to be determined on an individual basis. If the provider is not responsive or unable to meet the requirements set forth by the agreement, the provider may be found ineligible.

C. Alternate Performance Information

Until the performance data for each accountability measure is available, the State may take into account alternate factors related to performance for that accountability measure if the information is substantially similar to the information otherwise required. In considering alternate factors related to performance the State may set minimal performance criteria, use existing available data, or develop other proxies as appropriate. Once training providers have two years of performance outcomes using the WIOA performance indicators specified in section 116, the providers will be expected to supply the originally required information.

Supplemental data may include documentation on self-employment and self-reported earnings, a copy of a W-2 form or pay stub that documents employment during the time period in the measure.

V. Program Costs

An eligible training provider must make available to the prospective students its schedules of tuition and fees. The institution shall disclose all fees required to be paid by students (including tuition, required fees, books supplies, activities, etc.), and any non-refundable fees must be so identified. A reduction in tuition, fees or other charges may be implemented when there are specific criteria for student eligibility and selection procedures precisely disclosed within the policy at the institution. All students within the enrollment period that the reduction is offered shall be eligible to apply. The cost of the training to WIOA participants must not exceed the cost charged to any other student in the program. All costs necessary for successful completion of a program must be clearly stated. A breakdown of cost must be identified for publication on the ETPL. A breakdown may include the following:

- Tuition
- Fees
- Books
- Licensing cost
- Certificate fees
- Graduation fees
- Uniforms
- Tools
- Registration fees
- Supplies

VI. Notice of Ineligibility, Suspension, or Termination

A. Initial Eligibility Denials

A training provider or program may be denied initial eligibility for the following reasons:

1. The application is not complete or information was not provided in a timely manner;
2. The training provider does not meet the WIOA definition of an eligible training entity;
3. The training program does not meet the WIOA definition of eligible training services.
4. The training program does not result in a recognized credential;
5. Performance data is not included with the application.
6. The training program does not support in-demand occupations and/or sectors identified through labor market analysis;
7. The training provider is not in compliance with the WIOA statue, regulations, or any agreement executed under WIOA;
8. The State or LWDB determines that the training provider intentionally supplied inaccurate information.

Reapplication
When a training provider or program is denied for any reason other than lack of documentation or information, the provider must wait six months to reapply.

Denial Notice
Within 10 days after the State determines that a training provider's application does not meet the eligibility criteria, the State shall issue a denial notice to the training provider.

The notice shall be mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application. The notice shall clearly:

a. Display the "date mailed",

b. Identify the program that was denied or terminated;

c. State specific reason(s) for the action; and

d. State the training provider has the right to appeal to within 30 calendar days of the date the notice is mailed.

B. Suspension/Removal

a. Removal of Training Programs
A training program may be removed from the ETPL for the following reasons:

1. The State determines that the training provider supplied inaccurate information;
2. The training program no longer meets the WIOA definition of occupational skills training;
3. The program does not meet minimum performance standards once established. If there are no students enrolled in the training program during the past year, there will be no performance data to review for continued eligibility. The State must examine the demand for the related occupation to determine if there is still a demand for it and decide whether to keep the program on the ETPL for another year.

b. Removal of Training Providers
A training provider may be removed from the ETPL for the following reasons:

1) Intentionally supplying inaccurate or false information;
2) Substantially violating a provision of title I of WIOA or its implementing regulations;
3) Failure to meet required performance outcomes;
4) Failure to abide by the equal opportunity and nondiscrimination requirements under WIOA Section 188;
5) Failure to comply with monitoring and audits;
6) Failure to maintain required licenses and accreditation requirements;
7) Failure to comply with all applicable provisions in the ETPL contract; or
8) Other just cause.

c. Notification and Termination Letter
Within 10 days after the State determines that a training provider is in violation of any of the reasons indicated above a notice of violation or finding shall be issued by the State requiring the development of a corrective action plan. The letter should include what the violation or finding is, an invitation to develop a corrective action plan, and a specific timeframe of 14 days to respond to the notification. If the training provider fails to respond to the letter, a termination letter will then be issued.

The termination notice shall be mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application.

The notice shall clearly:

a. Display the “date mailed”,

b. Identify the violation or finding;

c. State specific reason(s) for the action; and

a. State the training provider has the right to appeal to within 30 calendar days of the date the notice is mailed. When a training program is removed from the State ETPL, WIOA

participants currently enrolled in the program may complete their training as outlined in their WIOA Individual Employment Plan unless the program or provider has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.

C. Corrective Action

a. Purpose of Corrective Action Plan
The State and the Eligible Training Provider must develop a corrective action plan if the provider is found in violation of their contract, or if the provider is requesting technical assistance to become compliant.

b. Prior to Plan Development
If the provider is found in violation of the contract, the State must identify the finding and how it was acquired. Examples include but are not limited to LWDB's monitoring report, State's compliance and monitoring report, continuing eligibility review, and information reported through an anonymous tip or random review; i.e. secret shopper, Secretary of State website check, or other means that provides evidence of potential non-compliance with ETPL contract provisions or ETPL policy.

Identify which law or provision is being violated. Gather supporting documents to determine if the finding is an allegation or a factual finding. This will determine whether the provider can continue to receive referrals during CAP process or not.

c. Notification Letter
The State sends a letter via mail notifying the Training Provider of the finding. The letter should include what the violation or allegation is, an invitation to develop a corrective action plan, and a specific timeframe to respond to the notification. If the training provider chooses not to respond to the letter, they are confirming their decision to withdraw participation from the ETPL.

d. Development of CAP
The training provider, with assistance from the State, must develop a corrective action plan (CAP). The CAP will serve as a reapplication and should contain the following:

- Details of discussion; date, time, method of communication (phone, meeting, etc.), persons involved in discussion, and any other relevant details;
- Description of circumstances;
- Description of steps that will be taken to rectify the situation, including procedural changes that prevent reoccurrence;
- Appropriate timeframe to completion/resolution
    - Depending on severity of issue timeframes may vary
    - An evaluation of progress must be periodically conducted

C. Repayment of Program Funds

A provider of training services whose eligibility is terminated due to the aforementioned termination causes shall be liable for the repayment of funds of all adult, dislocated worker, and youth funds received under Title I-B of WIOA or WIA during the period of non-compliance. [Ref. Act Sec 122(f)(1)(C)] No repayment funds should be collected from the

training provider until the opportunity to appeal is over which is 90 days from the date of the initial denial notice.

D. Appeal Process

Following issuance of a denial of eligibility, determination of suspension, determination of eligibility for status as a nonprofit organization not primarily operated to provide education or training, or termination of eligibility - the training provider will have 30 days in which to submit an appeal to the Governors Workforce Board. Within 30 days of the receipt of the appeal, the training provider will be notified of the date, time, and place where a due process hearing will be conducted. After that hearing a decision will be issued within 30 days. All appeals must be forwarded, in writing, to the following address:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-2
Cranston, Rhode Island 02920
Phone (401) 462-8860 Fax (401) 462-8865

VII. Opportunity to Submit Comments [Ref. – Act Sec. 122(e)]

In establishing criteria information requirements, procedures, and the list of eligible providers described in this policy, the State provided an opportunity beginning December 10, 2016 and ending December 24, 2016 for interested members of the public to make recommendations and submit comments regarding such criteria, information requirements, procedures, and list.

Attachment 1

Definitions:

Credential = [ETA TEGL No. 15-10, Credential Resource Guide attachment]

The term *credential* refers to a verification of qualification or competence issued to an individual by a third party with the relevant authority or jurisdiction to issue such credentials (such as an accredited education institution, an industry-recognized association, or an occupational association or professional society).

- Commonly used educational credentials include:

    1. Educational diplomas, certificates and degrees;
    2. Registered apprenticeship certificates;
    3. Occupational licenses (typically awarded by state government agencies);
    4. Personnel certifications from industry or professional associations; and
    5. Other skill certificates for specific skill sets or competencies within one or more industries or occupations (e.g. writing, leadership, etc.).

Completed = Attended all weeks of training and met all the requirements for a degree or certificate according to the institutions catalog.

Completer/Credential Attained = A student “completer” (see preceding definition) who receives a degree, diploma, certificate, or other format industry recognized credential. In order to be considered a “completer/credential attained”, the degree/award or license must actually be conferred.

[US Department of Education, Institute of Education Sciences, NCES, IPEDS Glossary; http://nces.ed.gov/ipeds/glossary]

Exited = A student who leaves the program of study having completed or otherwise.

WORKFORCE INNOVATION NOTICE: 06-03

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Provision of Incumbent Worker Training Services

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards must issue a policies and procedures regarding how incumbent worker training services will be provided.

1. **PURPOSE:** This policy provides guidance on the provision of incumbent worker training services under the Workforce Innovation and Opportunity Act (WIOA).

2. **REFERENCES:** Workforce Innovation and Opportunity Act (Pub. L. 113-128) Training and Employment Guidance Letter No. 19-16; Code of Federal Regulations 20 C.F.R. § 680.780, § 680.790, § 680.800, § 680.810, § 680.820

3. **BACKGROUND:** Incumbent Worker Training (IWT) is designed to ensure that employees of a company are able to gain the skills necessary to retain employment and advance within the company or to provide the skills necessary to avert a layoff. Such training must increase a participant's and/or an employer's competitiveness. Incumbent worker training is an important tool for improving the education and skill levels of the current workforce and increasing the ability of businesses to effectively compete. Incumbent worker training is consistent with the state WIOA plan and its goals, particularly to implement a demand-driven, sector-based strategy to meet employer demand and establish a pipeline of skilled workers for future demand

4. **POLICY:** Incumbent workers are currently-employed workers whose employers have determined that the worker requires training to increase the competitiveness of the employee or the employer. The worker must have an established employment history with the employer for six (6) or more months and employed in a situation that meets the Fair Labor Standards Act requirements for an employer-employee relationship. Such training will upgrade workers' skills, increase wages earned by employees and/or keep workers skills competitive.

   There is one exception to the six month requirement: in the event that 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 meet the employment history requirement.

Incumbent worker training considerations:

- A local area may use up to twenty percent (20%) of their local adult and dislocated worker funds for incumbent worker training.
- Statewide activities funds or Rapid Response (RR) funds may also be available for statewide incumbent worker training activities.
- The training should, wherever possible, allow the participant to gain industry-recognized training experience and lead to an increase in wages.
- An incumbent worker must be employed with the company when the incumbent worker training starts.
- An ideal incumbent worker training would be one where a participant acquires new skills allowing him or her to move into a higher skilled and higher paid job within the company. In turn this would allow the company to hire a job seeker to backfill the incumbent worker's position.
- The employer or group of employers must pay for a portion of the cost of providing the training to incumbent workers consistent with this policy.

5. PROCEDURE:

When determining use of funding for incumbent worker training with a particular employer, the Local Workforce Development Board (WDB) must include in their local plan and/or through policy issuance, a description of the strategies and services that will be used in the local area to identify and document participant characteristics, the relationship of the training to the competitiveness of the participant and employer, and other factors that the Local WDB determines appropriate. Additional factors for determining use of funding for incumbent worker training may include:

- The number of employees in training
- Wages and benefits (including post-training increases)
- The existence of other training opportunities provided by the employer
- Credentials and skills gained as a result of the training
- Layoffs averted as a result of the training
- Utilization as part of a larger sector and/or career pathway strategy; or
- Employer size

The cost sharing requirement for employers participating in incumbent worker training is to pay for the non-federal share of the cost of providing training to incumbent workers of the employers. The non-federal share shall be:

- At least ten percent (10%) of the cost, for employers with 50 or fewer employees;
- At least twenty-five percent (25%) of the cost, for employers with 51 to 100 employees; and
- At least fifty percent (50%) of the cost, for employers with more than 100 employees.

The non-federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending an incumbent worker training program. The employer share may be in cash or in kind. 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 are also enrolled as a participant in the WIOA Title I adult or dislocated worker program.

Incumbent Worker Training can also be used for underemployed workers—e.g. workers who would prefer full-time work but are working part-time for economic reasons. While these workers are employed, they may have accepted reduced hours to gain or maintain employment or a previous dislocation has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers.

6. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 06-04

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Provision of Customized Training Services

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards must issue policies and procedures regarding how customized training services will be provided.

9. PURPOSE: This policy provides guidance regarding the use of local formula funds for Customized Training for WIOA Title I Adult and Dislocated Worker Programs.

10. REFERENCES: Workforce Innovation and Opportunity Act (WIOA) of 2014, Pub. L. No. 113 and 128; 20 Code of Federal Regulations, Parts 680, 681, and 683; Uniform Guidance Title 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; TEGL 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended

11. BACKGROUND: Under WIOA, Training for Adults and Dislocated Workers is primarily supported through a robust Eligible Training Provider List (ETPL), comprised of entities with a proven capability of securing quality employment outcomes for participants. WIOA also provides enhanced access and flexibility in work-based learning opportunities for Adult and Dislocated Worker participants through work experiences, Registered Apprenticeship, on-the-job training, customized training, and incumbent worker training. Customized training is designed to provide local areas with flexibility to ensure that training meets the unique needs of job seekers and employers or groups of employers

12. POLICY:

Definition
Customized training is defined at WIOA Sec. 3(14):

"Customized training" means training—

a) that is designed to meet the specific requirements of an employer (including a group of employers);
b) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and
c) for which the employer pays—
    a. a significant portion of the cost of training, as determined by the local board involved.

Customized training is generally classroom-based, provided for a group or cohort of individuals, and may be provided by a third party for the employer or group of employers.

Eligibility for Training Services for Adults and Dislocated Workers
Under WIOA, there is no sequence of service requirement for career services and training services. However, training services may be provided to adults and dislocated workers only if the case manager determines, after an interview, evaluation or assessment, and case management, that the participant:

1. 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;
2. 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; and
3. Has the skills and qualifications to successfully participate in the selected program of training services.

WIOA requires that training services are linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the adult or dislocated worker is willing to commute or relocate. The selection of training services should be conducted in a manner that maximizes customer choice, is informed by the performance of relevant training providers, and coordinated to the extent possible with other grant assistance. Once eligibility for training services has been established, the case manager must then determine that customized training is appropriate. Training services for WIOA Title I adults and dislocated workers, when determined appropriate, must be provided either through an Individual Training Account (ITA) or through a training contract. Customized training is provided through a contract.

Eligibility for Training Services for Employed Workers
WIOA permits training services, including customized training, for WIOA-eligible employed workers that are not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment, as determined by the local board in policy. Customized training is generally for hiring new employees or recently-hired employees; not for retaining existing employees.

For individuals who are employed at program entry, the case manager must determine that the individual:

1. Is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment; and
2. The customized training or other training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills or workplace literacy, or other appropriate purposes identified by the local board.

NOTE: Incumbent Worker Training is a separate type of training that is covered in WIN 20-05.

When an individual is referred to a NetworkRI center by an employer, it is the NetworkRI staff's responsibility to ensure the eligibility of the participant/trainee for both the program and training and also to assess the individual's suitability for training with the employer in question. The individual must not already be working for the employer unless they meet the training eligibility requirements for an employed worker.

Employer Requirements

1. Contracts: Customized training must be provided through a contract with an employer or group of employers, which may include partnerships with other entities to deliver the training. Customized training is generally for hiring new or recent employees and not for retraining existing employees. Contracts must include:
    a. The employer's commitment to pay a significant share of the cost of training;
    b. The employer's commitment to employ an individual upon successful completion of the training;
    c. Skills and competencies to be learned in training;
    d. Assurances that training will be in accordance with WIOA Section 181 (prohibition on displacement of current employees, equal benefits and working conditions, prohibition on use of funds after relocation, collective bargaining); and
    e. Assurances that their employees are covered by health and safety standards established under Federal and State law, including workers' compensation.

Local boards may also consider other requirements for participating employers, such as a minimum number of participants to receive customized training; a maximum length of time for training; what constitutes successful completion of training; and whether the individuals will be hired in positions that are full-time, permanent, and pay a living wage.

Relocation Prohibition
A customized training contract may not be written with an employer that has laid off workers within 120 days to relocate to Rhode Island from another state. To verify that an establishment which is new or expanding has not relocated employment from another area, a standardized pre-award review must be conducted. This pre-award review must be conducted by the local area with the employer as a prerequisite to WIOA assistance.

Legal Use of Federal Funds
WIOA funds may not be used to help employers to fill positions that promote or support the use, possession or distribution of marijuana.

Eligible Training Provider Exception
Customized training providers are not required to be eligible providers on the state's Eligible Training Provider List (ETPL), and are not subject to the performance requirements for eligible providers. Customized training is provided through a contract, not an ITA.

State Monitoring
Customized training will be subject to state program monitoring, which may include a sample review of contracts and case files to ensure compliance with Federal, state and local policies.

13. Local Board Requirements:

Local boards are responsible for establishing policies to address the following items.

1. Employer's Share of Cost: WIA required the employer to pay at least 50% of the cost for customized training. WIOA gives the local board discretion to determine what portion of the cost of training will be paid by the employer, but the portion must be "significant."

   Local boards must define the criteria that will be used to determine what constitutes employer's payment of "a significant portion of the cost of training". The local board must consider the size of the employer, and may include other factors as the local board determines to be appropriate. These factors 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);
   - relationship of the training to the competitiveness of a participant; and
   - other employer-provided training and advancement opportunities.

In the case of customized training involving an employer located in multiple local areas in the State, the local areas, in partnership with the State Workforce Development Board, will jointly determine the appropriate employer contribution.

2. Pre-Award Review: Local policy must require a pre-award review with the employer. The process for the pre-award review may be detailed in either local policy or procedure and must include:
   a. Names under which the establishment does business, including predecessors and successors in interest;
   b. The Federal Employer Identification Number (FEIN);
   c. The name, title, and address of the company official certifying the information; and
   d. Whether WIOA assistance is sought in connection with past or impending job losses at other facilities, including a review of whether WARN notices relating to the employer have been filed.

   The pre-award review may include:
   e. Determining whether the employer has exhibited a pattern of failure, i.e. has not met their agreed-upon requirements for past participants;
   f. Any additional information specified by the local board in local policy; and
   g. Consultations with labor organizations and others in the affected local area(s)

8. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 06-05

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Contract-Based Training Activities

DATE: **Effective March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards must determine the conditions under which authorizing contract-based training is appropriate.

1. **PURPOSE:** To provide guidance on contract-based training activities (CBT) allowed under Title I of the Workforce Innovation and Opportunity Act (WIOA).

2. **REFERENCES:** Public Law 113-128, Workforce Innovation and Opportunity Act of 2014; Section 134(c)(3)(F)(i) through (v) and (G)(ii) - Use of Funds For Employment and Training Activities; Section 108(b)(19) - Local Plan Contents; and Section 121(e)(1)(B) - Establishment of One-Stop Delivery Systems ; 20 CFR 680.320(a)(4)

3. **BACKGROUND:** 20 CFR 680.320 states that contracts for training services may be used instead of Individual Training Accounts only when one or more of the following five exceptions apply, and the local area has fulfilled the consumer choice requirements of § 680.340:

   (1) When the services provided are on-the-job-training (OJT), customized training, incumbent worker training, or transitional jobs.

   (2) When the Local WDB determines that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs.

   (3) When the Local WDB determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment, as described in paragraph (b) of this section

   (4) When the Local WDB determines that it would be most appropriate to contract with an institution of higher education (see WIOA sec. 3(28)) or other provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit consumer choice.

   (5) When the Local WDB is considering entering into a Pay-for-Performance contract, and the Local WDB ensures that the contract is consistent with § 683.510.

With regards to 20 CFR 680.320(a)(2), (3), and (4), the Local WDB must develop criteria to be used in determining demonstrated effectiveness. The criteria may include:

> (i) Financial stability of the organization;
> (ii) Demonstrated performance in the delivery of services through such means as program completion rate; attainment of the skills, certificates or degrees the program is designed to provide; placement after training in unsubsidized employment; and retention in employment; and
> (iii) How the specific program relates to the workforce investment needs identified in the local plan.

With regards to 20 CFR 680.320(a)(3); the state workforce development board, through the Real Pathways RI program, has identified multiple partnerships that have demonstrated effectiveness in serving individuals with barriers to employment. Partnerships are typically lead by community-based organizations and must include employer partners as well.

With regards to 20 CFR 680.320(a)(4); the state workforce development board, through the Real Jobs RI program, has identified multiple partnerships in in-demand industry sectors or occupations. Partnerships are collaborations of no fewer than five employers from the same industry, led by a convening entity with industry trust and expertise, which partners with education, workforce development, economic development and community organizations to focus on a set of key priority issues identified by the target industry.

If a LWDB determines it would be appropriate, in order to meet the needs of employer and job seeker customers, to engage in CBT, it may contract with such a Real Jobs RI partnership, a Real pathways RI partnership, an institution of higher education, or other provider of training services, to pay for group training, in lieu of individual training accounts, provided the contract does not limit consumer choice.

4. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. Policy:

If a Local Workforce Development Board determines, under 20 CFR 680.320, that it would be appropriate to engage contract-based training (CBT) activities, they may enter into a reimbursement-based contract with a provider.

a) In selecting a training provider LWDBs may use: providers listed on the Eligible Training Provider (ETP) List, a workforce development partnership identified by the state workforce development board (currently known as “Real Jobs RI partnerships” or “Real Pathways RI partnerships”), or other training providers. If training is going to be provided by an entity other than Eligible Training Provider, the provider must meet the following criteria for demonstrated effectiveness, including, but not limited to:
    i. Financial stability of the provider (e.g., how long in business, financial statements, etc.);
    ii. Performance in delivering training services. Performance may be demonstrated by:
        A. Program completion rates
        B. Skill attainment levels
        C. Certificates, credentials or degrees delivered
        D. Placement rates in unsubsidized employment
        E. Employment retention rates, and/or
        F. Connection of the training program to needs identified in the local plan;

b) CBT must be competitively solicited in accordance with applicable federal and state laws, rules and policies;

c) CBT must directly link to an in-demand industry sector or occupation, or a sector with high potential for sustained demand or growth;

d) CBT and individual training accounts can be combined to provide training services, including to allow individuals with ITAs to obtain contracted training services;

e) CBT contracts must at a minimum document the following:
    i. The type of training provider (e.g., non-profit, private career school, college, etc.).
    ii. The type of training program and credential.
    iii. How the provider will record and report participant information and expenditures.
    iv. Information about costs and payments.
    v. Outcome and performance measures to be used.
    vi. An agreement to adhere to state and local policies.
    vii. Any required boilerplate language.

6. Definitions:

Consumer choice – Any individual eligible for WIOA training shall receive services that maximize his or her choice to select and be referred to training from the list of eligible training providers, and eligible for payment for those training services through an individual training account, coordinated with funding from other training program sources. Priority should be given to training that leads to recognized post-secondary credentials aligned with in-demand industry sectors or occupations.

Contract for services – Contracting with an entity to provide training to a cohort of participants.

Eligible training provider – A provider on the official list of training programs eligible to provide training to individuals who qualify for an ITA funded by the WIOA.

WORKFORCE INNOVATION NOTICE: 06-06

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Apprenticeship Under WIOA

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards will want to review their On-the-Job Training (OJT), Individual Training Account (ITA), and Customized Job Training (CJT) policies and procedures for compatibility with this policy and with Registered Apprenticeship Programs in general; and amend and revise as necessary.

1. **PURPOSE:** Registered Apprenticeship is an important workforce development strategy that the workforce system can provide to its customers, both job seekers and employers. It is an evidence-based model for job seekers and is a job-driven strategy for employers and industries. The purpose of this policy guidance is to provide information on how WIOA funds can support Apprenticeship and how Registered Apprenticeship Programs and other models are to be included as Eligible Training Providers

2. **REFERENCES:** Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, enacted July 22, 2014; The National Apprenticeship Act, (50 Stat. 664; 29 USC 50); Workforce Innovation and Opportunity Act Regulations, 20 CFR Parts 680, 681; Training and Employment Guidance Letter Number 13-16, "Guidance on Registered Apprenticeship Provisions and Opportunities Workforce Innovation and Opportunity Act (WIOA)

3. **BACKGROUND:** Registered Apprenticeship is a proven model of job preparation that combines paid on-the-job training with related instruction to progressively increase workers' skill levels and wages. Registered Apprenticeship is also a business-driven model that provides an effective way for employers to recruit, train, and retain highly skilled workers. It allows employers to develop and apply industry standards to training programs, thereby increasing productivity and the quality of the workforce. As an "earn and learn" strategy, Registered Apprenticeship offers job seekers immediate employment opportunities that pay sustainable wages and offer advancement along a career path. Graduates of Registered Apprenticeship programs receive nationally-recognized, portable credentials, and their training may be applied toward further post-secondary education.

   The U.S. Registered Apprenticeship System is authorized through the National Apprenticeship Act of 1937 (29 U.S.C. 50 et seq.) and codified in Rhode Island State Law in Chapter 28-45 Apprenticeship Programs in Trade and Industry, (RIGL 28-45 et seq.) The Rhode Island Department of Labor and Training (DLT) is the federally recognized State Apprenticeship Agency (SAA) responsible for registering apprenticeship programs that meet Federal and State standards in conjunction with U.S. Department of Labor Office of Apprenticeship (OA), as well as issuing certificates of completion to apprentices, protecting the safety and welfare of

apprentices, assuring that all programs provide high-quality training, and, encouraging the development of new programs through outreach and technical assistance.

This policy is intended to describe the funding opportunities that local areas may apply to support apprenticeship programs and outline the state's commitment to maximize on the opportunities that WIOA provides to grow the use of apprenticeship

4. DEFINITIONS:

"**Eligible Training Provider**" is a provider of training services who has met the eligibility requirements to receive WIOA title I Adult and Dislocated Worker funds to provide training services to eligible individuals.

"**Eligible Training Provider List**" is a statewide list of approved providers of training services who are eligible to receive WIOA title I-B funds.

"Registered Apprenticeship Program" means the approved program plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices including the written 'apprenticeship agreement' as required under RIGL 28-45 et seq. and Title 29 C.F.R. Parts 29 and 30. The "Standards of Apprenticeship", which contain apprenticeship program plan, are registered with the Registration Agency. For state program sponsors, DLT is the Registration Agency. All Registered Apprenticeship programs consist of the following five core components – direct business involvement, OJT, related instruction, wage progression for skill gains, and a national occupational post-secondary credential.

"**Apprenticeship Program Sponsors**" are the entities that administer registered apprenticeship programs. Registered Apprenticeship can take many forms and its sponsors are diverse, including:

- Employers who provide related instruction: A number of employers with Registered Apprenticeship programs provide formal in-house instruction as well as on-the-job training at the work site. In this situation, the employer is the ETP.
- Employers who use an outside educational provider: Under this model, Registered Apprenticeship program sponsors do not provide the related instruction or educational portion of the apprenticeship, but instead rely upon an outside educational entity to deliver the instruction. Employers can use two- or four-year post-secondary institutions, technical training schools or on-line courses for related instruction. The employer is the ETP and must identify the instructional provider(s).
- Joint Apprenticeship Training Programs: These programs are run by a joint labor-management committee and are comprised of employers and unions. They have an apprenticeship training center where the instructional portion of the Registered Apprenticeship program is delivered. The training schools are usually administered by the union. The Joint Apprenticeship Training Committee is the ETP.
- Intermediaries: Intermediaries can serve as program sponsors when they take responsibility for the administration of the Registered Apprenticeship program. They can also provide expertise such as curriculum development, classroom instruction, and supportive services, as appropriate. The intermediary is the ETP and must identify the instructional provider if an outside organization is providing the educational portion of the Registered Apprenticeship program. Intermediaries include:

1. Educational institutions including two- and four-year post-secondary institutions or technical schools. In this model, the educational institution administers the programs, works with employers to hire apprentices, and provides the classroom or on-line instruction for the Registered Apprenticeship program;
2. Industry associations administer the program and work with employer/members and educational entities to implement the Registered Apprenticeship program; and
3. Community-based organizations administer the program and work with employers, educational entities and the community to implement the Registered Apprenticeship program.

5. POLICY: There are several ways in which WIOA training funds may be used to support participation in registered apprenticeships and other apprenticeship models. Apprenticeships, whether federal or state registered, can be funded for a combination of classroom training and on-the-job training up to the maximum individual amount. Training may be done by the sponsor, employer-of-record or a third party designated in the approved Standards of Apprenticeship. This funding allocation can be made available to a single participant utilizing any of the available funding resources below.

Individual Training Accounts (ITAs): Since all registered apprenticeships are eligible for the state Eligible Training Provider List (ETPL), an ITA may be developed for registered apprenticeship training. Local Boards are encouraged to promulgate their own policies and procedures regarding the administration of ITA funds for apprenticeship training. Local workforce areas may develop an ITA contract with any registered apprenticeship program sponsor and its participating employers. Apprentice registration can be demonstrated by an executed apprenticeship agreement.

On the Job Training (OJTs): An OJT contract may be developed with registered apprenticeship programs for training participants. WIOA expands the potential for utilizing OJT to support apprenticeship. In certain circumstances, up to 75 percent of the apprentices' wages may be reimbursed by public workforce system contributions if employers meet criteria for a designated period of time.

- Local workforce areas may develop OJT contracts with the employer. The OJT contract may be made to support some or the entire OJT portion of the apprenticeship program subject to the funding limitations outlined in the local area's OJT policy.
- In order for an apprenticeship to qualify for an OJT contract, the employer and participant are subject to the requirements of the local area's OJT Policy such as wage and hour thresholds
- If a participant is in a registered apprenticeship but is unemployed, OJT funds will be treated as OJTs for unemployed workers.

ITA/OJT Joint Funding: Using both ITA and OJT funds when placing participants into a registered apprenticeship program is federally allowable. Therefore, providing a combination of an ITA to cover the classroom instruction with an OJT contract for on-the-job portions of the registered apprenticeship is up to the discretion of the local workforce development board.

Customized Job Training (CJT): CJT funds can be used to support apprenticeship programs that are designed to meet the special requirements of an employer or group of employers who are willing to pay for a portion of the cost of the training and include a commitment by the employer(s) to employ an individual upon successful completion of the training.

- Local workforce areas may develop a CJT contract with an employer or a training provider.
- In order for an apprenticeship to qualify for a CJT contract, the employer and participant are subject to the requirements of the local area's CJT Policy such as wage and hour thresholds.

Employers should also be advised that, such to eligibility and other criteria, the Governor's Workforce Board's **Incumbent Worker Training Grant (IWTG)** program (funded through the state Job Development Fund) may be used to assist with the training portion of an apprenticeship (but cannot be used for participant or trainer wages).

Supportive Services are also available to participants in any apprenticeship program consistent with the local area's Supportive Services Policy and availability of funds.

Apprenticeships as Eligible Training Providers: All Registered Apprenticeship sponsors are eligible for Rhode Island's list of ETPs, though some may choose not to be included and/or remain on the list. In conjunction with the DLT Apprenticeship Office, the state may request information on the following from the registered apprenticeship program sponsor: (1) occupations included within the sponsor's Registered Apprenticeship program; (2) contact information including the name and address of the Registered Apprenticeship sponsor; (3) the name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address; (4) the method and length of instruction; and (5) the number of active apprentices. This is all the information that is needed for inclusion on the ETPL. As per Section 680.510(a) of the WIOA Final Rule, LWDBs cannot impose any additional requirements on Registered Apprenticeship program sponsors to be included on the State ETPL.

Registered Apprenticeship programs that do not provide the Related Technical Instruction portion of the apprenticeship (as outlined above) may be required to provide additional information about their education provider, including the cost of the instruction (this is the only time that cost information should be requested). Once on the State ETPL, registered apprenticeships will remain on the list until they are deregistered or until the registered apprenticeship program sponsor notifies the State that it no longer wants to be included on the list. For more information on the state's Eligible Training Provider policy, see WIN 15-19-02.

Trade Adjustment Assistance (TAA). Registered Apprenticeship is an allowable type of employer-based training that may be approved for a worker covered by a certification of group eligibility for the TAA Program authorized by the Trade Act of 1974, as amended. For a worker to receive approval to enroll in a Registered Apprenticeship program funded by TAA, the State must determine that the following six criteria are met according to 20 CFR 617.22: (1) no suitable employment is available for an adversely affected worker; (2) the worker would benefit from appropriate training; (3) there is a reasonable expectation of employment following completion of training; (4) training is reasonably available to the worker; (5) the worker is qualified to undertake and complete such training; and (6) training is suitable for the worker and available at a reasonable cost. The TAA Program can pay for the expenses associated with related instruction (e.g., classroom and distance learning), tools, uniforms, equipment or books for an adversely affected worker's participation in a Registered Apprenticeship program. TAA support for the costs of the Registered Apprenticeship must end either at the end of the 130-week maximum duration of training limit established under the Trade Act, or when the participant reaches suitable employment. For further guidance on TAA and Registered Apprenticeship, refer to TEGL No. 5-15, Change 1, Section D.5.3.

6. **TECHNICAL ASSISTANCE:** As the placement of Apprenticeship on the ETPL is a relatively new requirement, information about apprenticeship models and how they differ from traditional training programs is not easily accessible at many centers. The State Board will work with local boards on the provision of technical assistance and guidance to One-Stop Career Center staff on how and when to best connect with Registered Apprenticeship programs.

7. **INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 07-01

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: Provision of WIOA Youth Services

DATE: **Effective: March 18, 2021**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: Local Boards must decide whether to establish a standing Youth Committee, procure the provision of WIOA youth services consistent with this policy, and may establish a youth incentive policy.

1. **PURPOSE:** This policy provides the policy and procedures for the Local Workforce Development Areas (LWDAs) to use in providing services to WIOA Title I-B Youth Program participants, including In-School and Out-of-School youth.).

2. **REFERENCES:** Workforce Innovation and Opportunity Act (WIOA) of 2014 (P.L 113- 128); Federal Register 20 CFR 681; and Training and Employment Guidance Letters (TEGL) 9-00, 28-11, 5-12, 5-14, 23-14, 8-15, 21-16

3. **BACKGROUND:** The WIOA Title I-B Youth Program provides a wide array of high- quality services, including career exploration and guidance, continued support of educational attainment, and training in in-demand industries and occupations. The program's goal is for the youth to obtain employment along a career pathway, enrollment in post-secondary education or a Registered Apprenticeship prior to the end of participation. The Youth Program provides services to youth with barriers to employment, with a special focus on supporting the educational and career success of out-of-school youth.

4. **GENERAL PROGRAM REQUIREMENTS:** LWDAs must ensure that the Youth Program prepares participants to meet education and career goals. The LWDA or program provider must provide:

    - Preparation for post-secondary education and training opportunities, including Registered Apprenticeship Programs;
    - Strong linkages between academic instruction and occupational education;
    - Preparation for unsubsidized employment opportunities along career pathways; and
    - Strong connections to employers, including small employers, in-demand industry sectors, and occupations of the local and regional labor markets.

Linkages to Community and Partners

The LWDA or Youth Program provider must provide linkages to community and partners to:

a) Ensure that parents, youth participants, and members of the community with experience in youth programs are involved in the design and implementation of the WIOA Title I-B Youth Program.
b) Make opportunities available to individuals who have successfully participated in the Youth Program to volunteer and provide assistance to participants in the form of mentoring, tutoring and/or other services.
c) Provide appropriate connections between the Youth Program and the One-Stop system that will foster participation with local youth and include:
    a. Local area justice and law enforcement officials;
    b. Local public housing authorities;
    c. Local education agencies;
    d. Local human service agencies;
    e. WIOA Title II adult education providers;
    f. Local disability-servicing agencies;
    g. Job Corps representatives;
    h. Representatives of other area youth initiatives, including those that serve the homeless and private youth initiatives;
    i. Coordination and provision of youth services;
    j. Linkages to the job market and employers;
    k. Access for eligible youth to information and the services listed in section 6 of the policy; and
    l. Other activities designed to meet the purposes of the Youth Program and youth services.

Local Youth Committee

LWDAs may choose to establish a standing Youth Committee. The purpose of the Committee includes providing information to assist with planning, operations, oversight, and other issues related to the provision of the WIOA youth program. If the Local Workforce Development Board (LWDB) chooses not to establish a youth standing committee, the LWDB retains the responsibility for the activities listed.

Under the direction of the LWDB, a standing youth committee may:

a) Recommend policy direction to the local board for the design development and implementation of programs that benefit all youth;
b) Recommend the design of the comprehensive community youth workforce development system to ensure a full range of services and opportunities for youth, including disconnected youth;
c) Recommend ways to leverage resources and coordinate services among schools, public programs, and community- based organizations serving youth;
d) Recommend ways to coordinate youth services and youth service providers;
e) Provide on-going leadership and support for continuous quality improvement for local youth programs;
f) Assist with the planning, operational and other matters related to youth; and
g) If delegated by the LWDB after consultation with the Chief Local Elected Official, oversee eligible youth providers, as well as other youth program responsibilities.

The standing youth committee membership must reflect the needs of the local area. The committee members are appointed based on their expertise to help address the employment, training, education, human and supportive service needs of eligible youth.

When the local board chooses to have a standing youth committee, the committee must include:

a) A member from the LWDB, who chairs the committee;
b) Members of community-based organizations with a demonstrated record of success in serving eligible youth and other individuals with appropriate expertise who are not members of the local board;

Additional standing youth committee members may include:

a) Representatives of agencies such as secondary and post-secondary education, training, health, mental health, disability, housing, public assistance and justice;
b) Representatives of philanthropic or economic and community development organizations;
c) Employers; and
d) Parents, participants and youth.

LWDBs may designate an existing entity, such as an effective youth council, as the standing youth committee if the youth council meets WIOA requirements in this policy.

Out-of-School Priority
Unless otherwise informed by action of the state board, LWDAs must dedicate at least seventy-five (75%) of WIOA Title I-B Youth Program funds to provide services for Out-of-School Youth (OSY). LWDAs must verify the youth's dropout status at the time of WIOA Title I-B youth program enrollment. An individual who is out-of-school at the time of enrollment, and subsequently placed in any school, is an OSY for the purposes of the 75 percent expenditure requirement for out-of-school throughout his/ her participation in the program.

Referrals
Each LWDA must ensure all youth who meet the eligibility criteria for the youth program receive information about the full array of services available through the LWDA, One-Stop partners, and eligible youth service providers, as well as referrals to appropriate training and educational programs with the capacity to serve the applicant either on a sequential or concurrent basis. In order to meet the basic skill needs and training needs of applicants who do not meet the eligibility requirements of a particular program or cannot be served by the program, each youth provider must ensure these youth are referred:

a) For further assessment, as necessary, and
b) To appropriate training and education programs that have the capacity to serve them either on a sequential or concurrent basis.

5. PROCUREMENT REQUIREMENTS: LWDAs may choose to provide directly some or all of the youth workforce activities; however, if the LWDA chooses to award grants or contracts to youth service providers to carry out some or all of the youth workforce investment activities, the LWDA must award the grants or contracts on a competitive basis. When the LWDA chooses to award grants or contracts the requirements for procuring youth service providers include:

a) The criteria used to identify youth providers in the local plan, including, but not limited to:

   i. The financial stability of the service provider;

   ii. Experience in successfully providing services to disconnected youth and youth with barriers to employment, including youth with disabilities;

   iii. Demonstrated success in serving youth, specifically youth with barriers and OSY;

   iv. Length of time the youth service provider has been in business;

   v. Available network of business and community partners; and

   vi. Ability to meet the performance accountability measures based on the performance indicators for youth programs.

b) The criteria used to identify youth training providers, including determining whether:

   i. Training is related to in-demand occupations or career pathways identified in the state and local plans; and

   ii. A recognized credential is awarded upon the successful completion of a training program.

c) Conducting full and open competition to secure youth service providers according to federal procurement guidelines in the Code of Federal Regulations Part 200 and 2900- Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR parts 200 and 2900). LWDAs must:

   i. Use their own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurement conforms to applicable Federal law and Federal Regulations Part 200- Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards;

   ii. Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration must be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources; and

   iii. Maintain sufficient records that detail the history of procurement. These records must include, but are not necessarily limited to the following;

      a) Rational for method of procurement;
      b) Selection of contract type;
      c) Contractor selection or rejection; and
      d) The basis for contract price.

d) Selecting eligible providers of youth services by awarding a grant or contract on a competitive basis may be assigned to the youth standing committee by the LWDA, if applicable. If a youth standing committee is not established, the responsibility of selecting youth service providers to make a recommendation belongs to the LWDB.

e) If the LWDA determines there are an insufficient number of eligible youth providers in the local area, such as rural area, the local area may award grants or contracts on a sole source basis.
f) LWDAs may implement a pay-for-performance contract strategy for the 14 program elements (see Section 204). The LWDAs must not use more than 10 percent of the total funds allocated under WIOA for pay-for-performance contracts.

6. YOUTH SERVICES: LWDAs must provide Design Framework services. LWDAs must describe the design framework for youth services and how the required 14 program elements (See below) will be provided within the design framework in the LWDA plan. WIOA Title I-B funds may be used to provide design framework services prior to an eligibility determination. Design Framework services include:

a) Outreach and recruitment
b) Intake and eligibility determination;
c) Objective assessment
   i. The LWDA or youth program provider must provide an objective assessment of their choice of the academic and occupational skill levels as well as needs and strengths of each participant to identify appropriate services and career pathways for each participant and to collect information for the Individual Service Strategy (ISS).
   ii. LWDAs are not required to use tests approved by the National Reporting System (NRS), nor are they required to determine the youth's grade level or Educational Functioning Level (EFL) when determining basic skills for the objective assessment. LWDAs are also not prohibited from using these tools.
   iii. A new objective assessment is not required if a partner program has completed an objective assessment with the participant in the last six months and its use is deemed appropriate by the LWDA.
   iv. The objective assessment must include a review of:
      - Basic Skills (see Section 7);
      - Occupational skills;
      - Prior work experience;
      - Employability;
      - Interests (including interest and aptitudes for non- traditional jobs);
      - Supportive service needs; and
      - Developmental needs.

d) Development of an Individual Service Strategy: The LWDA or youth program provider must develop an ISS, based on the objective assessment that outlines which of the 14 program elements are needed to assist the participant in meeting his/her educational and career goals. The objective assessment may be directly linked to one or more performance accountability measures for youth as specified in 34 CFR 463.155.
   i. The ISS must include identification of appropriate career pathways including:
      - Educational goals;
      - Employment goals, including non-traditional employment, taking into consideration career planning and the results of the objective assessment; and
      - Appropriate achievement objectives and services for the participant.
   ii. The ISS is a living document and must be frequently updated with each contact to reflect progress, status, and changes. The ISS must coincide with case notes and services.

iii. A new ISS is not required if a partner program has completed an ISS with the participant in the last six months and its use is deemed appropriate by the LWDA.

e) Case Management: LWDAs or youth program providers must provide case management of youth, and document the provision of services in EmployRI. Case management uses a client-centered approach in the delivery of services designed to:
   i. Prepare and coordinate the ISS for participants and ensure access to workforce development activities and supportive services;
   ii. Provide job and career counseling during program participation and after job placement; and
   iii. Provide service to participants for the amount of time necessary to enter postsecondary education and/ or unsubsidized employment. While there is no minimum or maximum time a youth can be served in the WIOA youth program, programs must link participation to the ISS and not the timing of the youth service provider contracts or program years.

f) Follow up Services: All youth participants must be provided an opportunity to receive follow-up services for minimum of 12 months after the completion of participation, unless the participant declines to receive follow-up services or the participant cannot be contacted or located (see below).

g) The following design framework services must be added to the participant case file in order to document that design framework services have been provided to the participant:

   i. Eligibility determination;
   ii. Objective Assessment; and
   iii. ISS.

Required Fourteen (14) Youth Program Elements: LWDAs must make 14 youth program elements available to participants; however the LWDA does not have to provide all 14 program elements with WIOA Title I-B funds when resources are leveraged through partner programs that already provide readily available resources. LWDAs are encouraged to partner with existing local, State, or national entities that can provide program element(s) at no cost to the LWDA, as described at 20 CFR § 681.460(c).

LWDAs must ensure there is an agreement in place with a partner organization to ensure a program element is offered when a specific element is not offered through WIOA Title I-B youth funds. LWDAs must also ensure the element is closely connected and coordinated with the WIOA Title I-B youth program. The 14 program elements must not be provided to participants prior to eligibility determination.

<u>Program Element 1: Tutoring, Study Skills Training, Instruction, Dropout Prevention Services</u>

Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements of secondary school diploma or High School Equivalency (HSE), including certificate of attendance or similar documentation for individuals with a disabilities), or a recognized post-secondary credential

Tutoring, study skills, instruction that lead to a high school diploma are reported under this element. These services include:

i. Providing academic support;
ii. Helping youth identify areas of academic concern;
iii. Assisting overcoming learning obstacles; and
iv. Providing tools and resources to develop learning strategies.

Secondary school dropout prevent strategies that lead to a high school diploma are also reported under this element. Secondary dropout prevention strategies include services and activities that keep a young person in-school and engaged in formal learning/ or training activity. Strategies, include but are not limited to:

i. Tutoring;
ii. Literacy development;
iii. Active Learning experiences;
iv. After-school opportunities; and
v. Individualized instruction.

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Program Element 2: Alternative Secondary School Services or Recovery Services

Alternative secondary school services and dropout recovery services are provided with the goal of helping youth to re-engage and persist in education that leads to the completion of a recognized credential.

i. Alternative secondary school services, such as basic education skills training, individualized academic instruction, and English as a Second Language, are provided to assist youth who have struggled in traditional secondary education.

ii. Dropout recovery services are provided to youth who have dropped out of school: Services include credit recovery; counseling; and educational plan development.

Program Element 3: Work Experiences

Work experiences (WEX) are planned, structured learning experiences that take place in a workplace for a limited period of time. WEX provide the youth participant an opportunity for career exploration, work-based learning and essential skills development. High-quality work-based learning allows youth to explore career paths, apply essential skills in a real-world setting, learn work norms and culture, and build professional networks. Work-based learning must be accompanied by work readiness training and the opportunity to build essential skills through a scaffolded learning process where participants learn the skill, actively practice the skill, and reflect on the learned and applied skills through continuous coaching and mentoring.
These work experience strategies must serve as a next step in career development, whether the desired outcome is employment, or enrollment in advanced training or post-secondary education.

Work Experience Requirements:

i. A work experience may be:
    a. Be paid or unpaid;
    b. Provide youth with opportunities for career exploration and skill development; and
    c. Take place in the private or public sector.
ii. Labor standards apply in any WEX where an employee/ employer relationship exists, as defined by the Fair Labor Standards Act or applicable state laws.
iii. WEX must have an academic and occupational component that encompasses contextual learning and is intended to help the participant learn information necessary to work in specific industries or occupations.

a. The academic and educational component may occur concurrently or sequentially with the WEX.
b. The academic and educational component may occur inside or outside of the work site
c. The academic and educational component may be provided by the WEX provider or may be provided separately in a classroom.
d. LWDAs have flexibility in determining appropriate types of academic and occupational education necessary for a WEX. However, prior to initiating the WEX, the LWDA must include what the academic and educational component is and how it will be provided in the WEX contract.
e. Contextual learning does not include attending high school classes or their equivalent that will lead to attainment of a High School Diploma or equivalent.
f. Contracts are the mechanism to deliver a WEX to In- School Youth (ISY) and OSY. When the academic and educational component is not provided directly by the employer, an additional contract with the training providers is required.

iv. LWDAs may provide the following types of WEX:
a. Summer employment opportunities and other employment opportunities available throughout the school year.
    i. Summer employment opportunities must provide direct linkages to academic and occupational learning, including leadership development opportunities, tutoring, occupational skills training, etc., and may provide other elements and strategies as appropriate to serve the needs and goals of the participants.
    ii. The summer employment administrator does not have to select employers through a competitive process for summer employment opportunities.
b. Pre-apprenticeship programs: A pre-apprenticeship program is designed to prepare individuals to enter and succeed in an apprenticeship program registered under the National Apprenticeship Act and includes:
    i. Training and curriculum that aligns with the skill needs of employers in Rhode Island or region involved;
    ii. Access to educational and career counseling and other supportive services, directly or indirectly;
    iii. Hands-on meaningful learning activities that are connected to education and training activities such as exploring career options and understanding how skills acquired through the coursework can be applied toward a future career;
    iv. Opportunities to attain at least one industry- recognized credential; and
    v. A partnership with at least one or more Registered Apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship in a registered apprenticeship.
    vi. LWDAs must verify and maintain information on the type of credential offered and the pre-apprenticeship program's documented partnerships with Registered Apprenticeships.
c. Internships and job shadowing: Job shadowing is designed to increase career awareness, help model youth behavior through examples, and reinforce the youth and young adult link between academic learning and occupational work requirements. It includes the youth conducting interviews with people in their prospective professions to learn more about those fields or participating in an expanded informational interview in the work-place.

d. On-the-job training (OJT) opportunities: OJT is provided under a contract with an employer who is reimbursed a percentage of the wage rate of the participant being trained while engaged in productive work in a job. For more information on OJT, refer to WIOA Title I-B Training Services Policy Section 508.
e. Other Work Experience models as described in State Workforce Innovation Notice 07-04.

Work Experience Expenditure Requirements

LWDAs must spend at least twenty percent (20%) of all funds allocated to the ISY and OSY program on paid and unpaid WEX.

i. Allowable WEX expenditures include the following:
    a. Wages/ stipends paid for participation in a WEX;
    b. Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the WEX;
    c. Staff time working with employers to ensure a successful WEX, including staff time managing the WEX;
    d. Staff time spent evaluating the WEX
    e. Participant WEX orientation sessions;
    f. Classroom training or the required academic educational component directly related to the WEX;
    g. Incentive payments directly tied to the completion of the WEX; and
    h. Employability skills/ job readiness training to prepare the youth for the WEX.

ii. LWDA must track the program funds spent on paid and unpaid WEX, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA Youth Financial Report.
iii. LWDAs must track the percentage of funds spent on WEX by calculating the total local area youth funds expended on WEX rather than by calculating the funds expended separately for ISY and OSY Youth.
iv. Local area administrative costs are not subject to the 20 percent minimum WEX requirement.
v. Leveraged resources must not be used to fulfil any part of the 20 percent minimum.

LWDAs must ensure there is a written Worksite Agreement or contract between each employer offering the WEX to ensure compliance with WIOA and applicable regulations. The workforce site agreement must be maintained in the participant's file and include at a minimum:

i. The duration of the WEX;
ii. Remuneration;
iii. Tasks and duties;
iv. Supervision;
v. Health and safety standards;
vi. Identification of the academic and educational component, including how it will be provided;
vii. Other conditions of the WEX, such as consequences of not adhering to the agreement; and
viii. A termination clause.

<u>Program Element 4: Occupational Skills Training</u>

Occupational skills training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by a certain occupational field at entry, intermediate or advanced levels.

i. LWDAs must offer priority consideration to training programs that lead to post-secondary credentials that are aligned with in-demand industry sectors or occupations in the local area. Such training must:
    a. Be outcome oriented and focused on an occupational goal specified in the ISS;
    b. Be of sufficient duration to impact the skills needed to meet the occupational goal; and
    c. Result in the attainment of a recognized postsecondary credential.

ii. The training program must meet requirements listed in Section 202.B.
iii. Occupational skills training must be competitively procured by contract or grant. However, OSY ages 16-24 may be issued an Individual Training Account (ITA) with a specified dollar amount to provide training using WIOA Title I-B Youth program funds based on the needs identified in the ISS. ITAs allow participants the opportunity to choose the training provider that best meets their needs. If an ITA is used to pay for the training, the training program must be listed as an approved program on the Eligible Training Provider List (ETPL). For more information on ITA requirements, see State ITA policy.
iv. ISY must not use youth-funded ITAs. However, ISY that are 18+ may co-enroll in the WIOA Title I-B Adult Program if the youth's needs, knowledge, skills and interests align with the WIOA Title I-B Adult Program and may receive training services through an ITA funded by the adult program.

Program Element 5: Education Offered Concurrently With Workforce Preparation and Training For a Specific Occupation

Education offered concurrently with workforce preparation and training for a specific occupation is reflective as an integrated training model. LWDAs must ensure the service is only added to the S&T plan when the following services are provided at the same time:

i. Workforce participation activities;
ii. Basic academic skills; and
iii. Hands-on occupational skills training connected to a specific occupational cluster, or career pathway.

Program Element 6: Leadership Development Opportunities

Leadership development encourages responsibility, confidence, employability, self-determination, and other positive social behaviors such as:

i. Exposure to postsecondary educational possibilities;
ii. Community and service learning projects;
iii. Peer-centered activities, including peer mentoring and tutoring;
iv. Organizational and team work training, including team leadership training;
v. Training in decision-making, including determining priorities and problem solving;
vi. Citizenship training, including life skills training such as parenting skills and work-behavior training;
vii. Civic engagement activities, which promote the quality of life in a community; and
viii. Other leadership activities that place the youth in a leadership position such as serving on the standing youth committee.

Program Element 7: Supportive Services

Supportive services for youth are services that enable an individual to participate in WIOA activities. For example, assistance with books, fees, transportation, etc. For additional information,

refer to the State Support Services policy.

Program Element 8: Adult Mentoring

LWDAs must make adult mentoring available, which may include a youth being matched with an adult mentor, an employer, or an employee of an employer.

i. LWDAs must ensure that adult mentoring for youth:
    a. Is a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentors offers guidance, support, and encouragement to develop the competence and character of the participant;
    b. Lasts not less than 12 months and occurs during the program year and following exit from the program; and
    c. Matches the youth with an individual mentor with whom the youth interacts on a face-to-face basis. In addition to the face-to-face interaction, group mentoring activities and mentoring through electronic means are allowable as part of mentoring activities.

ii. LWDAs must ensure appropriate policy and procedures are in place to adequately screen and select mentors.
iii. LWDA case managers may service as mentors when adult mentors are sparse.

Program Element 9: Follow-Up Services

The purpose of follow-up services is to ensure the youth is successful in employment and/ or postsecondary education and training after exiting from the program. Follow-up services must include more than an attempt to contact the individual or contact made only to secure documentation in order to report a performance outcome. All youth participants must be provided an opportunity to receive follow-up services for a minimum of 12 months of follow-up services after the completion of participation, unless the participant declines to receive follow-up services or the participant cannot be contacted or located. Follow-up service may begin immediately following the last expected date of service in the WIOA Youth program and other WIOA partner program in which the participant is co-enrolled when no futures services are scheduled.

i. Follow-up services may be provided beyond 12 months at the discretion of the LWDA.
ii. The type and duration of follow-up services must be determined based on the needs of the youth participant and may vary among participants.
iii. Follow-up services for youth may include but is not limited to:
    a. Supportive Services, with the exception of needs-related payments;
    b. Adult Mentoring;
    c. Financial literacy education;
    d. Services that provide labor market information 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;
    e. Services necessary to ensure success of the youth employment and/ or post-secondary education.
iv. Follow-up services must be recorded in case notes promptly and accurately to ensure expediency of services. Case notes must contain documentation substantiating follow-up contact with the youth, including follow-up attempts. This may include, but is not limited to, a letter, an e-mail message or case notes based on an actual conversation, either in person

or by telephone. Follow-up attempts with the participant must be made and documented on a monthly basis during the 12-month requirement.

v. If it becomes necessary during the follow-up period to utilize WIOA services beyond those available through the follow-up component, re-enrollment into WIOA is required.

Program Element 10: Comprehensive Guidance and Counseling

Comprehensive guidance and counseling provides individualized counseling to participants.

i. Comprehensive guidance and counseling includes but is not limited to:
    a. Drug and alcohol abuse counseling;
    b. Mental health counseling; and
    c. Referrals to partner programs, as appropriate.
ii. When referring participants to necessary counseling that cannot be provided by the local youth program, the local youth program must coordinate with the organization it refers to in order to ensure continuity of service.
iii. When funds exist with the local program or its service providers, it is allowable to provide counseling services directly to participants rather refer the youth to partner programs.

Program Element 11: Financial Literacy Activities

Financial literacy education may include the following activities:

i. Support the ability of participants to create budgets, initial checking and saving accounts at banks, and make informed financial decisions;
ii. Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
iii. Teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine accuracy of a credit report and how to correct inaccuracies and how to improve or maintain good credit;
iv. Support the participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;
v. Educate participants about identity theft, ways to protect themselves from identity theft; how to resolve cases of identity theft and in other ways understand their rights and protections related to personal identity;
vi. Support activities that address the particular financial literacy needs of non-English speakers, including providing support through the development of and distribution of multilingual financial literacy and education materials;

vii. Support activities that address the particular financial needs of youth with disabilities, including connecting them with benefits planning and work incentives counseling;
viii. Provide financial education that is age appropriate, timely and provides an opportunity to put lessons into practice, such as access to safe and affordable financial products that enable money management and savings; and
ix. Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high-quality age-appropriate, and relevant strategies and channels, including where possible, time and customized information, guidance, tools, and instruction.

Program Element 12: Entrepreneurial Skills Training

Entrepreneurial skills training addresses the basics of starting and operating a small business.

i. LWDAs must ensure that entrepreneurial skills training develops the skills associated with starting and operating a small business. Such skills may include, but are not limited to, the ability to:
    a. Take initiative;
    b. Creatively seek out and identify business opportunities;
    c. Develop budgets and forecast resource needs;
    d. Understand various options for acquiring capital and trade- offs associated with each option; and
    e. Communicate effectively and market oneself and one's ideas.
ii. Among the approaches that may be used to teach youth entrepreneurial skills are the following:
    a. Entrepreneurial education programs that provide an introduction to the values and basics of starting and running a business, including guiding youth through the development of a business plan and using simulations of business start-up and operation.
    b. Enterprise development which provides support and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurial education by helping youth access loans or grants that are needed begin business operations and by providing more individualized attention to the development of viable business ideas.
    c. Experiential programs that provide youth with the ability to gain experience in the day-to-day operation of a business. These programs may involve the development of a youth-run business, or they may facilitate placement in apprenticeship or internship positions with adult entrepreneurs in the community.

Program Element 13: Services That Provide Labor Market Information

LWDAs must provide services that provide labor market and employment information about in-demand industry sectors or occupations in the LWDA, such as career awareness, career counseling, and career exploration services.

i. LWDA staff and youth providers must be familiar with state and federal Labor Market Information (LMI) data and LMI tools.
ii. Career awareness begins the process of developing knowledge of a variety of careers and occupations available, their skill requirements, working conditions and training prerequisites; and job opportunities across a wide industry sectors.
iii. Career exploration is described as the process in which a youth choose an educational path, training or a job which fits their interests, skills, and abilities.
iv. Career counseling or guidance provides advice and support in making decisions about what career paths to take. Career counseling services may include:
    a. Providing information on resume preparation;
    b. Interviewing skills;
    c. Potential opportunities for job shadowing; and
    d. Long-term benefits of postsecondary education and training (e.g. increased earning power and career mobility).

Program Element 14: Postsecondary Preparation and Transition Activities

Postsecondary preparation and transition activities prepare ISY and OSY for advancement to postsecondary education after attaining a high school diploma or HSE. The services include exploring postsecondary education options including technical training schools, community colleges, 4-year colleges, universities and registered apprenticeships. Additional services, include but are not limited to:

i. Assisting youth prepare of SAT/ ACT testing;
ii. Assisting with college admission applications;
iii. Searching and applying for scholarships and grants;
iv. Filling out Financial Aid applications and adhering to changing guidelines; and
v. Connecting youth to postsecondary education programs.

7. Youth Eligibility – Criteria:

At the time of eligibility determination, youth must be an In-School Youth or Out- of-School Youth to participate in WIOA Title IB youth program services during any part of the program year.

Out-of-School Youth
A youth meets the definition of Out-of-School Youth if he or she is:

i. Not attending school (see 'School Status' below)
ii. Between 16 and 24 years old at the time of enrollment and one or more of the following:
    a. A school dropout;
    b. A 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
    c. A low-income individual with a secondary school diploma or its recognized equivalent and:
        i. Basic skills deficient; or
        ii. An English language learner;
    d. An individual who is subject to the juvenile or adult justice system;
    e. Homeless, i.e. lacks a fixed, regular and adequate nighttime residence;
    f. A runaway;
    g. In foster care, has aged out of foster care, or has attained the age of 16 years old

and left foster care for kinship, guardianship or adoption;

h. A youth who has been removed from his/her home and is in an out-of-home placement;
i. Pregnant or parenting;
j. A youth who is an individual with a disability;
k. A low income individual who requires additional assistance (see WIN 07-02) to enter or complete an education program or to secure or hold employment, as defined by the GWB (see WIN 17-02).

Participants may continue to receive services beyond the age of 24 once they are enrolled in the program.

Note: Being a recipient of high school diploma or HSE does not cancel the other barriers in the definition of out-of-school youth. A youth between 16-24 years, who is not attending school only need meet **one** of the barriers above to qualify as an out-of-school youth. For instance, if a youth with a high school diploma or HSE does not meet barrier #2 above, but has an additional barrier on the list, he or she would qualify as out out-of-school youth.

In-School Youth

A youth meets the definition of In-School Youth if he or she is:

i. Attending secondary school, including secondary and post- secondary school;
ii. Between 14 and 21 years old at the time of enrollment.
iii. A low-income individual **and** one of the following:
    a. Basic skills deficient (see WIN 05-04**);**
    b. An English language learner;
    c. An offender;
    d. Homeless youth, i.e. lacks a fixed, regular and adequate nighttime residence;
    e. A runaway;
    f. In foster care, has aged out of foster care, or has attained 16 years old and left foster care for kinship guardianship or adoption;
    g. A youth who has been removed from his/her home and is in an out-of-home placement;
    h. Pregnant or parenting;
    i. An youth who is an individual with a disability; or
    j. Requires additional assistance to enter or complete an education program or to secure or hold employment, as defined by the GWB (see WIN 17-02).

If a youth turns 21 years old during participation, he/ she may continue to receive services.

Note: Individuals who are 22 years and older attending postsecondary education do not meet the age requirement for ISY (14-21 years old) and do not meet the WIOA Title I-B Youth Program eligibility requirements. However, these individuals may be served by the WIOA Title I-B Adult Program.

Eligibility Barrier Definitions

i. Per WIN 05-04**,** a youth is Basic Skills Deficient when that youth:

a. Has English, writing, or computation skills at or below the 8.9 grade level; or
b. Is an English Language Learner; or
c. Lacks a high school diploma or high school equivalent and is not enrolled in secondary education; or
d. Is enrolled in a Title II Adult Education/Literacy program; or
e. Lacks basic computer literacy or basic financial literacy skills

ii. English Language Learner (ELL) is defined as an individual who has limited ability in reading, writing, speaking or comprehending the English Language, and whose:
   a. Native language is other than English; or
   b. Who lives in a family or community environment where a language other than English is the dominant language.

iii. Dropout is defined as an individual who is no longer attending school and who has not received a secondary diploma or its recognized equivalent. Individuals who have dropped out of postsecondary education are not considered “drop out” for purposes of WIOA Title I-B Youth Program eligibility.

iv. Offender is defined as an adult or juvenile who:
   a. Is or has been subject to any stage of the criminal justice process, and for whom services under this act may be beneficial; or
   b. Requires assistance overcoming artificial barriers to employment resulting from a record of arrest or conviction.

v. Parenting includes either a custodial or non-custodial mother or father. When a youth is within the WIOA Title I-B Youth Program age eligibility requirements, the age the youth became a parent does not factor into the definition of parenting.

vi. A pregnant individual only includes the expectant mother.

School Status

School status is determined at the time of enrollment. The enrollment process may occur over a period of time, as such LWDA staff must determine school status during the time the eligibility determination portion of the program enrollment is made. Once the school status of the youth is determined, that school status remains the same throughout the youth’s participation.

i. Youth who are temporarily not attending school because the school is on break (Winter, Spring, Fall or Summer Break) but are enrolled to continue school after the school break are considered to be attending school and may only be enrolled as ISY. The same applies if the youth is planning to attend a different school after the break.
ii. When a youth is in the WIOA Title I-B Youth Program between high school graduation and postsecondary education, the youth is considered in-school if they have registered for classes, even if the youth has not yet begun postsecondary classes at the time of the WIOA Title I-B Youth Program enrollment. However, if the youth graduates high school and registers for postsecondary education, but does not ultimately follow through with attending postsecondary education, then such a youth would be considered an OSY.
iii. For purposes of WIOA Title I-B Youth Program, providers of adult education under Title II of WIOA, YouthBuild programs, the Job Corp program, HSE programs, and dropout re-engagement program are not considered schools for purposes of determining school status. An exception exists for HSE programs, including dropout re-engagement funded by the public K-12 school system that are classified by the school system as still enrolled in

school are considered ISY.

iv. Youth who are participating in online secondary and postsecondary school online are considered to be attending school. Likewise, youth who are homeschooled, or attending public, private or chartered secondary/ postsecondary schools are considered to be attending school

v. When a youth is enrolled in any credit-bearing postsecondary education classes including credit-bearing community college classes and credit-bearing continuing education classes, then they are considered attending postsecondary education and therefore, an ISY. If the youth is only enrolled in non-credit bearing postsecondary classes, he or she would not be considered to be attending postsecondary school, and therefore is an OSY.

Needs Additional Assistance Criterion

LWDAs must ensure that an ISY enrolled in a program year based solely on eligibility because he or she "requires additional assistance (see WIN 07-02) to enter to complete an educational program or to secure and hold employment" criterion is limited to no greater than five percent (5%) of ISY. LWDAs must track ISY enrolled in the program each year to ensure that no more than five percent are enrolled using this criterion.

Low-Income Requirements

i. All In-School Youth must be low-income unless included in the five percent low-income exception described below.

ii. Low-income eligibility requirements apply to Out-of-School Youth only if the identified eligibility barrier is one of the following:
    a. They are recipients of secondary school diplomas or its recognized equivalent and are at least one of the following:
        i. Basic skills deficient;
        ii. An English language learner; or
    b. In need of additional assistance (see WIN 07-02) to enter an educational program or to secure employment.

Non-Low Income Youth

LWDAs must not serve more than five percent of youth who do not meet low income requirements but who meet all of the other eligibility requirements. The five percent is calculated using the combined total of In-School and Out-of-School youth. The percentage of non-low income youth will be calculated based on the percent of newly enrolled youth in a LWDA's WIOA Title I-B Youth Program in a given program year who would ordinarily be required to meet the low-income criteria.

8. Youth Eligibility – Documentation:

LWDAs must ensure timely documentation is collected in regards to eligibility determination. Attempts to secure documentation and the outcome must be recorded in the case notes promptly and accurately. The following resources have been provided by the USDOL regarding to Source Document for Youth eligibility and data validation:

- https://wdr.doleta.gov/directives/attach/TEGL/TEGL_23-19_Attachment_2.pdf
- https://youth.ion.workforcegps.org/resources/2017/03/22/09/55/~/link.aspx?_id=673862AFE971453CA67BB97774E429D0&_z=z

Determining Low-Income Status

i. A low-income youth is an individual who:
   a. Receives, is a member of a family that receives, or has received in the past six months, cash payments under a federal, state, or local income-based public assistance program (e.g. Temporary Assistance to Needy Families (TANF));
   b. Receives annual income in relation to family size that does not exceed the higher of the federal poverty guidelines or 70 percent of the United States Department of Labor (USDOL) Lower Living Standard Income Level (LLSIL) for each program year
   c. Receives, is a member of a family that receives, or has received in the past six months, assistance through the Supplemental Nutrition Assistance Program (SNAP);
   d. Qualifies as a homeless individual who lacks a fixed, regular and adequate nighttime residence;
   e. Is a foster child for whom state or local government payments are made;
   f. Is a member of a family whose income does not meet low- income requirements, but is an individual with a disability, and therefore can be counted as a family of one so that individual income meets the low-income requirement;
   g. Receives Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI);
   h. Receives, is a member of a family that receives, or has received within the past six months, assistance through the Refugee Cash Assistance (RCA), a federally-funded need- based cash benefit for refugees and other eligible beneficiaries, who are not eligible for other cash assistance programs, such as TANF.
   i. Receives, or is eligible to receive, a free or reduced price lunch; or
   j. Is a youth who lives in a high poverty area, as determined by the American Community Survey.

ii. Family is defined as two or more related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:
   a. A married couple and dependent children;
   b. A parent or guardian and dependent children; or
   c. A married couple (20 CFR 675.300).

Note: When an individual is not living in a single residence with other family members the individual is not considered a member of the family for the purpose of WIOA Title I-B income calculation

iii. For the definition of family-
   a. Dependent is defined as a child who is:
      i. Age 18 and under at the end of the previous calendar year; or
      ii. Age 18 and under at the end of the previous calendar year and was a

student.

b. Regardless of residence and/ or citizenship, anyone claimed as a dependent on another person's Federal income tax return for the previous year must be presumed part of the person's family for the current year. To negate this assumption the person who was claimed as the dependent for income tax purposes is required to provide information that demonstrates the person is no longer financially dependent.

c. Runaway youth, emancipated youth and court adjudicated youth separated from family through an involuntary temporary residence elsewhere (e.g. institutionalized, incarcerated, placed as result of court order) must not be classified as a dependent.

Note: The individual was a student if he or she was enrolled as a full-time student during any of the 5 months of the previous calendar year. The course must have been provided by a school, state, county or local government. A school includes technical and mechanical schools, but does not include OJT.

iv. Unemployment Insurance compensation and child support are not excluded from income calculations in determining low-income status.

High Poverty Areas

Youth living in high poverty areas are automatically considered low income individuals. WIOA defines a high poverty area as a census tract, set of continuous census tracts, an American Indian reservation, Oklahoma Tribal Statistical area (as defined by U.S. Census Bureau), Alaska Native Village, or Alaska Native Regional Corporation Area, Native Hawaiian Village Homeland Area, or other tribal land as defined by the USDOL Secretary in guidance or county with a poverty rate of at least 25 percent, as set every five years using the American Community Survey five-year data.

Selective Service Requirements

Each LWDA is responsible for determining the Selective Service status of male youth prior to program enrollment. Information regarding Selective Service requirements are found in WIN 05-06.

9. Youth Eligibility – Registration, Enrollment, and Data Entry:

WIOA addresses an important distinction between registration in EmployRI and enrollment into the WIOA Title I-B Youth Program, which includes the circumstances when a youth must be registered in EmployRI and when youth must be enrolled in the WIOA Title I-B Youth Program.

Registration, Enrollment and Data Entry Requirements

i. Registration occurs when a youth creates an account that includes a complete data demographics and work history. However, documentation or verification of income is not required.

ii. Registration must occur when a youth has taken action that demonstrates an intent to use program services and who meets specific reporting criteria for the program including youth who:

a. Provide identifying information;

b. Use the self-service system;

i. Self-service system includes the youth independently access any workforce development system program's information either in a physical location, such as

a One-stop resource room or partner agency or remotely via use of electronic technologies.

ii. Virtual services that provide a level of service beyond independent job search or information seeking on the part of a youth would qualify as not self-service

c. Receive information-only services or activities; Informational-only services are activities or services that are readily available information that does not require assessment by a staff member of the individual's skills, education, and career objective. Examples of informational services include providing:

i. Labor market information;
ii. The unemployment rate;
iii. Information on businesses that are hiring or reducing their workforce;
iv. Information on high growth industries; and
v. Referrals other than referrals to employment.

iii. Enrollment must occur when a youth requires services beyond self- service, or informational-only services and activities. The program enrollment will depend on the participant's eligibility. Examples of services that require significant staff involvement include the staff member's assessment of the youth's skills, education, or career objectives in order to achieve any of following;

a. Assisting the youth in deciding appropriate next steps in the search for employment, training, and related services, including job referral;
b. Assisting the youth in assessing barriers to employment; or
c. Assisting the youth in accessing other related services necessary to enhance their employability and individual employment needs.

iv. Enrollment into the Youth Program includes:

a. Eligibility determination;
b. The provision of an objective assessment;
c. Development of an individual service strategy; and
d. Participation in any of the 14 WIOA Title I-B Youth program elements.

Co-Enrollment

Co-enrollment means enrollment in more than one program at a time. As a result, the LWDA must be responsive to the needs of these programs and their customer groups. Co-enrollment allows for additional resources for training and financial support, enhanced service delivery and increased customer support which results in greater participant outcomes.

i. Youth age 18 and older may be co-enrolled in the WIOA Adult or Dislocated Worker Programs. LWDAs must:

a. Ensure the youth meets eligibility criteria for both the Youth and Adult Program or the Youth and Dislocated Worker Program to co-enroll participants;
b. Determine the appropriate level of service and combination of Youth, Adult, Dislocated Worker and other services that will be provided to youth age 18-24 based on the service needs of the participant and if the participant is career-ready based on the objective assessment of the occupational skills, prior work experience, employability and participant's needs;
c. Identify and track the funding streams for youth who are enrolled concurrently in the Youth/ Adult Program or the Youth/ Dislocated Worker Program;
d. Ensure services are not duplicated; and
e. Ensure previous foster care youth who have been co- enrolled in WIOA Title I-B Youth Program and Adult/Dislocated Worker Program and are now adults continue

to remain eligible for both the Youth Program and

Adult Program services and do not require re-determination of eligibility.

ii. WIOA Title I-B youth participants may also have co-enrollment with the following partner programs:
    a. Adult Education and Literacy Programs;
    b. Migrant Seasonal Farm Workers Program (MFSWs) at the point of entry to the One-Stop system to assure equity of services is provided;
    c. TANF;
    d. Youth Build;
    e. Job Corps;
    f. Supplemental Nutrition Assistant Employment and Training (SNA E&T); or
    g. Other employment related programs.

10. Youth Incentive Payments: LWDAs may use incentive payments for recognition and achievements directly related to training activities and work experiences. Each LWDA must have written policies and procedures governing the awarding of incentive payments consistent with State Workforce Innovation Notice 07-04.

11. Youth Program Exits: Youth who have not received a service funded by the WIOA Title I-B Youth program or funded by a partner program for 90 consecutive calendar days, from the date of last service and is not scheduled for future services is considered to have exited the program.

i. Exits Excluded from Participation: The date of exit is the last date a service was provided to a participant. Case notes must include the reason for exit and documentation may be uploaded into EmployRI. When documentation is not uploaded, the documentation must be retained in the participant's program file.
    a. The participant will not be counted in performance if they exit the program for any of the following reasons:
        i. Deceased- participant died during participation in a WIOA Title I-B program;
        ii. Institutionalized- participant is residing in an correctional institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain institutionalized for at least 90 calendar days;
        iii. Health/Medical- participant is receiving medical treatment that precludes entry into unsubsidized employment or continued participation in a WIOA program. This does not include temporary conditions expected to last for less than 90 calendar days;
        iv. Entered into Active Military duty- participant who is a reservist and has been called to active duty or participant enlists and reports for active duty which prevents participation in WIOA Title I-B Youth Program; and
        v. Foster Care-participant is in the foster care system as defined in 45 CFR 1355.20 (a), and exits the program because the participant has moved from the LWDA as part of such a program or system.
    b. When a participant receives services from multiple programs, the most recent service end date is the date of exit. Follow-up services provided to youth do not extend the exit date.

ii. Gaps in Service: A youth participant may be placed in a gap in service when a situation arises that will temporarily prevent program participation for greater than 90 consecutive calendar days. The gap in service will provide time for youth to address barriers to continued participation without exiting the program. Eligibility does not need to be re-determined at the end of the gap in service.

a. A gap in service extends a participant's exit date for 90 calendar days from the time he or she is placed into the gap. The gap in service must be related to:
    i. A delay before the beginning of training;
    ii. A delay or postponement of the availability of services related to an emergency or disaster, including the novel coronavirus pandemic (alternatively referred to as COVID-19) which was characterized as pandemic on March 11, 2020 by the World Health Organization;
    iii. A health/medical condition, or providing care for a family member with a health/medical condition; or
    iv. A temporary move from the area that prevents the individual from participation in services, including National Guard or other related military service.

b. A gap in service may be extended for an additional 90 consecutive calendar days (for a total of 180 consecutive calendar days) to resolve the issue that is preventing a participant from completing program services. The extended gap in service must be related to:
    i. A health/medical condition, or providing care for a family member with a health/medical condition; or
    ii. A temporary move from the area that prevents the individual from participation in services, including National Guard or other related military service.
    iii. All gaps in service must be referenced in case notes detailing the reason for the gap in service.

12. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov
DLT.GWBINFO@DLT.RI.GOV

WORKFORCE INNOVATION NOTICE: 07-02 [formerly 17-02]

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: WIOA Title I Youth "Requiring Additional Assistance" Determination

DATE: **Effective: June 15, 2017**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** To issue a statewide definition for determining in-school and out-of-school youth who require "additional assistance" pursuant to the terms of WIOA Section 129.

2. **REFERENCES:** WIOA Title I sec. 129 ETA Training and Employment Guidance Letter (TEGL) No. 23-14, ETA Training and Employment Guidance Letter (TEGL) No. 08-15

3. **BACKGROUND:** Youth who participate in WIOA Title I youth funded activities must meet the eligibility criteria for an in-school youth or an out-of-school youth **and** meet one or more of the barriers as described in WIOA section 129 (a)(1)(B) and (C).

   According to WIOA section 129 (a)(1)(C)(VII) one of the barriers for an in-school youth is "an individual who requires additional assistance to complete an education program or to secure or hold employment."

   Out-of-school youth have a similar barrier with the added phrase "to enter"; "an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (WIOA section 129 (a)(1)(B)(VIII))."

   Both in-school and out-of-school youth who require additional assistance must be low-income. State Boards have the ability to define "additional assistance barriers" in addition to the already defined WIOA youth eligibility barriers as described in WIOA section 129 (a)(1)(B) and (C). A barrier in the "youth requires additional assistance" policy must not be duplicative of the WIOA in-school and out-of-school eligibility barriers.

4. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. Policy: Youth who do not meet the eligibility for Categories 1-6 for In-School Youth, and Categories 1-7 for Out-of-School Youth can be qualified for program participation through requiring additional assistance. The state has determined that following factors, along with proper documentation, are indicators of requiring additional assistance:

	Additional Assistance - Educational Barriers
In-School Youth	• Has missed 18 or more days of school in the most recent academic year (secondary only)
	• In school (secondary or postsecondary) with a GPA of less than 2.0.
Out of School Youth	• Has left educational program because of transportation or financial situation (secondary only)
In-School and Out of School Youth	• One or more grade levels below age appropriate level
	Additional Assistance - Employment Barriers
	• Has never held a job
	• Has had two or more employment interviews without being hired in past 60 days
	• Has lost employment placement in past 30 days
	• Has a family history of chronic unemployment, including long-term public assistance.

6. Acceptable Verification: Acceptable verification for these barriers are described in Appendix A.

7. Action Required: Local areas are requested to widely distribute copies of this issuance to staff and NetworkRI partners within your local area.

WORKFORCE INNOVATION NOTICE: 07-03

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: WIOA Title I Youth Incentive Payments

DATE: **Effective: March 18, 2021**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: Local Boards should issue written policies and procedures in place governing the award of incentives consistent with this policy.

1. **PURPOSE:** To provide comprehensive guidance that ensures compliance with the WIOA requirements for the provision of incentive payments to WIOA Title I Youth participants

2. **REFERENCES:** Workforce Innovation and Opportunity Act, P.L. 113-128 – July 22, 2014; WIOA Regulations at 20 CFR, part 681; 2 CFR part 200 of the OMB Uniform Guidance – Cost Principles; TEGL 21-16: Third WIOA Title I Youth Formula Program Guidance

3. **BACKGROUND:** WIOA provides for a workforce system that is universally accessible and customer centered, with an emphasis on work based learning and classroom training that is job driven. Among the many service options available to WIOA youth participants are youth incentive payments. WIOA encourages the use of incentive payments whenever appropriate to ensure successful participation and completion in work experiences, education or training.

4. **YOUTH INCENTIVE POLICY:** WIOA permits incentive payments to enrolled youth participants for recognition and achievement directly tied to training activities and work experiences. Incentives may be awarded to participant based upon their progress and/or achievement of milestones in the program tied to education, training, or work experience as outlined in their Individual Service Strategy (ISS). Allowable milestones may include, but not limited to:
   - Obtaining Secondary or Postsecondary Credential
   - Successful completion of work experiences
   - Educational Functioning Level (EFL) Gains
   - Educational performance

LWDBs must have written policies and procedures in place governing the award of incentives and must ensure that such incentives are:

a) Tied to the goals of the specific program;
b) Outlined in writing before the commencement of the program that may provide incentive payments;
c) Align with the local program's organizational policies; and
d) Are in accordance with the requirements contained in 2 CFR part 200.

For example, Federal funds cannot be spent on entertainment costs; therefore, youth incentives must not include entertainment such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. There are also requirements related to internal controls to safeguard cash, which also apply to safeguarding of gift cards, which are essentially cash.

DOL does not allow incentives to be used as motivators for various activities such has recruitment, submitting eligibility documentation, and participation in the program.

Each LWDB must develop a youth incentive policy. Each LWDB local compliance monitor must ensure that all incentives paid are, if fact, allowable and related to achievement in education, training, or work experience.

5. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Governor's Workforce Board RI
Department of Labor and Training
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
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WORKFORCE INNOVATION NOTICE: 07-04

TO: **WORKFORCE DEVELOPMENT AREAS, YOUTH SERVICE PROVIDERS**

FROM: Governor's Workforce Board

SUBJECT: WIOA Youth Program – Guidance regarding Work Experience Requirements

DATE: **Effective: March 18, 2021**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** To provide guidance and clarification regarding the provision of Work Experiences for WIOA Youth.

2. **REFERENCES:** Training and Employment Guidance Letter (TEGL) No. 21-16, Training and Employment Guidance Letter (TEGL) No. 08-15; USDOL-ETA Covid-19 Frequently Asked Questions

3. **BACKGROUND:** Rhode Island's vision for work-based learning encompasses a diverse range of learning opportunities and experiences. As documented in the state Work-Based Learning Guidance – Rhode Island considers work-based learning "an essential component of a student's career pathway, building on their classroom knowledge with practical experience in the workplace and interaction with industry and community professionals."

   Paid and unpaid work experiences are examples of work-based learning and are one of the 14 program elements for the WIOA youth program. Since the start of the Covid-19 pandemic, onsite work experiences for youth and other WIOA clients have become harder to provide. Per federal guidance and state policy, WIOA Youth Service Providers have some flexibility in how they meet this requirement and provide the Work Experience required service element. This policy provides guidance and clarification regarding the provision of Work Experiences for WIOA Youth consistent with the state's vision for work-based learning. This guidance is not exclusive to the Covid-19 pandemic.

4. **Inquiries:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. Allowable Expenditures:

State and local areas are expected to meet the minimum 20% of Youth Program funds work experience requirement. Providers are reminded that expenditures on this program element may include more than just wages paid to youth. Allowable expenditures may also include items such as:

- Wages or stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- **Classroom training or the required academic education component directly related to the work experience;**
- Incentive payments directly tied to the completion of work experience; and
- **Employability skills or job readiness training to prepare youth for a work experience.**

When determining the types of expenditures that are allowable to help meet this requirement, additional information can be found in TEGL 8-15 and TEGL 21-16.

TEGL 21-16 specifically states "Supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience."

CFR § 681.570 further clarifies that "uniforms or other appropriate work attire and work-related tools" are considered a Supportive Service.

6. Types of Work Experiences

Under WIOA, a work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experiences may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, non-profit sector, or public sector. Work experiences must include academic and occupational education. The types of work experiences include *(but are not limited to)* the following categories:

- Summer employment opportunities and other employment opportunities available throughout the year;
- Pre-apprenticeship programs;
- Internships and job shadowing; and
- On-the-job training opportunities.

In addition, per the State Board's Guidance on Work Based Learning Activities, work experiences can also include activities like Service-learning, a School (or CBO)-based enterprise, or an Industry project, among others. All work experiences should meet the stipulations in the Guidance linked above.

Work experiences must include academic and occupational education which:

- Refers to contextual learning that accompanies a work experience;

- May occur concurrently or sequentially with the work experience;
- May occur inside or outside the work site;
- Includes information needed to understand and work in specific industries or occupations; and
- Can be provided by the employer, or may be provided separately in the classroom or through other means.

7. Virtual Work Experiences: As described in USDOL-ETA Covid-19 Frequently Asked Questions, virtual work experiences are allowable under the WIOA youth program.

"Paid and unpaid work experience is one of the 14 program elements for the WIOA youth program. A work experience is a planned, structured learning experience that takes place in a workplace and provides youth with opportunities for career exploration and skill development. A work experience may take place in the for-profit, nonprofit, or public sector. Work experience is required to take place in the workplace, which ideally means on a work site where youth are in a work setting interacting with other workers in a specific industry and occupation. When due to the rural nature of a local area or during times of a pandemic (such as COVID-19), if it is not possible to provide work experiences on a work site, it is acceptable to provide remote or virtual work experiences for youth."

Online, remote or virtual work experiences, including related academic and occupational learning activities, may be provided to appropriate participants. The Work Experience must still be a structured learning experience that provides participants with meaningful work activities.

8. Considerations for Program Design – Work Experiences

Worksites: Employers committed to helping participants attain work experiences that will provide them with career pathway opportunities are optimal partners. When worksites match participants' interests and goals both the employers and youth benefit. A combination of public sector, private sector, and non-profit employers, as well as summer and year-round employment opportunities will help in meeting participants' needs.

A Youth Provider may itself serve as the worksite for a work experience for no more than 50% Youth WIOA participants participating in a work experience during the program year. Providers may request a waiver from that limitation from their local board on per participant basis. In requesting a waiver, the Provider should describe: (1) The reason for the waiver request including a description of the work experience and why exceeding the 50% limit is necessary and beneficial to the youth participant; and (2) Assurances that services for other youth participants will be maintained and not impacted by the waiver request

Hours: The maximum length of a work experience shall not exceed 250 hours per participant per worksite. Providers may request a waiver from that limitation from their local board on per participant basis. In requesting a waiver, the Provider should describe: (1) The reason for the waiver request including a description of the work experience and why exceeding the 250 hour limit is beneficial to the youth participant and/or employer; and (2) Assurances that services for other youth participants will be maintained and not impacted by the waiver request.

Compensation: When compensating youth with wages or stipends for work experiences, local workforce areas or employers of record are expected to adhere to Internal Revenue Service (IRS) guidelines. Understanding the difference between a stipend and wage has specific implications in relation to IRS deductions. The classification of a participant, specifically the employer-employee relationship, is a key factor used by the IRS to determine whether withholding taxes is applicable. Other related factors which impact payments in the form of wages or stipends associated with work experience are that they are counted as earnings when a participant is currently collecting Unemployment Insurance (UI). The income from these wages or stipends may affect the amount and duration of a participant's UI claim in the same manner as regular wages. Compensations may include:

- **Wages**: A wage is generally a payment for services rendered where an employer/employee relationship exists. This form of compensation is usually paid through a payroll system and subject to the taxes applicable to the employer of record and participants. Paying a wage usually indicates that a program views the youth as an employee or a trainee. Paid work experiences and internships may fall under the Fair Labor Standards Act (FLSA). The FLSA implemented by the DOL's Wage and Hour Division requires that individuals must be compensated under the law for the services they perform for an employer. To determine whether a paid work experience or internship falls under the FLSA, contact DOL's Wage and Hour Division offices in your state by visiting: http://www.dol.gov/whd/america2.htm#Map;

- **Stipends:** A stipend is an allowable payment for participation in activities such as work experience or classroom activities, including work readiness or employability skills training. States and locals have flexibility when determining local policies on stipends based upon local program design and participant needs. States and local areas should have a policy guiding the payment of classroom-based stipends. State policies and procedures for youth stipend payments need to align with Uniform Guidance at 2 CFR parts 200, https://www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2vol1-part200/content-detail.html;

- **Incentives:** Incentive payments are allowable to youth participants for recognition and achievement directly tied to training activities and work experience, such as a successful completion of a work experience. The local program must have written policies and procedures in place governing the award of incentives and must ensure that such incentives payments are: (a) tied to the goals of the specific program; (b) outlined in writing before the commencement of the programs that may provide incentive payments; (c) align with the local program's organizational policies; and (d) in accordance with the requirements contained in 2CFR part 200. See 20 CFR 641.640 for additional information. It is also allowable to provide incentives post-exit or during follow-up if there are written policies in place to address the following: The purpose of offering an incentive is to induce behavior toward achievement of a specific goal. In order for an incentive to be effective, participants must:
    - be aware of the existence of such incentive, and
    - understand the terms and standards of its award to improve the likelihood of success and lead to a successful outcome or achievement of grant performance measures.

- **Withholdings:** When determining whether to pay taxes on incentives or stipends, local areas should adhere to IRS guidelines. IRS publication 525 provides information on taxable and nontaxable income. To access the website visit: https://www.irs.gov/forms-pubs/about-publication525.

- **Resources:** To learn more about innovative practices for developing work experiences and guidelines for employers on youth employment, see:
    - Reinvesting in America's Youth: Lessons from the 2009 Recovery Act Summer Youth Employment Initiative at https://wdr.doleta.gov/directives/attach/TEN/ten2009/ten3309acc.pdf. This document describes an evaluation of summer work experience activities in 20 local areas, identifying recruitment strategies, job matching and innovative practices; and
    - Youth Connections Community of Practice Work Experience Program Element page: https://youth.workforcegps.org/resources/2017/01/19/14/27/Paid-and-Unpaid-WorkExperience.
    - Youth Employment Compliance Assistance Toolkit: https://www.dol.gov/whd/regs/compliance/cakits/youth.htm. This toolkit developed by the Department of Labor's Wage and Hour Administration provides guidelines for employers on youth employment and Fair Labor Standard Youth Provisions laws.

More information on work experiences can be found in the following Training and Employment Guidance Letters (TEGLs).

- TEGL No. 23-14 provides information on the expansion of work experience, its designation as a critical component under the 14 program elements, and how to calculate expenditures to meet the requirement. https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4244.
- TEGL No. 8-15 provides details on allowable expenditures for work experience activities. https://wdr.doleta.gov/directives/corr_doc.c.fm?DOCN=4244.
- TEGL No. 21-16 further defines the work experience program element and elaborates on allowable expenditures for work experience activities. https://wdr.doleta.gov/directives/attach/TEGL/TEGL_21-16_Acc.pdf.

WORKFORCE INNOVATION NOTICE: 08-01 [formerly 18-05]

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: WIOA Performance Accountability Policy

DATE: **Effective: February 15, 2018**

STATUS: **ACTIVE**

LOCAL POLICY REQUIREMENT: N/A

1. **PURPOSE:** The purpose of this policy is to establish a comprehensive WIOA performance accountability system for Rhode Island. The provisions of this policy are intended to hold the Governor's Workforce Board (GWB), Local Workforce Development Boards (LWDB), and partner programs accountable for the results obtained by their workforce development programs and systems. The policy is also intended to assess the effectiveness of workforce development activities and promote continuous improvement.

2. **REFERENCES:** WIOA Section 116; TEGL 10-16 Change 1; 20 CFR Part 677

3. **BACKGROUND:** All States submitting State WIOA Plan must propose expected levels of performance for each primary indicator of performance for the adult, dislocated worker, and youth programs under Title I of WIOA, the Adult Education and Family Literacy Act (AEFLA) program under Title II of WIOA, the Wagner-Peyser Act under Title III of WIOA, and the Vocational Rehabilitation Program as amended by WIOA (§677.155(a)). This policy is written in accordance with the guidelines in the Workforce Innovation and Opportunity Act.

4. **INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

5. WIOA Performance Structure: The Workforce Innovation and Opportunity Act identifies, in specific titles, and focuses on four "core" programs (§677.155(a)). These programs are:

Title I: WIOA Adult, WIOA Dislocated Worker, and WIOA Youth Programs
Title II: Adult Education and Family Literacy (AEFLA)
Title III: Wagner-Peyser
Title IV: Vocational Rehabilitation

In accordance with §677.155(a)(1)(i-vi), the primary indicators of performance for the following programs in Rhode Island are:

WIOA Adult & Dislocated Worker Performance Measures

Employment Rate – Percentage of participants in unsubsidized employment in the second quarter after exit (Q2 post-exit).

Employment Retention – Percentage of participants in unsubsidized employment in the fourth quarter after exit (Q4 post-exit).

Median Earnings – Median earnings of participants in the second quarter after exit (Median earnings Q2 after exit).

Credential Rate – Percentage of participants with post-secondary credential attainment or high school diploma or GED during participation in the program or within one (1) year after exit.

Measurable Skills Gain – Percentage of participants who, during the PY, are in education or training programs that lead to recognized post-secondary credential or employment, and who achieve measurable skills gain (documented academic, technical, occupational or other forms of progress, toward the credential or employment).

WIOA Youth Performance Measures

Placement in Employment/Training/Education (E/T/E) – Percentage of participants who are in education and training, or in unsubsidized employment, during the second quarter after exit (Q2 post-exit).

Placement in (E/T/E) – Percentage of participants who are in education and training, or in unsubsidized employment, during the fourth quarter after exit (Q4 post-exit).

Median Earnings - Median earnings of participants in the second quarter after exit (Median earnings Q2 after exit).

Credential Rate - Percentage of participants with post-secondary credential attainment or high school diploma or GED during participation in the program or within one (1) year after exit.

Measurable Skills Gain - Percentage of participants who, during the PY, are in education or training programs that lead to recognized post-secondary credential or employment, and who achieve measurable skill gain (documented academic, technical, occupational or other forms of progress, toward the credential or employment).

Employer Effectiveness Measures

WIOA sec. 116(b)(2)(A)(i)(VI) requires the US Departments of Labor and Education to establish a primary indicator of performance for effectiveness in serving employers. In December 2016, the Departments announced they will be piloting three approaches designed to gauge three critical workforce needs of the business community.

> Approach 1 – Retention with the same employer – addresses the programs' efforts to provide employers with skilled workers;
>
> 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
>
> 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.

Since this indicator is a new approach for measuring performance under WIOA's six core programs, the Departments have implemented a pilot program during which States must select two of the three approaches. 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.

The Governor's Workforce Board elects to adopt Approach 1 (Retention with the same employer) and Approach 3 (Employer Penetration Rate) at this time. The Board may revisit these measures in future and may adopt additional measures. These two approaches are measured as follows:

Approach 1 – Retention with the same employer: 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.

Approach 3 – Employer Penetration Rate: 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, located within the State during the final month or quarter of the reporting period.

6. WIOA Performance Definitions:

Participant

Under WIOA, the definition of "participant" establishes a common point of measurement at which an individual is meaningfully engaged in a core program. The term "participant" is defined as a reportable individual who has received staff-assisted services after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination (§677.150(a)).

For the AEFLA program, individuals who have been determined eligible and who have completed at least 12 contact hours in an adult education and literacy activity under AEFLA would be considered participants.

For the Vocational Rehabilitation program, individuals who have been determined eligible for services and who have an approved and signed Individual Plan for Employment (IPE) that outlines the services that the individual will receive would be considered participants.

The following individuals **do not** meet the definition of Participant:

i. Individuals who have not completed at least 12 hours contact hours in the AEFLA program;
ii. Individuals who only use the self-service system; and
iii. Individuals who only receive information services or activities.

Reportable Individual

Under WIOA, a "reportable individual" is defined as one who has taken action that demonstrates intent to use program services and who meets specific reporting criterion of the core program (§677.150(b)). This criterion is:

i. Individuals who provided identifying information;
ii. Individuals who only use the self-service system; and
iii. Individuals who only receive information services or activities.

Exit

For the purposes of performance calculations in all core programs, except Vocational Rehabilitation, exit is the point after which an individual who has received services through any program meets specific criteria (§677.150(c)). This criterion is:

i. 90 days of no services has elapsed, and
ii. No future services are planned

For the purposes of this definition, a participant's use of self-service or the provision of information-only activities or follow-up services will not prevent a participant's exit.

For the Vocational Rehabilitation program, an individual would be determined to have exited the program on the date the individual's case is closed in accordance with the Vocational Rehabilitation program requirements. Under Vocational Rehabilitation, those individuals who have achieved a supported employment outcome at a subminimum wage are excluded from the definition of "exit".

Measurable Skills Gain Documentation

Documentation verifying progression during participation in an education or training program includes the following:

i. The achievement of at least one educational functioning level of a participant in an education program that provides instruction below the postsecondary level;
ii. attainment of a high school diploma or its equivalent;
iii. a transcript or report card for either secondary or post-secondary education for 1 academic year (or 24 credit hours) that shows a participant is achieving academic standards;
iv. a satisfactory or better progress report, towards established milestones from an employer who is providing training (*e.g.,* completion of on-the-job training (OJT), completion of 1 year of an apprenticeship program);
v. the successful completion of an exam that is required for a particular occupation, progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams; and
vi. measurable observable performance that is based on industry standards. These definitions are critical for determining who is subject to performance calculations.

7. Negotiating Levels of Performance:

State

For each State submitting a WIOA State plan, there must be expected levels of performance for each of the corresponding primary indicators of performance for the programs listed in Section 5, for the first two years of the State Plan period.

States are required to submit expected levels of performance for the third and fourth program year before the third program year.

The State must reach agreement regarding levels of performance with the U.S. Secretaries of Labor and Education, based upon the following factors:

1. How the levels of performance compare with other States;
2. The application of an objective statistical model established by the Secretaries of Education and Labor;
3. How the levels of performance promote continuous improvement and ensures optimal return on investment of Federal funds; and
4. The extent to which the levels of performance assist the State in meeting the established performance goals set by the Secretaries of Education and Labor.

Local

For each local area, the local board, the chief elected official, and the Governor shall negotiate and reach agreement on local levels of performance based on the State adjusted levels of performance.

In negotiating the local levels of performance, adjustments for expected economic conditions and the expected characteristics of participants to be served in the local area shall be made. In addition, the negotiated local levels of performance applicable to a program year shall be revised to reflect actual conditions using the statistical adjustment model.

8. Measuring Performance Using Wage Records:

In accordance with §677.175, states must use quarterly wage record information in measuring the progress on State adjusted levels of performance for the primary indicators. The use of social security numbers from participants and such other information as is necessary to measure the progress of those participants through quarterly wage record information is authorized. The Governor's Workforce Board will help facilitate the necessary agreements and instruments between the core programs identified in Section 5 and the Unemployment Insurance Division within the Department of Labor and Training to share this wage record information.

9. Assessing Performance:

State

Three criteria will be used to assess the State's performance at the end of a PY. These are:

1. An overall State program score,
2. An overall State indicator score, and
3. Individual indicator scores.

Overall State Program Score: The average score based the percent of the State's adjusted goal achieved on each of the six primary indicators for a core program.

Overall State Indicator Score: The average score of the percent of the State's adjusted goal achieved across core programs on each of the six primary indicators.

Individual Indicator Score: The percent of the State's adjusted goal achieved on any single primary indicator for each of the six core programs.

Table 1 one page 8 illustrates the manner in which the State will be assessed using the overall State program score and the overall State indicator score. A failing average program score for any core program, a failing average indicator score for any indicator across programs, or a failing score on any individual indicator for each of the core programs would be a performance failure under WIOA.

Table I. State Program Score and State Indicator Scores – Thresholds for Unsatisfactory Performance

Indicator/Program	Title II Adult Education	Title IV Rehabilitation Services	Title I WIOA Adults	Title I WIOA Dislocated Workers	Title I Youth	Title III Wagner - Peyser	Average Indicator Scores
Employment 2nd Quarter After Exit	50% min.	50% min.	50% min.	50% min.	50% min.	50% min.	State Indicator #1
Employment 4th Quarter After Exit	50% min	50% min	50% min	50% min	50% min	50% min	State Indicator #2
Median Earnings 2nd Quarter After Exit	50% min	50% min	50% min	50% min	50% min	50% min	State Indicator #3
Credential Attainment Rate	50% min	50% min	50% min	50% min	50% min	N/A	State Indicator #4
Measureable Skill Gains	50% min	50% min	50% min	50% min	50% min	N/A	State Indicator #5
Effectiveness in Serving Employers	50% min	50% min	50% min	50% min	50% min	50% min	State Indicator #6
Average Program Score	Title II – Adult Education Indicator Average #7	Title IV – Rehabilitation Services Indicator Average #8	Title I – Adults Indicator Average #9	Title I – WIOA DLW Indicator Average #10	Title I – Youth Indicator Average #11	Title III – Wagner – Peyser Indicator Average #12	

As the table indicates, there are a total of 12 scores on which the State will be assessed for the overall State indicator score and overall State program score. The first six scores will be the average of the core programs' percent achieved against their adjusted goals, while the second six scores are the average of the core programs' percent achieved against their adjusted goals. Employment Services provided under the Wagner-Peyser Program are exempt from indicators four and five. Consequently, the State's Employment Services program will be assessed using the total average scores for indicators one, two, three, and six only.

Local

Each local workforce development area in the State under Title I of WIOA is subject to the same primary indicators of performance for the core programs for WIOA Title I that apply to the State (§677.205). Under §677.220 (a), the State must establish the threshold for a local area to meet levels of performance prior to negotiating local area adjusted levels of performance. The State must annually make local area performance reports available to the public using the federally-approved template. These performance reports must provide information on the actual achieved performance levels for the local area based on quarterly wage records consistent with the requirements for States under §677.175.

10. Performance Failure Sanctions

State

In §677.190, WIOA establishes two thresholds for performance failure. The first threshold is at 90 percent for each of the overall State program scores and overall State indicator scores. The second threshold is at 50 percent for individual indicator scores.

For the State, a performance failure occurs when:

1. Any overall State program score or overall state indicator falls below 90% for any program year; or
2. Any State individual indicator fall below 50% for any program year.

State sanctions for performance failure will be applied to the State if, for two (2) consecutive years, the State fails to meet 90% of the overall State program score, 90% of the overall State indicator score, or 50% on any individual indicator score for the same program or indicator.

If the State fails to meet adjusted levels of performance for any year, technical assistance will be provided, including assistance in the development of a performance improvement plan provided by the Secretary of Labor or Secretary of Education.

If the State fails to meet adjusted levels of performance for a second consecutive year, the Secretary of Labor and the Secretary of Education will reduce the Governor's Reserve Allotment by 5% of the maximum available amount for the immediately succeeding program year.

State Performance Improvement Plan Requirement:

In all instances where a state performance improvement plan is required by the Secretaries of Labor and Education, the specific program(s) identified as failing to meet their adjusted levels of performance will provide to the Governor's Workforce Board a Performance Improvement Plan (PIP) This plan must be submitted using a PIP template approved by the GWB (see Appedix A) and must include the following:

1. A detailed analysis of the program's performance problems that is based upon an extensive assessment of the following:
    - program reports
    - program policies
    - program participant documentation
    - program processes
    - program staffing patterns

2. The results of the assessments in these areas will be provided in a report including comprehensive recommendation for problem resolutions, corrective actions with corresponding milestones, quarterly performance report analysis and new performance-enhancing service delivery strategies.

Local

If a local area fails to meet the levels of performance for the primary indicators of performance in the adult, dislocated worker, and youth programs authorized under WIOA Title I in any program year, technical assistance must be provided by the Governor or, upon the Governor's request, by the Director of the Department of Labor and Training.

The technical assistance may include:

1. Assistance in the development of a performance improvement plan;
2. The development of a modified local or regional plan; or
3. Other actions designed to assist the local area in improving performance.

If a local area fails to meet the levels of performance for the primary indicators of performance for the adult, dislocated worker, and youth programs authorized under WIOA Title I for a third consecutive year, the Governor must take corrective actions. The corrective actions must include the development of a reorganization plan under which the Governor:

1. Requires the appointment and certification of a new Local Board;
2. Prohibits the use of eligible providers and one-stop partners that have been identified as achieving poor levels of performance; or
3. Takes such other significant actions as the Governor determines are appropriate.

A local board and chief elected official for a local area that is subject to a reorganization plan, as referenced above, may appeal to the Governor to rescind or revise the reorganization plan not later than 30 days after receiving notice of the reorganization plan. The Governor must make a final decision within 30 days after receipt of the appeal.

The Local Board and chief elected official may appeal the final decision of the Governor to the US Secretary of Labor not later than 30 days after receiving the decision from the Governor. Any appeal of the Governor's final decision must be:

1. Appealed jointly by the Local Board and chief elected official to the Secretary of Labor; and
2. Must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, 200 Constitution Ave. NW. Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the Governor.
3. Upon receipt of the joint appeal from the Local Board and chief elected official, the Secretary must make a final decision within 30 days. In making this determination the Secretary may consider any comments submitted by the Governor in response to the appeals.
4. The decision by the Governor to impose a reorganization plan becomes effective at the time it is issued and remains effective unless the Secretary of Labor rescinds or revises the reorganization plan under WIOA Sec. 116(g)(2)(B)(ii).

11. Impact of Performance Failure on LWDA Risk Assessment

Local areas that fail to meet their negotiated levels of performance may experience an increase in their risk assessment rating.

Local Areas that are placed in "High Risk Grantee" status may be unable to draw WIOA Title I funds until such time that this status is addressed in a satisfactory manner and the High Risk designation is removed.

12. Funding of Performance Accountability System

Each core partner shall be responsible for the costs associated with data collection and compilation for performance accountability within their respective programs.

APPENDIX A

Potential Elements of a Performance Improvement Plan

This is a template; not all items may be required.

A. Description/Assessment of the current situation and problem
   1. Strategies and tactics
      a. Review strategies currently in use to address local needs
      b. Assess effectiveness of current practices
      c. Consider successful strategies from other local areas
   2. Stakeholders: Who's included, who's missing
   3. Spending
      a. Are all opportunities being leveraged
      b. Review eligibility (barriers/concerns)
      c. Cost per participant
      d. Spending detail (allocations, allowable cost, training vendors, etc.)
   4. Performance/Outcomes
      a. Ensure expectations are in line with federal and state guidance
      b. Run appropriate reports consistently to identify actual status
      c. Confirm strategies in use target specific outcomes being measured
      d. Analyze and ensure data integrity
      e. Compare actual status to planned status, i.e. enrollments, allocations, etc.

B. Actions and interventions already taken to remedy the problem

C. Strategies and elements to be applied as interventions and solutions to the problem, at a minimum:
   1. Staff Training
      a. Assessment methodologies
      b. Job development and client job retention
      c. Case management
      d. WIOA program/performance management
      e. Effective and efficient use of management information system data
      f. WIOA participant reporting forms
      g. Improvement of procurement systems
      h. Detailed plans to improve customer service and customer satisfaction
   2. Outreach/Internal Monitoring
      a. Improved methods for monitoring of service providers and other subcontractors
      b. Plans for more effective use of up-to-date labor market information tailored to local participant and employer needs
      c. Development of specialized outreach efforts to publicize services available in the One Stop career centers
      d. Detailed plans to improve local partnerships and/or expand services at workforce centers
   3. Administrative Process Improvements
      a. Plans to improve monitoring of subcontractors and training providers

b. Improved procurement time frames
c. Improved expenditure reporting

4. Consultant Assistance
    a. Plans to obtain independent consultant services to assess and improve contract and fiscal systems, and/or program/service delivery
    b. Plans to improve linkages with the business community
    c. Plans for improving client follow-up services

D. Detailed steps of the Performance Improvement Plan

E. Timetable for implementation of additional actions and periodic reporting

F. Evaluation of effectiveness of interventions, to include a determination of criteria or benchmarks that demonstrate the local workforce area has fulfilled the requirements of the Performance Improvement Plan

WORKFORCE INNOVATION NOTICE: 08-02

TO: **WORKFORCE DEVELOPMENT AREAS**

FROM: Governor's Workforce Board

SUBJECT: WIOA State Monitoring Policy

DATE: **Effective: March 18, 2021**

STATUS: **Active**

LOCAL POLICY REQUIREMENT: Local Boards are responsible for conducting local monitoring within their local workforce development area.

1. **PURPOSE:** To establish monitoring standards for sub-recipients and pass-through entities of Workforce Innovation and Opportunity Act (WIOA) Title I funding.

2. **REFERENCES:** P.L. 113-128 Section 184; 20 CFR §683.200; 20 CFR §683.220; 20 CFR §683.400; 20 CFR §683.410; 20 CFR §683.420; §683.430; §683.440; 2 CFR §200

3. **BACKGROUND:** Section 184 of Public Law 113-128 requires each state to establish policies to ensure accountability with regard to the proper disbursal and use of WIOA Title I funds. Sub-recipients of WIOA Title I funds that are found to be in noncompliance with WIOA guidelines outlined in 20 CFR 683.200, as well as applicable state and agency policies, are subject to sanctions determined by the state.

   Therefore, the Integrity and Compliance Unit within the Department of Labor and Training is responsible for fostering a continuous improvement culture through transparency, collaboration and partnership that supports the success and accountability of Local Workforce Development Boards (including the State Board acting as a Local Workforce Development Board pursuant to authority granted by the US Secretary of Labor), sub-recipients, workforce service providers and other WIOA-funded grantees and contractors in maintaining compliance with applicable WIOA law, rules, and guidance.

   Monitoring is essential to ensure the integrity of the WIOA system and WIOA funds, to assess compliance with applicable laws and regulations and identify successful and positive methods and practices that serve to enhance the system as a whole.

   To do so, the Integrity and Compliance Unit performs monitoring activities to:
   1. Ensure programs achieve intended results;
   2. Ensure resources are efficiently and effectively used for authorized purposes and are protected from waste, fraud, and abuse; and
   3. Ensure reliable and timely information is captured and reported to serve as the basis to improve decision-making.

4. POLICY: The Integrity and Compliance Unit is responsible for oversight of the programmatic activities of grant sub-recipients to ensure proper stewardship of federal WIOA funding. The Integrity and Compliance Unit is committed to ensuring the success and accountability of WBDs, sub-recipients, workforce service providers and other Agency grantees and contractors. The Auditing Division of the Business Affairs Unit is responsible for oversight of the financial activities of grant sub-recipients to ensure proper stewardship of federal WIOA funding.

a. Frequency of Monitoring Reviews

The Integrity and Compliance Unit and the Auditing Division of the Business Affairs Unit conduct programmatic and financial monitoring of each Workforce Development Area (WDA) on an annual basis in compliance with the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (known as the OMB Super Circular) as adopted by the U.S. Department of Labor (DOL). The State must certify this monitoring process to DOL every two years.

The Integrity and Compliance Unit and Auditing Division of the Business Affairs Unit will work with the WDBs to establish and distribute an annual schedule of state level monitoring at the beginning of each program year. The initial schedule, subject to modification, will list review dates for each WDA. The Integrity and Compliance Unit and/or the Auditing Division will not be limited to the initial schedule and may conduct unannounced or unscheduled reviews at its discretion.

b. Scope of Monitoring Reviews

Monitoring activities will encompass both financial and programmatic monitoring. Program and fiscal monitoring activities include on-site visits, offsite desk-level reviews, and analyses of both financial and program outcomes to help identify potential weaknesses before such weaknesses result in substandard performance or questioned costs.

During each monitoring cycle, the Integrity and Compliance Unit and Auditing Division of the Business Affairs Unit will monitor the WDAs WIOA Title I Program Year activities-to-date in two major subject areas:

1. **Administrative and Financial Management.** This review area includes, but is not limited to, an evaluation of the LWDB and sub-committees, the NetworkRI system, administrative and financial policies and practices, and sub-recipient monitoring and oversight according to applicable federal and state legislation, regulations, policies and guidance, and OMB Circulars and Uniform Guidance. The Auditing Division of the Business Affairs Unit will conduct this evaluation.

2. **Workforce Development Programs.** This review area includes, but is not limited to, an evaluation of the WDAs programs and services to eligible participants pursuant to WIOA Title I requirements and related federal and state legislation, regulations, policies and guidance, and OMB Circulars and Uniform Guidance. Monitoring will utilize random sampling to examine Title I Adult, Dislocated Worker, and Youth participant files for proper maintenance and content, inclusion of pertinent forms and data, appropriate and adequate case notes to ensure continuity from time of application through completion of services, as well as verification that all relevant data has been entered into the case management system. On-site visits to NetWorkRI offices within the region and interviews with management, staff, and clientele may be conducted to observe operations and gain insight into the NetworkRI environment, processes and procedures, and overall

customer service efforts and effects.
This review area will also include an examination of any additional Department of Labor and Training administered grants and programs active within the region during the monitoring period. The Integrity and Compliance Unit, during its review, will correspond with applicable grant and program management staff to obtain progress and status updates for inclusion in the Final Monitoring Report, and with the Department of Labor and Training's Equal Opportunity Officer regarding confidentiality requirements.

c. Access to Records

It is a requirement that the sub-recipient or pass-through entity permit the Integrity and Compliance Unit and the Auditing Division within Business Affairs to have access to records, financial statements, facilities and participants.

d. Additional Review / Technical Assistance

In addition to the annual on-site review, some monitoring activities may be conducted remotely, by phone, through desk reviews of documents and reports, and by such other means as deemed necessary by the Integrity and Compliance Unit and the Auditing Division. If an area of concern or practice is identified at any point, the Integrity and Compliance Unit and/or the Auditing Division may offer or coordinate technical assistance as needed. Technical assistance may include additional on-site visits.

e. Monitoring Reports

The Integrity and Compliance Unit and Auditing Division of the Business Affairs Unit will issue documents, as appropriate, summarizing the results of monitoring and auditing activities. The documents may include the observations, items to address, findings, and recommendations of the monitoring team and any responses from LWDBs, sub-recipients, workforce service providers and other Agency grantees and contractors**.**

f. Local Level Monitoring

WDBs, on behalf of the Chief Elected Official(s) for the WDA, must conduct on-site monitoring of all service providers and sub-recipients at least annually. WDBs must also ensure that the use, management, and investment of funds for workforce development activities is consistent with 2 CFR 200 and maximize performance outcomes under Section 116 of WIOA.

WDBs must develop and implement local monitoring policies addressing their sub-recipient oversight and monitoring process and how they will be engaged in local monitoring and oversight activities, including resolution of any findings. WDBs are required to issue a formal report of their monitoring activities. All policies, monitoring reports and corrective action plans must be made available upon request

5. DEFINITIONS

COMPLIANCE REVIEW - An annual examination to ensure the entity complies with applicable laws, regulations, contracts, grant agreement provisions, state policies, and local procedures related to the WIOA, including 2 CFR part 200. This includes appropriate reviews of procurement, performance, and resolution of audit findings that involve the entity under review. At a minimum, the compliance review should target the following risk areas: expenditures; internal control structures; eligibility and participation requirements; service delivery to Youth, Adults, and Dislocated Workers; On-the-Job Training; support payments; non-discrimination; the protection of personally identifying information; and a review of the conflict of interest policy.

CONFLICT OF INTEREST - A circumstance in which a Board member, Board employee, workforce service provider, or workforce service provider's employee is in a decision-making position and has a direct or indirect interest, particularly a substantial financial interest that influences the individual's ability to perform job duties and fulfill responsibilities.

CORRECTIVE ACTION - Action taken by the auditee that corrects identified deficiencies, produces recommended improvements, or demonstrates that audit findings are either invalid or do not warrant auditee action.

CORRECTIVE ACTION PLAN - A plan developed and imposed by the Integrity and Compliance Unit and/or the Auditing Division within Business Affairs that requires a Board or Agency grantee to take Agency-identified actions within a specified time frame designed to correct specific instances of noncompliance or other failures.

DISALLOWED COSTS - Identified in the Daily Observation Report and the Management Letter. In addition, disallowed costs may also be identified as a Finding in the Monitoring Report. Disallowed Costs include any expenses of WIOA grant or contract funds that are determined to be unallowable, unallocable or unreasonable based upon federal or state law or regulations.

FINDING(S) - Finding(s) include: (a) any item or combination of items that results in Disallowed Costs above $25,000; (b) any item, combination of items or process that poses significant risk to the organization’s control systems and ability to meet the requirements of federal and state grants and contracts; and (c) any Item(s) to Address identified in a previous year’s monitoring been addressed/resolved.

CHIEF ELECTED OFFICIAL (CEO) - The chief elected executive officer of a unit of general local government in a local workforce development area (or the Governor for the State Workforce Development Board acting as the Local Workforce Development Board for the Greater Rhode Island area); and in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in WIOA section 107(c)(1)(B).

WORKFORCE DEVELOPMENT BOARD (LWDB) - A local workforce development board established under WIOA Sec. 107 (or the State Workforce Development Board acting as the Local Workforce Development Board for the Greater Rhode Island area), to set policy for the local workforce development system.

NOTED/BEST PRACTICE - Any approach to service delivery or process that is identified as being a unique or effective approach that offers increased services to customers or greater efficiency and effectiveness in service delivery or administration. These will be identified in the daily observation report and monitoring report.

PASS-THROUGH ENTITY - A non-Federal entity that provides a sub-award to a sub-recipient to carry out part of a Federal program.

QUESTIONED COSTS - Costs questioned by the monitor as being unallowable, unallocable or unreasonable. Questioned costs are costs which (a) resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal or state award, including for funds used to match Federal funds (unallowable); (b) where the costs, at the time of the monitoring visit, are not supported by adequate documentation (unallocable); or (c) where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances (unreasonable). Questioned costs will be resolved in one of two ways: (a) Questioned Costs that are determined to have been allowable, allocable and reasonable are considered allowed; or (b) Questioned Costs that are determined to be unallowable, unallocable or unreasonable will be disallowed.

SUB-RECIPIENT - A non-Federal entity that receives a subaward from a passthrough entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A sub-recipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

TECHNICAL ASSISTANCE - To identify areas for improvement in the program and in recipient and sub-recipient operations during monitoring and compliance review visits. May include assistance in developing a performance improvement plan.

6. CONDITIONS FOR STATE BOARD ACTING AS A LOCAL BOARD

Pursuant to waiver authority granted by the US Secretary of Labor in his letter dated September 30, 2019 and renewed in his letter dated September 16, 2020; the State Workforce Development Board shall act as the Local Workforce Development Board for the Greater Rhode Island area. There are a number of fiscal, programmatic, and administrative responsibilities between a State and Local Board that require a clear separation of duties and definition of roles to ensure both roles are fully and properly executed without any actual, potential, or perceived conflicts of interest. This includes the monitoring duties and responsibilities described in this policy.

State Workforce Development Board Involvement in Statewide Monitoring Decisions

While State Boards often play a role in directing monitoring activities within a state; helping determine which programs or review areas will receive priority in a given program year; having the State Board directing, overseeing or otherwise influencing monitoring activities while it is itself functioning as a Local Board for a workforce development area could result in an actual, potential, or perceived conflict of interest.

For this reason, decisions concerning the timing, method, and manner in which monitoring will be conducted exclusively by the Integrity and Compliance Unit and/or the Auditing Division in Business Affairs itself, without conference with the State Board. If either monitoring unit requires additional input or guidance on these activities, it may confer with Legal Division of the Department of Labor and Training concerning the appropriate method through which input and guidance from the State Board may be requested and received. This paragraph does not impact the provision of local level monitoring of service providers and sub-recipients as described below.

Local Level Monitoring by the State Workforce Development Board

As stated in subsection 4(f) above; Workforce Development Boards, on behalf of the Chief Elected Official(s) for the Workforce Development Area, must conduct on-site monitoring of all service providers and sub-recipients at least annually or, for contracts lasting less than one year, once during each contract term for financial and programmatic compliance. WDBs must also ensure that the use, management, and investment of funds for workforce development activities is consistent with 2 CFR 200 and maximize performance outcomes under Section 116 of WIOA.

While the State Workforce Development Board (acting as a Local Workforce Development Board) conducting this monitoring itself for the Greater Rhode Island area does not pose any actual, potential, or perceived conflict of interest; it would risk duplication and an inefficient use of funds as these are activities that the Integrity and Compliance Unit and the Auditing Division in Business Affairs of the Department of Labor and Training is already staffed and equipped to conduct. Therefore, responsibilities for Local Level Monitoring within the Greater Rhode Island Workforce Area as described in subsection 4(f) above shall remain with the Integrity and Compliance Unit and Auditing Division of the Department of Labor and Training. For local level monitoring only, the monitoring units may directly confer with the State Workforce Development Board (acting as a Local Workforce Development Board) on decisions concerning the timing, method, and manner in which monitoring will be conducted.

This paragraph does not impact the Providence and Cranston Workforce Area which remains responsible for Local Level Monitoring of service providers and sub-recipients within its area.

7. APPEALS PROCESS

The LWDA will have 30 days to appeal to any finding or adverse observations in the monitoring report it feels are inaccurate or improper. The appeal must be filed within 30 days from the issuance date of the final determination. The recipient or sub-recipient may appeal final determinations of the Department by filing a request with the State WIOA Liaison. The appeal must be filed in accordance with the 20 CFR part F Grievance Procedures, Complaints, and State Appeals Process.

8. INQUIRIES: Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

WORKFORCE INNOVATION NOTICE: 8-03

TO: **WORKFORCE INVESTMENT AREAS AND WIOA PARTNERS**

FROM: Governor's Workforce Board

SUBJECT: Credentials Guidance Policy

DATE: **Effective: December 7, 2021**

1. **PURPOSE:** To provide guidance regarding the importance of credentials under WIOA and determining which credentials meet the definition under the law.

2. **REFERENCES:** WIOA (677.155(a)(1)(iv)); Training and Employment Guidance Letter 10-16; Technical Assistance Circular (TAC) 17-01

3. **BACKGROUND:** The attainment of a credential is a common performance measure under WIOA, however the law does not directly state what does, and does not, qualify as a credential under this measure. States are directed to provide guidance and definitions to local areas and WIOA program partners on what constitutes a 'credential' under WIOA.

4. **WIOA PERFORMANCE PURPOSES ONLY:** This notice is intended to provide guidance and clarification regarding the definition of a 'credential' for WIOA performance reporting purposes only. There are other credentials and certificates that may not be included in this definition that nonetheless provide value to an individual, an employer, and the state's overall economic competitiveness. The Governor's Workforce Board continues to promote the attainment of all 'credentials of value' and endorses lifelong learning and career advancement for all Rhode Islanders.

5. **CREDENTIAL - DEFINITION:** A credential is attained at the end of an approved education or training program that is included in an employment plan. (e.g. bachelor's degree, high school diploma, apprenticeship certificate and GED)

   Credential Common Performance Measure: The percentage of participants enrolled in an education or training program (excluding OJT and customized training) who attain a recognized postsecondary credential or secondary school diploma, or its recognized equivalent during participation 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 enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

   The date of the most recently entered credential should be the date that it was achieved. For example, if a customer successfully completed high school on June 15, but did not provide documentation (copy of diploma or completed transcript indicating graduation) until July 1, the date of the credential should be considered June 15.

A credential is attained at the end of an approved education or training program that is included in an employment plan. Credential is the 'catch-all' term used to encompass:

- Postsecondary Degrees
- Diplomas
- GEDs
- Professional Licenses
- Industry-Recognized Certifications

Credentials are an important element of the workforce development system. Ideally, obtaining a
credential indicates an individual has mastered competencies and knowledge relevant in the labor market. Credentials are normally issued by a third party (e.g. educational institution, an industry/occupational certifying organization, or professional society), which has the authority to issue such a credential.

6. CREDENTIALS THAT MEET THE DEFINITION UNDER THIS POLICY:

Secondary School Credentials: A secondary school diploma or its recognized equivalent recognized by the state and included for accountability under the Elementary and Secondary
Education Act of 1965, as amended by the Every Student Succeeds Act.

Examples of Secondary School Credentials:

- High School Diploma
- High School Equivalency Diploma (HSED)
- General Education Diploma (GED)
- National External Diploma Program (NEDP)

Examples of what would **not** count as a Secondary School credential:

- Special education certificate (Enrollment and attainment is still tracked for other purposes)

Post-Secondary Credentials: A credential awarded in recognition of an individual's attainment of measurable technical or industry/occupation-specific skills necessary to obtain employment or advance within an industry/occupation. These skills are generally based on standards
developed or endorsed by employers or industry associations (degrees, occupational licensure,
occupational certificates, etc.).

Examples of Post-secondary credentials:

- Associate's Degree
- Bachelor's Degree
- Master's Degree
- Graduate Degree
- Vocational/Technical license, diploma or certificate
    - An industry-recognized certificate or certification (e.g. Microsoft Information Technology certificate, Certified Nursing Assistant, certificate in business administration, Certified Welder, Commercial Driver's License)
    - License recognized by state or federal government (e.g. Registered Nurse,

Asbestos Inspector, Cosmetologist, Master Plumber, Licensed Professional Counselor)
    - Technical Diploma
    - Other education or training diploma, degree, or certificate (e.g. Job Corps certificate of completion for career technical training)
- Apprenticeship certificate/diploma (e.g. youth apprenticeship or apprenticeship)

Examples of what would **not** count as a Post-Secondary School credential:

- Continuing Education Units (CEUs)
- Disability Skills Training (Sign language, Speech Reading, cognitive training/retraining)
- On-the-Job Training (OJT)
- Certificates of completion
- Work/Career readiness certificates (e.g. completion of soft skills training, time management training, financial literacy training, pre-occupational and introductory programs that are provide a pathway to, but do not directly result in, employment in an occupation)
- Workforce Development Board awarded certificates
- General skill certificates related to safety or hygiene, etc. (e.g. CPR, OSHA, Emergency Management, ServSafe)
    - Note: While Serf
- Credentials that are not industry-recognized or sought by a *specific* industry or occupation (e.g. college certificates such as Professional Communication, Public Speaking, Global Studies, Bilingual Spanish Skills)

7. CREDENTIALS DETERMINATION GUIDANCE: Frontline job center staff may determine whether a credential that is not indicated in the categories listed in section 6 still meets the definition of a credential under this policy. When a customer begins an education or training program that is not indicated in categories listed in section 7, staff should review the Post-Secondary Credential Checklist to determine if program completion meets the requirements of a credential (see Appendix A). If all criteria have been met (indicated "yes" for every category on the checklist), a copy of that determination should be saved with the customer's case files along with a copy of said credential. This process will be subject to monitoring and the Governor's Workforce Board may revise this process if it is found credentials are being accepted that do not meet the definition of a credential under this policy.

8. INQUIRIES: Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

9. FREQUENTLY ASKED QUESTIONS

Q. Would a Workforce Development Board (WDB) approved credential be reported as a credential?

A: No. WDB issued or approved credentials do not meet the definition of credential, even if there is local policy stating otherwise. .

Q: May the National Career Readiness Credential be reported as a credential?

A: No. While the NCRC is a popular credential for many employers, it is not unique to a specific occupation and per USDOL guidance, it *cannot be recognized as a credential.*

Q: Does completion of OJT count as a credential?

A: Completion of an OJT does not count as a credential. However, participants are excluded from the credential performance measure if they only receive OJT.

Q: Can a certificate of attendance or a sign-in sheet be used to verify a credential?

A: No. A certificate of attendance or sign in sheet does not verify credential attainment.

Q: Does a Cardiopulmonary Resuscitation (CPR) certificate or Occupational Safety and Health Administration (OSHA) certificate count as a credential?

A: No. While CPR or OSHA training may provide benefit to participants as they begin to gain general knowledge about occupations and occupational standards, participants are unlikely to gain employment or advance within an occupation based solely upon receiving a CPR or OSHA certificate. Therefore, CPR and OSHA certificates may not be reported as credentials.

Q: Does a ServSafe certificate count as a credential?

A: There are multiple certificates and certifications from ServSafe. The Food Handler certification does not meet the required USDOL criteria of a credential because it is not unique to, nor lead to, employment in a specific occupation. Therefore, for those participants enrolled in the WIOA, ServSafe Food Handler certificates may not be reported as credentials. However, the *ServSafe Food Protection Manager* certification has been determined to meet the USDOL definition for credential because it can lead to employment in that specific occupation.

Q: What if a participant successfully completes a college degree in August, but the university only issues diplomas in December and May?

A: The student's transcript will list the date of degree attainment as a date in August following completion of courses. This is the preferred method of reporting for such participants.

Q: Can I use an unofficial HSE transcript to verify credential attainment?

A: No. The unofficial transcript does not have the date of attainment, which is required to report the credentials.

Q: Does completion of a Microsoft Word, Excel, or similar program count as a credential?

A: No. These single skill certificates do not count as credentials.

Q: Does a National Retail Federation certification count as a credential?

A: Yes. Per the USDOL correspondence, this certification is an acceptable credential.

Q: What is an industry recognized credential?

A: Industry recognized credentials are sought or accepted by employers within the industry or sector involved, and are a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes. They may include occupational skills certificates, diplomas, degrees, certificates, or licenses.

Q: May an individual employer issue a credential?

A: No. Individual employers are not recognized in the list of approved credentials as they are not transferable to other employers.

Q. May I record a graduate degree as a credential?

A: No. Per USDOL TEGL 10-16, Change 1, graduate degrees do not count toward the Credential Attainment Rate for WIOA Title I participants.

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STATE of RHODE ISLAND
HOPE