

REGION 12 RWDB MEETING

ATTACHMENT "A"

Location: Western Iowa Tech Community College

Date: 11/17/16

PRESENT - RWDB MEMBERS				ABSENT - RWDB MEMBERS			
Neal Adler	X	Dan Moore		Neal Adler		Dan Moore	X
John Hamm		Brenda Noll-Norvell	X	John Hamm	X	Brenda Noll-Norvell	
Janet Hansen	X	James O'Donnell	X	Janet Hansen		James O'Donnell	
Bridget Hoefling	X	Judy Peterson	X	Bridget Hoefling		Judy Peterson	
		Dr. Robert Rasmus	X			Dr. Robert Rasmus	
Craig Levine		Marcia Rosacker	X	Craig Levine	X	Marcia Rosacker	
Teresa Miller		Jeff Simonsen	X	Teresa Miller	X	Jeff Simonsen	

PRESENT		PRESENT	
Shawn Fick – Job Training Partners	X	Jim Bergenske – WITCC/JTP	X
Janet Gill – Job Training Partners	X	Michele Haupt – Sioux City Housing Authority	X
Lori Knight – Job Training Partners	X		
Adam Dahlke – (Voc Rehab) – Ex-Officio	X		
Jean Logan (CAAS) – Ex-Officio			
MacKenzie Reiling – IWD – Ex-Officio			
Pamela Woolridge (ESL/ELL) – Ex-Officio	X		

1. Call to Order & Roll Call – RWDB @ 4:00pm

2. Approval of Agenda – RWDB

3. Approval of Meeting Minutes – September 22, 2016 Joint RWDB/CEO Minutes – RWDB

4. New Business: Approval of PY 2016 and PY 2017 Negotiated Levels of Performance; Approval of Training Program-Welding Technology (AAS) – Western Iowa Tech Community College; Association of Iowa Workforce Partners (AIWP) Legislative Breakfast on Tuesday, January 31, 2017; National Apprenticeship Week

5. Old Business: SP-NEG Update; JD-NEG Update

6. IowaWORKS Region 12 Managers' Report: Shawn Fick

7. RWDB Chair Report: Bridget Hoefling – Fall Monitoring Report

8. Policy/Field Memo Updates: Summary; TEGL# 5-15 Change 1; TEN# 8-16; TEN# 13-16; TEN# 14-16; TEN# 15-16

9. WIOA Updates:

10. Reports from Individual RWDB/CEO Members

11. Report from State Representative

12. Adjournment

Motions Taken - Decisions Reached

APPROVALS	1ST	2ND	Unanimously Approved
2. November 17, 2016 Agenda – RWDB	Dr. Rasmus	Janet Hansen	X
3a. September 22, 2016 Joint RWDB/CEO Minutes – RWDB	Jeff Simonsen	Neal Adler	X
4a. PY 2016 and PY 2017 Negotiated Levels of Performance – RWDB	Jeff Simonsen	Janet Hansen	X
4b. Training Program – RWDB Welding Technology (AAS) – Western Iowa Tech Community College	Marcia Rosacker	James O'Donnell	X (Abstained – Dr. Rasmus & Neal Adler)
13. Adjournment-RWDB @ 5:04pm	James O'Donnell	Marcia Rosacker	X

Meeting Notes

Reports/Discussion:

Shawn Fick reviewed PY16-17 negotiated levels of performance which are negotiated each year by the state and went up slightly. Reporting dates have been extended. Also more inclusive; Title I & II now but adding Title III and Title IV programs.

Shawn Fick reviewed Welding Technology program and stated there is a person interested in the program. Earning wages can be up to \$40 an hour.

Shawn Fick reviewed Legislative Breakfast Information which will be held on Tuesday, January 31, 2017. Bridget might attend. There is no lobbying. Just presenting information to our legislators.

Jim Bergenske reviewed National Apprenticeship Week information. Has signed up 6 businesses and has 5 more lined up. Businesses receive 50% of wages for the apprentice for 6 months. WITCC has HVAC and plumbing on campus.

SP-NEG may be able to be extended past June 30, 2017.

JD-NEG ends June 30, 2017. Seeking businesses to participate. Currently 4 in the JD-NEG.

The fall Career Fair was held today with 50 plus businesses participating. Several hundred interested people came. It was a good successful fair.

Discussed the rapidly changing job skills requirement and the rapid changes in technology in particular.

Shawn Fick reviewed the fall monitoring report. There were no fiscal problems just some suggestions.

Janet Gill reviewed the summary on policy and field updates. Good information is coming out of the studies.

Shawn Fick reviewed WIOA updates. There are seasonal layoffs. On Monday there were 117 that came into the office. The next 8 weeks will be busy handling temporary layoffs.

Dr. Rasmus stated that Western Iowa Tech Community College is #4 in the USA for their online nursing program.

Marcia Rosacker stated Wells ratified union contract and are working with local schools particularly in the area of welding.

Michele Haupt from Sioux City Housing Authority spoke on the self-sufficiency program and helping families with finding full-time employment.

Adam Dahlke stated Iowa Voc Rehab is partnering more with schools to work students directly into a work situation from high school rather than going into Voc Rehab.

Pam Woolridge with ESL stated working with several businesses to offer professional development.

Brenda Noll-Norvell introduced herself.

Bridget Hoefling spoke regarding new and changing health care positions.

RESPECTIVELY SUBMITTED



Judith Peterson

Date: 11/17/16

“The Mission of our group is to fully engage the Region 12 community in strengthening the economy through workforce development making it a better place to live, work, and grow.”

REGION 12 RWDB/CEO MEETING

Location: Western Iowa Tech Community College

Date: 9/22/16

PRESENT - RWDB MEMBERS				ABSENT - RWDB MEMBERS			
Neal Adler	X	Dan Moore		Neal Adler		Dan Moore	X
John Hamm	X	Brenda Noll-Norvell	X	John Hamm		Brenda Noll-Norvell	
Janet Hansen	X	James O'Donnell	X	Janet Hansen		James O'Donnell	
Bridget Hoefling	X	Judy Peterson	X	Bridget Hoefling		Judy Peterson	
		Dr. Robert Rasmus	X			Dr. Robert Rasmus	
Craig Levine	X	Marcia Rosacker	X	Craig Levine		Marcia Rosacker	
Teresa Miller	X	Jeff Simonsen	X	Teresa Miller		Jeff Simonsen	
PRESENT - CEO MEMBERS				ABSENT - CEO MEMBERS			
Craig Anderson	X	Mark Monson	X	Craig Anderson		Mark Monson	
Tom Brouillette		Robert Paulsrud		Tom Brouillette	X	Robert Paulsrud	X
Pete Groetken	X	Jeff Simonsen	X	Pete Groetken		Jeff Simonsen	
PRESENT				PRESENT			
Shawn Fick – Job Training Partners			X	MacKenzie Reiling – Iowa Workforce Development			X
Janet Gill – Job Training Partners			X	Jackie Stellish – Job Corps			X
Lori Knight – Job Training Partners			X	Heather Hennings – United Way of Siouxland			X
Duane Kraayenbrink – Job Training Partners			X	Erin Volk – Western Iowa Tech Community College			X
Jennifer Conley – Job Training Partners			X	Tito Parker – Western Iowa Tech Community College			X
Pamela Woolridge (ESL/ELL) – Ex-Officio			X	Christine Kennedy			X
Jean Logan(CAAS) – Ex-Officio			X				
1. Call to Order & Roll Call – RWDB @ 4:00pm / CEO @ 4:02pm							
2. Approval of Agenda – RWDB & CEO							
3. Approval of Meeting Minutes – May 12, 2016 RWDB Minutes – RWDB; May 12, 2016 CEO Minutes – CEO; June 14, 2016 Joint RWDB/CEO Teleconference Minutes – RWDB & CEO; August 22, 2016 RWDB Executive Committee Teleconference Minutes – RWDB							
4. New Business: ALICE – Asset Limited, Income Constrained, Employed information – Heather Hennings, President of United Way of Siouxland; RWDB/CEO Admin Budget 2016-2017 – RWDB & CEO; Approval of Training Programs – RWDB Electromechanical Specialist – Western Iowa Tech Community College, Electromechanical Technician – Western Iowa Tech Community College, Train & Test in just 1 day for a Class A CDL–Northwest Iowa Community College; Previously Approved Training Programs by Executive Committee - Emergency Medical Technician – Western Iowa Tech Community College, Video & Media Production – Western Iowa Tech Community College; RWDB Letter of Support – America's Promise Jobs Proposal; RWDB Ex Officio Resignation – Mary Ott; RWDB Resignation – Geri Johnson; Chief Elected Officials – RWDB Appointment/Application for the Board – CEO; Gateway to College – Janet Gill							
5. Old Business:							
6. IowaWORKS Region 12 Managers' Report: Shawn Fick							
7. RWDB Chair Report: Bridget Hoefling; JD-NEG Monitoring Report, QA Monitoring Report							
8. Policy/Field Memo Updates: Summary							
9. WIOA Updates:							
10. Reports from Individual RWDB/CEO Members							
11. Report from State Representative							
12. Adjournment							

Motions Taken - Decisions Reached

APPROVALS	1ST	2ND	Unanimously Approved
2. September 22, 2016 Agenda – RWDB	Teresa Miller	Neal Adler	X
2. September 22, 2016 Agenda – CEO	Craig Anderson	Mark Monson	X
3a. May 12, 2016 RWDB Minutes – RWDB	Marcia Rosacker	Janet Hansen	X
3b. May 12, 2016 CEO Minutes – CEO	Craig Anderson	Pete Groetken	X
3c. June 14, 2016 Joint RWDB/CEO Teleconference Minutes– RWDB	John Hamm	Marcia Rosacker	X
3c. June 14, 2016 Joint RWDB/CEO Teleconference Minutes – CEO	Craig Anderson	Pete Groetken	X
3d. August 22, 2016 RWDB Executive Committee Teleconference Minutes – RWDB	Teresa Miller	Marcia Rosacker	X
4b. RWDB/CEO 2016-2017 Admin Budget of \$2,155.01 – RWDB (PY15 Carryover of 344.99 + PY16 of \$2,155.01 for total of \$2,500)	Marcia Rosacker	Judy Peterson	X
4b. RWDB/CEO 2016-2017 Admin Budget of \$2,155.01 – CEO (PY15 Carryover of 344.99 + PY16 of \$2,155.01 for total of \$2,500)	Craig Anderson	Mark Monson	X
4c. Training Programs – RWDB			
Electromechanical Specialist – Western Iowa Tech Community College	James O'Donnell	Janet Hansen	X (Abstained - Dr. Rasmus & Neal Adler)
Electromechanical Technician – Western Iowa Tech Community College	James O'Donnell	Marcia Rosacker	X (Abstained - Dr. Rasmus & Neal Adler)
Train & Test in just 1 day for a Class A CDL– Northwest Iowa Community College	Teresa Miller	Janet Hansen	X
4h. RWDB Appointment (Christine Kennedy) – CEO	Mark Monson	Pete Groetken	X
4h. RWDB Ex-Officio Members (MacKenzie Reiling & Adam Dahlke) – CEO	Mark Monson	Pete Groetken	X
13. Adjournment-RWDB @ 5:20pm	Marcia Rosacker	Janet Hansen	X
13. Adjournment-CEO @ 5:20pm	Jeff Simonsen adjourned the CEOs		

Meeting Notes

Reports/Discussion:

Jeff Simonsen, CEO Chair administered the Oaths of Office for the RWBD installation of Craig Levine and Brenda Noll-Norvell as new board members. Jeff Simonsen swore in the reappointments of Marcia Rosacker, John Hamm, Dr. Robert Rasmus, Judith Peterson, Bridget Hoefling and Janet Hansen.

Introductions of members and guests took place.

Heather Hennings discussed the “ASSET LIMITED, INCOME CONSTRAINED, EMPLOYED” (ALICE) study which is designed to pinpoint community needs. Woodbury is one of the top counties in Iowa with citizens in need of help. This study can be used in and by our legislators. The report can be found at <http://www.unitedwayalice.org/>.

The RWDB/CEO 2016-2017 Admin budget was discussed. The boards agreed to approve for PY16 \$2,155.01 to be added to the PY15 carryover amount of \$344.99 to have an even total of \$2,500 for the RWIB/CEO Admin Budget.

Shawn Fick reviewed the Electromechanical Specialist training program. Jim O'Donnell asked about the entry level specification. It is a basic training that is a career pathway with an average wage of \$16.80 up to \$31.75. Shawn discussed the "Train & Test in Just One day for a Class A CDL" which is training for individuals who let their license lapse. Shawn discussed the Emergency Medical Technician Certificate program which is a requirement for firefighters and that Title 1 has a low income person interested in this program because the City of Sioux City will be hiring firefighters soon. For the Video & Media Production training program there is lady who has the potential to work with television stations in Sioux City.

Dr. Erin Volk explained the letter of support for the America's Promise Jobs Proposal. The proposal focuses on providing Advanced Manufacturing training for individuals who are un-and under-employed.

Geri Johnson, RWDB member, resigned June 30, 2016 because she took on a new job and other challenges. Mary Ott, RWDB Ex-Officio resigned because she took a different position in another area. MacKenzie Reiling with IowaWORKS Greater Siouxland and Adam Dahlke with Iowa Vocational Rehabilitation Services were discussed as new RWDB Ex-Officios replacing Sara Dean. The CEOs discussed Christine Kennedy as the replacement for Geri Johnson.

Tito Parker discussed the Gateway to College program. Students can earn high school and college credits.

Shawn Fick reviewed the IowaWORKS Region 12 Managers' Report including budget information. At a future meeting there could be a request to move Dislocated Worker funds to Adult funds. The NEG funds would help Dislocated Workers.

The JD-NEG and QA monitoring reports were discussed by Shawn.

Janet Gill reviewed the summary on policy and field updates.

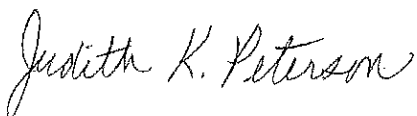
Marcia Rosacker stated Well's is hiring and doing well.

Teresa Miller stated October is National Manufacturing month. Teresa is working with WITCC to have the mobile learning lab go to a couple high schools to learn about skills trades.

Mark Monson talked about a Programs Committee for rehabbing people leaving jail and veterans. The CF Industries construction is finishing up and is dropping about 100 employees a week.

There was no State Representative report.

RESPECTIVELY SUBMITTED



Judith Peterson
Date: 9/22/16

"The Mission of our group is to fully engage the Region 12 community in strengthening the economy through workforce development making it a better place to live, work, and grow."

CUSTOMER SERVICE PLAN MODIFICATION TRANSMITTAL FORM

<p>To Be Completed by Region: Region Number: 12 Date Submitted: Effective Date:</p>	<p>For State Use Only: Date Received: 11/18/17 Date Approved: 11/18/17 Effective Date: 1/18/17</p>
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*Krush Judkins
KAT*

WORKFORCE INNOVATION & OPPORTUNITY ACT

I. This is to document the Region 12 transfer of FY17 WIOA Title I Dislocated Worker Formula Program funds to WIOA Title Adult Formula Program funds.

It is requested that the amount of \$40,000 formula funds be transferred from the FY17 Dislocated Worker Program to the Adult Program as follows:

From Dislocated Worker Formula Funds	\$40,000
Total Transfer to Adult Formula Funds	\$40,000

** reference e-mail communication which addresses clarification + additional questions
KAT*

Local Customer Service Plan Certification

I certify that the attached has been reviewed and approved by the Regional Workforce Development Board and the Chief Elected Officials Board, and that I am authorized to sign on behalf of the group I represent.

RWDB Chair Signature / Date

CEO Chair Signature / Date

**State of Iowa
Iowa Workforce Development
Workforce Center Administration
150 Des Moines Street
Des Moines, IA 50309**

ATTACHMENT "D"

This is an application for INITIAL approval to participate as an Eligible Training Provider under the Workforce Investment Act (WIA) of 1998, Public Law 105-220, Department of Labor, Employment and Training Administration, 20 CFR Parts 652-671. Approval as an Eligible WIA Training Provider does not represent an endorsement or accreditation of the programs offered by the Eligible Training Provider.

INSTRUCTIONS: After completing and signing the application form below, Training providers should submit it to their regional Workforce Development office. Addresses for regional Workforce Development offices can be found at <http://www.iwd.state.ia.us/wia/regioninfo.html>.

PART I - GENERAL INFORMATION

Date Of Application January 18, 2017

Name of Institution Western Iowa Tech Community College

Address 4647 Stone Ave, P O Box 5199, Sioux City, IA 51102-5199

Telephone Number 712 274 6400 Fax 712 274 6412

Location of Training Facility Sioux City, IA

Name of Chief Executive Officer Terry A. Murrell, Ph.D.

Program Contact Information Darin Moeller

Telephone Number 712 274 6400 x 1278 Email Address darin.moeller@witcc.edu

Is your organization a post-secondary educational institution eligible under the Higher Education Act (HEA) or registered under the National Apprenticeship Act. (NAA)? Yes No

PART II (a) - PROGRAM INFORMATION

Please provide a brief description of each program for which you are applying, including:

A. Program Name EMS Paramedics Associate of Applied Science Degree

B. A brief program description This program provides information and skill training to initiate and maintain treatment for medical, trauma, and cardiac emergencies. The Paramedic is the highest level of emergency responder training. The Paramedic AAS Degree offers a comprehensive course of study that prepares the graduate to sit for the EMT and EMT-Paramedic certification examinations as well as meet the requirements for the AAS degree. Graduates are prepared to deliver emergency care to patients prior to their arrival at a hospital. Students are trained in life support procedures performed by following orders of the physicians or by following standard operating protocols. Successful completion of course requirements allows students to write certification examination for EMT-P (Paramedic).

C. Length of Program 4 semesters Total Credit Hours Required 65

D. What is the method of delivery?

Classroom Computer-Based CD-Rom Distance (TV/Satellite/Cable) Self-Study (Correspondence)

Web-Based (Internet) URL Address _____

PROGRAM COSTS:

1a. Tuition (per credit hour)	\$143
1b. Tuition (Out-of-State, per credit hour)	\$144
2. Supplies, including tools, uniforms, etc.	\$900
3. Fees, including laboratory, student rentals, deposits	\$2080
4. Miscellaneous charges	\$0
5. Average cost per year for program	\$6138
6. Total cost to complete this program	\$12,275

Please use additional pages if necessary.

PART II (b) - ELIGIBLE TRAINING PROVIDER GENERAL INFORMATION

If you are a post-secondary education institution eligible under the Higher Education Act (HEA) or registered under the National Apprenticeship Act (NAA), please place a checkmark next to the description that applies to your institution and submit only these two (2) pages for initial certification. Prior to the expiration of this initial certification, you will receive instructions regarding subsequent eligibility.

- Post-Secondary Educational Institution registered under HEA
- Registered under the National Apprenticeship Act (NAA)

CERTIFICATION

I, Terry A. Murrell, Ph.D. certify that I am the President of the training institution named herein and further certify that the information contained in this application is true and correct. All supporting documentation is true and factual.

Signature

Date

If you are a Training Institution applying for program certification, applications must be forwarded to Regional Workforce Investment Board for consideration. Non-RWIB approved applications received directly from Training Institutions to the address below will not be processed and with no further notification.

FOR RWIB USE ONLY

Date Received by RWIB _____	Date Approved by RWIB _____
Application Date _____	Date RWIB Submitted to IWD _____
Authorized RWIB Signature _____	Region #: _____

The RWIB-approved form must be sent to: Michaela Rotert, Iowa Workforce Development, 150 Des Moines Street, Des Moines, IA 50309

All other applicants must complete the following information and Part III - Part VI:

1. Date Institution was founded: 1966

2. Number of years the institution has been in continuous operation: _____

3. Is the institution accountable to a policy or governmental board? Yes No

If so, what board? Board of Directors WITCC Merged Area 12 Please attach a member list.

4. Does each program lead to a degree or certification? Please Explain: Yes

PART III - FINANCIAL INFORMATION

1. Is the institution financially sound and able to satisfy potential liabilities arising from its participation? Please enclose a certified financial statement and the institution's most recent auditor's report.

2. Attach a schedule of fees for in-state and out-of-state tuition, if applicable.

3. Does the institution have a refund policy for the unused portion of tuition, fees, and other charges in the event the enrollee withdraws or discontinues at any time prior to completion?

Please state your refund policy: See attached.

PART IV - FACILITIES

Describe your facility. Provide narrative that describes at a minimum a description on each of the following:

- *The number of buildings
- *Availability of suitable training equipment
- *Handicap accessibility
- *Compliance with fire, building and safety codes, including off-campus locations or other sites

PART V - ORGANIZATION OF THE TRAINING INSTITUTION

Please provide a description of each of the following:

- *The number of persons employed
- *Current number of students enrolled
- *Class size to instructor ratio
- *School Calendar
- *Availability of Transcripts

PART VI - INITIAL PERFORMANCE INFORMATION REQUIRED ON EACH PROGRAM

1. Program completion rate for all individuals participating in the applicable program conducted by the training provider.

A program completer is a person who has:

- a. obtained a certificate, degree or diploma; or
- b. received credit for completing the program; or
- c. received a passing grade in the program; or
- d. finished the required curriculum of the program

Which criteria listed above (a) - (d) do you use to define a completer? (a) (b) (c) (d)

2. Percentage of all individuals who obtained unsubsidized employment. The training provider must specify:

- *how the information was obtained
- *what percentage of all student's data was collected
- *what year is being used

3. Average hourly wages of all students who obtained unsubsidized employment for this program: _____

EMS - PARAMEDIC

Associate of Applied Science Degree

PROGRAM DESCRIPTION*Sioux City Campus*

The Emergency Medical Technician - Paramedic program provides information and skill training to initiate and maintain treatment for medical, trauma, and cardiac emergencies. The Paramedic is the highest level of emergency responder training. The Paramedic AAS Degree offers a comprehensive course of study that prepares the graduate to sit for the EMT and EMT-Paramedic certification examinations as well as meet the requirements for the AAS degree.

Graduates are prepared to deliver emergency care to patients prior to their arrival at a hospital. Students are trained in life support procedures performed by following orders of the physicians or by following standard operating protocols. Successful completion of course requirements allows students to write the certification examination for the EMT-P (Paramedic). Full-time paid EMTs and paramedics will be needed to replace unpaid volunteers.

It is becoming increasingly difficult for emergency medical services to recruit and retain unpaid volunteers because of the amount of training and the large time commitment these positions require. As a result, more paid EMTs and paramedics are needed. Furthermore, as a large segment of the population aging members of the baby boom generation becomes more likely to have medical emergencies, demand will increase for EMTs and paramedics. There also will still be demand for part-time, volunteer EMTs and paramedics in rural areas and smaller metropolitan areas.

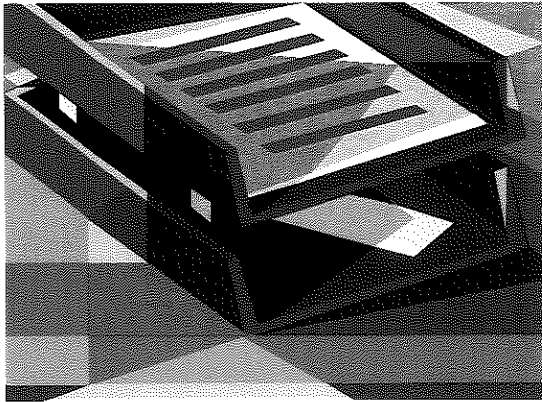
REQUIRED CLASSES

SDV 108 The College Experience.....	1
EMS 217 Emergency Medical Technician.....	7
BIO 169 Human Anatomy & Physiology 1A w/Lab.....	4
MAT 772 Applied Math.....	3
BIO 174 Human Anatomy & Physiology 2A w/Lab.....	4
PSY 111 Introduction to Psychology.....	3
SPC 122 Interpersonal Communication.....	3
ENG 105 Composition I.....	3
EMS 540 NSC Paramedic I.....	13
EMS 541 Clinical I.....	3
EMS 810 Advanced Cardiac Life Support.....	1
EMS 820 Prehospital Trauma Life Support.....	1
EMS 545 NSC Paramedic II.....	13
EMS 546 Clinical II.....	3
EMS 815 Advanced Pediatric Life Support.....	1
EMS 825 Advanced Medical Life Support.....	1
EMS 547 Field Internship.....	1
Program Total.....	65

CONTACTS

LaDonna Crilly, AAS Ext. 1286 Room L434 ladonna.crilly@witcc.edu

Dar Raye Hunwarden, Ext. 1475 Room B114 darraye.hunwarden@witcc.edu



JTP DIRECTOR'S REPORT

January 26, 2017

Adult and Dislocated Worker Formula Fund Transfer Request

The funding allocations available to Region 12 for Adult and Dislocated Workers were both relatively limited for this year which is July 1, 2016 through June 30, 2017. We are fortunate to have other funding options specifically available to our region to serve dislocated workers through the Department of Labor Grants known more commonly as the Jobs-Driven National Emergency Grant (JD-NEG) and the Sector Partnership National Emergency Grant (SP-NEG). Changes in the way the JD-NEG can be administered now allow regions to utilize the funds in a manner that is very similar to the requirements of the dislocated worker program. The goal remains to enroll as many people as possible in to on-the-job training and apprenticeships though regions are now able to spend the funds on training and other support services even if an apprenticeship does not result at the end of the enrollment.

In order to utilize all of the funds available to the region from JD-NEG by the end of the grant which is June 30, 2017, the RWDB and CEO boards are being asked to approve a request to transfer \$40,000 from the 2016-2017 Dislocated Worker formula funds to the 2016-2017 Adult formula funds. Individuals being served through dislocated worker program funds will continue to receive services though funding now, in most cases, will be provided through the grant.

The state has reviewed and approved the initial request which is now awaiting final review and pending approval from the boards. Federal law allows for up to 100% of all the funds available in either program to be transferred between the Adult and Dislocated Worker programs. In this case, the transfer will still leave approximately twenty-four percent of the dislocated worker budget in place to use for pending expenses as well as allow for some carryover in to the next program year. New dollars which are funded on a three month basis are often much smaller than the remaining budget and are intended to cover July, August, and September. Efforts to carry over a reasonable amount of the allowed funding assists in maintaining services for the programs throughout the late summer and early fall.

AIWP Legislative Breakfast

A quick reminder that the annual Association of Iowa Workforce Professionals (AIWP) legislative breakfast is scheduled for Tuesday, January 31, 2017 at the Iowa State Capitol from 7:00 to 9:00 am in the Legislative Dining room located on the lower level of the building. The estimated budget shortfall of \$100million is going to play a significant role on how legislators decide which programs to continue, which to cut, and which to continue status quo. Invitations were emailed out to the six (6) representatives and four (4) senators representing the region. They also receive an invitation in their mailbox at the Capital as a reminder of the event. If you are able to attend and are considering it, this is a great opportunity to provide information to the legislators from the area. There are also funds available in the RWDB/CEO administrative funds to cover the costs of hotel, meals, and mileage if you are able to attend.

Ben Humphrey-Iowa Workforce Development Representative

Ben Humphrey who works as an attorney for Iowa Workforce Development in Des Moines is planning to attend the January 26th RWDB and CEO meeting. Following discussion with the chairs of both the RWDB and CEO boards it was decided it would be a good opportunity to have Ben visit with the boards about updates in the WIOA legislation and how they are going to affect the boards during the continued implementation of the WIOA legislation. Ben serves a liaison between Iowa and the Department of Labor and has been instrumental in helping interpret and understand the massive amount of information put out by the Departments of Labor, Education, and Health and Human Services.

Business Closures

Staff in the region has been meeting with employees from several businesses that are closing. The Abbey of Le Mars which currently serves as an assisted care and nursing home facility will be closed effective February 1st. A Rapid Response meeting was held at the facility with about twenty-five employees on Thursday January 19th. There are approximately thirty-two (32) affected by the business closure. Although some of the individuals are able transfer to other career opportunities with their current skills, several are also interested in upgrading their education for better paying opportunities.

K-Mart announced the closing of the Sioux City store in early January. Information obtained through unofficial sources indicates the store will be closed by the end of March. Neither K-Mart nor Sears has issued a WARN notice to date. The office is working with the state rapid response coordinator with the hopes of reaching out to the local management about providing services. Although there is nothing official it is likely about thirty-five (35) mostly full time employees are affected by the closure. Many of the part-time staff are rumored to have left the business when the announcement was made.

Things Remembered and ICING, both of which are located in the Southern Hills Mall closed on Saturday January 21st. We are working with the three (3) full time employees and a few of the part time folks to provide information and rapid response information. We are also hearing at least one additional retail store in the mall is closing though we have not been able to confirm that information.

Terry E. Branstad, Governor

Kim Reynolds, Lt. Governor

Beth Townsend, Director



November 30, 2016

Bridget Hoefling, Chair
Region 12 Regional Workforce Development Board
3100 South Lakeport
Sioux City, IA 51106

Jeff Simonsen, Chair
Region 12 Chief Elected Officials
PO Box 247
Quimby, IA 51049

Dear Bridget and Jeff:

For WIOA PY15, state team reviewed the management information system and worked with the office electronically to provide any requested proof necessary to substantiate program compliance. I want to thank all of the team members involved for their assistance in providing needed documentation as we conducted our reviews electronically for the PY15 year.

The Quality Assurance Review is intended to identify the strengths in Workforce programs in Region 12 and also areas where Technical Assistance may be of the most value. The review was conducted all or in part by the Title I Quality Assurance team members: Linda Rouse, Kristi Judkins, Wendy Greenman, and Kyle Clabby.

The following *Findings* were determined:

1. Vaughn/4948-Individual had G&C open as of 7/28/14.

Policy:

- Handbook-Section 13-Title I Programs Adult and Dislocated Worker Services.
 - Page 5: *This activity should be structured with a beginning and ending date with a specific planned outcome. This is considered a one-time activity as opposed to an ongoing activity. However, it could be revisited if there was a major change in the individual's career plan once consensus was reached.*

Corrective Action:

Guidance and Counseling is not meant to be an ongoing activity. It should be structured with a beginning with a specific planned outcome. Provide career planners training on Guidance &

Counseling, Title 1 Programs – Adult and Dislocated Worker section of the handbook and send state team members verification of the training no later than November 30, 2016.

Provider Response:

The activities were reviewed for Vaughn and closed following a detailed review of the file. It is understood and agreed that G & C is a specific planned activity and was not intentionally left open. Adult and Dislocated Worker staff will receive additional training and reminders to ensure that G & C activities are closed when appropriate no later than November 30, 2016.

IWD Conclusion:

The finding remains unresolved pending notification of issuance of the policy guidance to local staff. Upon staff training, please send verification of the training, including a sign-in sheet of staff in attendance, to team no later than November 30, 2016.

IWD Final Conclusion:

Based on the receipt of verification of training on this finding, it is concluded that this finding is resolved.

2. Vaughn/4948- No documentation of progress since 12/19/14.

Lozano/4899-Individual has not had documented contact in case notes since 10/15/13.

Policy:

- Handbook- Section 14-Applicant and Participant Process
 - Page 14: *On-going documentation should occur every 30 days, but must occur every 90 days.*

Corrective Action:

Ensure all participants are contacted every 30 or 90 days and document on the IEP and case noted. Provide career planners training on participant progress, Title 1 Programs – Adult and Dislocated Worker section of the handbook and send state team members verification of the training no later than November 30, 2016.

Provider Response:

The activities were reviewed for Vaughn and Lozano following a detailed review of the files. It is understood and agreed that contact should occur every 30 days but must occur every 90 days. Due to activities and other countable services keeping the files open, the individuals did not soft-exit the system as was anticipated. The files will be reviewed again in the near future to ensure soft-exit from the system as planned. Adult and Dislocated Worker staff will receive additional training and reminders to ensure that regular documented contact is documented in case notes no later than November 30, 2016.

IWD Conclusion:

The finding remains unresolved pending notification of issuance of the policy guidance to local staff. Upon staff training, please send verification of the training, including a sign-in sheet of staff in attendance, to team no later than November 30, 2016.

IWD Final Conclusion:

Based on the receipt of verification of training on this finding, it is concluded that this finding is resolved.

3. Lenz/5189 and Lozano/4899-No documentation indicating participants were using the State's Eligible Training Provider List (ETPL) to make informed choice when selecting both training program and provider.

Policy:

Per 20 CFR 663.400(a) Training services, whether under ITA's or under contract, must be provided in a manner that maximizes consumer choice in selecting an eligible provider" and that (b) "Each Local Board, through the One-Stop center, make available to customers the State list of eligible providers". Additionally, per 20 CFR 663.500, "After receiving core and intensive services and in consultation with case managers, eligible participants who need training use the list of these eligible providers to make an informed choice".

Corrective Action:

Participant files must have documentation demonstrating how and why the chosen training program and provider was selected by the participant in consultation with the career planner and that the training selection is the most appropriate for the participant. Provide career planners training on FM 16-05, Consumer Choice and Eligible Training Provider Selection and send team members verification of the training no later than November 30, 2016.

Provider Response:

Lenz and Lozano's files were reviewed. As part of the G & C process all Intensive and Training participants were told about the Approved Training Provider's List and their options to attend any approved training provider. Field Memo 16-05 was issued June 21, 2016, which is approximately one year after following the enrollment of Lenz and three years following Lozano's enrollment.

Following the issuance of Field Memo 16-05, Adult and Dislocated Worker staff began specifically documenting in the Appropriateness tab how and why the chosen training program and provider selected by the participant was determined.

Adult and Dislocated Worker staff will receive additional training on FM 16-05, Consumer Choice and Eligible Training Provider Selection no later than November 30, 2016.

IWD Conclusion:

Field memo 16-05 was issued as a reminder regarding the ETPL process, per legislation established in 1998 in WIA SEC. 134 - (d)(4) (F) CONSUMER CHOICE REQUIREMENTS.

The regulations on consumer choice are consistent with the language in WIOA sec 134(c)(3)(F). The Department emphasizes the importance of performance information on training providers to ensure consumers may make an informed assessment of their training options.

The Department considers the role of the career planner as critical to support individuals to make well-informed training decisions. Career planners are responsible for making training eligibility determinations, and these determinations require that States and local make available high quality performance information to participants to make informed training choices.

The finding remains unresolved pending notification of issuance of the policy guidance to local staff. Upon staff training, please send verification of the training, including a sign-in sheet of staff in attendance, to team no later than November 30, 2016.

IWD Final Conclusion:

Based on the receipt of verification of training on this finding, it is concluded that this finding is resolved.

4. Perez/7757- Individual's record shows last case note 4/6/15 with job obtained and entered 10/2015 in exit snapshot; closures tab reflects a decline of PPS on 4/6/15 but it was prior to exit. Seeker services shows web counselor referral in September and October 2015.

Policy:

- Handbook, Section 14-Applicant and Participant Process
 - Page 11: *Initiation of ongoing documentation of activities / meaningful contact. The staff evaluation must include direct contact with the member. Direct contact is defined as an exchange of information relating to the progress of the member or any issues that would have an impact on his or her ability to complete an IEP. Direct contact may be either in person, by telephone, e-mail or regular mail provided there is a conversation or interaction between staff and the participant and it is documented in the case file. On-going documentation should occur every 30 days, but must occur every 90 days.*

Corrective Action:

Ensure all participants have meaningful contact; contacted every 30 or 90 days and document on the IEP and case noted. Provide career planners training on participant progress, Title 1 Programs – Adult and Dislocated Worker section of the handbook and send state team members verification of the training no later than November 30, 2016.

Provider Response:

The file for Perez was reviewed. Web Counselor Referral is a self-initiated activity used by most individuals in the workforce system to look for other options in employment beyond their current situation even when they are actively and gainfully employed. When a participant declines post program services they are placed in an in-active status. Perez was gainfully employed on 4/6/15 in a position that he still currently holds. He indicated at that time he did not need or want any further assistance.

As a reminder of its importance Adult and Dislocated Worker staff will receive additional training on meaningful contact and documenting such in case notes no later than November 30, 2016.

IWD Conclusion:

On-going training needs to be provided by the Title I director on the importance of engaging the participant until the point they have reached their employment goals per their IEP. When a participant is still actively seeking work, staff should be engaging them to see what additional services could be offered to assist them until they have met their goal. This goal needs to be reinforced by all Title I and partner staff in the center. The state leaves it up to the local regions to engage customers, identify gaps, develop training and deliver training based on local needs.

This finding remains unresolved until training is provided to career planners on engaging participants in the One-Stop system until the employment goal is attained. Upon staff training, please send verification of the training, including a sign-in sheet of staff in attendance, to team no later than November 30, 2016.

IWD Final Conclusion:

Based on the receipt of verification of training on this finding, it is concluded that this finding is resolved.

The following *Observations* were determined:

1. One youth participant did not have an initial case note documented in the case management system until over a month after enrollment. In addition, the first note did not contain any information about the decision to enroll, goals, objective assessment results, etc. At time of case review, the same participant had not had a note entered for several months, and was nearing the 90 day participant progress requirement.
 - Handbook-Section 19 WIA Title I Programs-Youth
 - Page 34: *For youth enrolled as older youth, the evaluation of participant progress must be conducted for each participant within the first 30 days of participation in an activity and at least every 90-days thereafter. Participant progress reviews must be documented in case notes in the participant file.*
2. The subject line in case notes should reflect the subject of the case note vice "contact", "update", "call", etc.
3. Out of the five Adult files that were reviewed three had excessive lapses in meaningful contact: Cortez (Last case note 7/14/15), Lozano (Last case note 10/15/13) and Vaughan (Last case note 10/23/14) with the last follow up attempt (12/19/14). Career planners need to be engaged with participants and ensure that services are being provided and documented in a timely manner.
4. A dislocated worker participant, attained degree 12/2014 and 1/12/15 case note indicates a health issue and not able to work but unable to close file; subsequent case note on 6/17/16 indicates unable to inactivate due to job referrals in December 2015, March 2016 and May 2016. Case notes do not reflect attempts to address customer needs but rather difficulty in being able to inactivate the file.

The following *Strengths* were observed:

1. Tasks were outlined very well on the ISS.
2. Good coordination documented between youth staff and other providers to include, Vocational Rehabilitation and YouthBuild.

If you have questions, please contact Linda Rouse at 641-680-3591 or via e-mail at: linda.rouse@iwd.iowa.gov.

Sincerely,



Todd Spencer, WIOA State Administrator
Iowa Workforce Development



Linda Rouse, Workforce Program Manager
Iowa Workforce Development

CC: Shawn Fick
Kelly Taylor
Maggie Wilcox
Michaela Malloy-Rotert
file

Date: January 20, 2017

TO: RWDB / CEO

FROM: WIOA Staff

RE: Policy/Field Updates – Summary

- TEN# 16-16: Supporting Students and Employees Impacted by School Closures –
 - **This notice is to provide information on services available to both students and employees who have been displaced as a result of a postsecondary institution closure.**
- TEN# 17-16: Report: *The Enhanced Transitional Jobs Demonstration: Implementation and Early Impacts of the Next Generation of Subsidized Employment Programs* –
 - **An interim impact report on transitional jobs programs targeting unemployed low-income non-custodial parents owing child support and individuals recently released from incarcerations.**
- TEN# 19-16: Report: *Building a Future: Interim Impact Findings from the YouthBuild Evaluation* –
 - **Interim impact findings on positive impacts of participation in YouthBuild, including a notable increase in earned alternative high school credential, participation in vocational training, two-year colleges, and increased civic engagement.**
- TEN# 20-16: Announcing the publication and effective date of the *Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38) Final Rule in the Federal Register* –
 - **Update ensures awareness of equal opportunity rights and responsibilities of the Workforce system to increase equity for millions of job seekers, training participants and program beneficiaries.**
- TEN# 21-16: Workforce Innovation and Opportunity Act (WIOA) Regional and Local Planning and Local Board Responsibilities Questions and Answers (Q&A) –
 - **Addresses the role of LWDB in reviewing provider applications for Adult Education and Family Literacy programs required under WIOA to align with Local Plans.**
- TEN# 22-16: Availability of Open Source Curricula for Workforce Development on www.SkillsCommons.org –
 - **Announcement of the availability of open source educational materials to train adults for occupations in 16 high-demand fields via online repository called SkillsCommons at no cost to users.**
- TEN# 23-16: Announcing the release and publication of the *Apprenticeship Programs; Equal Employment Opportunity* final rule in the Federal Register –
 - **Publication of the Apprenticeship Program's Equal Employment Opportunity final rules that prohibit discrimination.**
- TEN# 24-16: Release and Availability of Five Issue Briefs from an Evaluation of the "Linking to Employment Activities Pre-Release (LEAP) Specialized American Job Centers" –
 - **Provides lessons learned and implementation issues faced when providing employment and training services for incarcerated individuals.**
- TEGL# 11-16: YouthBuild Compliance with Davis-Bacon and Related Acts (DBRA) –
 - **YouthBuild programs must provide hands-on construction experience for participants and compliance with Davis-Bacon labor standards, including prevailing wage requirements is required.**
- TEGL# 12-16: Questions and Answers on the Effects of Strikes and Lockouts on Eligibility for Trade Adjustment Assistance (TAA) and Trade Readjustment Allowance (TRA) –

- **Guidance on eligibility for UI, training, and other benefits given various time frames of strike and return to work scenarios.**
- **TEN# 25-16:** Release and Availability of the Technical Assistance Resource, Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development –
 - **List of worksheets found within the toolkit are provided.**
- **TEN# 27-16:** Release and Availability of Two Reports Under the Project Entitled State Demonstration Projects in Providing Reemployment Services to Unemployment Insurance Claimants (commonly known as the Reemployment Connectivity Project)
 - **Strategies for connecting UI claimants to the Workforce System and developing social media strategies for employment assistance programs.**
- **TEN# 28-16:** Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans –
 - **Information and best practices on aligning resources to increase services to English Language Learners in the area of cultural and language barriers to employment.**
- **TEN# 29-16:** Report, *Implementation of the H-1B Technical Skills Training Grant: Grantee Characteristics and Experiences Providing Employer-Based Training* –
 - **Highlights two types of program interventions used to address long term unemployment: OJT's and incumbent worker training, as well as employer based strategies.**
- **TEN# 25-15 Change 1:** Work Opportunity Tax Credit 2015 Reauthorization Training and Employment Guidance Letter 25-15, Change 1 –
 - **Clarifies the DOL policy on eligibility determinations for new target groups and also increases some allowable time frames and allows for 90 day grace periods for certain certification requests. It also provides guidance for processing and issuing determinations and certifications.**
- **TEGL# 13-16:** Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA) –
 - **With the goal of doubling the number of apprenticeships across the country, five core components include: Business Involvement, OJT, Related Instruction, Rewards for Skill Gains, & National Occupational Credential.**
- **TEN# 30-16:** Release and Availability of a Final Report Under the Project Entitled: Feasibility Assessment of a Wage Insurance Demonstration –
 - **Provides approaches and design options for future wage insurance and wage supplement programs and evaluates their effectiveness in assisting unemployed individuals in their return to work.**
- **TEN# 28-16 Change 1:** Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans
 - **Provides additional background information and additional resources including technical assistance materials.**
- **TEN# 31-16:** Framework on Registered Apprenticeship for High School Students –
 - **Provides recommendations on key elements of registered apprenticeship programs for high school students and encourages greater usage of this program for in-school youth at least 16 and enrolled in secondary schools.**
- **TEN# 32-16:** Release and Availability of Employment and Training Administration (ETA) National Agricultural Workers Survey Public Access Data and Reports –
 - **Collection of employment, demographic, and health information on workforce resources that are available in U.S. agricultural fields helpful for planning, implementing, and evaluating farm worker programs.**
- **TEGL# 15-16:** Competitive Selection of One-Stop Operators –
 - **Provides information on the requirements to designate or certify one-stop operators through a competitive process.**

TRAINING AND EMPLOYMENT NOTICE	NO.
	16-16
	DATE
	November 16, 2016

TO: State Workforce Agencies
State Workforce Liaisons
State Apprenticeship Agency Directors
State Unemployment Insurance Directors
State Workforce Investment Boards and Staff
Local Workforce Investment Boards and Staff
Office of Apprenticeship Field Staff
Office of Apprenticeship State and Regional Directors
American Job Centers

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Supporting Students and Employees Impacted by School Closures

1. **Purpose.** This notice is to inform the public workforce system about the information and services available both to students and to employees who have been displaced as the result of a postsecondary institution closure.
2. **Background.** There have been postsecondary institution closures recently, and in the event of additional closures in the future, displaced students and employees may need assistance identifying their next steps.
3. **Resources for Students.** Educational information for students affected by the closure of postsecondary institutions is available at studentaid.gov/closures.

The U.S. Department of Education recently joined Beyond 12 (<http://www.beyond12.org/>) and National Association of Student Financial Aid Administrators (NASFAA) (<https://www.nasfaa.org/>) in announcing the launch of a new online package of supports to aid students affected by college closures. The resources, available at <https://nextstepsedu.org> will match students with experienced financial aid and academic counselors throughout the country who can provide critical guidance as they determine how best to continue their studies.

Beyond 12 helps students pursue their higher education dreams by tracking student progress, connecting them with resources and supports and providing individualized, virtual coaching. With a network of K-12, college and non-profit partners, Beyond 12 is currently tracking the postsecondary progress of more than 40,000 students and coaching nearly 2,000 students nationally. With roughly 2,500 postsecondary member institutions nationwide, NASFAA is an active network of nearly 20,000 financial aid professionals dedicated to the principle that

no student should be denied access to a quality postsecondary education for lack of financial resources.

The Department of Education also has developed a resource hub designed for financial aid and other training professionals on the Information for Financial Aid Professionals (IFAP) (<https://ifap.ed.gov/eannouncements/itt.html>) website. There, financial aid professionals and other partners, including Next Steps EDU advisors, can assist former students by, accessing resources such as state-specific tuition refund guidance and credit transfer policies for accreditors nationwide. The Department will continue updating this hub with new FAQs, additional federal or state-specific resources.

Information for students affected by the recent closure of ITT Technical Institute (ITT), which had over 130 locations across the country, is available at studentaid.gov/ITT. For example, in the case of students who were attending ITT Technical Institute (ITT) when it announced its closure on Sept. 6, 2016, or who withdrew from an ITT location on or after May 6, 2016, the Department of Education has stated that these students may: (a) apply for a closed school loan discharge; or (b) transfer earned credits to another institution to continue their education in a comparable program. On October 28, 2016 the Department also announced plans to restore semesters of Pell Grant eligibility for eligible students who were unable to complete their programs because their institution closed. The Department of Education also has developed a resource hub designed for colleges and counselors supporting ITT students. There, financial aid professionals and other partners can access resources to aid in their efforts to assist former students, such as data on the programs of study by ITT location and the contact information for accreditors nationwide. The Department of Education will continue updating this hub, available at ifap.ed.gov/SupportITTStudents with additional information and resources.

Students interested in comparing their options for continuing their education at another institution may wish to consult the College Scorecard or the GI Bill Comparison Tool.

4. **Services for Displaced School Employees.** States and local workforce areas should: 1) provide employees affected by the closure of an institution of postsecondary education with the full range of career and training services for which they are eligible; and 2) ensure that all appropriate Rapid Response activities, including layoff aversion approaches, as described at Section 682.300 of the Workforce Innovation and Opportunity Act (WIOA) final rules, are made available to adversely affected employees upon announcement of closures or layoffs. Affected employees should also be offered appropriate services available through the American Job Center system, such as career counseling and job search assistance; resume preparation and interviewing skills workshops; local labor market information provision; and education and training opportunities, as well as supportive services, unemployment insurance, and other services where applicable.
5. **Action Requested.** States, Workforce Development Boards, American Job Centers, and other public workforce system stakeholders are requested to:

- Become familiar with the information and resources available through various education-related websites;
- Post and share information in this TEN with displaced students and employees;
- Disseminate the information available at various education websites to area colleges, counselors, and other workforce system stakeholders;
- Contact the president of a local community college(s) and other training providers to obtain information about college initiatives and programs for displaced students and opportunities for displaced employees;
- Conduct outreach to alert former students and displaced employees of career counseling and resources available to them;
- Provide career counseling to former students and displaced employees to help them choose among their options resulting from a school's closure, and refer them as appropriate, based upon their decisions, to continued education, training or employment;
- Find alternative training programs as quickly as possible for any participant in Trade Adjustment Assistance (TAA) approved training who is impacted by a school's closure. This includes alternatives such as distance learning/online training programs. Once appropriate training is located, please modify the participants' training plan accordingly to accommodate those changes. Please direct any questions that you may have to your Regional Coordinators.
- Ensure that former students are aware of the full range of training opportunities available to them, including Registered Apprenticeships, YouthBuild, and the Job Corps program. Eligibility information about the Job Corps program is available at: <https://recruiting.jobcorps.gov/>.
- Collaborate with state authorizers of higher education and institutions of higher education in supporting former students and displaced employees.
- Engage local press to help disseminate information and alert the public of supports available for former students and displaced employees; and
- Share success stories of former students navigating their next steps by engaging local press and emailing examples and press clips to press@ed.gov.

Inquiries. Questions from ETA grantees about the issuance of this TEN should be directed to the appropriate ETA regional office. Questions about the content of this TEN related to ITT students should be directed to the Department of Education emailing supportITTstudents@ed.gov. Answers to frequently asked questions are available at studentaid.gov/ITT, ifap.ed.gov/SupportITTStudents, and studentaid.gov/closures. If you have further questions, feel free to call the Federal Student Aid Information Center at 1-800-4-FED-AID (1-800-433-3243).

TRAINING AND EMPLOYMENT NOTICE	NO. 17-16
	DATE November 17, 2016

TO: COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING
ADMINISTRATION REGIONAL ADMINISTRATORS
STATE WORKFORCE INNOVATION AND OPPORTUNITY ACT LIAISONS
STATE WORKFORCE ADMINISTRATORS WORKFORCE INNOVATION
AND OPPORTUNITY ACT
WORKFORCE DEVELOPMENT BOARD STATE CHAIRS
WORKFORCE DEVELOPMENT BOARD STATE EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL CHAIRS
WORKFORCE DEVELOPMENT BOARD LOCAL EXECUTIVE DIRECTORS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Release and Availability of a New Research Report: *The Enhanced Transitional Jobs Demonstration: Implementation and Early Impacts of the Next Generation of Subsidized Employment Programs*

1. **Purpose.** In late 2010, the U.S. Department of Labor (DOL) launched the Enhanced Transitional Jobs Demonstration (ETJD), which provided about \$40 million to seven transitional jobs programs that were chosen through a national grant competition. The programs targeted either low-income noncustodial parents (usually fathers) who owed child support but were unemployed and, thus, unable to pay, or individuals who had recently been released from incarceration. This Training and Employment Notice announces the release and availability of the interim impact report from a rigorous evaluation of the ETJD, entitled: *The Enhanced Transitional Jobs Demonstration: Implementation and Early Impacts of the Next Generation of Subsidized Employment Programs*.
2. **Background.** In October 2010, DOL selected MDRC to conduct a multi-faceted evaluation of the ETJD programs using a random assignment research design. In 2011, based partially on feasibility site visits conducted by MDRC to finalists for grant funds, DOL selected seven programs across the country for the ETJD. Four of the programs targeted noncustodial parents and three targeted people recently released from incarceration. Each selected program was required to provide core components of a strong, basic transitional jobs program, as well as specific enhancements tailored to address the employment barriers of the targeted individuals. The grant applicants also had to justify why the particular enhancement(s) they proposed were likely to yield stronger long-term outcomes than those achieved by programs previously tested. Each program received a 4-year grant totaling approximately \$6 million to serve 500 eligible individuals in their respective target group.

The ETJD programs were specifically designed to address the shortcomings of previous transitional jobs programs revealed through other research. Enhancements to the seven programs fell into three general categories: 1) structural changes to the transitional job progression for program participants, 2) special support or assistance—such as short-term training in occupational skills, and 3) child support incentives to encourage participants to remain active in the program. While the ETJD project was conceived and funded by DOL, the U.S. Department of Health and Human Services is also supporting the evaluation.

3. **ETJD Evaluation Description.** The ETJD evaluation has three major components, each of which seeks to answer specific research questions: an implementation analysis; an impact analysis; and a cost-benefit analysis. Each of the seven programs recruited 1,000 individuals to participate in the evaluation who were randomly assigned to the treatment group, which was eligible to participate in the program, or to a control group, which was not eligible to participate in ETJD but was provided information about alternative services in the community. The evaluation is examining the impact of program services on service receipt, labor market success, recidivism, and other observed outcomes at two points in time: approximately one year after enrollment into the study and 30 months after enrollment.
4. **Publication Description.** This report presents findings from the implementation analysis and early findings from the impact analysis, at 12 months after random assignment. Findings from the cost-benefit analysis and the final 30-month impact analysis will be presented in a later report, scheduled for release in 2018.
5. **Data Sources.** The implementation analysis and interim impact analysis drew upon four primary sources of data: site visits to each program to observe program operations and interview program participants and staff; telephone surveys that asked those in the study about a range of services and outcomes; administrative data on criminal justice outcomes obtained from the states in which ETJD programs operated; and employment and earnings data on all study participants from the National Directory of New Hires. The combination of these four data sources provides a comprehensive picture of the implementation and initial impact of the programs on the outcomes the programs were designed to effect.
6. **Key Evaluation Findings.** Findings from the implementation analysis revealed that all of the programs achieved their enrollment goals, although some of them struggled with recruitment and may have begun to accept a broader pool of participants than they originally targeted. In addition, while all of them had some previous experience operating transitional jobs programs, ETJD required them to scale up and add new components or services. Thus, it is not surprising that all of them experienced some operational challenges. In general, the ETJD programs were relatively well implemented, although some of the enhancements were not put in place as designed. Many struggled to place participants into unsubsidized jobs.

Building on these findings, the results of the interim impact analysis demonstrated that:

- There is considerable overlap across the two main target groups: 42 percent of participants in sites targeting those recently released from incarceration were noncustodial

parents, and 37 percent of those in the sites targeting noncustodial parents had been incarcerated (though often not recently).

- Almost all participants in the noncustodial parent sites and more than 80 percent of those in the sites targeting formerly incarcerated individuals had worked for pay at some point in the past. However, as expected, very few of the participants in the latter group of sites had any recent work experience. Even in the sites targeting noncustodial parents, less than one-third of participants had worked for more than a year in the prior three years.
- Reflecting the differing program models, the proportion of program group members who worked in a transitional job ranged from just under 40 percent to 100 percent. Some programs put participants into in-house jobs almost immediately and, as a result, everyone or nearly everyone worked in a transitional job. At the other extreme, one program provided a range of pre-employment activities and then attempted to place participants directly into subsidized private sector jobs.
- Across the sites, the average number of days worked in a transitional job (among those who worked) ranged from less than 30 to more than 70 days. To some extent, this variation reflects the program designs – for example, some programs offered fewer days of work per week – but it also reflects the greater willingness of some programs to offer extensions to those who had good attendance but were having difficulty finding an unsubsidized job.
- Across the sites, 60 percent to 80 percent of the control group received at least some help related to finding or keeping a job. This is not surprising since all of the study members were involved with systems that expect and, in some cases, require them to seek employment. Nevertheless, the program group was substantially more likely to receive services in all sites and, in addition, the ETJD services appeared much more intensive and comprehensive than most other services available in the communities.
- The ETJD programs were able to employ many people who would not otherwise have worked. Moreover, six of those programs significantly increased earnings over the first year, by amounts ranging from a little under \$1,000 to more than \$3,000.
- In most sites, the program group was still more likely than the control group to be employed at the end of the follow-up period; however, at least part of the difference was driven by program group members who were working in transitional jobs.
- There were some decreases in recidivism in two of the three sites targeting people recently released from prison.

7. **Inquiries.** For more information about this study, contact Eileen Pederson, Contract Officer's Representative, Office of Policy Development and Research, ETA at (202) 693-3647 or pederson.eileen@dol.gov. To view an abstract of this report and to download either this impact report, the interim impact report, or the evaluation's Implementation Report, visit <http://wdr.doleta.gov/research/keyword.cfm>.

TRAINING AND EMPLOYMENT NOTICE	NO. 19-16
	DATE November 22, 2016

TO: COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
 AFFILIATE AMERICAN JOB CENTER MANAGERS
 DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING
 ADMINISTRATION REGIONAL ADMINISTRATORS
 STATE WORKFORCE INNOVATION AND OPPORTUNITY ACT LIAISONS
 STATE WORKFORCE AGENCY ADMINISTRATORS
 STATE WORKFORCE ADMINISTRATORS WORKFORCE INNOVATION
 AND OPPORTUNITY ACT
 WORKFORCE DEVELOPMENT BOARD STATE CHAIRS
 WORKFORCE DEVELOPMENT BOARD LOCAL CHAIRS
 WORKFORCE DEVELOPMENT BOARD STATE EXECUTIVE DIRECTORS
 WORKFORCE DEVELOPMENT BOARD LOCAL EXECUTIVE DIRECTORS
 YOUTHBUILD GRANTEES

FROM: PORTIA WU /s/
 Assistant Secretary

SUBJECT: Release and Availability of a New Research Report: *Building a Future: Interim Impact Findings from the YouthBuild Evaluation*

1. **Purpose.** Since 2011, the Employment and Training Administration (ETA) has overseen an impact evaluation of the Federally-funded YouthBuild program. This Training and Employment Notice (TEN) announces the release and availability of the evaluation's first report presenting interim impact findings: *Building a Future: Interim Impact Findings from the YouthBuild Evaluation*.
2. **Background.** YouthBuild is a program for 16- to 24-year olds who have dropped out of high school; are at risk of failing to reach key educational milestones; and face additional barriers to success, including involvement with the juvenile or adult justice and/or foster care systems, having a disability, having an incarcerated parent, being low-income, or part of a migrant family. The program is a nonresidential, community-based alternative education program that provides a mix of academics, vocational training, leadership development, community service, and other activities to young people facing an array of challenges to educational and employment success.

YouthBuild distinguishes itself from other programs serving young people through, among other things, the stipend it pays to participants and through a culture that emphasizes youth development and leadership, capitalizing on participants' strengths and empowering participants to take responsibility for their lives. Participants in YouthBuild programs learn valuable skills as they build or rehabilitate housing for low-income or homeless individuals and families in their communities.

3. **YouthBuild Evaluation Description.** The evaluation was launched in 2010 and uses a random assignment design to examine the impacts of YouthBuild as implemented by 75 programs operating nationwide. The evaluation has three major components: an implementation analysis, an impact analysis, and a cost-effectiveness analysis, each of which seeks to answer specific research questions. Programs awarded Federal YouthBuild funding in 2011 by the Department of Labor and the Corporation for National and Community Service (CNCS), and the youth they recruited to their programs, are participating in the evaluation. For the evaluation, eligible program applicants were assigned at random either to a program group, which was eligible for YouthBuild, or to a control group, which was not eligible for YouthBuild. Youth in the control group were excluded from enrolling in YouthBuild for two years but were able to receive alternative services provided in their communities. The evaluation will compare outcomes of all those assigned to the program group with the outcomes of all those assigned to the control group, irrespective of whether the program group members actually participate in YouthBuild.

YouthBuild begins with Mental Toughness Orientation (MTO), designed to determine young people's willingness to change, to gauge their interest and motivation, to build teamwork while they get to know one another, and to introduce them to the specifics of the YouthBuild program. MTO also serves as an additional form of screening. A significant challenge for the evaluation team and participating sites was exactly where in the process to conduct random assignment. Ultimately, most programs (81 percent of programs, representing 75 percent of study participants) opted to conduct random assignment before MTO or during its first few days. This decision limited the exposure to the program for control group members but included the likelihood that some members of the program group would drop out of YouthBuild during MTO or immediately thereafter. And in fact, a quarter of the program group participated only in the YouthBuild application process and/or MTO.

Participants in the study were contacted by the evaluation team three times during the evaluation to learn about their experiences and progress in the labor force. Administrative data from the National Student Clearinghouse and the National Directory of New Hires were also collected for measuring program impacts on post-secondary enrollment and workforce participation.

4. **Publication Description.** The impact analysis results presented in this report provide a rigorous assessment of YouthBuild's effects 30 months after random assignment into the study. The report describes the YouthBuild program, the design of the evaluation, the characteristics of the programs and youth participating in the study, and initial impact findings on participation in YouthBuild.
5. **Key Evaluation Findings.** This report presents the effects of the program 30 months after young people applied to participate in YouthBuild. The findings show that participation in YouthBuild led to a number of positive effects on the participants, including a notable increase in the rate at which they earned alternative high school credentials and a small, positive effect on college enrollment, despite the fact that more than half of participating

youth had completed 10th grade or less when enrolled into the evaluation. YouthBuild also led to a small, positive effect on wages and earnings. The interim impact findings include:


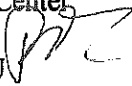
- **YouthBuild increased participation in education and training, even though a high percentage of young people in the control group sought out and participated in education and training activities.** Despite a high rate of control group participation in education and training activities, young people in the program group were more likely than their control group counterparts to have participated in education and training, especially GED preparation, vocational training, and a variety of youth-development activities. For example, 75 percent of the program group reported participating in an education-related activity during the first 12 months, compared with 57 percent of the control group.
- **YouthBuild increased GED receipt and enrollment in two-year colleges.** Most young people who entered the program had not completed high school, and a central goal of the program is to help these young people earn high school equivalency degrees. The program had a sizable effect on GED receipt. By 30 months, about 18 percent of the young people in the control group reported earning GEDs, compared with 31 percent of the program group, an increase of 14 percentage points. This estimated effect includes all young people in the program group, not accounting for the fact that 25 percent of those assigned to the program group never participated in YouthBuild (see explanation above). Getting a GED by itself may increase college attendance, but many YouthBuild programs explicitly focus on helping young people make the transition to postsecondary education. By 30 months, 22 percent of the young people in the program group reported enrolling in a two-year community college at some point since they entered the study, compared with 17 percent of the control group.
- **YouthBuild increased participation in vocational training and led to a small increase in the receipt of training certificates.** Vocational training, primarily in construction, is another central part of the YouthBuild model. YouthBuild increased participation in vocational training both during the program period and afterward. Twelve months after random assignment, approximately 71 percent of the program group reported having participated in job or training related services (versus 39 percent of the control group), consistent with the finding that approximately 25 percent of those assigned to the program group did not participate in YouthBuild. By month 30, about 31 percent of the young people in the program group reported having participated in job-skills training through a vocational or trade school, compared with 20 percent of the control group. Very few young people reported obtaining vocational certificates by month 30, however 4 percent of the program group obtained certificates compared to 2 percent of the control group.
- **YouthBuild increased civic engagement, particularly volunteering, but had few effects on other measures of youth development or attitudes.** YouthBuild has been a leader in integrating youth development into its programs by promoting leadership and community service. In addition, the programs receiving CNCS funding strongly emphasize community service. At 30 months, members of the YouthBuild group were more likely than members of the control group to report that they had volunteered or been involved in politics or local community activities. The largest impact occurred on

volunteering. Fifty-four percent of the program group reported volunteering, compared with only 31 percent of the control group.

- **YouthBuild led to a small increase in employment rates during Year 2, and a small increase in wages and earnings at 30 months.** At the time of the 30-month survey, young people in the program group reported earning higher wages. The program led to an increase of 3 percentage points in the proportion of young people who reported earning at least \$10 per hour at their current jobs. These higher hourly wages also translated into higher weekly earnings. Data from the unemployment insurance system present a fuller picture. During the first year, while young people were participating in YouthBuild, the program led to a reduction in employment and earnings relative to the control group (whose members were less likely to be enrolled in a program and thus were more available to work). However, by Year 2, there was no difference in earnings between the two groups, still the program group had somewhat higher employment rates.
6. **The Evaluation Report Timeline.** In January 2015, ETA released the evaluation's Implementation Report, which presents a qualitative examination of the YouthBuild program's structure, implementation, and services. The evaluation's final impact report, presenting labor market, educational achievement, and personal development impacts 48 months after random assignment, is scheduled to be released in early 2018. That report will also present findings of the cost-effectiveness analysis.
 7. **Inquiries.** For more information about this study or this report, contact Eileen Pederson, Contract Officer's Representative, Office of Policy Development and Research, ETA, at (202) 693-3647 or pederson.eileen@dol.gov. To view an abstract of this publication and to download this report or the evaluation's implementation report, visit the ETA Research Publication Database Web site at: <http://wdr.doleta.gov/research/keyword.cfm>.

TRAINING AND EMPLOYMENT NOTICE	NO.	20-16
	DATE	December 2, 2016

TO: ALL ETA GRANTEEES
STATE APPRENTICESHIP AGENCIES
STATE LABOR COMMISSIONERS
STATE LABOR MARKET INFORMATION DIRECTORS
STATE MONITOR ADVOCATES
STATE UNEMPLOYMENT INSURANCE DIRECTORS
STATE DIRECTORS OF VETERANS EMPLOYMENT AND TRAINING
STATE VETERANS AFFAIRS AGENCY DIRECTORS
STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE WORKFORCE INNOVATION AND OPPORTUNITY ACT LIAISONS
STATE WORKFORCE AGENCIES ADMINISTRATORS
STATE WORKFORCE AGENCY EQUAL OPPORTUNITY OFFICERS
STATE WORKFORCE ADMINISTRATORS UNEMPLOYMENT INSURANCE
STATE WORKFORCE ADMINISTRATORS WORKFORCE INNOVATION
AND OPPORTUNITY ACT
STATE WORKFORCE ADMINISTRATORS WAGNER-PEYSER
STATE WORKFORCE AGENCY VETERANS COORDINATORS
WORKFORCE DEVELOPMENT BOARD STATE CHAIRS
WORKFORCE DEVELOPMENT BOARD STATE EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL CHAIRS
AFFILIATE AMERICAN JOB CENTER MANAGERS
COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
NATIONAL FARMWORKER JOBS PROGRAM GRANTEEES
INDIAN AND NATIVE AMERICAN GRANTEEES
YOUTHBUILD GRANTEEES
SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM GRANTEEES
JOB CORPS CONTRACTORS
RAPID RESPONSE CONTACTS

FROM: NAOMI BARRY-PEREZ
Director
Civil Rights Center

PORTIA WU
Assistant Secretary
Employment and Training Administration


**EMPLOYMENT AND TRAINING ADMINISTRATION
U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20210**

SUBJECT: Announcing the publication and effective date of the *Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38) Final Rule* in the Federal Register

1. **Purpose.** To announce the publication and effective date of the *Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38) Final Rule* in the Federal Register on December 2, 2016, effective January 3, 2017.
2. **References.**
 - Section 188 of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) and its implementing regulations at 29 CFR part 38.
3. **Background.** The U.S. Department of Labor's Civil Rights Center (CRC) enforces Section 188 of WIOA. Signed by President Obama on July 22, 2014, WIOA superseded the Workforce Investment Act (WIA) as the Department's primary mechanism for providing financial assistance for a comprehensive system of job training and placement services for adults and eligible youth. Section 188 prohibits discrimination against individuals in any program or activity that receives financial assistance under Title I of WIOA as well as by the one-stop partners listed in WIOA Section 121(b) that offer programs or activities through the one-stop/American Job Center system. Section 188 prohibits discrimination because of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, citizenship status or because of an individual's participation in a program or activity that receives financial assistance under Title I of WIOA.

In order to fulfill the statutory deadline to implement Section 188 of WIOA and avoid a gap in coverage, CRC issued a final rule creating 29 CFR part 38, on July 23, 2015, that contained only technical amendments to 29 CFR part 37 (changing references from "WIA" to "WIOA"). On January 26, 2016, CRC issued a Notice of Proposed Rulemaking (NRPM) to update the part 38 regulations (81 FR 4494). This Final Rule reflects changes made resulting from public comments on that NPRM.

4. **Section 188 Final Rule Publication and Effective Date.** WIOA requires the Department to issue regulations to implement Section 188, the provisions that require equal opportunity and nondiscrimination in the workforce system. The CRC administers these nondiscrimination provisions.

The final rule contains substantive changes necessary to address developments in equal opportunity and nondiscrimination law since 1999, when the part 37 regulations were issued originally. However, while the rule makes many substantive changes since 1999, the final rule does not impose significant new obligations on recipients. The rule's updated provisions generally reflect obligations already imposed by changes to other nondiscrimination and equal opportunity laws that expanded, for example, protections against unlawful discrimination on the basis of disability, national origin (including limited English proficiency), and sex. This rule will ensure recipients understand how their obligations in this regard have changed over the past 17 years. The final rule also includes updates reflecting changes in the increased use of online service delivery models in the workforce development system since 1999.

The update ensures the entire workforce system is aware of current equal opportunity rights and responsibilities of beneficiaries and recipients. This regulation will also increase equality of opportunity for millions of job seekers, training participants, program beneficiaries, and recipients' employees by allowing them to participate or work in programs and activities free from unlawful discrimination. The final rule safeguards access to the system in particular for people with disabilities, people with limited English proficiency, transgender individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child, or have related medical conditions.

The effective date of the final rule is January 3, 2017.

To view this final rule, please visit

<https://www.gpo.gov/fdsys/pkg/FR-2016-12-02/pdf/2016-27737.pdf>.

Other information, including Frequently Asked Questions, a fact sheet, and translations of these documents into 10 languages, can be found on the CRC's Web site at

<https://www.dol.gov/crc/188rule/>.

- 5. Technical Assistance.** CRC will continue to develop technical assistance to support the workforce system and all impacted entities as they work to meet the requirements of these regulations. Webinars for targeted audiences will be scheduled for December, 2016, as part of the initial roll-out. For more information and updates, please continue to visit CRC's Web site at <https://www.dol.gov/crc/188rule/>.

The Innovation Opportunity Network on WorkforceGPS (ION), which features technical assistance on strategies fundamental to WIOA implementation, will also host technical assistance materials specific to the Section 188 regulations as it is available. Visit the ION Community of Practice at <https://ion.workforcegps.org/> to find details on training events and materials for the Section 188 regulations.

- 6. Action Requested.** Please share this information with training providers and other interested stakeholders.
- 7. Inquiries.** Please direct questions to: Civil Rights Center at 202-693-6500, or civilrightscenter@dol.gov.

TRAINING AND EMPLOYMENT NOTICE	NO. 21-16
	DATE December 5, 2016

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
AFFILIATE AMERICAN JOB CENTER MANAGERS
COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING
ADMINISTRATION REGIONAL ADMINISTRATORS
WORKFORCE INVESTMENT BOARD LOCAL CHAIRS
WORKFORCE INVESTMENT BOARD STATE CHAIRS
WORKFORCE INVESTMENT BOARD STATE EXECUTIVE DIRECTORS
WORKFORCE INVESTMENT BOARD LOCAL EXECUTIVE DIRECTORS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Workforce Innovation and Opportunity Act (WIOA) Regional and Local Planning and Local Board Responsibilities Questions and Answers (Q&A)

1. **Purpose.** The purpose of this Training and Employment Notice (TEN) is to provide State and Local workforce system leaders and other stakeholders an informational Q&A on the requirements for regional and local planning under WIOA. The Q&A also addresses the role of Local Workforce Development Boards (Local Boards) in reviewing provider applications for the local competition under the Adult Education and Family Literacy Act (AEFLA), which are required under WIOA to align with Local Plans.
2. **References.**
 - WIOA Secs. 106-108, 182 and 231-232
 - 20 CFR part 679
 - 34 CFR part 463
 - Program Memorandum OCTAE 15-6, *Competition and Award of Adult Education and Family Literacy Act Funds under the Workforce Innovation and Opportunity Act – Frequently Asked Questions*
 - Program Memorandum OCTAE 17-1, *Clarifications Regarding Competition and Award of Adult Education and Family Literacy Act Funds to Eligible Providers under the Workforce Innovation and Opportunity Act*
 - Training and Employment Guidance Letter No. 14-15, *Workforce Innovation and Opportunity Act (WIOA) Requirements for Unified and Combined State Plans*

**EMPLOYMENT AND TRAINING ADMINISTRATION
U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20210**

3. **Background.** Section 108(a) of WIOA and regulations at 20 CFR 679.550 require Local Boards to submit a Local Plan to the State. In addition, WIOA Section 107(d)(11)(B) requires Local Boards to review applications for WIOA title II funds and make recommendation the State eligible agency to promote alignment with the Local Plan.
4. **Questions and Answers:** The Q&A announced by this TEN describes the content, timing and development of Regional and Local Plans as provided in the statute and regulations, as well as provides information pertinent to expectations for Local Boards and the title II funds competition.
5. **Action Requested.** States and Local Boards should review the attached Q&A.
6. **Inquiries.** Questions should be directed to your Regional Office.
7. **Attachment(s).**
 - a. WIOA Regional and Local Planning Q&A.

TRAINING AND EMPLOYMENT NOTICE	NO. 22-16
	DATE December 5, 2016

TO: COMMUNITY COLLEGE PRESIDENTS
COMMUNITY AND TECHNICAL COLLEGES
STATE GOVERNORS
ALL DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING
ADMINISTRATION GRANTEEES
DEPARTMENT OF LABOR VETERANS' EMPLOYMENT AND TRAINING
REGIONAL ADMINISTRATORS
STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING
STATE WORKFORCE AGENCY VETERANS COORDINATORS
WORKFORCE DEVELOPMENT BOARD STATE CHAIRS
WORKFORCE DEVELOPMENT BOARD LOCAL CHAIRS
COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
AFFILIATE AMERICAN JOB CENTER MANAGERS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Availability of Open Source Curricula for Workforce Development on
www.SkillsCommons.org

- Purpose.** To announce the availability on www.SkillsCommons.org of open source educational resources to train adults for occupations in 16 high-demand fields including manufacturing, healthcare, energy, and Information Technology. The resources are available to all training providers.

The U.S. Department of Labor's Trade Adjustment Assistance Community College and Career Training (TAACCCT) grant program has created the online repository called SkillsCommons to provide openly licensed learning materials and program support materials for job-driven workforce development in key sectors such as manufacturing, healthcare, energy, and information technology. All 256 TAACCCT grantees, involving nearly 700 of the nation's community colleges, are contributing materials and the collection will continue to grow. Thousands of resources are already available for download, featuring curricula for both short and long-term courses leading to industry-certified credentials. While there are multiple repositories of Open Educational Resources (OER), SkillsCommons is the world's largest OER project featuring job-driven workforce development materials, with more resources being added continually. All teaching, learning, and supporting materials on SkillsCommons are available under a Creative Commons license that allows anyone – not just grantees -- to use and adapt these materials, with attribution, at no cost.

2. **Background.** The U.S. Department of Labor invested almost \$2 billion over four years in TAACCCT and many grants are still underway. The TAACCCT grants provided institutions of higher education with funds to expand and improve their ability to deliver education and career training programs that can be completed in two years or less, and are suited for workers who are eligible for the Trade Adjustment Assistance (TAA) for Workers Program, as well as other adults. Grantees have developed or revised more than 2,500 programs of study to date. All course materials developed using these public funds will be available at no cost to the users through the SkillsCommons OER project so that others can access and build on successful training models. With these OER materials, adult workers are better able to access affordable, high quality training that will lead to careers in high demand industries.

Those interested in re-using the materials on SkillsCommons will find the following support resources useful:

- A SkillsCommons resource called “Revise and Reuse Open Educational Resources” explains how users can customize materials in a variety of ways to create derivative works that could better serve the needs of different learners in different contexts with different technologies. It includes examples of “makeovers,” innovative technologies that have been applied to the original materials to transform them into more usable, accessible, and effective resources. Makeovers may include edits to the branding, scope, and sequence of content as well. Find this support at <http://support.skillscommons.org/reuse-revise/>.
- A two-part webinar on utilizing the resources on SkillsCommons is also available. Titled “*Utilizing Free Online Educational Resources on the SkillsCommons.org Repository: Part I–Introduction*” and “*Part II – Makeover*,” the webinar recordings, transcripts, and handouts can be found by searching for that title on ETA’s technical assistance website, www.WorkforceGPS.org.

SkillsCommons.org is designed and managed by California State University (CSU) and its Multimedia Educational Resource for Learning and Online Teaching (MERLOT) program under a cooperative agreement with the U.S. Department of Labor. Extensive user support resources are available on the website, and the SkillsCommons CSU-MERLOT team of librarians, educators, and developers are available to assist not only TAACCCT grantees in posting their materials, but anyone who is using and adapting the OER on SkillsCommons.

3. **Action Requested.** Share the availability of the resources on SkillsCommons with workforce training providers, especially community colleges and entities designated as Eligible Training Providers under the Workforce Innovation and Opportunity Act.
4. **Inquiries.** The SkillsCommons team of librarians, educators, and developers are available to assist and can be contacted at support@skillscommons.org.

TRAINING AND EMPLOYMENT NOTICE	NO. 23-16
	DATE December 19, 2016

TO: STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
 INNOVATION AND OPPORTUNITY ACT
 STATE WORKFORCE AGENCIES
 STATE APPRENTICESHIP AGENCIES
 STATE DIRECTORS, OFFICE OF APPRENTICESHIP
 STATE WORKFORCE ADMINISTRATORS
 STATE WORKFORCE LIAISONS
 STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: PORTIA WU /s/
 Assistant Secretary

SUBJECT: Announcing the release and publication of the *Apprenticeship Programs; Equal Employment Opportunity* final rule in the Federal Register

1. **Purpose.** To announce the publication of the Apprenticeship Program's Equal Employment Opportunity final rule in the Federal Register on December 19, 2016.
2. **References.** 29 CFR part 30
3. **Background.** The U.S. Department of Labor (DOL or Department) is issuing this rule to modernize the equal employment opportunity (EEO) regulations that implement the National Apprenticeship Act of 1937. The regulations implement this Act by requiring registered apprenticeship program sponsors to provide equal opportunity for participation in their registered apprenticeship programs, and by protecting apprentices and applicants for apprenticeship from discrimination on certain protected bases. In addition, the rule also requires sponsors of registered apprenticeship programs to take affirmative action to provide equal employment opportunity in such programs. The policies and procedures of this rule promote equality of opportunity in apprenticeship programs registered with the Department and in apprenticeship programs registered with federally recognized State Apprenticeship Agencies (SAAs).

The most recent EEO regulations published in 1978 prohibit discrimination in registered apprenticeship on the basis of race, color, religion, national origin, and sex, and require that sponsors of registered apprenticeship programs take affirmative action to provide equal opportunity in such programs.

Highlights of the 2016 regulatory update include the following:

- Expanding protection from discrimination to include a broader range of America's workforce, including protections based on disability, age (40 or older), sexual orientation, and genetic information;

- Streamlining and clarifying steps for employers and apprenticeship program sponsors while maintaining broad and effective equal employment opportunity protections for apprentices and those seeking entry into apprenticeship programs;
- Improving and clarifying the affirmative steps employers and sponsors must take to ensure equal opportunity in apprenticeship;
- Providing new apprenticeship programs with additional flexibility, including up to two years to develop initial affirmative action programs;
- Clarifying the outreach, recruitment, and retention activities expected of apprenticeship program sponsors by specifying common-sense required activities, such as developing a list of recruitment sources and providing those sources advance notice of apprenticeship openings; and
- Allowing SAAs additional time to submit their State EEO plans to come into compliance with these regulations.

4. **Final Rule Publication and Effective Date.**

To view this final rule, please visit <https://www.gpo.gov/fdsys/pkg/FR-2016-12-19/pdf/2016-29910.pdf>.

These regulations are effective January 18, 2017.


To access the final rule and other information, including Frequently Asked Questions, fact sheets, compliance time table chart, and technical assistance strategy please visit the Office of Apprenticeship's EEO web page: <https://www.doleta.gov/oa/eoo>. Updates to technical assistance materials and plans will be posted on the Office of Apprenticeship's EEO web page as the items become available.

You may find other information about apprenticeship on the ApprenticeshipUSA Web site at www.dol.gov/apprenticeship.

5. **Action Requested.** Please share this information with interested stakeholders.
6. **Inquiries.** Please direct questions to the Office of Apprenticeship at (202) 693-2796 or oa.administrator@dol.gov.

TRAINING AND EMPLOYMENT NOTICE	NO. 24-16
	DATE December 20, 2016

TO: STATE WORKFORCE AGENCY ADMINISTRATORS
STATE WORKFORCE ADMINISTRATORS WORKFORCE INNOVATION
AND OPPORTUNITY ACT
STATE WORKFORCE INNOVATION AND OPPORTUNITY ACT LIAISONS
WORKFORCE DEVELOPMENT BOARD STATE AND LOCAL EXECUTIVE
DIRECTORS
WORKFORCE DEVELOPMENT BOARD STATE AND LOCAL CHAIRS
AMERICAN JOB CENTER MANAGERS
ALL EMPLOYMENT AND TRAINING ADMINISTRATION GRANTEES

FROM: PORTIA WU 
Assistant Secretary

SUBJECT: Release and Availability of Five Issue Briefs from an Evaluation of the "Linking to
Employment Activities Pre-Release (LEAP) Specialized American Job Centers"

1. **Purpose.** To announce the release and availability of issue briefs from the current evaluation of the Linking to Employment Activities Pre-Release (LEAP) Specialized American Job Centers. These briefs provide lessons learned and implementation issues faced by grantees working to provide employment and training services for incarcerated individuals.
2. **Background.** The LEAP pilot grants were issued to support the development of service models to provide career development and training services to individuals before release from incarceration in local jails. In June 2015, the Employment and Training Administration awarded 20 grants (<https://www.dol.gov/newsroom/releases/eta/eta20151117>) of approximately \$500,000 each to local workforce investment boards with demonstrated partnerships with their county or municipal governments and their county, municipal, or regional correctional facilities.

In September 2015, DOL awarded a contract to Mathematica Policy Research, in partnership with Social Policy Research Associates, to conduct a three year, cross-site implementation evaluation of the LEAP pilot grants, including an early implementation component to identify lessons learned during the planning period. The purpose of the evaluation is to better understand the elements of the LEAP pilot programs as implemented, the client flow and services provided, the partnerships involved, the coordination with community-based full-service and satellite One-Stop Career Centers/American Job Centers (AJCs), and the administrative and reporting strategies adopted to manage activities, staff, and results.

Key research questions included:

- How is the LEAP grant tailored to the local jail and workforce context?

**EMPLOYMENT AND TRAINING ADMINISTRATION
U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20210**

- What types of services are delivered through the jail-based AJCs funded by LEAP?
- How do LEAP participants transition to services at community-based AJCs upon release?
- What types of services do LEAP participants receive at community-based AJCs?
- How is data on participants collected, shared, and reported?
- How do stakeholders view LEAP?
- What do LEAP grantees report as the most promising elements of implementation and under what conditions can they be replicated?

A second and third round of LEAP grants
(<https://www.dol.gov/newsroom/releases/eta/eta20160624>) were awarded to 11 organizations in June 2016 and to 10 organizations in September 2016, respectively.

3. Publication Description. These briefs document the early lessons from and explore implementation issues faced by the pilots.

- Bridging Workforce Development and Corrections Cultures Issue Brief—Early Lessons from LEAP
(https://www.dol.gov/asp/evaluation/completed-studies/IB_MPR_SPR_LEAP_Culture.pdf)
Key Findings include: 1) Formal staff trainings and co-location of workforce staff at the jail during the planning phase helped to strengthen the jail-based AJCs and acclimate workforce staff into jail culture and norms. 2) Although developing a jail-based AJC requires adjustment by both workforce development and jail partners, the level of accommodation and acculturation was generally higher for workforce staff who viewed themselves as “guests” who needed to conform to jail guidelines and rules.
- Internet Access for Pre-Release Job Search Training Issue Brief—Early Lessons from LEAP
(https://www.dol.gov/asp/evaluation/completedstudies/IB_MPR_SPR_LEAP_Internet%20Access.pdf)
Key Findings include: 1) Planning for Internet installation soon after grant award was critical, given the inherent delays and complexity of establishing Internet access in previously unwired jail settings. 2) Adequate budgeting for both equipment purchases and space upgrades was essential to support Internet installation and access in jails.
- Structuring Employment-Based Services Within Jail Spaces and Schedules Issue Brief—Early Lessons from LEAP
(https://www.dol.gov/asp/evaluation/completed-studies/IB_MPR_SPR_LEAP_JailSpace.pdf)
Key Findings include: 1) Securing the buy-in of corrections officers was just as important as buy-in from jail administrative staff, given the considerable logistics involved with inmate movement and the complexity of daily jail schedules. 2) Early onsite time with jail leadership and staff was critical for understanding space and scheduling parameters, assessing what was feasible, and making necessary adjustments.
- Staffing Jail-Based American Job Centers Issue Brief—Early Lessons from LEAP
(https://www.dol.gov/asp/evaluation/completed-studies/IB_MPR_SPR_LEAP_Staffing.pdf)

Key Findings include: 1) Lengthy background checks required to work in the jails, difficulty recruiting qualified candidates, and long hiring processes contributed to staffing delays. 2) Grantees sought to hire staff with a combination of criminal justice experience, workforce development experience, group facilitation skills, and interpersonal skills, but found it difficult to find candidates who possessed all of these skills

- Expediting the Launch of Service Provision Issue Brief—Early Lessons from LEAP
(https://www.dol.gov/asp/evaluation/completed-studies/IB_MPR_SPR_LEAP_QuickStart.pdf)
Key Findings include: 1) Jail-based AJCs that began serving participants early on in the planning period were able to leverage existing staff, curricula, knowledge, and partner experience to roll out services quickly. 2) Using the proposal and early planning phases of the grant to solidify the service structure and key relationships helped to expedite the launch of jail-based AJC services.
4. **Inquiries.** For more information about this study, contact Megan E. Lizik, Contract Officer's Representative, Office of the Assistant Secretary for Policy, DOL at (202) 693-5911 or lizik.megan@dol.gov.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION YouthBuild
	CORRESPONDENCE SYMBOL OWI-DYS
	DATE December 20, 2016

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 11-16

TO: STATE WORKFORCE AGENCIES
 STATE WORKFORCE LIAISONS
 STATE WORKFORCE ADMINISTRATORS
 STATE AND LOCAL WORKFORCE DEVELOPMENT BOARDS
 ALL YOUTHBUILD GRANTEES

FROM: PORTIA WU /s/
 Assistant Secretary

SUBJECT: YouthBuild Compliance with Davis-Bacon and Related Acts (DBRA)

1. **Purpose.** This Training and Employment Guidance Letter (TEGL) clarifies compliance with Davis-Bacon and Related Acts requirements for YouthBuild programs.
2. **References.**
 - Workforce Innovation and Opportunity Act (Pub. L. 113-128 July 2014)
<https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>
 - Workforce Innovation and Opportunity Act Final Rule, 20 CFR Part 688
<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>
 - Davis-Bacon and Related Acts Provisions and Procedures, 29 CFR Part 5
<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=29:1.1.1.1.6>
 - TEGL 06-15: Qualifying Work Sites and Construction Projects for YouthBuild Grantees and Their Role in Training https://wdr.doleta.gov/directives/corr_doc.cfm?docn=6610
 - U.S. Department of Labor's Wage and Hour Division
<https://www.dol.gov/whd/govcontracts/dbra.htm>
 - U.S. Department of Housing and Urban Development (HUD) Davis-Bacon Labor Standards <http://portal.hud.gov/hudportal/documents/huddoc?id=4812-LRguide.pdf>
 - HUD Davis-Bacon and Related Acts HOME Investment Partnerships (HOME) and Community Development Block Grant (CDBG) Policies Manual
https://www.hudexchange.info/resources/documents/Davis-BaconandHOME_TrainingManual.pdf
 - HUD Labor Standards and Enforcement Regional Staff Contacts
http://portal.hud.gov/hudportal/HUD?src=/program_offices/labor_standards_enforcement/laborrelstf
3. **Background.**
 Department of Labor-funded YouthBuild programs must provide hands-on construction experience for participants receiving industry-recognized construction training. These

RESCISSIONS None	EXPIRATION DATE Continuing
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programs must provide qualifying work sites, per TEGL 06-15, at which participants learn construction skills through the renovation, rehabilitation or new construction of low-income housing projects. Many grantees partner with local Public Housing Authorities to access such work sites, as well as with other developers or builders (partially or wholly Federally-funded) to construct or rehabilitate public housing. In such cases, the Davis-Bacon labor standards may apply.

Davis-Bacon Act requirements apply to federal contracts for construction of public buildings and public works. In addition, many federal laws authorize federal assistance for construction through grants, loans, loan guarantees, and insurance and require the application of Davis-Bacon labor standards, including prevailing wage requirements, to such construction. These laws are referred to as Davis-Bacon "related Acts" or DBRA. Several major HUD-administered laws that include Davis-Bacon requirements also set thresholds on coverage. In such cases, the DBRA requirements do not apply unless a specific coverage threshold is met. Two major examples are discussed below.

When DBRA applies, contractors and subcontractors must pay their covered laborers and mechanics employed under the contract no less than the locally prevailing wage rate (including fringe benefits) for corresponding work on similar projects in the area. DBRA directs the Department of Labor (hereafter, the Department) to determine such locally prevailing wage rates.

4. Determining DBRA Prevailing Wage Rate Applicability.

YouthBuild participants are **not exempt** from prevailing wage requirements determinations for any project to which DBRA labor standards apply. Therefore, YouthBuild participants must be paid prevailing wages on DBRA-covered construction. This is generally the equivalent to journeyworker's level wages. This requirement necessitates planning by YouthBuild programs that see federally-assisted construction projects as valuable training sites for their youth, since YouthBuild programs do not generally budget for the prevailing wage rate. Many grantees struggle with finding suitable construction work sites that meet the minimum requirements to qualify for training purposes, and some of those that would qualify are, in whole or in part, federally-funded projects subject to DBRA.

As DBRA prevailing wage rate rules apply under a number of different HUD-administered statutes, determining when the Davis-Bacon requirements apply is important. For example, under some of these statutes, there are coverage thresholds below which prevailing wage rates do not apply. Two examples are in the "8 unit rule" under Community Development Block Grants (CDBG) and the "12 unit rule" under the HOME Investment Partnership Program (HOME):

- The **Community Development Block Grant (CDBG)** program provides communities with resources in order to address widely varying and locally identified community development needs. DBRA labor standards apply to construction work financed in whole or in part by CDBG funds. "Financed" includes both paying for construction work directly and also, for example, using CDBG assistance to reduce the interest rate on a construction loan. The CDBG "8-unit rule" is a threshold for DBRA labor standards

coverage, meaning that such standards only apply to construction on residential properties that contain 8 or more housing units. Typically, single family homeowner properties do not fall under DBRA prevailing wage requirements when funded by CDBG. However, "property" is not limited to a specific building; CDBG defines "property" as one or more buildings on an undivided lot or on contiguous lots or parcels that are commonly-owned and operated as one rental, cooperative, or condominium project. Examples of 8 or more unit properties which meet the threshold and trigger DBRA prevailing wage requirements may include: 4 townhouse buildings side-by-side which consist of 2 units each; 3 apartment buildings each consisting of 3 units and located on one tract of land; or 8 single-family (not homeowner) houses located on contiguous lots and operated as a single rental property. Properties below the threshold (i.e., with fewer than 8 total units) would not trigger DBRA prevailing wage requirements as a result of CDBG financing.

- The **HOME Investment Partnership Program (HOME)** provides formula grants to states and localities to fund a wide range of activities in local communities, including building, buying, and/or rehabilitating affordable to low-income housing. DBRA labor standards apply to *contracts for construction* covering 12 or more HOME-assisted units. Unlike CDBG, the standard for coverage is "*assisted*," not "*financed*" – which provides for much broader application. This means that DBRA standards may be applicable without regard to whether the HOME funds are used for construction or non-construction activities, such as real property acquisition, engineering or architectural fees, or down payment assistance. HOME projects can contain units that are not assisted by HOME. The DBRA coverage threshold (12 or more units) applies only to the number of units assisted by HOME. However, once the threshold is met and DBRA requirements are triggered, the labor standards apply to construction of the entire project, including the portions of the project that are not assisted with HOME funds. Thus, DBRA prevailing wage requirements do not apply to HOME projects where there are only 11 or fewer HOME-assisted units.

These are not the only DBRAs that include coverage thresholds but they present examples where DBRA prevailing wage requirements may not apply due to coverage thresholds set forth in the statutory language in specific DBRAs. It is not possible to describe here every such threshold. The above examples are meant to indicate how important it is to determine where DBRA prevailing wage requirements apply.

If there are any questions as to the applicability of DBRA, YouthBuild grantees are directed to work with their HUD Labor Standards and Enforcement Regional/Field staff for assistance in determining whether DBRA applies to specific projects and to ensure YouthBuild programs are adhering to the federal wage requirements under DBRA where applicable. The HUD labor relations staff are regional experts who can help YouthBuild programs determine where DBRA prevailing wage rates apply, specify the applicable Davis-Bacon wage determination(s), and when YouthBuild participants may be allowed to work on federally-assisted construction projects without a requirement of prevailing wage rates. Contact information for HUD Labor Standards and Enforcement Regional staff can be located at

http://portal.hud.gov/hudportal/HUD?src=/program_offices/labor_standards_enforcement/lab_orrelstf.

5. **DBRA, Apprentices, and Certified Training Programs.**

Per DBRA, apprentices and trainees may be paid less than the applicable DBRA prevailing wage rates only if they meet specific conditions (see 29 CFR 5.5(a)(4)). The conditions can be met for apprentices individually registered in a bona fide apprenticeship program registered either with the National Office of Apprenticeship or a State Apprenticeship Agency recognized by the Office of Apprenticeship, or trainees individually registered in specific training programs that are certified by the Department's Employment and Training Administration (ETA). Being funded by a Department program (i.e., YouthBuild) is not equivalent to having a registered or certified training program as described above. Previously, ETA certified the YouthBuild-Trainee Apprenticeship Preparation (YB-TAP) standards as such a training program. During this time, YouthBuild programs that were registered under the YB-TAP standards were not required to pay prevailing wage rates on DBRA applicable construction sites but instead based pay on the rate related to the trainee's level of progress, as specified by the program documents. In 2012, the Employment and Training Administration de-certified YB-TAP as a training program and stopped offering these standards. Thus, YouthBuild participants may not be paid less than the prevailing wage rates listed in the applicable Davis-Bacon wage determination for the classification(s) of work they perform when they are engaged in DBRA-covered construction.

Additional information about the Davis-Bacon and Related Acts is available at <https://www.dol.gov/whd/govcontracts/dbra.htm>. For DBRA-specific questions, go to https://www.dol.gov/whd/contact_us.htm or call the Department's Wage and Hour Division's toll-free help line Monday-Friday, 8 a.m. to 5 p.m. Eastern time at

1-866-4USWAGE (1-866-487-9243)

TTY: 1-877-889-5627

6. **Inquiries.** Questions on this TEGL may be addressed to the appropriate ETA regional office.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION TAA
	CORRESPONDENCE SYMBOL OTAA
	DATE December 22, 2016

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 12-16

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
AFFILIATE AMERICAN JOB CENTER MANAGERS
COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
TRADE ADJUSTMENT ASSISTANCE LEADS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Questions and Answers on the Effects of Strikes and Lockouts on Eligibility for Trade Adjustment Assistance (TAA) and Trade Readjustment Allowance (TRA)

1. **Purpose.** To assist State Workforce Agencies (SWAs) or agencies designated by Governors as "Cooperating State Agencies" (CSAs) (also jointly referred to as "states") in administering the TAA Program by providing guidance on the effects of strikes and lockouts on eligibility for TAA Program benefits, including TRA.
2. **References.**
 - Chapter 2 of Title II of the Trade Act of 1974, as amended (Pub. L. 93-618) (1974 Act and, as amended, Trade Act);
 - Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Title IV of the Trade Preferences Act of 2015, (P.L. No. 114-27);
 - Federal Unemployment Tax Act (FUTA) Section 3304 (26 U.S.C. 3304 (2012));
 - 20 Code of Federal Regulations (CFR) Part 617;
 - Unemployment Insurance Program Letter (UIPL) No. 17-87 *Questions and Answers on the Effects of Strikes and Lockouts on Eligibility for Trade Readjustment Allowances* dated May 20, 1987.
3. **Background.** The Employment and Training Administration (ETA) is updating guidance on the effects of labor disputes on TAA Program benefits, and particularly the effects on TRA eligibility, after receiving a number of inquiries from states. While answers were provided in UIPL No. 17-87, this directive consolidates the questions asked, rescinds UIPL No. 17-87, and provides further guidance. This guidance includes a new statement that an individual

RESCISSIONS UIPL No. 17-87	EXPIRATION DATE Continuing
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experiencing a lockout can be an adversely affected worker who, if otherwise eligible, may be eligible to receive TAA benefits, including TRA.

The Trade Act of 1974 (Pub. L. No. 93-618), as amended (codified at 19 U.S.C. §§ 2271 *et seq.*), Title II, Chapter 2, established the Trade Adjustment Assistance for Workers (TAA), Alternative Trade Adjustment Assistance (ATAA), and Reemployment Trade Adjustment Assistance (RTAA) programs. These programs collectively referred to as the TAA Program, provide assistance to workers who have been adversely affected by foreign trade. The Trade Act was last amended by the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015).

To obtain TAA Program reemployment services and benefits, a worker must first be part of a group of workers that is the subject of a petition filed with and certified by the U.S. Department of Labor. After a worker group certification is issued, each worker in the group must then individually apply for services and benefits through their local American Job Center (sometimes known locally as One-Stop Centers or by other names). The CSA will issue a determination of the workers' individual eligibility for TAA Program benefits.

4. Questions and Answers.

Sub-Section 1: Lockouts

- 1) Q. May a worker establish individual eligibility for TAA Program benefits based on a separation which is due to a lockout?

A. Yes. To qualify for TRA, or other TAA Program benefits, the Trade Act requires that a worker meet the definition of "adversely affected worker." Section 247(2) of the Trade Act (19 U.S.C. §2319 (2)) defines "adversely affected worker" as "an individual who, because of lack of work in adversely affected employment, has been totally or partially separated from such employment." A "total separation" is defined in Section 247(10) (19 U.S.C. § 2319 (10)) as "the layoff or severance of an individual from employment with a firm in which adversely affected employment exists." The regulations, at 20 CFR 617.3(z), define a layoff as "a suspension of or separation from employment by a firm for lack of work, initiated by the employer, and expected to be for a definite or indefinite period of not less than seven consecutive days."

The Department has determined that a separation due to a lockout, where the lockout is expected to be for a definite or indefinite period of not less than seven consecutive days, is a qualifying separation for TAA purposes and a worker may establish TAA Program benefit eligibility based on such separation. Whether the worker was separated due to the lockout or for another reason must be determined for each individual by the state.

- 2) Q. If state law allows Unemployment Insurance (UI) benefits to be paid to a worker who is locked out, can the worker be eligible to receive TRA?

A. Yes, TRA may be paid to a worker who is locked out if all other TRA eligibility requirements, including the UI eligibility and the wage qualifying requirements, are met.

Sub-Section 2: Strikes

- 1) Q. May a worker establish individual eligibility for TAA Program benefits based on a separation which is due to a strike?

A. No. The Trade Act requires that a worker have a lack of work separation from adversely affected employment to qualify for TRA, or other TAA Program benefits. Since a separation due to a strike was not initiated by the employer, it is not a lack of work separation under the Trade Act, and, a worker may not establish individual TAA Program eligibility based on such a strike.

- 2) Q. If a worker who was on strike for fewer than 26 weeks returns to work after the dispute has ended, and is told by the employer that there is no longer any work for him or her, can he or she establish individual TAA Program eligibility?

A. Yes. This separation is due to lack of work and not a strike. However, all other requirements, including the requirement to have 26 or more weeks in adversely affected employment with wages of \$30 or more (including qualifying weeks of leave or other work absences listed in Trade Act section 231(a)(2)) (19 U.S.C. §2291(a)(2)) within the 52 week period ending with the week of separation, must also be met with respect to the separation.

- 3) Q. If a worker who was on strike for more than 26 weeks returns to work, and is then laid off within two weeks because of lack of work, can he or she meet the wage qualifying requirements to receive TRA?

A. No. In all cases, the worker must have 26 or more weeks in adversely affected employment with wages of \$30 or more (including qualifying weeks of leave or other work absences listed in Trade Act section 231(a)(2)) (19 U.S.C. §2291(a)(2)) within the 52 week period ending with the week of separation to meet the qualifying requirements of Section 231(a)(2) of the Trade Act (19 U.S.C. §2291(a)(2)). Since the strike was for more than 26 weeks, it will not be possible for the worker to meet that requirement.

- 4) Q. If a worker who is out of work because of a strike decides to enter training, may the training be approved for TAA purposes?

A. Training may be approved under the Trade Act only if there is a lack of work separation to establish eligibility, which, as noted above, cannot be established by a strike. However, if the worker had established individual eligibility for TAA Program benefits before the strike through a previous qualifying separation, he or she may be approved for TAA training if the requirements of Section 236(a) of

the Trade Act (19 U.S.C. §2296(a)) and 20 CFR 617.22 are met. Additionally, eligibility for basic or additional weeks of TRA may be available if all requirements for receipt set forth in Trade Act section 231(a) (19 U.S.C. § 2291(a)) are met and state law allows payment of UI during a strike.

- 5) Q. Is a worker, who was on leave at the time a strike occurred, individually eligible for TAA Program benefits if he or she does not return to work because of the strike?

A. No. There is no lack of work separation to establish eligibility.

- 6) Q. Where a worker receives a notice of layoff after the settlement of a strike in which he/she participated, what is the date of separation for purposes of the worker's eligibility for TRA?

A. The date of separation is the effective date of the notice for TRA purposes. A worker on strike remains in employment status and is not separated from employment until an actual separating action is taken by the employer. Whether a separating action taken by an employer is a layoff for lack of work for TAA purposes is a fact to be determined in each case, and this finding is necessary to establish that the worker is an adversely affected worker.

- 7) Q. Would an individual who was receiving TRA while in TAA approved training be disqualified from receiving further TRA payments if, while a strike was in progress, the individual was offered and refused employment in an establishment where jobs are vacant because of the strike?

A. No. The individual could not be denied TRA by a state on these facts without violating the labor standards in Section 3304(a)(5)(A) of the Federal Unemployment Tax Act (FUTA). This section requires that compensation not be denied to an otherwise eligible individual for refusing to accept new work if the position offered is vacant due directly to a strike, lockout, or other labor dispute. Denial of TRA in this situation would also be inconsistent with Section 3304(a)(8) of the FUTA (prohibiting denial of benefits based upon lack of availability for work while the individual is in training approved by the State) and Section 236(d)(2) of the Trade Act (19 U.S.C. §2296(d)(2)) (prohibiting denial of benefits "because of the application to any such week in training of the provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work") and 20 CFR § 617.18(b)(1).

- 8) Q. If a plant is permanently closed down immediately following the settlement of a strike, what is the date of separation for those workers who participated in the strike?

A. The date of separation is the effective date of the notice the employer provided to the claimant that work is not available or the effective date of the plant closure.

- 9) Q. May a worker who is not participating in a strike qualify for individual TAA Program benefits if the worker is laid off because his/her employer supplies a firm involved in the strike?

A. If the worker group of which he or she is a member has been certified as eligible to apply for TAA Program benefits, then a worker who is laid off because the firm for which his or her employer supplied workers no longer needs the workers due to a strike may experience a lack of work separation for which he or she could qualify for TAA Program benefits.

5. **Action Requested.** States are requested to review the above information and disseminate this guidance to appropriate staff. This guidance must be followed in future determinations. In addition, any pending determinations, including those determinations that are under review or appeal at any stage of the administrative or judicial process, that are impacted by this guidance must be remanded for reconsideration in accordance with this guidance, if permissible under state law.

6. **Inquiries.** States should direct all inquiries to the appropriate ETA Regional Office.

TRAINING AND EMPLOYMENT NOTICE	NO. 25-16
	DATE December 22, 2016

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS
ONE-STOP CAREER CENTER MANAGERS
STATE VETERANS EMPLOYMENT AND TRAINING DIRECTORS
WIOA SECTION 166 GRANTEES
JOB CORPS CENTER DIRECTORS
ETA REGIONAL ADMINISTRATORS
ALL DISCRETIONARY/COMPETITIVE GRANTEES

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Release and Availability of the Technical Assistance Resource, Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development

1. **Purpose.** To announce the availability of a technical assistance resource, the *Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development*, for States, locals, tribal entities, and competitive grantees developing career pathways systems.
2. **References.**
 - Training and Employment Notice (TEN):17-15 Release and Availability of the Technical Assistance Resource, Career Pathways Toolkit: A Guide for System Development
 - Training and Employment Notice (TEN): 14-15 Workforce Innovation and Opportunity Act (WIOA) Requirements for Unified and Combined State Plans
 - Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, as amended
3. **Background.** Our nation's future depends upon an educated, skilled workforce. Improving the skills, knowledge, and credentials of American workers is critical to economic stability, growth, and global competitiveness. The Workforce Innovation and Opportunity Act (WIOA) that went into effect on July 1, 2015 provides an extraordinary opportunity to improve job and career options for our nation's workers through an integrated job-driven public workforce system that links diverse talent to businesses. WIOA requires States and localities to collaborate with adult education, postsecondary education, and other partners to establish career pathways systems that make it easier for all Americans to attain the skills and credentials needed for jobs in their regional economy.

Career pathways systems offer an effective approach to the development of a skilled workforce by increasing the number of workers in the U.S. who gain industry-recognized and

academic credentials necessary to work in jobs that are in-demand. Career pathways systems transform the role of businesses from a customer to a partner and co-leader in the development of the workforce.

In April 2016, twelve Federal agencies signed a Career Pathways Joint Letter (https://careerpathways.workforcegps.org/announcements/2016/04/27/11/21/2016_Career_Pathways_Joint_Letter) expanding the support at the Federal level for a coordinated career pathways system. The letter demonstrates an unprecedented commitment to promote career pathways by providing updated information and resources from Federal partners to integrate service delivery across Federal and State funding streams. The numerous Federal partners recognize the importance of career pathway strategies as an effective framework to guide States, regions, local entities and tribal communities in helping youth and adults acquire marketable skills, and earn industry-recognized credentials.

The Career Pathways Toolkit: A Guide for System Development, released in the fall of 2015, updates the original 2011 *Career Pathways Toolkit: Six Key Elements for Success* by incorporating the new guiding legislation, WIOA, as well as reflects the substantial gains in knowledge and experience since the release of the 2011 Toolkit. The 2015 release maintains the original framework and resources for states and local partners to develop, implement, and sustain career pathways systems and programs.

The Department is now releasing the 2016 version, *Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development* (https://careerpathways.workforcegps.org/resources/2016/10/20/10/11/Enhanced_Career_Pathways_Toolkitthat) embeds helpful worksheets into each of the six key elements of career pathways to assist States, localities, tribal communities, and other grantees in operationalizing and sustaining their career pathways systems and programs. The enhanced version draws attention to the complementary resources that support sector strategies and Registered Apprenticeship.

State sector strategies require leadership to help coordinate policies toward common goals. Governors are in a pivotal position to provide the leadership needed to bring systems together. The Sector Strategies Organizational Self-Assessment is embedded in Element 2: *Identify Industry Sectors and Engage Employers*. The purpose of the Sector Strategies Organizational Self-Assessment is to help States evaluate their own sector strategies initiatives by identifying their strengths, learning opportunities and priorities.

Additionally, apprenticeship is the gold standard for a career pathways program. The structure of a Registered Apprenticeship program is incorporated along a pathway for progressive increases in skills, knowledge, and wages. In this “earn and learn” model, workers hired by an industry begin receiving wages on day one of their apprenticeship. Pre-apprenticeship programs are frequently part of the pathway, used as a bridge for individuals who need basic skills and other workforce preparation before entering a Registered Apprenticeship program. To learn more about apprenticeship and access resources to develop apprenticeship strategies, visit www.dol.gov/apprenticeship/toolkit.

4. **Content.** Since the release of the 2015 Toolkit, the U.S. Department of Labor has developed worksheets to assist State and local leadership teams in operationalizing their career pathways systems. The current 2016 release, **Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development** (https://careerpathways.workforcegps.org/resources/2016/10/20/10/11/Enhanced_Career_Pathways_Toolkit), is now available in eight distinct modules. This enhanced edition continues to feature the Six Key Elements of Career Pathways, but presents each element as a separate module and embeds helpful, writeable worksheets into the element and components they support. The enhanced Toolkit begins with an introductory module, six distinct modules representing the six key elements, and an eighth module that provides the references to the rich body of knowledge researched to revise the Toolkit including a bibliography and glossary of terms used throughout the Toolkit. The eight modules are listed below and can be found at:
https://careerpathways.workforcegps.org/resources/2016/10/20/10/11/Enhanced_Career_Pathways_Toolkit.

- Introduction
- Element 1: Build Cross Agency Partnerships and Clarify Roles
- Element 2: Identify Industry Sectors and Engage Employers
- Element 3: Design Education and Training Programs
- Element 4: Identify Funding Needs and Sources
- Element 5: Align Policies and Programs
- Element 6: Measure System Change and Performance
- References, Bibliography and Glossary of Terms

The modules in the enhanced version of the Toolkit are downloadable, writeable, and printable PDFs. Readers are encouraged to access and use the modules in sequential or non-sequential order as dictated by State needs.

5. **Action Requested.** States, local and tribal entities, and competitive grantees are encouraged to use these resources to support their career pathways initiatives and to share this TEN with workforce investment system partners, including employers, community colleges, adult basic education providers, human services, economic development and community-based organizations and workforce intermediaries. Also, please visit the Workforce GPS Career Pathways Community of Practice at <https://careerpathways.workforcegps.org> to learn more about implementing career pathways in alignment with the vision of WIOA.
6. **Inquiries.** For more information about the Career Pathways initiative, please visit the Career Pathways Community of Practice at <https://careerpathways.workforcegps.org> or contact the appropriate regional office.
7. **Toolkit Worksheets.** A list of worksheets found within each element of the toolkit is listed below:

Element	Worksheet Title	Purpose
1	1.1a Partner Contact Information	Organize partner contact information
	1.1b Governance Structure	Consider how leadership team is represented across different state entities.
	1.1c Identifying Assets of Team	Understanding critical assets and limitations of each partner.
	1.1d Pre-Partnership Check-up	Guide the thinking about ways to assess the value, costs, and risks of creating partnerships.
	1.1e Checklist for Existing Partnerships	Assess the health of existing partnerships on a periodic basis.
	1.3a Matrix of Partner Roles & Responsibilities Worksheet	Define the roles and responsibilities of each partner.
	1.4a Memorandum of Understanding (MOU) Template	Guide the development of topics, policies, and guidelines for inclusion in an MOU.
2	2.0a Sector Strategies Organizational Self-Assessment	Assess readiness to engage in sector strategies activities.
	2.1a Labor Market Analysis	Understand available resources for conducting labor market analyses.
	2.1b Data and Resource Guide for Identifying Target Industry Sectors	Identify industry sectors based on key questions.
	2.2a Employer Engagement Self-Assessment	Explore current realities surrounding the collective system's employer engagement strategies.
	2.3a Inventory of Partners' Employer Engagement	Identify what industries are engaged across state agencies.
	2.5a Employer Needs Guide	Gather information about an employer or sector.
	2.6a Matrix of Employer Engagement Strategies	Develop a coordinated state employer engagement strategy.
3	3.2a Building Recruitment Strategies for Target Populations	Identify and recruit target populations for career pathways programs.
4	4.2a Funding Options Worksheets	Identify and coordinate funding options for sustaining career pathways programs.
5	5.0a Communications Chart: Continuous Communication	Evaluate how closely mission and vision align with organizational use of communications.
	5.1a Leadership	Rate state status in each of these topic areas.
	5.1b Co-enrollment	
	5.1c Data Management	
	5.1d Education Credit Attainment	
	5.1e Client Services	
	5.1f Eligible Training Providers	
	5.1g Resource Allocation	
	5.1h Skill Attainment	
	5.1i Professional Development	
5.1j Sector Strategies		
6	6.1a Program and System Logic	Create program and system logic models.
	6.2a Performance Measurement Chart	Review partners' program outcome measures.
	6.2b Metrics Self-Assessment Step 1	Identify universal metrics for career pathways in the state or region.
	6.2c Metrics Self-Assessment Step 2	Identify the extent to which the three essential

		features of career pathways are present and can be reflected in collected data.
	6.2d Metrics Self-Assessment Step 3	Identify availability of data needed to calculate each metric.
	6.2e Metrics Self-Assessment Step 4	Identify capacity of partnerships to observe participant results longitudinally.

TRAINING AND EMPLOYMENT NOTICE	NO. 27-16
	DATE January 3, 2017

TO: AFFILIATE AMERICAN JOB CENTER DIRECTORS
 COMPREHENSIVE AMERICAN JOB CENTER DIRECTORS
 WORKFORCE INNOVATION OPPORTUNITIES ACT (WIOA) 166 INDIAN
 AND NATIVE AMERICAN GRANTEEES
 DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING
 ADMINISTRATION REGIONAL ADMINISTRATORS
 STATE GOVERNORS
 STATE UNEMPLOYMENT INSURANCE DIRECTORS
 STATE WIOA LIAISONS
 STATE WORKFORCE ADMINISTRATORS WIOA
 WORKFORCE DEVELOPMENT BOARD LOCAL CHAIRS
 WORKFORCE DEVELOPMENT BOARD STATE CHAIRS
 WORKFORCE DEVELOPMENT BOARD STATE EXECUTIVE DIRECTORS
 WORKFORCE DEVELOPMENT BOARD LOCAL EXECUTIVE DIRECTORS

FROM: GERRI FIALA /s/ for PORTIA WU
 Assistant Secretary

SUBJECT: Release and Availability of Two Reports Under the Project Entitled State
 Demonstration Projects in Providing Reemployment Services to Unemployment
 Insurance Claimants (commonly known as the Reemployment Connectivity
 Project)

1. **Purpose.** The Employment and Training Administration (ETA) announces the release and availability of two papers under the subject project: *Strategies for Connecting Unemployment Insurance (UI) Claimants to the Workforce System: Findings from the Implementation Study of the UI Workforce Connectivity Grant Program*, and *Experiences of Three States in Developing Social Media Strategies for Employment Assistance Programs*.
2. **Background.** The U.S. Department of Labor continues to explore strategies to improve UI claimants' access to re-employment services provided through the public workforce system to speed their return to work in good jobs with good wages. The use of virtual service delivery methods to administer the UI program has significantly increased since the 1990s and now most UI claimants apply for and maintain their benefits primarily via the internet or phone. One result of this shift has been that many claimants are physically disconnected from the workforce system and are often unaware of how to access the range of reemployment, job search, career counseling, and training services available to them. The automated systems for filing UI benefits claims and accessing re-employment services are often separate, with limited or no connections between them, making it cumbersome and sometimes confusing for

individuals to navigate between the two systems. The challenge is how to best connect UI claimants to the services available on-line and in the American Job Centers (AJC).

It should be noted that the bulk of the work on this project was accomplished prior to the implementation of the Workforce Innovation and Opportunity Act (WIOA) which superseded several of the relevant statutory provisions of the Workforce Investment Act (WIA).¹ Since this Training and Employment Notice (TEN) is intended to be a summary of the reports themselves, most of the references within it are to WIA. However, to the extent that this TEN refers to present or future programmatic considerations, the references will be to WIOA. Also, where there is no particular inference to present or future planning, the findings are relevant for WIOA implementation.

The Initiative

In 2010 the Department established a workgroup comprised of workforce leaders at the local, state, and national levels, and partnered with the National Association of State Workforce Agencies (NASWA). The goal of the workgroup was to develop a shared national vision to improve connectivity between UI program service delivery and reemployment services provided through the workforce system, both through one-stop centers and virtually and to promote innovative reemployment service delivery strategies for all job seekers. This workgroup identified several “transformational” elements to improve connections between job seekers, particularly UI claimants, and employment services.

- The first element is an **integrated workforce registration (IWR)** system that would allow all individuals to register online, through a single process, for a range of workforce services, including UI benefits, WIA and ES services.
- The second element, **real time triage**, involves using information from the IWR to continuously assess, through an automated system, customers’ reemployment options, using up-to-date information on their education, skills, and work experience to link job seekers with the most appropriate current job openings, workshops, and training opportunities. A critical feature of real time triage is that listings of job openings are continuously refreshed and provided to the claimant or job seeker when he or she logs into the account.
- The third element is **skills transferability**, which focuses on matching the experience, interests, and skills of job seekers to link them to job openings that match their background and skills or to help them to transition their skills to new occupations. A key feature of the skills transferability component is that it helps job seekers better understand and consider other occupations based on their skills and background, which leads to a broadening of the range of job openings and skills upgrading within those occupations that claimants and job seekers may consider.

¹ The Workforce Innovation and Opportunity Act (WIOA) became law on July 22, 2014, and WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

- The fourth element focused on the potential to use **social media** to implement new reemployment service delivery strategies. Given its explosive growth as a primary communication method in both the professional and personal realms, social media potentially offers the workforce system a way to enhance the job search process and improve employment outcomes. In particular, the Department is examining social media strategies to improve UI claimants' access to employment services provided at the AJCs with support from the Wagner-Peysner and WIOA programs.

To advance this new national vision the Department partnered with NASWA's Information Technology Support Center (ITSC) to provide grants to states to implement strategies and technology tools that embodied the different elements of the vision, now referred to as the UI Reemployment Connectivity Project (the project). As noted below, all grants were awarded in 2011.

Reemployment Connectivity Project

In 2011, as part of the project, three-year grants were provided to the Mississippi Department of Employment Security and New York State Department of Labor (NYSDOL) to improve connections between job seekers and the workforce system using strategies based on the first three transformational elements enumerated in the previous section of this TEN. Oregon also received a grant but was unable to complete the project and, therefore, was not included in this evaluation and report.² At an operational level, the transformational elements required the design and implementation of two key automated tools. The first newly developed tool is the IWR tool, which enables individuals to register for a range of workforce services, including UI and reemployment services, in one place. The IWR captures key demographic information and educational and employment history that is used by workforce programs to determine eligibility for services and benefits and provide connections to appropriate job openings.

The second newly developed tool is the Workforce Integrated Profile Page (WIPP), an interactive on-line service delivery hub for reemployment services where registered individuals can access a range of services online. The WIPP is used to launch the real time triage and skills transferability elements.

As part of the connectivity grants program, the Department sponsored an implementation study of the Reemployment Connectivity Project. The study was conducted by Abt Associates, in partnership with Capital Research Corporation and George Washington University. One result of the study is a report, which documents the operational experiences and implementation of the grants in Mississippi and New York. Overall, several of the key steps in the development of the web-based systems ultimately took longer than originally anticipated, leading to delays in the implementation of the IWR. In part due to the complex nature of the systems, the IWR and related systems were not developed until about two years into the grant period, which limited the study's ability to review the states' integration of the tools into their current systems. At the time of the report, Mississippi had finished

² Oregon returned the funds and New Jersey was selected as a replacement state; the tools are now being implemented in New Jersey.

development and implementation of the WIPP and was piloting the IWR as well as the real time triage and skills transferability elements in select AJCs. New York had a prototype of the IWR ready for pilot-testing but it had not been made available to the public.

Data for the Reemployment Connectivity report of the implementation of the first three transformational elements was collected through in-person interviews with state-level staff several times during the grant period. This report first discusses the role of the Department and NASWA in the project and their activities under the grant. It then describes the activities each state undertook to develop the IWR, real time triage, and skills transferability. It concludes with key findings from the grantees' experiences.

Social Media Project

As part of the Reemployment Connectivity Project, the Department also provided three-year grants in 2011 to three states to develop and use social media tools in support of reemployment strategies. These grants enabled the states to develop new opportunities and modify existing service delivery processes using social media tools as a way to improve employment outcomes for job seekers, including outreach to job seekers, connecting job seekers and employers, and promoting networking among job seekers. The grantees were the Idaho Department of Labor (Idaho DOL), the Minnesota Department of Education and Employment Development (DEED), and NYSDOL. The initiative focused on social media activities that would be implemented at the state level and used by local workforce agencies.

The Department also sponsored an implementation study of the social media initiatives developed by the three grantees, which was conducted by Abt Associates in partnership with Capital Research Corporation and George Washington University. This study's report provides the results of the study, documenting the grantees' experiences developing and launching social media strategies to improve employment outcomes for job seekers. The report also provides information for program administrators and policymakers interested in increasing their use of social media in workforce development activities. The study data was collected through in-person interviews with state-level program staff in summer 2014, the final year of the grant programs.

The Social Media report first describes activities involved in launching the grant, including the goals and staffing of the social media grants and how the grantees assessed social media knowledge and needs among their stakeholders. It then describes the types and use of different social media tools (Facebook, Twitter, LinkedIn, YouTube, and others) by the grantees, the costs and outcomes of grantee initiatives, factors that facilitated and hindered grant implementation, the sustainability of the initiatives, and key lessons based on grantee experiences.

3. Key Study Findings.

Reemployment Connectivity Project

Through its Reemployment Connectivity Project, the Department worked collaboratively with NASWA/ITSC and the states receiving grants to develop automated tools that states can

implement, adapt or modify to improve UI claimants' access to reemployment services provided through the workforce system and to improve the available reemployment services for all jobseekers. Overall, Mississippi and New York made significant strides in terms of development and pilot-testing the IWR and WIPP, and through their administration of the UI Workforce Connectivity grants identified a number of important benefits of their grant-funded effort:

- **Reduction in duplicative data entry by UI claimants, ES registrants, job seekers, and agency staff.** Once the IWR system is fully operational in Mississippi and New York, if a job seeker files a UI claim, relevant information from the UI claim will automatically be available to the ES system, and vice versa. The grants were an important impetus for the two states to improve connectivity across UI and other workforce data systems, which according to staff in both states will save substantial time and effort for claimants, job seekers, and agency staff in terms of reducing duplicative entry of common data items.
- **Claimants receive job referrals and other training and reemployment services that are tailored to their interests, capabilities, and needs when they apply for UI online.** The sharing of data between UI and other workforce programs and systems—in conjunction with the skills transferability software—makes it possible for claimants to be matched with available job openings immediately upon filing a UI claim. Job matches will also be refreshed each time the job seeker logs onto the system.
- **The skills transferability capability can be used as a staff-assisted or self-service tool to provide claimants and other job seekers with real-time job leads tailored to their skills and interests.** Workforce agency customers can use the enhanced skills transferability tools updated and refined by the grant to automatically match job seekers with available job orders based on skills, interests, and past work experience instantaneously (real time). In New York, the skills transferability tools also help customers develop resumes or upload pre-existing resumes. The skills transferability software is intended to broaden the range of jobs and occupations that claimants and other job seekers consider, as well as to provide up-to-date information on training opportunities that could make the difference in expanding career choices and lifetime earnings.
- **The real time triage capabilities will significantly improve the quality and timeliness of job leads provided to job seekers.** The concept behind real time triage is to continuously (behind the scenes) electronically assess the claimant or job seeker's skills, experience, and interests in relation to dynamic changes in available job openings and training opportunities. Previously, job leads may have been provided based on an initial point-in-time assessment (e.g., at the time of intake or at subsequent meetings between the claimant and workforce agency staff), the IWR and WIPP and skills transferability software in combination allow for ongoing job matching and provision of job listings based on the most current information available.

The tools will be useful to other states in developing stronger connections between job seekers and the workforce system. A benefit to the workforce system more broadly is that other states will be able to adopt the IWR and WIPP developed under the grant and use these tools to better integrate their information technology (IT) systems. They are also a model if states want to adapt their own systems to accomplish similar functionality. WIOA provides additional opportunity for states to integrate their systems with its goal of providing comprehensive, integrated and streamlined services by linking and aligning different one-stop partners. Both the IWR and WIPP were designed to enable integration of multiple partner programs. States currently implementing the tools are demonstrating the potential to use these tools for purposes of integration as envisioned under WIOA.

Future efforts may also be informed by the challenges encountered in the UI Reemployment Connectivity Project. State administrators identified two main challenges with their UI Workforce Connectivity grants:

- **The design process for the grant-funded states was substantially complicated and delayed by the need to take into consideration IWR system requirements and varying IT mainframe systems in each of the grant-funded states, as well as the requirements of the Department and other states that might implement the IWR prototype in the future.** State administrators in Mississippi and New York indicated that it would have taken substantially less time and the design process would have been considerably less complicated had each state been designing an IWR that would meet only its own requirements and not those of other stakeholders. Many discussions over an extended period of time were conducted to come up with the desired data elements and structure of the IWR that would meet grantee states' and the Department's requirements, as well as anticipate the requirements and system capabilities of other states that might be interested in implementing the IWR in the future.
- **The change in the original scope of work under the grant to include development, pilot-testing, and implementation of a WIPP as a feature of the IWR resulted in a significant delay in implementing the IWR.** The original scope of the project did not include incorporation of a WIPP, but once the design work was underway the participating states, the Department, and NASWA/ITSC determined that the WIPP was a critical feature that would bring real-time job leads, training opportunities, and messaging capability that would make the IWR substantially more user-friendly and valuable to claimants and other customers. NASWA/ITSC and the participating states spent much additional time and effort in designing, developing, and pilot-testing the WIPP.

The time it will take states to implement the mature IWR moving forward will not include the time to develop the actual application and will depend on the number of programs a state wants to integrate, existing state systems, the time and staff capacity to adapt and integrate the tool with its IT infrastructure for the workforce system, business user acceptance testing, staff training, and other implementation activities.

Overall, there appear to be benefits to states implementing the IWR and WIPP applications to support common registration, the skills transferability capability, and real time triage. However, further evaluation is recommended to determine if the impacts of providing these services result in an expedited return to work, increased earnings and job retention, and a decreased duration of UI benefit receipt among UI claimants.

More information on the Reemployment Connections IWR and WIPP tools can be found on the NASWA/ITSC website at <http://itsc.org/Pages/IWRWIPP.aspx>. IWR and WIPP are now referred to as Workforce Connect tools.

Social Media Project

The Social Media grantees reported that their grants provided impetus and resources for expanding their use of social media tools in state and local workforce operations. The experiences of these grantees provide a number of lessons about the use of social media tools by state and local workforce agencies:

- State and local workforce agencies should consider integrating social media tools into their service delivery systems and using them to help job seekers.
- Social media tools are generally not expensive to acquire and implement, though staff resources are needed to maintain and update them.
- Social media tools can be useful for reaching out to subpopulations that might not otherwise engage with the workforce system or visit an AJC, though social media tools are not for everyone.
- With regard to social media tools, one size does not fit all.
- Social media provides opportunities for state and local workforce agencies to better engage with employers.
- Social media tools can result in time savings and productivity gains for agency staff, job seekers, and employers.

4. Inquiries. To view an abstract of these publications, as well as to download the full reports of the two studies, please visit the ETA Research Publication Database Web site at: <http://wdr.doleta.gov/research/keyword.cfm>. If there are any questions, please contact Wayne Gordon (Gordon.Wayne@dol.gov).

TRAINING AND EMPLOYMENT NOTICE	NO. 28-16
	DATE January 9, 2017

TO: ALL ETA GRANTEEES
STATE LABOR COMMISSIONERS
STATE LABOR MARKET INFORMATION DIRECTORS
STATE MONITOR ADVOCATES
STATE UNEMPLOYMENT INSURANCE DIRECTORS
STATE DIRECTORS OF VETERANS EMPLOYMENT AND TRAINING
STATE WORKFORCE AGENCIES ADMINISTRATORS
WORKFORCE DEVELOPMENT BOARD STATE CHAIRS
WORKFORCE DEVELOPMENT BOARD STATE EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL CHAIRS
AMERICAN JOB CENTER MANAGERS
NATIONAL FARMWORKER JOBS PROGRAM GRANTEEES
INDIAN AND NATIVE AMERICAN GRANTEEES
YOUTHBUILD GRANTEEES
SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM GRANTEEES

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans

1. **Purpose.** The purpose of this Training and Employment Notice (TEN) is to provide the workforce system examples, best practices, partnership models, and information on how to align resources available under the Workforce Innovation and Opportunity Act (WIOA) to increase services to English Language Learners (ELL) with substantial cultural and language barriers to employment. It further provides information to the workforce system, including partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs, about how to align their efforts to provide basic career services, individualized career services, and training services.

2. **References.**

- Workforce Innovation and Opportunity Act (Public Law 113-128, 29 U.S.C. 3121 et. seq.);
- Training and Employment Guidance Letter (TEGL) No. 4-15: Vision for the One-Stop Delivery System under WIOA;
- TEGL No. 19-14: Vision for the Workforce System and Initial Implementation of WIOA;

- TEGL No. 02-14: Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs;
- TEGL No. 04-15: Vision for the One-Stop Delivery System under WIOA; and
- Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38).

3. **Background.** Signed into law on July 22, 2014, WIOA is designed to help job seekers and worker customers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998, and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. It presents an extraordinary opportunity for the workforce system to demonstrate its ability to improve the job and career options for individuals through an integrated, job driven, public workforce system that links diverse talent to America's businesses.

The publicly funded workforce system envisioned by WIOA is quality-focused, employer-driven, customer-centered, and tailored to meet the needs of regional economies. It is designed to increase access to, and opportunities for, the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment.

Part of the national vision for American Job Centers (AJCs) (formerly one-stop centers) is to ensure meaningful access to all customers, including participants with substantial cultural and language barriers to employment. Section 188, Nondiscrimination Provisions, of WIOA prohibits discrimination based on race, color, religion, sex, national origin, age, disability, sexual orientation, political affiliation or beliefs. Underlying the vision for AJCs and the intent behind Section 188 is the idea that the workforce system should provide high quality of service and serve the needs of all customers. In so doing, AJCs can help individuals succeed using principles of universal access and customer-centered design, such as flexibility in space usage; and the use of pictorial, written, verbal, and tactile modes to present information for all customers, (including those who are English Language Learners, individuals with disabilities, and others). In addition, AJCs staff the resource rooms with career counselors who offer knowledgeable assistance and guidance to all jobseekers using strength-based assessments and by providing necessary accommodations.

4. **Unique Needs of Individuals who are English Language Learners and who Face Substantial Cultural Barriers.**

Individuals who are English Language Learners and who face substantial cultural barriers, including immigrants, refugees, and new Americans, often encounter challenges that make it difficult to find and retain jobs. These barriers vary among individuals and may include limited English proficiency, limited cultural competency, prior trauma, low educational attainment in native countries, or the failure to have advanced degrees, credentials, and/or licenses attained abroad recognized in the United States. The needs of low-skilled and high-skilled immigrants differ significantly, and for employment and training services to be most effective, they must be tailored to the specific needs of the individual. Unique needs include but are not limited to the following:

- **English proficiency.** English proficiency is key to an individual's access to higher-paying jobs. Becoming proficient in English increases immigrants', refugees', and new Americans' engagement with their new country and ability to perform basic life functions, as well as to find and retain jobs. For many immigrants, refugees, and new Americans, contextualized workplace-based English language classes are helpful for becoming job-ready in a specific field. English Language Learners may be eligible for priority of service under WIOA sec. 134(c)(3)(E), which provides priority to "recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient."
- **Cultural competence.** Immigrants, refugees, and new Americans may need help to become familiar with United States job application processes, interviews, workplace customs and culture to become job-ready. This may include learning how to grow their professional network socially. For example, AJCs may offer mock interviews to assist participants in learning the cultural nuances of questions asked in the United States.
- **Trauma.** Some immigrants, refugees, and new Americans may need referrals to additional services that are designed to address symptoms of previously experienced trauma. For example, some individuals may have endured violence and other physical hardships as a result of armed conflict in their country of origin. In other instances, they may be survivors of human trafficking, whether labor or sexual. Access to support services via a referral process, such as trauma-informed mental health counseling, culturally appropriate support groups, medical care, or legal services may help them more successfully engage in the employment and training process.
- **Degrees, licensing, and credentials.** Many immigrants, refugees, and new Americans hold degrees, licenses, and/or credentials in other countries that they need to transfer to the United States, or re-obtain in the United States. Receiving credit for prior learning helps these workers quickly advance with their career paths and ensure successful economic integration.

To learn more about how Deferred Action for Childhood Arrivals (DACA) participants who have employment authorization may access WIOA services, see TEGL 2-14: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2-14_Acc.pdf.

5. High-Quality American Job Centers Play a Critical Role in Integrating Immigrants, Refugees, and New Americans into their Communities.

In accordance with the principles of universal access and customer-centered design under WIOA, the following provides ways AJCs deliver high quality services to individuals who are English Language Learners and individuals who face substantial cultural barriers, including immigrants, refugees, and new Americans:

- **Provide Excellent Customer Service to Job Seekers, Workers, and Businesses.**
 - Reflect a welcoming environment to all customer groups who are served by the AJCs;
 - Develop, offer, and deliver quality business services (note that training services authorized under Title I also include English language proficiency training if provided in combination with another training service);
 - Improve the skills of job seeker and worker customers;
 - Create opportunities for individuals at all skill levels and levels of experience;
 - Provide career services that motivate, support, and empower customers (such as providing individualized career services which may include an assessment of English

proficiency coupled with English language acquisition services if related to an employment need);

- Value skill development;
- Use WIOA's Priority of Service Provision;
- Consider target populations in developing programs so that robust programs are available for those populations;
- Develop outreach strategies and techniques to reach target populations; and
- Monitor whether programs are meeting the needs of target populations, including particular training needs and wraparound services.

- **Reflect Innovative and Effective Service Design.**

- Ensure meaningful access to all customers;
- Use an integrated and expert intake process for all customers entering the AJCs;
- Design and implement practices that actively engage industry sectors;
- Balance traditional labor exchange services with strategic talent development within a regional economy;
- Include both virtual and center-based service delivery for job-seekers, workers, and employers; and
- Incorporate innovative and evidence-based delivery models.

- **Operate with Integrated Management Systems and High-Quality Staffing.**

- Reflect the establishment of robust partnerships;
- Organize and integrate services by function (rather than by program);
- Develop and maintain integrated case management systems;
- Develop and implement operational policies;
- Use common performance indicators;
- Train and equip AJC staff; and
- Staff centers with linguistically and culturally competent staff, including highly trained career counselors and multi-lingual staff in languages spoken by the largest customer groups.

6. **Partnership Models for Delivering High-Quality Services to Individuals who are English Language Learners and who Face Substantial Cultural Barriers.**

Below are a few partnership models which harness the characteristics described above. These organizations align their efforts and resources between several workforce system partners, including WIOA Title I Workforce Development partners, WIOA Title II Adult Education and Family Literacy partners, employers, and other community-based partners, to provide high-quality service delivery to individuals who are English Language Learners and who face substantial cultural barriers, including immigrants, refugees, and new Americans. These approaches produced positive outcomes for their target populations consisting largely of immigrants, refugees, and English Language Learners.

- **Center for Employment and Training, Skill Training and Human Development - San Jose, CA**

The Center for Employment and Training (CET) is an eligible training provider in California, a WIOA National Farmworker Jobs Program grantee, and is accredited under

the provisions in the Higher Education Act (HEA). In addition to serving grantee participants, CET offers a tuition-based “vendor” program whereby students, who include migrant and seasonal farmworkers and their dependents, pay for their occupational training courses via federal financial aid (Pell Grants). Training courses align with career pathways, emphasized in WIOA and in HEA, that require alignment and a combination of training, adult education, and support services. This alignment and combination is an innovative and effective service design that helps students accelerate to Adult Education - English as a Second Language, Literacy and Math and GED certificate preparation. CET is a member of the local American Job Center network in three of the six major agricultural regions of the state. More information about CET’s best practices and success stories is available at: <http://cetweb.org/>. Additionally, an evaluation summary on CET, which is featured in MDRC’s report, entitled *The Challenge of Repeating Success in a Changing World* is available at: <http://www.mdrc.org/project/center-employment-training-replication#overview>.

- **International Institute of Minnesota - St. Paul, Minnesota**

Through the establishment of robust partnerships, the International Institute of Minnesota (Institute) welcomes new Americans to the Twin Cities and offers them a continuum of services to promote their full integration into the community. The Institute’s programming includes job training and language classes as well as refugee resettlement, immigration, citizenship, and anti-human trafficking services. The Institute has established a partnership with St. Paul College to help immigrant and U.S.-born students progress from low-level home health aide and Certified Nurse Assistant courses at the community level into more academically challenging science classes at the college level and pursue their Licensed Practical Nursing certifications. More information about the Institute’s services is here: <http://www.iimn.org/>. Additionally, program evaluation findings on the College Readiness Academy, which includes three partner sites, the Institute, Hubbs Center, and Neighborhood House is available at: <http://iimn.org/wp-content/uploads/2016/12/College-Readiness-Academy-Program-Evaluation-Findings-and-Considerations.pdf>.

- **The Neighborhoods United Network - Boise, Idaho**

Since 2009, the Neighbors United Network helps refugees successfully integrate and thrive in Boise, Idaho. Many of these refugees are highly skilled degree holders who arrived with credentials and training but with limited English proficiency and no clear path to reclaim their careers. To ensure meaningful access to all customers, the program has addressed refugees’ needs and resources related to six pillars: transportation, housing, health, education, employment, and social integration. In 2014, the Neighbors United Network was one of five communities selected to participate in the U.S. Department of Education’s Networks for Integrating New Americans (NINA), an initiative that helped communities better position adult education programs as key contributors to local, multi-sector networks formed to advance immigrant integration. Through the NINA project, Boise was able to focus its attention on the growing percentage of educated refugees who have more specialized job placement needs. Global Talent Idaho was launched to facilitate the economic integration of high-skilled immigrants and refugees by getting them on paths related to their fields of expertise. Boise focused on the economic integration of immigrants with professional degrees with language as a key barrier to career advancement

by providing employment services via mock interviews, mentoring, networking, resume writing, and job placement in collaboration with AJCs and employers. More information about how Boise partnerships help meet the unique needs of refugees may be found here: <http://www.neighborsunitedboise.org/>. Additionally, more information on *The Adult Education and Immigrant Integration: Lessons Learned from the Networks for Integrating New Americans Initiative* report is available here: <http://worlded.org/WEIInternet/resources/publication/display.cfm?txtGeoArea=US&id=16503&thisSection=Resources>.

- **Seattle Mayor's Office of Immigrant and Refugee Affairs' Ready to Work - Seattle, Washington**

The Ready to Work (RTW) program, which is funded by the U.S. Department of Housing and Urban Development's Community Development Block Grant, was created as a prototype model of English language acquisition, career development, and employment, offered in a community-based setting. The program's goal is "to empower and support immigrants and refugees in overcoming barriers on their journey to economic stability, quality jobs and integration into life in Seattle." One of the key features of RTW is its commitment to track participants' progress over a longer time frame than conventional funding streams typically allow. This integrated management system is achieved by creatively braiding together the U.S. Department of Housing and Urban Development's Community Development Block Grant, WIOA, and other funds to support the RTW program for English Language Learners who need to find their first American job. More about the Ready to Work program is available at: <http://www.seattle.gov/iandraffairs/RTW>. Seattle's Workforce Development Board has further developed pilots aimed at "Unleashing the Power of Untapped Talent" which targets individuals listed as being eligible for the Priority of Service provision. Grantees include six organizations, two of which serve primarily English Language Learners, one of whom is a RTW grantee.

- **Lower Rio Workforce Solutions Project, Growing Regional Opportunity for the Workforce (GROW) - McAllen, Texas**

The Border Workforce Alliance, which was funded by the Department of Labor's Workforce Innovation Fund, consists of five Workforce Development Boards in South Texas. The Alliance seeks to accelerate credential attainment and career entry by lower-skilled adults and out-of-school youth through a mixture of program alignment, new technology platforms, tailored services and programs, coordinated case management and supportive services, career pathways aligned with employer demand, and increased systems capacity. The project implements and tests innovative approaches that are data-driven and evidenced based, to serving lower-skilled and limited English proficient jobseekers. GROW increased education attainment and employment outcomes through: new operating efficiencies gained through program alignment and a common technology platform; designing programs and services to address the specific needs of sub-populations; improved coordination of case management and support services; and career pathways aligned with identified employer needs. More information about GROW is available here: <http://www.questsa.org/>.

- **San Mateo County Project, Silicon Valley Alliance for Language Learners' Integration, Education, and Success (ALLIES) Innovation Initiative - San Mateo, California**

The Silicon Valley ALLIES Initiative, which was funded by the Department of Labor's Workforce Innovation Fund, created a coordinated strategy across San Mateo and Santa Clara counties for building the workforce-related competencies of adult immigrants. Built on a collective impact model, the consortium, comprised of the region's three regional Workforce Development Boards, community colleges, Adult Education providers, social service agencies, community-based organizations, philanthropic organizations, business and labor partners, is committed to significantly increasing the skills and credential attainment of the region's limited English proficient job seekers, and meeting the skill needs of its employers. To prepare individuals to be ready to compete successfully in today's global economy, ALLIES connects workers with a career pathway that integrates English language and postsecondary occupational learning, contextualizes language acquisition in career and technical education, and provides work readiness training in in-demand occupations. Additionally, the project worked to increase efficiencies and eliminate redundancies through the design of a multi-sector partner network across workforce development, education, economic development, employers, unions, and human service organizations. More about ALLIES is available here:
<http://www.allies4innovation.org/about-allies.html>.

7. Resources.

A. U.S. Department of Labor's Policy Guidance

- Training and Employment Guidance Letter (TEGL) 04-15: Vision for the One-Stop Delivery System under WIOA.
https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6455
- TEGL 02-14: Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs.
http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7233
- TEGL 09-12: Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking.
https://wdr.doleta.gov/directives/attach/TEGL/TEGL_9_12_Acc.pdf
- TEGL 26-15: Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA).
https://wdr.doleta.gov/directives/corr_doc.cfm?docn=9363

B. U.S. Department of Labor's Tools and Technical Assistance Materials

- WIOA State Plans. <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/index.html>.
- Certification Finder. Links to credential information and certifying organizations. Available in English and in Spanish.
<http://www.careeronestop.org/toolkit/training/find-certifications.aspx>

- Licensed Occupations. Service providers and individuals can determine if a specific occupation requires a license in their state.
<https://www.careeronestop.org/explorecareers/plan/licensed-occupations.aspx>
- Career Pathways Toolkit: A Guide for System Development.
<https://careerpathways.workforcegps.org/announcements/2016/02/05/14/21/The-Release-of-the-Career-Pathways-Toolkit-A-Guide-for-System-Development>
- The Customer-Centered Service Delivery Design Initiative.
<https://ion.workforcegps.org/resources/2015/09/02/17/11/Customer-Centered-Service-Design-Initiative>
- Opening Doors for Everyone with Universal Access and Outstanding Customer Service.
<https://ion.workforcegps.org/resources/2016/02/08/21/40/Opening-Doors-for-Everyone-Universal-Access-Customer-Service>

C. U.S. Department of Education's Tools and Technical Assistance Materials

- Federally Funded Adult Education and Family Literacy Programs.
<http://www2.ed.gov/about/overview/focus/adulted-daca.pdf>
- Educational and Linguistic Integration Webinar Series of Immigrants and Refugees.
<http://www2.ed.gov/about/offices/list/oela/webinars/new-americans/index.html>
- Literacy Information and Communication System (LINCS) is a free online, professional learning community and resource collection featuring topic area groups, (including an Adult English Language Learners group and Skilled Immigrant and Refugee Workgroup) that provides an opportunity for networking and information sharing activities among educators across the country.
<https://lincs.ed.gov/>
- English Learner Toolkit.
<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>
- Resource Guide: Supporting Undocumented Youth.
<http://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>

D. Other Resources on Credentials and Licensing, Serving Participants with Substantial Cultural and Language Barriers, and Human Trafficking

Credentials and Licensing

- Professional Licensing Guides: Upwardly Global. The Professional Licensing Guides were created to help individuals and service providers understand the steps required to earn a state professional license or credential for regulated professionals. Currently available for ten popular careers in five states. <https://www.upwardlyglobal.org/skilled-immigrant-job-seekers/american-licensed-professions/licensed-professions-guides>
- Resource Manual on the Licensure of Internationally Educated Nurses. National Council of State Boards of Nursing. Detailed guide for boards of nursing to each of the uniform licensure requirements for internationally educated nurses.
<https://www.ncsbn.org/171.htm>

Serving Participants with Substantial Cultural and Language Barriers

- Steps to Success: Integrating Immigrant Professionals in the United States. World Education Services (WES) Global Talent Bridge and Imprint. Report based on a

survey of immigrant professionals in six US cities identifying the factors that correlate with their successful integration into their communities.

<http://knowledge.wes.org/Report-Steps-to-Success-Integrating-Immigrant-Professionals-in-the-US.html>

- Improving Immigrant Access to Workforce Services. Aspen Institute. Outlines key themes and best practices from research on how organizations in the workforce development and immigrant-serving fields currently intersect and how they could further partner to improve policies and practices for connecting immigrants to skill-building and career advancement.
<https://www.aspeninstitute.org/publications/improving-immigrant-access-workforce-services-partnerships-practices-policies/>

Human Trafficking

- Department of Health and Human Services Fact Sheet: Identifying Victims of Human Trafficking.
http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_identifying_victims_of_human_trafficking.pdf
- National Human Trafficking Resource Center (NHTRC) provides access to emergency hotline support, informational and advocacy resources for victims of human trafficking and their support systems. <https://traffickingresourcecenter.org/type-trafficking/labor-trafficking>
- The Center for Victims of Torture offers online capacity building resources for people who are interested in supporting persons who have been subjected to trauma and torture. This link provides a map of Refugee Healing Service Center locations throughout the country. <http://www.healtorture.org/content/domestic-healing-centers>
- The National Child Traumatic Stress Network identifies trauma informed resources for those working with migrant children and youth and their unique needs. <http://nctsn.org/trauma-types/refugee-trauma/guidance-unaccompanied>
- The Department of Health and Human Services, Office of Refugee Resettlement offers access to online training, webinars and strategy models for helping to prepare refugees for employment. <http://www.acf.hhs.gov/orr/employment-resources>

8. **Action Requested.** ETA requests that State Workforce Agency staff disseminate this guidance broadly to the workforce investment system, and encourage local workforce boards to ensure that the AJCs are informed about the importance of providing services to individuals who are English Language Learners and individuals who face substantial cultural barriers, including immigrants, refugees, and new Americans under WIOA.

9. **Inquiries.** Questions should be addressed to the appropriate ETA Regional Office.

TRAINING AND EMPLOYMENT NOTICE	NO. 29-16
	DATE January 11, 2017

TO: AFFILIATE AMERICAN JOB CENTER DIRECTORS
 COMPREHENSIVE AMERICAN JOB CENTER DIRECTORS
 DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING REGIONAL
 ADMINISTRATORS
 STATE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
 LIAISONS AND ADMINISTRATORS
 STATE WORKFORCE DEVELOPMENT BOARD CHAIRS
 LOCAL WORKFORCE DEVELOPMENT BOARD CHAIRS
 STATE WORKFORCE DEVELOPMENT BOARD EXECUTIVE DIRECTORS
 LOCAL WORKFORCE DEVELOPMENT BOARD EXECUTIVE DIRECTORS

FROM: PORTIA WU /s/
 Assistant Secretary

Subject: Release and Availability of a Final Report, *Implementation of the H-1B Technical Skills Training Grant: Grantee Characteristics and Experiences Providing Employer-Based Training*

1. **Purpose.** To announce the release and availability of a final report, *Implementation of the H-1B Technical Skills Training Grant: Grantee Characteristics and Experiences Providing Employer-Based Training*, that describes the experiences of the H-1B Technical Skills Training (TST) grantees, highlights two types of program interventions used to address long-term unemployment, On-the-Job-Training (OJT) and incumbent worker training, as well as employer-based strategies. This report describes the TST program findings based on data and other information collected between the autumn 2013 and spring 2014. In addition to the data analysis, the report provides an overview of the TST grant programs, structure, size and services; and includes examples of five TST grant programs identified through site visits for the study.
2. **References.**
 - H-1B Technical Skills TST grants awarded through Federal Funding Opportunities issued on October 4, 2011, and February 22, 2012.
 - Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998, (29 U.S.C. 2916a transferred to 29 U.S.C 3224a).
3. **Background.** Launched in 2011, this industry-targeted approach provided \$340 million in financial, evaluation, and other technical assistance resources using the H-1B employer fees collected to grow a skilled American workforce. Grants awarded to 76 competitively-selected public-private partnerships in 48 states provided education, training and job

**EMPLOYMENT AND TRAINING ADMINISTRATION
 U.S. DEPARTMENT OF LABOR
 WASHINGTON, D.C. 20210**

placement assistance in related high-growth fields in which employers frequently use the H-1B nonimmigrant program to hire foreign workers. The TST grantees focused on three major-skill-building strategies: 1) OJT, by partially subsidizing the wages of individuals in the program as an incentive for employers; 2) incumbent worker training for current employees to upgrade skills or advance into new positions; and 3) classroom training provided by community colleges or other training providers.

This final report on the implementation of the TST initiative provides a general overview of the programs, examines the scope and focus of both the incumbent worker training programs and OJT programs, discusses participant recruitment strategies, and explains the differences in employer partnerships and training arrangements. In addition to the overview of implementation strategies, the report:

- Identifies key lessons from the TST grant programs;
- Summarizes site visit information for five TST grantees; and
- Organizes the information and data collected by
 - Types of industries, training strategies, and
 - Numbers of participants, organizations serving as lead agencies, employer partners, other partners, and services offered; and certificate and credentials targeted.

4. **Research Design and Analytical Approach.**

The primary sources of data for this evaluation include: grant document reviews (e. g. grant applications and agreements, as well as quarterly ETA performance and quarterly progress reports); telephone interviews with all 76 TST grantees; and site visits to a subset of grantees. The implementation study focused on four key topics of interest to the Department:

- *Incumbent worker training programs.* Interviews with employers who provide the training, provides insight into how individuals are selected for the training; the nature of the training provided, including content and intensity; the extent to which the training is for job advancement or to prevent job layoffs; and their perceptions of the benefits of the grant program.
- *OJT programs.* The study also examined OJT for the long-term unemployed populations to understand how these programs are designed and operated, the nature of the OJT, and successes and challenges in launching these programs. In particular, examination of the type of training provided, the extent to which it would be transferable to other employers (e.g., specific skills, certificates), and experiences in providing permanent placements to trainees.
- *Recruitment strategies and challenges.* The target populations recruited for the H-1B TST grants are those individuals who are long-term unemployed or who need skills and education to move into or advance in mid-to-higher skilled job. The study explains the recruitment challenges for grantees with less experience in recruiting these populations.

- *Partnerships.* Interviews and site visits documented the range of partners involved (e.g. community colleges, employers, unions, workforce agencies) and how relationships with partners were established.
5. **Final Report Findings.** The findings in the final report are identified as lessons derived from the grantees' experiences. Insights from the grantees focus on seven factors to consider when implementing incumbent worker and OJT programs. These factors include:
- *Partnerships with employers are critical to the training initiatives, and concerted recruitment efforts are needed to engage this community.* For the most part, the TST grantees established the necessary partnerships with employers to operate their incumbent worker training and OJT programs. While some grantees use employer partnerships that were established when the grant was awarded, many also found it important to engage in ongoing employer outreach throughout the grant period. This outreach was done through searching job banks, contacting employers and industry associations at job fairs, conducting direct outreach to industry associations, and developing targeted marketing materials.
 - *The dual target groups for the TST grants have presented recruitment challenges for some grantees and made participant outreach a priority.* While most grantees succeeded in recruiting participants for the employer-based programs, some faced challenges in identifying individuals who were both unemployed for long periods, and had the experience and educational background required for middle-skill positions. Recruitment was particularly challenging for the OJT and classroom training programs, and less so for programs targeting incumbent workers who are generally easier to identify. Grantees approached this challenge by establishing strong connections with America Job Centers, community and four-year colleges, and other community organizations. Some grantees relied on reverse referrals, where the employer recommends a candidate for the program that it has identified through its own channels.
 - *Grantees' efforts to establish employer partnerships broadened awareness of the public workforce system in the business community.* Through their training programs, some grantees were able to expand some employers' knowledge of and involvement with the workforce system. Some of the larger employer partners involved in the incumbent worker training programs have previous exposure to the public workforce system. However, many smaller and medium-sized firms, particularly those recruited as partners later in the grant period, reported that they were not previously aware that this type of public support for training was available.
 - *Employer-based training models require ongoing attention.* Many grantees that support incumbent worker training programs had employer partnerships and commitments in place when their grant applications were prepared. By the time the grant was awarded and activities were implemented, the training needs of some employers had changed.

In these cases, the employers either filled fewer training slots than expected or disengaged entirely. As a result, some grantees redistributed funds to existing partners that absorbed additional training slots or to newly identified employers that identified workers and training needs.

- *Reducing the administrative burden on employers helps to gain and maintain their commitment to the program.* When interviewed, some employers expressed hesitation about participating in publicly funded workforce programs because of the perceived administrative burden. TST grantees worked to alleviate employer anxiety and addressed reluctance to participate in the program by completing grant-required paperwork and/or simplifying the funding application process for employers.
- *Grant funds are useful for leveraging employers' specialized training resources.* Many TST grantees, particularly those supporting incumbent worker training, partner with very large Fortune 500 firms that historically relied very heavily on H-1B visas. These firms typically have extensive and customized training operations to develop their internal workforce and do not need to rely on external providers to create or adapt training offerings.
- *Employer-based training requires balancing the needs of workers and employers.* Employer-based training can be challenging to deliver. Workers must make time for training while holding down a job. At the same time, employers must maintain productivity levels while their workers learn new skills. Numerous grantees offer asynchronous distance learning, such as online coursework, which allows training to be pursued during off-hours or without leaving the workplace. Other grantees bring the training directly to the workplace during work hours or allow the employers to rely on the resources and systems they already have in place.

The final report analysis and findings are descriptive and primarily summarize the implementation experiences of the TST grants. The results do not support causal relationships.

6. **Inquiries.** To view an abstract of this publication, as well as download the full report, visit the Employment and Training Administration Research Publication Database Website at: <http://wdr.doleta.gov/research/keyword.cfm>. For additional details about the evaluation, please contact Gloria Salas-Kos at salas-kos.gloria@dol.gov.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WOTC
	CORRESPONDENCE SYMBOL OWI
	DATE January 11, 2017

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 25-15,
Change 1

TO: STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARDS AND CHAIRS
STATE WORKFORCE OPPORTUNITY TAX CREDIT COORIDINATORS
AMERICAN JOB CENTERS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Work Opportunity Tax Credit 2015 Reauthorization Training and
Employment Guidance Letter 25-15, Change 1

1. **Purpose.** This Training and Employment Guidance Letter (TEGL) 25-15, Change 1 clarifies the U.S. Department of Labor's policy on eligibility determinations for the new target group (see Section 6), changes the certification date from September 29, 2016, to September 28, 2016 (see Section 9), increases the number of days from 30 days to 90 days for employers to submit a needs letter (see Section 12), and extends the 90-day grace period for states to modify their automated systems and grants an additional 90-day grace period for State Workforce Agencies (SWAs) to accept certification requests on "previously OMB approved" forms (see Section 13). The remainder of this TEGL informs and provides procedural guidance to the State Workforce Agency (SWA), participating agencies, and Federal and State partners on the retroactive legislative reauthorization of all Work Opportunity Tax Credit (WOTC) target groups, the Empowerment Zones that expired on December 31, 2014, and the introduction of a new target group and new WOTC ETA Forms. This TEGL also provides procedural guidance to SWAs for processing and issuing determinations for all certification requests.
2. **References.**
 - Sections 142 and 171 of the Protecting Americans from Tax Hikes (PATH Act) of 2015 (Pub. L 114-113);
 - Internal Revenue Code of 1986, Section 51, as amended (the Code);
 - Internal Revenue Service (IRS) Notice 2013-14;
 - IRS Notice 2012-13;
 - IRS Notice 2016-22;
 - IRS Notice 2016-28;

RESCISSIONS None	EXPIRATION DATE Continuing
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- IRS Notice 2016-40; and
 - PATH Act - WOTC Interim Instructions for the State Workforce Agencies.
3. **Background and Overview.** On December 18, 2015, President Obama signed into law the Protecting Americans from Tax Hikes Act of 2015 (the PATH Act) that extends and modifies the WOTC Program (Section 142) and the Empowerment Zones (EZs) (Section 171). In summary, the PATH Act:
- Retroactively reauthorizes the following WOTC program target groups for a five-year period, from January 1, 2015 to December 31, 2019:
 - a qualified IV-A (TANF) recipient,
 - a qualified veteran,
 - a qualified ex-felon,
 - a designated community resident,
 - a vocational rehabilitation referral,
 - a qualified summer youth employee,
 - a qualified supplemental nutrition assistance program (SNAP) benefits recipient,
 - a qualified SSI recipient, and
 - a long-term family assistance (TANF) recipient.
 - Provides for an extension of the Empowerment Zones for a two-year period, from December 31, 2014 to December 31, 2016.
 - Introduces a new target group, Qualified Long-term Unemployment Recipients, for new hires that begin to work for an employer on or after January 1, 2016 through December 31, 2019.
4. **Procedural Guidance for 2015 Hiatus New Hires.**
- a. **For SWAs that processed all certification requests received during the 2015 hiatus.**
SWAs that processed all certification requests received during the 2015 hiatus, and filed but did not issue those determinations, should now issue those final determinations (certifications and denials) to employers or their representatives.
 - b. **For SWAs that did not process all certification requests received during the 2015 hiatus.** SWAs that received and filed, but did not process or conduct all required eligibility determination activities for certification requests received during the 2015 hiatus should conduct all required eligibility determination activities for certification requests received during the hiatus, and issue all final determinations (certifications and denials) to employers or their representatives.

Please see Section 5 of this TEGL for more detailed information on the status of the Empowerment Zones.

5. **Empowerment Zones.** The PATH Act provides an extension of the Empowerment Zones designations for two-years through December 31, 2016. Therefore, termination dates in State and Local Government Empowerment Zones designations must be extended from December 31, 2014 to December 31, 2016. Please see IRS Notice 2016-28 for additional guidance on the extension of Empowerment Zone designations at: <https://www.irs.gov/pub/irs-drop/n-16-28.pdf>.

6. **Eligibility Determinations for Qualified Long-Term Unemployment Recipient.**

A qualified long-term unemployment recipient is any individual who on the day before the individual begins work, or, if earlier, the day the individual completes the IRS Form 8850 as a prescreening notice in accordance with the certification provisions described in §51(d)(13)(A)(ii) of the Code, is in a period of unemployment that is: (i) not less than 27 consecutive weeks; and (ii) includes a period (which may be less than 27 weeks) in which the individual received unemployment compensation under State or Federal law (see IRS Notice 2016-22 and IRS Notice 2016-40).

- a. To determine whether the individual has been in a period of unemployment for at least 27 weeks as described above, SWAs will need to use unemployment insurance **(UI) wage records**. To verify that the individual has been in a period of unemployment for at least 27 weeks, SWAs must verify that the individual has had zero UI wages for the two most recent completed quarters prior to the date the job applicant signed the IRS Form 8850.
- b. To determine whether the individual has received unemployment compensation under State or Federal law during a period of unemployment, SWAs will need to use **UI claims records** to verify that the individual has received unemployment compensation for all or part of the period of unemployment that is at least 27 weeks. **Note: An individual is not required to be receiving unemployment compensation at the time they are hired. ETA recognizes that many individuals will have exhausted their unemployment compensation prior to the date the job applicant signed the IRS Form 8850.** In such cases, the State UI agency will have records, either in the current database or in archives, of the individual's claim series. If the individual filed a claim and was denied benefits, the State UI agency will have that record, too.

When the UI data, UI wage records and/or UI claim records are available, SWAs should issue those final determinations (certifications and denials) to employers or their representatives based on the available data.

When there is an absence of UI wage records and/or UI claims records (in other words, if the UI data is not available to determine whether the individual has had zero UI wages and has received unemployment compensation), SWAs may use the ETA Form 9175, Long-Term Unemployment Recipient Self-Attestation Form (SAF), provided by the new hire to make final determinations (certifications and denials). Further technical assistance will be provided on this topic.

Note: To facilitate the SWAs' eligibility determination and verification processes for this target group, ETA created a national SAF. A completed and signed SAF must be filed with a SWA as part of each certification request (accompanying IRS Form 8850 and ETA Forms 9061 or 9062) for this group or, if filed separately, within a reasonable period of time, as determined by the SWA.

7. **Accessing Unemployment Insurance Claims and Wage Records.** SWAs that have not already done so must negotiate with their State UI agency to determine the most efficient and effective way to access the UI claims records and wage data. Claim and wage information is required to be kept confidential by the State UI agency, and may only be disclosed under certain circumstances. Regulations at 20 CFR 603.5(e) permit the disclosure of unemployment compensation information "to a public official for use in the performance of his or her official duties." **Since the SWA is a public official, informed consent is not necessary.**

Note: Each SWA will have to enter into an agreement with its State's UI agency that includes a provision for protecting the data from unauthorized access (20 CFR 603.9) and provides for reimbursement for costs (20 CFR 603.8) except as set out below. The agreement must meet the terms and conditions set forth in 20 CFR 603.10(b).

To obtain information from the State UI agency, SWAs must provide a Social Security Number for each participant of whom a claim or wage data is sought. In those instances where the SWAs anticipate a large volume of requests for data, the State UI agency may require that the request be made electronically.

State UI agencies are not required to obtain reimbursement for providing the requested information if the amount of staff time in responding to the request is incidental and only nominal processing costs are involved in making the disclosure. SWAs that choose to use informed consent releases from individuals will need to work with employers to ensure that informed consent releases are collected at the time of hire. Because confidentiality laws vary by State, SWAs should work with their State UI agencies to determine the necessary form and content of the informed consent release.

8. **Qualified Wages and Tax Credit Caps Applicable to the Long-Term Unemployment Recipient Group.** The 1996 legislative "qualified wages" provisions that apply to most adult non-veteran target groups also apply to the new target group, as do the amounts of the tax credit employers can claim for certified new hires. Qualified wages for certified new hires under the Long-Term Unemployment Recipient target group are capped at \$6,000 during the first year of employment, for a maximum tax credit of up to \$2,400 depending on the number of hours the new hire works (i.e., how new hires meet the provisions of the Minimum Employment or Retention Period). Specifically:

- a. For WOTC certified new hires working at least 120 hours, employers can claim 25% of first year wages paid up to \$6,000 for a maximum tax credit of up to \$1,500; or

For WOTC certified new hires working 400 hours or more, employers can claim 40% of first year wages up to \$6,000 for a maximum tax credit of up to \$2,400.

- b. Employers or their representatives may request certifications for individuals who start to work for an employer on or after January 1, 2016.

9. **Transition Relief for Employer Submission of Form 8850.** Section IV.A, page 4, of IRS Notice 2016-22, and IRS Notice 2016-40 available at: <https://www.irs.gov/forms-pubs>, provide employers, including qualified tax-exempt organizations, with transition relief from the 28-day timely filing requirement by providing additional time to file the pre-screening notice, IRS Form 8850, with SWAs.

- a. **Additional time for employers that hired members of targeted groups (other than qualified long-term unemployment recipients) between January 1, 2015 and August 31, 2016.** An employer that hired a member of a targeted group (described in § 51(d)(1)(A) through (d)(1)(I) of the Code) who began work for that employer on or after January 1, 2015, and on or before August 31, 2016, will be considered to have satisfied the requirements of § 51(d)(13)(A)(ii) of the Code if the employer submitted the completed IRS Form 8850 to the SWA to request certification no later than **September 28, 2016.**

Additional time for employers that hired or hire long-term unemployment recipients between January 1, 2016 and August 31, 2016. An employer that hired or hires an individual who is a long-term unemployment recipient (described in § 51(d)(1)(J) of the Code) and who began or begins work for that employer on or after January 1, 2016, and on or before August 31, 2016, will be considered to have satisfied the requirements of § 51(d)(13)(A)(ii) of the Code if the employer submits the completed IRS Form 8850 to the SWA to request certification no later than **September 28, 2016.**

- b. **Application of 28-day requirement to individuals hired on or after September 1, 2016.** An employer that hires a member of a targeted group (described in § 51(d)(1)(A) through (d)(1)(J) of the Code), including a long-term unemployment recipient, who begins work for that employer on or after September 1, 2016, is not eligible for the transition relief described in this notice.

10. **WOTC ETA Forms.** To help facilitate the eligibility determination and verification process, ETA issued the SAF and made minimal changes that reflect statutory requirements authorized under the PATH Act to the following Forms:

- ETA Form 9175 (May 2016), Long-Term Unemployment Recipient Self-Attestation Form;
- ETA Form 9058 (Revised May 2016), Report -1 - Certification Workload and Characteristics of Certified Individuals Form;
- ETA Form 9061 (Revised May 2016), Individual Characteristics Form;
- ETA Form Spanish 9061 (Revised May 2016), Individual Characteristics Form;
- ETA Form 9062 (Revised May 2016), Conditional Certification Form;
- ETA Form 9063 (Revised May 2016) Employer Certification Form; and

- ETA Form 9065 (Revised May 2016), Agency Declaration of Verification Results Worksheet.

The revised Forms are very similar to the “previously OMB approved” Forms, with the addition of the new target group and updated instructions. These Forms are available at: <https://www.doleta.gov/business/incentives/opptax/forms.cfm>. Additionally, the IRS Form 8850, Revised March 2016 - Pre-Screening Notice and Certification Request for the Work Opportunity Credit, and related instructions has also been updated to reflect legislative changes, and is available at <https://www.irs.gov/pub/irs-pdf/f8850.pdf>.

11. **Paperwork Reduction Act of 1995, Notice of Action and Reporting Authority.** The SAF and ETA Forms 9058, 9061, 9062, 9063, and 9065 were approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) and approved for use through November 30, 2016.

According to PRA, no persons are required to respond to a collection of information unless such collection displays a valid OMB Control Number 1205-0371. The U.S. Department of Labor notes that a Federal agency may not conduct or sponsor a collection of information, nor is the public required to respond to a collection of information, unless it is approved by OMB under the PRA, and displays a currently valid OMB Control Number (44 U.S.C. 3507). Also, notwithstanding any other provision of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB Control Number (44 U.S.C. 3512).

12. **Guidance for SWAs and Employers Following ETA’s Interim Instructions.** SWAs that received certification requests for the Long-term Unemployment Recipients (LTUR) new target group on “previously OMB approved forms” between January 1, 2016 and the day prior to the issue date of this TEGl can process those certification requests if they can access the required UI wage and claims records as described in Section 6 of this TEGl to make LTUR eligibility determinations. SWAs should continue to issue final determinations (certifications or denials) to the respective employers or representatives.

However, if the SWA is not able to issue final determinations (certifications or denials) based on UI wage records and UI claims records to determine that the individual has been in a period of unemployment for at least 27 weeks prior to the date the job applicant signed the IRS Form 8850, SWAs must send “Needs Letters” to those employers and request that they file a signed and dated SAF within 90 days of the receipt date of the letter so the SWAs can process those requests and issue final determinations.

13. **Grace Period for States and Employers for Automated Systems and WOTC Forms.**

Extended Grace Period to Modify Automated Systems

To allow States and the employer community additional time to conform their automated systems for use/modify their automated systems, with the revised IRS and ETA Forms,

ETA grants an additional 90-day grace period. The grace period begins on the issue date of this TEGL, Change 1 and ends 90 calendar days later.

During this extended grace period, employers and their authorized representatives may file certification requests using other filing methods (e.g., via email, fax, scanned, mail) and using ETA Forms (Revised May 2016) with OMB Control Number 1205-0371 and IRS Form 8850 (Revised March 2016) with OMB Control Number 1545-1500 for all WOTC eligible groups. If you are not sure how your State accepts applications, contact the WOTC Coordinator in your State. A directory of State WOTC Coordinators is available at: https://www.doleta.gov/business/incentives/opptax/State_Contacts.cfm.

Grace Period for Use of “Previously OMB Approved” ETA Forms and IRS Form All Target Groups

Additionally, to ensure SWAs continue an uninterrupted processing of employers’ timely filed certification requests and issuance of determinations (certification or denials) for individuals who are members of reauthorized WOTC Target Groups, other than the new target group, LTUR, ETA grants a 90-day grace period that allows employers and their representatives to continue to file certification requests with the SWAs using either: 1) the “previously (2012) OMB approved” ETA Forms and IRS Form; or 2) ETA Forms (Revised May 2016) with OMB Control Number 1205-0371 and IRS Form 8850 (Revised March 2016) with OMB Control Number 1545-1500. The 90-day grace period begins on the issue date of this TEGL, Change 1 and ends 90 calendar days later, April 11, 2017.

For certification requests for the new target group, LTUR, received on the “2012 OMB approved” forms, SWAs should follow the guidance under Section 12 until the 90-day grace period ends. SWAs should continue to issue final determinations (certifications or denials) to the respective employers or representatives.

After the grace period ends, SWAs should accept certification requests for all WOTC target groups only if submitted on ETA Forms (Revised May 2016) with OMB Control Number 1205-0371 and IRS Form 8850 (Revised March 2016) with OMB Control Number 1545-1500.

14. **Program Administration.** The SWA certification and program operation responsibilities will remain the same under the PATH Act. These responsibilities include: a) determining targeted group eligibility by conducting eligibility determinations and verification activities and issuing certifications and denials; b) establishing working partnerships with different participating agencies at the State and Local levels for issuing Conditional Certifications; c) complying with quarterly reporting requirements; and d) complying with requirements for records’ retention time periods.

15. **Action Requested.** SWA administrators are requested to:

- Provide this information to all appropriate State WOTC coordinators and related program staff, employers and their representatives, participating agencies and other interested partners;
- Ensure that the SWAs and participating agencies administer the requirements outlined in this TEGL and continue to process certifications requests for all WOTC target groups, including LTUR; and
- Use the WOTC ETA Forms (Revised May 2016) and IRS Form 8850 (Revised March 2016), and share them with related program staff, employers and their representatives, participating agencies, and other interested partners on the issue date of this TEGL. Once the 90-day grace period ends as described under Section 13 of this TEGL, SWAs should accept certification requests for all WOTC target groups only if submitted on ETA Forms (Revised May 2016) with OMB Control Number 1205-0371 and IRS Form 8850 (Revised March 2016) with OMB Control Number 1545-1500.

16. **Inquiries.** Questions regarding this guidance should be directed to the appropriate WOTC Regional Coordinator listed on the WOTC program website at:
https://www.doleta.gov/business/incentives/opptax/Regional_Contacts.cfm.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA – Registered Apprenticeship
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 13-16
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND
OPPORTUNITY ACT

TO: STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
INNOVATION AND OPPORTUNITY ACT
STATE WORKFORCE AGENCIES
STATE APPRENTICESHIP AGENCIES
STATE DIRECTORS, OFFICE OF APPRENTICESHIP
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Guidance on Registered Apprenticeship Provisions and Opportunities in the
Workforce Innovation and Opportunity Act (WIOA)

1. **Purpose.** Registered Apprenticeship is an important workforce development strategy that the workforce system provides to its customers, both job seekers and employers. It is an evidence-based model for job seekers and is a job-driven strategy for employers and industries. Engagement with employers, institutions of higher education, and policy makers has ramped up significantly in order to achieve the administration's goal to double the number of apprentices across the United States. This is an historic opportunity for the workforce system to expand its business base and offer job seekers greater employment prospects while offering employers a strategic approach to talent development. The purpose of this guidance is to provide information about the new provisions for Registered Apprenticeship in WIOA, including the status of Registered Apprenticeship sponsors as Eligible Training Providers, membership on State and Local Workforce Boards, the use of WIOA funding to support Registered Apprenticeship, reporting on Registered Apprenticeship activity, and suggestions about how to coordinate with the Registered Apprenticeship system.
2. **References.** See Attachments.
3. **Background.** WIOA became law on July 22, 2014, and supersedes titles I and II of the Workforce Investment Act (WIA) of 1998, and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973. The Departments of Labor and Education published the Final Rules in the Federal Register on August 19, 2016, which became effective October 18, 2016.

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

The U.S. Registered Apprenticeship System is authorized through the National Apprenticeship Act of 1937 (29 U.S.C. 50 et seq.). The Office of Apprenticeship (OA) in conjunction with State Apprenticeship Agencies (SAAs) is responsible for registering apprenticeship programs that meet Federal and State standards, issuing certificates of completion to apprentices, encouraging the development of new programs through outreach and technical assistance, protecting the safety and welfare of apprentices, and assuring that all programs provide high-quality training.

In the United States today, there are more than 150,000 employers and other Registered Apprenticeship sponsors (see list of other sponsors on page 6) employing more than 500,000 apprentices in over 1,000 occupations. A broad range of additional occupations can be mastered through Registered Apprenticeship. For example, employers are developing skilled workers using apprenticeship models in such industries as advanced manufacturing, health care, telecommunications, biotechnology, information technology, energy, and transportation and logistics. Employers sometimes work collaboratively to develop a Registered Apprenticeship program; in fact, industry partnerships are one of the hallmarks of Registered Apprenticeship.

All Registered Apprenticeship programs consist of the following five core components – direct business involvement, OJT, related instruction, rewards for skill gains, and a national occupational credential:

- **Business Involvement.** Businesses are the foundation of every Registered Apprenticeship program, and the skills needed for workforce success form the core of the model. Businesses must play an active role in building Registered Apprenticeship programs and are involved in every step of their design and execution.
- **On-the-Job Training.** Every Registered Apprenticeship program includes structured OJT. Companies hire apprentices and provide hands-on training from an experienced mentor. This training is developed by mapping the skills and knowledge the apprentice must learn over the course of the program to be fully proficient at the job.

- **Related Instruction.** Apprentices receive related instruction or classroom style training that complements the OJT. This instruction helps refine the technical and academic skills that apply to the job. Related instruction may be provided by a community college, technical school or college, an apprenticeship training school, or by the business itself. This instruction can be provided at the school, online, or at the work site.
- **Rewards for Skill Gains.** Apprentices receive increases in pay as their skills and knowledge increase. Progressive wage gains reward and motivate apprentices as they advance through training and become more productive and skilled at their job.
- **National Occupational Credential.** Every graduate of a Registered Apprenticeship program receives a nationally-recognized credential, referred to as a Certificate of Completion, which is issued by the U.S. Department of Labor (USDOL) or a federally-recognized SAA. This portable credential signifies that the apprentice is fully qualified to successfully perform an occupation. Many Registered Apprenticeship programs – particularly in high-growth industries such as health care, advanced manufacturing, and transportation – also offer interim credentials as apprentices master skills as part of a career pathway.

The length of training and the skills and competencies required for mastery of an occupation are set by industry. Traditional Registered Apprenticeship programs are time-based and require a specific number of hours of OJT and related instruction. Increasingly, however, industries are using competency-based programs that reflect mastery of key skills and allow workers to progress at their own pace. The Registered Apprenticeship system currently approves time-based, competency-based and hybrid time-and-competency-based programs and is encouraging industries to transition to competency-based programs to enhance program effectiveness and potentially widen the pool of apprentices.

Through Registered Apprenticeship, employers attract and retain highly-qualified employees, and improve productivity and the quality of services and products. State and local workforce systems that use Registered Apprenticeship as a workforce strategy meet the needs of job seekers for sustainable careers and the needs of businesses for a skilled workforce. Adopting robust Registered Apprenticeship programs in the context of economic development strategies creates seamless pipelines of skilled workers and flexible career paths to meet current and future workforce demands.

5. **Leveraging Registered Apprenticeship as a Workforce System Strategy.** Registered Apprenticeship is fully aligned with the employer-focused, work-based training that WIOA envisions. Features of Registered Apprenticeship, including its flexibility, opportunities for immediate earnings, and emphasis on partnerships, make it an effective strategy to meet workforce system goals. Additionally, the outcomes attained by apprentices and graduates of Registered Apprenticeship programs can lead to strong WIOA performance results.

Adopting Registered Apprenticeship as a workforce strategy can help advance the goals of WIOA – a transformed public workforce system that improves employment opportunities for

job seekers and workers through an integrated, job-driven system that links diverse talent to the nation's businesses. Below are ways that Registered Apprenticeship can enhance the WIOA system.

- **Promoting industry sector strategies and regional economic competitiveness.** Meeting the workforce needs of employers is critical to economic growth and is a key priority of WIOA. As an employer-driven model for skill attainment, Registered Apprenticeship provides businesses with the highly-qualified talent they need to grow and compete. WIOA also promotes industry sector strategies and regional collaboration because the very foundation of Registered Apprenticeship is industry engagement, which can further the workforce system's efforts to support regional economies. Registered Apprenticeship can be a critical part of establishing worker pipelines in regionally-critical industry sectors. The apprenticeship model can serve as a catalyst to bring together partners to align education and training investments to meet sector workforce needs.
- **Strengthening partnerships.** WIOA calls for strong partnerships that connect the workforce, economic development, and education systems with business and other stakeholders. Successful Registered Apprenticeship programs are similarly based on strong collaboration among businesses, educational institutions, the public workforce system and other key community organizations. These stakeholders work together to pinpoint the employer's needs, design the Registered Apprenticeship program, recruit apprentices, and fund the program. The Registered Apprenticeship system at the state and national levels is available to provide support and technical assistance to help launch, maintain and grow Registered Apprenticeship opportunities.
- **Emphasis on work-based training strategies.** Registered Apprenticeship is an effective work-based learning approach that builds worker skills and establishes pathways for higher wages and career opportunities. The increased emphasis on work-based learning and business engagement in WIOA provides a clear opportunity for the workforce system to integrate Registered Apprenticeship into business services, providing customized support to meet the needs of any business or group of businesses, thereby fulfilling WIOA's focus on advancing the workforce needs of employers while providing quality training opportunities for job seekers.
- **Increasing access to education and training.** Adult learners with families and financial obligations frequently need to work while they gain additional education or workforce skills. Young adults also may need to work while attending school. Since Registered Apprenticeship is an "earn and learn" model, it provides access to education and training that might not otherwise be possible for many job seekers. Additionally, WIOA automatically includes Registered Apprenticeship programs on state Eligible Training Provider Lists (ETPL), establishing the opportunity for public workforce systems to invest WIOA resources in the related instruction component of Registered Apprenticeship programs.

- **Increasing skills and creating career paths with credentials for workers.** The foundation of the apprenticeship model is that apprentices progressively increase their skills and competencies throughout the program. WIOA creates a new measurable skill gains performance indicator that measures the interim progress of participants in an education or training program, including Registered Apprenticeship programs. Examples of measureable skill gains can be found in the Joint WIOA Final Rule and WIOA Performance Accountability Guidance, https://wdr.doleta.gov/directives/corr_doc.cfm?docn=8226. Apprenticeship programs are well positioned to impart skills to workers, which would meet the WIOA measurable skills gain performance indicator. Additionally, because Registered Apprenticeship programs include immediate employment for apprentices, they provide an excellent opportunity for dislocated workers, returning military service members, and others needing to transition to new careers. Registered Apprenticeship contributes to career pathways by building worker skills and establishing well-defined steps along pathways to higher levels of employment and wages. Registered Apprenticeship programs also can be an important part of industry growth strategies where the skills of large segments of the workforce need to be re-tooled.
- **Meeting the needs of out-of-school youth.** Registered Apprenticeship programs provide an effective strategy to meet WIOA's emphasis on providing services to out-of-school youth and increasing youth work experiences. Registered Apprenticeship is an important talent development option that leads to career opportunities in demand-driven occupations. Registered Apprenticeship programs provide youth with the opportunity to "earn while they learn," and obtain portable credentials that can lead to additional positive post-secondary training outcomes. For younger youth, pre-apprenticeship programs can serve as a gateway to Registered Apprenticeship programs, while providing contextual learning that can promote and enhance high school completion levels. WIOA also requires Local Workforce Development Boards (LWDBs) to utilize at least 20% of their youth funding on paid and unpaid work experiences that have an academic and occupational education component. Such work experiences may now include pre-apprenticeship.

6. Registered Apprenticeship in WIOA. WIOA represents a tremendous opportunity to explore, expand and emphasize the utilization of Registered Apprenticeship as a workforce system talent development strategy. Below are specific areas where Registered Apprenticeship is included in the WIOA legislation.

- A. Registered Apprenticeship on State List of Eligible Training Providers (ETPs) DOL-only Regulations §§ 680.410 (d), 680.450, 680.460, and 680.470.** Under WIOA, title I, Registered Apprenticeship program sponsors are automatically eligible for placement on the state-approved ETP list and will remain on the list as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list. Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial or continued eligibility as other providers because they go through an extensive application

and vetting process to become a Registered Apprenticeship program sponsor with the USDOL or the SAA.

i) Registered Apprenticeship can take many forms and its sponsors are diverse, including:

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

- (3) Community-based organizations administer the program and work with employers, educational entities and the community to implement the Registered Apprenticeship program.

ii) *Steps for Adding Registered Apprenticeship Program Sponsors to the State List of Eligible Training Providers*

Although all Registered Apprenticeship sponsors are eligible for the State list of ETPs, some may choose not to be included and/or remain on the list. The majority of Registered Apprenticeship programs have not had the opportunity to work with the public workforce system and will need to learn about WIOA and its key provisions, such as the State list of ETPs, State and Local Workforce Development Boards (WDBs), and other aspects of the system. The Department encourages the Governor to work closely with the Federal OA State offices and the SAAs to facilitate the integration and collaboration of the workforce and Registered Apprenticeship systems. Federal OA and SAA state contact information is at: <http://www.doleta.gov/oa/contactlist.cfm>.

Each State must notify Registered Apprenticeship programs of their eligibility to be on State list of ETPs, and Registered Apprenticeship programs should indicate their interest in being on the State list of ETPs according to procedures established by the Governor. The Governor must work with the Federal OA State Director or if the State oversees the Registered Apprenticeship system, with the SAA, to develop a mechanism to contact all Registered Apprenticeship programs. When developing policies and procedures, the State should make all efforts to minimize the burden to Registered Apprenticeship programs. The State should also take into consideration that new Registered Apprenticeship programs are continually added to the Federal and SAA databases and may want to become ETPs. Therefore, data collection on new Registered Apprenticeship programs should be added on a timely basis, at least semi-annually.

As stated in the DOL-only regulations at 680.470(a), States are required to do the following —

- Contact the State OA or SAA office to get information about Registered Apprenticeship program sponsors to inquire about placement on the list of ETPs; create a process for gathering basic information on Registered Apprenticeship programs;
- Request information on the following: (1) occupations included within the Registered Apprenticeship program; (2) contact information including the name and address of the Registered Apprenticeship sponsor; (3) the name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address; (4) the method and length of instruction; and (5) the number of active apprentices. This is all the information that is needed for inclusion on the ETPL.

Registered Apprenticeship programs that do not provide the Related Technical Instruction portion of the apprenticeship (as outlined above) may be required to provide additional information about their education provider, including the cost of the instruction (this is the only time that cost information should be requested);

- Create a process to inquire if Registered Apprenticeship sponsors want to be included on the ETPL and confirm that the information the State OA or SAA office provided is accurate. Registered Apprenticeship programs must be given the opportunity to agree to ETP list placement; and
- Once RA sponsors request to be included on the ETP, the state will post required information on the ETPL.

iii) Placement on Local ETPL

The expectation is that Registered Apprenticeship programs will be included on statewide lists of ETPs through a minimally burdensome process that includes the State Director of Apprenticeship, as well as any and all local lists of ETPs. Program sponsors should not have to apply multiple times to be placed on local ETP lists. Moreover, the language at Section 680.510(a) of the WIOA Final Rule makes clear that LWDBs cannot impose any additional requirements on Registered Apprenticeship program sponsors. Several states have already revised their ETPL policies to add clarifying language that eliminates any ambiguity in this regard.

iv) Biennial Review of Registered Apprenticeship ETP Status

According to DOL-only Regulation § 680.460(j), the Governor is required to develop a procedure to verify the status of Registered Apprenticeship programs as a part of the State's review of the State list of ETPs at least every two years. Although Registered Apprenticeship programs are not subject to the same review procedures as other ETPs, the State must verify the status of the Registered Apprenticeship programs in order to ensure that it remains certified, and removes any apprenticeship programs from the ETP list that are no longer registered. The State should work with Federal OA or SAA staff to get a list of all Registered Apprenticeship programs that are either voluntarily or involuntarily deregistered.

v) Disseminating Information on Registered Apprenticeship Programs to the Workforce System

The Governor is responsible for disseminating information on Registered Apprenticeship program ETPs to the Local Boards. This includes information on any new Registered Apprenticeship program ETPs, and identification of any programs that no longer want to remain on the ETP list or any that were deregistered. The Governor is authorized to designate a State agency to carry out this requirement. The Department urges the State agency to work directly with the Federal OA or the SAA office to obtain the information.

- vi) *ETP Reporting Requirements for Registered Apprenticeship*
Registered Apprenticeship programs that are part of the State list of ETPs are not subject to the same information reporting requirements as other training programs under WIOA, including the requirements for annual ETP reporting under Section 116. More information on performance reporting requirements for Registered Apprenticeship programs on the ETPL will be provided in upcoming guidance. More specifically, the Departments of Education and Labor will be amending the joint information collection request (ICR) (OMB 10205-0526) which includes information on the data elements required for, and the overall process of producing the eligible training provider report. The ICR is slated for a 60-day public comment period release in January 2017.
- vii) *Pre-Apprenticeship Programs*
Pre-apprenticeship programs provide instruction and/or training to increase math, literacy, and other vocational and pre-vocational skills needed to gain entry into a Registered Apprenticeship program. Implementing Registered Apprenticeship and pre-apprenticeship models that are aligned with the needs of key industry sectors creates opportunities to advance students, job seekers, and workers along the talent pipeline. A pre-apprenticeship program funded with WIOA funding must have at least one Registered Apprenticeship partner; such pre-apprenticeship programs must possess or develop a strong record of enrolling their pre-apprenticeship graduates into a Registered Apprenticeship program. Once the participant is enrolled in the Registered Apprenticeship program, and if his/her funding has not been exhausted, a portion and/or the balance of funding may be used to cover the costs of the Registered Apprenticeship program's classroom training/related instruction.

Pre-apprenticeship programs generally consist of the following:

- Training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved;
- Access to educational and career counseling and other supportive services, directly or indirectly;
- Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career;
- Opportunities to attain at least one industry-recognized credential; and

- A partnership with one or more Registered Apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program into a Registered Apprenticeship program.

It must be noted that pre-apprenticeship programs do not have the same automatic ETP status under WIOA as do Registered Apprenticeship programs according to DOL-only Regulation § 680.470(f). The USDOL does not register or regulate pre-apprenticeship programs, although we have defined the attributes of a quality pre-apprenticeship program (see TEN 13-12). Only Registered Apprenticeship programs go through a detailed application and vetting procedure to become a Registered Apprenticeship program sponsor with the USDOL or the SAA. Organizations offering pre-apprenticeship training programs that are seeking ETP status are required to go through the same vetting process and performance reporting requirements as all other training providers in the State. If the pre-apprenticeship training program is on the ETP list, WIOA Title I funds may be used to fund that program for eligible individuals.

- B. Registered Apprenticeship Program Representation on State and Local Workforce Development Boards—DOL-only Regulations 679.110(b)(3)(ii)(B) and Paragraph (c) of § 679.320.** One of the emphases in WIOA is restructuring the LWDBs to be more strategic and job-driven with a focus on sector strategies and career pathways. In support of this emphasis, at least one representative from a Registered Apprenticeship program is required on both the State and Local WDBs. WIOA stipulates that membership must come from a joint-labor management Registered Apprenticeship program. The program must be registered with the USDOL OA or with the SAA. The Registered Apprenticeship representative must be a member of a labor organization or a training director of the joint program. If there are no joint labor-management Registered Apprenticeship programs in the State, the Chief Local Elected Official should appoint a representative from a non-union Registered Apprenticeship program. The apprenticeship representative should have optimum decision-making capacity, as is required with all Board members. Representatives from the SAA and the USDOL OA cannot serve in this capacity; they can, however, serve as advisors to the WDB and work in a non-official capacity.
- C. Registered Apprenticeship as a Recognized Post-Secondary Credential – Section 3(52).** In addition to the new aforementioned Measurable Skill Gains performance indicator, WIOA also includes a new Credential Attainment Rate performance indicator. Graduates from Registered Apprenticeship programs receive a credential (referred to as a Certificate of Completion) issued by either the USDOL or a federally-recognized SAA, which is considered a recognized postsecondary credential under WIOA. Individuals who complete a Registered Apprenticeship program may use their credential toward college credit at a college participating in the Registered Apprenticeship-College Consortium (RACC). This is a network of colleges and Registered Apprenticeship programs where member colleges agree to accept the Registered Apprenticeship credential towards college credit. As a member of the RACC, Registered Apprenticeship

programs must have their programs assessed by a third party evaluator to determine college credit value. <http://doleta.gov/oa/racc.cfm>

- D. **Pre-apprenticeship as Part of Work Experience Youth Program Element – Section 129(c)(2)(C)(ii).** As noted earlier in Section A, WIOA emphasizes youth “work experience” as one of the fourteen required youth program elements by adding a requirement for LWDBs to utilize at least 20% of their youth funding to support work experiences; the statute specifically includes pre-apprenticeship as a type of work experience.

- E. **Pre-apprenticeship/Registered Apprenticeship for YouthBuild – DOL-only Regulations Part 688.** YouthBuild grantees are encouraged to coordinate work experience and skills training with pre-apprenticeship and Registered Apprenticeship programs. YouthBuild may offer pre-apprenticeship training to prepare youth for Registered Apprenticeship or other career opportunities.

- F. **Registered Apprenticeship as Pathway for Job Corps –DOL-only Regulations Part 686.** Registered Apprenticeship is a positive placement under the Job Corps program. National training contractors working with Job Corps centers are strongly encouraged to provide pre-apprenticeship training to ensure that graduates are placed in Registered Apprenticeships upon program completion. OA and Job Corps have memoranda of understanding to provide Job Corps graduates priority admission into Registered Apprenticeship programs (See JC Circular 74-5).

7. **WIOA Funding to Support Registered Apprenticeship.** With the significant expansion of Registered Apprenticeship programs in high-demand fields, WIOA Title I funds, in addition to other sources of public and private funds, can be used to support Registered Apprenticeship programs.

WIOA Title I Funds: ETA strongly encourages the workforce system to use WIOA funding to support Registered Apprenticeship in the following ways:

Service	Supporting Registered Apprenticeship (RA)
Individual Training Accounts (ITAs)	RA sponsors are able to use ITA funds to support the educational portion (i.e., related instruction component) of the registered apprenticeship for eligible apprentices. ITAs also can finance pre-apprenticeship training in preparation for formal RA if they are on the State ETP list. Additionally, individuals in receipt of ITAs may also receive supportive services to enable them to participate in the training. States should have up-to-date lists of RA program sponsors from their OA and SAA offices to place on the ETP lists. State and Local WDBs should work with OA and SAA offices on an outreach strategy to maximize RA program sponsor usage.

<p>Contracted Classes for Training Cohorts for Related Instruction</p>	<p>In certain circumstances a LWDB may determine that a contract with an ETP to train a cohort of potential apprentices in in-demand industry sectors or occupations may be developed instead of an ITA. This approach provides an efficient and well-suited process for certain cohorts of RA training. Note that grantees must ensure that contracts with training providers, including for-profit training providers, meet the procurement standards found in the Uniform Guidance. If a college is considered a contractor, the procurement standards are applicable to grant recipients entering into agreements with contractors and not sub-recipients. All transactions with contractors must adhere to the procurement standards that identify a variety of different ways to procure goods or services. If the cost of the training is within the micro-purchase (\$3K) or under the simplified acquisition threshold which is currently at \$150K, a competitive process is not required. The WDB can hire the college without competition. If the cost of the training exceeds the micro-purchase and simplified acquisition thresholds, the WDB would have to use a competitive process to solicit training providers in the area. If it is determined that the college is acting in the capacity of a sub-recipient, then no procurement is needed. Although ITAs may be utilized to support the related instruction for individual apprentices, it is allowable for the workforce system to utilize a contract as the vehicle for training a cohort of apprentices in the related instruction component of the RA program provided the apprentices (or potential apprentices) meet the Adult or Dislocated Worker eligibility requirements. Under section 134(c)(3)(G)(ii)(V) of WIOA, the contract exceptions to an ITA have been expanded to include RA. Additionally, a LWDB may use incumbent worker training funds under section 134(d)(4) to provide training to a cohort of apprentices.</p>
<p>Youth Occupational Skills Training</p>	<p>Youth occupational skills training is a required program element under WIOA that includes RA as a viable training option for youth 16-24 that provides both a living and a pathway to the middle class. This program element also emphasizes training that aligns with in-demand industry sectors and occupations, which is a key component of RA programs.</p>
<p>Supportive Services</p>	<p>WIOA funds can support a variety of supportive services for apprentices, including books, supplies, child care, transportation, tools and uniforms.</p>

Customized Training	State and Local WBDs can support RA program sponsors and apprentices through customized training agreements.
On-the-Job Training	WIOA expands the potential for utilizing OJT to support RA. In certain circumstances, up to 75 percent of the apprentices' wages may be reimbursed by public workforce system contributions if employers meet criteria for a designated period of time. States and Local WBDs can set up arrangements with RA programs where participants may do OJT for multiple employers who are signatories to the RA program, consistent with State and Local policies. Unlike the related instruction component, the OJT component is supported by a contract, not an ITA.
Incumbent Worker Training	LWDBs may use up to 20% of their adult and dislocated worker funds to pay the Federal share of the cost of incumbent worker training, enabling current workers to remain on the job while in training, which is strongly emphasized in WIOA.

For more detailed information on how WIOA funds may be used to support Registered Apprenticeship, please refer to the Registered Apprenticeship Desk Aid <http://www.dol.gov/apprenticeship/toolkit.htm>.

8. Other Sources of Funding for Registered Apprenticeship.

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

B. State Funds. Many states use statewide funding to support Registered Apprenticeship, and consideration of the use of these funds to support Registered Apprenticeship is strongly recommended. States have considerable flexibility in designing the optional uses of their statewide set-aside funds, including for Registered Apprenticeship and pre-apprenticeship activities, as noted in WIOA Sec. 134(a)(3). Other state-level resources also may be used to support Registered Apprenticeship. For instance, the State of South Carolina offers statewide reserve-funded competitive grants to expand Registered Apprenticeship in high-growth, high-wage industries. The statewide organization, Apprenticeship Carolina, provides eligible businesses with a tax credit of \$1,000 for each registered apprentice they employ.

C. Discretionary Grants from ETA. H-1B discretionary grant programs may fund projects that include Registered Apprenticeship as a training strategy to provide participants with the skills, credentials, and experience necessary to enter middle- and high-skilled jobs across industries and occupations for which employers are using H-1B visas to hire foreign workers. H-1B grant initiatives include:

American Apprenticeship Initiative: This grant opportunity provides \$175 million to 46 grantees to support the Registered Apprenticeship system through: public-private partnerships in high-growth occupations and industries; development of career pathways; and increased opportunities for women and other underrepresented populations in Registered Apprenticeship. More information on the apprenticeship grants is available at:
<http://www.dol.gov/apprenticeship/grants.htm>

D. ApprenticeshipUSA Expansion Grants and Contracts. Congress approved \$90 million in FY2016 to expand Registered Apprenticeships across the country in a diverse array of industry sectors. Grants provide funding to 36 States and one territory to undertake new apprenticeship efforts in both urban and rural communities. Ten ApprenticeshipUSA Industry Intermediary Contracts were awarded to national organizations to start or scale apprenticeship programs that meet the occupational and skill needs of their industries. More information on the grants and contracts is available at: <https://www.dol.gov/featured/apprenticeship/grants>

9. Additional Federal Funding Sources for Registered Apprenticeship. Federal funding for Registered Apprenticeship programs is available through several federal agencies to support business investments in apprentices and to assist educators and intermediaries in strengthening the tie between training and employment through Registered Apprenticeship. Below is a summary of the funding sources available outside of the USDOL. For more in-depth information on each of these funding sources, visit the “Federal Resources Playbook for Registered Apprenticeship” available at:
<http://www.doleta.gov/oa/federalresources/playbook.pdf>.

A. U.S. Department of Education

Federal Student Aid Funds – The Federal Student Aid (FSA) office provides billions of dollars each year in Federal grants and work-study funds that can be used to help workers pursue higher education through Registered Apprenticeship. These uses include:

- i) Federal Pell Grants – Apprentices who qualify for Federal Pell Grants can receive funding to cover all or most of the cost of tuition and fees, and books and supplies for the students' enrollment in the technical instruction portion of a Registered Apprenticeship if part of an eligible academic program. The average Federal Pell Grant award was \$3,700 in the 2014-15 academic year.
- ii) Federal Work Study – Institutions can use Federal Work Study (FWS) funds to pay a portion of the training wages of eligible students who are apprentices while they are enrolled in eligible certificate or degree programs. The average FWS award was close to \$1,700 in the 2014-15 academic year. Institutions can leverage their FWS funds, individually or as part of a group of institutions, to create a Job Location and Development (JLD) program to help identify and support employers in creating Registered Apprenticeships for enrolled students.

B. U.S. Department of Veterans Affairs

- i) GI Bill® – Veterans using the GI Bill® entitlement for formal classroom instruction may receive a percentage of tuition and fee payments (i.e., all tuition and fee payments for an in-State student or up to \$20,235.02 per year for a private/foreign institution for a maximum of 48 months, paid directly to the school on the Veteran's behalf) while participating in an employer's Registered Apprenticeship program. (Veterans may only use their GI Bill® entitlement to support the related instruction component of a *registered* apprenticeship program.)
- ii) Vocational Rehabilitation & Employment (VR&E) Apprenticeships – The VR&E program helps Service members and Veterans with service-connected disabilities and an employment handicap prepare for, find, and maintain suitable careers. Beneficiaries of the VR&E program may receive services that can help with job training, workplace accommodations, and employment placement services, such as resume development, interview coaching, and direct job development.
- iii) Special Employer Incentive (SEI) – Under the SEI program, employers hiring Veterans approved for VR&E services may receive a reimbursement of up to 50 percent of the Veterans' salary for six months. Reimbursements help employers offset costs associated with a loss of production, training instruction, and training materials.

C. U.S. Department of Agriculture

- i) Supplemental Nutrition Assistance Program – Employment and Training Programs (SNAP E&T) – SNAP E&T programs may include pre-apprenticeships and Registered Apprenticeships, and SNAP E&T funds may be used to pay for training and education expenses, participant reimbursements for dependent care, transportation and other expenses directly related to participation in a pre-apprenticeship or Registered Apprenticeship program, and for case management. There is no ceiling on the availability of these 50/50 reimbursement funds. USDA does not set limits on the amount of participant expenses, though States may establish their own limits. To be eligible for funding, activities must be included in the state’s SNAP E&T plan.

D. U.S. Department of Transportation

Federal Highway Administration (FHWA) On-the-Job Training and Supportive Services (OJT/SS) Program – The FHWA OJT/SS requires State Transportation Agencies (STAs) to establish Registered Apprenticeship and training programs to prepare women, minorities, and disadvantaged individuals for journey-level positions. Individual OJT/SS programs must be formally approved by STAs, and must have a focus on the construction trades and certain management positions where the training is oriented toward construction applications. FHWA provides funding and technical assistance for state OJT/SS programs through the following:

- i) Grant Funding – Provides a maximum of \$10 million to states each year for OJT/SS, including Registered Apprenticeship programs, for selected surface transportation projects.
- ii) Highway Workforce Funding – A discretionary program that may be used by State Transportation Directors under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). At the discretion of the Secretary of Transportation, States may use up to 0.5 percent of their Federal allotment for selected highway transportation programs to fund transportation workforce development, including Registered Apprenticeship programs.
- iii) Regional Workforce Centers – A central focus of these workforce centers is to assist STAs in using the OJT/SS program by developing and supporting workforce programs, including Registered Apprenticeship programs, in partnership with community colleges, private industry, community-based organizations, and workforce agencies. In October 2014, FHWA awarded nearly \$5 million in grants to five Regional Surface Transportation Workforce Centers.

E. U.S. Department of Housing and Urban Development.

Section 3 Covered Housing and Urban Development (HUD) Financial Assistance Programs – HUD provides financial assistance to entities such as Public Housing Authorities, local government agencies, multi-family property owners, and nonprofit organizations that, in turn, are responsible for awarding contracts to businesses that are owned by, or substantially employ, Section 3 residents (i.e., section 3 businesses). Section 3 residents are public housing residents, and low- or very low-income persons residing in the metropolitan area or non-metropolitan county where the Section 3 covered assistance is expended. To meet Section 3 requirements, HUD grantees and their contractors can partner with and recruit workers from pre-apprenticeship programs, such as YouthBuild, and participate in Registered Apprenticeship programs that prepare and train Section 3 residents for jobs. By employing HUD public housing residents or YouthBuild graduates as apprentices, contractors can receive a preference for further HUD projects.

- 10. Workforce System Reporting Requirements for Registered Apprenticeship.** The WIOA individual record layout, called the PIRL (Participant Individual Record Layout), will be the mechanism through which the public workforce system collects and reports data on the utilization of Registered Apprenticeship. In terms of Registered Apprenticeship, the PIRL expands upon the WIASRD (Workforce Investment Act Standardized Record Data) layout utilized under WIA, allowing for the collection of more substantive data with which to gauge workforce system integration. For instance, PIRL Data Element #931 is a required data element for multiple USDOL programs that will require staff to flag whether or not a WIOA participant is either in a Registered Apprenticeship program at the time of program entry or whether they enter a Registered Apprenticeship program during participation. In addition, the coding elements for *Type of Training* (e.g., Data Element #1303) now clarify that, if OJT or skill upgrading is being provided as part of a Registered Apprenticeship program, the code value for Registered Apprenticeship (09) should be utilized.

Data on utilization of Registered Apprenticeship was first captured in the WIASRD through reporting revisions made in 2013. Specifically, TEGL 4-13 revised the *Type of Training* data element to include a specific coding value for Registered Apprenticeship (coding value 09 on WIASRD element number 1209). Data reported through the WIASRD since 2013 indicate very few states reporting this type of training. In fact, national WIASRD data for the quarter ending 3/31/16 (which consists of three quarters of WIOA data and one quarter of WIA data) indicates only 17 states and 30 LWDBs (out of more than 600) reporting this type of activity. ETA therefore sees WIOA implementation as a tremendous opportunity to support, advance and emphasize Registered Apprenticeship and will be tracking these data closely. As a result, it is important that states report accurate and reliable data on Registered Apprenticeship activity.

- 11. WIOA Performance and Registered Apprenticeship.** At Section 116, WIOA outlines six primary indicators of performance, which are summarized as follows:

1. Employment in the Second Quarter After Exit
2. Employment in the Fourth Quarter After Exit
3. Median Earnings in the Second Quarter After Exit
4. Credential Attainment
5. Measurable Skill Gains
6. Effectiveness in Serving Employers

Registered Apprenticeship *is* employment and registered apprentices earn a wage from day one. As previously mentioned, Registered Apprenticeship programs are a strategic intervention that may be reflected in the Measurable Skill Gains indicator and the Registered Apprenticeship Completion Certificate is a recognized post-secondary credential that supports the Credential Attainment indicator.

Further guidance on how Registered Apprenticeship can positively impact performance on the WIOA required indicators is forthcoming.

- 12. Action Steps.** Below are six concrete steps that can be taken to better align the Workforce Development System and Registered Apprenticeship System and utilize this proven workforce training strategy:

A. Get to know your state Registered Apprenticeship contact.

Every state has Registered Apprenticeship representatives available to provide support and technical assistance to the public workforce system regarding Registered Apprenticeship programs. OA or SAA staff can help develop contacts and can serve as a valuable partner in your Registered Apprenticeship programs. Invite your Registered Apprenticeship representative to your One-Stop center for a tour and to learn about your services and partners. Section 6.A. ii of this TEGL states that Registered Apprenticeship programs will need to be educated on the State list of ETPs, WIOA funding, WDBs, governance, and other aspects of the system. Similarly, state agencies will need to be fully educated on Registered Apprenticeship processes and programs. The workforce system will also need to work with Registered Apprenticeship staff to collect, update and share data on current Registered Apprenticeship program sponsors.

To locate RA contacts in your state, visit www.doleta.gov/oa/contactlist.cfm

B. Develop new Registered Apprenticeship programs in your area.

Sector Strategies and Career Pathways initiatives can help integrate Registered Apprenticeship into your workforce system, as RA is an integral part of both sector strategies and career pathways. Sector strategies engage employers in determining local or regional hiring needs and then designing customized training programs that are responsive to those needs. By aligning with evolving regional economies, these strategies can help provide a network of employment, training, and related services that meet employer needs and build a stronger workforce. Registered Apprenticeship programs emphasize a job-driven educational

option that allows workers to gain industry-recognized credentials and to move along a determined career path. By the time the program is completed, Registered Apprenticeship takes individuals with few, if any, skills to a level of technical competency in a given occupation. This provides an important career path as a stand-alone program or offers further upward mobility into higher-level careers. For industries involved in sector strategies, this approach offers multiple employers in a given sector opportunities to develop career pathways and pool resources to educate and train individuals for in-demand jobs. Work with your State apprenticeship office to develop these models.

C. Connect with the new apprenticeship representative on your workforce board.

Under WIOA, Registered Apprenticeship representatives are required members of state and LWDBs. This provides the forum for educating and integrating the Registered Apprenticeship and workforce systems. Board participation and engagement will support the incorporation of Registered Apprenticeship programs into the suite of training services in your workforce system.

D. Brief your Business Services and Case Manager staff on Registered Apprenticeship.

Registered Apprenticeship fits well with the employer-driven, work-based training vision of WIOA. Business representatives can work collaboratively with Registered Apprenticeship professionals in marketing activities to employers to discuss benefits of the workforce system and Registered Apprenticeship. The assistance provided by apprenticeship staff is always free of charge and with 19,000 employers in the United States today with active Registered Apprenticeship programs, collaborative efforts can result in economies of scale for the workforce system at a time when LWDBs may be resource-challenged.

In addition, with the special automatic ETP status for Registered Apprenticeship sponsors, there will be more opportunities to work with these employers. State Apprenticeship staff can provide technical assistance to One-Stop staff on how Registered Apprenticeship works and how to engage and place individuals into a program.

E. Visit the new ApprenticeshipUSA Toolkit and Desk Aid.

The Employment and Training Administration launched the ApprenticeshipUSA Toolkit in 2015. This online toolkit, designed to support the public workforce system in developing successful Registered Apprenticeship strategies, includes a variety of tools, tutorials, fact sheets and other resources.

The toolkit will add value for workforce systems at all levels of familiarity with Registered Apprenticeship, from the inclusion of tools to learn about apprenticeship, to building apprenticeship partnerships, to implementing Registered Apprenticeship strategies and by providing examples of successful partnership models currently in place in different parts of the country. <http://www.dol.gov/apprenticeship/toolkit.htm>

F. Set Goals to Expand Workforce System Engagement with Registered Apprenticeship.

Despite numerous studies indicating a robust return on investment, current reported data indicate low utilization of Registered Apprenticeship as a workforce development strategy (the percentage of WIOA participants in Registered Apprenticeship is less than 1%). Based on the new statutory provisions supporting Registered Apprenticeship, as well as the national goal to double the number of apprentices across the country, we encourage States and LWDBs to set their own goals and targets based on current data and what might be appropriate for your State and/or local area. This could take several forms. For instance, given current levels, an appropriate goal may be raising the percentage of current WIOA participants involved in Registered Apprenticeship to 5%. States and LWDBs could also take a data-based approach by utilizing current WIASRD data as a baseline and reviewing expansion on a semi-annual or even quarterly basis once the WIOA Participant Individual Record Layout is fully implemented nationwide. States and LWDBs also may take the approach of increasing the number or percentage of Registered Apprenticeship *programs* that have successfully partnered with the State or local workforce development system. We encourage thoughtful consideration of the multiple opportunities to demonstrate successful engagement with ApprenticeshipUSA in measurable ways.

13. Inquiries. Questions should be submitted to the appropriate Regional Office.

14. Attachments.

Attachment I: References

Attachment II: Making Registered Apprenticeship Work: Case Studies on Workforce-Registered Apprenticeship Partnerships from Detroit and Arizona

Attachment III: How to Count Registered Apprenticeship in the Workforce System

TRAINING AND EMPLOYMENT NOTICE	NO. 30-16
	DATE January 12, 2017

TO: AFFILIATE AMERICAN JOB CENTER DIRECTORS
 COMPREHENSIVE AMERICAN JOB CENTER DIRECTORS
 WORKFORCE INNOVATION OPPORTUNITIES ACT (WIOA) 166 INDIAN
 AND NATIVE AMERICAN GRANTEEES
 DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING
 ADMINISTRATION REGIONAL ADMINISTRATORS
 STATE GOVERNORS
 STATE UNEMPLOYMENT INSURANCE DIRECTORS
 STATE WIOA LIAISONS
 STATE WORKFORCE ADMINISTRATORS WIOA
 WORKFORCE DEVELOPMENT BOARD (WDB) LOCAL CHAIRS
 WDB STATE CHAIRS
 WDB STATE EXECUTIVE DIRECTORS
 WDB LOCAL EXECUTIVE DIRECTORS

FROM: PORTIA WU /s/
 Assistant Secretary

SUBJECT: Release and Availability of a Final Report Under the Project Entitled: Feasibility
 Assessment of a Wage Insurance Demonstration

1. **Purpose.** The Employment and Training Administration (ETA) announces the release and availability of a final report – Wage Insurance and Wage Supplements: Final Evaluation Design Report; which provides design options for possible future demonstration and evaluation of these approaches.

2. **Background.** The Employment and Training Administration contracted with the University of Texas at Austin's Ray Marshall Center for the Study of Human Resources ("Center"), to research and propose a design for possible future demonstrations and rigorous evaluations of the provision of wage insurance and/or wage supplements, to assist unemployed individuals in their return to work. Center researchers reviewed existing research on the topic, as well as supporting data, and identified and analyzed the feasibility of options for further research and demonstrations to test wage supplement and wage insurance strategies (King & Tingle, 2015a & 2015b).

3. **Project Description.** This report outlines design parameters, evaluation methods, data sources, tasks, timelines and next steps for conducting a wage insurance and/or a wage supplement demonstration with an accompanying evaluations. Key research questions, supplemental research questions, and related program design criteria are proposed. The feasibility analysis of the demonstrations was informed by an examination of the existing

literature, and discussions with the project's technical work group, and Department of Labor policy and program staff.

The report proposes four research questions to guide a demonstration of wage insurance and/or wage supplements:

- Will these programs lead to reductions in benefit exhaustion, total UI benefit payments received, and UI claim duration?
- Will these programs yield positive impacts on longer-term earnings on a new job for reemployed workers?
- Will these programs lead to better retention on the new or subsequent jobs?
- Will these programs lead to savings after deducting program costs? How are net benefits of these programs shared among participants (jobseekers, employers), taxpayers and society? Do these programs yield greater net benefits for certain groups of workers (e.g., prime-aged or older workers)?

4. Key Study Findings. Due to the fundamental difference between wage supplements and wage insurance, namely the time orientation of each program, the report proposes distinct design parameters for each.

- A wage supplement demonstration would be characterized by a monetary incentive for rapid employment for UI-eligible unemployed workers. Designed to reduce the time to reemployment, the proposed demonstration should result in generalizable findings through a randomized control trial.
- The wage insurance demonstration would be designed to address the problem of dislocated workers who may be reluctant to accept a new job offer because it would pay substantially less than their pre-layoff job. The program would provide insurance for individuals against future loss of wages by providing insurance to help them temporarily make up the difference in wages earned in their new job and the wages earned in their pre-layoff job. This demonstration may need to continue to pay wage insurance benefits for a longer period than wage supplements are paid, to ensure a large enough sample of workers can use the insurance benefits.
- The proposed demonstrations and evaluations should include both an implementation study and an impact analysis using an experimental design, i.e, a randomized control trial, to capture employment and earnings impacts.
- The Center recommends that the evaluation begin early on in the implementation phase, and that a benefit/cost analysis be conducted.

- The proposed large sample size and randomized control trial design, would enable statistically significant results.

5. **Inquiries.** To view an abstract of this publication, as well as to download the full report of the study, please visit the ETA Research Publication Database Web site at:
<http://wdr.doleta.gov/research/keyword.cfm>

TRAINING AND EMPLOYMENT NOTICE	NO. 28-16, Change 1
	DATE January 13, 2017

TO: ALL ETA GRANTEEES
STATE LABOR COMMISSIONERS
STATE LABOR MARKET INFORMATION DIRECTORS
STATE MONITOR ADVOCATES
STATE UNEMPLOYMENT INSURANCE DIRECTORS
STATE DIRECTORS OF VETERANS EMPLOYMENT AND TRAINING
STATE WORKFORCE AGENCIES ADMINISTRATORS
WORKFORCE DEVELOPMENT BOARD STATE CHAIRS
WORKFORCE DEVELOPMENT BOARD STATE EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL CHAIRS
AMERICAN JOB CENTER MANAGERS
NATIONAL FARMWORKER JOBS PROGRAM GRANTEEES
INDIAN AND NATIVE AMERICAN GRANTEEES
YOUTHBUILD GRANTEEES
SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM GRANTEEES

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Change 1 - Best Practices, Partnership Models, and Resources Available for
Serving English Language Learners, Immigrants, Refugees, and New Americans

- Purpose.** This Change 1 replaces and makes corrections to the previously issued Training and Employment Notice (TEN) 28-16 to inform the workforce system with examples, best practices, partnership models, and information on how to align resources available under the Workforce Innovation and Opportunity Act (WIOA) to increase services to English Language Learners (ELL) with substantial cultural and language barriers to employment. It further provides information to the workforce system, including partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs, about how to align their efforts to provide basic career services, individualized career services, and training services.

This Change 1 updates the following two sections of TEN 28-16. Everything else remains the same.

- Paragraph 3, in the Section 2, Background, on page 2 includes a more comprehensive description of the WIOA Section 188 implementing regulations; and
- Section 7, Resources, on page 8 includes technical assistance materials for WIOA Section 188 implementing regulations.

2. References.

- Workforce Innovation and Opportunity Act (Public Law 113-128, 29 U.S.C. 3121 et. seq.);
- Training and Employment Guidance Letter (TEGL) No. 4-15: Vision for the One-Stop Delivery System under WIOA;
- TEGL No. 19-14: Vision for the Workforce System and Initial Implementation of WIOA;
- TEGL No. 02-14: Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs;
- TEGL No. 04-15: Vision for the One-Stop Delivery System under WIOA; and
- Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38).

3. **Background.** Signed into law on July 22, 2014, WIOA is designed to help job seekers and worker customers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998, and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. It presents an extraordinary opportunity for the workforce system to demonstrate its ability to improve the job and career options for individuals through an integrated, job driven, public workforce system that links diverse talent to America's businesses.

The publicly funded workforce system envisioned by WIOA is quality-focused, employer-driven, customer-centered, and tailored to meet the needs of regional economies. It is designed to increase access to, and opportunities for, the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment.

Part of the national vision for American Job Centers (AJCs) (formerly one-stop centers) is to ensure meaningful access to all customers, including participants with substantial cultural and language barriers to employment. Section 188 of WIOA prohibits discrimination because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief. In addition, for beneficiaries, applicants, and participants only, WIOA prohibits discrimination because of citizenship status, or because of an individual's participation in a WIOA Title I—financially assisted program or activity. Underlying the vision for AJCs and the intent behind Section 188 is the idea that the workforce system should provide high quality of service and serve the needs of all customers. In so doing, AJCs can help individuals succeed using principles of universal access and customer-centered design, such as flexibility in space usage; and the use of pictorial, written, verbal, and tactile modes to present information for all customers, (including those who are English Language Learners, individuals with disabilities, and others). In addition, AJCs staff the resource rooms with career counselors who offer knowledgeable assistance and guidance to all jobseekers using strength-based assessments and by providing necessary accommodations.

4. Unique Needs of Individuals who are English Language Learners and who Face Substantial Cultural Barriers.

Individuals who are English Language Learners and who face substantial cultural barriers, including immigrants, refugees, and new Americans, often encounter challenges that make it difficult to find and retain jobs. These barriers vary among individuals and may include limited English proficiency, limited cultural competency, prior trauma, low educational attainment in native countries, or the failure to have advanced degrees, credentials, and/or licenses attained abroad recognized in the United States. The needs of low-skilled and high-skilled immigrants differ significantly, and for employment and training services to be most effective, they must be tailored to the specific needs of the individual. Unique needs include but are not limited to the following:

- **English proficiency.** English proficiency is key to an individual's access to higher-paying jobs. Becoming proficient in English increases immigrants', refugees', and new Americans' engagement with their new country and ability to perform basic life functions, as well as to find and retain jobs. For many immigrants, refugees, and new Americans, contextualized workplace-based English language classes are helpful for becoming job-ready in a specific field. English Language Learners may be eligible for priority of service under WIOA sec. 134(c)(3)(E), which provides priority to "recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient."
- **Cultural competence.** Immigrants, refugees, and new Americans may need help to become familiar with United States job application processes, interviews, workplace customs and culture to become job-ready. This may include learning how to grow their professional network socially. For example, AJCs may offer mock interviews to assist participants in learning the cultural nuances of questions asked in the United States.
- **Trauma.** Some immigrants, refugees, and new Americans may need referrals to additional services that are designed to address symptoms of previously experienced trauma. For example, some individuals may have endured violence and other physical hardships as a result of armed conflict in their country of origin. In other instances, they may be survivors of human trafficking, whether labor or sexual. Access to support services via a referral process, such as trauma-informed mental health counseling, culturally appropriate support groups, medical care, or legal services may help them more successfully engage in the employment and training process.
- **Degrees, licensing, and credentials.** Many immigrants, refugees, and new Americans hold degrees, licenses, and/or credentials in other countries that they need to transfer to the United States, or re-obtain in the United States. Receiving credit for prior learning helps these workers quickly advance with their career paths and ensure successful economic integration.

To learn more about how Deferred Action for Childhood Arrivals (DACA) participants who have employment authorization may access WIOA services, see TEGL 2-14: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2-14_Acc.pdf.

5. High-Quality American Job Centers Play a Critical Role in Integrating Immigrants, Refugees, and New Americans into their Communities.

In accordance with the principles of universal access and customer-centered design under WIOA, the following provides ways AJCs deliver high quality services to individuals who are

English Language Learners and individuals who face substantial cultural barriers, including immigrants, refugees, and new Americans:

- **Provide Excellent Customer Service to Job Seekers, Workers, and Businesses.**
 - Reflect a welcoming environment to all customer groups who are served by the AJCs;
 - Develop, offer, and deliver quality business services (note that training services authorized under Title I also include English language proficiency training if provided in combination with another training service);
 - Improve the skills of job seeker and worker customers;
 - Create opportunities for individuals at all skill levels and levels of experience;
 - Provide career services that motivate, support, and empower customers (such as providing individualized career services which may include an assessment of English proficiency coupled with English language acquisition services if related to an employment need);
 - Value skill development;
 - Use WIOA's Priority of Service Provision;
 - Consider target populations in developing programs so that robust programs are available for those populations;
 - Develop outreach strategies and techniques to reach target populations; and
 - Monitor whether programs are meeting the needs of target populations, including particular training needs and wraparound services.

- **Reflect Innovative and Effective Service Design.**
 - Ensure meaningful access to all customers;
 - Use an integrated and expert intake process for all customers entering the AJCs;
 - Design and implement practices that actively engage industry sectors;
 - Balance traditional labor exchange services with strategic talent development within a regional economy;
 - Include both virtual and center-based service delivery for job-seekers, workers, and employers; and
 - Incorporate innovative and evidence-based delivery models.

- **Operate with Integrated Management Systems and High-Quality Staffing.**
 - Reflect the establishment of robust partnerships;
 - Organize and integrate services by function (rather than by program);
 - Develop and maintain integrated case management systems;
 - Develop and implement operational policies;
 - Use common performance indicators;
 - Train and equip AJC staff; and
 - Staff centers with linguistically and culturally competent staff, including highly trained career counselors and multi-lingual staff in languages spoken by the largest customer groups.

6. Partnership Models for Delivering High-Quality Services to Individuals who are English Language Learners and who Face Substantial Cultural Barriers.

Below are a few partnership models which harness the characteristics described above. These organizations align their efforts and resources between several workforce system partners,

including WIOA Title I Workforce Development partners, WIOA Title II Adult Education and Family Literacy partners, employers, and other community-based partners, to provide high-quality service delivery to individuals who are English Language Learners and who face substantial cultural barriers, including immigrants, refugees, and new Americans. These approaches produced positive outcomes for their target populations consisting largely of immigrants, refugees, and English Language Learners.

- **Center for Employment and Training, Skill Training and Human Development - San Jose, CA**

The Center for Employment and Training (CET) is an eligible training provider in California, a WIOA National Farmworker Jobs Program grantee, and is accredited under the provisions in the Higher Education Act (HEA). In addition to serving grantee participants, CET offers a tuition-based “vendor” program whereby students, who include migrant and seasonal farmworkers and their dependents, pay for their occupational training courses via federal financial aid (Pell Grants). Training courses align with career pathways, emphasized in WIOA and in HEA, that require alignment and a combination of training, adult education, and support services. This alignment and combination is an innovative and effective service design that helps students accelerate to Adult Education - English as a Second Language, Literacy and Math and GED certificate preparation. CET is a member of the local American Job Center network in three of the six major agricultural regions of the state. More information about CET’s best practices and success stories is available at: <http://cetweb.org/>. Additionally, an evaluation summary on CET, which is featured in MDRC’s report, entitled *The Challenge of Repeating Success in a Changing World* is available at: <http://www.mdrc.org/project/center-employment-training-replication#overview>.

- **International Institute of Minnesota - St. Paul, Minnesota**

Through the establishment of robust partnerships, the International Institute of Minnesota (Institute) welcomes new Americans to the Twin Cities and offers them a continuum of services to promote their full integration into the community. The Institute’s programming includes job training and language classes as well as refugee resettlement, immigration, citizenship, and anti-human trafficking services. The Institute has established a partnership with St. Paul College to help immigrant and U.S.-born students progress from low-level home health aide and Certified Nurse Assistant courses at the community level into more academically challenging science classes at the college level and pursue their Licensed Practical Nursing certifications. More information about the Institute’s services is here: <http://www.iimn.org/>. Additionally, program evaluation findings on the College Readiness Academy, which includes three partner sites, the Institute, Hubbs Center, and Neighborhood House is available at: <http://iimn.org/wp-content/uploads/2016/12/College-Readiness-Academy-Program-Evaluation-Findings-and-Considerations.pdf>.

- **The Neighborhoods United Network - Boise, Idaho**

Since 2009, the Neighbors United Network helps refugees successfully integrate and thrive in Boise, Idaho. Many of these refugees are highly skilled degree holders who arrived with credentials and training but with limited English proficiency and no clear path to reclaim

their careers. To ensure meaningful access to all customers, the program has addressed refugees' needs and resources related to six pillars: transportation, housing, health, education, employment, and social integration. In 2014, the Neighbors United Network was one of five communities selected to participate in the U.S. Department of Education's Networks for Integrating New Americans (NINA), an initiative that helped communities better position adult education programs as key contributors to local, multi-sector networks formed to advance immigrant integration. Through the NINA project, Boise was able to focus its attention on the growing percentage of educated refugees who have more specialized job placement needs. Global Talent Idaho was launched to facilitate the economic integration of high-skilled immigrants and refugees by getting them on paths related to their fields of expertise. Boise focused on the economic integration of immigrants with professional degrees with language as a key barrier to career advancement by providing employment services via mock interviews, mentoring, networking, resume writing, and job placement in collaboration with AJCs and employers. More information about how Boise partnerships help meet the unique needs of refugees may be found here: <http://www.neighborsunitedboise.org/>. Additionally, more information on *The Adult Education and Immigrant Integration: Lessons Learned from the Networks for Integrating New Americans Initiative* report is available here: <http://worlded.org/WEIInternet/resources/publication/display.cfm?txtGeoArea=US&id=16503&thisSection=Resources>.

- **Seattle Mayor's Office of Immigrant and Refugee Affairs' Ready to Work - Seattle, Washington**

The Ready to Work (RTW) program, which is funded by the U.S. Department of Housing and Urban Development's Community Development Block Grant, was created as a prototype model of English language acquisition, career development, and employment, offered in a community-based setting. The program's goal is "to empower and support immigrants and refugees in overcoming barriers on their journey to economic stability, quality jobs and integration into life in Seattle." One of the key features of RTW is its commitment to track participants' progress over a longer time frame than conventional funding streams typically allow. This integrated management system is achieved by creatively braiding together the U.S. Department of Housing and Urban Development's Community Development Block Grant, WIOA, and other funds to support the RTW program for English Language Learners who need to find their first American job. More about the Ready to Work program is available at: <http://www.seattle.gov/iandraffairs/RTW>. Seattle's Workforce Development Board has further developed pilots aimed at "Unleashing the Power of Untapped Talent" which targets individuals listed as being eligible for the Priority of Service provision. Grantees include six organizations, two of which serve primarily English Language Learners, one of whom is a RTW grantee.

- **Lower Rio Workforce Solutions Project, Growing Regional Opportunity for the Workforce (GROW) - McAllen, Texas**

The Border Workforce Alliance, which was funded by the Department of Labor's Workforce Innovation Fund, consists of five Workforce Development Boards in South Texas. The Alliance seeks to accelerate credential attainment and career entry by lower-skilled adults and out-of-school youth through a mixture of program alignment, new

technology platforms, tailored services and programs, coordinated case management and supportive services, career pathways aligned with employer demand, and increased systems capacity. The project implements and tests innovative approaches that are data-driven and evidenced based, to serving lower-skilled and limited English proficient jobseekers. GROW increased education attainment and employment outcomes through: new operating efficiencies gained through program alignment and a common technology platform; designing programs and services to address the specific needs of sub-populations; improved coordination of case management and support services; and career pathways aligned with identified employer needs. More information about GROW is available here: <http://www.questsa.org/>.

- **San Mateo County Project, Silicon Valley Alliance for Language Learners' Integration, Education, and Success (ALLIES) Innovation Initiative - San Mateo, California**

The Silicon Valley ALLIES Initiative, which was funded by the Department of Labor's Workforce Innovation Fund, created a coordinated strategy across San Mateo and Santa Clara counties for building the workforce-related competencies of adult immigrants. Built on a collective impact model, the consortium, comprised of the region's three regional Workforce Development Boards, community colleges, Adult Education providers, social service agencies, community-based organizations, philanthropic organizations, business and labor partners, is committed to significantly increasing the skills and credential attainment of the region's limited English proficient job seekers, and meeting the skill needs of its employers. To prepare individuals to be ready to compete successfully in today's global economy, ALLIES connects workers with a career pathway that integrates English language and postsecondary occupational learning, contextualizes language acquisition in career and technical education, and provides work readiness training in in-demand occupations. Additionally, the project worked to increase efficiencies and eliminate redundancies through the design of a multi-sector partner network across workforce development, education, economic development, employers, unions, and human service organizations. More about ALLIES is available here: <http://www.allies4innovation.org/about-allies.html>.

7. Resources.

A. U.S. Department of Labor's Policy Guidance

- Training and Employment Guidance Letter (TEGL) 04-15: Vision for the One-Stop Delivery System under WIOA.
https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6455
- TEGL 02-14: Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs.
http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7233
- TEGL 09-12: Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking.
https://wdr.doleta.gov/directives/attach/TEGL/TEGL_9_12_Acc.pdf

- TEGL 26-15: Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA).
https://wdr.doleta.gov/directives/corr_doc.cfm?docn=9363

B. U.S. Department of Labor's Tools and Technical Assistance Materials

- WIOA State Plans. <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/index.html>.
- Certification Finder. Links to credential information and certifying organizations. Available in English and in Spanish.
<http://www.careeronestop.org/toolkit/training/find-certifications.aspx>
- Licensed Occupations. Service providers and individuals can determine if a specific occupation requires a license in their state.
<https://www.careeronestop.org/explorecareers/plan/licensed-occupations.aspx>
- Career Pathways Toolkit: A Guide for System Development.
<https://careerpathways.workforcegps.org/announcements/2016/02/05/14/21/The-Release-of-the-Career-Pathways-Toolkit-A-Guide-for-System-Development>
- The Customer-Centered Service Delivery Design Initiative.
<https://ion.workforcegps.org/resources/2015/09/02/17/11/Customer-Centered-Service-Design-Initiative>
- Opening Doors for Everyone with Universal Access and Outstanding Customer Service.
<https://ion.workforcegps.org/resources/2016/02/08/21/40/Opening-Doors-for-Everyone-Universal-Access-Customer-Service>
- Recipient Language Assistance Plan (LEP Plan): Promising Practices (Appendix to 29 CFR 38.9), Fact Sheet, Frequently Asked Questions, and regulation text for WIOA Section 188 implementing regulations.
<https://www.dol.gov/crc/188rule/>

C. U.S. Department of Education's Tools and Technical Assistance Materials

- Federally Funded Adult Education and Family Literacy Programs.
<http://www2.ed.gov/about/overview/focus/adulted-daca.pdf>
- Educational and Linguistic Integration Webinar Series of Immigrants and Refugees.
<http://www2.ed.gov/about/offices/list/oela/webinars/new-americans/index.html>
- Literacy Information and Communication System (LINCS) is a free online, professional learning community and resource collection featuring topic area groups, (including an Adult English Language Learners group and Skilled Immigrant and Refugee Workgroup) that provides an opportunity for networking and information sharing activities among educators across the country.
<https://lincs.ed.gov/>
- English Learner Toolkit.
<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>
- Resource Guide: Supporting Undocumented Youth.
<http://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>

D. Other Resources on Credentials and Licensing, Serving Participants with Substantial Cultural and Language Barriers, and Human Trafficking

Credentials and Licensing

- Professional Licensing Guides: Upwardly Global. The Professional Licensing Guides were created to help individuals and service providers understand the steps required to earn a state professional license or credential for regulated professionals. Currently available for ten popular careers in five states. <https://www.upwardlyglobal.org/skilled-immigrant-job-seekers/american-licensed-professions/licensed-professions-guides>
- Resource Manual on the Licensure of Internationally Educated Nurses. National Council of State Boards of Nursing. Detailed guide for boards of nursing to each of the uniform licensure requirements for internationally educated nurses. <https://www.ncsbn.org/171.htm>

Serving Participants with Substantial Cultural and Language Barriers

- Steps to Success: Integrating Immigrant Professionals in the United States. World Education Services (WES) Global Talent Bridge and Imprint. Report based on a survey of immigrant professionals in six US cities identifying the factors that correlate with their successful integration into their communities. <http://knowledge.wes.org/Report-Steps-to-Success-Integrating-Immigrant-Professionals-in-the-US.html>
- Improving Immigrant Access to Workforce Services. Aspen Institute. Outlines key themes and best practices from research on how organizations in the workforce development and immigrant-serving fields currently intersect and how they could further partner to improve policies and practices for connecting immigrants to skill-building and career advancement. <https://www.aspeninstitute.org/publications/improving-immigrant-access-workforce-services-partnerships-practices-policies/>

Human Trafficking

- Department of Health and Human Services Fact Sheet: Identifying Victims of Human Trafficking. http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_identifying_victims_of_human_trafficking.pdf
- National Human Trafficking Resource Center (NHTRC) provides access to emergency hotline support, informational and advocacy resources for victims of human trafficking and their support systems. <https://traffickingresourcecenter.org/type-trafficking/labor-trafficking>
- The Center for Victims of Torture offers online capacity building resources for people who are interested in supporting persons who have been subjected to trauma and torture. This link provides a map of Refugee Healing Service Center locations throughout the country. <http://www.healtorture.org/content/domestic-healing-centers>
- The National Child Traumatic Stress Network identifies trauma informed resources for those working with migrant children and youth and their unique needs. <http://nctsn.org/trauma-types/refugee-trauma/guidance-unaccompanied>
- The Department of Health and Human Services, Office of Refugee Resettlement offers access to online training, webinars and strategy models for helping to prepare refugees for employment. <http://www.acf.hhs.gov/orr/employment-resources>

8. **Action Requested.** ETA requests that State Workforce Agency staff disseminate this updated guidance broadly to the workforce investment system, and encourage local workforce boards to ensure that the AJCs are informed about the importance of providing services to individuals who are English Language Learners and individuals who face substantial cultural barriers, including immigrants, refugees, and new Americans under WIOA.
9. **Inquiries.** Questions should be addressed to the appropriate ETA Regional Office.

TRAINING AND EMPLOYMENT NOTICE	NO. 31-16
	DATE January 17, 2017

TO: ALL STATE WORKFORCE ADMINISTRATORS
ALL STATE AND LOCAL WORKFORCE AGENCIES
ALL STATE WORKFORCE LIAISONS
ALL STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
ALL STATE APPRENTICESHIP AGENCIES
ALL APPRENTICESHIP STATE AND REGIONAL DIRECTORS
ALL STATE LABOR COMMISSIONERS

FROM: PORTIA WU /s/
Assistant Secretary
Employment and Training Administration
U.S. Department of Labor

JOHAN E. UVIN /s/
Deputy Assistant Secretary
Delegated the Duties of Assistant Secretary
Office of Career, Technical, and Adult Education
U.S. Department of Education

SUBJECT: Framework on Registered Apprenticeship for High School Students

- Purpose.** The Framework on Registered Apprenticeship (RA) for High School Students provides guidance from the U.S. Departments of Labor (USDOL) and Education (ED) to the public workforce and education systems on the components of a high-quality RA program for high school students. The purpose of this framework is to provide recommendations on key elements of RA programs for high school students and to encourage greater use of RA and pre-apprenticeship programs for in-school youth at least 16 years old, enrolled in secondary schools. The Fair Labor Standards Act (FLSA) sets the minimum ages and occupations in which youth can be employed in agricultural and nonagricultural employment. In nonagricultural employment, 16- and 17-year-old apprentices are specifically permitted to do some hazardous work otherwise prohibited for that age group provided certain requirements are met (see footnote three in Attachment 1). Apart from these exceptions, all other work deemed to be hazardous by the Secretary of Labor is prohibited for 16- and 17-year-old apprentices working in nonagricultural employment. This framework provides an important opportunity for youth to finish high school and continue on a pathway toward multiple career and educational opportunities, such as entering an RA program, earning an associate's and/or a bachelor's degree, and obtaining sustainable employment. The framework seeks to enhance the competitiveness of businesses by connecting youth to work-based learning and developing in-demand skills and competencies.

2. **References.** See Attachments.

3. **Background.** There is growing federal and state support for the expansion of youth employment and training programs to meet the demands of businesses that want to recruit workers into their companies. For example, the Workforce Innovation and Opportunity Act (WIOA) places increased emphasis on improving youths' access to employment into high-quality jobs and careers. At least twenty percent of WIOA youth formula funds allocated to local areas must be used to provide youth with paid and unpaid work experiences, including pre-apprenticeship and other types of on-the-job training. Also, local WIOA formula funds may also be used to support apprentices participating in a RA program. In addition, under the Office of Apprenticeship's regulations implementing the National Apprenticeship Act of 1934¹ apprentices must be at least 16 years of age, creates an opportunity among public workforce and education systems to develop RA programs designed to meet the needs of in-school youth.

RA and pre-apprenticeships are valuable work-based learning opportunities that can provide high school students with academic and workplace skills that lead to postsecondary education opportunities and careers. RA is a proven model of job preparation that combines paid on-the-job learning (OJL) and related instruction to progressively increase workers' skill levels and wages. The average income of apprentices is approximately \$60,000. These results show the advantages an apprenticeship offers in providing both a significant wage gain and clear career path for entry-level workers. Through various program designs and approaches, RA and pre-apprenticeship programs for high school youth can be adapted to meet the needs of school districts, employers, the sponsors they serve, and specific opportunities within the local labor market. Several states provide successful RA or pre-apprenticeship programs for high school students. They combine academic and career and technical education (CTE)² classroom instruction with work-based learning, allowing students to earn a high school diploma and develop industry specific workplace competencies, skills, and knowledge. Programs are designed to prepare students for a career encompassing both postsecondary education and employment by providing opportunities for earning college credits and/or industry-recognized certificates or credentials.

State leaders, educators, and employers have requested more guidance on RA programs for high school students. The USDOL engaged the Secretary's Advisory Committee on Apprenticeship (ACA), as well as ED, Office of Career, Technical and Adult Education (OCTAE), to develop a framework on RA for high school students. In addition, key stakeholders in the RA, workforce, and education communities provided input to help inform the development of this guidance.

1 29 C.F.R. § 29.5(b)(10).

2 Section 3(5) of the Carl D. Perkins Career and Technical Education Act of 2006 defines "career and technical education" as organized educational activities that offer a sequence of courses that -- provides coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions; provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and includes competency-based applied learning that contributes to academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship.

4. **Framework Principles.**

- High school students enrolled in secondary school who meet the minimum legal age of 16 can be employed as apprentices. Across the country, RA programs for high school students have diverse definitions and requirements dictated by state laws. This framework, if states and localities choose to implement it, has the capacity to improve consistency and quality of programs on a national level. Such programs must comply with all applicable laws, including Federal regulations on child labor as stated in the FLSA (see Child Labor Bulletin 101) in addition to state child labor laws. Programs must also comply with state workers' compensation laws.
- Programs for high school students should combine academic and technical classroom instruction with work experience, allowing youth to explore a career and develop industry- specific workplace competencies, skills and knowledge, while still enrolled in high school.
- Programs should align academic and technical standards in secondary and postsecondary education, CTE, and industry-recognized credentials and certifications.
- Programs should incorporate stackable credentials of value for multiple pathways, including entrance into RA programs, community and technical colleges, universities, and sustainable employment.
- Employer involvement is critical in developing and sustaining the program.

5. **Elements of Quality RA Programs for High School Students.** High-quality RA programs for high school students should address the needs of students, employers, sponsors, and local school districts. While they may employ different program designs and approaches which are consistent with state and local education guidelines, the models described below should form the foundation of students' participation in a pre-apprenticeship or RA programs during high school and beyond. High school programs have strong linkages to an RA program during and after high school graduation in each model. Students are encouraged to begin career exploration (i.e., job shadowing, career fairs, internships, etc.) prior to entering these programs. Students may begin related classroom instruction and some work-based learning before entering an RA program.

(A) Pre-apprenticeship for High School Students or School-to RA

- A pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an RA program. This model is based on the Quality Pre-Apprenticeship Guidance, Training and Employment Notice (TEN, 13-12). Pre-apprenticeship programs should have strong direct linkages with RA.

- Students take courses for the purpose of their pre-apprenticeship that are approved by a RA program in addition to their required high school coursework. These courses count towards high school graduation.
- Students participate in OJL activities beginning at age 16, which can count towards entry into an RA program. As students move through the program, they advance their OJL to become more skilled and more productive.
- Students may have opportunities to earn industry-recognized credentials and certifications.
- Students can apply to the RA program leading up to or upon high school graduation.
- Postsecondary credits are awarded based on signed articulation agreements established between local school districts, postsecondary institutions, and RA programs.

(B) RA Program that Begins in High School

- Students begin their RA program in high school and are fully registered as apprentices in the RA system.
- RA agreements are signed by a parent/guardian (if the student is under age 18), the students, and employer/sponsor.
- Students take courses at their high school and/or community and technical colleges for the purpose of their apprenticeship that are approved by an RA program in addition to their required high school coursework. These courses should count towards high school graduation. Course work can start as early as ninth grade.
- Postsecondary credits are awarded based on signed articulation agreements established between local school districts, postsecondary institutions, and RA programs.
- Students may start OJL activities at age 16, which will count towards entry into a RA program. The specific types and conditions of permissible work activities are outlined for 16- and 17-year olds in the FLSA and in State Child Labor laws. The work portion of the program is flexible and is done when school is not in session including summers and weekends or as part of a work-study program.
- Students are employed by a participating signatory partner to the Registered Apprenticeship Guideline Standards or program and are under supervision of a skilled mentor during OJL.
- Students who complete the RA program upon high school graduation will have gone through a time-based (a minimum of 2000 hours of OJL and 144 hours of related

instruction), a competency-based or hybrid program and will receive a RA Certificate of Completion and a high school diploma.

- The length of the program depends on the occupation's standards, industry norms, and the type of program (Time-based, Competency-based, or Hybrid).
 - Enrollment in a RA program may begin in high school and continue after graduation. A signatory partner to the RA guideline standards or program will continue to employ the individual and count the OJL hours earned while in high school towards the RA program. Postsecondary coursework can be provided by community, technical or four-year colleges, accredited on-line programs or recognized RA training centers in accordance with the program's standards.
 - Students may have opportunities to earn industry-recognized credentials and certifications.
6. **Next Steps.** The Employment and Training Administration will continue to develop and disseminate information to promote RA for High School Students.
 7. **Action Requested.** Recipients of this guidance are requested to disseminate this information broadly to local areas to build greater understanding of RA for High School Students.
 8. **Inquiries.** Questions about this TEN should be directed to Ms. Laura Ginsburg of the Office of Apprenticeship at (202) 693-2796 or Ginsburg.laura@dol.gov.
 9. **Attachments.**

Attachment I: Guide on Child Labor Laws and Workers' Compensation for Apprentice Minors

Attachment II: Workers' Compensation for apprentices under age 18

TRAINING AND EMPLOYMENT NOTICE	NO. 32-16
	DATE January 17, 2017

TO: AFFILIATE AMERICAN JOB CENTER DIRECTORS
 COMPREHENSIVE AMERICAN JOB CENTER DIRECTORS
 WORKFORCE INNOVATION OPPORTUNITIES ACT (WIOA) 166 INDIAN
 AND NATIVE AMERICAN GRANTEES
 DEPARTMENT OF LABOR (DOL) EMPLOYMENT AND TRAINING
 ADMINISTRATION REGIONAL ADMINISTRATORS
 STATE GOVERNORS
 STATE UNEMPLOYMENT INSURANCE DIRECTORS
 STATE WIOA LIAISONS
 STATE WORKFORCE ADMINISTRATORS WIOA
 WORKFORCE DEVELOPMENT BOARD (WDB) LOCAL CHAIRS
 WDB STATE CHAIRS
 WDB STATE EXECUTIVE DIRECTORS
 WDB LOCAL EXECUTIVE DIRECTORS

FROM: PORTIA WU /s/
 Assistant Secretary
 Employment and Training Administration

SUBJECT: Release and Availability of Employment and Training Administration (ETA)
 National Agricultural Workers Survey Public Access Data and Reports

1. Purpose. To announce the release and availability of the ETA National Agricultural Workers Survey (NAWS) Public Access Data for Fiscal Years 1989-2014 and three NAWS research reports:

- *Findings from the National Agricultural Workers Survey (NAWS) 2000-2009: Profiles of Youth, Parents, and Children of Farm Workers in the United States. Research Report No. 10 (Report No. 10);*
- *Findings from the National Agricultural Workers Survey (NAWS) 2011-2012: A Demographic and Employment Profile of United States Farm Workers. Research Report No. 11 (Report No. 11); and*
- *Findings from the National Agricultural Workers Survey (NAWS) 2013-2014: A Demographic and Employment Profile of United States Farmworkers. Research Report No. 12 (Report No. 12).*

2. Background. The Department of Labor has surveyed hired crop workers since 1988 through the NAWS. The survey collects employment, demographic, and health information, and provides an understanding of the workforce resources available to U.S. agriculture. Both public and private service programs use the data for planning, implementing, and evaluating farm worker programs.

The survey is administered three times each year to capture the seasonality of agricultural employment. Crop workers are randomly sampled at work. Depending on the information needs and resources of the various Federal agencies that use NAWS data, between 1,500 and 3,600 workers are interviewed each year.

The new data file, which replaces the 1989-2012 file, contains information from 61,211 interviews that were conducted between October 1, 1988 and September 30, 2014. The file includes 358 variables. Data can be analyzed for six regions of the United States.

3. Summary of Findings.

Report No. 10: Findings from the National Agricultural Workers Survey (NAWS) 2000-2009: Profiles of Youth, Parents, and Children of Farm Workers in the United States

Report No. 10 examines the characteristics of three subpopulations: 1) youth crop workers ages 14 to 18; 2) dependent children (under the age of 18) of crop workers, a very small share of whom also work in agriculture; and 3) crop worker parents who have children under the age of 18. The characteristics of each group are presented in the context of assessing the potential for pesticide exposure, either through direct handling of pesticides, or through other exposure routes.

Youth Crop Workers

Youth ages 14 to 18 comprised 6 percent of hired crop workers in 2004-2009 (this age cohort was 1% of crop workers in 2013-2014). The majority of youth crop workers in 2004-2009 were male (85%) and recent arrivals to the United States (74%).

In 2004-2009, almost all youth crop workers reported that their employer provided water for hand washing (99%) and virtually all indicated that they used the water (100%). Youth crop workers were less likely than adults to handle pesticides or receive training in the safe use of pesticides: 10 percent of youths and 15 percent of adults reported handling pesticides in the 12 months prior to being interviewed, while 75 percent of youths and 83 percent of adults said they received training from their current employer in the safe use of pesticides.

Dependent Children of Crop Workers

Children of crop workers are young because their parents tend to be young. In 2004-2009, more than three quarters (78%) of the children of crop workers were under the age of 14; one-third were under the age of six. More than half of the children (56%) were born in the United States. Based on information that was collected in 2004-2009, the number of dependent children under the age of 14 who do crop work was estimated to be about 4,000 each year. Most of the children who worked in the fields were 14 or older (76%), and most were male (78%).

In 2004-2009, 5 percent of children under the age of 14 accompanied their crop worker parent to the fields at some time in the 12 months prior to the parent being interviewed. Based on information that was collected during those years, it was estimated that approximately 28,000 dependent children under the age of 14 accompany their parents to the field each year.

Crop Worker Parents

Nearly all crop worker parents reported that their employer provided water for hand washing every day (98 percent). Almost nine in ten parents reported that they received training in the safe use of pesticides in the last 12 months (87%), but fewer than two in ten reported that they loaded, mixed, or applied pesticides in the last 12 months (18%).

Report No. 11: Findings from the National Agricultural Workers Survey (NAWS) 2011-2012: A Demographic and Employment Profile of United States Farm Workers

Report No. 11 is similar in content to previous national summary reports of the demographic and employment characteristics of crop workers. It is different in that it includes a new chapter on data trends that span fiscal years 1989 through 2012.

Since the NAWS began in 1989, Mexico-born workers have comprised the majority of the crop labor force. In 1989-1990, 55 percent of crop workers were born in Mexico. By 1999-2000, Mexico-born workers comprised fully 80 percent of the crop labor force. The share of farm workers born in Mexico then dropped and has fluctuated over the past decade, and was most recently estimated at 68 percent of workers in 2011-2012.

An increasing share of workers has come to the United States from the Southern region of Mexico. In fact, the proportion of workers coming from Southern Mexico has tripled over the last two decades. In 1991-1992, only nine percent of Mexico-born workers were from the Southern region. By 2011-2012, the share from Southern Mexico had grown to 28 percent. At the same time, the proportion of Mexico-born workers coming to the United States from the Northern region decreased by 10 percentage points (from 38% in 1991-1992 to 28% in 2011-2012) and the proportion coming from the Western Central region decreased by 7 percentage points (from 51% in 1991-1992 to 44% in 2011-2012).

Newcomers to the United States experienced a sharp decline over the last several years. The share of workers in this group was greatest in 1999-2000, at 23 percent. Newcomers comprised 15 percent of the crop labor force in 2005-2006, and only 2 percent in 2011-2012. There was also a notable decrease in the share of workers who are of indigenous origin. In 2005-2006, 15 percent of NAWS respondents were identified as indigenous. By 2011-2012, only seven percent were identified as indigenous.

Among the 32 percent of crop workers interviewed in 2011-2012 who were born in the United States, fewer than one in five identified as Hispanic (18%). This is a substantial decrease from the more than half of U.S.-born workers who identified as Hispanic in 1997-1998.

Just more than half of the U.S. crop labor force in 2011-2012 had authorization to work in the United States. This contrasts sharply with 1989-1990 and 1991-1992, when more than three-quarters of crop workers were work-authorized. In recent years there has been some fluctuation in the proportion of the crop workers having work authorization, but it has remained at around half for the past decade.

The share of workers who migrate for work has fallen substantially since the late 1990s. The percentage of workers who were migrant was greatest in 1997-1998, at 59 percent, the share then decreased by more than half over the next ten years, to 26 percent in 2007-2008. By 2011-2012, the share of crop workers who were migrant fell to less than one in five (17%).

Although crop workers have traditionally been young, the average age of those interviewed in 2011-2012 was higher than it was for workers interviewed at any other time since 1989-1990. The average age of crop workers was at its lowest between 1995-1996 and 1999-2000, at 31. It then rose steadily over the next decade, to a high of 37 in 2011-2012.

There has been a slight shift in the language profile of crop workers over the last 12 years, with an increase in the share whose primary language is English (from 13% in 1999-2000 to 29 percent in 2011-2012) and a decrease in the share of workers whose primary is Spanish (from 85% in 1999-2000 to 69% in 2011-2012). The proportion of crop workers who speak an indigenous language has decreased as well, from three percent in 2005-2006 to one percent in 2011-2012.

Crop workers reported greater educational attainment in 2011-2012 than they had in years past. The educational attainment of workers born in the United States increased from an average of tenth grade in 1989-1990 to an average of twelfth grade in 2011-2012. The educational attainment of workers born in Mexico increased from an average of sixth grade in 1989-1990 to an average of seventh grade in 2011-2012. The proportion of workers who completed at least the twelfth grade also increased. In 2011-2012, slightly more than one-third of workers reported completing the twelfth grade or higher, which is nearly three times the share of workers who reported the same in 1999-2000 (12%). The percentage of workers born in the United States who completed at least the twelfth grade increased by thirty-two percentage points between 1999-2000 and 2011-2012 (from 46% to 78%), and among workers born in Mexico it rose 10 percentage points (from 5% in 1999-2000 to 15% in 2011-2012). Crop workers reported attending at least one adult education class in the United States at nearly the same rate in 2011-2012 (34%) as workers did in 1989-1990 (37%), but at a much higher rate than workers in 2001-2002 (20%).

The percentage of crop workers employed by farm labor contractors has been on the decline since the late 1990s. In 1999-2000, more than a quarter of workers were employed by farm labor contractors (27%). By 2011-2012, farm labor contractors employed only 10 percent of the crop labor force. There was a small but steady rise in the number of hours crop workers reported working in the week preceding the NAWS interview, from an average of 38 hours in 1989-1990 to an average of 44 hours in 2011-2012. Finally, a larger share of workers was paid an hourly wage and a smaller share was paid by the piece in recent years. In 1989-1990 and 1991-1992, approximately one-quarter of workers received piece-rate pay (24% and 25% respectively). By 2011-2012, only a fraction of crop workers nationwide were paid by the piece (7%).

Report No. 12: Findings from the National Agricultural Workers Survey (NAWS) 2013-2014: A Demographic and Employment Profile of United States Farmworkers

Demographic and Employment Characteristics

A comparison of demographic and employment characteristics for 2010-2012 and 2013-2014 (see Table 1, below) shows important changes between the periods. Compared to 2010-2012, crop workers were, on average, older, had more farm work experience, and were less likely to have migrated in 2013-2014. The share of crop workers who were unauthorized to work in the United States decreased, while the shares of citizens and legal permanent residents increased. Average hourly earnings, number of weeks of farm employment, and personal income increased, while the share of workers with family income below the poverty level decreased slightly.

Table 1. NAWS Findings: 2010-2012 and 2013-2014 Compared

Variable	Fiscal Years		Percent Change
	2010-2012	2013-2014	
Foreign-born	74%	73%	-1.4%
Born in Mexico	67%	68%	+1.5%
Newcomer (less than 1 year in U.S.)	2%	2%	0%
Average Age	37	38	+2.7%
55 or older	11%	14%	+27.3%
Average Number of Farm Work Years	12	14	+16.7%
More Than 10 Years' Experience	45%	53%	+17.8%
Settled (did not migrate previous year)	79%	84%	+6.3%
U.S. Citizen	29%	31%	+6.9%
Legal Permanent Resident	19%	21%	+10.5%
Unauthorized	50%	47%	-6.0%
Average Hourly Farm Earnings	\$9.38	\$10.19	+8.6%
Average Number of Farm Work Weeks	34	35	+2.9%
Average Personal U.S. Income (all sources) ¹	\$16,250	\$18,750	+15.4%
Total Family Income Below Poverty	31%	30%	-3.2%

¹ Respondents identify the range where their income falls. The figures reported here, \$16,250 and \$18,750, are the midpoints of \$15,000-\$17,499 and \$17,500-\$19,999, respectively.

4. Inquiries. The data and reports can be downloaded from the NAWS Web page: <http://www.doleta.gov/agworker/naws.cfm>. For questions regarding the data products, contact Daniel Carroll, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N5641, Washington, D.C. 20210; e-mail: carroll.daniel.j@dol.gov ; phone: (202) 693-2795.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA Financial
	CORRESPONDENCE SYMBOL OGM and OWI
	DATE January 17, 2017

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 15-16

TO: STATE AND LOCAL STAKEHOLDERS IN THE
WORKFORCE INNOVATION AND OPPORTUNITY ACT
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE DEVELOPMENT BOARDS
AMERICAN JOB CENTERS DIRECTORS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Competitive Selection of One-Stop Operators

1. **Purpose.** This Training and Employment Guidance Letter (TEGL) provides information on the requirements to designate or certify one-stop operators through a competitive process as set forth in sec. 121(d)(2)(A) of the Workforce Innovation and Opportunity Act (WIOA).

The WIOA Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions ("WIOA Joint Final Rule") was published in the Federal Register (FR) on August 19, 2016, with an effective date of October 18, 2016, at 81 FR 55791. This guidance has been reviewed by our Federal partners in the one-stop system, and is based on the statutory provisions of WIOA and its final implementing regulations.

2. **References.**

- Workforce Innovation and Opportunity Act (Pub. L. 113-128). July 22, 2014.
- Workforce Innovation and Opportunity Act ("DOL WIOA Final Rule"), at 81 FR 56072. August 19, 2016.
- WIOA Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions ("WIOA Joint Final Rule"), at 81 FR 55791. August 19, 2016.
- Office of Management and Budget (OMB) CFR Chapter II, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: Final Rule. December 26, 2013.

RESCISSIONS None	EXPIRATION DATE Continuing
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- Department of Labor CFR Chapter II, Part 2900 et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. December 19, 2014.
- OMB Information Control Number (ICR) 1205-461 for the ETA-9130 Financial Reports. April 13, 2016.

3. **Background.** WIOA and its implementing regulations require Local Workforce Development Boards (Local WDBs) to use a competitive process for the selection of a one-stop operator for the system, and to support continuous improvement through the evaluation of one-stop operator performance and the re-competition of operators every four years. Competition is intended to promote the efficiency and effectiveness of one-stop operators by providing a mechanism for Local WDBs to regularly examine performance and costs against original expectations.

Under the Workforce Investment Act of 1998 (WIA), many Local Workforce Investment Boards (WIBs) served as one-stop operators. One-stop operators could be designated or certified through three mechanisms: a competitive process; as a consortium of three or more partners; or “grandfathered” in from the Job Training Partnership Act (JTPA). Many of these entities have continued to be one-stop operators since the inception of WIA.

WIOA requires that all one-stop operators be selected or designated through a competitive process. WIOA does not allow for the “designation” or “certification” of any entity as a one-stop operator, including a Local WDB, without a competitive process. WIOA provides no explicit authority to “grandfather” in existing one-stop operators.

Competition provides the best method of ensuring that Local WDBs examine one-stop operator effectiveness on a periodic basis. Additionally, regular competition allows Local WDBs to make improvements based on their one-stop certification process, particularly in regards to the role of the operator and other service delivery performance and performance metrics that may shift or change as one-stop partners and the Local WDBs update their Memoranda of Understanding (MOUs).

The Information Collection Request (ICR) Control Number 1205-0461 for the ETA-9130 form supports WIOA sec. 184(c), 184(d), and 185 and 2 CFR parts 200 and 2900. WIOA sec. 185(a)(1) requires “recipients of funds under this title... keep records that are sufficient to permit the preparation of reports required by this title and to permit the tracing of funds to a level of expenditures adequate to ensure that the funds have not been spent unlawfully.” Records and supporting documentation on the expending of Federal funds on grant activities, such as the competitive selection of the one-stop operators, must be retained to sufficiently support the expenditures reported on the quarterly ETA-9130 form. Record retention and recordkeeping requirements are also applicable to the conflict of interest and Local WDB meetings. The gathering and maintaining of records to document the selection of a one-stop operator, as identified in this policy guidance, supports ICR Control Number 1205-0461.

4. **One-Stop Operator Competition Requirements.** The WIOA Joint Final Rule requires that States follow the same policies and procedures they use for procurement with non-Federal funds, and requires Local WDBs to use a competitive process based on local procurement

policies and procedures and the principles of competitive procurement in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR part 200, including the Department of Labor (Department) specific requirements at 2 CFR part 2900, which may be found at <http://www.ecfr.gov>.

In addition to the requirement to use a competitive process to select a one-stop operator, WIOA and its implementing regulations also strongly encourage the use of a competitive procurement process in the selection of providers for program activities and services. This TEGL addresses the competitive process of one-stop operators. However, advice relating to this competitive process may be useful to consider when procuring other program activities or services, including selection of a fiscal agent, or procuring elements of the youth program, career services, and/or training services.

5. **Timing.** Under the transition authority given to the Department in WIOA sec. 503, the Department is extending the deadline for Local Areas to comply with the competition requirement from July 1, 2015, the statutory effective date, to July 1, 2017. As of July 1, 2017, all existing and new one-stop operators must have been selected using a competitive process. This delayed implementation period should allow Local Areas sufficient time for all phases of the competitive procurement process to be carried out, in accordance with statutory and regulatory requirements, and to enable program continuity.

Some States and Local WDBs may have already awarded contracts or agreements to a one-stop operator through a competitive process that is consistent with the requirements of WIOA and the Uniform Guidance. For contracts or agreements that are currently in place but were not executed through a competitive process as required in WIOA and the Uniform Guidance, these contracts must be terminated no later than June 30, 2017. Starting July 1, 2017, all contracts and agreements with one-stop operators must have been executed as the result of a competitive process, as required by WIOA.

The WIOA Joint Final Rule requires that a competitive process be conducted at least once every four years. The requirement to use a competitive process for one-stop operator selection is set forth in WIOA sec. 121(d)(2)(A). Due to this statutory requirement, the competitive selection process for one-stop operators in all Local Areas cannot be waived. While the Local WDB must select the one-stop operator through a competitive process at least once every four years, a State may require, or a Local WDB may choose to implement, a competitive selection process more often than once every four years.

6. **One-Stop Operator Eligible Entities.** WIOA sec. 3(41) defines one-stop operator as one or more entities designated or certified under WIOA sec. 121(d). Such designation or certification must be through a competitive process. The one-stop operator must be an entity (public, private, or nonprofit) or a consortium of entities that, at a minimum, includes three or more of the required one-stop partners of demonstrated effectiveness, located in the Local Area. Entities selected and serving as one-stop operators are subrecipients of a Federal award and thus are required to follow the Uniform Guidance.

Such entities may include the following:

- Government agencies or governmental units, such as: Local or county governments, school districts, State agencies, and Federal WIOA partners;
- Employment Service State agencies under the Wagner-Peyser Act, as amended by title III of WIOA;
- Indian Tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (collectively referred to herein as “Indian Tribes”);
- Educational institutions, such as: institutions of higher education, nontraditional public secondary schools such as night schools, and area career and technical education schools (however, elementary and other secondary schools are not eligible to become a one-stop operator);
- Community-based organizations, nonprofit entities, or workforce intermediaries;
- Other interested organizations that are capable of carrying out the duties of the one-stop operator, such as a local chamber of commerce, other business organization, or labor organization;
- Private for-profit entities;
- Local WDBs, if approved by the Chief Elected Official (CEO) and the Governor as required in WIOA sec. 107(g)(2).

A. Local WDBs. While the above entities are eligible to serve as one-stop operators, an entity’s eligibility to be the one-stop operator in a specific Local Area is affected by the nature of the procurement process, particularly as it relates to conflict of interest and avoiding “less-than arms-length” relationships. As stated above, Local WDBs can serve as one-stop operators. However, Local WDBs must still compete to be the one-stop operator in the Local Area and meet mandatory competition requirements in 20 CFR 678.605(c) and 678.615(a). In situations in which the outcome of the competitive process is the selection of the Local WDB itself as the one-stop operator, the Governor and the CEO must agree to the selection of the Local WDB as required by WIOA sec. 107(g)(2). Further information on the competition requirement when the Local WDB is competing to be the one-stop operator is found in section 11 of this guidance.

B. Single State Local Areas. WIOA sec. 106(d)(2) requires that in Single State Local Areas, the State Workforce Development Board (State WDB) carries out the functions of the Local WDB. This includes the responsibility to administer the competition to select a one-stop operator. The State WDB may, at its discretion, hire an outside entity to conduct the competition or delegate the responsibility to another State agency, as described in section 11 of this guidance.

- C. States.** In certain instances, the State agency or State WDB will carry out the one-stop competition for a Local WDB. Per the Uniform Guidance at 2 CFR 200.317, as well as 20 CFR 678.605(b), in administering the one-stop competition process, the State agency and the State WDB must follow the same policies and procedures that the State uses for procurement with non-Federal funds. These State policies and procedures may include additional or different procurement methods beyond those included in the Uniform Guidance. For example, State procurement policies may allow for a sole source selection. Additional information is provided below, in section 11 of this guidance, on how to avoid certain conflicts of interest that can arise when the State or State WDB is conducting the competition. If the State WDB is incorporated as a nonprofit organization, it must use a competitive process consistent with the Uniform Guidance.
- D. For-profit entities.** For-profit entities that are recipients and subrecipients of a Federal award, including as a one-stop operator, must adhere to the Uniform Guidance at 2 CFR part 200, including any requirements identified by the Department under 2 CFR part 2900. The DOL-specific requirement at 2 CFR 2900.2 expands the definition of 'Non-Federal entity' to include for-profit entities. All non-Federal entities, including grant recipients and subrecipients, must adhere to the Uniform Guidance.

Consistent with WIOA sec. 121(d)(2)(B)(iv), under 20 CFR 683.295(a)(1), a for-profit entity may be a one-stop operator. In 20 CFR 683.295(a)(2), consistent with WIOA sec. 121(d)(4)(C), the Department requires private for-profit entities that are one-stop operators to adhere to the requirements of 2 CFR 200.323 concerning earning and negotiating a fair and reasonable profit. The Uniform Guidance requires that profit is reasonable and fair and that the entity conducting the competition negotiate profit separately from costs (2 CFR 200.323(b)). Negotiation with for-profit entities entitled to earn profit must separate amounts intended to pay for costs from amounts intended to pay for profit. Contract price equals costs plus profit. Profit should be based on the contractors' efforts and risks in achieving a performance result that typically aligns with the performance measures outlined in the Local WDB's plan. Conditions to consider in quantifying the opportunity to earn profit are referenced at 48 CFR 15.404-4. Local WDBs are allowed to cap the maximum profit potential that could be earned per performance results within the approved budget. The earning of profit should not be based on total budget, expending of the budget, and/or pass through costs, such as tuition or fixed costs, that require minimal to no effort from the contractor nor directly achieve a performance goal.

For programs authorized by other sections of WIOA, 2 CFR 200.400(g) prohibits earning and retaining profit on Federal financial assistance unless expressly authorized by the terms and conditions of the Federal award.

- E. Other entities.** Consistent with WIOA sec. 121(d)(4)(C), all non-Federal entities, including Indian Tribes, nonprofit organizations, educational institutions that are not the State, community-based organizations, and other entities, must adhere to the Uniform Guidance at 2 CFR part 200, including any requirements identified by the Department under 2 CFR part 2900, when acting as a one-stop operator.

7. **One-Stop Operator Roles and Prohibited Functions.** The basic role of a one-stop operator is to coordinate the service delivery of participating one-stop partners and service providers. At a minimum, States and Local WDBs must ensure that in carrying out this role, one-stop operators do the following:

- Disclose any potential conflicts of interest arising from the relationships of the one-stop operators with particular training service providers or other service providers, including but not limited to, career services providers;
- In coordinating services and serving as a one-stop operator, refrain from establishing practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and
- Comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

Local WDBs may establish additional roles for the one-stop operator, including the following: being the primary provider of services within the center; providing some of the services within the center; coordinating service providers within the center and across the one-stop system; and coordinating service delivery in a multi-center area, which may include affiliated sites. The role of the one-stop operator must be clearly articulated in all phases of the procurement process, as well as in the legally binding agreement between the Local WDB and the one-stop operator.

One-stop operators may not perform the following functions: convene system stakeholders to assist in the development of the local plan; prepare and submit local plans (as required under WIOA sec. 107); be responsible for oversight of itself; manage or significantly participate in the competitive selection process for one-stop operators; select or terminate one-stop operators, career service providers, and youth providers; negotiate local performance accountability measures; or develop and submit budgets for activities of the Local WDB in the Local Area.

When the entity serving as the one-stop operator is also serving in a different role within the one-stop delivery system (as, for example, when a Local WDB serves as the one-stop operator), the one-stop operator may perform some or all of these functions, but only if it has established sufficient firewalls and conflict of interest policies and procedures as described in section 11 of this guidance.

8. **Uniform Guidance – Procurement Standards.** As stated earlier, WIOA, unlike WIA, requires Local WDBs to competitively procure one-stop operators following the procurement standards in the Uniform Guidance. As subrecipients of Federal funds, one-stop operators must follow the Uniform Guidance at 2 CFR part 200, including the contractual provisions in 2 CFR 200.326 and 2 CFR part 2900. Once the Local WDB has competitively selected a one-stop operator, the Local WDB and the operator must execute a legally binding agreement which may take the form of a written contract or another type of agreement, such as an MOU. The contracts, agreements, or MOUs with one-stop operators are further addressed in section 10 of this guidance.

The use of an MOU to memorialize the agreement between a Local WDB and a one-stop operator is different from the MOUs that are required between the Local WDB and its one-stop partners, as discussed elsewhere in the WIOA and its final implementing regulations. An MOU between a Local WDB and a one-stop operator must be in the form of a legal binding agreement.

- A. **States.** In instances in which a State is conducting the competitive process, the State must follow the same policies and procedures it uses for procurements with non-Federal funds. States are expected to conduct a competitive process for the selection of a one-stop operator, with appropriate protections from conflict of interest, per the State's own procurement policies and procedures.
- B. **All other non-Federal entities.** All other non-Federal entities, including entities that receive funding from a State (such as Local WDBs), must use a competitive process to select a one-stop operator that is based on local procurement policies that are consistent with the procurement standards of the Uniform Guidance at 2 CFR 200.318 through 200.326.

Under WIOA, and consistent with the Uniform Guidance, the general procurement requirements include:

- i. Written Policies and Procedures. Written general and one-stop operator specific procurement policies and procedures must be consistent with the Uniform Guidance. WIOA regulations at 20 CFR 678.605(d) require the preparation of written documentation explaining the determination concerning the nature of the competitive process to be followed in selecting a one-stop operator. These written policies must outline a timetable to ensure that the selection of a one-stop operator through a competitive process is conducted every four years. These written policies must also address the settlement of all contractual and administrative issues arising out of procurements, such as protests, appeals, and disputes.
- ii. Methods of Procurement for Competitions. Non-Federal entities (such as Local WDBs), are required to use the methods of procurement described at 2 CFR 200.320 when selecting a one-stop operator. The method selected will vary by the particular circumstances of the Local WDB. The following methods of procurement are permissible to select a one-stop operator through a competitive process:
 - a. Sealed bids (formal advertising), such as an invitation for bids (IFB) (2 CFR 200.320(c)); and
 - b. Competitive proposals (2 CFR 200.320(d)), such as a request for proposals (RFP).

In addition, where certain criteria are met, a one-stop operator may be selected by noncompetitive proposals (sole source) (2 CFR 200.320(f)).

- iii. Full and Open Competition. All procurement transactions must be conducted using full and open competition (2 CFR 200.319(a)). Written procedures must allow for sufficient time for all phases of the procurement process to be carried out in a manner

that would not unduly restrict competition. Pre-qualified lists must be current and include enough qualified sources to ensure open and free competition and must not preclude bidders and offerors from qualifying during the solicitation period. Additionally, the following conditions apply:

- a. Procurements that are in excess of the simplified acquisition threshold (currently set at \$150,000 by 48 CFR 2.1) require a procurement process by means other than a small purchase procurement. Two such permissible procurement methods are the use of sealed bids (formal advertising) and competitive proposals. These procurement methods must be outlined in a written procurement policy, so that all parties involved in any stage of the process are familiar with their roles, functions, and responsibilities.
- b. Entities performing a competitive procurement must ensure that the proposed costs of the one-stop operator are allowable, meaning that they are reasonable, necessary, and allocable, as required in the Uniform Guidance at 2 CFR part 200.
- c. As stated in the Uniform Guidance at 2 CFR 200.319(a), situations considered to be restrictive of competition include, but are not limited to:
 - Placing unreasonable requirements on firms in order for them to qualify to do business;
 - Requiring unnecessary experience and excessive bonding;
 - Noncompetitive pricing practices between firms or between affiliated companies;
 - Noncompetitive contracts to consultants that are on retainer contracts;
 - Organizational conflicts of interest;
 - Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 - Any arbitrary action in the procurement process.

For example, although WIOA requires the one-stop operator to be located in the Local Area, unnecessarily limiting the bids/proposals to companies or businesses located in a certain zip code would restrict competition. For example, a RFP or IFB may specify the addresses of the American Job Centers in which the one-stop operators will be located, but it could not specify that bids/proposals may only come from companies physically located in those same zip codes.

- iv. Written Standards of Conduct. Under the Uniform Guidance at 2 CFR 200.318 and 200.319, the Local WDB must have written standards of conduct, and the Department interprets the requirement to compete the one-stop operator as requiring fairness and

objectivity during all phases of the procurement process. The ethical standards of persons with fiduciary responsibility for public funds are expected to be above reproach and such that they are able to withstand any public scrutiny. Written standards of conduct must address the following:

- a. Persons and entities involved in the competitive process to select a one-stop operator using Federal funds must be free of apparent or real conflicts of interest. Under the Uniform Guidance at 2 CFR 200.318(c)(1), conflicts of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated has a financial or other interest or a tangible personal benefit from a firm considered for a contract.
- b. Consistent with WIOA sec. 121(d)(4)(A), disclosure of any real or apparent conflict of interest, whether individual, or organizational. Written standards of conduct must identify the process for recusal of individuals or organizations that are members of the Local WDB who disclose a real or apparent conflict of interest.
- c. As specified in 20 CFR 678.610(c) and in conformity with 20 CFR 679.430 for demonstrating internal controls and preventing conflict of interest, the written standards of conduct must include a description of the use of firewalls to mitigate conflict of interest in circumstances including, but not limited to, situations where an entity acts in more than one role in the one-stop delivery system or performs more than one function in the procurement process, as well as situations where the non-Federal entity uses a sole source selection.
- d. Information contained in the proposals submitted by offerors/bidders is maintained in a manner that is confidential, to avoid the use of the information to another offeror/bidder's advantage and to prevent collusive bidding.
- e. No entity that develops or drafts specifications, requirements, statements of work, IFBs or RFPs, and evaluation of proposals may compete under that procurement (2 CFR 200.319(a)).

As required by WIOA, firewalls that will mitigate conflict of interest are also required and are addressed in section 11 of this guidance.

- v. Transparency and Responsibility. The entire procurement process must be performed under a process that promotes transparency and responsibility from the planning phase to the closeout phase.
 - a. Sunshine Provisions. Information about the selection and certification of the one-stop operators must be made available to the public on a regular basis through electronic means and open meetings (WIOA secs. 101(g) and 107(e)) and made available to auditors and Federal reviewers. Such information may include minutes from Board meetings in which the decision on selection and certification is made. This provides an opportunity for public comment and

participation in the process as appropriate. Making information available to the public includes regularly posting information to a website and responding promptly to written or electronically submitted requests for information.

The information that Local WDBs are required to make available to the public includes, but is not limited to, the Local WDB's written conflict of interest policy, the Local WDB's written procurement policies, the procurement solicitation itself, a listing of the entities that have submitted bids or proposals, an abstract of those bids or proposals, the identity of the selected one-stop operator, and total award amount and duration of the contract with the one-stop operator.

- b. Responsible Entities. When selecting a one-stop operator, the non-Federal entity must award only to responsible entities that possess the ability to successfully perform under the terms and conditions of the proposed procurement. Consideration must be given to the entity's integrity, compliance with public policy, record of past performance, and financial and technical resources (2 CFR 200.318(h)). A Local WDB must also ensure that any entity to be selected as a one-stop operator is not debarred, suspended, or otherwise excluded from or made ineligible for participation in Federal assistance programs or activities (2 CFR 200.213).

For example, a Local WDB may examine an entity's past record of non-compliance with Uniform Guidance requirements and WIOA requirements by looking at findings contained in its Single Audits and monitoring reports. The Uniform Guidance requires that past performance be an evaluation factor when it is time to re-procure the one-stop operator (2 CFR 300.318(h)).

- vi. Sole Source Procurement (noncompetitive proposals). The Uniform Guidance identifies procurement by noncompetitive proposals as permissible in certain circumstances discussed below. As noted in 20 CFR 678.605(c), the Department interprets references to "noncompetitive proposals" in the Uniform Guidance at 2 CFR 200.320(f) to be read as sole source procurement for purposes of competitively selecting a one-stop operator.

Non-Federal entities, including subrecipients of a State (such as Local WDBs) may select a one-stop operator through sole source selection when consistent with local procurement policies and procedures which conform to the Uniform Guidance set forth at 2 CFR 200.320.

The Uniform Guidance states, at 2 CFR 200.320(f), that procurement by noncompetitive (sole source) proposals is procurement through solicitation of a proposal from only one source which may be used only when one or more of the following circumstances apply:

- a. The item or service is available only from a single source;

- b. The public exigency or emergency for the item or service will not permit a delay resulting from competitive solicitation;
 - c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
 - d. After solicitation of a number of sources, competition is determined inadequate, whether for reasons of number or quality of proposals/bids.
- vii. Recordkeeping. All entities must prepare written documentation, in accordance with 20 CFR 678.605(d), explaining the determination concerning the nature of the competitive process to be followed in selecting a one-stop operator. States and Local WDBs must also maintain records sufficient to detail the history of procurement in accordance with 2 CFR 200.318(i). These records must include, but are not necessarily limited to the following: all proposals/bids received; ratings of those proposals; rationale for the method of procurement; selection of agreement or contract type; selection or rejection of proposals/bids; appeals and disputes; and the basis for the contract price. Record retention requirements, as specified at 2 CFR 200.333, are typically three years from the date of submission of the final expenditures report.

Entities that make a sole source selection must prepare and maintain written documentation of the entire process of making a sole source selection (20 CFR 678.610(b)). Documentation must be retained and must clearly identify the review process in a Single State Local Area. The documentation should provide evidence that the review was performed by an impartial entity and detail the firewalls that were in place during the review of the proposals.

9. **Formal Competitive Procurement Process**. A formal competitive process may generally include RFPs, IFBs, and other solicitations requiring formal advertising. As noted above, processes commonly used to select one-stop operators are sealed bids (formal advertising) procurement methods, as described in 2 CFR 200.320(c), and competitive proposals, as described in 2 CFR 200.320(d). Any of these formal competitive processes may include the following phases and steps, which may take place concurrently with others.

These phases and steps are designed to ensure that the competitive procurement process is conducted in an open and transparent manner and may include the following:

A. Planning Phase.

The planning phase may include the following steps for the Local WDB:

- i. Identify need. This step must specify all parameters to be negotiated with the one-stop operator and outlined in the subsequent contract, agreement, or MOU (e.g., duties, budget, performance levels, duration);
- ii. Conduct market research;

- iii. Issue Requests For Information (RFIs);
- iv. Identify procurement method;
- v. Develop requirements for one-stop operator;
- vi. Develop procurement solicitation (e.g., RFP or IFB);
- vii. Develop factors for evaluation/scoring; and
- viii. Identify panel and signatory authority.

The most productive way to increase competition is to widely disseminate and communicate the upcoming procurement opportunity in a manner that will cast a wide enough net to attract a reasonable number of bidders or offerors. This can be done by sending the written solicitation to local, State, and national entities that will assist in advertising the competition. Best practices also include allowing at least a 30 day response time for receipt of bids or proposals from the date of issuance of a solicitation in widely circulated publications and websites, including, but not limited to, the State WDB's website, as well as the Local WDB's website, if one exists. Advertising of the one-stop competition is an allowable cost under the Uniform Guidance. During the planning stage, the Local WDB will identify its need to procure a one-stop operator. In accordance with 20 CFR 678.635(b), the Local WDB or the entity assigned to perform the procurement must prepare for competition of its one-stop operator. As required in 20 CFR 678.635(b), by November 17, 2016, every Local WDB must be able to demonstrate that it is taking steps to prepare for a competition which include, but are not limited to: conducting market research, such as researching organizations locally that perform similar functions to one-stop center operator; sending out a RFI; and conducting a cost and price analysis.

B. Release and Evaluation Phase.

The steps for the Local WDB in the release and evaluation phase may include:

- i. Publicize procurement solicitation;
- ii. Host bidders conference to ensure clarity of requirements;
- iii. Collect proposals/bids; and
- iv. Score or evaluate proposals/bids.

During the release and evaluation phase, the Local WDB publicizes its solicitations, such as a RFP or IFB. Certain restrictions on solicitations, such as advertising the solicitation for an unreasonable amount of time or unclear solicitation, will impede competition and are not in compliance with the Uniform Guidance.

The use of fair selection procedures is aimed to help promote competition. The factors used to evaluate proposals/bids should be applied and tabulated in an objective manner that would allow a bidder/offeror to view its score in order to improve its proposal/bid during the next

procurement cycle. Some entities include a brief questionnaire in its RFP or IFB asking each organization to explain why it will or will not submit a proposal or bid. Obtaining this information is a good and inexpensive way to test the market's response to the agency's solicitations.

Based on the information presented in the solicitation, such as an RFP or IFB, bidders and offerors will begin drafting their proposals/bids. The Local WDB may conduct bidders' conferences during this time to answer questions about the specifications in the publicized solicitation. The Local WDB will collect and evaluate the proposals based on factors established during the planning stage. At this time, if a sufficient number of proposals/bids have not been submitted (for example, fewer than two, in the case of sealed bids, though a Local WDB may determine an alternate, higher, threshold), or if the submitted proposals/bids do not reach an awardable score based upon the evaluation criteria, a Local WDB may identify an operator and develop an award under a sole source method consistent with 2 CFR 200.320(f).

C. Negotiation and Selection Phase.

The steps in the negotiation and selection phase for the Local WDB may include:

- i. Negotiate performance levels;
- ii. Negotiate fair and reasonable profit, if applicable (2 CFR 200.323(b));
- iii. Negotiate payment details and frequency;
- iv. Negotiate duration of contract, MOU, or agreement;
- v. Obtain Local WDB, CEO, and Governor approval, if applicable;
- vi. Make offer and obtain acceptance;
- vii. Certify or designate one-stop operator; and
- viii. Execute contract, MOU, or agreement.

An offer and acceptance of the conditions will be executed in a legally binding document. The Uniform Guidance requires that the awarding of contracts is only made to responsible entities that possess the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration should be given to such matters as integrity, compliance with public policy, record of past performance, and financial and technical resources (2 CFR 200.318(h)). If the Local WDB is the selected operator, the CEO, Governor, and Local WDB must sign the agreement outlining the specific roles, functions, and performance levels for the operator (20 CFR 678.610(d)). All one-stop operators, including for-profits, nonprofits, educational organizations, and State or Local governments are considered subrecipients and must adhere to 2 CFR part 200 and 2 CFR part 2900.

D. Implementation Phase.

The steps for the Local WDB in the implementation phase include:

- i. Conduct oversight and monitoring;
- ii. Issue timely invoices;
- iii. Make timely payments;
- iv. Monitor performance of the one-stop operator in accordance with performance and service deliverables; and
- v. Evaluate and approve contract or MOU modifications.

During implementation of the contract or agreement, the Local WDB must conduct oversight and monitoring of the one-stop operator. In situations where the Local WDB is the one-stop operator, there must be sufficient firewalls in place to ensure that the individuals monitoring the one-stop operator are not associated or involved with one-stop operator functions. Alternatively, another entity, such as the State, may conduct such oversight and monitoring.

Payments and authorized budget modifications to the one-stop operator must be timely and consistent with payment requirements under 2 CFR part 200 and 2 CFR part 2900. Likewise, invoices from the one-stop operator must be submitted timely and contain the documentation outlined in its contract or agreement. The Local WDB must measure, track, and monitor performance, service deliverables, and achievement of program or performance measures.

E. Closeout Phase.

The steps for the Local WDB in the closeout phase include:

- i. Reconcile costs and payments;
- ii. Reconcile performance goals with actual performance;
- iii. Ensure participant and financial records are secured and retained; and
- iv. Prepare closeout documents.

During closeout, the Local WDB must retain or transfer financial and participant records to the appropriate agency to ensure the ability for future review and follow-up. The transfer and retention of such records must ensure that personally identifiable information (PII) is reasonably safeguarded. The Local WDB must perform an evaluation or reconciliation of the one-stop operator's performance and payments to ensure they are made in accordance with the approved contract or agreement. To avoid untimely payment requests, the Local WDB should submit, and keep on file, a closeout notice or letter.

- 10. Essential Contract Elements.** All contracts, agreements, or MOUs between the one-stop operator and Local WDB, State WDB, or State must include the essential elements of a legally

executed and binding written agreement, and contain at a minimum the following:

- Statement of Work (SOW). The SOW specifies the period of performance or the start and end date of the contract. It also specifies the services to be performed including measurable performance goals to be delivered under the contract, agreement, or MOU.
- Authorized Officials and Purpose. Authorized officials are persons authorized to enter into and sign legally binding agreements and must be on record as the signatory official. Signatures of the offeror/bidder and offeree (Local WDB, State WDB, or State) must be contained as part of the written contract.
- Additional contractual terms and conditions. Contracts, agreements, and MOUs must include such standard terms and conditions that are either required by the State, Local Area, or the Federal agency as national, State, or local policy requirements. The contract, agreement, or MOU must identify that one-stop operators are subrecipients of Federal funds, as set forth in section 8 of this TEGL.

11. Avoiding Conflicts of Interest. Consistent with WIOA sec. 121(d)(4)(A) and (C), any organization or entity that has been selected to perform multiple functions in a Local Area must develop a written agreement with the Local WDB and the CEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, the Uniform Guidance, and conflict of interest policies of both the State and the organization or entity performing multiple functions.

A conflict of interest can arise when actions are taken or may appear to be taken by any entity involved in more than one role, such that the performance of that entity in one role affects its interest in its other role, thereby making it difficult for the entity to perform the procurement process objectively and impartially. Therefore, proper firewalls must be in place to ensure the transparency and integrity of the procurement process and demonstrate to the public and to the Department that the selection process was impartial and that no preferential treatment was given to the awardee.

The possibility that a conflict of interest may arise is inherent when entities are performing, or seeking to perform, multiple functions within the workforce development system. Listed below are some possible ways to avoid certain conflicts of interest that can arise in the one-stop operator competition process.

Recusal of Members of the Local WDB – Consistent with the Local WDB’s recusal policies and WIOA sec. 107(h), the Local WDB must recuse individuals who have conflicts of interest from the one-stop operator competition. Such individuals must include those individuals with financial or other interests in the entities applying to be the one-stop operator. Recusal of individuals with conflicts of interest is a way to avoid conflicts of interest when a small number of decision makers have conflicts of interest. However, if the number of members who must be recused deprives the Local WDB of quorum, the Local WDB must follow an alternative process and outsource the selection to an outside entity or to a State agency or the State WDB. Best practice also requires Local WDB procurement policies and procedures to define the requirements for quorum for decisions of the Local WDB.

- a. Local WDB would like to compete to be the one-stop operator – WIOA sec. 121(d)(2)(A) requires a Local WDB to select the one-stop operator through a competitive process. However, WIOA and its implementing regulations also permit the Local WDB to compete for and be selected as the one-stop operator. In this case, 20 CFR 678.615(b) requires the Local WDB to have appropriate firewalls and conflict of interest policies and procedures in place which must conform to 20 CFR 679.430.

One way to avoid a conflict of interest is to establish effective conflict of interest policies and maintain appropriate firewalls that apply when the Local WDB competes to be the one-stop operator. This may include, for example, a requirement for an outside entity to conduct the competition. For example, the Local WDB could contract with a separate and independent outside entity to conduct the competition. Outsourcing the entire process (including development of requirements, drafting the RFP or IFB, evaluation of proposals/bids, and identification of best entity) to an alternate entity would be the best practice in this circumstance to avoid a conflict of interest. These costs and activities would be allowable under WIOA.

Alternatively, the State WDB or a State agency could conduct the competition where a Local WDB is competing to be the one-stop operator.

- b. Competition in Single State Local Areas – In Single State Local Areas, the State WDB carries out the functions of the Local WDB; therefore, the competition is conducted by the State WDB. In these States, a State agency is eligible to compete for and be selected as an operator by the State WDB, as long as the appropriate firewalls and conflict of interest policies are in place and followed for the competition. One way to meet the requirement to have appropriate firewalls in place is to select a committee to run the competition from the State WDB and keep the committee members separate from the remaining members of the State WDB as they are running the competition. Additionally, consistent with WIOA sec. 101(f), these committee members must not have perceived or actual conflicts of interest that would disqualify them from selecting the operator. Another way to avoid conflicts of interest would be for a separate State agency that is not competing to be the one-stop operator, such as the office of the State auditor, or office of the State inspector general, to run the competition. A third approach would be to outsource the entire process of conducting the competition to an outside entity.

Outside Entity. If the Local WDB or State WDB chooses to have an outside entity conduct part of, or the entire one-stop operator competition, the outside entity must meet certain requirements. The outside entity must be an independent organization that is capable of exercising professional and ethical judgment. The outside entity must also be required to submit a conflict of interest statement. Payment for running the competition would be an allowable cost under WIOA.

Public Disclosure. The Local WDB or State WDB must publicly disclose any conflicts of interest, real or apparent, and any recusal by individuals or organizations with real or apparent conflicts of interest. Regular public disclosure provides transparency to stakeholders in the

procurement process for the selection of the one-stop operator. Best practice, consistent with the public disclosure requirements of WIOA secs. 107(e) and 20 CFR 679.390, is to publicly disclose any conflicts of interest and recusals on the Local WDB's website, or, if the Local WDB lacks a website, the State WDB's website. Additional methods, such as publication in newspapers, may also be used to ensure full and regular public disclosure.

- 12. Additional Mechanisms to Provide for a Full and Open Competition.** There are additional steps that Local WDBs and State WDBs can take in furtherance of a full and open competition for a one-stop operator. Some of the steps below are generally applicable requirements, while others are practices that may be appropriate in certain circumstances. Depending on the particular circumstances, the Local WDBs and State WDBs must combine multiple mechanisms, as appropriate, to avoid conflicts of interest or the appearance of conflicts of interest.

Examination of competition processes by an outside party. State WDBs and Local WDBs may opt to retain an outside entity to conduct an objective review of the competition process, or parts of the competition process, such as: whether the RFP/IFB was unduly restrictive or whether the selection process was properly and fairly conducted. Likewise, State WDBs and Local WDBs may opt to retain an outside entity to conduct an objective review of other aspects of the competition process, including a review of the entities selected as a one-stop operator, such as: past performance; compliance with Federal requirements and policies; financial systems; internal control framework; and policies to perform and manage the one-stop operator services in accordance with WIOA. Such a review of the competition process by an outside entity could help monitor whether the process remains equitable and transparent. The outside entity conducting such a review could be an independent organization, as described above, or a separate State agency, such as the office of the State auditor, or office of the State inspector general. If the results of the review process find weaknesses or barriers to effectively managing the competition or contract, the State agency and Local WDB must work together to establish special conditions/criteria to monitor those barriers and to achieve timely or effective resolution.

Documentation. WIOA regulations at 20 CFR 678.605(d) require the entities conducting the competition to prepare written documentation explaining the determination concerning the nature of the competitive process to be followed in selecting the one-stop operator. As explained in several other parts of this guidance, documentation is required for several steps in the competition process. Documentation is key for ensuring transparency in the competition process.

Section 200.318(i) of the Uniform Guidance requires the maintenance of records sufficient to detail the history of procurement. This requires the Local WDB to carefully document its decision to select or not select offerors or bidders, or to sole source the one-stop operator. Such documentation could include, but is not limited to, documentation regarding the number of potentially qualified offerors/bidders in the Local Area, the degree of interest shown in information requests submitted, documentation that there were an insufficient number of proposals/bids received that met the Local WDB's stated evaluation criteria, documentation explaining the

disqualification or ineligibility of offerors/bidders, documentation showing the reasons why any offerors/bidders were selected or not selected, and documentation comparing proposals/bids relative to past competitions. If the Local WDB chooses to use a sole source procurement, the Local WDB must be able to demonstrate it conducted sufficient research and outreach to justify using sole source procurement. Note; however, that evidence of publishing and promulgating RFIs, RFPs, and/or IFBs is not, on its own, sufficient documentation to justify sole source procurement (including selection of the Local WDB as one-stop operator). The Local WDB must also retain evidence to demonstrate that the solicitation was publicized in a manner providing for full and open competition.

The Department interprets the WIOA sunshine provisions at secs. 101(g) and 107(e) to require the Local WDB to present documentation and justification of its decision to use sole source procurement at an open Local WDB meeting in order to provide transparency and perhaps attract additional offerors/bidders for the next competition. Furthermore, the Local WDB is required to retain this detailed documentation, which must be made available to auditors, State and Federal reviewers, and the public. Record retention requirements are found at 2 CFR 200.333.

If the Local WDB included a RFI questionnaire (as described earlier in this guidance) in its solicitation, the results of any RFI questionnaire should also be made available.

Revision of the original procurement solicitation (e.g. the RFP/IFB) or re-competition of the one-stop operator. If the entity conducting the competition determines there were defects in the competition process, the entity must re-compete the selection of the one-stop operator. Defects in the competition process include violation of the WIOA Joint Final Rule, Uniform Guidance, and/or failure to follow the Local WDB's procurement policies and procedures. The competition process may also be defective if the policies and procedures do not provide for a full and open competition, or if the procurement solicitation issued was inadequate to generate full and open competition. However, if the entity conducting the competition identifies defects in the procurement solicitation before the conclusion of the solicitation period, the entity must revise the procurement solicitation and extend the timeframe for the solicitation.

- 13. Monitoring of One-Stop Operators.** Oversight and monitoring is an integral function of the States and Local WDBs to ensure the one-stop operator's compliance with the requirements of WIOA, the activities per the SOW, performance reporting requirements, and the terms and conditions of the contract or agreement governing the one-stop operator. Monitoring includes an attestation by the monitoring entity that it has examined compliance with the requirements of WIOA, the Uniform Guidance at 2 CFR part 200 and 2 CFR part 2900, and the terms and condition of the contract/agreement with the one-stop operator.

WIOA requires the Local WDB to conduct monitoring of its one-stop operator. When the Local WDB is the one-stop operator, there is an inherent conflict of interest in that the Local WDB cannot effectively monitor itself. In such circumstances, an outside entity or a State agency, such as a State auditor or inspector general, must conduct the monitoring and report the monitoring results to the CEO. If the State agency is selected as the operator, in a State that is

not a Single State Local Area, an independent State agency, like an auditor or inspector general, should conduct the monitoring.

For Single State Local Areas where a State agency is the operator, there often is an inherent conflict of interest in that a State agency cannot effectively monitor itself. In such circumstances, an outside entity must conduct the monitoring. The outside entity could be a State auditor who does not have real or apparent conflicts of interest. However, in circumstances where sufficient independence exists between the State WDB and the State agency selected as the one-stop operator (such as may occur when a State WDB is incorporated as a nonprofit, the State WDB could effectively monitor the State agency serving as one-stop operator.

14. Inquiries. Questions may be directed to the appropriate ETA Regional Office.