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OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #XX-2017

TO: Workforce Development Board Chairs
Workforce Development Board Staff
Workforce Development Fiscal Agents

FROM: Erin E. Risley-Baird, Executive Director

DATE: October XX, 2017

SUBJECT: Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA

PURPOSE: The Oklahoma Office of Workforce Development (OOWD), as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity, provides this issuance as guidance to the workforce system on delivering services under the WIOA Title I Adult and Dislocated Worker programs and individuals served by the Wagner-Peyser Act Employment Service (ES) program, as amended by WIOA Title III, under the WIOA Final Rule.

REFERENCES:

- The Workforce Innovation and Opportunity Act of 2014, Titles I and III
- 20 CFR § 678
- 20 CFR § 680
- 20 CFR Preamble, Subpart E Section 680.610
- TEGL No. 19-16
- TEGL No. 10-09
- TEGL No. 10-16 and TEGL 10-16, Change 1
- TEGL No. 22-04 and TEGL 22-04, Change 1
- TEGL No. 41-14 and TEGL 41-14, Change 1
- TEGL No. 15-12
- Oklahoma Workforce Development Issuance (OWDI) #15-2017
- 38 U.S.C. 4213
- Section 101 of Title 10, United States Code
- 29 USC §§ 3101 - 3361

RESCISSIONS OWDI #06-2016	EXPIRATION DATE Continuing
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BACKGROUND: The Workforce Innovation and Opportunity Act (WIOA) provides for a workforce system that is customer centered, accessible to all job seekers, and training that is job-driven. The Adult, Dislocated Worker, and ES programs, as required WIOA partners, provide training and employment services in the American Job Center network, known in Oklahoma as Oklahoma Works One-Stop Centers. Under WIOA, partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs, collaborate to create a seamless customer-focused network that integrates service delivery across all programs, allowing for easier access to the services Oklahomans need to obtain skills and employment.

MESSAGE: This Oklahoma Workforce Development Issuance (OWDI) is intended to provide guidance to the Oklahoma workforce system on providing Adult and Dislocated Worker program services under WIOA Title I, and individuals served by Wagner-Peyser, as amended by WIOA Title III.

Adult means an individual who is age 18 and over.

Dislocated Worker (DLW) means an individual who meets the requirements of one of the following categories:

Category 1: Recently Dislocated

An individual in this category:

- has been terminated or laid off, or has received a notice of termination or layoff, from employment, including a separation notice from active military service (under other than dishonorable conditions);
- is eligible for or has exhausted entitlement to unemployment compensation; or
- has been employed for a duration sufficient to demonstrate, to the appropriate entity at an Oklahoma Works One-Stop Center as described in WIOA section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state's Unemployment Insurance (UI) law; and
- is unlikely to return to a previous industry or occupation.

Category 2: Plant Closure or Substantial Layoff

An individual in this category:

- has been laid off, or has received a notice of layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, military installation or enterprise;
- is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
- for purposes of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close.

Category 3: Loss of Self-Employment Income

An individual in this category:

- was self-employed (including employment as a farmer, a rancher, a fisherman, or an independent contractor or consultant not technically an employee of a firm or agency); and
- is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

Category 4: Displaced Homemakers

An individual in this category:

- is no longer supported by income from a family member; and
- is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

Category 5: Military Spouses

An individual in this category is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) who:

- has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
- who is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

Adult and DLW Eligibility and Program Enrollment Procedures

The enrollment process begins when an individual self-registers in the virtual case management system, known as OKJobMatch. Once the self-registration has been completed, the demographic information entered will generate a potential eligibility determination. Staff must then meet with the applicant to review a snapshot of the information entered. The demographic information must be verified as accurate by the applicant's virtual self-attestation prior to staff entering the program enrollment, as the characteristics in the snapshot will remain unchanged throughout program participation. Additional information needed to determine eligibility must be requested at this time. Appropriate documentation of the information used to qualify the individual as eligible for enrollment in a WIOA program must be uploaded into the participant's virtual case file.

All pending enrollments and eligibility determinations are valid for 30 days only. At the end of 30 days the client is considered ineligible and will require a new eligibility determination. The enrollment date may not be backdated.

Although Adult and Labor Exchange (LE) enrollments do not require supervisory approval, DLW enrollments enter into a pending queue for supervisory approval when entered into OKJobMatch by front-line staff. DLW enrollments must be approved by a supervisor, verifying the client's eligibility including uploaded documentation, self-attestation, and program notes, before there is any expenditure of DLW funds. All DLW enrollments must be approved or denied by a supervisor within 30 days of the enrollment request or the request will be denied by state administrators. At this point eligibility must be re-determined and a new enrollment

completed. If approved within the 30-day window, the enrollment date is the date the enrollment entered into the pending queue.

The Individual Employment Plan

The Individual Employment Plan (IEP) is an ongoing strategy developed by the participant and the career planner (also referred to locally as case managers or career advisors) to identify the employment goal(s), appropriate achievement objectives, and the appropriate combination of services to achieve the employment success of the individual. When training is necessary to achieve the participant's employment goal(s), the training must be for an in-demand occupation according to the local Workforce Development Board (LWDB) and, with certain exceptions, must be provided by an eligible training provider (ETP), in accordance with current guidance located at <https://oklahomaworks.gov/local-workforce-boards/wioa-policy-center/>. An IEP must be developed for each individual determined eligible for Adult or DLW program services. As adults and dislocated workers have diverse needs, each IEP is intended to target the specific needs of the individual for whom it is developed and, therefore, must start with a comprehensive, objective assessment of the individual's needs. At a minimum, an IEP must include an employment goal, documentation of identified needs and barriers, and a signed Client Involvement Statement. Additional goals and services necessary for the attainment and retention of successful employment must be added to the IEP as they are identified.

LWDBs may choose the format of the IEP for their area, provided the plan is easily accessible for both state and local monitoring purposes, and uploaded documentation supporting the IEP is clearly labeled in OKJobMatch. One example of a readily accessible IEP is the virtual IEP located in the Enrollment Details page. The initial IEP in this section requires an entry for each field. It is appropriate, however, to enter "N/A" in fields where detail is not applicable until a future date, for example, Required Supportive Services During Active Participation and Post Employment Needs. Each step of the individual's career pathway must be clearly documented in the IEP as it is developed and as the plan evolves, regardless of the IEP format chosen by the local area. OKJobMatch provides the ability to print the initial virtual IEP, allowing the participant to sign the IEP to acknowledge the plan was jointly developed by the participant and the career planner. When an alternate IEP is utilized by the local area, a signed Client Involvement Statement must be uploaded into OKJobMatch for documentation, and the participant must receive a copy of the IEP.

The IEP must be updated, and the participant's signature obtained, when additional services are required, including those provided through normal case management activities (for example, services provided to remove barriers and additional services deemed necessary for the achievement of the participant's employment goal). Case management is defined as the coordination of services on the behalf of the participant, including services provided by an Oklahoma Works partner or a community based organization. Appropriate documentation of case management activities is essential to ensure provision of the comprehensive services necessary to achieve the participant's career objectives. Documents must be uploaded to

OKJobMatch, as necessary, to support changes in the IEP, and the participant must always be given the option to receive a printed copy of the IEP when it is updated.

A detailed, ongoing narrative to track and document case management activities and their related outcomes must be recorded in OKJobMatch in the virtual IEP, or as Client or Program Notes if an alternate IEP is utilized by the local area. A detailed narrative includes:

- Attempts to contact the participant, in accordance local policy, and the result of the attempted contact;
- Steps taken to remove barriers listed in the IEP, including the provision of supportive services;
- The accomplishment of measureable skills gains;
- Training program completion;
- The attainment of employment, including:
 - Employer name;
 - Date employment started;
 - Wage at hire;
 - Benefits such as insurance and leave; and
 - How employment information was verified (pay stubs, employer contact, etc.);
- The provision of follow up services; and
- All other activities and information pertinent to the achievement of the IEP, as determined by the LWDB.

Career Services

WIOA authorizes career services for adults and dislocated workers, which must be made available in all comprehensive Oklahoma Works One-Stop Centers. WIOA distinguishes three levels of career services: basic career services, individualized career services, and follow-up services, with no sequential requirement for these services. Career services under this approach provide local areas with the flexibility to target services to the needs of the customer, while still allowing for tracking of outcomes for reporting purposes. Career services may be provided in any order, recognizing each individual may not need all types of career services or may need different types of career services at different stages in their career pathway.

Basic Career Services: Basic career services are accessible in all Oklahoma Works One-Stop Centers statewide and must be made available to all individuals seeking employment and training services. Basic career services may be provided by both the Adult and DLW programs, as well as through the LE program services provided by the Wagner-Peyser (WP) staff of the Oklahoma Employment Security Commission (OESC). Self-service and Information Only basic career services do not trigger inclusion in participation for title I Adult and DLW programs or for the title III ES program. The most recent Core Performance Measures policy is found at <https://oklahomaworks.gov/local-workforce-boards/wioa-policy-center/>.

Individualized Career Services: As with basic career services, individualized career services are available in all Oklahoma Works One-Stop Centers statewide. ES staff and WIOA title I staff may make individualized career services available, particularly for individuals with barriers to employment as defined in WIOA 3(24). Individualized career services are generally more time intensive than basic career services, and are customized to each individual's needs. Receipt of any individualized career service triggers participation and, therefore, performance.

The following services are considered individualized career services:

- comprehensive and specialized assessments of skill levels and service needs, which may include:
 - diagnostic testing and use of other assessment tools, and
 - in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- development of the IEP;
- group counseling;
- individual counseling;
- career planning;
- short term-prevocational skills (for example, communication skills, interviewing skills, personal maintenance skills and professional conduct);
- internships and work experiences linked to careers;
- transitional jobs;
- workforce preparation activities;
- financial literacy services, such as those described in 29 USC 3164;
- out-of-area job search assistance and relocation assistance; or
- English language acquisition and integrated education and training programs.

If Oklahoma Works staff or partners determine individualized career services are necessary for an individual to obtain or retain employment, these services must be made available to the individual, provided the individual meets the respective program eligibility requirements. Recent assessments, interviews or evaluations completed by workforce partner programs may be used by Oklahoma Works staff to determine if individualized career services are appropriate or necessary for an individual. LWDBs must identify the assessments used to determine eligibility for WIOA services, and ensure eligibility determination procedures are consistent with this issuance and local policies. 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, and must be documented in the IEP.

ES staff members also have specific obligations in serving unemployment insurance (UI) claimants and carrying out components of the State's UI program, which include:

- Coordination of basic career services, particularly LE services;
- Targeting UI claimants for job search assistance and referrals to employment;
- Administering UI work test requirements, including obtaining and documenting relevant information for eligibility assessments and providing job search assistance and referrals to employment;
- Provision of referrals to UI claimants for training and education resources and programs, including but not limited to Pell Grants, GI Bill, Post 9/11 Veterans Educational Assistance, WIOA, higher education assistance, and Vocational Rehabilitation;
- Provision of application assistance to UI claimants for training and education resources and programs, including but not limited to Pell Grants, GI Bill, Post 9/11 Veterans Educational Assistance, WIOA, higher education assistance, and Vocational Rehabilitation;
- Outreach, intake (including identification through the State’s Worker Profiling and Reemployment Services system of UI claimants likely to exhaust benefits and related programs, such as the Reemployment Services and Eligibility Assessment program), and orientation to information and other services available through the American Job Center network;
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals (including individuals with language or other program access barriers) seeking assistance in filing a claim.
 - Meaningful assistance means providing assistance:
 - In the Oklahoma Works One-Stop Center(s), using staff who are well trained in UI claims filing activities, the rights and responsibilities of claimants, and information necessary to file a claim, or
 - By direct linkage: via phone or other technology, such as live web chat and video conference, as long as the assistance is provided by appropriately trained and available staff and within a reasonable time;
 - Technology-based approaches to providing meaningful assistance must ensure Oklahoma Works One-Stop Center customers have access to appropriately trained staff within a reasonable time. The referral of Oklahoma Works One-Stop Center customers to the OESC self-service website or public phone line where an individual is placed into a queue with all other UI claimants is not meaningful assistance;
 - The cost associated in providing meaningful assistance may be paid for by OESC’s UI administrative funding, the WIOA Adult or DLW programs, the ES program, or some combination of these funding sources.
 - OESC provides training to staff statewide ensuring they can answer basic questions about an individual’s claim. In addition, the online filing system (ONICv2) allows

individuals easily accessible self-service options such as PIN reset, claim balance and payment detail, ability to view fraud or claimant error overpayments, appeals filing, multiple browser compatibility, print or mail 1099, and ability to view non-monetary determinations. Claimants can access these options anywhere there is internet, but specifically at the local office where staff will assist them in navigating the site and also answer questions about the claims process.

Follow-up Services: Follow-up services must be provided for no less than 12 months after the first day of employment for Adult and DLW participants who are placed in unsubsidized employment. Local areas must establish policies to define what are considered to be appropriate follow-up services, as well as when to provide follow-up services to participants. Work place counseling (i.e., strategies for retaining employment) is an example of an appropriate follow-up service. Follow-up services occur after program exit and do not change, delay, or extend the exit date (TEGL No. 10-16).

Training Services for Adults and Dislocated Workers

Training services are critical to the employment success of many adults and dislocated workers. Oklahoma Works One-Stop Center staff may determine training is appropriate regardless of whether an individual has received basic or individualized career services first. The receipt of any training service triggers inclusion in participation for performance reporting purposes.

Types of training services that may be provided include:

- (1) Occupational skills training, including training for nontraditional employment;
- (2) On-the-job training;
- (3) Incumbent worker training;
- (4) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (5) Training programs operated by the private sector;
- (6) Skill upgrading and retraining;
- (7) Entrepreneurial training;
- (8) Transitional jobs in accordance with WIOA 134(d)(5);
- (9) Job readiness training provided in combination with the training services described in any of clauses (1) through (8), above;
- (10) Adult education and literacy activities, including activities of English Language acquisition and integrated education and training programs, provided concurrently or in combination with services provided in any of clauses (1) through (7); and
- (11) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

As with the provision of career services, Oklahoma Works One-Stop Centers must use, when available, previous assessments or evaluations that have been conducted by another education or training partner, when making training determinations, thus reducing duplication and

developing enhanced alignment across partner programs. A recent assessment completed by a workforce partner program may be used to determine academic levels, skill levels, and service needs. All assessment scores must be entered in the appropriate enrollment section of OKJobMatch (Adult or DLW) for reporting purposes.

Under WIOA, training services may be made available to adults and dislocated workers who:

- After an interview, evaluation, or assessment and career planning activities by an Oklahoma Works One-Stop Center staff or partner, are determined:
 - Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through career services alone;
 - In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - Have the skills and qualifications to successfully participate in the selected program of training services;
- Select a program of training services directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individual is willing to commute or relocate;
- Are unable to obtain other grant assistance for such services, including State-funded training funds, Trade Adjustment Assistance (TAA), or Federal Pell Grants, or require assistance beyond that available through other workforce partners, educational entities or other grant assistance programs, including Federal Pell Grants. LWDBs and service providers must ensure the coordination of funds available to pay for training, taking into consideration the following:
 - The full cost of participation in training services may be taken into consideration, including the cost of support services and other appropriate costs related to training program attendance, as defined by the LWDB;
 - Training services may be provided to an individual while an application for a Pell Grant is pending. If the individual is subsequently awarded a Pell Grant, the training provider must reimburse the local area the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charged to attend training, from the Pell Grant award. Reimbursement is not required from the portion of the Pell Grant disbursed to the WIOA participant for education-related expenses, per 20 CFR § 680.230;
 - VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training do not preclude a veteran or the veteran’s eligible spouse from receiving WIOA funded services, including training funds. WIOA

- program operators may not require veterans or spouses of veterans to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training;
- Individuals who are members of a group covered under a petition filed for TAA and are awaiting a determination may be co-enrolled in Adult and/or DLW programs. If the TAA petition is certified, the worker will transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA; and
 - For training services provided through the Adult funding stream, are determined eligible in accordance with the Adult Priority of Service as described in in this issuance and per local policy.

Individual Training Accounts (ITAs) are the primary method to be used for procuring training services under WIOA. An ITA is a payment agreement with an eligible training provider (ETP), established on behalf of an Adult or DLW program participant. Training services must be linked to in-demand occupations and must be provided in a manner that maximizes the individual's choice in the selection of a training provider. To accomplish this, each LWDB must make available an Eligible Training Provider List (ETPL) as described in current guidance at <https://oklahomaworks.gov/local-workforce-boards/wioa-policy-center/>. Through consultation with the WIOA career planner, including discussion of program quality and ETP performance information, the program participant is able to make an informed choice when selecting a training provider and program. Each LWDB and/or service provider must, to the extent possible, coordinate funding for ITAs with funding from other Federal, State, local or private job training programs or sources to assist an individual in obtaining training services.

Once an individual has been determined eligible for training services and selects, in consultation with appropriate Oklahoma Works staff, an eligible training provider and program from the ETPL, a referral is made to the training provider and arrangements for payment of the training services are made through an ITA.

LWDBs may take into account the full cost of participating in training services, including supportive services and other appropriate costs related to attendance in a training program, as defined by local policy, when determining an eligible individual's "unmet need". Unmet need is defined as the cost of training not covered by grant assistance, educational entities, foundations or other workforce partners.

All assistance provided to individuals for education or training purposes, including assistance from other workforce partners, educational entities or other grant assistance, must be documented in the Universal Information section of OKJobMatch under Partner Provided Services, and in the IEP. The Coordination of Training Funds (CoTF) form must also include all assistance provided, with the exception of loans and VA benefits for education and training. The completed CoTF (or comparable, institution approved or validated documentation of the

training period covered, the cost of training attendance broken down by cost category, and coordination of training funds) must be uploaded to OKJobMatch.

An ITA issuance date and amount must be documented in the Educational Grants section of OKJobMatch in the applicable program enrollment. If the participant receives any grant or financial aid such as a Pell or other Federal grant, state aid, institutional aid, or employer-funded financial aid, it must be documented in the Educational Grants section as well.

Example ITA Agreement, ITA Voucher, and CoTF forms are included as attachments to this issuance. These forms may be modified by the local areas, provided the local forms include, at a minimum, all information provided in the examples.

Training Contracts. Although ITAs are the primary method to be used for procuring training services, in certain circumstances a contract for training services may be developed instead of an ITA. Contracts for services may be used instead of ITAs when at least one of the circumstances below applies, and if the local area has fulfilled the consumer choice requirements of 20 CFR § 680.340. The contract exceptions to an ITA are:

- When the services provided are on-the-job training (OJT), customized training, incumbent worker training or transitional jobs;
- When the LWDB determines there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs. The determination process must include a public comment period for interested providers of at least 30 days, and be described in the Local Plan;
- When the LWDB determines there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment. The LWDB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals to be served and their particular barriers to employment. The criteria may include:
 - Financial stability of the organization;
 - Demonstrated performance in the delivery of services to individuals with barriers to employment through such means as:
 - program completion rates;
 - attainment of skills, certificates or degrees the program is designed to provide;
 - placement after training in unsubsidized employment; and
 - retention in employment; and
 - How the specific program relates to the workforce development needs identified in the local plan;
- When the LWDB determines it would be appropriate to contract with an institution of higher education or other provider of training services to facilitate the training of

multiple individuals in in-demand industry sectors or occupations, provided the contract does not limit consumer choice; and

- When the LWDB is considering entering into a Pay-for-Performance contract and the LWDB ensures the contract is consistent with 20 CFR § 683.500 and § 683.510.

In addition to the contract exceptions to an ITA, a LWDB may determine that a combination of ITAs and contracts is an effective approach for placement into programs such as Registered Apprenticeship (RA) and other work-based training.

Priority Populations under WIOA

Across all titles, WIOA focuses on serving individuals with barriers to employment and seeks to ensure access to quality services for these populations. Priority and special populations for the Adult and DLW programs are addressed at 20 CFR §§ 680.600 through .660.

The term “individual with a barrier to employment” means a member of one or more of the following populations:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities, including youth who are individuals with disabilities (as defined in sec. 3 of the Americans with Disabilities Act of 1990 (42 USC 12102) and individuals who are in receipt of Social Security Disability Insurance);
- Older individuals (age 55 and older);
- Ex-offenders;
- Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- Youth who are in or have aged out of the foster care system;
- Individuals who are:
 - English language learners (29 USC 3272(7));
 - Individuals who have low levels of literacy (for example, an individual who is unable to compute or solve programs, or read, write, or speak English at a level necessary to function on the job, or in the individual’s family, or in society); and
 - Individuals facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers (as defined in WIOA 167(i)(1-3));
- Individuals within two years of exhausting lifetime TANF eligibility;
- Single parents (including single pregnant women); and
- Long-term unemployed individuals (unemployed for 27 or more consecutive weeks).

The Statutory Priority for Adult Funds

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. When using WIOA Adult funds to

provide individualized career services and/or training services, Oklahoma Works One-Stop Center staff must give priority to public assistance recipients, other low income individuals (as defined in WIOA section 3(36)), and individuals who are basic skills deficient (as defined in WIOA 3(5)). English language learners meet the criteria for “basic skills deficient” and must be included in the priority populations for the title I Adult program. Under WIOA, priority of service must be implemented regardless of the level of funds available to provide services in the local area.

The priority established in the previous paragraph does not necessarily mean that these services may only be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Local areas must establish written policies and procedures to ensure priority for the populations described in the paragraph above, for participants served in the WIOA Adult program. As part of regular monitoring and oversight responsibilities, OOWD staff is required to ensure all local areas have developed and implemented such policies, and that the policies demonstrate how priority of service is tracked for the groups. Additionally, local policies must include how self-sufficiency is determined, for the purpose of serving underemployed adults who fall into the priority categories. LWDBs may find the most recent State guidance on self-sufficiency standards at <https://oklahomaworks.gov/local-workforce-boards/wioa-policy-center/>.

Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors’ insurance benefits from the income calculations for determining if an individual is low-income. These exclusions, which were previously provided under WIA sec. 101(25), no longer apply.

Veterans and Adult Priority

Veterans and eligible spouses continue to receive priority of service for all DOL-funded employment training programs, which include WIOA programs. As for the DLW program, the only priority of service is the veteran’s priority of service. A veteran must, however, meet each program’s eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations and for determining priority of service, military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and 20 CFR § 683.230.

When past income is an eligibility determinant for any Federal employment or training program, including the title I Adult and DLW programs, any amounts received as military pay or allowances by any person who served on active duty and certain other specified benefits, must be disregarded in making an eligibility determination. This applies to the veteran and to other individuals for whom those amounts would normally be applied, e.g., the military spouse. Military earnings are not to be included when calculating income for veterans or transitioning service members for priority of service, in accordance with 38 U.S.C. 4213.

To further clarify, VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran’s eligible spouse from receiving WIOA funded services, including training funds. Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

Due to the statutorily required priority for Adult funds, priority must be provided in the following order:

- First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient receive first priority for services provided with WIOA Adult formula funds for individualized career services and training services.
- Second, to non-covered persons (i.e., individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA Adult formula funds.
- Third, to veterans and eligible spouses who are not included in WIOA’s priority groups.
- Fourth, to priority populations established by the LWDB (for example, for non-covered persons who are not included in groups given priority for WIOA Adult formula funds, such as persons living within a designated Promise Zone).
- Last, to non-covered persons outside the groups given priority under WIOA.

Serving Separating Service Members and Military Spouses with Dislocated Worker Funds

Service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for Ex-Military members (UCX), generally qualify as dislocated workers. Dislocated Worker funds under title I can help separating service members to enter or reenter the civilian labor force. A separating service member needs a notice of separation, either a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces, to meet the required dislocated worker definition. While in most instances an individual will have to be eligible for or have exhausted entitlement to unemployment compensation in order to receive dislocated worker services, separating service members on a terminal leave from the military may be provided career services while the service member is still part of the Active Duty military, but has an imminent separation date, provided that their discharge will be anything other than dishonorable. It must be noted, however, that federal policy requires a separating service member to meet the dislocated worker requirement of being unlikely to return to his or her previous industry or occupation in the military.

Employment Status Clarification: Adult and DLW funds may provide career and training services to underemployed individuals according to the priority of service requirement described earlier in this issuance. Individuals who are underemployed may include those who are:

- Employed less than full-time who are seeking full-time employment;

- Employed in a position that is inadequate with respect to their skills and training;
- Employed and meet the definition of a low-income individual; and
- Employed with current earnings that are insufficient when compared to the individual's previous earnings from previous employment, per local policy.

The LWDB's self-sufficiency policy must address the area's procedures for serving adults and dislocated workers determined to be underemployed by local area standards. NOTE: USDOL's Fair Labor Standards Act (FLSA) does not define full-time employment or part-time employment. The minimum number of hours that constitute full-time employment is generally defined by the employer, but may not be less than an average of at least 30 hours per week, or 130 hours per month. Full-time employment often includes benefits not typically offered to part-time or temporary workers, such as annual leave, sick leave and health insurance. The attainment of self-sufficiency often depends on the availability of sick leave and health insurance.

Work-based Training

WIOA allows for additional work-based training options and flexibilities for adults and dislocated workers. Work-based training presents opportunities for fostering increased employer engagement, implementing sector strategies, and encouraging industry partnerships by allowing employers to train employees while continuing to be productive members of the workforce.

Transitional Jobs are time-limited, wage-paid work experiences that are only available for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, as determined by the LWDB. Further, transitional jobs must include both comprehensive and supportive services. Transitional jobs policy may be found at <https://oklahomaworks.gov/local-workforce-boards/wioa-policy-center/>.

Registered Apprenticeship (RA) is a potential source for training and employment services local areas are encouraged to use as a career pathway for individuals seeking employment, and as a job-driven strategy for employers and industries. WIOA provides an opportunity for RA programs to be more directly connected to the public workforce system. RA programs automatically qualify to be placed on the Eligible Training Provider List (ETPL), if they so choose, allowing ITAs to support WIOA eligible participants in RA programs, and more directly connect those programs to Oklahoma Works One-Stop Centers.

OOWD is committed to fully integrating RA programs as an employment and training solution for Oklahoma Works One-Stop Centers. Local areas have maximum flexibility in serving participants and supporting their placement into pre-apprenticeship training and RA programs, including making arrangements with RA programs to initiate applications to become an apprentice on behalf of participants.

There are several ways in which training services may be used in conjunction with RA programs for individuals determined eligible for WIOA title I services:

- An ITA may be developed for a participant to receive RA training.
- An on-the-job training (OJT) contract may be developed with an RA program for providing both classroom and on-the-job instruction.
- A combination of an ITA to cover the classroom instruction along with an OJT contract to cover on-the-job portions of the RA is allowed.
- Incumbent worker training may be used for upskilling apprentices or journey workers who already have an established working/training relationship with the RA program, provided the requirements of WIOA 134(d)(4) are met.
- Local areas may include supportive services, in conjunction with career and/or training services, to participants in an RA program, provided the supportive services are consistent with WIOA section 134(d)(2), section 12 of TEGL No. 19-16, this issuance, and local policies.
- In all instances, a participant's eligibility for WIOA must be properly established and documented prior to the commitment of funds for RA programs.

Complete and accurate reporting of RA participation is vital to both the State's sector strategy and career pathways approaches. Participants who are placed into an RA with WIOA funds or individuals in an RA at the time of program entry must be clearly identified. An individual in an RA at the time of program entry must identify at the time of registration in their demographic as a registered apprentice. If an on-the-job training or skill upgrading is provided as part of a RA program, the Registered Apprenticeship training service in the participant's Service & Training Plan in OKJobMatch must be utilized.

On-the-Job Training (OJT) continues to be a key method for delivering training services to adults and dislocated workers. Locals may provide up to 50 percent of the wage rate of the participant to employers for the costs of training while the participant is in the program. For local areas to increase the reimbursement level up to 75 percent, the following factors must be taken into account:

- The characteristics of the participants, taking into consideration whether they are individuals with barriers to employment as defined in WIOA 3(24);
- The size of the employer, with an emphasis on small businesses;
- The quality of employer-provided training and advancement opportunities (for example, if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential); and
- Other factors the LWDB may determine appropriate such as, the number of employees participating in the training, wage and benefit levels of the employees, including both pre- and post-participation earnings, and relation of the training to the competitiveness of the participant.

LWDBs must document the factors used in either Case or Program notes, when deciding to increase the wage reimbursement levels above 50% and up to a maximum of 75%.

Supportive Services and Needs-Related Payments

A key principle in WIOA is to provide local areas with the authority to make policy and administrative decisions and the flexibility to tailor the workforce system to the needs of the local community. To ensure maximum flexibility, this guidance provides local areas the discretion to provide the supportive services they deem appropriate, subject to the limited conditions prescribed by WIOA. Supportive services are designed to provide a participant with the resources necessary to participate in career services and/or and training services. Supportive services may be made available to anyone participating in title I career services (excluding follow up career services) or training services.

Local WDBs, in consultation with Oklahoma Works One-Stop Center partners and other community service providers, must develop written policies and procedures for the provision of supportive services. Local supportive services policy must:

- ensure the services are necessary to participate in title I activities;
- ensure the supportive services are WIOA-funded only when these services are not available through other agencies or partners;
- address how supportive services will be funded when they are not otherwise available from other sources;
- address procedures for referrals to supportive services;
- address how duplication of resources and services will be prevented;
- establish limits on the amount and duration of these services; and
- describe any exceptions to the limits on the amount or duration of supportive services.

To ensure the highest quality, most comprehensive service provision possible, supportive services funds may be utilized in coordination with career and training services provided by other partner programs and entities jointly responsible for workforce and economic development, educational, and other human resource programs. For example, title I supportive services funds may be utilized when the cost of training is borne by a workforce partner if the partner entity does not have available funds for supportive services, and the supportive services are not otherwise available from other sources, as per local policy.

Details of the type(s) of supportive services provided to an individual, which entity provided the services, and why the services were necessary for the individual's participation in career or training services must be documented in the Required Supportive Services During Active Participation section of the virtual IEP or in Case or Program Notes.

Supportive Services may include, but are not limited to:

- Assistance with transportation;
- Assistance with child care and dependent care;

- Linkages to community services;
- Assistance with housing;
- Assistance with educational testing;
- Reasonable accommodations for individuals with disabilities;
- Referrals to health care;
- Assistance with uniforms or other appropriate work attire and work-related tools, including items such as eye glasses and protective eye gear;
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in post-secondary education classes;
- Payments and fees for employment and training-related applications, tests, and certifications;
- Legal aid services; and
- Needs-Related Payments (available only to individuals enrolled in training services and must be consistent with specific criteria as indicated in 20 CFR § 680.940 for Adult program participants and in § 680.950 for DLW program participants).

Needs-related payments are a form of supportive services designed to provide a participant with financial assistance for the purpose of enabling them to participate in training services. Many individuals in need of training services lack the resources to meet their non-training expenses and therefore cannot participate in the training that they need to attain employment. Needs-related payments can help individuals meet their non-training expenses and help them to complete training successfully. The maximum levels of needs-related payments for Adult program participants must be established by the LWDB and must be consistent with 20 CFR § 680.970.

To be eligible to receive needs-related payments, Adult program participants must:

- Be unemployed;
- Not qualify for, or have ceased to qualify for, unemployment compensation; and
- Be enrolled in a training program described in this issuance and section 134(c)(3)(D) of WIOA.

To receive needs-related payments, dislocated workers must:

- Be unemployed, and:
 - have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
 - Be enrolled in a training program described in section 134(c)(3) of WIOA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers; 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
- 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 134(c)(3).

For dislocated workers, needs-related payments must not exceed the greater of:

- the applicable weekly level of the unemployment compensation benefit, for participants who were eligible UI as a result of the qualifying dislocation; or
- for participants who did not qualify for UI benefits as a result of the qualifying layoff, an amount equal to the poverty level for an equivalent period, which must be adjusted to reflect changes in total family income, as determined by LWDB policies.

Career and Training Services Performance Accountability. In order to align service delivery across the core WIOA programs and ensure a comprehensive approach across all partners, core performance measures and reporting elements are described in current guidance found at <https://oklahomaworks.gov/local-workforce-boards/wioa-policy-center/>.

Coordination with Trade Adjustment Assistance (TAA). The TAA program, coordinated by OESC staff, provides additional benefits for dislocated workers laid off by companies that are directly affected by increased imports or certain shifts of production to other countries. Upon notification that USDOL has certified a business as “trade impacted”, individuals effected should contact the local Oklahoma Works One-Stop Center for TAA information. Co-enrollment (i.e., dual-enrollment) with WIOA is encouraged for workers certified as eligible for TAA (i.e., TAA-certified), and allows for the timely provision of individualized career services while improving the effectiveness of the TAA Program.

Other Permissible Local Activities. WIOA provides significant flexibility to local areas when providing services with Adult and DLW funds. In addition to the required career and training services, local areas may use these funds to provide additional job seeker services and business services, as well as to facilitate enhanced coordination between other partner programs and entities at the State and local level. Local areas may also use these funds to develop new types of technical assistance, develop new intake procedures, test new procurement methods which may lead to better outcomes for jobseekers, and ensure provision of robust services for businesses throughout the workforce system. A list of permissible local activities is found in WIOA 134(d) and section 17 of TEGl No. 19-16.

Rapid Response. The purpose of Rapid Response is to promote economic recovery and vitality by developing ongoing, comprehensive approaches to identifying, planning for, or responding to layoffs and dislocations, and preventing or minimizing their impacts on workers, businesses, and communities. Rapid Response encompasses the strategies and activities necessary to plan for and respond as quickly as possible following an announcement of a closure or layoff, or to a

natural or other disaster which results in mass job loss. Rapid Response delivers services to enable dislocated workers to transition to new employment as quickly as possible. Oklahoma's Rapid Response Activities and Layoff Aversion policy may be found in OWDI 14-2017.

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and Sub recipients/Sub grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, 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.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and sub-recipients.

INQUIRIES: If you have any questions about this issuance, please contact policy and program staff in the Oklahoma Office of Workforce Development. Contact information can be found at <https://oklahomaworks.gov/about/staff/>.

ATTACHMENTS:

Attachment A: Individual Training Account Form

Attachment B: Individual Training Account Voucher Form

Attachment C: Coordination of Training Funds Form

Individual Training Account (ITA) Agreement

Participant: _____

ID# _____

ITA Start Date: _____

ITA End Date: _____

Amount of Individual Training Account (ITA): \$ _____

Training Provider: _____

Demand Occupation: _____

ACKNOWLEDGEMENT AND AGREEMENT

- The amount of my Individual Training Account (ITA) has been awarded based on individual factors including cost of attendance, coordination of other funding sources, and needs identified in my Individual Employment Plan (IEP).
- ITA funding may be used to assist with tuition and fees as well as books, uniforms, tools, equipment, or supplies required for training/degree plan.
- This ITA is limited to the amount and the scheduled start and end date stated above. Any modification to the ITA Agreement must be approved per Workforce Development Board policy and only for exceptional circumstances.
- It is my responsibility to budget and track my ITA expenditures to insure that the funds available to me are not depleted prior to completion of training. I will coordinate with my Career Manager and verify my ITA balance as necessary.
- I understand that I must meet or exceed attendance and academic requirements of the school/training provider.
- I understand that I am not required to access student loans or incur personal debt as a condition of participation. However, if I chose to do so, I understand the responsibilities associated with such indebtedness, including loan repayment. My Career Manager has counseled me in regard to this issue.
- Continued participation is subject to continued availability of funding by the Department of Labor.
- I agree to monthly contact with my Career Manager to discuss my training progress and any other issues, whether academic, personal, or financial, which may affect the successful completion of my training.
- I will immediately inform my Career Manager of changes of name, address, phone number, email address or back-up contact information.
- Prior to the beginning of each new semester I will schedule an appointment with my Career Manager to complete a voucher for the upcoming semester. I agree to provide any documentation necessary for completion of the voucher, which may include class schedule, enrollment sheet, grade report from previous semester, and Financial Aid Award letter.
- In the event that I drop or add a class, I will notify my Career Manager immediately.
- ITA funding may be used to pay only for classes or training directly related to my training/degree plan. ITA funding will not be used to pay for the same class more than once. If I fail a class, I will be responsible for paying for such class the second time.
- Upon completion of my training, I agree to provide my Career Manager with information concerning my employment and copies of any diplomas, credentials, or licenses earned.

I have read this document and hereby understand and agree to comply with the terms herein described. I am receiving a copy of this agreement for my records.

ITA Participant's Signature

Date

I have established this ITA and reviewed the terms of this Agreement with the client.

WIOA Service Provider's Signature

Date

ITA # _____

INDIVIDUAL TRAINING VOUCHER FORM

Training Institution/Provider: _____

Mod #: _____

Participant Name: _____

ID #: _____

WIOA Program/Funding Stream: TAA Adult DLW Other: _____

 (*WIOA Service Provider*) agrees to sponsor the above named student in the course(s) or program(s) listed below and pay the training costs listed (based on off-the-shelf catalog prices) for the time period of: _____ through _____. Refunds or returns for non-compliance will be made to _____ (*WIOA Service Provider*).

Explanation if this is a Modification:

TRAINING

Course #	Course Title	Hours

AUTHORIZED TRAINING COSTS

Items	Amount	Items	Amount
Tuition	\$	Uniforms	\$
Fees	\$	Tools:	\$
Supplies	\$	Books:	\$
Books	\$	Other:	\$
			TOTAL \$

As the recipient of Workforce Innovation & Opportunity Act (WIOA) Program assistance with tuition, books, fees, or other required supplies, I hereby authorize the training institution listed above to release information regarding my attendance, grades, schedules, personal conduct and/or other information as needed to the _____ (*WIOA Service Provider*).

Participant Signature_____
WIOA Service Provider Signature_____
Date_____
Date

COORDINATION OF TRAINING FUNDS

SECTION I

TO: FINANCIAL AID OFFICE

ATTENTION: _____

FROM: _____

SCHOOL: _____

ATTENTION: _____

FAX OR E-MAIL ADDRESS: _____

FAX OR E-MAIL ADDRESS: _____

PARTICIPANT NAME: _____

ID NUMBER: _____

I hereby authorize the exchange of information between the WIOA Case Manager and the Financial Aid Office at the above named School regarding the awarding of any financial aid from any source.

Participant's Signature

Date

SECTION II: The following section is to be completed by the financial aid office.

PERIODS COVERED

Start Date: _____

End Date _____

- Fall _____
- Spring _____
- Summer _____

- Trimester I
- Trimester II
- Trimester III

- Full Length of Short Course

COST OF ATTENDANCE *

STUDENT'S FINANCIAL AID

Tuition and Fees \$ _____

Books, Supplies and Tools \$ _____

Uniforms \$ _____

PELL Grant Eligibility \$ _____

_____ Student or Program is not PELL eligible

OTHER EXPENSES RELATED TO TRAINING **

OTHER FINANCIAL RESOURCES EXCLUDING LOANS AND VA BENEFITS

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

TOTAL COST OF ATTENDANCE \$ _____

TOTAL FINANCIAL AID \$ _____

Total Cost of Attendance \$ _____ minus Student's Financial Aid \$ _____ equals Unmet Financial Need \$ _____

By signing below, the financial aid officer (or those personnel who perform those duties) agrees to inform the local WIOA program operator of the amounts and disposition of financial aid to each participant awarded after the enrollment of the participant, as part of a continuing, regular information sharing process.

Financial Aid Officer

Date

*As defined by the Higher Education Act Section. 472

**Other expenses related to training may include transportation, room and board, vehicle insurance, and other items necessary for attendance as defined by local policy.

SECTION III: The following section is to be completed by the WIOA Case Manager.

After a comprehensive review of services provided by partner agencies, other social service agencies, and other community resources, I have determined that WIOA funds are necessary for attainment of the participant's employment goal. I certify that WIOA funds will be coordinated with other funds and there will be no duplication of resources.

WIOA Service Provider's Signature

Date

An Equal Opportunity Employer / Program; Auxiliary aids and services are available upon request to individuals with disabilities.