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Governor – State of Rhode Island

Workforce Innovation and Opportunity Act (WIOA)

Policy Manual – Greater Rhode Island Local Area

Updated as of 02/02/2022

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NOTE: The Governor's Workforce Board, acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor, is in the process of issuing, and reissuing, local WIOA policies for the Greater Rhode workforce area. There are number of previously issued policies not yet included in this manual. They will be added as they are reviewed and reissued. Such policies are still in effect and are available upon request.

Local Workforce Development Board Notice: L01-01 (formerly 18-07)

Date: **August 1, 2018**

To: **Greater Rhode Island Local Workforce Development Board Area**

From: **Nancy J. Olson, Executive Director**
Steven H. Kitchin, Chairman

Re: **WIOA Program Policy: Records Retention**

PURPOSE:
To provide guidance and instruction to the One-Stop Operator for the WPGRI American Job Center (AJC), One-Stop Partners, contractors, vendors, sub-recipients, fiscal agents and WIOA Title I service providers regarding the Retention of Records under the Workforce Innovation and Opportunity Act (WIOA) Title I programs.

EFFECTIVE DATE: This policy supersedes PY12-01 and is effective immediately.

BACKGROUND:
Minimum record retention requirements are established as part of an effective internal and external control program to ensure WPGRI can provide documents requested by any federal and state agencies within the statutes of limitations. This policy is to clarify procedures for accountability and retention of records related to activities and services conducted with WIOA Title I funds.

POLICY:
WIOA Title I program records must be retained for at least five (5) years following the date on which the final expenditure report charged to a program year's allotment is submitted or until all audit and litigation issues are resolved, whichever is later.

The record retention period for WIOA participant files is five (5) years from the exit date. This five (5) year time period allows for follow-up services conducted after the exit and time for report submission. Participant folders include, but are not limited to, application forms, copies of eligibility documentation, vocational assessment plans, wage record data, employment information, driver's license information and personal data.

All other records, which may include, but are not limited to, financial records (audits and invoices for vendors), monitoring reports (reports detailing how programs are conducted and whether or not they are in compliance with the law), contracts with training providers, contracts with employers, data validation files, contracts with vendors, Memorandums of Understanding, application files, minutes, and copies of training materials distributed to participants, will be retained in accordance with this policy.

All records shall be maintained in a manner that will preserve their integrity and admissibility as evidence in any audit, litigation or other proceeding.

Records must be kept in a centralized filing system for WIOA files, in a suitable location, indexed by exit date. If paper files exist, file cabinets containing case files must be locked and keys will

be kept in a secure place with limited staff access to maintain security and confidentiality. All records, data or information are to be retained separately and distinctively from records pertaining to other operations.

During normal business hours and upon request, records shall be made available and access shall be provided.

All records, regardless of the media on which they reside, including digital/electronic files must be retained in accordance with this policy.

If a WIOA Title I sub-recipient is unable to retain required WIOA Title I records, or the award for service is terminated by WPGRI, the records must be transferred to WPGRI or to a new service provider, as directed by WPGRI. Records must be transmitted within the time period stated by WPGRI and must be properly labeled and filed in an acceptable condition for storage.

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

Local Workforce Development Board Notice: L02-01

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: One Stop Certification Policy

DATE: **Effective: June 1, 2021**

Purpose:
To develop a process for the certification of One-Stop Centers and the One-Stop delivery system to be conducted by the Governor's Workforce Board, on behalf of the Greater Rhode Island Local Area and to set criteria for the development of a local policy for One-Stop certification.

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.

Certification must be done by WPGRI at least once every three (3) years in order for One-Stop Centers and the One-Stop delivery system to receive infrastructure funding. The most recent certification of One Stops in the Greater Rhode Island Area was completed in May of 2018.

Policy:

1. Certification Team

A One-Stop Certification Team (OSCT) will be established by Governor's Workforce Board, on behalf of the Greater Rhode Island Local Area and is responsible for conducting independent and objective evaluations of One-Stop sites and making certification recommendations to the Board

The OSCT will consist of five (5) Members of the Governor's Workforce Board, including members of the Local Area Advisory Committee. To align the OSCT with the business majority requirements as state in WIOA, the OSCT will consist of:

- A minimum of three (3) representatives 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 will select a Chairperson.

Certification team members will be selected in a manner ensuring they are 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.

2. One-Stop Evaluation and Certification Criteria

The Board will use the State of Rhode Island One-Stop Certification Criteria and Requirements as established in State One Stop Certification Policy.

3. One-Stop Evaluation and Certification Process and Frequency

Step 1: The Board will provide Managers of One-Stop service locations (NetworkRI offices) notification of certification requirement and a copy of the One-Stop Certification Criteria and Requirements Worksheet to be completed by the Manager. The Worksheet is intended to help demonstate each locations compliance with the certification criteria.

Because 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, the One-Stop Certification Criteria and Requirements established in State One Stop Certification Policy certification criteria includes accessibility requirements. As part of their notification of certification requirement, the One Stop managers will be instructed to coordinate assessments with the State Equal Opportunity Officer to physically and 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 (see subsection 4).

Step 2: The One-Stop Operator will submit the completed One-Stop Certification Criteria and Requirements Worksheet along with a request for certification to the One-Stop Certification Team of the Board.

Step 3: The One-Stop Certification Team will review the request and completed Worksheet and schedule an in-person site visit to the center. The visit will include a review of the self-assessment provided on the completed Worksheet, 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.

Step 4: No later than June 1, 2021, 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.

4. Certification Determinations

Based on the results of the site visit and the recommendation of the OSCT, the full Board will render a written determination within thirty (30) days providing:

- Full Certification, which shall be granted for three years.
- Provisional Certification, which shall be granted on a year by year basis with the condition that the One Stop center provide a report to the Board on progress towards correcting deficiencies as required by law. Provisional certifications will 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.
- Denial of Certification, which shall be accompanied by a detailed description of the deficiencies, including an explanation as to why the Board believed the deficiencies could not be addressed or resolved provisionally.

5. Appeals Process for One-Stop Certification Determination

A One Stop Operator may choose to appeal the non-certification or decertification of a comprehensive or affiliate 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.

Certification Timeline:
The One-Stop Certification must be completed by the Board prior to June 30, 2021.

Certification Criteria:
In order to be certified, One-Stop Centers and the One-Stop delivery system must meet or exceed the standards established in an Application for One-Stop Certification

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, this one-stop center certification policy also represents the Board fulfilling its one-stop delivery system monitoring responsibilities.

Annual Assessment for Accessibility for Individuals with Disabilities

The State Board has the 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.

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; State Workforce Investment Notice 02-05

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

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:

Local Workforce Development Board Notice: L04-01

TO:	**WORKFORCE DEVELOPMENT PARTNERS**
FROM:	Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor
SUBJECT:	WIOA Procedure for Filing Grievances/Complaints and Nondiscrimination Policy
DATE:	Effective: March 18, 2021

Purpose:
To provide guidance and instruction to One-Stop Operator for the Greater Rhode Island American Job Centers (AJC) and all One-Stop Partners regarding the Procedure for Filing Grievances/Complaints regarding the Workforce Innovation and Opportunity Act (WIOA).

Reference: Workforce Innovation and Opportunity Act (WIOA) of 2014, section 181(c); WIOA Labor Only Final Rule, Subpart F – Grievance Procedures, Complaints, and State Appeals Processes §683.600-610

Policy:
One-Stop counselors will provide WIOA participants with the Procedures for Filing Grievances/Complaints/WIOA Program Grievance Form during their first meeting. The WIOA counselor must explain the Grievance form to the participant and enter a case note stating the form was explained and given to the participant.

Attachment:
WIOA Program Grievance Form

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

GREATER RHODE ISLAND WORKFORCE DEVELOPMENT AREA

Procedures for Filing Grievances/Complaints regarding the Workforce Innovation and Opportunity Act (WIOA)

Applicants and participants of the WIOA program, including applicants for employment, and employees, have the right to enter into the grievance process to resolve disputes. Complaints and grievances from participants and other interested parties affected by the local Workforce Development System, including One-Stop partners and service providers may file a complaint/grievance. Individuals in grievance investigations are protected from retaliation and are permitted to have translators, interpreters, readers and/or a representative of their choice during the grievance process. Per Section 181 of the Workforce Innovation and Opportunity Act (WIOA), the Workforce Board for the Greater Rhode Island Workforce Development Area provides the following procedure outlined below for registering complaints/grievances:

Complaints/grievances must be filed in writing within one (1) year after the alleged violation took place. A decision must be made within 60 days from the date the complaint/grievance is filed.

Complaints/grievances filed with Workforce Board for the Greater Rhode Island Workforce Development Area will be acknowledged within 5 business days. The Board will schedule an informal hearing within 15 business days with the complainant/grievant and representative when applicable to attempt to resolve the matter. The Board's Executive Director will issue a written decision within 30 days. Grievant/complainants who do not receive a decision from the Board within 30 days or who receive an adverse decision may file an appeal at the State level.

1. Grievances/complaints must be filed within one year of the alleged violation.
2. Grievances/complaints must be in writing and shall contain the following information:
    a. The full name, telephone number and address of the person making the complaint;
    b. A description of your grievance/complaint
    c. The regulations or policy violated, if known;
    d. The date(s) of the alleged unfair act(s); and
    e. The name(s) and address(es) of any other(s) involved in the situation.
3. The grievance/complaint must be submitted to the following individual:

    Executive Director, Greater Rhode Island Workforce Development Area
    1511 Pontiac Avenue, Building 72-2
    Cranston, Rhode Island 02920

4. The Executive Director will receive the complaint, investigate and render a decision within 30 days of the filing of the complaint.
5. If you are not satisfied with the decision you receive from the Executive Director and you wish to file an appeal at the State level, you must do so within 10 days. You must send the written appeal to the following individual:

    Rhode Island State WIOA Liaison Officer
    Rhode Island Department of Labor and Training
    1511 Pontiac Avenue, Building 73
    Cranston, Rhode Island 02920

    Upon receiving a local complaint/grievance that has been filed or appeal to the state level, the WIOA Liaison, on behalf of the Governor, will review the case and issue a decision within 30 calendar days after the appeal was filed. The State must issue a decision within 60 days from the date you originally filed your grievance/complaint.
6. Complaints/grievances alleging that the WIOA Liaison, on behalf of the Governor has not been issued a decision within 60 days after a complaint is filed or the party to such decision received an adverse decision may file an appeal to the Secretary of Labor: Secretary, ASET, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. The Secretary of Labor will render a final decision within 120 days of the date of the original grievance/complaint.
7.

Discrimination Cases

Grievances and complaints alleging violations under WIOA Section 188 and 29 CFR Part §37 may be filed with the Workforce Board of the Greater Rhode Island Workforce Development Area with the Equal Opportunity (EO) Officer, at the State level with the Chief of Equity and Equal Opportunity or with the USDOL Civil Rights Center, Director. Complaints or grievances may be filed when the grievant/complainant believes it to be discrimination related to: disability; age; race; color; religion; sex (sexual identity, sexual expression, sex stereotyping, pregnancy); national origin; political belief or affiliation; and against any beneficiary of programs financially assisted under Title VI of the WIOA on the basis of the beneficiary's citizenship/status; as a lawfully admitted immigrant authorized to work in the United States; or his or her participation in any WIOA Title-I financially assisted program/activity. **Discrimination complaints must be filed within 180 days from the date the violation occurred.** The complaint must be investigated and a final decision issued within 90 days from the date the complaint was filed.

Fraud Cases

Complaints involving criminal fraud, waste, abuse or other criminal activity may be reported immediately through the Department's Incident Reporting System to the DOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue N.W., Washington, D.C. 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756.

Program	Agency
Workforce Development Board, Equal Opportunity Officer	Talia DeVincenzis Equal Opportunity Officer Greater Rhode Island Workforce Development Area 1511 Pontiac Avenue, Building 72-2 Cranston, RI 02920 401-462-8209 Talia.DeVincenzis@dlt.ri.gov Cheryl Burrell Chief of Equity and Equal Opportunity RI Department of Labor and Training 1511 Pontiac Avenue, Building 72-3 Cranston, RI 02920 401-462-8870 Cheryl.Burrell@dlt.ri.gov
You also have the right to file a formal complaint with a Federal Agency	
US Department of Labor	Director, Civil Rights Center ATTENTION: Office of External Enforcement U.S. Department of Labor 200 Constitution Avenue, N.W., Room N-4123 Washington, DC 20210 Faxed to (202) 693-6505 Emailed to: **CRCExternalComplaints@dol.gov**
Formal Discrimination Complaint about any program	Coordination and Review Section - NWB Civil Rights Division U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, D.C. 20530 888-848-5306 - English and Spanish (ingles y Española) 202-307-2222 (voice) 202-307-2678 (TDD) Title VI Hotline: 1-888-TITLE-06 (1-888-848-5306) (Voice / TDD) Disability Complaints: U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue, NW Disability Rights Section -NYAV Washington, DC 20530 800-514-0301 (voice) 800-514-0383 (TTY) (also in Spanish)

Local Workforce Development Board Notice: L05-01

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: WIOA Adult Priority of Service

DATE: **Effective: July 1, 2021**

1. **PURPOSE:** To provide guidance and instruction to the One-Stop Operator for the WPGRI American Job Center (AJC) and the Rhode Island Department of Labor and Training Workforce Development Services regarding WIOA Title I Priority for Services for Adults.

2. **REFERENCES:** WIOA Sec. 134(c)(3)(E); TEGL 19-16; GWB Policy PY18-03

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. **POLICY:**

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:

> **First Priority:** 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;

Second Priority: 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;

Third Priority: All other veterans and eligible spouses then receive the third level of priority for services;

Fourth Priority: 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.

Fifth Priority: 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 - Application

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.

DEFINITIONS

Individuals with barriers to employment:

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;~~ Returning citizens or formerly incarcerated;
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)).

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

Individualized career services

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

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

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
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

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.

Eligible Spouse of a Veteran ("covered person"; TEGL 10-09, Revision 2)
As defined in section 2(a) of Jobs for Veterans Act (38 U.S.C. 4215(a)), eligible spouses who meet one of the criteria below are eligible for priority of services in WIOA Adult, Dislocated and Youth programs:

- Any veteran who died of a service-connected disability;
- Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
- Missing in action;
- Captured in line of duty by a hostile force; or
- Forcibly detained or interned in line of duty by a foreign government or power;
- Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs;
- Any veteran who died while a disability, as indicated in the 3rd bullet above, was in existence.

Note: Spouses of veterans who do not meet one of the criteria listed above may still receive WIOA funded services if they meet the specific program eligibility criteria. However, spouses who do not meet the above criteria will not qualify for priority services.

Returning citizens or formerly incarcerated ("offender"; WIOA Sec. 3(38))
An adult or juvenile who:

- Is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or
- Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Veteran (WIOA Sec. 3(53); TEGL 1009, Revision 2; ESD Policy 1019, Revision 2)

For the purpose of providing Priority of Service in the WIOA Adult Program and WIOA Dislocated Worker Program eligibility, veteran means a person who served at least one day in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service also includes full-time duty in the National Guard or Reserve component, other than full time duty for training purposes.

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

Local Workforce Development Board Notice: L05-05

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: Selective Service Requirements

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

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.

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

To: WIOA Title I Program staff

From: Governor's Workforce Board

Date: January 25, 2021

Subject: Guidance Re: Selective Service Requirements Under WIOA

Purpose

To ensure all programs receiving any portion of WIOA funding comply with and understand Selective Service registration requirements.

References

Public Law 113-128 ; Training and Employment Guidance Letter 11-11 Change 2, Selective Service Registration Requirements for Employment and Training Administration funded programs, May 16, 2012; Rhode Island Workforce Innovation Notice 05-06

Background

From the Selective Service System website (https://www.sss.gov/): Selective Service registration is required by law as the first part of a fair and equitable system that, if authorized by the President and Congress, would rapidly provide personnel to the Department of Defense while at the same time providing for an Alternative Service Program for conscientious objectors. By registering, a young man remains eligible for jobs, Federal student aid, State-based student aid in 31 states, Federally-funded job training, and U.S. citizenship for immigrant men.

Guidance

Who Must Register for Selective Service

Almost all male U.S. citizens and immigrants between the ages of 18 and 25 are required to register with Selective Service. Males born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday, if they are:

- U.S. citizens
  Note: People born in Puerto Rico, Guam, U.S. Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa and Swains Island are nationals and must register when they are "habitual residents" in the U.S., meaning they have resided in the U.S. for more than one year, except as a student or as an employee of the government of their homeland.
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.
- Service members released from the military before their 26th birthday who had not previously registered (in this case, failure to register is not considered "knowing or willful")

U.S. citizens who are not required to register for Selective Service:

- Females
- Males who are serving in the military on full-time active duty
- Males attending any of the five service academies (i.e. the U.S. Military, Naval, Coast Guard, Merchant Marine, and Air Force Academies)
- Males with disabilities who are continually confined to a residence, hospital or institution

Note: Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

Non-U.S. citizens who are not required to register for Selective Service:

- Non-U.S. males who came into this country (either legally or illegally) for the first time after their 26th birthdays. (They must provide proof that they were not living in the U.S. from age 18 through 25.)
- Non-U.S. males on valid, non-immigrant visas

Guidance Regarding Transgendered Individuals
Transgender/transsexual people designated female at birth are not required to register with Selective Service. Individuals designated male at birth are required to register, even if they have transitioned/had sex reassignment surgery. In the event a military draft is resumed, they may be able to file a claim for exemption from military service if they receive an order for an examination or induction.

More information about registration requirements and an online tool to verify registration status can be found on the Selective Service website: https://www.sss.gov/register/who-needs-to-register/

Failure to Register for Selective Service

Males Younger than 26
Males between the ages of 18 and 26 who have not registered with Selective Service can become eligible for WIOA Title I programs by registering. If an individual turns 18 while participating in a WIOA Title I program, he must register with Selective Service no later than 30 days after his 18th birthday. If he fails to register during that period, he may not continue to participate in the Title I program.

Males Aged 26 and Older
Males aged 26 and older who have not registered can become eligible for WIOA Title I programs by providing documentation showing they were not required to register, or by demonstrating that their failure to register was not "knowing and willful."

The local WDB or the service provider that enrolls individuals in WIOA Title I services is responsible for determining whether services should be provided. They must follow the steps below to determine whether an individual who was required to register but failed to do so acted knowingly and willfully.

Process for Aiding WIOA Clients with Selective Service Requirements

- **All Males Must Meet Selective Service Requirement**

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.

Individuals in need of the above documentation should be referred to: https://www.sss.gov/verify/

- **Assisting Males Under 26 Years of Age with Selective Service Requirement:**

Males between the ages of 18 and 26 who have not registered with Selective Service, or an individual that turns 18 while participating in a WIOA Title I program, should be informed of the requirement to register and either:

- Directed to the Selective Service System website registration page: https://www.sss.gov/register/
- Provided a copy of the paper registration form: https://www.sss.gov/wp-content/uploads/2020/06/Form-1.pdf with attention to the instructions on page one

An individual may not participate, or continue to participate, in WIOA Title I program until they register.

- **Assisting Males 26 Years and Over with Selective Service Requirement**

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 previously must obtain a "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: https://www.sss.gov/verify/sil/

- If the "Status Information Letter" indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in WIOA-funded services.

- If the "Status Information Letter" indicates that the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. 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.

Determining Knowing and Willful Failure to Register

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.

Local Workforce Development Board Notice: L05-06

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: Career Services Policy

DATE: **Effective: July 1, 2021**

1. **PURPOSE:** This policy provides guidance on the provision of career 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 (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.

4. **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 universally accessible and are available to all individuals seeking employment and training services, and at a minimum, must include one of the following services:

   i. Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
   ii. Outreach, intake (including worker profiling), and orientation to information and other services available through the one-stop delivery system;
   iii. Initial assessment of skill levels. For example: literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs;
   iv. Labor exchange services, including:

a. Job search and placement assistance, and, when needed by an individual, career counseling, including –
    i. Provision of information on in-demand industry sectors and occupations; and
    ii. Provision of information on nontraditional employment; and
    iii. Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the one-stop delivery system;

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

vi. Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including –
    a. Job vacancy listings in labor market areas;
    b. Information on job skills necessary to obtain the vacant jobs listed; and
    c. Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;

Participants that receive WIOA staff assisted career services must be provided with Labor Market Information (LMI) sufficient to make informed career choices that lead to economic self-sufficiency and opportunity for career advancement.

The LMI provided to participants must include in-demand industry sectors and occupations that currently or are projected to have a number of available positions. Additionally, LMI data shall include occupation data, labor market projections, industry trends, employer needs skills gaps and workforce gaps, workforce and labor market employment statistics including local, regional and national labor market data, salary/wages, unemployment rates, declining occupations, job vacancy listings, skills required to obtain the vacant jobs listed, potential earnings, and opportunities for advancement.

The Labor Market Information Activity Code "107-Provision of Labor Market Research" must be entered in employRI.org documenting the provision of LMI and a case note must be entered that provides detail of LMI that was provided.

LMI information can be obtained from a number of sources including, but not limited to: the RI Department of Labor and Training Labor Market Information web site (http://www.dlt.ri.gov/lmi), the employRI.org website (www.employRI.org) and as part of the Department's Virtual Career Center 'Career Compass' platform.

vii. Provision of performance information and program cost information on eligible providers of training services by program and type of providers;

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

ix. Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care, child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under SNAP; assistance through the earned income tax credit; and assistance under a Slate program for Temporary Assistance for Needy Families, and other supportive services and transportation provided through that program;

x. Provision of information and assistance regarding filing claims for unemployment compensation, by which the netWORKri One Stop Center must provide meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.

"Meaningful assistance" means:

A. Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
B. Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

The costs associated in providing this assistance may be paid for by the State's unemployment insurance program, or the WIOA Adult or Dislocated Worker programs, or some combination thereof.

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

Individualized Career Services must be made available if determined to be appropriate in order for an individual to obtain or retain employment.

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

      Use of Prior Assessments
      If the WIOA counselor determines it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted for another education or training program or WIOA partner program within the last six (6) months, then a new assessment is not required.

      Upon approval of the Executive Director, partner program assessments may be deemed acceptable.

ii. Development of an individual employment plan (IEP), to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers;
iii. Group counseling;
iv. Individual counseling;
v. Career planning;
vi. 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;
vii. Internships and work experiences that are linked to careers
viii. Workforce preparation activities;
ix. Financial literacy services
x. Out-of-area job search assistance and relocation assistance; and

xi. English language acquisition and integrated education and training programs.

Training services may be made available to Adults and Dislocated Workers as described in L06-01.

Support services may be made available to Adults and Dislocated Workers as described in L05-07.

Follow-Up Services must be provided, as appropriate, including; counseling 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.

WIOA counselors must notify participants of their continued eligibility to receive services after entering employment to help retain employment or obtain a promotion. The WIOA counselor must enter a case note indicating the participant was notified and advised of the availability of follow-up services.

The follow-up period begins when Adults or Dislocated Workers are placed into permanent positions in a career pathway that leads to self-sufficiency and have system exited. Stop gap jobs, temporary jobs, or positions that are part time and do not relate to the participant's occupational goals do not count as placement nor do they trigger the follow-up service period. However, with consultation and agreement from the participant, placement and follow-up services may occur for temporary jobs when there is a strong likelihood the position will convert into a permanent position that leads to self-sufficiency.

Allowable Follow-up Services
The following are examples of follow-up services may be provided to participants during the follow-up period:

1. Career counseling that addresses employment issues and enhances retention in the labor force.
2. Provision of workforce information
3. Referral to community services and supports
4. Contacting individuals or employers to verify employment
5. Contacting individuals or employers to help secure better paying jobs, additional career planning, and counseling for the individual

During the follow-up services period, WIOA supportive services are not allowed.

Frequency and Duration
Follow-up services must be made available to individuals who are placed into employment and have completed all planned services for up to twelve (12) months from the start date of employment or the system exit.

The frequency and amount of service is based on individual need. Individuals who are starting their first professional job may need more services and services at a higher frequency than those who have had several years of attachment to the labor force. Appropriate case notes must be entered

At a minimum, follow-up services occur:

1. Within thirty (30) days of start date of the follow-up period
2. Once per quarter during the follow-up period

Automated electronic communications may be sent on quarterly basis may satisfy the requirements of this policy, provided individuals are apprised of all follow-up services that are available to them, along with clear instructions on how to request and receive such services. Individuals who respond and/or

request such services shall be provided appropriate follow-up services based on their needs. Individuals who do not respond or request such services will be determined to have declined them.

Some participants may not be responsive to attempted contacts for follow-up and others may be difficult to locate making it impossible to provide follow-up services. If after one-hundred twenty (120) days following exit, a participant is unreachable, refuses to divulge information, or has relocated out of the state with no intention of returning, upon approval by a One-Stop Program Manager, follow-up contact attempts may cease. The WIOA counselor must enter a case note in employRI.org indicating reasons for discontinuation of follow-up services.

Universal Exclusions:

1. Incarceration in a correctional institution or a resident of an institution or facility providing 24-hour support such as a hospital or treatment;
2. Medical treatment expected to last longer than ninety (90) days and precludes entry into unsubsidized employment or continued participation in the program;
3. Deceased;
4. Member of the National Guard or other reserve military unit of the armed forces called to active duty for at least ninety (90) days.

Universal exclusion exits must be accompanied by documentation in the participant file in the employRI.org document manager either through documentary evidence from an appropriate entity/agency or collateral contacts with staff from appropriate entities/agencies (newspaper or other published notices may also be used). Self-attestation shall be used to document these exits only after all other attempts to collect documentary or collateral contact verification fail. The WIOA counselor must enter a case note detailing the universal exclusion.

Participants who exit the program with universal exclusions and do not receive follow-up services do not affect performance.

Participant Resume

When the participant is “job ready”, the WIOA counselor must ensure the participant has a current resume, attends a resume workshop or provides one-on-one resume assistance. The participant’s resume must be posted in employRI.org, uploaded in the employRI.org document manager and/or the WIOA common folder, where applicable.

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

Local Workforce Development Board Notice: L05-07

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: Support Services Policy

DATE: **Effective: June 1, 2021**

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

2. **REFERENCES:** WIOA Sections 3(59), 134(d)(2)-(3), and 129(c)(2)(g); 20 CFR 680.900 through 20 CFR 680.970; Training and Employment Guidance Letter 19-16; State Workforce Innovation Notice 05-08

3. **BACKGROUND:** Supportive services are designed to provide a participant with the resources necessary to enable their participation in career and training services, or to assist them in securing employment. Supportive services may be made available to any Adult, Dislocated worker, or Youth participating in Title I career services or training activities that is unable to obtain supportive services through other programs providing such services. State Workforce Innovation Notice 05-08directs each local workforce development area to develop rules, policies, and procedures for the request, documentation, and approval or denial of support services. Said rules, policies, and procedures must include a process by which the determination that all other resources have been explored and/or exhausted prior to the request being made may be documented.

4. **POLICY:** This policy is applicable to Adults and Dislocated Workers receiving WIOA Individualized Career Services or Training services and eligible Youth based upon the Youth's Objective Assessment and ISS (Individual Service Strategy).

   Supportive services are not entitlement services or automatic assistance. Supportive services are to be provided to participants who are unable to obtain supportive services through other programs and when necessary to enable Adults, Dislocated Workers or Youth to participate and persist in WIOA Title I activities.

   Funds for supportive services are intended to support participant's efforts in WIOA Individualized Career Services or Training activities. The guiding principle for the provision of supportive services shall be based on the participant's demonstrated need that would otherwise result in creating barriers to participating in, and completing, the program. To be eligible for supportive services, an individual must be participating in career or training services as defined in WIOA secs. 134(c)(2) and (3).

It is the responsibility of WIOA program staff or authorized service provider to ensure allowable, reasonable, and appropriate utilization of supportive services. The determination of need for supportive services must be documented in the participant's case notes.

An eligible WIOA participant may receive up to a maximum of $2,000.00 for qualified supportive services, subject to availability of funding.

Title I WIOA-funded assistance for supportive services cannot be provided to participants receiving follow-up services.

ALLOWABLE SUPPORTIVE SERVICES:

Allowable supportive services include, but are not limited to:

Child or Dependent Care Assistance:
May be provided when it has been determined that the lack of child or dependent care is a barrier to completing intensive career services or training activities. Funds may only be used to pay for child or dependent care assistance provided by an individual or center that is licensed or registered with the State of RI. Payments will be made directly to the vendor upon receipt of invoice and documentation of child's attendance. Child or dependent care assistance must meet the following conditions:

- Determination of RI DHS eligibility must be made.
- Documentation that the participant is not eligible for Federal, State, or local supported child or dependent care services must be provided.
- There is not an available legally responsible adult in the home.
- Childcare payments are limited to the rates established annually by DHS.

Healthcare/Medical Assistance:
Including, but not limited to: physical exams, immunizations, eye exams, eye glasses, drug testing, and safety equipment required to enter into or complete a training program or obtain employment.

Background Checks (BCI):
When necessary for the participant to enter into or complete a training program or obtain employment.

License-Related Costs:
Costs of occupational license processing fees and related testing fees if not covered by the training provider or to obtain employment.

Books:
When books are not included in the cost of training and required for participant to successfully complete a training program.

Emergency Housing Assistance:
Financial assistance to secure or retain housing if required for participant to successfully complete a training program or obtain employment.

Emergency Utility Assistance:
Financial assistance with utility expenses, including **telephone and internet**, if required for participant to successfully complete a training program or obtain employment.

Tools, Equipment and Uniforms
May be provided when required for a participant to attend a WIOA-funded training program or obtain employment. The Participant must be enrolled in training or have an employment offer. The following documentation must be provided:

a) In the case of employment, letter of commitment to hire;
b) Proof that the training program or employer does not supply the tools, equipment or uniforms;
c) An itemized list of the required tools, equipment or uniforms from the training provider or employer;
d) A maximum of four (4) uniforms and one (1) pair of shoes will be reimbursed.

NOTE: in using this Supportive Service, the service provider must exercise caution when approving WIOA funds for the purchase of tools to ensure such tools will not be used to capitalize a business.

The definition of Tools and Equipment includes the purchase of a computer if required to attend a WIOA-funded training program or obtain employment. The maximum assistance that can be provided for the purchase of a computer cannot exceed $500.00.

Job Search Allowance:
Financial assistance with other expenses necessary to conducting a job search including but not limited to: interview clothing and professional attire, appropriate shoes, parking allowance, and personal grooming and hygiene cost.

Legal Aid Services:
Legal aid services meant to reduce barriers to employment and establish employment eligibility such as by helping secure a driver's license, expunging criminal records, and addressing debts or credit reporting issues. Legal Aid services does not include payment of fines, fees, or penalties.

Transportation Assistance:
May be used in cases where assistance is required for a participant to travel to and from training, work, or other WIOA-related activities.

Public transportation costs to and from training and/or work site are reimbursable.

Mileage Reimbursement (including taxies and ride-sharing services [ex. Uber, Lyft]) for driving expenses will be made in the amount of the federal business mileage rate as set by the US Internal Revenue Service for mileage reimbursements. If assistance is provided for personal/self transportation, participant must maintain a valid driver's license, have access to a vehicle that has a valid registration and insurance, and provide copies of all documents.

Mileage reimbursement may only be paid for:

- The actual days that the participant attended the training and/or worked. A signed attendance sheet or payroll sheet is required for attendance documentation.
- Other related costs such as parking or bridge tolls required for the Participant to travel to the training and/or work site.

PROVISION OF SUPPORTIVE SERVICES: Supportive Services may be authorized and provided by WIOA program staff or a third-party provider authorized by the board, provided that any authorized third-party shall comply with and adhere to the provisions of this policy, State Workforce Innovation Notice 05-08, WIOA Sections 3(59), 134(d)(2)-(3), and 129(c)(2)(g); 20 CFR 680.900 through 20 CFR 680.970, and any other related federal law, regulation, or formal guidance.

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

Local Workforce Development Board Notice: L06-01 (formerly PY18-04)

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: Individual Training Account Policy

DATE: **Effective: June 1, 2021**

PURPOSE:
To provide guidance and instruction to the One-Stop Operator for the WPGRI American Job Center (AJC) and the Rhode Island Department of Labor and Training Workforce Development Services regarding WIOA funded Individual Training Accounts (ITA's) for eligible and suitable Adults and Dislocated Workers.

REFERENCE: WIOA Section 108 and 134(c)(3;) WIOA sec. 134(b)(2)(A)(3); Notice of Proposed Rulemaking §680.200-230

EFFECTIVE DATE: This policy is effective immediately.

BACKGROUND: An Individual Training Account (ITA) provides services to participants who need training and prepares them for employment in in-demand occupations. ITA funds are available to purchase training services from eligible training providers for Adults and Dislocated Workers.

POLICY:
Individual Training Accounts may be made available to Adults and Dislocated Workers:

1. Who, after an interview, evaluation, or assessment, and career planning**, have been determined by a one-stop operator or one-stop partner, as appropriate, to –
    a. be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the WIOA career services;
    b. be in need of training services to obtain or retain employment that leads
        1. to economic self-sufficiency or wages comparable to or higher than wages
        2. from previous employment; and
    c. have the skills and qualifications to successfully participate in the selected program of training services;
2. Who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the Adults or Dislocated Workers are willing to commute or relocate;
3. Are unable to obtain grant assistance from other sources to pay the cost of such training, including such sources as state-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and
4. If training services are provided through the Adult funding stream, are determined eligible in accordance with the state and WPGRI Policy PY18-02 Priority of Service.

Individual Training Account Requirements:

1. **Eligible Training Provider List (ETPL)**
   The ITA must be directly linked to employment in the area in which the participant is willing to travel or relocate. Both the training provider and the training program must be on the State of Rhode Island Department of Labor and Training Eligible Training Provider List (ETPL). If a training program is removed from the ETPL during training, a participant may continue and complete their program of training as originally approved; however, the ITA may not be modified or extended.

2. **Informed Customer Choice**
   ITA's must be provided in a manner that maximizes informed consumer choice in selecting an eligible training provider. Priority consideration must be given to programs that lead to industry recognized credentials that are aligned with in-demand industry sectors of occupations in the WPGRI local workforce area.

   Participants are expected to take an active role in managing their employment future through the use of an ITA and to make a self-informed choice about their own employment and training services.

   WPGRI identifies the following priority sectors:

Agriculture	Aquaculture	Bioscience
Commercial Fishing	Construction	Defense
Design	Energy	Finance & Insurance
Healthcare	Hospitality	Information Technology
Manufacturing	Marine Trades	Social Enterprises
Transportation		

3. **Assessments and Services**
   An ITA is selected by the participant through consultation with the WIOA counselor. The WIOA counselor must ensure the case management file contains a determination of need for training.

   At a minimum, the WIOA counselor must provide the following services to the participant and enter activities and case notes in employRI.org:

a. An interview, evaluation, <u>or</u> individualized assessment, <u>and</u> career planning services.**
b. Labor market information.
c. Data on eligible training provider performance and program quality.
d. Determine eligibility for an ITA.
e. Determine suitability for the requested ITA including:
   - Reason the participant is unlikely to obtain or retain employment that leads to self-sufficiency;
   - Reason additional assistance is necessary to gain full-time unsubsidized employment; and

- Description of participant's suitability for training.

f. Ensure the individualized assessment includes the participant's job readiness, employment and training needs, educational background, financial, social and supportive needs, labor market demand, and potential for successful completion, all of which must also be document in the Objective Assessment.
g. Ensure the participant's Individualized Employment Plan (IEP) supports the requested ITA funding. Justification for training must be clearly documented and the IEP must be kept current and updated with any changes.

**There is no required sequence of services under WIOA and there is no required minimum time period for participation in career services before receiving training services. However, if career services are not provided before training, the WIOA counselor must document the circumstances that justify the determination to provide training without first providing career services~~.~~ including the applicability of the Local Area Training Need Exemption Policy as outlined in L06-05.

4. Use of Prior Assessments

If the WIOA counselor determines it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted for another education or training program or partner program within the last six (6) months, then a new assessment is not required.

Upon approval of the WPGRI Executive Director, partner program assessments may be deemed acceptable.

5. Job Search

The participant must conduct and document an appropriate job search that relates to the participant's background, skills and prior experience. If appropriate, the WIOA counselor must provide the participant with job referrals and/or job development services. If a determination is made that the participant cannot obtain employment without training, the One-Stop Program Manager may waive this requirement.

6. ITA Approval

A One-Stop Program Manager must approve ITA's on the ITA Referral Form based on the above. An ITA Referral Form must be submitted to WPGRI up to thirty (30) days before the start date, but at least seven (7) days before start date. ITA's will not be authorized after the training actual begin date.

7. ITA Required Forms

The WIOA counselor must ensure the following documents are completed and uploaded into the employRI.org document manager and case notes must be entered. Documents must be signed by the participant with the appropriate level of approvals.

- Request for Individual Training Account (ITA);
- Individual Training Account (ITA) Agreement; and
- Individual Training Account Referral Form.

ITA forms may be changed, modified added or removed as needed by WPGRI to ensure all current requirements of federal, state, local, contract clauses, and policies/ procedures are included.

8. **Training Start and Completion**

The WIOA counselor must confirm the training actual begin date with the training provider and/or participant and enter the ITA Activity Code ”300-Occupational Skills Training – Approved Provider List (ITA)” and corresponding case note in employRI.org within two (2) business days of the training actual begin date.

Career Planning Services must be provided every thirty (30) days, including while a participant is in training (ITA). An activity must be entered and service documented in case notes. A career planning service is a two-way contact – communication – via person-to-person, email back and forth on the same date or day, or a two-way telephone conversation of substance that results in more direct, personalized and real customer service that is value driven. Regular contact is important to ensure timely identification and resolution of any issues that could either significantly impede or negate participation in, or successful completion of, any planned service activity (particularly in relation to key services such as assessment, counseling, training, job development, job referral, etc.) or jeopardize the overall attainment of the participant’s employment goal. Regular contact with other direct service providers is also an important step in assessing progress and assuring the participant's overall success.

The WIOA counselor must contact the participant prior to the training projected end date to schedule a career planning service in person and continue to provide career planning services consistent with the IEP to reach participant’s employment goal. The WIOA counselor must enter a case note.

The WIOA counselor must contact the training provider to confirm the participant completed the training, obtain the credential and place a copy in the employRI.org document manager within one week of the training actual end date. The WIOA counselor must enter a case note.

Upon completion of training, the WIOA counselor must ensure the participant has a current resume, attends a resume workshop or provide one-on-one resume assistance. The participant’s resume must be posted in employRI.org, uploaded in the employRI.org document manager and/or the WIOA common folder, where applicable. The WIOA counselor must enter a case note.

When the participant enters employment, the WIOA counselor must enter the employment data in employRI.org, including completion of the training-related employment field, offer follow-up/ retention services, and notify the participant that they can continue to receive services to assist them in promotion and retention. The WIOA counselor must enter a case note.

Individual Training Account (ITA) Funds:

1. **Funding Limits**
   WIOA Title I ITA funding is limited to a maximum of $7,500. The WIOA counselor must inform participants of any excess costs of training and document their ability to adequately cover the entire cost.

2. **ITA Award**
   The award of an ITA is not an entitlement, therefore, even though a participant may be eligible (and meet priority of service) for enrollment into WIOA Title I funded training, an ITA may be made available to participants who are determined by the WIOA counselor to be eligible and suitable and meet the requirements stated in this policy.

   ITA funding cannot be used for:
   1. Classes that must be repeated; or
   2. Lost books/supplies or books/supplies required for repeat classes.

3. **Coordination of WIOA ITA Funds and Other Grant Assistance**
   Funding for ITA's is limited to participants who are unable to obtain grant assistance from other sources to pay the cost of training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants. The WIOA counselor must coordinate training funds and make funding arrangements with One-Stop partners and entities so that WIOA funds supplement other sources of grants. A participant may enroll in an ITA while his/her application for a Pell Grant is pending. The WIOA counselor must arrange with the training provider and the participant regarding allocation of the Pell Grant if it is subsequently awarded. The training provider must reimburse WPGRI the WIOA funds used for the amount the Pell Grant covers, including education fees the training provider charges to attend training. Reimbursement is not required from the portion of the Pell Grant assistance disbursed to the participant to education related expenses.

   ITA funding will take into account any other financial assistance available to the participant. Participants must apply for financial aid each year. A copy of the award or denial notification must be placed in the file, and case note entered in employRI.org. If the participant will be using financial aid for their living expenses, the participant's personal budget must include the financial aid funds that will be used for living expenses.

   Individuals may select training that costs more than the maximum amount available for an ITA when other sources of funds (e.g., Pell Grants, scholarships, severance pay, etc.) are available to supplement the ITA.

   An exception to this is educational funding for Veterans. Education and training benefits administered by the Department of Veterans Affairs are not required to be coordinated with WIOA training (i.e., veterans and eligible spouses cannot be required to exhaust their VA benefits prior to gaining access to WIOA Training).

4. **Multiple ITAs**
   An ITA prepares the participant to be employed in the field of study immediately following the completion of training. One ITA will be awarded to a participant per year based on training actual begin date. Multiple ITA's will only be approved if the training provider fails to execute the training program through to completion and must be approved by WPGRI.

Time Limit for ITA's

An ITA is limited to four semesters of school. A waiver may be submitted to request additional time to complete the program of training and must be approved by WPGRI.

An ITA will not be allowed for tuition costs of the first 2 years of a 4-year program because the participant would not be ready for employment at the end of the training period.

If ITA funding is on a semester/quarterly/module basis, documentation is required and case notes must be entered stating the participant has successfully completed previous work (i.e. grades or progress reports) in alignment with their IEP. Funding for participants who are not performing or demonstrating satisfactory progress toward completion of training goals will be disallowed.

Registered Apprenticeships

ITA's can be used to support placing participants in a registered apprenticeship through pre-apprenticeship training and training services provided under a registered apprenticeship program.

ITA's can be used for the following apprenticeship related costs:

1. Tuition, books and related for pre-apprenticeship training; and
2. Tuition, books and related for classroom training that is part of the apprenticeship.

Inquiries:

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

Local Workforce Development Notice: L06-02

TO: Greater Rhode Island Local Workforce Development Board Area
FROM: Governor's Workforce Board, on behalf of the Greater Rhode Island Local Area
SUBJECT: Incumbent Worker Training Policy
DATE: Effective: March 18, 2021

Purpose:
To establish the local area's policy and required procedures concerning the provision of Incumbent Worker Training under WIOA.

Background: Section 134 (d)(4) of the Workforce Innovation and Opportunity Act (WIOA) stipulates that up to 20% of local formula adult and dislocated worker funds may be used for incumbent worker training. State WIOA policy authorizes the use of WIOA funds for incumbent worker training if related to the increase of competitiveness of the employee and/or the employer.

Incumbent worker training is designed to meet the workforce needs of an employer or group of employers and increase the competitiveness of the business and incumbent workers by ensuring they acquire the skills necessary to retain employment, advance within the business or to provide the work skills necessary to avert a layoff. The training is conducted with a commitment by the employer to retain the incumbent worker(s) who are trained.

Incumbent workers are employed at the time of their participation and WIOA funds are paid to the employer for the costs of the training provided to the incumbent worker. 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.

Policy: An "incumbent worker" is a worker who is:

- Employed;
- Meets the Fair Labor Standards Act (FSLA) requirements for an employer-employee relationship;
- Has an established employment history with the employer for 6 months or more, with the following exception: In the event that the incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history for 6 months or more as long as a majority of those employees being trained do meet the employment requirement; and
- Meets the Selective Services requirements

An incumbent worker does not necessarily have to meet the eligibility requirements for career and training services for adults and dislocated worker under WIOA, unless they are also enrolled as a participant in the WIOA adult or dislocated worker program.

“Incumbent worker training” is training:

- Designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment,
- Conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained for a period of six months following completion of the training, or promote incumbent workers to higher paying positions,
  Increases the competitiveness of the employer or employee, and
  Gives employees the opportunity to progress on their career pathway by providing opportunities to obtain certificates or credentials based on the employers need. (Reference 20 CFR 680.790)

Procedure: In order for an employer to be eligible to receive incumbent worker training funds, the following must be considered:

- The characteristics of the participants in the program;
- The relationship of the training to the competitiveness of a participant and the
- employer;
- The number of employees trained;

Employers are required to pay for a significant cost of training for those participants in incumbent worker training; this can be done through both cash and/or in-kind payments. The wages paid to participants while in training may be considered as a source of matching funds. The minimum amount of the employer share in the incumbent worker training depends on the size of the employer:

- Employers with 50 or fewer employees must contribute at least ten percent (10%) of the cost;
- Employers with 51 to 100 employees must contribute at least twenty-five percent (25%) of the cost; and
- Employers with more than 100 employees must contribute at least fifty percent (50%) of the cost;

WIOA defines incumbent worker training as a business service, therefore, the delivery of incumbent worker training does not require the use of an Individual Training Account or that the training program be listed on the Eligible Training Provider List.

All documentation, including certificates of completion for each incumbent worker training initiative must be retained in participant files by One Stop staff. Funds spent on incumbent worker training must be tracked and reported to the local area fiscal agent and subject to appropriate monitoring. All recipients of incumbent worker training must be reported to DOL, regardless of whether they become a participant in one of the other WIOA programs. Additionally, employers participating in incumbent worker training must be registered) in EmployRI.

To reduce the reporting burden on employers and One Stop Staff, the Workforce Board encourages the collection of Social Security Numbers (SSNs) as part of the training contract with the employer. For all individuals where an SSN is collected, the state will conduct a base wage match to obtain their employment and earnings. For those individuals unable or unwilling to provide an SSN, One Stop staff is directed to obtain provide supplemental data. Additionally, it is the One Stop staff’s responsibility to capture and enter credential information into EmployRI for each incumbent worker training individual.

REQUIRED DATA ELEMENTS – INCUMBENT WORKER TRAINING		
Element #	**Element Name**	**Primary Collection Method**
100	Unique Individual Identifier	Local/State
101	State Code of Residence	Local/State
108 - A	ETA-Assigned 1st Local Workforce Board Code	Local/State
403	Occupational Code of Most Recent Employment Prior to Participation (if available)	Employer
404	Industry Code of Employment 1st Quarter Prior to Participation	Employer
900	Date of Program Entry	Local/State
901	Date of Program Exit	Local/State
907	Recipient of Incumbent Worker Training	Local/State
908	Rapid Response (if applicable)	Local/State
1501	Most Recent Date Received Rapid Response Services (if applicable)	Local/State
1600	Employed in 1st Quarter After Exit Quarter (WIOA)	If SSN provided – UI Wage records; If SSN not provided – employer follow-up
1601	Type of Employment Match 1st Quarter After Exit Quarter (WIOA)	
1602	Employed in 2nd Quarter After Exit Quarter (WIOA)	
1603	Type of Employment Match 2nd Quarter After Exit Quarter (WIOA)	
1604	Employed in 3rd Quarter After Exit Quarter (WIOA)	
1605	Type of Employment Match 3rd Quarter After Exit Quarter (WIOA)	
1606	Employed in 4th Quarter After Exit Quarter (WIOA)	
1607	Type of Employment Match 4th Quarter After Exit Quarter (WIOA)	
1618	Retention with the same employer in the 2nd Quarter and the 4th Quarter (WIOA)	
1703	Wages 1st Quarter After Exit Quarter (WIOA)	
1704	Wages 2nd Quarter After Exit Quarter (WIOA)	
1705	Wages 3rd Quarter After Exit Quarter (WIOA)	
1706	Wages 4th Quarter After Exit Quarter (WIOA)	
1800	Type of Recognized Credential (WIOA)	Employer follow-up
1801	Date Attained Recognized Credential (WIOA)	Employer follow-up
1806	Date of Most Recent Measurable Skill Gains: Educational Achievement (WIOA)	Employer follow-up
1807	Date of Most Recent Measurable Skill Gains: Secondary Transcript/Report Card (WIOA)	Employer follow-up
1808	Date of Most Recent Measurable Skill Gains: Post-Secondary Transcript/Report Card (WIOA)	Employer follow-up
1809	Date of Most Recent Measurable Skill Gains: Training Milestone (WIOA)	Employer follow-up
1810	Date of Most Recent Measurable Skill Gains: Skills Progression (WIOA)	Employer follow-up
1811	Date Enrolled in Education or Training Program Leading to a Recognized Postsecondary Credential or Employment During the Program (WIOA)	Employer follow-up
1501	Most Recent Date Received Rapid Response Services **Required for IW only if IWT funded with RR funds (WIOA sec. 134(a)(2)(A))	Local/State

Local Workforce Development Board Notice: L06-03

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: Provision of On-the-Job Training Services

DATE: **Effective: February 2, 2022**

1. **PURPOSE:** This policy provides guidance on the provision of Individual Training Accounts and On-the-Job Training 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. Workforce Innovation Notice: 06-01

3. **BACKGROUND:** On-the-Job Training (OJT) is defined in WIOA sec. 3(44) as:
   Training by an employer that is provided to a paid participant while engaged in productive work in a job that –

   (A) Provides knowledge or skills essential to the full and adequate performance of the job;

   (B) Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and

   (C) Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

OJT contracts may be written with registered apprenticeship programs or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship program. Depending on the length of the registered apprenticeship and State and local policies, OJT funds may cover some or all of the registered apprenticeship training.

4. POLICY:

1. EMPLOYER ELIGIBILITY

Any private-for-profit, private non-profit, or public sector employer not in violation of local, State or Federal laws and/or regulations which prohibit its ability to contract, and who is in compliance with such entity's rules for lawful business operation, is a potentially eligible OJT employer.

In general, employers are eligible to participate as an OJT employer if they have been unable to meet their skilled labor force needs through normal recruiting procedures.

OJT employers must meet the following guidelines:

1. In good faith, the employer commits to provide long-term employment for successful OJT trainees.

2. Employers must be equal opportunity, affirmative action, ADA compliant and comply with the non-discrimination and equal opportunity provisions of WIOA law and regulations.

3. The employer must provide information such as their Federal Employer Identification Number (FEIN) to demonstrate that they are a legitimate employer, with full-time employees, and conducting their trade or business at an appropriate work site.

4. The employer must not be involved in a current labor dispute and must not have a history of frequent layoffs.

5. The employer must not utilize an OJT contract to displace currently employed workers or to reduce the hours of those employed below their normal schedule.

6. An OJT contract cannot be written for a position in which a worker is currently on layoff or for a position that will deny a current worker promotional opportunity.

7. OJT must be conducted at the employer's place of business, or off-site, under the supervision of the employer's personnel, and may not be subcontracted.

8. The employer must express that the individuals hired and trained under the OJT contract would not have been hired in the occupation specified in the absence of such a contract.

9. OJT contracts will not be written with employers who have relocated, either in whole or in part, if such relocation resulted in the loss of employment for any employee of the company at the original location.

    a. An employer has relocated if any of its operations have moved from facilities located in one labor market area within the United States and its territories to a new or expanding facility in another labor market.

    b. If the relocation has not caused unemployment, the Greater Rhode Island workforce development area is permitted to develop a contract. However, WIOA

regulations require that no OJT contracts can be written within the first one-hundred twenty (120) days of the employer's relocation.

10. The training of an individual in circumstances where there is a sole proprietor may be allowed if the employer can demonstrate that sufficient training and supervision will be afforded the OJT employee/trainee.

11. An employer with four (4) or less employees may be considered for one (1) OJT trainee.

12. OJT contracts will be permitted with a company where current and/or past members of the workforce board for the Greater Rhode Island workforce development area are employed, or otherwise have a financial or personal interest. The board Executive Director shall be informed about the type and number of these contracts.

13. If the employer has a collective bargaining agreement, the OJT contract must not impair existing contracts for services or collective bargaining agreements. The employer must provide written concurrence from the appropriate labor organization before the OJT activity begins.

14. To assure that trainees are receiving instruction and feedback on work performed, at least one present employee shall be listed on the OJT Application and shall be accessible in person to the trainee at the work site a minimum of fifty (50%) percent of a standard work day throughout the training period.

15. An employer must pay trainees the same rate as employees who are similarly situated in similar occupations, and who have similar training experience and skills. Trainees must also receive the same working conditions and benefits (including health benefits) as those in similar employment. The anticipated reimbursement of wages must not be used to provide higher wages to trainees than employees in similar positions not covered by the OJT program.

16. The employer must not be presently debarred, suspended, proposed for disbarment, declared ineligible or voluntarily excluded from participation in transactions by USDOL or the State of Rhode Island.

17. Employers must not have any outstanding civil, criminal or administrative fines or penalties owed or pending to the State of Rhode Island.

18. OJT trainees will not be hired by and/or supervised by a relative of the trainee. Relatives include wife, husband, son, daughter, mother, father, brother, sister, aunt, uncle, niece, nephew, cousin, in-law, step-parent, or step-child.

19. If the employer was previously involved in an OJT training program or similar training activity, prior performance will be utilized to assist in determining contract approval. The specific criteria to be used are as follows:

a. The employer will provide information regarding the status of participants trained under these contracts. This will include:

    i. The number of individuals who participated in programs; and
    ii. The number of participants who completed training and continued employment with employer.

If appropriate, the employer will be asked to provide a narrative to explain a lower retention rate of participants compared to other employees in a similar position. For example, participants may have quit voluntarily or may have been terminated for cause or unforeseeable changes in business conditions.

b. In determining employer eligibility for multiple contracts, the following circumstances need to be considered:

    i. The employer has demonstrated “satisfactory performance” in previous OJT or other training programs;
    ii. For employers wishing to obtain more than five (5) OJT contracts within a program year, satisfactory performance will be measured by an employer retaining at least eighty (80%) percent of its trainees beyond the length of the OJT contract.

c. OJT contracts must not be entered into with an employer who has received payments under previous contracts under WIOA or WIA if the employer has exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees doing the same type of work.

If the employer has not exhibited a pattern of providing participants with long-term employment or comparable wage, the employer will be disqualified from the OJT program for one (1) year. After the one (1) year disqualification, the employer may again be evaluated for OJT program participation if a good faith effort has been made to correct previous problem.

2. OCCUPATIONAL QUALIFICATIONS

OJT is defined in WIOA sec. 3(44) as training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- provides knowledge or skills essential to the full and adequate performance of the job
- provides reimbursement to the employer for extraordinary costs of providing the training and additional supervision related to the OJT
- is limited in duration as appropriate to the occupation for which the participant is being trained, considering the content of the training, the participant’s academic and

occupational skill level, the prior work experience of the participant and the service strategy of the participant, as appropriate.

In general, occupations that require a period of significant training and instruction to acquire specific skills and knowledge are eligible for OJT. The following guidelines will determine occupations that are eligible for OJT.

1. The occupation must be one in which there is anticipated demand.

2. The occupation must be one in which specific occupational training is a pre-requisite for employment. The occupation must require at least four (4) weeks of training to reach a level of performance, which indicates that the trainee is progressing toward an acceptable level of productivity. Priority should be given to high skill occupations appropriate for participants who require long-term training.

3. The OJT position must provide a minimum thirty (30) hours per week.

4. The OJT position must provide an hourly rate of no less than the statewide Upper Entry Wage as defined by RI Department of Labor and Training Labor Market Information Office ($15.05 as of February 2022)[1] adjusted annually.

5. Maximum allowable reimbursement is $10 above the statewide Upper Entry Wage as defined by RI Department of Labor and Training Labor Market Information Office ($25.05 per hour as of February 2022. Maximum total OJT reimbursement is $26,052 per trainee (based upon 1040 hours of training for 26 weeks @ 40 hours per week).

6. A waiver to the hourly and wage minimums described in items 3 and 4 may be allowable with sufficient justification

Following are instances in which OJT will not be approved:

1. Seasonal, intermittent, part-time, or temporary jobs.
2. Occupations where commissions, piece rates and/or tips are the primary source of income.
3. Occupations that involve political or religious activities, or support political or religious organizations.
4. Occupations which would result in the displacement of any currently employed worker a that facility.
   Occupations for which continued employment is dependent upon a test (i.e. Civil Service Test or physical exam).
5. OJT funds will not be used to directly or indirectly assist, promote or deter union organizing.

[1] https://dlt.ri.gov/documents/pdf/lmi/wagebrochure.pdf

3. TRAINEE ELIGIBILITY

Participants must be determined WIOA eligible and suitable for the OJT program.

Participants may be co-enrolled in partner programs such as Trade Adjustment Assistance (TAA). Program eligibility for each program is required. WIOA and TAA funds must be managed in a coordinated manner to best meet the needs of the participant and to avoid paying for training costs twice.

OJT provides assistance to participants that:

- Are unable or unlikely to obtain employment without retraining;
- Need to earn a wage while learning an occupational skill;
- Have barriers to employment and need help finding their next job;
- Can learn the skills necessary for the occupation more easily and thoroughly on the job; and/or
- Need supervision as they learn specific skills for an occupation.

“Reverse referrals” are permitted. This occurs when a potential trainee is referred by an employer or other agency to WIOA for eligibility and suitability for an OJT. This type of OJT will be permitted when:

a. The prospective OJT trainee has not yet begun work; and
b. The prospective OJT trainee progresses through the intake process as would any other WIOA participant; and
c. The prospective OJT trainee does not currently possess the occupational skills needed for the job, and the counselor's assessment reveals the prospective OJT trainee possesses the adequate job competencies and/or foundation skills necessary to enter into the OJT;
d. The participant’s IEP indicates OJT is necessary for the participant to perform the work associated with the occupation; and
e. The employer meets all the eligibility requirements under this policy.

The appropriateness of referrals to OJT positions must be substantiated by an assessment of the trainee’s needs, interests, education, and previous work history. In instances where the trainee possesses previous work experience in the same or substantially similar job, the OJT Specialist will take such information into consideration when reviewing the training outline and in determining an appropriate length of training.

OJT will not be allowed for participants who were previously employed by the prospective employer in the same or similar job.

4. EMPLOYED WORKERS

OJT contracts may be written for WIOA eligible employed workers when:

a. The employee is not earning a self-sufficient wage (100% LLSIL); and
b. The OJT 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.

OJT contracts may be written for upgrading skills for employed workers of a current employer if the above conditions are met. The counselor will meet with the employed worker and determine the need for training based on the identified or stated skills gap.

5. LENGTH OF TRAINING

An OJT contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the training, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience and the participant's IEP.

- The length of training shall be no less than four (4) weeks and no more than twenty-six (26) weeks. Maximum training hours shall be 1040.
- The following should be taken into consideration when determining the length of an OJT:
    - i. OJT training is provided to enable an individual to become skilled and knowledgeable while on-the-job and competitive with co-workers. It is not intended to necessarily last until the individual is 100% productive or proficient in the occupation;

Under no circumstances shall the amount of OJT reimbursement exceed six (6) months of total training hours (not including unavoidable and/or authorized absences including holidays, vacations, illness, temporary plant shutdowns) or 499 hours for part-time training, including any additional time spent in related classroom training during which wages are paid to the OJT trainee by the OJT employer. Part time training would only apply to disabled individuals unable to work full time.

The OJT program will not reimburse wages beyond 40 hours per week. A waiver may be considered for employers whose standard workweek exceeds 40 hours (e.g. 12-hour shifts, split weeks, etc.). However, total program training hours will be computed as though the trainee worked a standard 40-hour week. Reimbursement for more than 40 hours, when approved, will be at the regular contract rate without any adjustment for the overtime rate.

6. TRAINING OUTLINE

For each OJT position, a Training Outline must be created. The training outline is a written program of structured job training that will provide the participant with an orderly combination of instruction, employment competencies, learning objectives and occupationally specific skills and knowledge, including the approximate number of training hours that will enable the participant to work toward self-sufficiency.

If appropriate, skills and knowledge should be listed in the sequence in which they are to be taught. The OJT Specialist and employer work together to develop the Training Outline.

Employers may attach a job description with the signed OJT Contract. The Training Outline should address the elements and skills to be learned as it relates to the job description provided by the employer.

7. OJT CONTRACT

The OJT contract must be executed the day of or prior to the trainee commencing employment.

OJT contracts must be reviewed and approved by the Executive Director of the Board of the Greater Rhode Island Workforce Development Area, or his or her designee, prior to the trainee commencing training.

OJT contracts may require changes for which a Contract Modification is necessary.
Modifications Allowed:

a. Extend the end date of the Contract
b. De-obligation funds
c. Change signatories

Modifications Not Allowed:

a. Change the training outline elements under the OJT contract
b. Change the level of reimbursement to the OJT employer as a result of an increase in OJT trainee wages
c. Increase the number of contracted training hours for the OJT trainee

8. INVOICES and PAYMENTS

Payments to employers should be managed by an invoice system that clearly documents the number of hours worked each day by the participant and rate of pay for the time period. Invoices must be signed by the employer and accompanied by documentation (time sheets/time cards) signed by the participant and reconciled to the invoice. If a time sheet is not available, a paystub may be used for verification.

Employers will be reimbursed 50% of the hourly rate of an OJT trainee.

Pursuant to waiver authority granted by the Secretary of the US Department of Labor; until June 30, 2022 (unless otherwise extended), employers will be reimbursed the following rates based on their size:

- 50 or fewer employees: up to ninety percent (90%) on-the-job training employer reimbursement (or the maximum allowable reimbursement [$25.05 per hour for program year 2021], whichever is less);
- 51-250 employees: up to seventy-five percent (75%) on-the-job training employer reimbursement (or the maximum allowable reimbursement [$25.05 per hour for program year 2021], whichever is less);
- • 250 employees+: up to fifty percent (50%) on-the-job training employer reimbursement (or the maximum allowable reimbursement [$25.05 per hour for program year 2021], whichever is less).

Reimbursement is based on trainee hours worked only. There is no reimbursement for paid holidays, vacation days, sick days, overtime pay or commissions.

At the conclusion of the contract, all unexpended funds will be deobligated.

9. MONITORING

Periodic written evaluations are part of the OJT contract documents and are necessary for the fulfillment of performance accountability. Monitoring includes oversight of the participant training and corresponding employer payroll records. On-site monitoring of OJT employers ensures the validity and propriety of the reimbursement amounts claimed and that the training for which the contract is written is delivered. The on-site monitoring must include documentation of information received directly from the participant with the participants supervisor's perspective about how the training is progressing, as well as a review of the employer payroll records.

In addition to the local workforce development area's general oversight measures which include periodic on-site visits or phone calls to employers, the board for the local workforce development area will also conduct on-site OJT contract compliance reviews.

- The initial on-site review will be conducted within thirty (30) days after the OJT contract start date. Any additional monitoring visits shall be on an as needed basis for the duration of the contract.

10. TRAINING CONCLUSION

Upon conclusion of an OJT Contract, the OJT Specialist shall prepare a Certificate of Completion indicating training outcome.

5. On-the-Job Training Attachments:

OJT Forms may be developed, changed, modified added or removed as needed by WPGRI to ensure all current requirements of federal, state, local, contract clauses, and policies/ procedures are included.

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

Local Workforce Development Board Notice: L06-04

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: Contract-Based Training Activities

DATE: **Effective: February 2, 2022**

1. **PURPOSE:** To authorize the use of contract-based training activities (CBT) under Title I of the Workforce Innovation and Opportunity Act (WIOA) and consistent with state Workforce Innovation Notice 06-05.

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, and WIN 06-05 memorializes, 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. The Local WDB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served. The criteria may include:

      (i) Financial stability of the organization;
      (ii) Demonstrated performance in the delivery of services to individuals with barriers to employment 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.

(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.

4. Policy:

The Local Workforce Development Board for the Greater Rhode Island area authorizes the use of training contracts provided:

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

(2) The Board determines, through official board action, that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs.

(3) The Board determines, through official board action, that there are training service programs of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment. At such time, the board will develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served.

(4) The Board determines, through official board action, 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) The Board enters into a Pay-for-Performance contract, provided the contract is consistent 20 CFR 683.510.

For the purposes of item 2 above, and to ensure sufficient consumer choice, the Local Workforce Development Board for the Greater Rhode Island area has determined that contracts for training services for a specific occupation may be utilized whenever there are fewer than three (3) programs and providers for such occupation on the eligible training provider list. In such instances, the board determines that there are an insufficient number of training options to accomplish the purpose of the system of ITAs.

Furthermore, the Board determines that, since the participant his or herself has self-selected to enroll in the training, training conducted as part of an Industry-Sector Partnership initiative will have been deemed to have satisfied the consumer choice requirements of 20 CFR 680.340.

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
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Local Workforce Development Board Notice: L06-05

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Governor's Workforce Board acting as Local Board for the Greater Rhode Island Area Pursuant to Authority Granted by the US Secretary of Labor

SUBJECT: Justification to Provide Training Services Through Industry-Sector Partnerships Without First Providing Career Services

STATUS: **ACTIVE**

1. **PURPOSE:** This policy offers the Board's justification for providing training without first providing a related career services to an individual only when said training is conducted as part of an Industry-Sector Partnership initiative.

2. **REFERENCES:** Workforce Innovation and Opportunity Act WIOA Sections -§134 (c)(2)(A)(xii)(I) & §3(8); NPRM §680.220 (b); CFR § 680.220

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. CFR § 680.220 states than an individual must receive interview, evaluation, or assessment, and career planning in order to be determined eligible for training services under WIOA and that the determination of need for training services must be documented.

   CFR § 680.220 further states that there is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the Workforce Development Board must document the circumstances that justified its determination to provide training without first providing the career services described above.

4. **POLICY:** Rhode Island's industry-sector partnership initiative (Real Jobs RI) signals a new way of organizing the workforce development system around meeting the needs of industries and employers and, by extension, job seekers. Real Jobs RI's defining characteristic as an industry sector-based workforce development initiative is consistent with the goals and intent of WIOA. Although not the only activity that Real Jobs RI partnerships engage in, the primary focus of Real Jobs RI is to deliver industry-driven and employer-informed occupational training designed to result in employment with the targeted industry sector.

Generally, training under WIOA is to be made available when it is clear that intervention beyond career services are necessary to provide the job seeker with the skills necessary to achieve economic self-sufficiency. However the law also provides an important exception, stating that a workforce development board may provide training for an individual absent the provision of any career service by providing a reasonable justification. This latter provision is further buttressed by §134 (c)(3)(A)(iii) of WIOA which states that nothing in the section on career services should be "construed to mean that an individual must receive career services prior to training". This flexibility anticipates conditions that align with the intent and purpose of career services but given other factors may be accomplished in other ways.

Real Jobs RI Industry Sector Partnerships represent an advanced workforce development strategy. Centered on a convening intermediary and comprised of employers, training providers and other key actors, these industry sector partnerships function as sophisticated, real-time, workforce intelligence aggregators. As such, the partnerships are uniquely positioned to accurately understand emerging job descriptions, articulate skill requirements, and design solutions to meet them; including the development of credible sequences of training, curriculum and credentials. The unique unmet skill and talent needs of the industry, and the gap between those needs and the state labor market, represent the most critical reasons for sectors to come together.

Each Real Jobs RI partnership's capacity to meet these imperatives was established during their selection process and is rigorously evaluated throughout their existence. And it is these factors, taken in totality, that not only indicate that WIOA-style individual career planning is inherent to Real Jobs RI, but in fact will be of a higher order than less demand-centered approaches. This can similarly be said for WIOA required interviewing, evaluation and assessments. High functioning sector partnerships, by definition, have already made the determinations regarding the gaps, assets and fit on all individuals prior to investing scarce time and resources on them. Were an individual determined to already be prepared and sufficiently skilled for the occupation at the time they engage with the partnership, that individual would almost certainly be placed into direct employment with a partner employer, rather than enrolled in a lengthy training program.

Given their relationship with industry employers, Real Jobs RI Industry Sector Partnerships will be uniquely able to design the most accurate of assessments, ensuring both efficient screening and valuable/actionable feedback for individuals. Their continued participation in the Real Jobs RI program depends on it.

Based the factors outlined above, it is the workforce development board's policy that assessments and career planning are implicit within the context of this industry sector strategy. And this policy will be sufficient justification to provide training services without first providing and documenting career services. This policy only applies when training is conducted as part of an Industry-Sector Partnership initiative.

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
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Local Workforce Development Board Notice: L07-01 (formerly PY17-04)

TO: **WORKFORCE DEVELOPMENT PARTNERS**

FROM: Nancy J. Olson, Executive Director, WPGRI
Steven Kitchin, Chairman, WPGRI

SUBJECT: Youth Service Provider: Program and Fiscal Monitoring

DATE: **Effective: January 9, 2018**

1. **PURPOSE:** The purpose of this policy is to establish the Greater Rhode Island Workforce Development Area's oversight and monitoring process for WIOA Youth Service Providers.

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: State Workforce Innovation Notice 07-01

3. **BACKGROUND:** Oversight and monitoring is a regular, systematic review of programmatic and fiscal activities, administrative systems and management practices to determine if they are appropriate, effective and in compliance with WIOA, US Department of Labor (USDOL) requirements, State of RI requirements, the Youth Service Provider (YSP) Contract and policies and procedures.

   Programmatic and fiscal monitoring activities include but are not limited to a review of program and participant services including the intake and referral process, registration, objective assessment, ISS, training, work experience, et al. Monitoring also includes a review of program administration and management practices including fiscal and accounting procedures, reporting, internal control systems (e.g. protection of Personal Identifiable Information (PII)), and non-discrimination and Equal Opportunity (EO) policy and procedures. ADA compliance monitoring includes a review of YSP facilities.

4. **POLICY:**

   Monitoring Process:

   The board for the greater Rhode Island workforce development area shall provide seven (7 days notification to the YSP that monitoring will take place. WPGRI will select participant files randomly. Sample size shall be determined by the monitor. Determinations will be applied consistently across all files and sample size selected.

   Monitoring may be performed electronically through desk reviews and/or on-site visits. The monitor will review participant files at the YSP site. Where applicable, the monitor will review employRI.org data and cross-match with hard copy paper file documentation.

Monitoring will:

- Confirm compliance with Federal and State statutes and regulations for workforce programs
- Confirm compliance with terms of YSP contract
- Ensure funds are used for authorized purposes
- Identify areas requiring technical assistance
- Evaluate program effectiveness and impact
- Identify program successes and challenges
- Stay connected to local program operations
- Provide a feed-back mechanism to YSP
- Provide guidance to YSP to assist in providing quality workforce services to participants
- Provide a framework and protocol for continuous improvement in workforce programs

Participant Interviews: Participant interviews may be conducted and allow the monitor to understand the customer experience and validate the performance of the YSP from the perspective of the participant. The monitor may select a sampling of participants for interview.

Frequency

WIOA programmatic on-site monitoring will be conducted twice per program year. WIOA fiscal monitoring will be conducted once per program year.

Monitoring Report

Within thirty (30) days of monitoring completion, the monitor will issue a written monitoring report to the YSP.

The report provides the background of the program, status of follow-up on previous findings (if applicable), current findings and recommendations (if any) for corrective action along with a timeline for implementation. The report constitutes the basis for future program assessment and evaluation.

A monitoring file will be maintained for each YSP which will contain monitoring reports and follow-up documents, as well as the worksheets, questionnaires and other back-up information used in the monitoring.

Corrective Action

If gaps or deficiencies are found during the monitoring process, the monitoring report will include recommendations or findings to address the identified problem areas. The type and extent of the issues identified will dictate the required corrective action.

Recommendations may include:

- Technical Assistance: The monitor will recommend the provision of technical assistance or additional guidance when a deficient condition is caused by inadequate information or training.
- Policy/Procedural Changes: The monitor will submit appropriate recommendations for procedural changes to result in acceptable performance.

Findings

If there are findings (deficiencies), the monitor will recommend a corrective action plan which must be addressed by the YSP. The YSP is required to respond to the monitor's findings in writing within twenty (20) days of the date of the monitoring report to acknowledge that the corrective action plan is being implemented.

The monitor will work with the YSP to outline a corrective action plan which addresses the causes of the problem(s) and aims to prevent future occurrence. The YSP must implement the action within the timeframe indicated in the monitoring report. The implementation will be closely tracked by the monitor to determine the overall efficiency and effectiveness of the approach and to measure progress toward resolving the problem.

Follow-Up
The monitor will follow-up on recommendations and findings.

Follow-up may be achieved as follows:

- Desk Review: If the monitoring recommendation(s) or finding(s) can be addressed through the submission of documentation, follow-up may be achieved through verification of back-up documentation submitted by the YSP.
- Off-Cycle Visit: If the recommendation(s) or finding(s) is/are crucial to the operation of the program or is/are required immediately to resolve a problem involving questioned costs, a follow-up monitoring may be scheduled to confirm that corrective action has been implemented.
- Part of Regular Monitoring: If the recommendation(s) or findings (s) corrective action require more time to implement or are of a less severe nature, the action will be followed-up during the course of the next regular monitoring.

Documentation of follow-up will be maintained in the monitoring file.

Monitoring Tools
WIOA Programmatic and Fiscal Compliance tools are management forms used by the monitor to ensure that YSP's are complying with legislative requirements of WIOA, State of Rhode Island statutes and YSP contracts.

Monitoring tools are used by monitors to conduct participant file reviews on a sampling of participant's information and program information through the review and analysis of employRI.org data and/or paper files. All participant program activities and services will be examined to ensure programmatic compliance. Monitoring tools will be changed, modified added or removed as needed by the monitor to ensure all current requirements of federal, state, local and contract clauses are included.

Confidentiality, Data Availability & Retention

The board will protect the confidentiality of all monitored data. All written reports and other documents pertaining to monitoring and other oversight activities will be made available for review by Federal and State Officials.

Reports and other records of monitoring activities must be retained for five (5) years from the date of submission of the final expenditure reports regarding the funding sources monitored.

If any litigation, claim, audit or other action involving the records has been started before the expiration of the five (5) year period, the records must be retained until completion and resolution of all such actions or until the end of the five (5) year period, whichever is later.

5. INQUIRES: 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
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www.dlt.ri.gov | www.gwb.ri.gov

Local Workforce Development Notice: L07-02 (formerly PY17-03)

Date: September 7, 2021

To: Greater Rhode Island Local Workforce Development Board Area

From: Governor's Workforce Board, on behalf of the Greater Rhode Island Local Area

Re: Youth Incentive Policy

Purpose:
The US Department of Labor recognizes that incentives could be used as motivators for various activities such as recruitment, submitting eligibility documentation, and participation in the program. This policy provides guidance on when and how incentive payments may be provided to WIOA youth participants.

Background: 20 CFR § 681.640 states that "incentive payments to youth participants are permitted for recognition and achievement directly tied to training activities and work experiences. The local program must have written policies and procedures in place governing the award of incentives and must ensure that such incentive payments are tied to the goals of the specific program; outlined in writing before the commencement of the program; align with the local program's organizational policies; and are in accordance with the requirements contained in 2 CFR part 200."

Policy:
WIOA enrolled youth may be eligible for incentive payments once they have reached pre-determined milestones in their participation period and have submitted verification of these milestones. Any incentive payment must be linked to an achievement related to training and education, work readiness skills, placement in employment, education or the military and/or attainment of an occupational skills goal as identified in the Individual Service Strategy (ISS). Such achievements must be documented in EmployRI and in the participant's file. ~~Grant~~ WIOA Youth Service providers ~~recipients~~ must ~~also~~ maintain required documentation detailing the distribution and management of incentives, documenting the incentive, service, goal, and related cost.

Except for incentives related to entering, and retaining, unsubsidized employment; participants may not receive multiple incentives for the same activity. Providers must determine, in advance, when and under what criteria, an incentive for a specific activity will be provided. If the youth has exited the WIOA Youth enrollment and is in WIOA Youth Follow-up, the youth is still eligible to receive incentives; provided the purpose of offering the incentive is to induce behavior toward achievement of a specific goal.

All incentive payment must be documented in EmployRI. Goals must be indicated on the ISS and met within the timeframe established in order to qualify for the incentive. Service providers are to have internal controls to safeguard any cash/gift cards/certificates that may be

purchased. Incentives should be purchased and awarded within the same program year. Service providers should avoid bulk purchase of incentives that are not intended to be used in a timely manner.

Total incentive is not to exceed the amount specified in the contract. Incentives may not include entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. While WIOA Youth Service providers have flexibility in determining the total and per-participant amount of incentive payments, such costs should be reasonable and appropriate relative to the activity for which the incentive is provided and may be subject to monitoring and oversight by the Board.

WIOA Youth Incentives are not intended as emergency assistance, but rather as a compliment to services provided and/or recognition of youth's personal attainment goals. WIOA Youth in need of emergency assistance must be referred to appropriate service provider.

A non-exhaustive list of examples of achievement and accomplishments for which an incentive payment may be provided is included in Attachment A.

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

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Attachment A

Examples of Allowable Program Milestones for WIOA Youth Program Incentive Payments

Type of Milestone	Notes on Conditions when Allowable	Example Documentation
1. Attain High School Diploma	Allowable	Copy of diploma or transcript showing graduation
2. Completing or Attaining GED/HSED	Allowable. WIOA Youth Service providers should determine in advance which milestone	Copy of documentation confirming completion Copy of GED/HSED or transcript confirming attainment
3. Achieve Basic Skills Improvement	Allowable if a training service occurred. WIOA Youth Service providers should clearly define what a "Basic Skills Improvement" means, such as increasing a set number of grade levels on a TABE/CASAS test.	Copies of pre- and post-tests
4. Return to Secondary School	Allowable for out-of-school youth within compulsory attendance age. Not allowable for in-school youth.	Copy of official document from the secondary school showing the participant is enrolled in and attending school
5. Secondary School Attendance	Allowable if out-of-school youth within compulsory attendance age returns to school and remains. WIOA Youth Service providers should establish timeframe threshold: ex. semester, school year, etc. Not allowable for in-school youth.	Copy of report card or other official document from the secondary school showing participant's school attendance
6. Achieve Post-Secondary Certificate or Degree	Allowable	Copy of diploma/certificate or transcript

7. Application to Post-Secondary School	Allowable. Post-secondary training or education does not have to be started or completed, but must be planned.	Copy of letter confirming application or confirming acceptance/denial of admission
8. Completion of FAFSA (Free Application for Federal Student Aid) or other financial aid application	Allowable if post-secondary education or training is planned; education or training does not have to be started or completed.	Copy of notification of receipt or submission
9. Enrollment in Post-Secondary School	Allowable. Post-secondary training or education does not have to be started or completed, but must be planned.	Copy of course schedule
10. Post-Secondary Semester Completion	Allowable. . WIOA Youth Service providers should set minimum conditions for incentive, such as credits earned, GPA, etc.	Copy of transcript
11. Completing a Work Readiness Activity	Allowable	Copy of documentation confirming activity completion
12. Completing a Résumé	Allowable	Copy of completed résumé
13. Completing a Job Application	Allowable	Copy of notification from employer of application receipt
14. Completing an Informational Interview	Allowable	Copy of documentation from employer or company confirming interview completion
15. Completing Job Shadow	Allowable	Copy of letter on company letterhead regarding the participant's completion of a job shadow activity.
16. Completing an aptitude and/or career interest assessment	Allowable	Copy of completed assessment
17. Completing work experience (or reaching milestone)	Allowable. WIOA Youth Service providers should establish timeframe threshold: ex. 30, 60, 90 days	Pay stub(s) Copy of documentation confirming activity attendance/completion
18. Entering Unsubsidized Employment	Allowable	Pay stub(s) or letter of hire

19. Retaining Unsubsidized Employment	Allowable. WIOA Youth Service providers should establish timeframe threshold: ex. 30, 60, 90 days	Pay stub(s)
20. Developing a Resource Plan for Addressing Barriers	Allowable if the plan addresses barriers to training or employment, related to supportive services (e.g., childcare, transportation, etc.)	Copy of plan
21. Completing Community Service and/or Volunteer Hours	Allowable, provided community service is not court ordered or required by school.	Copy of letter on company letterhead that confirms the participant's completion of a community service/volunteer activity
22. Leadership in a Club or Committee	Allowable if tied to an education or training service	Letter from club faculty advisor; official club meeting minutes; club officer roster
23. Entrepreneurial Training or Planning	Allowable if business ownership is a goal identified on the participant's ISS	Completed business plan or similar achievement produced during entrepreneurial training.
24. Basic Certifications	Allowable if the certification is required for a training or work experience service. This includes CPR/First Aid, OSHA 10, Job Safety Training.	Copy of certification with case notes/ISS explaining what requirement the certification fulfills
25. Study Skills Improvement	Allowable if tied to an education or training service	Pre- and post-tests showing improved study skills or other documentation showing measurable improvement
26. Apprenticeship Achievements	Allowable for attaining an apprenticeship, or milestones such as completing a year or the entire apprenticeship	Copy of journeyman card or other official documentation showing achievement of registered apprenticeship milestones; for Youth Apprenticeship participants, proof of registration as a Youth Apprentice or the Youth Apprenticeship completion certificate

Local Workforce Development Notice: L08-01 (formerly PY17-09)

Date: **April 10, 2018**

To: **Greater Rhode Island Local Workforce Development Board Area**

From: **Nancy J. Olson, Executive Director**
Steven H. Kitchin, Chairman

Re: **WIOA Program Policy:**
Adult and Dislocated Worker Program and Fiscal Monitoring

Purpose:
The Workforce Greater Rhode Island workforce area has established an oversight and monitoring process that includes:

(1) A review of the GRI Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker program through access to electronic data and/or on-site monitoring visits, and

(2) Ongoing reviews of the One-Stop Operator and service provider performance to assess the quality and level of performance.

These activities are required to fulfill GRI's mandated oversight responsibilities in accordance with WIOA.

Effective Date: This policy is effective immediately.

Background:

- Oversight and monitoring is a regular, systematic review of programmatic and fiscal activities, administrative systems and management practices to determine if they are appropriate, effective and in compliance with WIOA, US Department of Labor (USDOL) requirements, State of RI requirements, the One-Stop Operator Contract and WPGRI policies and procedures.
- Programmatic and fiscal monitoring activities include but are not limited to a review of program and participant services including the intake and referral process, registration, objective assessment, ISS, training, work experience, et al.
- Monitoring also includes a review of program administration and management practices including fiscal and accounting procedures, reporting, internal control systems (e.g. protection of Personal Identifiable Information (PII)), and non-discrimination and Equal Opportunity (EO) policy and procedures. ADA compliance monitoring includes a review of One-Stop facilities.

Policy:

Monitoring Process:
GRI shall provide seven (7) days notification to the One-Stop Operator that monitoring will take place. GRI will select participant files randomly. Sample size shall be determined by the monitor. Determinations will be applied consistently across all files and sample size selected.

Monitoring may be performed electronically through desk reviews and/or on-site visits.

Monitoring will:

- Confirm compliance with Federal and State statutes and regulations for workforce programs
- Confirm compliance with terms of One-Stop Operator contract
- Ensure funds are used for authorized purposes
- Identify areas requiring technical assistance
- Evaluate program effectiveness and impact
- Identify program successes and challenges
- Stay connected to local program operations
- Provide a feed-back mechanism to the One-Stop Operator
- Provide guidance to One-Stop Operator to assist in providing quality workforce services to participants
- Provide a framework and protocol for continuous improvement in workforce programs

Participant interviews may be conducted and allow the monitor to understand the customer experience and validate the performance of the One-Stop Operator and service provider from the perspective of the participant. The monitor may select a sampling of participants for interview.

Frequency
WIOA programmatic monitoring will be conducted twice per program year.

WIOA fiscal monitoring will be conducted once per program year. The RI Department of Labor and Training, as fiduciary for the GRI, is monitored by the State of Rhode Island.

Monitoring Report
Within thirty (30) days of monitoring completion, WPGRI will issue a written monitoring report to the One-Stop Operator.

The report provides the background of the program, status of follow-up on previous findings (if applicable), current findings and recommendations (if any) for corrective action along with a timeline for implementation. The report constitutes the basis for future program assessment and evaluation.

A monitoring file will be maintained which will contain monitoring reports and follow-up documents, as well as the worksheets, questionnaires and other back-up information used in the monitoring.

Corrective Action
If gaps or deficiencies are found during the monitoring process, the monitoring report will include recommendations or findings to address the identified problem areas. The type and extent of the issues identified will dictate the required corrective action.

Recommendations may include:

- Technical Assistance: The monitor will recommend the provision of technical assistance or additional guidance when a deficient condition is caused by inadequate information or training.
- Policy/Procedural Changes: The monitor will submit appropriate recommendations for procedural changes to result in acceptable performance.

Findings:

If there are findings (deficiencies), the monitor will recommend a corrective action plan which must be addressed by the One-Stop Operator. The One-Stop Operator is required to respond to the monitor's findings in writing within thirty (30) days of the date of the monitoring report to acknowledge that the corrective action plan is being implemented.

The monitor will work with the One-Stop Operator to outline a corrective action plan which addresses the causes of the problem(s) and aims to prevent future occurrence. The One-Stop Operator must implement the action within the timeframe indicated in the monitoring report. The implementation will be closely tracked by the monitor to determine the overall efficiency and effectiveness of the approach and to measure progress toward resolving the problem.

Follow-Up

The monitor will follow-up on recommendations and findings.

Follow-up may be achieved as follows:

- Desk Review: If the monitoring recommendation(s) or finding(s) can be addressed through the submission of documentation, follow-up may be achieved through verification of back-up documentation submitted by the One-Stop Operator.
- Off-Cycle Visit: If the recommendation(s) or finding(s) is/are crucial to the operation of the program or is/are required immediately to resolve a problem involving questioned costs, a follow-up monitoring may be scheduled to confirm that corrective action has been implemented.
- Part of Regular Monitoring: If the recommendation(s) or finding(s) corrective action require more time to implement or are of a less severe nature, the action will be followed-up during the next regular monitoring.

Documentation of follow-up will be maintained in the monitoring file.

Monitoring Tools

Program Monitoring: WIOA Program monitoring tools are management forms used by the monitor to ensure the One-Stop Operator is complying with legislative requirements of WIOA, State of Rhode Island statutes, the One-Stop Operator contract and WPGRI policies and procedures.

The monitoring tools are used by monitors to conduct participant file reviews on a sampling of participant's information and program information through the review and analysis of employRI.org data and in the electronic WIOA common folder, if applicable. All participant program activities and services will be examined to ensure programmatic compliance. Monitoring tools will be changed, modified added or removed as needed by the monitor to ensure all current requirements of federal, state, local, contract clauses, and policies/ procedures are included.

Confidentiality, Data Availability & Retention

WPGRI will protect the confidentiality of all monitored data. Written reports and other documents pertaining to monitoring and other oversight activities will be made available for review by Federal and State Officials.

Reports and other records of monitoring activities must be retained for five (5) years from the date of submission of the final expenditure reports regarding the funding sources monitored.

If any litigation, claim, audit or other action involving the records has been started before the expiration of the five (5) year period, the records must be retained until completion and resolution of all such actions or until the end of the five (5) year period, whichever is later.

Attachment:
Adult and Dislocated
Worker Monitoring Tool

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

GREATER RHODE ISLAND WORKFORCE DEVELOPMENT AREA
netWORKri One Stop Operator
WIOA Adult and Dislocated Worker
Monitoring Tool

Date:	**Monitor:**	**Counselor:**	**netWORKri office:**
Participant's Last Name:		**Participant's First Name:**	
Participant's SSN:		**Participant State ID:**	

A. Electronic Forms

Yes	No	N/A	If Applicable, are the following forms in the electronic file?
			Customer Application
			WIOA Program Eligibility and Verification Form
			EEO Form
			Grievance Form
			Self-Certification
			Objective Assessment and IEP Agreement
			Justification Letter Outline
			WIOA Customer ITA Option Plan
			WIOA Training Agreement
			WIOA ITA Referral
			Notice of Participation DLT-WIA 950-C
			Authorization to Obtain/Release Confidential Information
			Employment Information Release Form
			WIOA Supportive Service Request
			W-9
			OJT Training Agreement

B. File Documentation

1. Is there evidence on file that verifies the applicant's SSN? Yes_____ No_____

2. Is there documented evidence of Citizenship/Authorization to work in the U. S.?
   Yes _____ No _____

3. Is there evidence the participant who received services in the Adult and Dislocated Worker program is 18 years of age or older**?** Yes _____ No _____

4. If applicable, is there evidence that Selective Service registration is documented?
   Yes _____ No _____ N/A _____

5. If DW, is the dislocation date recorded (LDE) on the application for the Dislocated Worker Participant? Yes _____ No _____N/A _____ EmployRI_____

6. Is Date of Actual Dislocation correct? Yes _____ No _____ N/A _____EmployRI_____

7. If Adult, is the participant being served in accordance with WIOA priority for services? Yes_____No_____

   If Yes, check one: _____ Public Assistance _____ Low Income _____Basic Skills Deficient

8. If the participant is low income, is family income properly documented? Yes_____No_____

9. Are case notes in file? Yes _____ No _____ EmployRI_____

10. Is the funding source (Adult or Dislocated Worker) entered correctly? Yes_____No_____

11. Is there evidence that the participant was provided with LMI data per LWIN PY15-09? Yes _____ No _____ EmployRI_____

12. Is there an Objective Assessment and IEP in employRI.org completed and signed by the participant and counselor, for any customer that received Individualized or Training Services?

(See employRI / case management / plan)

Yes _____ No _____ N/A _____

If applicable, do the following dates agree with EmployRI?

Yes	No	
		Family Income
		Basic Skills Deficient
		Employment Status
		Participation date
		1st Basic Career service
		1st Individualized Service date
		Date Entered Training
		Training End Date
		WIOA Credential
		WIOA Closure date

If applicable, are the following items correctly recorded in employRI.org?

Yes	No	
		TANF
		Other Public Assistance
		SNAP
		Displaced Homemaker
		Disability

Check either **Type A,B,C or D**	**For Dislocated Workers Only**
	Type A (must document either)
	(1) Terminated, laid off or received notice; and eligible for or exhausted UC or
	(2) Was employed but not eligible for UC and unlikely to return to previous industry or occupation
	Type B (must document one)
	(1) Terminated or laid off as a result of permanent closure
	(2) Plant will close within 180 days
	(3) General announcement of plant closure
	Type C (must document either)
	(1) Self employed: general economic conditions
	(2) Self employed: affected by natural disaster
	Type D (must document both)
	(1) Displaced homemaker, not support and
	(2) Displaced homemaker, unemployed or under-employed
	TYPE E (must document)
	(1) Veteran Spouse

C. Participation Data Form

1. Is there evidence that the participant was registered and determined eligible upon receipt of the first service beyond self-service or informational activities? *Refer to Program Eligibility & Verification Form*

   Yes _____ No _____

2. Is there evidence that the participant who received services as a dislocated worker in the dislocated worker program meets the definition of "dislocated worker"?
   (20 CFR 663.115 & 663.120)
   Is there a UI printout? Yes _____ No _____ N/A _____

Training Questions: *If Trade Customer Skip. No 300 Activity required in employRI.*

D. Individual Training Accounts

1. Is there evidence that it was determined by the One-Stop operator that the participant was in need of training services? Yes _____ No _____

2. Do case notes indicate that the participant is both eligible and suitable for training? Yes _____ No _____

3. Was the participant provided with job development services prior to training? Yes _____ No _____

4. Did the participant provide an adequate job search? Yes _____ No _____
5. If applicable, is there a case note indicating that the participant was unable to obtain other grant assistance such as Pell or that the participant requires additional assistance. Yes _____ No _____ N/A _____

6. Is there a Justification Letter completed with manager's signature? Yes _____ No _____

Does the Justification Letter address all the required elements below?

Yes	No	N/A	
			Reason Participant is requesting training
			Why is the Participant interested in the training program?
			Did the Participant do research in chosen occupation?
			Did the Participant identify and justify school choice?
			How will the Participant support himself/herself during training?

7. Is there a case note to indicate that the counselor verified the start of training? Yes _____ No _____

8. Was the 300 Occupational Skills Training ITA Code entered in a timely manner?

   Training Start Date: _____ Date 300 Code Entered: _____

9. Does the participant record contain written documentation of a credential/certificate obtained? Yes _____ No _____

F. OJT (On-the-Job Training)

1. Does the On-the-Job Training (OJT) relate to the introduction of new technologies, new products or service procedures, upgrading to new jobs that require new skills, or workplace literacy? Yes _____ No _____

2. Is the On-the-Job Training (OJT) for an "in-demand occupation"?
   Not Applicable if Reverse Referral Yes _____ No _____ N/A _____

3. Is there a Prove It! test and has the manager signed the OJT Participation form?
Yes _____ No _____ N/A _____

4. If Adult is employed at participation, did the On-the-Job Training (OJT) participant earn less than the current self-sufficient wage (100% LLSIL)?
Yes _____ No _____ N/A _____

G. Closure/Exit Information

1. Is the participant's case closed? Yes _____ No _____
2. Is the closure date correct? Yes _____ No _____
3. Is there evidence that shows the participant's outcome? *(employRI under Case Closure)* Yes _____ No _____
4. Is employment entered as WIOA outcome case closure? Yes_____ No_____
5. If applicable, is the exit date correct? Yes _____ No _____

H. Follow-Up

1. Has the counselor contacted the participant in a timely manner to offer WIOA Follow-up services? Yes _____ No _____
2. Is Follow-Up information properly recorded (verify in Wage Record) Yes _____ No _____

Local Workforce Development Notice: L08-02 (formerly PY18-05)

Date: **August 1, 2018**

To: **Greater Rhode Island Local Workforce Development Board Area**

From: **Nancy J. Olson, Executive Director**
Steven H. Kitchin, Chairman

Re: **WIOA Program Policy: Required Forms and Participant File Organization**

PURPOSE:
To provide guidance and instruction to the One-Stop Operator for the WPGRI American Job Center (AJC) and the Rhode Island Department of Labor and Training Workforce Development Services regarding Workforce Innovation and Opportunity Act (WIOA) Title I required forms and WIOA participant file organization for Adults and Dislocated Workers.

EFFECTIVE DATE: This policy supersedes WPGRI Policy PY16-01 and is effective immediately.

BACKGROUND:
The collection of data and preparation of documentation is necessary to maintain and report accurate WIOA program information. WPGRI must ensure the collection of participant data is uniform and standard and that burden for the applicant is limited to the minimum necessary and required to adequately verify WIOA program eligibility and deliver participant services. Proper participant file organization provides necessary uniformity and ease of retrieval for staff and during Local, State and Federal monitoring.

POLICY:
WIOA forms must be completed electronically and include the required electronic signatures. If the customer must hand write the Customer Application due to low literacy, lack of computer literacy, or unavailable technology, the WIOA counselor must enter a case note to indicate this. Handwritten Customer Applications will be accepted as a last and final resort in the previous instances.
Required WIOA forms:

1. Customer Application
2. EO (English) or EO (Spanish)*; and
3. Procedure for Filing Grievances/Complaints

*The WIOA counselor must explain the EEO and Grievance forms to the participant, provide copies, and enter a case note stating the form was explained and given to the participant.

Required WIOA forms for Individual Training Accounts (ITA's):

1. Request for Individual Training Account (ITA)
2. Individual Training Account (ITA) Training Agreement
3. Individual Training Account (ITA) Referral Form

Other WIOA Forms:

4. On-the-Job (OJT) Training Agreement
5. Self-Certification: Reason for Self-Certification must be stated in case notes
6. WIOA Supportive Service Request and W9

Documentation:
Required forms and verification documentation must be uploaded into the employRI.org document manager. Documents must be individually scanned and labelled:

Last Name, First Name, Item, Expiration Date:

Example:
John Smith SS Card
John Smith Driver's License Exp 1 1 2018
John Smith US Passport Exp 1 1 2018
John Smith Self Certification

Where participant files exist in the WIOA common folder, documents must be scanned and placed in the folder. No new folders will be created on the WIOA common drive.

The WIOA common folder must be organized as follows:

Last Name, First Name, Last 4 SSN
Example: Smith John 4321

Documents pertaining to eligibility and services rendered for the Adult and Dislocated Worker program must be uploaded into the employRI.org document manager within two (2) business days of receiving the document(s). WIOA counselors are required to obtain and upload a copy of any credential(s) a participant obtains as a result of an Adult or Dislocated Worker program service. If a document has already been uploaded a second copy of the document does not need to be uploaded. Unless there is an extenuating circumstance, all Adult and Dislocated Worker program files should be stored completely electronically in the employRI.org system.

A record of all eligibility determinations and services provided to a participant shall be recorded through a combination of Activity Codes and case notes in employRI.org.

All services and the service begin date must be entered in employrRI.org within two (2) business days of the provision of the service. For training services, WIOA counselors are required to enter a case note confirming the participant began training and another case note upon training completion. WIOA counselors must enter training end dates within seven (7) business days of the training end date and must confirm participant completion with the training provider.

WIOA counselors must enter employment information into employRI.org if a participant enters employment during program participation or during follow-up. If the participant received training services, the WIOA counselor must indicate if the employment is related to the training received.

Forms may be changed, modified, added or removed as needed by WPGRI to ensure all current requirements of federal, state, local and contract clauses are included.

Attachments:
Required forms above

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

RHODE
STATE of
ISLAND
HOPE