

SECTION 1	GOVERNANCE AND ADMINISTRATIVE PROVISIONS	3
1.10	WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014 OR WIOA	4
1.20	PURPOSE OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT MANUAL	5
1.30	AUTHORITY	6
1.40	STATE WORKFORCE DEVELOPMENT BOARD (SWDB)	8
1.50	ADMINISTRATIVE PROVISIONS	9
1.60	NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS	17
SECTION 2:	FISCAL	25
2.10	TITLE I FORMULA FUNDS ALLOCATIONS	26
2.20	FINANCIAL MANAGEMENT	31
2.20	FINANCIAL REPORTING	33
2.30	ALLOWABLE COSTS AND COST PRINCIPLES	35
2.40	AUDITS	40
SECTION 3	PROGRAM	41
3.10	CNMI ONE-STOP SYSTEMS	42
3.20	APPLICATION	46
3.30	DOCUMENTATION METHODOLOGY	48
3.40	GENERAL ELIGIBILITY DETERMINATION	50
3.50	INCOME DETERMINATION, FAMILY SIZE, AND SELF-SUFFICIENCY	53
3.60	SELECTIVE SERVICE REGISTRATION	59
3.70	VETERANS PRIORITY OF SERVICE	63
3.80	ADULT PRIORITY OF SERVICES	65
3.90	ELIGIBILITY FOR TRAINING SERVICES	68
SECTION 4	ADULT AND DISLOCATED WORKER PROGRAM SERVICES	69
4.10	REGISTRATION AND PARTICIPATION 20 CFR PART 680 § 680.110	70
4.20	ELIGIBILITY 20 CFR PART 680 § 680.120	71
4.30	CAREER SERVICES TEGL 19-16 20 CFR 678.430	74
4.40	PRIORITY AND SPECIAL POPULATIONS 20 CFR PART 680 SUBPART E	77
4.50	TRAINING SERVICES § 680.200	78
4.60	PROGRAM EXITS	80
SECTION 5	YOUTH PROGRAM SERVICES	82
5.10	OVERVIEW	83
5.20	WIOA YOUTH PROGRAM DESIGN	84
5.30	ELIGIBILITY FOR YOUTH SERVICES	86

5.40	CONCURRENT OR CO-ENROLLMENT TEGL 21-16	89
5.50	ASSESSMENTS TEGL 21-16	90
5.60	WIOA 14 YOUTH PROGRAM ELEMENTS WIOA Sec 129(c)(2)	94
SECTION 6 TRAINING PROGRAMS		105
6.10	INDIVIDUAL TRAINING ACCOUNTS (ITA)	106
6.20	WORK BASED TRAINING	107
SECTION 7 SUPPORTIVE SERVICES AND NEEDS RELATED PAYMENTS		109
7.10	SUPPORTIVE SERVICES FOR ADULTS, DISLOCATED WORKERS, AND YOUTHS § 680.900 & § 681.570 110	
7.20	NEEDS-RELATED PAYMENTS § 680.930	111
SECTION 8 ELIGIBLE TRAINING PROVIDER		112
8.10	DEFINITION	113
8.20	PURPOSE	114
8.30	AUTHORITY	115
8.40	POLICY	116
8.50	INITIAL ELIGIBILITY REQUIREMENTS	118
8.60	CONTINUED ELIGIBILITY PROCESS	121
8.70	DENIALS	123
8.80	APPEALS PROCESS	125
SECTION 9 RAPID RESPONSE		127
9.10	PURPOSE OF RAPID RESPONSE	128
9.20	DISCOVERING THE NEED FOR RAPID RESPONSE	131
9.30	LAYOFF AVERSION	134
9.40	COORDINATING A LAYOFF	136
SECTION 10 PERFORMANCE ACCOUNTABILITY		137
10.10	BACKGROUND	138
10.20	PRIMARY INDICATORS OF PERFORMANCE.	139

SECTION 1 GOVERNANCE AND ADMINISTRATIVE PROVISIONS

1.10 Workforce Innovation and Opportunity Act of 2014 Defined

1.20 Purpose

1.30 Authority

1.40 CNMI State Workforce Development Board

1.50 Administrative Provisions

1.60 Nondiscrimination and Equal Opportunity Provisions

1.10 Workforce Innovation and Opportunity Act of 2014 or WIOA

The act or WIOA authorizes the establishment of workforce development activities for eligible Youth, Adult, and Dislocated Workers. WIOA provides job seekers access to employment, education, training, and support services to succeed in the labor market and matching 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.

DRAFT

1.20 Purpose of the Workforce Innovation and Opportunity Act Manual

The purpose of the State Workforce Innovation and Opportunity Act Policy Manual is to provide policy guidance and interpretation of federal and state workforce laws. Procedural guidance is also provided to assure consistency. The manual governs the Standard Operating Procedures of the Department of Labor Workforce Investment Agency Division or DOL-WIA in conjunction with federal and state laws and regulations.

DRAFT

1.30 Authority

- A. The Commonwealth of the Northern Mariana Islands State Workforce Development Board (SWDB), hereinafter referred to as SWDB, has been designated to act on behalf of the Governor as the oversight entity of the Workforce Innovation and Opportunity Act of 2014 Title I Programs administered by the DOL-WIA Division.

As the designated oversight entity, SWDB is given the following responsibilities and authority:

- a. To write or modify any policies or procedures, which are necessary to interpret or clarify policies on behalf of the Governor;
 - b. To waive, for good cause, any parts of the manual, which are not required by law or regulations;
 - c. To interpret the manual; and
 - d. To monitor to ensure compliance with applicable federal law.
- B. The listed members of the SWDB constitute the authority making body.

The SWDB retains authority over all parts of this Manual which contains policies by the SWDB; or procedures promulgated by the Department of Labor Workforce Investment Agency Division on behalf of the SWDB.

For all parts of this Manual under the authority of the SWDB, the SWDB gives Department of Labor Workforce Investment Agency Division responsibility and authority to administer WIOA Title I Programs, including the following:

- a. To write or modify any policies or procedures necessary to interpret or clarify SWDB policies;
 - b. To waive, for good cause, any parts of the Manual which are not required by law or regulations; and
 - c. To interpret the Manual.
- C. Amendments

Amendments to the policy and procedure may be submitted to the Department of Labor WIA Division who may present the amendment to the State Workforce Development Board (SWDB) for its approval.

The SWDB grants DOL-WIOA Division the authority to incorporate federally mandated guidances and regulations into the Manual as they are issued by USDOL-ETA or other relevant federal agencies. Any modifications to the Manual which result from federal guidance or regulations shall be incorporated verbatim in keeping with the original intent of the regulation. The discretion to make such modifications enables DOL-WIA Division Staff to maintain a current Manual during this transitional phase.

D. Complaints, Waivers, or Interpretation

All complaints and requests for waivers or interpretations of any part of this manual must be in writing and sent to DOL-WIA Division.

Department of Labor-Workforce Investment Agency Division
Bldg 1353, Mednilla Ave
Capitol Hill
Caller Box 10007
Saipan, MP 96950

1.40 State Workforce Development Board (SWDB)

A. Members

Governor Ralph Deleon Guerrero
Senator Sixto Igisomar
Representative Francisco Aguon
Josephine Mesta, Chairperson
Vicky Benavente
Lorraine Maui
Arlene Yamagata
Bertha Leon Guerrero
Annie Hayes
Nicole Babauta
Velma Palacios
Carmen Fernandez
Esther Muna
Wayne Sanchez

1. The CNMI State Workforce Development Board is created under the directive of U.S. Public Law 113-128 and must meet federal composition requirements. The Governor has the authority to appoint pursuant to WIOA.
2. The terms of service for each appointed member is established by the Governor and has adopted a two year term.

NOTE:

The CNMI is a single state workforce are and local area requirements are incorporated in the Manual for compliance with WIOA.

1.50 Administrative Provisions

In performance of this Manual, DOL-WIA Division will fully comply with:

- a. The provisions of the Workforce Innovation and Opportunity Act (WIOA) of 2014; the Office of Management and Budget (OMB) Uniform Administrative Requirements, Allowable Costs, Cost Principles, and Audit Requirements for Federal Awards, Final Rule at 2 Code of Federal Regulations (CFR), Chapter I and Chapter II, Part 200, et al (hereafter referred to as Uniform Guidance 2 CFR Part 200); and the Department of Labor's (DOL) exceptions at 2 CFR Chapter II, Part 2900, et al. (hereafter referred to as DOL Exceptions 2 CFR Part 2900); and all regulations, legislation, directives, policies, procedures and amendments issued pursuant thereto.
- b. All CNMI legislation and regulations to the extent permitted by Federal law and all policies, directives and/or procedures, which implement the WIOA.
- c. The provisions of Public Law 107-288, Jobs for Veterans Act, as the law applies to DOL job training programs.
- d. DOL-WIA Division will ensure diligence in managing programs under this Agreement, including performing appropriate monitoring of its activities and taking prompt corrective action against known violations of the WIOA.

DOL-WIA Division agrees to conform to the provisions of the WIOA and the contract requirements as referenced in Uniform Guidance 2 CFR Part 200, Appendix II and DOL Exceptions 2 CFR Part 2900, Appendix II to Part 200.

Administrative Standards

All recipients and sub-recipients including contractors, and service providers receiving WIOA funds must operate under WIOA law and regulations that prohibit certain activities. Activities in any of these prohibited areas will be cause for disciplinary measures and the possible de-obligation of the funds. All service providers must obtain and have posted the certifications and assurances for each of the activities within this policy.

This policy applies to all service providers operating WIOA Title I, WIOA Title I program manager(s), 15 WIOA fiscal officers and the WIOA monitoring team.

Conflict of Interest:

- Each recipient and sub-recipient shall avoid organizational conflict of interest, and their personnel shall avoid personal conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under WIOA.
- Each recipient and sub-recipient shall ensure that no individual in a decision making capacity including State Workforce Development Board (SWDB) members (whether compensated or not) shall engage in any activity, including participation in the selection, award, or administration of a provider agreement or contract supported by WIOA funds if a conflict of interest, real or perceived, would be involved. Such conflict would arise when the individual, any member of the individual's immediate family, the individual's partner, or any organization that employs, or is about to employ, any of the above has a financial or other interest in the firm or organization selected for award.
- The officers, employees, or agents of the state agency (including SWDB members) making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to provider agreements.
- In accordance with the requirements at 2 CFR 200.112, recipients of federal awards must disclose in writing any potential conflict of interest to DOL-WIA Division. Sub-recipients must disclose in writing any potential conflict of interest.

Lobbying Activities:

- All WIOA Title I recipients and sub-recipients must comply with the restrictions on lobbying as specified in WIOA Section 195 and codified in USDOL's regulations at 29 CFR Part 93 and MCA Title 5 4 Chapter 7. 5
- No funds provided under WIOA may be used in any way to attempt to influence in any manner:
 - A member of Congress, an officer or employee of Congress, or an employee of a member of Congress to favor or oppose any legislation or appropriation by Congress; or
 - State or local legislators to favor or oppose any legislation or appropriation by such legislators. Communications and consultation with state and local legislators for purposes of providing information such as on matters necessary to provide compliance with WIOA shall not be considered lobbying.
- If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress that may be connected to Federal contracts, grants, loan or cooperative agreement relating to WIOA, a Standard form – LLL, "Disclosure Form to Report Lobbying" shall be completed and submitted in accordance with its instructions.

- Submission of certification regarding lobbying is a prerequisite for making or entering into this transaction. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- Certification regarding lobbying language must be included in all award documents for all sub-awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all sub-awards shall certify and disclose accordingly.

Drug-Free Workplace Requirements:

- Recipients and sub-recipients must publish a statement, signed by the authorized authority, notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
 - Each employee engaged in WIOA activities will be given a copy of the drug-free workplace statement.
 - The employee will be informed that, as a condition of employment, the employee will:
 - Abide by the terms of the drug-free workplace statement; and
 - Notify the business in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than 10 calendar days after such conviction.
- Recipients and sub-recipients must notify the WIOA Administrative Entity within 10 calendar days after receiving notice from the employee or otherwise receiving actual notice of such conviction. Notice must include:
 - Employee position and title; and
 - The identification of the grant and grant numbers the employee was working.
- Recipients and sub-recipients must take one of the following actions, within 30 calendar days of receiving notice of employee conviction:
 - Take appropriate personnel action against such an employee, up to and including termination;
 - Requiring the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes.
- Recipients and sub-recipients must ensure that all WIOA Title I funds including clients, service and training provider are informed that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at service and training provider sites and specify the action that will be taken against employees for violation of such prohibition.

Debarment, Suspension, and Other Responsibility Matters:

- Recipients and sub-recipients must certify to the best of their knowledge that it and its principals:
 - Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - Have not within a three-year period preceding the proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction or contract under public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - Are not presently indicted or otherwise criminally or civilly charged by a government entity with commission of any of the offense listed above; and
 - Have not within a three-year period preceding the proposal had one or more public transactions terminated for cause or default.

Political Activities or Patronage:

- No recipient, sub-recipient or client may engage in partisan or nonpartisan political activities during hours for which the individual is paid with WIOA funds.

Kick Backs:

- No officer, employee or agent of any recipient or sub-recipient shall offer, solicit or accept gratuities, favors or anything of monetary value from any actual or potential sub-recipient or contractor.

Charging of Fees:

- No person or organization may charge an individual a fee for the placement or referral for the individual in or to a workforce investment activity.

Nepotism:

- Nepotism is an unfair practice that occurs when hiring or delivery of program services and is based on personal connections, rather than ability or merit. All recipients and sub-recipients shall comply with applicable federal, state, and local nepotism laws.
- No individual may be placed in a WIOA employment activity or receive WIOA services directly if that person's immediate family is directly supervised by or directly supervises that individual.

Child Labor Laws:

- All recipients and sub-recipients shall comply with applicable federal, state, and local child labor laws.

Sectarian Activities:

- WIOA funds may be used to train clients in religious activities when the assistance is provided indirectly through an Individual Training Account (ITA).
- WIOA funds may not be used for employment in the construction, operation, or maintenance of any part of any facility that is used or will be used for sectarian instruction or as a place for religious worship with the exception of maintenance of facilities that are not primarily used for instruction or for worship and are operated by organizations providing services to WIOA clients.

Complaints of Fraud, Waste and Abuse:

- Criminal activities, including theft or embezzlement of employment and training funds, bribery, improper, inducement, and obstruction of investigations in federally funded employment and training programs are prohibited under criminal provisions at 18 U.S.C. 665 and 666. The process for reporting criminal activities is described in at 20 CFR Part 683.620.

Funding and Program Restrictions:

- WIOA Title I funds may not be spent on:
 - The wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.
 - Public service employment, except as specifically authorized under Title I of WIOA.
 - Expenses prohibited under any other Federal, State or Local law or regulation.
 - Any activity under this title that is used for employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities, or similar activities, that are not directly related to training for eligible individuals under WIOA.
- Programs will not impair existing contracts for services or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed, including services normally provided by temporary, part-time or seasonal workers or through contracting such services out.
- WIOA Title I funds shall not be used for foreign travel.

Labor Standards:

- No client shall be hired into or remain working in any position when the same or substantially equivalent position is vacant due to a hiring freeze or lack of funds to sustain staff.
- Programs will not impair existing:
 - Contracts for services; or
 - Collective bargaining agreements unless the business and labor organization concur in writing with respect to the elements of proposed activities within 30 days of receipt.
- When termination of clients is due to a hiring freeze the service provider shall attempt to place such clients into other non-affected positions or attempt placement into unsubsidized jobs or into another program or activity.
- Whenever a promotional freeze affects non-WIOA funded employees it shall apply to WIOA clients similarly employed.
- No former employees laid off or terminated in anticipation of WIOA funding of a position may be rehired under WIOA into such a position.
- Clients in on-the-job training or individuals employed in activities under Title I of WIOA must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same business and who have similar training experience and skills.
- No client shall be hired into a position resulting in the displacement of a currently employed worker (including partial displacement such as reduction in hours of non-overtime work, wages or employment benefits).
- No WIOA subsidized client shall receive a promotion that would infringe in any way upon the promotional opportunities of currently employed workers.

Unionization/Anti-Unionization Activities and Work Stoppages:

- No funds provided to businesses for work-based training may be used to assist, promote or deter union organizing.

Business Relocation:

- Funds provided under WIOA shall not be used to encourage or induce relocation of an establishment or any part that results in loss of employment for any employee at the original site.
- Funds provided under WIOA shall not be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees for any business or any part of any business, that has relocated, until 120 days after the date on which the establishment commences operations at the new location, if the relocation results in a loss of employment for any employee at the original site and the original site is within the United States.

Nondiscrimination and Equal Opportunity:

- All eligible service and training providers receiving WIOA Title I funds must comply fully with the 3 nondiscrimination and equal opportunity provisions of WIOA.
- All programs shall establish procedures to ensure against discrimination, sexual harassment in any form, and foster equal opportunity and shall issue a statement of assurance to be signed by the chief operating official.
- Services providers are not required to designate Equal Opportunity Officers. Service providers should however designate an individual who will serve as liaison with the State Equal Opportunity Officer.
- Provider agreements will contain assurance language that it will comply with Equal Opportunity 10 requirements of Section 188 of the Act, 29 CFR Part 37, and 1604, the Civil Rights Act of 1964 and all 11 other applicable equal opportunity laws and regulations. The assurance may be incorporated by reference.
- Discriminatory discharge prohibited. No person, organization or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any personal benefit to which that person is entitled under the provisions of WIOA because such person has filed any complaint, instituted or caused to be instituted any proceeding under or related to WIOA, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation.
- Sexual harassment/sex-based harassment is a violation of Section 703 of Title VII of the Civil Rights Act 19 of 1964. Assurances regarding nondiscrimination and equal opportunity apply to sexual harassment as well.

Equal Treatment in Department of Labor Programs for Religious Organization; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries:

- All eligible service and training providers receiving WIOA Title I funds must comply fully with the 24 provisions of 29 CFR part 2, subpart D and ensure that DOL-supported social service programs are open to all qualified organizations, regardless of the organizations' religious character, and to clearly establish the permissible uses to which DOL support for social service programs may be put, and the conditions for receipt of such support.
- Providers must ensure that the Department's social service programs are implemented in a manner consistent with the requirements of the Constitution, including the Religion Clauses of the First Amendment.

Additional Assurances for Non-Construction Programs:

- Recipients and sub-recipients must certify their authorized representative will:

- Have the legal authority and the institutional managerial and financial capability to ensure proper planning, management and completion of WIOA Title I programs.
- Establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Initiate and complete work relating to financial and management information system reporting requirements within acceptable time frames.
- Comply with 2 CFR 200.333 regarding the retention of records.
- Participate in and perform the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

Monitoring and Evaluation:

- Recipients and sub-recipients must demonstrate the existence of:
 - Conflict of interest assurances;
 - Certification regarding lobbying;
 - Drug-free workplace requirement certification;
 - Certification regarding debarment, suspension, and other responsibility matters;
 - Standard assurances for non-construction programs; and
 - Nondiscrimination and equal opportunity assurances.

References:

- 2 CFR 200.112 Conflict of Interest
- 20 CFR 683.200 Fiscal and Administrative Rules
- WIOA Section 195 Restrictions on Lobbying Activities
- 29 CFR 93 New Restrictions on Lobbying
- WIOA Section 194 (6) Political Practices
- 41 U.S.C 53 Prohibited Conduct
- WIOA Section 194 (5) Charging Fees
- TEGL 1-05 Financial Assistance for Religious Training and Employment
- 18 U.S.C. 665 - 666 Theft or embezzlement from Employment and Training Funds
- 20 CFR 683.260 Prohibitions of Business Relocation
- 29 CFR part 2 Subpart D Equal Treatment for Religious Organizations
- 2 CFR 200.333 Retention Requirements for Records
- FAR 52.209-5 Certification Regarding Responsibility Matters (Debarment)

1.60 Nondiscrimination and Equal Opportunity Provisions

A. Nondiscrimination Clause § 38.1

WIOA Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

B. Equal Opportunity Notice/Poster § 38.35

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity. The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity. Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

What To Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with:

The Director, Civil Rights Center (CRC), U.S. Department of Labor,
200 Constitution Avenue NW., Room N- 4123,
Washington, DC 20210
or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

1. Requirements for Ensuring Equal Opportunity and Nondiscrimination

The following EO/Nondiscrimination requirements will be followed:

i. State Workforce Development Board (SWDB) Equal Opportunity Officer

The Chairperson of the SWDB will designate an EO Officer who is responsible for ensuring EO/Nondiscrimination in the administration and operation of programs and services within DOL-WIA Division.

Job duties of SWDB EO Officer will include, in part:

- Conducting EO/Nondiscrimination monitoring reviews of DOL-WIA Division, affiliates and other service providers that are part of the local One-Stop system to ensure compliance with the provisions of this policy and 29 CFR Part 37;
- Conducting EO training for staff and service providers;
- Processing and investigating discrimination complaints;
- Reviewing SWDB written policies to ensure they are nondiscriminatory;
- Developing or publishing SWDB procedures for processing discrimination complaints;
- Coordinating responsibilities under 29 CFR Part 37;
- Reporting EO matters directly to the Chairperson of the SWDB;
- Undergoing EO/Nondiscrimination training to maintain competency.

ii. EO Tagline and Washington Relay Service

Recruitment brochures and other materials, including pamphlets, flyers, and other publications distributed or communicated in written or oral form, electronically or on paper, for customers, staff or the general public that describe “WIOA Title I-funded program[s] or activity[ies]” (see definitions at 29 CFR §37.4) will include the following approved EO Tagline:

“DOL-WIA Division is an equal opportunity employer and provider of employment and training services. Auxiliary aids and services are available upon request for individuals with disabilities.”

Program information that is broadcast in the news media and electronically such as on television and radio or on a large screen monitor must also include the tagline. If a phone number is included, a TTY/TDD number or the Washington Relay Service number must also be provided. This should be: Washington Relay Service – 711, which can alternatively be placed at the end of the EO tagline. An unused TTY/TDD should be kept, although not necessarily on a dedicated line, to allow individuals with hearing or speaking disabilities the equal opportunity to call out from a service provider facility as would others without a disability.

iii. Language Barriers

Language services, interpretation or translation, must be made available free of charge for limited English proficiency (LEP) individuals. When a significant number or proportion of the eligible population needs information in a language other than English to be effectively informed about the program or to be able to participate, the following four factors must be considered in determining the language services to provide:

- 1) The number or proportion of LEP persons served or encountered in the eligible service population;
- 2) The frequency with which LEP individuals come in contact with the program;
- 3) The nature and importance of the program, activity or service provided; and,
- 4) The resources available and costs. It may be determined, as a result of the analysis, that different language assistance measures are sufficient for the different programs or activities provided. Regardless of the number or proportion of individuals, reasonable efforts must be made to meet the particular language needs of LEP individuals.

iv. Assurance

Each contract, agreement or application for financial assistance under Title I of WIOA will include, in its entirety without changes, the following EO/Nondiscrimination assurance language found at 29 CFR Part 37.20(a):

“As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA) Title I, which prohibits discrimination against all individuals in the United States on the basis of race, color religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in education programs. The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. The assurance applies to the grant applicant’s operation of the WIOA Title I-financially assisted program and activity, and to all agreements the grant application makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.”

In lieu of including the assurances language in its entirety for smaller contracts or agreements (such as OJT contracts, etc.), the following reference to the language may be used: “The assurances at 29 CFR §37.20(a) apply to this contract/agreement.”

v. Accessibility

Each program or activity, when viewed in its entirety, must be operated in a manner that makes it readily accessible to qualified individuals with a disability.

A qualified individual with a disability is an individual who, with or without a reasonable accommodation for his or her disability, meets eligibility requirements.

This does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by qualified individuals with disabilities. However, if a program is available in only one location, that facility must be made accessible or the program must be made available at an alternative accessible facility.

An entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance. If an entity finds, after consulting with the individual with a disability, that there is no method of complying other than making a significant alteration in its existing facilities, the entity may refer the qualified individual with a disability to other providers of that service that are accessible.

Program accessibility requires the provision of auxiliary aids or services, such as: qualified interpreters on-site or through video remote interpreting service; exchange of written notes; voice, text and video-based telecommunications products and systems; videotext displays; telephone handset amplifiers, assistive listening systems or other effective aids for individuals with hearing impairments.

Audio recordings, Brailled materials and displays; large print materials; accessible electronic and information technology or other effective aids must be provided for individuals with visual impairments. In addition, acquisition or modification of equipment or devices, including assistive technology devices or software must be provided as appropriate.

C. EO/Nondiscrimination Compliance Monitoring

The SWDB EO Officer and, at times the CNMI's EO Officer, will monitor all service provider programs, services and activities at least every two years. The purpose of the review is to ensure programs are administered in a nondiscriminatory manner in compliance with the EO/Nondiscrimination requirements of this policy and 29 CFR Part 37, and that adheres to the Page 6 of 10 MOA. SWDB EO Officers must use a monitoring instrument approved by the State EO Officer and must develop review reports that include findings and due dates for violations. SWDB EO Officers must submit review reports with follow-up actions to the State EO Officer prior to the State EO Officer's monitoring review.

EO data will be collected for all WIOA Title I financially assisted programs for applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment by race/ethnicity, sex, age, and where known, disability status. While it is required that the data is requested from the

individual, in most cases the person cannot be required to provide the information.

Monitoring reviews must include a statistical analysis of records and data including analyses by race/ethnicity, sex, age and disability status. The analyses must determine if there are any significant differences in participation in programs in services. An investigation of significant differences will be conducted to determine if these differences may be caused by adverse impact discrimination. Adverse impact discrimination is non-intentional discrimination occurring when a neutral policy or practice has an adverse effect on a demographic group. If found and unless adequate justification is provided, the effects must be eliminated or mitigated.

Discrimination complaints must be investigated or mediated by, or under the direction of, the SWDB EO Officer. A written complaint must, at a minimum, contain the following information:

- Complainant's name;
- Mailing address, or other means by which the complainant may be contacted;
- Identification of individual(s) or organizations(s) responsible for the alleged issue;
- A description of the complainant's allegations, which must include enough details to determine the jurisdiction of the complaint and the date(s) the alleged incident(s) took place; and The complainant's signature and signature date. The signature of his/her authorized representative is also acceptable.

The CNMI's EO Officer must maintain discrimination complaint logs with the name and address of the complainant, the basis of the alleged discrimination (e.g., race, color, religion, sex, national origin, etc), a brief description of the complaint, the date filed and the disposition of the complaint.

The CNMI's EO Officer will monitor the operation of the State Workforce Development Board every two years for meeting the nondiscrimination requirements of this policy and 29 CFR Part 37.

D. Corrective Action and Sanctions

Recipients at the state SWDB level will apply corrective actions, or sanctions if voluntary efforts in seeking compliance fail, when they find violations of this policy or 29 CFR Part 37. Corrective actions are to be designed to completely address each violation and may result from an EO/Nondiscrimination monitoring review, a discrimination complaint or both. Timeframes must be established as necessary setting the minimum time necessary to completely redress the violation. Follow-up monitoring will occur as necessary to ensure that commitments to take corrective and remedial actions have been fulfilled. Local areas are required to establish policies and procedures for obtaining prompt corrective action. The

SWDB EO Officer will notify the State EO Officer of violation(s) discovered, corrective action(s) implemented, and timeframe(s) for completion. Corrective action is indicated in the following circumstances:

- An assessment of the circumstances surrounding a discrimination complaint investigation reveals barriers to equal opportunity or equal access.
- An SWDB EO Officer or the State Officer's monitoring review identifies a violation, a failure to follow through on written assurances, a barrier to universal access, or significant differences in participation in programs or services without investigation, mitigation or justification.

Corrective actions should be completed by the date(s) provided in the review report. If a recipient does not undertake the corrective actions specified, a conciliation agreement should be initiated and completed. Instructions on developing and implementing a conciliation agreement are found in the MOA and at 29 CFR §37.97.

Sanctions will be considered as a last resort. Sanctions may be necessary when a recipient refuses to implement voluntary corrective action, submit requested data or documentation, or refuses to provide access to premises or records during an EO/Nondiscrimination compliance review.

At the state level, after all efforts for voluntary compliance have been exhausted, the State EO Officer notifies the ESD Commissioner in writing. This request for a final determination specifies the following:

- Efforts made to achieve voluntary compliance, along with the areas of disagreement (if known);
- The apparent violation(s) and relevant EO/Nondiscrimination provision(s) of this policy and 29 CFR Part 37, and conflict with the MOA;
- The corrective action the recipient must take to address the violation(s).

The ESD Commissioner may secure voluntary compliance with the recipient through a written assurance and/or conciliation agreement. The ESD Commissioner considers sanctions only if the recipient does not agree to take voluntary corrective action. Sanctions that may be imposed include, but are not limited to:

- Termination of future funding;
- Disallowance of selected costs;
- Restriction from bidding on competitive or discretionary funds; and
- Reduction in funding.

If sanctions are necessary, the precise nature of the sanction will be determined by the deliberateness, seriousness, and/or frequency of the violation. In situations where sanctions are to be applied, the recipient will be notified and will be provided an opportunity to respond prior to sanctions being applied.

DRAFT

SECTION 2: FISCAL

2.10 Financial Management

2.20 Title I Formula Fund Allocations

2.30 Financial Reporting

2.40 Allowable Costs and Cost Principle

2.50 Audits

DRAFT

2.10 Title I Formula Funds Allocations

A. State Reserve § 683.120 (b)

Of the WIOA formula funds allotted for services to youth, adults and dislocated workers, the Governor must reserve not more than 15 percent of the funds from each of these sources to carry out statewide activities. Funds reserved under this paragraph may be combined and spent on statewide activities under WIOA sec. 129(b) and statewide employment and training activities under WIOA sec. 134(a), for adults and dislocated workers, and youth activities without regard to the funding source of the reserved funds.

Required statewide employment and training activities are: § 682.200

(a) Required rapid response activities, as described in § 682.310;

(b) Disseminating by various means, as provided by WIOA sec. 134(a)(2)(B):

- (1) The State list of eligible training providers (including those providing non-traditional training services), for adults and dislocated workers and eligible training providers of registered apprenticeship programs;
- (2) Information identifying eligible providers of on-the-job training (OJT), customized training, incumbent worker training (see § 680.790 of this chapter), internships, paid or unpaid work experience opportunities (see § 680.180 of this chapter) and transitional jobs (see § 680.190 of this chapter);
- (3) Information on effective outreach and partnerships with business;
- (4) Information on effective service delivery strategies and promising practices to serve workers and job seekers;
- (5) Performance information and information on the cost of attendance, including tuition and fees, consistent with the requirements of §§ 680.490 and 680.530 of this chapter;
- (6) A list of eligible providers of youth activities as described in WIOA sec. 123; and
- (7) Information of physical and programmatic accessibility for individuals with disabilities;

(c) States must assure that the information listed in paragraphs (b)(1) through (7) of this section is widely available;

(d) Conducting evaluations under WIOA sec. 116(e), consistent with the requirements found under § 682.220;

(e) Providing technical assistance to State entities and agencies, local areas, and one-stop partners in carrying out activities described in the State Plan, including coordination and alignment of data systems used to carry out the requirements of this Act;

(f) Assisting local areas, one-stop operators, one-stop partners, and eligible providers, including development of staff, including staff training to provide opportunities for individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations, and the development of exemplary program activities;

(g) Assisting local areas for carrying out the regional planning and service delivery efforts required under WIOA sec. 106(c);

(h) Assisting local areas by providing information on and support for the effective development, convening, and implementation of industry and sector partnerships;

(i) Providing technical assistance to local areas that fail to meet the adjusted levels of performance agreed to under § 677.210 of this chapter;

(j) Carrying out monitoring and oversight of activities for services to youth, adults, and dislocated workers under WIOA title I, and which may include a review comparing the services provided to male and female youth;

(k) Providing additional assistance to local areas that have a high concentration of eligible youth; and

(l) Operating a fiscal and management accountability information system, based on guidelines established by the Secretary.

Allowable statewide employment and training activities may include: § 682.210

(a) State administration of the adult, dislocated worker and youth workforce investment activities, consistent with the five percent administrative cost limitation at WIOA sec. 134(a)(3)(B) and § 683.205(a)(1) of this chapter;

(b) Developing and implementing innovative programs and strategies designed to meet the needs of all employers (including small employers) in the State, including the programs and strategies referenced in WIOA sec. 134(a)(3)(A)(i);

(c) Developing strategies for serving individuals with barriers to employment, and for coordinating programs and services among one-stop partners;

(d) Development or identification of education and training programs that have the characteristics referenced in WIOA sec. 134(a)(3)(A)(iii);

(e) Implementing programs to increase the number of individuals training for and placed in non-traditional employment;

(f) Conducting research and demonstrations related to meeting the employment and education needs of youth, adults and dislocated workers;

(g) Supporting the development of alternative, evidence-based programs, and other activities that enhance the choices available to eligible youth and which encourage youth to reenter and complete secondary education, enroll in postsecondary education and advanced training, progress through a career pathway, and enter into unsubsidized employment that leads to economic self-sufficiency;

(h) Supporting the provision of career services in the one-stop delivery system in the State as described in § 678.430 of this chapter and WIOA secs. 129(b)(2)(C) and 134(c)(2);

(i) Supporting financial literacy activities as described in § 681.500 of this chapter and WIOA sec. 129(b)(2)(D);

(j) Providing incentive grants to local areas for performance by the local areas on local performance accountability measures;

(k) Providing technical assistance to Local Workforce Development Boards (WDBs), chief elected officials, one-stop operators, one-stop partners, and eligible providers in local areas on the development of exemplary program activities and on the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State;

(l) Providing technical assistance to local areas that are implementing WIOA Pay-for-Performance contract strategies and conducting evaluations of such strategies. Technical assistance may include providing assistance with data collections, meeting data entry requirements, and identifying level of performance;

(m) Carrying out activities to facilitate remote access to training services provided through the one-stop delivery system;

(n) Activities that include:

- (1) Activities to improve coordination of workforce investment activities, with economic development activities; and
- (2) Activities to improve coordination of employment and training activities with child support services and activities, cooperative extension programs carried out by the Department of Agriculture, programs carried out by local areas for individuals with disabilities (including the programs identified in WIOA sec. 134(a)(3)(A)(viii)(II)(cc)), adult education and literacy activities including those provided by public libraries, activities in the correction systems to assist ex-offenders in reentering the workforce and financial literacy activities; and
- (3) Developing and disseminating workforce and labor market information;

(o) Implementation of promising practices for workers and businesses as described in WIOA sec. 134(a)(3)(A)(x);

(p) Adopting, calculating, or commissioning for approval an economic self-sufficiency standard for the State that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations;

(q) Developing and disseminating common intake procedures and related items, including registration processes, across core and partner programs; and

(r) Coordinating activities with the child welfare system to facilitate provision of services for children and youth who are eligible for assistance under sec. 477 of the Social Security Act.

B. Rapid Response Reserve

The Governor shall reserve up to an additional 25 percent of dislocated worker funds for statewide rapid response activities.

Funds reserved by the Governor for rapid response activities that remain unobligated after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities under §§ 682.200 and 682.210. Statewide activities for which these funds may be used include prioritizing the planning for and delivery of activities designed to prevent job loss, increasing the rate of reemployment, building relationships with businesses and other stakeholders, building and maintaining early warning networks and systems, and otherwise supporting efforts to allow long-term unemployed workers to return to work. § 682.370

C. Transitional Jobs Reserve

The local area may use up to 10 percent of their combined total of adult and dislocated worker allocations for transitional jobs. Transitional jobs must be combined with comprehensive career services and supportive services.

Definition:

A transitional job is one that provides a time-limited work experience, that is wage-paid and subsidized, and is in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history. These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

The local area may use up to 10 percent of their combined total of adult and dislocated worker allocations for transitional jobs as described in § 680.190. Transitional jobs must be combined with comprehensive career services (see § 680.150) and supportive services (see § 680.900).

D. Incumbent Worker Reserve

§ 680.800

The local area may reserve up to 20 percent of their combined total of adult and dislocated worker allocations for incumbent worker training.

The State may use their statewide activities funds (per WIOA sec. 134(a)(3)(A)(i)) and Rapid Response funds for statewide incumbent worker training activities.

DRAFT

2.20 FINANCIAL MANAGEMENT

The CNMI Department of Labor-Workforce Investment Agency Division (DOL-WIA) must expend and account for its Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also 2 CFR Part 200.450 – Lobbying for additional requirements.

The financial management system of each non-Federal entity must provide for the following (see also 2 CFR 200.333 - Retention Requirements for Records, 2 CFR 200.334 - Requests for Transfer of Records, 2 CFR 200.335 - Methods for Collection, Transmission and Storage of Information, 2 CFR 200.336 - Access to Records, and 200.337 - Restrictions on Public Access to Records):

- a. Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.
- b. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in 2 CFR 200.327 - Financial Reporting and 2 CFR 200.328 - Monitoring and Reporting Program Performance. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. The recipient must develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.
- c. Records that identify adequately the source and application of funds for federally funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, revenue, program income, interest, leveraging and required match and be supported by source documentation.
- d. Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that

they are used solely for authorized purposes. See 2 CFR 200.303 - Internal controls.

e. Comparison of expenditures with budget amounts for each Federal award.

f. Written procedures to implement the requirements of 2 CFR 200.305 - Payment.

g. Written procedures for determining the allowability of costs in accordance with 2 CFR Subpart E - Cost Principles, and the terms and conditions of the Federal award. Accounting systems must meet and follow current Generally Accepted Accounting Principles (GAAP) as provided by the Federal Accounting Standards Board (FASB) and demonstrate compliance with applicable legal and contractual requirements.

DOL-WIA must apply a First in First-Out (FIFO) policy in which unexpended obligational authority is expended before the expenditure of any subsequent year's (new) obligational authority. Under FIFO procedures, unexpended funds available from a prior year are expended first in the subsequent year in an amount equal to the unexpended obligational authority balance.

Audits are required in accordance 2 CFR 200 Subpart F, Audit Requirements. DOL-WIA are responsible for ensuring subrecipients are monitored and audited.

Reporting Requirements

Financial reports are due no later than 45 calendar days after the end of each quarter, unless otherwise specified in reporting instructions. A report must be submitted for each subaccount listed in the Notice of Award (NOA) document. All financial data must be reported based on the accrual basis of accounting and be cumulative by fiscal year of appropriation through the entire period of performance (POP). Recipients are not required to convert their accounting system, if it is not on an accrual basis. Instead, reports and accrual information must be developed through best estimates based on an analysis of the documentation on hand.

For Quarters Ending	Financial Reports Due Dates
March 31	May 15
June 30	August 14
September 30	November 14
December 31	February 14

The deadlines for ETA-9130 submissions do not change, even in instances when the reporting due date falls on a weekend or holiday. The on-line reporting system is available 24 hours a day, 7 days a week, and reports can be submitted in advance of the due date. However, technical support is only available Monday through Friday.

The quarter in which financial reporting begins is based on the effective date listed on the NOA, and is independent of the date on which the NOA is signed by the Grant Officer.

Examples of due dates for initial 9130 reports are:

NOA Effective Date	NOA Date Signed	Initial Reporting Quarter End Date	Initial Report Due Date
7/1/15	7/1/15	9/30/15	11/14/15
10/1/15	12/28/15	12/31/15	2/14/16
8/1/16	9/28/16	9/30/16	11/14/16

Quarterly financial reports are locked once ETA has accepted reports for two successive quarters. Once reports are locked, additional adjustments may be made only in limited circumstances and with approval from ETA. The reports are cumulative, so any minor adjustments should be made to the next submitted report with an explanation of the change in the Remarks section.

Grant Closeout Financial Reporting

At the end of a grant, two reports must be submitted:

1. The Final 9130 report must be submitted no later than 45 calendar days after the reporting period in which the grant period of performance expires or all funds are expended, whichever comes first. The Final 9130 report must be indicated by selecting 'Yes' in the reporting line item 6, Final Report.

2. The Closeout 9130 report must be submitted no later than 90 calendar days after the expiration of the grant period of performance. The Closeout 9130 Report must be completed in addition to the Final 9130 report. It becomes accessible online after submission of the Final 9130 report at which time a link to the closeout system will also appear. The closeout package can be accessed via the following URL:

https://www.etareports.doleta.gov/CFDOCS/grantee_prod/reporting/index.cfm.

Example of due dates for Final and Closeout 9130 reports are listed below:

Grant POP	All Funds Expended or POP Expired	Final Reporting Quarter End Date	Final Report Due Date	Closeout Report Due Date*
7/1/15 – 6/30/18	6/30/18	6/30/18	8/14/18	9/28/18
10/1/15 – 9/30/18	9/30/18	9/30/18	11/14/18	12/29/18
8/1/16 – 7/31/17	1/6/17	3/31/17	5/15/17	10/29/17

* Closeout 9130 reports are due 90 calendar days after the expiration of the POP regardless of whether funds are expended prior to that date.

2.30 ALLOWABLE COSTS AND COST PRINCIPLES

20 CFR Subpart B § 683.200 (b)

Recipients and subrecipients of a Federal award under title I of WIOA and the Wagner-Peyser Act must follow the cost principles at subpart E and appendices III through IX of 2 CFR part 200, including any exceptions identified by the Department at 2 CFR part 2900.

Unless specified in the grant agreement, for those items requiring prior approval in the Uniform Guidance (e.g., selected items of cost, budget realignment), the authority to grant or deny approval is delegated to the Governor for programs funded under sec. 127 or 132 of WIOA or under the Wagner-Peyser Act. Costs of workforce councils, advisory councils, Native American Employment and Training Councils, and Local WDB committees established under title I of WIOA are allowable.

Costs and Cost Categories

(a) Costs in General Federal law and regulations (e.g. WIOA) provide guidance on the subject of allowable job training activities. This guidance addresses the types of program activities that are allowable. All Operators and Service Providers must be familiar with the Federal rules that govern what costs may be actually charged to a contract. Uniform Guidance was used in the development of this chapter, providing a foundation to build allowable cost guidelines. While the regulations do not address every possible cost, they are the groundwork for all grant financial management, and Operators and Service Providers should rely on their guidance. An extensive familiarity with Uniform Guidance, coupled with knowledge of the provisions and certifications contained in the grant will help Operators and Service Providers avoid possible audit discrepancies.

Because the Uniform Guidance is generic to federal grants, the following items are grouped together and are discussed as broad cost principles without the program-specific detail that only program regulations can provide. While these principles may not be specifically listed in WIOA Regulations, they are referenced within the regulations, are important, and should be considered in making decisions concerning the expenditure of funds.

Costs incurred must be authorized or not prohibited under federal, state, or local laws or regulations. For example, entertainment and alcoholic beverages are prohibited from being charged to any federal grant program.

Costs should conform to any limitations set forth in the regulations, or other governing limitations as to types or amounts of cost items. Cost limitations as a percentage of funds allocated are examples of this principle.

Costs should be consistent with policies, regulations, and procedures that apply uniformly to other activities of the Operators and Service Providers' organization. Unless specifically authorized, costs should not be included as a cost of, or used to meet cost sharing or matching requirements of any other federally financed program in either the current or a prior period.

Operators and Service Providers must adequately document all costs in a manner consistent with GAAP. Examples include: retaining evidence of competitive bidding for services or supplies, and maintaining adequate time records for those employees who charge time against a federal grant. It is extremely important to document the rationale for incurring costs that are not immediately and easily determined to be necessary and reasonable for the program at the time the expenditure is made.

Cost should be accorded consistent treatment. A cost may not be assigned to a Federal grant as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal grant as an indirect cost.

(b) Cost Principles Specific to WIOA The following costs principles are specific to WIOA and must be used in determining cost allowability for Operators and Service Providers:

- Costs must be “necessary and reasonable for the proper and efficient administration” of the contracted program. For WIOA, the costs must be expended for the purposes referenced in WIOA regulations at 20 CFR 683.200. A cost is reasonable if, in its nature or amount, it does not exceed what a prudent person under the circumstances prevailing at the time the decision was made would incur. In addition, costs cannot be a general expense required to carry out the overall responsibilities of the Operators and Service Providers, except as specifically provided for in the grant budget.
- Costs must be allocable. Operators and Service Providers can charge costs to the contract if those costs are clearly identifiable as benefiting the grant-funded program. Costs charged to a specific job training and employment program should benefit only that specific job training program, not other programs or activities. If Operators and Service Providers conduct other programs in addition to job training programs, allocation methods should be used to determine what share of costs should be charged to the job 11 training program contract. A common issue often arises regarding salary and time charged to a contract for personnel compensation. Operators and Service Providers can only allocate to the job-training contract the portion of time that a person spends supporting the implementation of allowable job training and employment activities for that program.

- Salaries and costs incurred by states, counties, cities, or school boards not directly related to the job training and employment are unallowable.
- Costs should be accorded consistent treatment through application of generally accepted accounting principles appropriate to the type of organization involved.
- Costs allocable to other cost objectives may not be shifted to a job training and employment cost objective. Likewise, job training and employment program cost categories must not be charged costs that benefit other programs or cost categories. Costs must not result from a shift of costs allocable to other grants, programs, or cost categories to overcome fund deficiencies, to avoid restrictions imposed by law, or for other reasons. This prohibition does not apply to cost adjustments to correct errors or misclassifications as long as the costs ultimately charged to a cost objective are those properly allocable to that cost objective.
- Costs should be net of all applicable credits. The term “applicable credits” refers to those receipts, or reduction of expenditures, that offset or reduce expense items that are allocable to grants as direct or indirect costs. Typical examples of this are purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance refunds and adjustment of overpayments or erroneous charges.

To the extent that such credits accruing or received by the organization relate to allowable program costs, they are to be credited to the WIOA grant either as a cost reduction or cash refund, as appropriate.

The WIOA regulations specify that the definitions for direct and indirect costs contained in the Uniform Guidance Subpart E, applicable to the type of organization involved, be used to determine whether costs are direct or indirect.

(c) Cost Categories There are two cost categories, “administration” and “program” used by DOL-WIA. The WIOA definition of Administration is found in 29 CFR 683.215.

(1) Administration

The costs of administration are the portion of necessary and reasonable allowable costs that are associated with the specific functions identified in the WIOA rules and regulations, and which are not related to the direct provision of WIOA services, including services to participants and employers. These costs can be both personnel and non-personnel and both direct and indirect.

(2) Program

Program costs are all necessary and reasonable allowable costs that are not specifically defined as administration.

Allowable Costs

(a) Allowable Cost Guidelines To be allowable, a cost shall be necessary and reasonable for the proper and efficient administration of the program, be allocable to the program, and except as provided herein, not be a general expense required to carry out the overall responsibilities of the organization receiving the funds.

(b) General Guidelines for Allowable Costs To be allowable, costs must meet the following general criteria:

- Be necessary and reasonable for the proper and efficient administration of the program.
- Be allocable to the program, period, and cost category benefited.
- Be authorized and not prohibited by federal, state or local laws and regulations.
- Be consistent with policies, regulations, and procedures that uniformly apply to other activities of the organization of which the Operators and Service Providers is a part.
- Be accorded consistent treatment through the application of generally accepted accounting principles (GAAP) appropriate to the circumstances.
- Not be allocable to, or included as, a cost of any other federally or state financed program in either the current period or a prior period.
- Be the net of all applicable credits such as discounts, rebates, and trade-in allowances.
- Be adequately documented.

(c) Allowable Cost References

The WIOA Sections 129 (c)(6), 134 (c) (2) and (3), 181 (d) and (e) and 188 (a)(3) and WIOA Rule, Sections 679.410, 683.200, 683.235 and 683.260 provide guidance regarding cost principles and allowable costs and refers to the Uniform Guidance for specific requirements.

Please note that although the Uniform Guidance refers to federal guidance regarding the approval process for purchase and construction of facilities, WIOA Regulations, Section 683.200, prohibits the purchase or construction of facilities. The regulations allow a few exceptions regarding renovation and repair (see details in Section 683.200); however, a written request for approval must be

submitted to your Program Specialist prior to undertaking any renovations or repairs.

Expenditures of WIOA funds are allowable only for activities that are permitted by the WIOA law or the Regulations. Allowable activities for Adults and Dislocated Workers are described in WIOA Section 134 (c). Allowable and unallowable Youth activities are found in WIOA Section 129. Allowable Costs requires that all Operators and Service Providers expending WIOA funds comply with federal allowable costs regulations and policies. It is each organization's responsibility to become familiar with and comply with the Uniform Guidance that are applicable to that organization, as well as the WIOA and the Final WIOA Regulations, to ensure that the programs and expenditures meet all requirements. Each Operators and Service Providers must ensure that their staff and Subcontractors who are expending WIOA funds are also aware of and following the Uniform Guidance cost principles and WIOA allowable costs. All Operators and Service Providers must follow the federal allowable cost principles that apply to their type of organization. The DOL Exceptions 2 CFR Part 2900 identify the federal principles for determining allowable costs which each Operators and Service Providers must follow.

2.40 AUDITS

The Single Audit Act (SAA), as amended, sets audit requirements for all recipients of Federal funds. WIOA Title 1 grants are subject to the audit rules in the Uniform Guidance 2 CFR Part 200, Subpart F, as amended.

DRAFT

SECTION 3 PROGRAM

3.10 CNMI ONE-STOP SYSTEMS

3.20 APPLICATION, REFERRAL, CONFIDENTIALITY, AND RE-ENROLLMENT

3.30 DOCUMENTATION METHODOLOGY

3.40 GENERAL ELIGIBILITY REQUIREMENTS

3.50 INCOME DETERMINATION, FAMILY SIZE, AND SELF-SUFFICIENCY

3.60 SELECTIVE SERVICE REGISTRATION

3.70 VETERAN'S PRIORITY OF SERVICE

3.80 ADULT PRIORITY OF SERVICE

3.90 ELIGIBILITY FOR TRAINING SERVICES

3.10 CNMI One-Stop Systems

I. Comprehensive One-Stop Center

An initiative of the CNMI's State Workforce Development Board is to co-locate the CNMI's WIOA Core Programs through a Comprehensive One-Stop Center. This is under development with the SWDB.

In the interim, the Core Programs are moving towards a Virtual OneStop Service Delivery through the Reemployment System Integration DW Grant or RSI. DOL-WIA will be migrating in February 2018, NMC-ABE in August 2018, and OVR in early 2019.

II. Virtual OneStop or VOS

The Reemployment System Integration DW Grant through a Consortium Agreement with the Guam Department of Labor allowed the procurement of a Virtual Onestop software with GeoSolutions Inc or GSI.

GSI's Virtual OneStop is an integrated solution that completely manages all state and federal workforce programs. The system offers several modules to help coordinate program activities, drive program outcomes, and maximize staff productivity. In addition, the solution ensures full compliance with federal requirements and state and local business rules. Virtual OneStop delivers all aspects of partner program management and reporting capabilities in a single solution that promotes efficient delivery of employment and training services that individuals need to succeed in the workforce.

The Virtual OneStop System software:

- Encourages Regional Collaboration
- Aligns Workforce Development Programs
- Increases Accessibility to Employment Services
- Closes the Skills Gap
- Improves Service Delivery
- Streamlines American Job Centers
- Drives Economic Growth
- Provides Career Pathway Tools

Virtual Labor Market Information or LMI

Virtual LMI is a comprehensive system that offers the following range of services:

- Provides labor market information to individuals seeking jobs, training, and program information.
- Assists employers looking to recruit talent and assess the labor market.
- Helps providers to successfully promote their programs; and
- Allow LMI professionals to automate their work and increase self efficiency.

WIOA Case Management

Virtual OneStop collects all necessary data points required by partner programs for case management and Workforce Innovation and Opportunity Act (WIOA) reporting through a single Common Intake form, which allows staff to record information required by multiple programs using a single form to determine a participant's program eligibility and the appropriate services needed. The system drives collaboration and improved performance for partner programs and includes the capability to capture all required data for WIOA and Participant Individual Record Layout (PIRL) reporting.

Automated Eligibility Determination and Service Tracking includes the capability for staff to access, manage, and assist individuals in their eligibility determination and enrollment in multiple programs. The system has a customized online registration and application form that provides specific federal and state conformance data elements, complies with business rules, and assists in determining program eligibility, processing enrollment, and tracking service activities. In addition, Virtual OneStop includes the ability to configure programs functions so users can complete the required application forms and program portfolios for multiple programs in one location.

Self-Service Application for Individuals

Individuals can save time by enrolling in programs through the Virtual OneStop Self-Service Application. The application provides a step-by-step wizard to assist individuals with enrollment and uploading the required verification documents needed to register for a specific program. After an individual has completed their pre-application, a notification is sent to the appropriate staff to ensure the application is reviewed and processed.

Case Management Tools

Virtual OneStop provides a flexible solution for workforce staff to enter and share information on participants receiving services. The system provides staff users with powerful, incremental tools for entering, capturing, verifying, and storing detailed eligibility and intake information for multiple programs.

Reporting Capabilities

Virtual OneStop provides fully-integrated report design, distribution, and management functionality in compliance with state and federal requirements. The system also includes

new reporting functionality to meet the Participant Individual Record Layout (PIRL) requirements established by the U.S. Department of Labor Employment and Training Administration (DOLETA).

System-Generated Reports -

Virtual OneStop tracks, predicts, and accounts for agency performance, including job placement rates, fiscal management, service delivery, employment retention, skill gains, credentials earned, ad hoc reporting, and more. All system-generated program and performance reports comply with guidelines established by WIOA and the PIRL.

Federal Reports -

Virtual OneStop generates federal reports for all WIOA partner programs managed within the system. Should one of the partners maintain their legacy system, Virtual OneStop has the capability to serve as a conduit for all partner programs. The system can import data from third party systems and combine that data with internal program data to create unified data warehouse for analysis and reporting purposes.

Document Management

Geographic Solutions' Document Management solution provides an integrated set of tools for inputting images and managing documents. The Document Management Module provides the following capabilities:

- Attach electronic documents and correspondence.
- Group related documents such as claims and verification documents.
- Attach documents to specific locations in case management workflow.
- Attach documents to a new or existing case record.
- Store multiple versions of documents.
- Attach supporting documents for eligibility or other reviews.
- Edit, redact, and manipulate documents.
- Share associated documentation with other authorized staff and stakeholders.
- Conduct eligibility and other monitoring reviews, remotely.

Customer Relationship Management

The Geographic Solutions' Customer Relationship Management (CRM) Module is an application for staff that offers functionality for employer outreach and support. The

module aims to streamline staff-to-employer interaction, including initial contact, lead management, and account management - all integrated into a single system.

Adult Education Module

The Adult Education Module in Virtual OneStop is an easy-to-use application that assists staff in managing program activities and individual participation. The application requires minimal manual keying from the user and ultimately streamlines the program management process, giving staff a more effective way to keep track of student participation.

Vocational Rehabilitation Module

The Vocational Rehabilitation Module in Virtual OneStop helps track and manage individuals with disabilities on their quest to find meaningful employment. Intuitive case management tools allow staff to create Individual Employment Profiles (IEP) and manage participant cases starting with the application process, continuing through the program evaluation and eligibility determination phase, and through employment and post-placement services.

3.20 APPLICATION

The application process entails completion of the DOL WIOA Division application form and requires the physical attainment of all necessary eligibility documentation regarding citizenship, age, income (for Youths and Adults), selective service registration (if applicable), and a standardized basic skills assessment for math and reading levels. Upon completion of eligibility determination, eligible applicants are placed in an applicant pool.

A. Referral

DOL-WIOA Division shall provide information to eligible applicants, whether enrolled in WIOA or not, of the services available through WIOA service providers. Determination may be made prior to enrollment in WIOA to refer an eligible applicant to another service agency or training and education program deemed more suitable for the individual. DOL-WIOA Division shall ensure that an eligible applicant who cannot be served by its particular program shall be referred to appropriate agencies, both within and outside the WIOA system that may be able to better serve the applicant.

B. Confidentiality and Release of Information

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

Funding source agencies have access to participant files. Access to files should be granted on a "need to know" basis. If other agencies, prospective employers, or other individuals or agencies request access to information in a file, an authorization of release for the information must be obtained from the participant. Access to the records from other agencies may also require authorization for release of information.

C. Exited Individuals and Re-Enrollment

For applicants who have previously been enrolled in a WIA or WIOA program as documented in the Pacific Workforce System or HireMarianas, the applicant must complete the application, documentation, and verification process must be repeated before the individual can be re-enrolled/registered into WIOA again. Each request for reenrollment into WIOA will be handled on a case-by-case basis and requires approval by the WIOA Director.

Approval will be on a case-by-case basis; however, the re-enrollment should meet the following criteria:

- The applicant was not successfully placed in or completed post-secondary education in their previous participation in the program; OR
- The applicant did not have a successful attainment AND placement in their previous participation in the program; AND
- Their needs cannot be met through a non-WIOA source; AND
- The applicant is not currently in follow-up.

DOL-WIA will make exceptions to the above criteria on a case-by case basis and only if there are severe barriers to employment as documented.

DOL-WIA also reserves the right to limit the number of re-enrollments. If the applicant was unsuccessful in their previous participation, but shows active interest in reenrollment, it is up to the provider to screen the individual's level of commitment to the new program.

DOL-WIA reserves the right to disallow a re-enrollment of an individual who has previously been enrolled due to lack of active participation.

3.30 Documentation Methodology

The Department of Labor-Workforce Investment Agency Division has implemented source documentation requirements for data validation to report accurate program information. These source documentation requirements are listed in Section 3.50 GENERAL ELIGIBILITY DETERMINATION, and are the only documentation sources staff may accept in establishing WIOA program eligibility.

Documentation means to maintain on-file physical evidence, which is obtained during the verification process. Such evidence would be copies of documents (Documentary Evidence), completed Telephone Verification, and/or, as a last resort if other documentation is not available, signed Applicant Statements, following the case notes requirements, as described below.

A. Documentary Evidence

Official written evidence of the applicant's circumstances as issued by a governmental agency, social service organization, or business entity. Photocopies (unless expressly prohibited on the document) must be made of the documents submitted at the time of eligibility certification. These copies are maintained in the applicant's hard copy file for subsequent monitoring reviews and/or audits.

B. Telephone Verification

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, documents may be inspected or information verified by telephone. When documentation of WIOA eligibility certification is accomplished by telephone or document inspection, the staff person verifying the information is required to use the Telephone Verification Form, to establish uniformity for monitoring and auditing purposes. The Telephone Verification Form serves a dual purpose:

1. Cognizant Agencies

The Telephone Verification Form is used to verify eligibility information through phone contact with a governmental agency, social service organization, or business entity. Information recorded on this form must include all the applicable information, to enable a monitor or auditor to adequately verify eligibility (i.e. items to be verified, date and time of verification, document name, contact name, telephone numbers, addresses, intake workers' signature and date, etc.).

Examples of cognizant agencies that may assist in verifying eligibility information via telephone contact are:

- Local Schools
- Social Security Administration
- Veterans Administration
- Medical and Health Facilities
- Vocational Rehabilitation Facilities
- Drug and Alcohol Rehabilitation Facilities
- Housing Authorities
- Homeless Shelters
- Judicial Agencies and Institutions
- Employers
- Other state or local government agencies

2. Cognizant Individual

In some cases, a telephone verification with a cognizant individual may be used to document eligibility criteria in lieu of an Applicant Statement, where applicable. In these cases, reasonable justification must be provided on why the documentation could not be obtained through official documentation on the Telephone Verification Form and a case note must be entered in Hire Marianas.

Examples of cognizant individuals that may assist in verifying eligibility information via telephone contact are:

- Family Member
- Counselor
- Co-worker/Employer
-

C. Applicant Statement

An Applicant Statement is a self-attestation of the required eligibility information and may be used only after all reasonable attempts to secure official documentation listed in Section 3.50 GENERAL ELIGIBILITY DETERMINATION have been made and failed. DOL-WIA allows for the use of an Applicant Statement to document some items which, in some cases, are not verifiable, or which may cause undue hardship for individual applicants to obtain.

Note: Only one criteria per Applicant Statement form is allowed. If multiple Applicant Statement forms are used, each criterion determined must have its own Applicant Statement and a corresponding case note in HireMarianas.

3.40 GENERAL ELIGIBILITY DETERMINATION

In order to be eligible to receive services or participate in activities funded by WIOA Title 1 funds; all participants must be able to prove their Age, Citizenship or Eligible Noncitizen status, and verification of selective service registration. Services funded by WIOA shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

A. Date of Birth and Age

Proof of birth date and age is required for all applicants for eligibility determination and identification. Age is determined at eligibility based on the age the applicant will be on the first date of enrollment.

Acceptable source documents to validate Date of Birth and Age:

- Baptismal record
- Birth certificate
- Form DD-214, Certificate of release or Discharge from Active Military Duty
- Driver's license
- Federal, state, or local government issued identification card
- Hospital record of birth
- Passport
- Public assistance/social service records
- Work permit
- Cross match with Department of Public Health vital records

B. Right to Work in the United States

Participation in programs and activities assisted in whole or in part under WIOA shall be open to citizens and nationals of the United States, lawfully admitted refugees and parolees, and other individuals authorized to work in the United States. Therefore, all persons applying for WIOA eligibility must prove that they have the right to work in the United States (U.S.).

Acceptable source documents that establish both Citizenship and Employment Eligibility status:

- U.S. Passport or U.S. Passport Card
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine readable immigrant visa
- Employment Authorization Document that contains a photograph (Form I-766)

- For a nonimmigrant alien authorized to work for a specific employer because of his or her status:
 - a. Foreign passport; and
 - b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.
- Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI

Acceptable source documents that establish Citizenship:

1. Valid Driver's License or Identification Card (ID) issued by a state or U.S. Territory
2. ID Card issued by federal, state, or local government agency or entity – must contain photograph or information, such as name, date of birth, gender, height, eye color, and address
3. Original or certified copy of birth certificate issued by a state, county, or municipal authority.
2. Voter Registration Card
3. US Military Card or Draft Record
4. US Coast Guard Merchant Mariner Card

Acceptable source documents that establish Employment Eligibility

- US Social Security Card issued by the Social Security Administration, unless the card includes one of the following restrictions:
 - (1) NOT VALID FOR EMPLOYMENT
 - (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION
 - (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
- Original or certified copy of birth certificate issued by a state, county, or municipal authority.
- US Citizen ID Card (INS Form I-179)

- Unexpired Employment Authorization Document issued by DHS In addition to the above Citizenship and Employment Eligibility requirements, all male applicants for WIOA funded services must be able to prove they have properly registered with Selective Service or are exempt from doing so.

DRAFT

3.50 INCOME DETERMINATION, FAMILY SIZE, AND SELF-SUFFICIENCY

A. Low-Income Guidelines

70 Percent of Updated 2016 Lower Living Standard Income Level (LLSIL), by Family Size NON-METRO

Family Size	2017 Income Level
1	\$9,078
2	\$14,872
3	\$20,411
4	\$25,197
5	\$29,734
6	\$34,773
7	\$39,812
8	\$44,851
9	\$49,890
10	\$54,929

PY2016: For households of more than six (6), add \$5,039 for each additional person on the family.

B. Low-Income Calculation Guidelines

The individual receives an income, or is a member of a family that received a total family income, for the six-month period prior to WIOA registration that (in relation to family size) does not exceed the above referenced 70% Low-Income Guidelines.

- To determine total family income, intake staff must calculate income received by all members of the individual's family for the previous six months prior to WIOA participation.
- To determine total income for an individual with a disability, an intake staff must calculate income received by the individual (only) for the previous six months prior to WIOA participation, regardless of the income level of his/her family.

C. Computing and Documenting Family Income

The following items should be documented, verified, computed, where necessary and attached to the participant file for internal review and monitoring purposes:

A. Eligibility determination period - Enter dates of the six - month period;

B. Family Members - List all family members (as defined by WIOA) and the income they have received within the last six months prior to application. In addition to documentation of family size, additional documentation may be required to establish that the family is living in a single residence. The Attachment-Applicant Statement, can be

used as documentation in these situations, if the documents listed in the Attachment-Table of Acceptable Documentation for WIOA Program Eligibility are not available and the required case notes are used.

(1) Dates - List the dates of receipt of the income. The whole determination period should be covered. During periods when no income was received, means of support must be explained and verified (e.g. applicant has been supported by parent(s) or friend(s) or living on savings from previous earnings, etc.);

(2) Source of Income - Indicate how the income was earned, and/or the source that generated the income.

(3) Amount - Indicate the dollar amount received during the six - month period. This may require adding up several pay stubs submitted for that period to arrive at the six-month amount;

(4) Documents Inspected - Indicate the document(s) submitted to verify the source of income. The document(s) must be photocopied and a copy retained in the individual's file. There are 4 sample methods provided for calculating annualized income listed below; and

(5) Show and attach the income calculations used to determine the six (6) month family income.

A. Family Size

Family size must be determined and verified only if using family income to determine low income status. Family size will be determined by counting the maximum number of family members in the residence during the last six months, not including the current month. A family, for eligibility purposes, means two or more persons related by blood, marriage or decree of court, who are living in a single residence, and are included in one or more of the following categories:

1. husband, wife and dependent children
2. A parent or guardian and dependent children
3. A husband and wife

In certain cases, an individual may be considered a "family of one" for the purpose of eligibility determination. This includes individuals with a disability whose family income may exceed the income criteria, but whose own income meets the income criteria. 20 C.F.R. § 664.250(a)(b)

B. Income Determination

Income is the amount of all reportable income for each family member for the prior six (6) months. This amount multiplied by two (2) is the total annualized family income.

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

Family size for the determination period is the maximum size of the family during such period. All items not expressly excluded are includable income. Applicants having low or no income should complete an applicant statement that describes their means of support in the last six months.

1. INCLUDE in Family Income:

- a. Money wages and salaries before any deductions;
- b. Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expenses);
- c. Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
- d. Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;
- e. Alimony;
- f. Military family allotments or other regular support from an absent family member or someone not living in the household;
- g. Pensions, whether private, public employee (including Military retirement pay);

- h. Regular insurance or annuity payments other than Supplemental Security Income disability (SSI) or Veterans' disability;
- i. College or university grants, fellowships, and assistantships;
- j. Net gambling or lottery winnings;
- k. Social Security Disability Insurance payments (SSDI)
 - 1. SSDI pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of a disability. SSDI is considered income replacement and must be included in family income.

2. EXCLUDE from Family Income:

- a. Unemployment compensation;
- b. Child support payments;
- c. Public Assistance payments (including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Case Assistance (RCA), and General Assistance (GA));
 - 1. Supplemental Security Income (SSI) is a program that pays benefits to disabled adults and children who have limited income and resources. It is also paid to people 65 and older without disabilities who meet the financial limits. SSI is considered cash assistance and individuals receiving SSI are automatically income eligible the same as individuals receiving TANF or SNAP. A WIOA participant applicant on SSI is a family of one.
- d. Foster care child payments;
- e. Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), and Federal Work-Study (FWS);

- f. Needs-based scholarship assistance;
- g. Income earned while [the veteran was] on active military duty and certain veteran's benefits (i.e., compensation for service connected disability, compensation for service connected death, vocational rehabilitation, and education assistance);
- h. Capital gains;
- i. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
- j. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- k. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps (received or has been determined eligible to receive Food Stamps (SNAP) within the six-month period prior to application for the program); school meals, and housing assistance;
- l. Old age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402).
 - 1. Old age and survivors insurance benefits include: Social Security Survivor Benefits are benefits paid to people up to age 18 who have had a parent die and the parent paid wages into the system; and
 - 2. Social Security Retirement Benefits – these are benefits that are paid to people who reached their social security age and have wages paid in the system.

C. Self-Sufficiency Standards

WIOA section 134 (a)(3)(A)(xii) and section 134 (d)(1)(A)(x) addresses state and local determinations of economic self-sufficiency standards that specify the income needs of families, by family size, number and ages of children in the family, and sub-state geographical considerations. DOL-WIOA Division may make adjustments to the following factors based on local considerations.

Under WIOA sec. 134(c)(3)(A), training services may be made available to employed and unemployed adults and dislocated workers who, among other criteria, are unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services, and are in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment. The State defines minimum standards for defining “lacks self-sufficiency” as follows:

An individual is declared to “lack self-sufficiency” if:

- A. An individual has a personal or family income that is at or below 100% of the Lower Living Standard Income Level (LLSIL),

**Updated 2015 LLSIL (100 percent), by Family Size
NON-METRO**

Family Size	2016 Income Level
1	\$12,968
2	\$21,245
3	\$29,159
4	\$35,995
5	\$42,478
6	\$49,676
7	\$56,874
8	\$64,072
9	\$71,270
10	\$78,468

PY2016: For households of more than six (6), add \$7,198 for each additional person on the family.

- B. A Food stamp or TANF recipient (current or within the last six months),
- C. A Supplemental Social Security Income recipient, or
- D. An individual (single family of one) who is employed, but in a job earning \$12.48 per hour.

Dislocated workers may be considered to lack self-sufficiency if they are employed, but in a job/occupation that is at a wage or skill level that is significantly less than the job of dislocation.

3.60 SELECTIVE SERVICE REGISTRATION

All participants enrolled in WIOA Adult, Dislocated Worker and Youth programs must be compliant with Selective Service Registration under the Military Selective Service Act (MSSA) as a condition for participation. MSSA requires that male persons born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18th birthday and up to, but not including their 26th birthday. All men in this age group must meet Selective Service registration requirements unless exempt from the registration requirement and can provide documentation to prove it. Failure to register in a timely manner does not relieve a man of his duty to register. Even if late, the duty to register remains until age 26.

A. Registration

Those required to register with Selective Service include:

1. Men born on or after January 1, 1960 and who are:
 - a. Citizens of the United States;
 - b. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday and/or;
 - c. Dual nationals of the United States and another country regardless of where they live.

Selective Service registration is not required of U.S. citizens if the male falls within one of the following categories:

- a. Men who are serving in the military on full-time active duty;
- b. Men attending the service academies;
- c. Disabled men who are continually confined to a residence, hospital or institution; and/or
- d. Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

Selective Service registration is not required of non-U.S. citizens if the male falls within one of the following categories:

1. Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:

- a. Date of entry stamp in his passport;
 - b. I-94 with date of entry stamp on it; or
 - c. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age.
2. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
3. Non-U.S. male on a valid non-immigrant visa. The lists are not intended to be exhaustive and the Selective Service System provides a quick reference chart showing who must register on the Selective Service website at <https://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>. II.

Transsexuals, Transgendered and Intersex Individuals

The requirement for transsexual, transgendered, and intersex individuals to register for Selective Service depends upon the gender recorded on their birth certificate. If an individual is recorded as a male on their birth certificate, that individual would be required to register for Selective Service, unless exempt, regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual's birth certificate is changed, after a sex change, for instance, to reflect a female identity, that individual would not be required to register.

B. Selective Service Compliance

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement.

1. Acceptable documentation showing registration status includes:
 - a. Selective Service Acknowledgement letter
 - b. Form DD-214 "Report of Separation"
 - c. Screen printout of the Selective Service Verification on the Selective Service website at <https://www.sss.gov/regver/wfverification.aspx>. For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
 - d. Selective Service Registration Card
 - e. Selective Service Verification Form (Form 3A) and/or
 - f. Stamped Post Office Receipt of Registration

C. Registration Requirements for Males Under 26

Prior to being enrolled in WIOA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov.

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

D. Registration Requirements for Males 26 Years and Over

1. Before enrolling in WIOA-funded services, all males 26 years of age or older, must provide:
 - a. documentation of compliance with the Selective Service registration requirement;
 - b. documentation showing they were not required to register; or
 - c. if they were required but did not register, documentation establishing that their failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIOA funded activities may require that males 26 years and over, who failed to comply with Selective Service registration requirement, request a Status Information Letter (SIL) before making a determination that the failure to register was knowing and willful. Alternatively, an entity may initiate its process to determine if the failure to register was knowing and willful without first having the potential program participant request the Status Information Letter (e.g. individuals recently released from incarceration).

E. Requesting a Status Information Letter (SIL)

1. An individual may obtain a SIL if:
 - a. he believes he was not required to register;
 - b. he did register but cannot provide any of the documentation listed above. The Request for Status Information Letter

form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf>. If the SIL indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in services funded by WIOA. If the SIL indicates that the individual was required to and did not register, he is presumed to be disqualified from participation until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

F. Determining Knowing and Willful Failure to Register

If the individual was required but failed to register as determined by the SIL or his own acknowledgment, he may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIOA funded activities is responsible for evaluating the evidence presented and determining whether the failure was knowing and willful. Evidence presented may include the individual's written explanation and supporting documentation of the circumstances at the time of the required registration and the reasons for failure to register.

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual's failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

3.70 Veterans Priority of Service

All WIOA-funded programs are required to implement the Veteran's priority provisions of the Jobs for Veterans Act. Veterans and covered spouses, who are determined eligible for WIOA services, are entitled to priority of service under WIOA Title I Adult, Dislocated Worker, and Youth-funded programs.

The term "veteran's priority of service" means that a covered person shall be given priority over non-veterans, except for the priority of service established by law for the WIOA Adult program. The Veteran's priority will apply in the event there are limited funds and the applicant fits the eligibility requirements for the WIOA funded programs and one is a Veteran or Covered Spouse, and one is not. The Jobs for Veterans Act requires that Veterans and Covered Spouses must first meet any of the WIOA program's existing WIOA program eligibility requirements in order to obtain priority of service under the Veterans priority.

Staff shall provide information to "covered persons" on services available under the DOL job training programs and shall ensure that individuals are informed of their right to priority as Veterans or Covered Spouses for employment and training services. This information from staff must be provided to "covered persons" either verbally or in writing at each point in the program:

- 1) At the point of entry; and
- 2) At orientation; and
- 3) At eligibility determination; and
- 4) At assessment; and
- 5) During program activities.

A covered person under the Jobs for Veterans Act is one of the following:

1. Veterans

A Veteran who is an individual who served at least one day in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable; or

2. The Spouse of a Veteran

The Spouse of:

- Any Veteran who died of a service-connected disability;
- A member serving on active military duty who is listed as missing in action, captured in the line of duty by a hostile force, or forcibly

detained or interned in the line of duty by a foreign government or power; or

- Any Veteran with a total service-connected disability rating or one who died while being evaluated for it.

Veterans and covered spouses take precedence over a non-covered person in obtaining all employment and training services. Depending on the type of service, this may mean veterans and eligible spouses receive services earlier in time, or instead of non-covered persons.

DOL-WIA Division staff will collect and enter the required veteran and covered spouse's data elements into HireMarianas when enrolling veterans and covered spouses into WIOA programs. Proof of veteran and covered spouse status must be documented and kept in the applicant's file.

3.80 ADULT PRIORITY OF SERVICES

Service Priority for Individualized Services and Training

Priority for adult services must be given to recipients of public assistance or other low income individuals, with added priority for individuals who are basic skills deficient. Priority applies regardless of funding levels. Individualized career services and training services must be given on a priority basis, regardless of funding levels, to:

1. Public assistance recipients and other low-income adults; and
2. Individuals who are basic skills deficient.

Veterans under WIOA §3 (63)(A) receive priority of service as described in the Jobs for Veterans Act (38 U.S.C. 4215 (2)). Veterans and eligible spouses of veterans who otherwise meet the eligibility requirements for adult programs must receive the highest priority for services. Priority must be provided in the following order:

- First, to veterans and eligible spouses who are also recipients of public assistance, are low income individuals, or who are basic skills deficient. Military earnings are not to be included as income for veterans and transitioning service members.
- Second, individuals who are not veterans or eligible spouses who meet WIOA priority criteria.
- Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
- Last, to individuals outside the groups given priority under WIOA.

While Veterans receive priority through WIOA services, DOL-WIA Division and applicable services providers must have a referral process in place for directing Veterans with Significant Barriers to Employment to the Disabled Veterans Outreach Program to ensure the most effect provision of services.

NOTE: The CNMI does not have a Disabled Veterans Outreach Program or DVOP. DVOP services are provided through a partnership with Guam DVOP.

A. Low Income Individuals

An individual who meets any one of the following criteria satisfies the low-income requirement for WIOA adult services:

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received,

- assistance through SNAP, TANF, or the Supplemental Security Income (SSI) program, or state or local income-based public assistance;
2. Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the current combined U.S. Department of Labor (USDOL) 70 percent Lower Living Standard Income Level;
 3. Is a homeless individual, as defined in § 41403 (6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in § 725 (2) of the McKinney-Vento Homeless Assistance Act;
 4. Receives or is eligible to receive a free or reduced-price lunch under the NSLA
 5. Is a foster youth, on behalf of whom state or local government payments are made; or
 6. Is an individual with a disability whose own income meets WIOA's income requirements, even if the individual's family income does not meet the income requirements of the income eligibility criteria for payments under any federal, state, or local public assistance program.

B. Basic Skills Deficient

An individual who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society satisfies the basic skills deficient requirement for WIOA adult services. In assessing basic skills, Boards must use assessment instruments that are valid and appropriate for the target population and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

C. Transitioning Military Service Members

Still-active, transitioning military service members may qualify for Dislocated Worker services. While these individuals may be eligible to receive WIOA Dislocated Worker services and funds, they would not be considered 'veterans' for the purposes of DOL reporting or be eligible for Priority of Service.

For the purposes of serving still-active transitioning service members under the "notice of termination or layoff" eligibility criterion, documentation must align with the DOL Data Element Validation (DEV) requirement for "Date of Actual Qualifying Dislocation." Military Personnel are eligible to begin receiving Dislocated Worker Program services upon receipt of discharge orders (Effective Termination of Service "ETS" Orders or DD-2648-ACAP Transition Checklist).

Length of service to qualify an individual for such discharges or separations under WIA guidance may be as few as one day of service. Qualified individuals can receive services

up to 18 months prior to retirement or 12 months before normal separation. If a transitioning service member successfully reenlists into active military duty, then that service member is no longer eligible for services.

DRAFT

3.90 Eligibility for Training Services

Under WIOA § 134 (c)(3)(A) training services may be made available to employed and unemployed adults who:

1. are determined after an interview, evaluation, or assessment and career planning to be:
 - a. unlikely or unable to obtain or retain employment that leads to economic self sufficiency or wages comparable to or higher than wages from previous employment through career services,
 - b. in need of training services to obtain or retain employment leading to economic self sufficiency or wages comparable to or higher than wages from previous employment, and
 - c. have the skills and qualifications to participate successfully in training services;
2. have selected a program of training services that is directly linked to employment opportunities; and
3. are unable to obtain grant assistance from other sources to pay the costs of training, including HOPE, Pell, and TAA, or require WIOA assistance in addition to the other sources of grant assistance.

SECTION 4 ADULT AND DISLOCATED WORKER PROGRAM SERVICES

4.10 Registration and Participation

4.20 Eligibility

4.30 Career Services

4.40 Priority and Special Populations

4.50 Training Services

4.60 Program Exits

DRAFT

4.10 REGISTRATION AND PARTICIPATION *20 CFR Part 680 § 680.110*

Registration is the process for collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. Individuals are considered participants when they have received a Workforce Innovation and Opportunity Act (WIOA) service other than self-service or information-only activities and have satisfied all applicable programmatic requirements for the provision of services, such as eligibility determination (see § 677.150(a) of this chapter).

Adults and dislocated workers who receive services funded under WIOA title I other than self-service or information-only activities must be registered and must be a participant. (c) EO data, as defined in § 675.300 of this chapter, must be collected on every individual who is interested in being considered for WIOA title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from the grant recipient or designated service provider.

4.20 ELIGIBILITY 20 CFR Part 680 § 680.120

To be eligible to receive WIOA services as an adult in the adult and dislocated worker programs, an individual must:

1. Be 18 years of age or older;
 2. Be a citizen or noncitizen authorized to work in the United States; and
 3. Meet Military Selective Service registration requirements (males who are 18 or older and born on or after January 1, 1960, unless an exception is justified).
- A. Additional Eligibility Requirements for Adults.
1. Adults must be either unemployed or underemployed and meet the priority of service requirements.
 2. Individuals who are underemployed include persons who are employed less than fulltime and are seeking full-time employment; are employed in a position not commensurate with the individual's demonstrated level of educational attainment and skills; are working full time and meet the definition of low income; or are employed, but whose current job earnings are not sufficient compared to their previous earnings.
- B. Additional Eligibility Requirements for Dislocated Workers.

A dislocated worker is an individual who meets one of the following five sets of criteria:

1. The individual:
 - a. has been terminated or laid off, or has received a notice of termination or layoff from employment;
 - b. is eligible for or has exhausted entitlement to unemployment compensation or has been employed for a duration sufficient to demonstrate attachment to the workforce but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a state's UI law; and
 - c. is unlikely to return to a previous industry or occupation.
2. The individual:

- a. has been terminated or laid off or has received a notice of termination or layoff from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility, or enterprise;
 - b. is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
 - c. for purposes of eligibility to receive services other than training services, career services, or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.
- 3. The individual was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters. This includes individuals working as independent contractors or consultants but not technically employees of a firm.
- 4. The individual is a displaced homemaker, as defined in WIOA § 3 (16). A displaced homemaker is an individual who has been providing unpaid services to family members in the home and who:
 - a. is unemployed or underemployed and experiencing difficulty finding or upgrading employment; and
 - b. has been dependent on the income of another family member but is no longer supported by that income; or is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member.
- 5. The individual is a separating service member from the Armed Services with a discharge other than dishonorable, the separating service member qualifies for dislocated worker activities based on the following criteria:
 - a. The separating service member has received a notice of separation (DD214) from the Department of Defense or other documentation showing a separation or imminent

- separation from the Armed Forces to satisfy the termination or layoff eligibility criteria;
- b. The separating service member is eligible for or has exhausted of unemployment compensation; and
 - c. As a separating service member, the individual meets the eligibility criteria that the individual is unlikely to return to a previous industry or occupation.
6. The individual is the spouse of a member of the Armed Forces on active duty who:
- a. has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
 - b. is unemployed or underemployed and experiencing difficulty finding or upgrading employment.
7. The individual is underemployed, which is defined as:
- a. A person who was laid off from a previous employer, but has found employment earning wages that are 85% or less of the salary that was paid at the employer of dislocation; and/or
 - b. A person who is in employment that uses significantly less skills or abilities than the job of dislocation and is not commensurate with the individual's demonstrated level of educational attainment.

Boards may establish policies and procedures for use in determining an individual's eligibility as a dislocated worker, consistent with the definition at WIOA § 3 (15). These policies and procedures may address such conditions as: what constitutes a "general announcement" of plant closing under WIOA § 3 (15)(B)(ii) or (iii) and what constitutes "unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters" for determining the eligibility of self-employed individuals, including family members and farmworkers or ranch hands, under WIOA § 3 (15)(C).

WIOA authorizes career services for adults and dislocated workers. There are three types of career services: basic career services, individualized career services, and follow-up services. The provision of individualized career services must be based on the employment needs of the individual as determined jointly by the individual and the career planner (case manager), and may be identified through an individual employment plan (IEP). These services can be provided in any order. Career Services are defined in 20 CFR 678.430, and rules governing their provision to adults and dislocated workers are discussed in 20 CFR 680.100 through 195.

A. Basic Career Services

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

- (1) Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
- (2) Outreach, intake (including worker profiling), and orientation to information and other services available through the one-stop delivery system. For the TANF program, States must provide individuals with the opportunity to initiate an application for TANF assistance and non-assistance benefits and services, which could be implemented through the provision of paper application forms or links to the application Web site;
- (3) Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive services needs;
- (4) Labor exchange services, including—
 - (i) Job search and placement assistance, and, when needed by an individual, career counseling, including—
 - (A) Provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA); and
 - (B) Provision of information on nontraditional employment; and
 - (ii) Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the one-stop delivery system;
- (5) Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, when appropriate, other workforce development programs;

(6) Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

- (i) Job vacancy listings in labor market areas;
- (ii) Information on job skills necessary to obtain the vacant jobs listed; and
- (iii) Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;

(7) Provision of performance information and program cost information on eligible providers of education, training, and workforce services by program and type of providers;

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

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

(10) Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.

(i) "Meaningful assistance" means:

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

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

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

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

B. Individualized Career Services

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

- (1) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
 - (i) Diagnostic testing and use of other assessment tools; and
 - (ii) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- (2) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers (as described in § 680.180 of this chapter);
- (3) Group counseling;
- (4) Individual counseling;
- (5) Career planning;
- (6) Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
- (7) Internships and work experiences that are linked to careers (as described in § 680.170 of this chapter);
- (8) Workforce preparation activities;
- (9) Financial literacy services as described in sec. 129(b)(2)(D) of WIOA and § 681.500 of this chapter;
- (10) Out-of-area job search assistance and relocation assistance; and
- (11) English language acquisition and integrated education and training programs.

C. Follow-up Services

Follow-up services must be provided, as appropriate, including: Counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.

4.40 Priority and Special Populations 20 CFR Part 680 Subpart E

WIOA sec. 134(c)(3)(E) states that priority for individualized career services (*see* § 678.430(b) of this chapter) and training services funded with title I adult funds must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (as defined in WIOA sec. 3(5)(B)) in the local area.

NOTE:

The statutory priority only applies to adult funds and only applies to providing individualized career services, as described in § 680.150(b), and training services. Funds allocated for dislocated workers are not subject to this requirement.

Across all titles, WIOA focuses on serving "individuals with barriers to employment" as defined in WIOA section 3(24) and seeks to ensure access to quality services for these populations. The barriers to employment identified (in no particular order) for all titles of WIOA include:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Natives and Native Hawaiians;
- Individuals with disabilities, including youth who are individuals with disabilities;
- Older individuals (age 55 and older);
- Ex-offenders;
- Homeless individuals;
- Youth who are in or have aged out of the foster care system;
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers;
- Individuals within two years of exhausting lifetime TANF eligibility;
- Single parents (including single pregnant women);
- Long-term unemployment individuals;

4.50 Training Services § 680.200

Training Services for adults and dislocated workers are those listed in WIOA sec. 134(c)(3)(D). This list is not all-inclusive and additional training services may be provided.

- (a) Occupational skills training, including training for nontraditional employment;
- (b) On-the-job training;
- (c) Incumbent worker training;
- (d) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (e) Training programs operated by the private sector;
- (f) Skills upgrading and retraining;
- (g) Entrepreneurial training;
- (h) Transitional jobs;
- (i) Job readiness training provided in combination with services listed in paragraphs (a) through (h) of this section;
- (j) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in paragraphs (a) through (g) of this section; and
- (k) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training (see §§ 680.760 and 680.770).

A. Eligibility for Training Services § 680.210

Under WIOA sec. 134(c)(3)(A) training services may be made available to employed and unemployed adults and dislocated workers who:

- (a) A one-stop center or one-stop partner determines, after an interview, evaluation, or assessment, and career planning, are:
 - (1) Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - (2) In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - (3) Have the skills and qualifications to participate successfully in training services;
- (b) Select a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate;
- (c) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded

training funds, Trade Adjustment Assistance (TAA), and Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants (provisions relating to fund coordination are found at § 680.230 and WIOA sec. 134(c)(3)(B)); and

(d) If training services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system in effect for adults under WIOA sec. 134(c)(3)(E) and § 680.600.

DRAFT

4.60 PROGRAM EXITS

Participants who have not received a service funded by the WIOA Adult or Dislocated Worker program or a partner program for 90 consecutive calendar days and are not scheduled for future services are considered to have exited the program.

A. Program Exit Requirements

The date of exit is the last date a service was provided to a participant. Case notes in Pacific Workforce System or HireMarianas must include the reason for exit and documentation filed in the participants file.

1. The participant will not be counted in performance if they exit the program for any of the following reasons:

- a. Deceased – participant died during participation in either the WIOA Adult or Dislocated Worker program;
- b. Institutionalized – participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain institutionalized for at least 90 days;
- c. Health/Medical – participant is receiving medical treatment that precludes entry into unsubsidized employment or continued participation in a WIOA program. This does not include temporary conditions expected to last for less than 90 days;
- d. Entered into Active Military duty-participant who is a reservist and has been called to active duty or participant enlists and reports for active duty which prevents participation in WIOA Title I-B Youth program; or
- e. Found Ineligible After Registration – participant is determined ineligible to participate in either the WIOA Adult or DW program.

2. When a participant receives services from multiple programs, the most recent service end date is the date of exit. Follow-up services provided to participants do not extend the exit date.

3. If an individual retires, retirement must be recorded as the reason for the exit for reporting purposes. However, individual is not excluded from the performance measures.

B. Gaps in Service

A participant in the WIOA Adult or DW program may be placed in a “gap in service” when a situation arises that will temporarily prevent program participation for greater

than 90 consecutive calendar days. The gap in service will provide time for participants to address barriers to continued participation without exiting the program.

1. A gap in service extends a participant's exit date for 90 calendar days from the time he or she is placed into the gap. The gap in service must be related to:

- a. A delay before the beginning of training;
- b. A health/medical condition, or providing care for a family member with a health/medical condition; or
- c. A temporary move from the area that prevents the individual from participation in services, including National Guard or other related military service.

2. A gap in service may be extended for an additional 90 consecutive calendar days (for a total of 180 consecutive calendar days) to resolve the issue that is preventing a participant from completing program services. The extended gap in service must be related to:

- a. A health/medical condition, or providing care for a family member with a health/medical condition; or
- b. A temporary move from the area that prevents the individual from participation in services, including National Guard or other related military service.

3. All gaps in service must be referenced in case notes detailing the reason for the gap in service.

SECTION 5 YOUTH PROGRAM SERVICES

5.10 OVERVIEW

5.20 YOUTH PROGRAM DESIGN

5.30 ELIGIBILITY DETERMINATION

5.40 ASSESSMENTS

5.60 WIOA 14 YOUTH ELEMENTS

5.70 YOUTH EXIT

DRAFT

5.10 OVERVIEW

The WIOA outlines a broad youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other federal, state, and local resources to support in-school youth (ISY) and out-of-school youth (OSY). WIOA affirms the U.S. Department of Labor's (USDOL's) commitment to provide high-quality services for all youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in post-secondary education, or a Registered Apprenticeship.

The WIOA funding enables the delivery of a comprehensive array of youth services that prepare youth for post-secondary educational and employment opportunities, attainment of educational and/or skills training credentials, and obtainment of employment with career opportunities. This is accomplished by assessing the participant's skills, interests, needs, and personal goals, creating customized service plans in collaboration with the participant, and expanding the participant's connection to and understanding of the local economy, educational opportunities, and available community services.

WIOA TITLE I YOUTH FUNDS

One of the key provisions of WIOA is the requirement of 75 percent, at minimum, of the formula grant allocated for youth to be used for out-of-school youths and the remaining 25 percent on in-school youths.

5.20 WIOA YOUTH PROGRAM DESIGN

Pursuant to WIOA Sec. 129(c)(1), the CNMI Department of Labor Workforce Investment Agency Division (DOL-WIA Division) shall provide eligible youths programs that:

A. Provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

B. Develop service strategies for each participant that are directly linked to 1 or more of the indicators of performance described in section 116(b)(2)(A)(ii), and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program.

C. Provide case management of youth participants, including follow-up services. DOL-WIA Division must provide—

- (i) Activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;
- (ii) preparation for postsecondary educational and training opportunities;
- (iii) Strong linkages between academic instruction (based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)) and occupational education that lead to the attainment of recognized postsecondary credentials;
- (iv) Preparation for unsubsidized employment opportunities, in appropriate cases; and
- (v) Effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets; and

(D) At the discretion of the local board, implement a pay-for-performance contract strategy for elements described in paragraph (2), for which the local board may reserve

Commented [A1]: Insert section on performance indicators

Commented [A2]: Verify with Dave

and use not more than 10 percent of the total funds allocated to the local area under section 128(b).

To participate in DOL-WIA Division youth programs, individuals must enroll in the WIOA youth program and in order to be a participant in the WIOA youth program, all of the following must occur:

- (I) An eligibility determination;
- (II) The provision of an objective assessment;
- (III) Development of an individual service strategy; and
- (IV) Participation in any of the 14 WIOA youth program elements.

NOTE:

Program Expenditures Prior to Participation

There are limited instances where WIOA youth funds may be expended on costs related to individuals who are not yet participants in the WIOA youth program. Youth funds can be expended on outreach and recruitment or assessment for eligibility determination (such as assessing basic skills level) prior to eligibility determination, but they cannot be spent on youth program services, such as the 14 program elements which are described in section 7, prior to eligibility determination.

5.30 ELIGIBILITY FOR YOUTH SERVICES

To be eligible as an out-of-school youth or OSY an individual must be:

- (a) Not attending any school (as defined under State law);
- (b) Not younger than age 16 or older than age 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; and
- (c) Meet one or more of the following recognized barriers:
 - (1) A school dropout;
 - (2) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter. School year calendar quarter is based on how a local school district defines its school year quarters. In cases where schools do not use quarters, local programs must use calendar year quarters;
 - (3) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner;
 - (4) An offender;
 - (5) A homeless individual aged 16 to 24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e– 2(6)), a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) or a runaway;
 - (6) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - (7) An individual who is pregnant or parenting;
 - (8) An individual with a disability; or
 - (9) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

To be eligible as an in-school youth or ISY an individual must be:

- (a) Attending school (as defined by State law), including secondary and postsecondary school;
- (b) Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21 at time of enrollment. Because age eligibility is

based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program;

(c) A low-income individual; ***and***

(d) Meet one or more of the following recognized barriers:

- (1) Basic skills deficient;
- (2) An English language learner;
- (3) An offender;
- (4) A homeless individual aged 14 to 21 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e– 2(6)), a homeless child or youth aged 14 to 21 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), or a runaway;
- (5) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- (6) An individual who is pregnant or parenting;
- (7) An individual with a disability; or
- (8) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

§ 681.310 How does the Department define the “requires additional assistance to complete an educational program, or to secure and hold employment” criterion in this part for ISY? (a) Either the State or the local level may establish definitions and eligibility documentation requirements for the “requires additional assistance to complete an educational program, or to secure and hold employment” criterion of § 681.220(d)(8). In cases where the State WDB establishes State policy on this criterion, the State WDB must include the definition in the State Plan. In cases where the State WDB does not establish a policy, the Local WDB must establish a policy in its local plan if using this criterion.

Commented [A3]: ACTION ITEM FOR BOARD

Recommendations:

- Have poor school attendance rates; or
- Have a disability that warrants a school IEP; or
- Lack job readiness skills to secure and hold employment; or
- Show basic skills deficiency in reading, math or language skills (below 8.9 grade levels); or
- Have below average grades; or
- Have been expelled from school within the past 12 calendar months; or
- Have been suspended from school at least within the past 12 calendar months; or
- Have been previously placed in out-of-home (foster care, group home, or kinship care) for more than 6 month between the ages of 14-21; or
- Are children of incarcerated parents; or

- Have dropped out of a post-secondary educational program during the past 6 calendar months;
- Have a poor work history, to include no work history
- Has a record of not being able to hold employment due to being fired, or quitting two or more jobs in the last six months
- Has a history of substance abuse
- Is a veteran
- No employment within the last 6 months

Alternative Source Documents

Eligibility criteria's may be verified through the Telephone Verification or Applicant Statement.

DRAFT

Concurrent Enrollment

As discussed in 20 CFR § 681.430, “individuals who meet the respective program eligibility requirements may participate in WIOA Title I adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. Local program operators may determine, for these individuals, the best mix of services under the youth and adult programs.” School status at time of enrollment may determine which program options are appropriate for this population because young adults who are in school are only eligible for the Title I youth program if they are 21 or younger at the time of enrollment.

Some 18 to 24 year olds may be ready for adult services due to life experiences such as having gained occupational skills through education or training, prior work experiences, adult schedules, family responsibilities, and the participant’s needs. Others need specific youth services covered in the 14 WIOA youth program elements based on characteristics such as maturity, drug and alcohol abuse, homelessness, foster care status, family abuse/neglect, literacy challenges, pregnancy, and lack of employability skills. Assessments of their skills, career-readiness, literacy, and supportive service needs should be taken into consideration when determining the appropriate program(s) for young adults.

As discussed in 20 CFR § 681.430, if a young adult’s needs can best be met by co-enrollment in the WIOA Title I youth and adult programs, “local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult programs concurrently, and ensure no duplication of services.”

Assessment Requirements

The WIOA youth program design requires an objective assessment of academic levels, skill levels, and service needs of each participant, which includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs. Assessments must also consider a youth's strengths rather than just focusing on areas that need improvement.

As discussed in 20 CFR § 681.290, "in assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals 8 with disabilities."

For purposes of the basic skills assessment portion of the objective assessment, local programs are not required to use assessments approved for use in the Department of Education's National Reporting System (NRS), nor are they required to determine an individual's grade level equivalent or educational functioning level (EFL), although use of these tools is permitted. Rather, local programs may use other formalized testing instruments designed to measure skills-related gains. It is important that, in addition to being valid and reliable, any formalized testing used be appropriate, fair, cost effective, well-matched to the test administrator's qualifications, and easy to administer and interpret results. Alternatively, skills related gains may also be determined through less formal alternative assessment techniques such as observation, folder reviews, or interviews. The latter may be particularly appropriate for youth with disabilities given accessibility issues related to formalized instruments. Local programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months.

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

Career-Related Assessments

All youth, including youth with disabilities, can benefit from participation in career assessment activities, including, but not limited to, assessments of prior work experience, employability, interests, and aptitudes. Multiple assessment tools may be necessary since there is no standard approach that will work for all youth, including youth with disabilities.

Career assessments help youth, including those with disabilities, understand how a variety of their personal attributes (e.g., interests, values, preferences, motivations,

aptitudes, and skills) affect their potential success and satisfaction with different career options and work environments. Youth also need access to reliable information about career opportunities (based on labor market information) that provide a living wage, including information about education, entry requirements, and income potential. Youth with disabilities also may need information on benefits planning, work place supports (e.g., assistive technology), and accommodations, and also may benefit from less formalized career-related assessments such as discovery techniques. These assessments may be provided directly through WIOA youth program staff, and/or through referrals to national and community-based partners and resources.

A. OBJECTIVE ASSESSMENT (OA)

All youth participants must receive an Objective Assessment (OA). The OA process collects information upon which a participant's Individual Service Strategy (ISS) will be based. The OA may be completed using a combination of structured interviews, paper and pencil tests, performance tests, work samples, behavioral observations, interest and/or attitude inventories, career guidance instruments, aptitude tests and basic skills tests.

The OA process is intended to provide information necessary for the youth to develop an ISS with realistic goals. The results of OA instruments and how the results were used to develop the ISS must be documented in the participant case file with copies of results and detailed in participant case notes. The OA must be a participant-centered, objective evaluation of the academic levels, skill levels and service needs of each participant. The OA must include a review of basic skills, occupational skills, work readiness skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), support service needs, and developmental needs of participants. The assessment process must collect information on each of the following factors for each participant:

- Family situation;
- Work history;
- Education;
- Basic literacy skills;
- Occupational skills;
- Work readiness skills;
- Interests and aptitudes;
- Attitude and motivation;
- Financial resources; and
- Basic subsistence needs.

As additional relevant information about a participant becomes available, the OA should be reviewed, re-evaluated, and updated if necessary. The participant should be re-assessed as necessary to determine further service strategies. When a participant is determined through the OA to be better served by a program other than WIOA, referral to

the appropriate program must be made and documented. If there will be a continuing relationship with that participant through additional WIOA services, the referral becomes part of the participant's service strategy and must be documented in the ISS. If there will not be a continuing relationship with the individual as the result of a referral to another program, that referral must be documented in the participant case file.

B. INDIVIDUAL SERVICE STRATEGY (ISS)

An Individual Service Strategy (ISS) is required for all WIOA Title IB youth participants. It is both a form and a continual process. The ISS must be developed in partnership with the participant. The ISS is a comprehensive service plan, based on the results of the objective assessment, that describes the employability, academic, skill training (if applicable), and supportive service needs of the participant, as well as the service strategy developed to meet those needs and achieve the employment/education goal(s). The ISS shall reflect the employability, training, and supportive service needs indicated by the objective assessment as well as the expressed interests and desires of the participant. DOL-WIA Division must ensure that decisions are participant-centered; that is, intended to enhance the employability of the participant.

DOL-WIA Division can ensure that both the participant and the staff are accountable for their responsibilities by requiring this document to be as current as possible. Staff should ensure that the employment/education goal(s), action steps, and appropriate services are kept current on the ISS. DOL-WIA Division requires documentation of the justification for the employment/education goal(s), action steps, and required services. Monitors will look for justification of the ISS during their reviews. I. The ISS shall, at minimum, address the following basic elements:

A. Employment/Education Goal

- i. Every youth participant should have one employment/education goal, at minimum, outlined in the ISS. These goals may be short-term or long-term.
- ii. Each goal and the attainment of the goal must be fully documented, including the date the goal was set and the date the goal was attained. Goal attainment must be based on an individual assessment using widely accepted and recognized measurement or assessment techniques.
- iii. Each goal must require substantial improvement in the individual's skills. The attainment of any goal must be directly related to the WIOA services provided.

B. Training and Supportive Service Needs (if applicable)

- i. This portion of the ISS must describe the participant's training needs and supportive service needs. Training needs are to be identified in the areas of basic literacy skills, occupational skills and work readiness skills. These needs are identified by comparing the information obtained in the objective assessment

process to the skills required by the participant's career, skill attainment, and employment goals.

ii. Supportive service needs of each participant, as determined through the objective assessment, must be identified.

iii. The documented needs of the participant, whether in skill training or supportive services, must include all skill deficiencies and barriers which may prevent the participant from attaining the employability goal, regardless of whether those needs will be met through WIOA or non-WIOA resources.

C. Schedule of Activities and Services

All activities and services that are planned with the participant, in response to the needs identified, must be described. This schedule must include the training and supportive services provided through WIOA resources and all non-WIOA sources. A timeline that identifies the planned beginning and ending date of each activity and service, as well as the planned program completion date, must also be included.

D. Achievement Objectives

i. Achievement objectives or benchmarks to measure progress toward the ultimate attainment of the employability goal must be included in the ISS. Such objectives should establish interim standards of success throughout the period of program participation. Examples of achievement objectives include completion of training activities, attainment of specified grade levels, completion of GED, elimination of employment barriers or other goals that are specific to the individual needs or barriers of a participant.

E. Follow-Up Services

i. The case manager must discuss the follow-up services that will track the progress of the youth after exit from the program and, based on the youth's needs, provide assistance to help the youth secure better jobs, career development and further education.

Follow-up information should be collected and entered in the Pacific Workforce System or HireMarianas. The ISS should be reviewed at least quarterly and updated as needed. A signed copy (signed by program staff and participant) must be provided to the participant and the original maintained in the participant's file or in the participant's Pacific Workforce System or HireMarianas record.

WIOA recognizes 14 program elements necessary to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for youth participants. DOL-WIA Division shall provide elements consisting of—

1. tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
2. alternative secondary school services, or dropout recovery services, as appropriate;
3. paid and unpaid work experiences that have as a component academic and occupational education, which may include—
 - (a) summer employment opportunities and other employment opportunities available throughout the school year;
 - (b) pre-apprenticeship programs;
 - (c) internships and job shadowing; and
 - (d) on-the-job training opportunities;
4. occupational skill training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with indemand industry sectors or occupations in the local area involved, if the local board determines that the programs meet the quality criteria described in section 123;
5. education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
6. leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
7. supportive services;
8. adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. follow-up services for not less than 12 months after the completion of participation, as appropriate;
10. comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;

11. financial literacy education;
12. entrepreneurial skills training;
13. services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
14. activities that help youth prepare for and transition to postsecondary education and training.

In addition to the 14 Program Elements, DOL-WIA Division shall ensure:

- Youths are provided information and referral to applicable or appropriate services that are available through the CNMI's WIOA Core Programs or other eligible providers to include training and educational programs that have the capacity to serve the participant either on a sequential or concurrent basis.
- Youth applicants not meeting enrollment is referred for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant.

DISCLOSURE:

DOL-WIA Division has the discretion to determine what specific program services a youth participant receives, based on each participant's objective assessment and individual service strategy.

DOL-WIA Division is required to provide every program service to each participant.

DOL-WIA Division will partner with existing local, State, or national entities that can provide program element(s) at no cost to the local youth program.

Program Elements Defined

TEGL 21-16

Program Element 1: Tutoring, study skills training, instruction, and dropout prevention services

In 20 CFR § 681.460 (a)(1), this is the first program element listed and includes "tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential." This program element was not further explained in the final rule. Tutoring, study skills training, and instruction that lead to a high school diploma are reported under this program element. Such services focus on providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies.

Tutoring, study skills training, and instruction can be provided one-on-one, in a group setting, through resources and workshops. Secondary school dropout prevention strategies intended to lead to a high school diploma are also reported under this program element. Secondary school dropout prevention strategies include services and activities that keep a young person in-school and engaged in a formal learning and/or training setting. Strategies include, but are not limited to tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction. On the other hand, while dropout recovery strategies that lead to completion of a recognized high school equivalency are included in both this first program element and in program element 2 in 20 CFR § 681.460 (a)(2) described below, those services are not reported under this program element. For documentation purposes, those services aimed at getting a youth who has dropped out of secondary education back into a secondary school or alternative secondary school/high school equivalency program and preparing them for high school equivalency attainment, should be counted under program element 2 (20 CFR § 681.460 (a)(2)). Furthermore, while the statutory and regulatory language for both program elements 1 and 4 (discussed below) include language discussing services leading to recognized postsecondary credentials, training services that lead to recognized postsecondary credentials should be reported under program element 4, occupational skills training to avoid duplicated reporting of services.

Program Element 2: Alternative secondary school services or dropout recovery services

This element was not further explained in the Final Rule. Under 20 CFR § 681.460 (a)(2), alternative secondary school services, such as basic education skills training, individualized academic instruction, and English as a Second Language training, are those that assist youth who have struggled in traditional secondary education. Dropout recovery services, such as credit recovery, counseling, and educational plan development, are those that assist youth who have dropped out of school. While the activities within both types of services may overlap, each are provided with the goal of helping youth to re-engage and persist in education that leads to the completion of a recognized high school equivalent.

Program Element 3: Paid and unpaid work experience

20 CFR § 681.600 further defines work experience as “a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private forprofit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Consistent with § 680.840 . . . , funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. Work experiences provide the youth participant with opportunities for career exploration and skill development.” Additional information on the employer/employee relationship may be found on DOL’s Wage and Hour Division website.

WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. As explained in 20 CFR § 681.590(b), local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum.

TEGL No. 8-15 provides further discussion of allowable expenditures that may be counted toward the work experience expenditure requirement and articulates that program expenditures on the work experience program element can be more than just wages paid to youth in work experience. Allowable work experience expenditures include the following:

- Wages/stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of work experience; and
- Employability skills/job readiness training to prepare youth for a work experience.

Supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience.

Academic and occupational education component.

As discussed in 20 CFR § 681.600, work experiences must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. The academic and occupational education component may occur inside or outside the work site. The work experience employer can provide the academic and occupational component or such components may be provided separately in the classroom or through other means. States and local areas have the flexibility to decide who provides the education component. The academic and occupational education component refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience.

Categories of work experience.

WIOA identifies four categories of work experience:

- (1) summer employment opportunities and other employment opportunities available throughout the school year;
- (2) pre-apprenticeship programs;
- (3) internships and job shadowing; and
- (4) on-the-job training (OJT) opportunities as defined in WIOA Section 3(44) and in 20 CFR § 680.700.

Two of the categories, job shadowing and pre-apprenticeship, are discussed below. Job shadowing is a work experience option where youth learn about a job by walking through the work day as a shadow to a competent worker. The job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. Youth witness firsthand the work environment, employability and occupational skills in practice, the value of professional training, and potential career options. A job-shadowing experience can be anywhere from a few hours, to a day, to a week or more. Job shadowing is designed to increase career awareness, help model youth behavior through examples, and reinforce in the youth and young adult the link between academic classroom learning and occupational work requirements. It provides an opportunity for youth to conduct short interviews with people in their prospective professions to learn more about those fields. Job shadowing can be thought of as an expanded informational interview. By experiencing a workplace first-hand, youth can learn a great deal more about a career than through research in print publications and on the Internet. As discussed in 20 CFR § 681.480, pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the National Apprenticeship Act. . . [and] referred to ... as a registered apprenticeship or registered apprenticeship program) and includes the following elements: (a) training and curriculum that aligns with the skill needs of employers

Program Element 4: Occupational skills training

As stated in 20 CFR § 681.540 of the final rule, occupational skills training is defined as an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Local areas must give priority consideration to training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area. Such training must:

- (1) be outcome-oriented and focused on an occupational goal specified in the individual service strategy;
- (2) be of sufficient duration to impart the skills needed to meet the occupational goal; and
- (3) lead to the attainment of a recognized postsecondary credential.

In addition, the chosen occupational skills training must meet the quality standards in WIOA Section 123. As discussed in 20 CFR § 681.550 “in order to enhance individual participant choice in education and training plans and provide flexibility to service providers, the Department allows WIOA Individual Training Accounts (ITAs) for OSY, ages 16 to 24, using WIOA youth funds, when appropriate.” ITAs allow participants the opportunity to choose the training provider that best meets their needs. To receive funds from an ITA, the training provider must be on the Eligible Training Provider List as outlined in § 680.400 and 680.410. ISY cannot use youth program-funded ITAs. However, ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the young adult’s individual needs, knowledge, skills, and interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program.

Program Element 5: Education offered concurrently with workforce preparation and training for a specific occupation

20 CFR § 681.630 states that this program element reflects an integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway. While programs developing basic academic skills, which are included as part of alternative secondary school services and dropout recovery services (program element 2), workforce preparation activities that occur as part of a work experience (program element 3), and occupational skills training (program element 4) can all occur separately and at different times (and thus are counted under separate program elements), this program element refers to the concurrent delivery of these services which make up an integrated education and training model.

Program Element 6: Leadership development opportunities

20 CFR § 681.520 defines this program element as opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors such as:

- (a) exposure to postsecondary educational possibilities;
- (b) community and service learning projects;
- (c) peer-centered activities, including peer mentoring and tutoring;
- (d) organizational and team work training, including team leadership training;
- (e) training in decision-making, including determining priorities and problem solving;
- (f) citizenship training, including life skills training such as parenting and work behavior training;
- (g) civic engagement activities which promote the quality of life in a community; and

(h) other leadership activities that place youth in a leadership role such as serving on youth leadership committees, etc.

Program Element 7: Supportive services

20 CFR § 681.570 describes supportive services for youth as defined in WIOA Sec. 3(59), are services that enable an individual to participate in WIOA activities. These services include, but are not limited to, the following:

- (a) linkages to community services;
- (b) assistance with transportation;
- (c) assistance with child care and dependent care;
- (d) assistance with housing; (e) needs-related payments;
- (f) assistance with educational testing;
- (g) reasonable accommodations for youth with disabilities;
- (h) legal aid services;
- (i) referrals to health care;
- (j) assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- (k) assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- (l) payments and fees for employment and training-related applications, tests, and certifications.

Program Element 8: Adult mentoring

20 CFR § 681.490 states that adult mentoring must last at least 12 months and may take place both during the program and following exit from the program and be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. The final rule also states that while group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company. Local programs should ensure appropriate processes are in place to adequately screen and select mentors. DOL acknowledges that in a few areas of the country finding mentors may present a burden to a program. While DOL strongly prefers that case managers not serve as mentors, the final rule allows case managers to serve as mentors in areas where adult mentors are sparse.

Program Element 9: Follow-up services

20 CFR § 681.580 describes follow-up services as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise.” Follow-up services may begin immediately following the last expected date of service in

the Youth program (and any other DOL program in which the participant is co-enrolled if the state is using a common exit policy as discussed in TEGL No. 10-16) when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program.

The final rule also states that follow-up services for youth also may include the following program elements:

- (1) supportive services;
- (2) adult mentoring;
- (3) financial literacy education;
- (4) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- (5) activities that help youth prepare for and transition to postsecondary education and training.

Provision of these program elements must occur after the exit date in order to count as follow-up services.

Program Element 11: Financial literacy education

20 CFR § 681.500 states that this program element may include the following activities:

- support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions
- support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards
- teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit
- support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions
- educate participants about identity theft, ways to protect themselves from identify theft, and how to resolve cases of identity theft and in other ways understand their rights and protections related to personal identity and financial data
- support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials
- support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits planning and work incentives counseling
- provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings

- implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

Program Element 12: Entrepreneurial skills training

20 CFR § 681.560 states this program element provides the basics of starting and operating a small business. Such training must develop the skills associated with entrepreneurship. Such skills may include, but are not limited to, the ability to:

- take initiative;
- creatively seek out and identify business opportunities;
- develop budgets and forecast resource needs;
- understand various options for acquiring capital and the trade-offs associated with each option; and
- communicate effectively and market oneself and one's ideas. Approaches to teaching youth entrepreneurial skills may include, but are not limited to:

(1) Entrepreneurship education that provides an introduction to the values and basics of starting and running a business. Entrepreneurship education programs often guide youth through the development of a business plan and also may include simulations of business start-up and operation.

(2) Enterprise development which provides supports and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurship education by helping youth access small loans or grants that are needed to begin business operation and by providing more individualized attention to the development of viable business ideas.

(3) Experiential programs that provide youth with experience in the day-to-day operation of a business. These programs may involve the development of a youth-run business that young people participating in the program work in and manage. Or, they may facilitate placement in apprentice or internship positions with adult entrepreneurs in the community.

Program Element 13: Services that provide labor market information

Under 20 CFR § 681.460 (a)(13), this element includes "services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services." This element is not further described in the Youth section of the final rule; however, the Wagner-Peyser regulation at 20 CFR § 651.10 provides additional information about this element under the definition of workforce and labor market information. That section defines workforce and labor market information as "the body of knowledge that describes the relationship between labor demand and supply." Numerous tools and applications that are user-friendly exist, which can be used to provide labor market and career information, as appropriate to each youth. These labor market information (LMI) tools can be used to help youth and young adults to make

appropriate decisions about education and careers. LMI identifies in-demand industries and occupations and employment opportunities; and, provides knowledge of job market expectations including education and skills requirements and potential earnings. LMI tools also can aid in facilitating youth awareness of the career fields that are likely to provide long-term employment and earnings in local labor markets. WIOA youth programs and providers should become familiar with state and federal LMI data and LMI tools, which are provided for free by agencies, in order to share relevant LMI with youth. Providing such readily available online services can be accomplished by connecting the youth with American Job Centers and other entities that have career exploration tools, ability and interest inventories, and provide related employment services. DOL electronic tools particularly relevant to youth include My Next Move and Get My Future. In addition to connecting youth to self-service LMI tools, it is important for youth providers to share and discuss state and local LMI with youth participants. In general, career awareness begins the process of developing knowledge of the variety of careers and occupations available, their skill requirements, working conditions and training prerequisites, and job opportunities across a wide range of industry sectors. The process in which youth choose an educational path and training or a job which fits their interests, skills and abilities can be described as career exploration. Career counseling or guidance provides advice and support in making decisions about what career paths to take. Career counseling services may include providing information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training (e.g., increased earning power and career mobility).

Program Element 14: Postsecondary preparation and transition activities

In 20 CFR § 681.460 (a)(14), the final program element is activities that help youth prepare for and transition to postsecondary education and training. This element is not further described in the final rule. Postsecondary preparation and transition activities and services prepare ISY and OSY for advancement to postsecondary education after attaining a high school diploma or its recognized equivalent. These services include exploring postsecondary education options including technical training schools, community colleges, 4-year colleges and universities, and registered apprenticeship. Additional services include, but are not limited to, assisting youth to prepare for SAT/ACT testing; assisting with college admission applications; searching and applying for scholarships and grants; filling out the proper Financial Aid applications and adhering to changing guidelines; and connecting youth to postsecondary education programs.

Notes:

Documenting receipt of program elements is critical to ensure that youth who are actively participating in programs do not get unintentionally exited due to 90 days of no service. All 14 WIOA youth program elements are contained in the PIRL and local youth programs should ensure that services received are reported in the applicable program element in the PIRL. 23

In addition, case management is the act of connecting youth to appropriate services and not a program element. Case managers providing case management should not be reported as one of the 14 youth program elements in the PIRL.

The exit date is determined when the participant has not received services in the Youth program or any other DOL-funded program in which the participant is co-enrolled for 90 days and no additional services are scheduled. At that point, the date of exit is applied retroactively to the last date of service. Once 90 days of no services, other than follow-up services, self-service, and information-only services and activities, has elapsed and the participant has an official exit date applied retroactively to the last date of service, the program continues to provide follow-up services for the remaining 275 days of the 12-month follow-up requirement. The 12-month follow-up requirement is completed upon one year from the date of exit.

DRAFT

SECTION 6 TRAINING PROGRAMS

6.10 INDIVIDUAL TRAINING ACCOUNTS (ITA'S)

6.20 WORK-BASED LEARNING

DRAFT

6.10 INDIVIDUAL TRAINING ACCOUNTS (ITA)

ITA is a payment agreement established on behalf of a participant with a training provider. WIOA title I adult and dislocated workers purchase training services from State eligible training providers they select in consultation with the career planner, which includes discussion of program quality and performance information on the available eligible training providers. Payments from ITAs may be made in a variety of ways, including the electronic transfer of funds through financial institutions, vouchers, or other appropriate methods. Payments also may be made incrementally, for example, through payment of a portion of the costs at different points in the training course.

DRAFT

6.20 WORK BASED TRAINING

A. On-the-Job Training Program (OJT)

OJT is defined at WIOA sec. 3(44). OJT is provided under a contract with an employer or registered apprenticeship program sponsor in the public, private non-profit, or private sector. Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training.

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

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

1. Employed Workers

OJT contracts may be written for eligible employed workers when:

- (a) The employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment, as determined by Local WDB policy;
- (b) The requirements in § 680.700 are met; and
- (c) The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Local WDB.

B. INTERNSHIPS AND WORK EXPERIENCES

For the purposes of WIOA sec. 134(c)(2)(A)(xii)(VII), an internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience

setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

C. CUSTOMIZED TRAINING

Customized training is training:

- (a) That is designed to meet the special requirements of an employer (including a group of employers);
- (b) That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and
- (c) For which the employer pays for a significant cost of the training

Coordination of Workforce Innovation and Opportunity Act training funds and other grant assistance

WIOA funding for training is limited to participants who:

- (1) Are unable to obtain grant assistance from other sources to pay the costs of their training; or
- (2) Require assistance beyond that available under grant assistance from other sources to pay the costs of such training.

Programs and training providers must coordinate funds available to pay for training. In making the determination one-stop centers may take into account the full cost of participating in training services, including the cost of support services and other appropriate costs. One-stop centers must coordinate training funds available and make funding arrangements with one-stop partners and other entities to apply the provisions of this section. One-stop centers must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other sources of training grants. A WIOA participant may enroll in WIOA-funded training while his/her application for a Pell Grant is pending as long as the one-stop center has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the one-stop center the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charges to attend training. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA participant for education-related expenses.

**SECTION 7 SUPPORTIVE SERVICES AND NEEDS
RELATED PAYMENTS**

DRAFT

7.10 Supportive Services for Adults, Dislocated Workers, and Youths § 680.900 & § 681.570

WIOA sec. 3(59) and secs. 134(d)(2) and (3) defines supportive services as services that are necessary to enable an individual to participate in activities authorized under WIOA sec. 134(c)(2) and (3). Supportive services are services that are necessary to enable an individual to participate in activities authorized under WIOA sec. 134(c)(2) and (3). These services may include, but are not limited to, the following:

- (a) Linkages to community services;
 - (b) Assistance with transportation;
 - (c) Assistance with child care and dependent care;
 - (d) Assistance with housing;
 - (e) Needs-related payments;
 - (f) Assistance with educational testing;
 - (g) Reasonable accommodations for youth with disabilities;
 - (h) Legal aid services;
 - (i) Referrals to health care;
 - (j) Assistance with uniforms or other appropriate work attire and work related tools, including such items as eyeglasses and protective eye gear;
 - (k) Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
 - (l) Payments and fees for employment and training-related applications, tests, and certifications.
- A. Eligibility § 680.910
- 1. Supportive services may only be provided to individuals who are:
 - (a) Participating in career or training services as defined in WIOA secs. 134(c)(2) and (3); and
 - (b) Unable to obtain supportive services through other programs providing such services.
 - 2. Supportive services only may be provided when they are necessary to enable individuals to participate in career service or training activities.

B. Limitations and Exemptions § 680.920

Are there limits on the amount or duration of funds for supportive services? (a) Local WDBs may establish limits on the provision of supportive services or provide the one-stop center with the authority to establish such limits, including a maximum amount of funding and maximum length of time for supportive services to be available to participants. (b) Procedures also may be established to allow one-stop centers to grant exceptions to the limits established under paragraph (a) of this section.

7.20 Needs-Related Payments § 680.930

Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs related payments a participant must be enrolled in training.

A. Eligibility

1. Adults must:
 - (a) Be unemployed;
 - (b) Not qualify for, or have ceased qualifying for, unemployment compensation; and
 - (c) Be enrolled in a program of training services under WIOA sec. 134(c)(3).
2. Dislocated worker must: § 680.950
 - (a) Be unemployed, and:
 - (1) Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
 - (2) Be enrolled in a program of training services under WIOA sec. 134(c)(3) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months; or
 - (b) Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA and be enrolled in a program of training services under WIOA sec. 134(c)(3).

B. Exemption § 680.960

A WIOA participants accepted in a training program that will begin within 30 calendar days may be provided need-related payment.

The Governor may authorize local areas to extend the 30- day period to address appropriate circumstances.

§ 680.970 How is the level of needs-related payments determined? (a) The payment level for adults must be established by the Local WDB. For statewide projects, the payment level for adults must be established by the State WDB. (b) For dislocated workers, payments must not exceed the greater of either of the following levels: (1) The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or (2) The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as

SECTION 8 ELIGIBLE TRAINING PROVIDER

8.10 DEFINITION

8.20 PURPOSE

8.30 AUTHORITY

8.40 POLICY

8.50 NEW ELIGIBILITY

8.60 CONTINUED ELIGIBILITY

DRAFT

8.10 DEFINITION

Eligible training provider

Is the only type of entity that receives funding for training services, as defined in § 680.200, through an individual training account; must be included on the State list of eligible training providers and programs; must provide a program of training services; and must be one of the following types of entities:

- (1) Institutions of higher education that provide a program which leads to a recognized postsecondary credential;
- (2) Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.); or
- (3) Other public or private providers of training services, which may include:
 - (i) Community-based organizations;
 - (ii) Joint labor-management organizations; and
 - (iii) Eligible providers of adult education and literacy activities under title II of WIOA if such activities are provided in combination with training services described at § 680.350.

Program of training services

A program of training services is one or more courses or classes, or a structured regimen, that provides the services in § 680.200 and leads to:

- (a) An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;
- (b) Consistent with § 680.350, a secondary school diploma or its equivalent;
- (c) Employment; or
- (d) Measurable skill gains toward a credential described in paragraph (a) or (b) of this section or employment.

8.20 PURPOSE

The Eligible Training Provider (ETP) program's purpose is to provide instruction, guidance and establish criteria and procedures for organizations wishing to provide training services under the Workforce Innovation and Opportunity Act of 2014 (WIOA).

DRAFT

8.30 AUTHORITY

The Department of Labor-Workforce Investment Agency Division (DOL-WIA) has the authority over the criteria, information requirements, and procedures governing the eligibility of providers and programs of training services to receive WIOA Title 1B funds for adults, dislocated workers, and youth participants in accordance to the approved WIOA 4 Year Unified State Plan.

The DOL-WIA is responsible for:

- (1) Ensuring the development and maintenance of the State list of eligible training providers and programs;
- (2) Ensuring that programs meet eligibility criteria and performance levels established by the State, including verifying the accuracy of the information;
- (3) Removing programs that do not meet State-established program criteria or performance levels;
- (4) Taking appropriate enforcement actions against providers that intentionally provide inaccurate information, or that substantially violate the requirements of WIOA and
- (5) Disseminating the State list of eligible training providers and programs, accompanied by performance and cost information relating to each program to the public.

8.40 POLICY

Providers of training services are required to be on the Eligible Training Provider List (ETPL) in order to receive WIOA Title I Adult, Dislocated Worker and Out-of-School Youth funding. Training services are provided through Individual Training Agreements (ITA). Eligible training providers allowed to receive ITAs are included in the following categories:

- Category 1: An institution of higher education with a program resulting in a recognized post-secondary credential.
- Category 2: An entity with programs registered under the National Apprenticeship Act.
- Category 3: A public or private provider of a training service program, including joint labor-management organizations and eligible providers of adult education and literacy activities under Title II, if such activities are provided in combination with occupational skills training.

A provider described in category 1 or category 3 must comply with these procedures to be included on the ETPL. Category 2 is exempt from eligibility and may be included and maintained on the list while the corresponding program of the provider remains a registered apprenticeship program.

Types of Training to Which These Procedures Apply (WIOA Section 134)

In order for a provider of training services to receive WIOA funds, its program(s) must be listed on the ETPL. These programs may provide training services, such as the following:

- a) Occupational skills training, including training for non-traditional employment and occupational skills training that integrates English-language and math instruction needed to succeed on the job.
- b) Programs that combine workplace training with related instruction, which may include cooperative education programs.
- c) Training programs operated by the public, private for profit, or private non-profit sector.
- d) Skill upgrading and retraining.
- e) Entrepreneurial training.
- f) Apprenticeship and Pre-apprenticeship Skills Training.

EXEMPTIONS:

Apprenticeship programs registered under the National Apprenticeship Act are exempt from initial eligibility procedures. Registered apprenticeship programs must be included and maintained on the State list of eligible training providers and programs as long as the program remains registered.

Note: The Registered Apprenticeship Program or RAP is under development in the CNMI.

There are some training programs that are exempt from direct application to the ETPL or are subject to special ETPL policy provisions. These exceptions include the following:

a) On-the-Job Training.

b) Customized Training (as defined by the WIOA) or Work Experience Sponsors.

c) Incumbent worker training or transitional employment.

d) Instances where the SWDB determines the following:

1. There is an insufficient number of eligible providers of training services in the local area.
2. An exception is necessary to meet the needs of individuals with barriers to employment.
3. That it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations.

Commented [f4]: DAVE: SHOULD WE REMOVE THIS AS AN EXCEPTION

8.50 INITIAL ELIGIBILITY REQUIREMENTS

Initial eligibility for DOL-WIA Division ETPL applies to all training providers, with the exception of those listed in the Exemptions.

To meet initial eligibility, a training provider or institution must

1. Have current accreditation status through an accrediting body recognized by the Department of Education.
2. Train for jobs that are considered in-demand and listed in the approved WIOA 4 Year Unified State Plan.
4. Institution must comply with DOL-WIA performance requirements. Performance is reviewed each program year (July 1- June 30th) on a per program basis; DOL-WIA will publish a quarterly report to all approved providers for use in tracking their performance. DOL-WIA reserves the right to remove training programs that do not meet minimum performance and/or training providers who demonstrate trends of underperformance. New programs will have a maximum of 18 months to demonstrate compliance with required metrics. New program is defined as a course that has not previously been offered to the public through the institution as part of the ETPL.

Minimum Performance Goals for Program Year 2017 – 2018 are as follows:

- Completion Rate: 70%
- Entered Employment/Placement Rate*: 60%
- Placement Wage: State minimum wage
- Performance for ABE and HISET (high school equivalency) courses must meet these minimums:
- Completion Rate: 70%

These courses are considered remedial and do not provide credentials leading to employment.

5. Training must result in the awarding of an industry-recognized credential, national or state certificate or degree, including all industry appropriate competencies, licensing and/or certification requirements. Providers must demonstrate as part of the initial eligibility process the mechanism for awarding such credentials, certificates and/or degrees. Regardless of whether the provider's program requires a third-party certification for credential attainment/national or state certificate award, the provider is responsible for appropriately reporting such attainment to DOL-WIA. Copies of credentials/certificates must be made available to DOL-WIA, if requested.
6. The course fees must be competitive with similar courses offered in the region. DOL-WIA reserves the right to request supporting documentation to demonstrate a cost comparison within the region. Note that to ensure the best use of funds, DOL-WIA gives preference to quality programs available for free or low cost to the community.

7. Tuition costs must be equal to or less than the published rate on the institution website or catalog. If textbooks, class fees, or other materials are not included in the published rate, institution must provide a breakdown of additional costs to DOL-WIA as part of the application package.

8. Institution must have been in operation for at least six months as of the date of application and must be able to provide proof of financial solvency without the need for subsidy from WIOA training funds. DOL-WIA reserves the right to request financial documentation which includes Profit & Loss, Balance Sheet, and Statement of Cash Flow. For previously approved providers, DOL-WIA may require a declaration of the percentage of total organizational income made up by WIOA ETPL funding.

9. Institution must comply with all the equal opportunity and nondiscrimination requirements under WIOA Section 188 and are required to attest in their applications that they will ensure compliance. This includes compliance with grievance and criminal activity reporting requirements.

10. Institution must meet the following requirements:

- a. Not debarred from doing business with the Federal Government as per the System for Award Management (SAM.org) database governing acquisitions.
- b. Provide DOL-WIA written documentation of any changes to accreditation status or approval to operate.
- c. Post current year fact sheet on the website.
- d. Provide advance notice of price changes to DOL-WIA.
- e. Adhere to routine compliance and review requirements from DOL-WIA.

11. Approved providers may enter into agreements with training organizations to deliver content on their behalf. In doing so, the approved provider accepts all liability and certifies that the program, meets the approved providers's requirements for content and instructors as well as all other DOL-WIA policies and procedures. The approved provider is the sole contact for DOL-WIA. Approved providers must notify DOL-WIA of any program that will be delivered by training organizations or other third parties. DOL-WIA reserves the right to audit or review any course or instructor qualifications at any time.

ETPL INITIAL ELIGIBILITY PROCESS

The following outlines the process for training providers and programs to be listed on the ETPL:

1. Training providers interested in applying to become part of the ETPL must complete and sign an application.
2. DOL-WIA will review all submitted materials, request clarification or follow up as necessary and confirm that the organization is not debarred from doing business with the federal government.
3. Confirmation of approval or denial will be issued within 30 days from the receipt of the application.
4. Once DOL-WIA approves a program(s), the program becomes visible to the WIOA Core Programs (DOL-WIA, NMC-ABE, and OVR) and is accessible to the general public.

Note that DOL-WIA makes no guarantees of minimum enrollments for approved programs or providers. Enrollments of participants in DOL-WIA ETPL programs are dependent on funding and participant training needs.

5. Training programs must meet subsequent eligibility requirements (as describe below in the Subsequent Eligibility section) after one year of being on the ETPL to remain on the list. Programs are also subject to annual compliance reviews.
6. Programs that do not meet subsequent eligibility requirements are subject to delisting from the DOL-WIA ETPL (as described below in the Denial, Delisting and Appeals section).

Important Note: DOL-WIA gives priority to high quality training which is available free of charge or at low coast to individuals. Additionally, Individual Training Account (ITA) expenditures through the ETPL are limited by DOL-WIA's current Individual Training Account policy, which is currently set for \$5,000 as approved by the SWDB. These limits may change as needed.

Commented [f5]: WHAT LIMIT SHALL WE SET?

8.60 CONTINUED ELIGIBILITY PROCESS

DOL-WIA will evaluate all programs on the ETPL annually to ensure that they continue to meet eligibility requirements beyond the period of initial eligibility. This determination is called “subsequent eligibility.” DOL-WIA's review will include but not be limited to:

- a) Performance Scorecard – To be made available to ETPL providers quarterly and reviewed by DOL-WIA. Scorecard will include enrollments, completion rate, credential attainment rate, entered employment rate, and median wage data. Training providers may be delisted if performance metrics are not met for the year.
- b) Proof of Compliance – Organizations will be required annually to submit proof of accreditation, changes in course costs and financial solvency. DOL-WIA will also take into consideration timely notification of changes and general responsiveness. Organizations which have become debarred from doing business with the Federal Government will be removed from the ETPL.
- c) Customer Satisfaction Surveys – Surveys will be sent to each participant upon completion of their program. Data will be reviewed for trends by program as well as across training providers.
- d) DOL-WIA Feedback – WIOA Director or other designated staff will provide feedback on the training providers they have worked with during the year. This will focus on information such as accuracy of information, responsiveness, refunds process, etc.
- e) Site Visits –DOL-WIA will perform an onsite review of the training facility, interview staff and participants. This review will focus on areas such as accessibility, cleanliness, and compliance with requirements. Site visit reports will be issued documenting all findings; provider will have 30 days to address any deficiencies and may be de-listed if appropriate action is not taken. A copy of the site visit checklist will be provided in advance of each visit.
- f) Market Review — DOL-WIA will review tuition and fees for each course and similar courses in the area to determine that fees are competitive and match ITA payments.

OUT OF STATE/ONLINE PROVIDERS

Providers outside of the Commonwealth of the Northern Mariana Islands who have in-state training facilities may provide training services in the CNMI but will be required to comply with the eligibility requirements outlined in this policy. Providers which deliver content fully online will be looked at on a case-by-case basis.

PRICE CHANGE

The original price of the training program submitted with the approved program application must be used for the duration of the program unless the provider submits a request to DOL-WIA with the reason for the change. The new price will take effect after DOL-WIA approves the price change. If Provider makes a price change without approval, DOI-WIA reserves the right to delist the program or limit reimbursement to the approved price.

REFUNDS

Training providers are required to refund to DOL-WIA all or a portion of the cost of the training if a participant does not complete the program. If a provider has a tiered (i.e. allows for full and/or partial refunds depending on portion of program completed) drop and refund policy which has been approved by the accrediting body and is publically available to all perspective students, that policy may be used; however, a copy must be provided to DOL-WIA for review and approval. If the provider does not have a drop and refund policy in place and/or the drop and refund policy is not tiered (i.e. does not allow for full and/or partial refunds depending on portion of program completed) the provider must adopt and publish the below refund policy:

Enrollment/Participation Status	Refund Level
Registered but did not start program	No payment will be made to provider
Attended 7 days or fewer	Full refund
Attended less than 75% of program	Partial refund
Attended 76%-100% of program	No refund required

Failure to appropriately refund DOL-WIA, or significant delays in issuing refunds, may result in removal from the ETPL. If an accredited, approved provider chooses to work with a third party to deliver any services using WIOA funds, that third party is also subject to the above drop and refund guidance. All refunds will be coordinated through the approved provider only. DOL-WIA will NOT work directly with any third parties. The approved provider is responsible for any and all resolution required with its third parties.

8.70 DENIALS

DOL-WIA may deny a new application for a provider or program (“initial eligibility”) if:

- The provider and/or its program(s) fail to meet the minimum criteria for initial listing as specified in section Initial Eligibility Requirements above;
- The application from the provider is incomplete;
- The provider intentionally supplied inaccurate information; or
- The provider substantially violated any WIOA requirement(s) or is debarred;
- The program needs, funding or convenience do not require the service;
- The training program is available for free or lower cost from another source in the community.

The following outlines processes for notices related to denials:

- If DOL-WIA denies a provider’s initial application for listing on the ETPL, DOL-WIA shall, within thirty business days of receipt of the application, inform the provider in writing and include the reason(s) for the denial.
- If DOL-WIA denies a provider’s program list on the ETPL, DOL-WIA must within 30 days of receipt of the recommendation, inform SWDB of the denial and reason(s) for the denial.
- If DOL-WIA, in consultation with SWDB, determines that a provider intentionally supplied inaccurate information, or substantially violated any WIOA requirement(s), DOL-WIA shall terminate the eligibility of the provider, remove the provider from the ETPL and deny the provider’s eligibility to receive funds under WIOA section 133(b) for at least two (2) years, or take other action as deemed appropriate.

DELISTING

DOL-WIA may delist from the ETPL a previously approved provider or program (“subsequent eligibility”) for any of the following reasons:

- The training provider did not maintain the minimum performance criteria for subsequent eligibility;
- The training provider is now debarred from doing business with the Federal Government;
- The training provider failed to meet reporting requirements

- At least 5 WIOA participants have not enrolled in the training program for the previous program year (July 1 through June 30);
- The training provider lost its accreditation and/or license;
- The training provider has experienced fraud, malfeasance or other illegal activity involving WIOA funds or participants;
- The training provider has not complied with Equal Opportunity and Nondiscrimination guidelines;
- Customer satisfactions surveys demonstrate a history of challenges with the program or provider;
- The training provider has a history of failure to provide refunds as required under the policy;
- DOL-WIA program needs, funding or convenience no longer require the service;
- The training program is available for free or lower cost from another source in the community.

REACTIVATION

DOL-WIA may reactivate a program previously removed from the ETPL if the training provider makes a written request to DOL-WIA WIOA Director to reactivate the program and demonstrates compliance with all eligibility requirements. Note that reactivation is at the discretion of DOL-WIA WIOA Director.

8.80 APPEALS PROCESS

Training providers wishing to appeal DOL-WIA's denial/de-listing must submit the appeal to SWDB within 30 days of the issuance of the denial/de-listing notice.

The appeal must be in writing and include

- a) name of training provider
- b) training program (s) impacted
- c) training provider point of contact
- d) point of contact phone and email e) a statement of the desire to appeal
- f) reasons for the appeal, including documentation supporting the grounds for the appeal
- g) signature of the appropriate training provider official.

All appeals must be submitted to one of the following:

Electronic:

Mail:

CNMI SWDB
Caller Box 10007
Saipan, MP 96950

The SWDB will conduct an initial, informal hearing with the provider and any additional parties with the purpose of identifying a solution to resolve the dispute. The SWDB will provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days in advance of the scheduled hearing. Final decisions will be made within 60 days of receipt of the appeal and the provider will be notified in writing of the final decision.

POLICY CHANGES

DOL-WIA will update this policy based on changes to the Federal and State laws, regulations and guidance, training program performance data, local economic and labor market conditions and/or other local priorities.

REFERENCES

- WIOA (Public Law 113-128) Section 122 (a) through (f) •
- Title 20 Code of Federal Regulations (CFR) “WIOA, Notice of Proposed Rule Making” (NPRM), Sections 680.400 – 680.530
- Training and Employment Guidance Letter (TEGL) 41-14, WIOA Title I Am training Provider Transition (June 26, 2014)

DRAFT

SECTION 9 RAPID RESPONSE

DRAFT

9.10 PURPOSE OF RAPID RESPONSE

Rapid Response is a United States Department of Labor (USDOL) grant program established through the Workforce Innovation and Opportunity Act (WIOA). Rapid Response enables each state to provide front-line assistance to employees who are laid off through no fault of their own, known as “dislocated workers.” The Program provides a pro-active response to company layoffs and plant/facility closures in which a state’s Dislocated Worker Unit or Rapid Response team coordinates services to aid dislocated workers and companies affected by closures/layoffs. Rapid Response enables states to provide on-site services, at no cost to the employer, to assist with minimizing the disruptions associated with job loss as well as assisting the dislocated worker in obtaining reemployment as soon as possible.

I. Eligibility

Rapid Response services are offered by federal law to companies when 50 or more employees become dislocated workers. The State makes an effort to extend these services to respond to displacements of 25 or more employees. The event resulting in the job loss may be a closing, a layoff, or reorganization. If a company moves out of the CNMI or out of the United States, those employees are “dislocated workers” and would be eligible for Rapid Response. If the company moves overseas, the workers may qualify for additional assistance under the Trade Act.

II. Activities

Rapid Response is provided through DOL-WIA Division and is coordinated at the state level by Rapid Response Coordinators (RRC). These teams of local workforce representatives and RRC offer options, resources, and information to aid the employer and the workers as they go through this transition. Rapid Response activities begin by contacting the company and arranging an initial meeting. These employer meetings help determine whether the layoff can be avoided and what services will be made available to the employees if it cannot. If the layoffs cannot be avoided, the RRC and DOL-WIA Division staff will share with the dislocated workers the services and resources available to them including training opportunities through WIOA, and other forms of hardship assistance.

III. State Responsibilities

DOL-WIA Division serves as the State’s Dislocated Worker Unit. When a layoff occurs, the company notifies the Secretary of Labor of the impending dislocation. DOL-WIA Division, through its RRC teams will then coordinate with DOL-Employment Services Division in which the layoffs will occur. The state’s responsibility is largely to coordinate the meetings, the provision of services, and to follow up with all necessary parties as necessary.

Rapid Response Coordinators are also responsible for bringing additional partners into the Rapid Response team. This includes developing relationships within the private sector and community partners. RRC's should discover and develop relationships with businesses and organizations to assist in responding to dislocations. If a RRC is aware of businesses which are seeking to hire employees or looking to locate to the area, it may be possible to transfer the dislocated workers into these new roles to minimize the impact of the layoff. Rapid Response Coordinators are further responsible for the following duties:

- Manage layoffs of 25+ workers
- Contact employers within 48 hours of notice of layoff
- Maintain confidentiality
- Respond to natural disaster situations and work with other local government divisions and organizations
- Provide assistance with filing worker petitions for Trade Certification and Benefits
- Make presentations to employers and employees
- Coordinate with local economic development staff

IV. DOL-WIA Division Responsibilities

DOL-WIA Division can provide access to WIOA services including core services such as labor market information, skill assessments, job search assistance, and resume advice. If DOL-WIA Division determines there is a need, they can also enroll the dislocated worker in intensive and training services to provide skill upgrading and certification in local demand occupations.

For Rapid Response, DOL-WIA and Employment Services Division will provide much of the front line services that the dislocated workers will need. Although the RRC will coordinate all the necessary services, the job of DOL-WIA and Employment Services Division will be to assist in giving presentations, providing workshops, and assisting the dislocated workers in accessing other necessary services. DOL-WIA and Employment Services Staff are responsible for the following:

- Notify Secretary of Labor of layoff events for which WARN notice has not been filed
- Respond to layoffs of 25+ workers
- Contact employer within 48 hours of notice of layoff when appointed as lead representative
- Make presentations to employers and employees
- Facilitating workshops on job search techniques, interviewing skills, resume building, salary negotiation, etc.
- Job development training
- Coordination with GDOL to provide Unemployment Insurance (UI) Claims assistance Trade service assistance
- Provide referral for various services

- Individual and group counseling
- Perform skills assessment and case management
- Review Labor Market Information (LMI) and match to job openings
- Regional group meetings to work with partners in assisting Dislocated Workers (DW)
- Interact at job fairs, expos and opportunities fairs

V. Other Community Partners

In addition to the Rapid Response Coordinator and Department of Labor staff, there are multiple community partners which may be able to support a layoff event. It is the job of both RRC's and DOL to develop relationships with many of these partners to strengthen the economic community. Business partners can assist in averting or minimizing the impact of a dislocation event while community partners can help with financial or emotional support during the transition period. Partners which can aide in responding to a layoff include:

A. CSC-Office of Personnel Management (OPM)

B. Northern Marianas Trades Institute (NMTI) provides training opportunities through technical programs or certificates or adult education.

C. Saipan Chamber of Commerce will have a strong network of businesses and business leaders that will be knowledgeable about economic conditions and opportunities.

D. Department of Commerce-Small Business Administration (SBA)

E. Hotel Association of Northern Mariana Islands (HANMI)

9.20 DISCOVERING THE NEED FOR RAPID RESPONSE

I. Worker Adjustment and Retraining Notification

In general, employers are covered by WARN if they have 100 or more employees. This does not count employees who have worked less than 6 months in the last 12 months AND does not count employees who work an average of less than 20 hours a week. Federal, state, and local government entities which provide public services are not covered. WARN notices must be filed if an eligible company lays-off:

- 50 workers at a single site of employment; or
- 100 or more workers who work at least a combined 4,000 hrs/wk; or
- 500 or more workers during a 30-day period; or
- Any number of workers that constitutes 1/3 of the total active workforce (for companies >100 employees)

More information on the WARN Act can be found at <http://www.doleta.gov/layoff/warn.cfm>

II. Non-WARN Events

Not all layoff events will be covered by WARN. These are instances in which a company is not large enough to fall under WARN guidelines, or a WARN eligible company is not laying off enough workers to trigger a WARN event. In either instance, Rapid Response services may be provided if the company reaches out to DOL-WIA Division. Although WARN is required for layoffs of 50 or more workers, The Department of Labor will engage any dislocation event in which 25 or more workers are being laid off. These workers receive the same access to services as WARN eligible events.

III. Events Triggered Without WARN

There may be instances in which a layoff occurs without a 60-day notice through WARN. In these instances, the company may have failed to file the notice, or may have been unable to foresee the circumstances that required the layoff (such as plant closure, bankruptcy, or natural disaster). RRC's may discover these events through local media or other form of communication. In these cases, the RRC should reach out to the business and determine if Rapid Response services should be activated.

IV. National or State Emergency

When there is a state or national emergency, The Federal Emergency Management Agency (FEMA) is the lead agency working with state agencies, utility companies and volunteer organizations to coordinate disaster response and recovery activities to serve its citizens. RRCs will contact DOL-WIA Division to offer Rapid Response services as needed in that area.

V. Trade Adjustment Assistance

Trade Adjustment Assistance (TAA) is a program, administered through partnership with state and local agencies that helps American workers whose jobs have moved out of the country or have been affected by imports. Trade benefits and services help affected workers return to work as quickly as possible.

How do workers become eligible to receive Trade benefits?

In order for workers to obtain TAA services and benefits, a petition must be filed with and approved by the U.S. Department of Labor. A company official, three employees, a union official, or state workforce agency staff may file the petition. Refer to <http://www.doleta.gov/tradeact> for additional information, including the petition application process. Information on TAA may be found on the U.S. Department of Labor Employment and Training website (www.doleta.gov).

How does the RRC know when a Trade petition is certified?

The RRC will be in communication with DOL-ETA Regional Trade staff. Communication begins when the RRC enters WARN information into the WARN. Each WARN notice should be forwarded to the appropriate Regional Trade Coordinators and other USDOL staff. Regional office will notify DOL-WIA or Employment Services Division on TAA certifications. Additionally, RRC can check the USDOL website for a list of trade petitions.

How are affected workers notified about Trade?

The RRC works with TAA staff to ensure workers are notified about the benefits and services as soon as possible so they can meet the application deadline for training enrollment or training waiver eligibility. If not enrolled in TAA approved training, or if not waived from the training enrollment requirement by the deadline, the worker will not be eligible for Trade Readjustment Assistance (TRA). Consult the Trade Act Handbook for additional information about this and other important deadlines.

Who conducts the Trade information session(s)?

When a company is Trade certified, the RRC notifies the staff, and solicits their participation in upcoming Trade information session(s). The Department of Labor staff, with the assistance of the RRC and WIOA representative, is responsible for presenting an overview of Trade benefits and services. Claims may also be filed at the information session. State TAA staff provides technical support to local staff and customers, answer questions about the benefits and services, and may also participate in the information sessions. The Trade session may be held at the company or at DOL offices.

What Trade services are potentially available to workers?

- TAA includes reemployment services, income support, job search allowances, relocation allowances, training, Health Coverage Tax Credit, and case management services.
- TRA (Trade Readjustment Allowance) provides weekly income support payments while participants are enrolled in full-time training approved by State TAA staff.
- HCTC (Health Coverage Tax Credit) is a tax credit administered by the IRS and currently pays 72.5% of qualified health insurance premiums. This percentage is determined by the IRS and is subject to change.
- ATAA (Alternative Trade Adjustment Assistance) allows workers age 50 or older to accept work at a lower wage and be paid a subsidy that is 50% of the difference in the wages earned at the new job and what they earned at the Trade-affected company. ATAA participants are not eligible for training.
- RTAA (Reemployment Trade Adjustment Assistance) is similar to ATAA but differs in that participants may elect to work and attend training.

9.30 LAYOFF AVERSION

CNMI's layoff aversion strategy also focuses on incumbent worker training. In some situations, it may be possible to prevent a layoff from occurring by offering skills upgrading of the current workers into new positions. Similarly, it may be possible to provide a training program to transfer employees from a company experiencing a layoff into positions with a new company. This strategy would seek to minimize the dislocation period of the worker. A necessary component of CNMI's layoff aversion strategy is flexibility. The state's layoff aversion policy has been crafted to comply with federal regulations regarding layoff aversion and the use of funds for incumbent worker training. This policy also allows the greatest flexibility for DOL-WIA Division to utilize resources in the most efficient manner for their workforce. Appropriate use of layoff aversion resources must meet the criteria outlined below.

I. Conditions Suggesting Intervention

There are multiple signs that a business may benefit from intervention. A layoff aversion strategy may be implemented if one or more of the following conditions are met:

- The company has experienced a layoff in the previous 12 months
- A reduction or discontinued production due to declining sales
- The company has petitioned for bankruptcy in the previous 12 months
- A sale or change of ownership
- The industry is experiencing adverse conditions or lost market shares
- The company supplies an industry experiencing adverse conditions
- Reduction in hours or number of shifts
- Significant turnover especially among management positions
- Changes in taxes or regulations
- A lack of necessary skills in the local workforce
- Declining sales
- Expansion of physical operations or production lines
- Non-Competitive wages
- Other conditions attested to by ownership

II. Requirements for Layoff Aversion

If at least one condition is present to suggest an action may be appropriate, such action may only be taken if each of the following conditions are met:

- Must have been doing business in the state for at least the last 12 months
- Current on all state and local tax obligations
- Must not have violated any OJT contract provisions with DOL-WIA Division
- Employee training must be needed and identified
- Must guarantee continued employment and no reduction in pay
- Training is designed to address a specific skills gap requiring the intervention

III. Program Design and Request for Funds

Layoff Aversion programs should be designed based upon the needs of the company. Some options for layoff aversion include incumbent worker training, short term compensation, feasibility studies, or other WIOA approved activity.

DOL-WIA Division must, for the purpose of layoff aversion programs, submit a detailed request to SWDB including:

- The number of participants
- The nature of the training and demonstrated skills gap
- An explanation for the need for any applicable training
- Detailed and itemized budget
- Timeline for the use of funds
- Demonstration as to the need for statewide funds rather than local Rapid Response Allocation

9.40 COORDINATING A LAYOFF

When a written WARN or layoff notice is received, the Rapid Response representatives from the CNMI Department of Labor are responsible for coordinating all aspects of Rapid Response services. This includes contacting the employer, scheduling the employer meeting, scheduling the employee meeting(s), and gathering all necessary partners. The first action is to forward the WARN or layoff notice to the appropriate agency. The designated RRC should also make contact with the Department of Labor Rapid Response representative to determine the lead facilitator for all activities. The designated entity should then contact the employer within 48 hours of receipt of the WARN or layoff notice. The following information needs to be gathered:

- Verify the layoff/closure to determine when it is going to occur or if it has already occurred. Could there be a recall? If so, when?
- Ask about the reason behind the layoff or closing. Be aware of any potential Trade issues because they would affect the services offered.
- Note any possible layoff aversion opportunities, especially whether the employer is considering alternative ownership.
- Verify the number of impacted workers and if all will be laid off all at one time or in phases.
- Verify if/when the affected employees will be notified of the impending separation.
- Confirm that the employer understands that the WARN notice is public information and will be displayed on www.georgia.org no less than sixty (60) days before the layoff date, unless the employer wishes for the notice to be made public earlier.
- Ask about the presence of unions and collective bargaining agreements, including any bumping rights.
- Ask for the name and contact information of the union representative.
- Ask about the industry and impacted occupations.

Then collect LMI on the local economy and identify job opportunities in the same or similar industries.

- Ask for meeting options, days and times, when RRC and WIA reps can meet with employer to discuss services and resources.
- Consult with WIA reps to determine the best meeting date and time.

The RRC then confirms this appointment with the employer, facilitates the meeting, and is the point of contact for the employer.

SECTION 10 PERFORMANCE ACCOUNTABILITY

4.10 BACKGROUND

4.20 PRIMARY INDICATORS OF PERFORMANCE

DRAFT

10.10 BACKGROUND

Section 116 of WIOA establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of States and local areas in achieving positive outcomes for individuals served by the workforce development system's six core programs. These six core programs are the Adult, Dislocated Worker, and Youth programs, authorized under WIOA title I and administered by DOL; the Adult Education and Family Literacy Act (AEFLA) program, authorized under WIOA title II and administered by ED; the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III and administered by DOL; and the Vocational Rehabilitation (VR) program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV and administered by ED. WIOA provides a historic opportunity to align performance-related definitions, streamline performance indicators, integrate reporting, and ensure comparable data collection and reporting across all six of these core programs, while also implementing program-specific requirements related to data collection and reporting.

10.20 Primary Indicators of Performance.

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

A. Employment Rate – 2nd Quarter After Exit:

The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program (for title I Youth, the indicator is the percentage of participants in education or training activities, or in unsubsidized employment during the second quarter after exit);

B. Employment Rate – 4th Quarter After Exit:

The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program (for title I Youth, the indicator is the percentage of participants in education or training activities, or in unsubsidized employment during the fourth quarter after exit);

C. Median Earnings – 2nd Quarter After Exit:

The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program;

D. Credential Attainment:

The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program;

E. Measurable Skill Gains:

The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:

1. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
2. Documented attainment of a secondary school diploma or its recognized equivalent;
3. Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards²;
4. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
5. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

F. Effectiveness in Serving Employers:

WIOA sec. 116(b)(2)(A)(i)(VI) requires the Departments to establish a primary indicator of performance for effectiveness in serving employers. The Departments are piloting three approaches designed to gauge three critical workforce needs of the business community.

Approach 1 – Retention with the same employer – addresses the programs' efforts to provide employers with skilled workers;

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

Approach 3 – Employer Penetration Rate – addresses the programs' efforts to provide quality engagement and services to all employers and sectors within a State and local economy.

EXCLUSIONS FROM PERFORMANCE INDICATORS

EXCLUSIONS FOR TITLE I ADULTS AND DISLOCATED WORKERS PROGRAM (TEGL 10-16 Change 1)

- The participant exits the program because he or she has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during the course of receiving services as a participant.
- The participant exits the program because of medical treatment and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program. The participant is deceased.
- The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
- The participant, who was determined to be eligible for program services, is later determined not to have met the program's eligibility criteria. This exclusion applies only to the VR program, in which participant eligibility is routinely revisited during the participation period. For example, in the VR program, an individual may be presumptively eligible in accordance with program regulations and later the individual is found to be too severely disabled to benefit from VR services. As another example, a participant may decide, after receiving some services, to pursue sheltered employment. Because an individual must pursue an employment outcome, and sheltered employment does not meet the definition of an employment outcome for purposes of the VR program, this individual would be determined to be no longer eligible for the VR program. For titles I, II, and III, program eligibility is determined at the time an individual becomes a participant and such eligibility is not revisited during the individual's participation in the program.

EXCLUSIONS FOR WIOA TITLE 1 YOUTH PROGRAM
(TEGL 10-16 Change 1)

- The participant exits the program because he or she has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during the course of receiving services as a participant.
- The participant exits the program because of medical treatment and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program. The participant is deceased.
- The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
- The participant is in the foster care system as defined in 45 CFR 1355.20(a), and exits the program because the participant has moved from the local workforce area as part of such a program or system.

CNMI's PERFORMANCE TARGETS

	PY 2016	PY 2017
WIOA Adult		
Employment 2 nd quarter after exit	30.0%	33.0%
Employment 4 th quarter after exit	30.0%	33.0%
Median earnings in the 2 nd quarter after exit	\$2,700	\$2,900
Credential attainment rate	63.0%	66.0%
WIOA Dislocated Worker		
Employment 2 nd quarter after exit	30.0%	33.0%
Employment 4 th quarter after exit	30.0%	33.0%
Median earnings in the 2 nd quarter after exit	\$2,700	\$2,900
Credential attainment rate	63.0%	66.0%
WIOA Youth		
Education or training activities or employment in the 2 nd quarter after exit	35.0%	38.0%
Education or training activities or employment in the 4 th quarter after exit	35.0%	38.0%
Credential attainment rate	72.0%	75.0%

Note:

DOL-WIA Division is currently negotiating the Performance Targets with USDOL-ETA for all WIOA Title I Programs and is subject to change. The Manual will be updated by DOL-WIA Division.