

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD
 500 EAST THIRD STREET, #200
 CARSON CITY, NEVADA 89713
 T: (775)684-3891 F: (775)684-3908

BRIAN SANDOVAL
GOVERNOR



LUTHER W. MACK, JR.
CHAIR

*****NOTICE OF PUBLIC MEETING*****

Meeting is subject to the provisions of the Nevada Open Meeting Law – [NRS 241.020](#)

PUBLIC ENTITY:	Governor's Workforce Development Board (GWDB) <i>fka</i> Governor's Workforce Investment Board (GWIB)
DATE AND TIME:	Thursday, April 21, 2016 at 2 p.m.
LOCATION:	Department of Employment, Training and Rehabilitation 2800 E. St. Louis Avenue – #C Las Vegas, NV 89104
VIDEOCONFERENCE:	Department of Employment, Training and Rehabilitation 500 E. Third Street – SAO Auditorium Carson City, NV 89713

Below is an agenda of all items to be considered. **Action may be taken on items noted **FOR POSSIBLE ACTION****. Items on the agenda may be taken out of order presented; items may be combined for consideration by the public body; and, items may be pulled or removed from the agenda at any time at the discretion of the Chairperson.

*****AGENDA*****

1. CALL TO ORDER - OPENING REMARKS	<i>Luther Mack</i> Chair
2. ROLL CALL- CONFIRMATION OF QUORUM	<i>Kristine Nelson</i> DETR's State Board Liaison
3. VERIFICATION OF PUBLIC POSTING	<i>Kristine Nelson</i>
4. FIRST PUBLIC COMMENT(S) Members of the public are invited for comment(s). NO action may be taken on a matter during public comments until the matter itself has been included on an agenda as an item for <i>possible action</i> , and properly noticed pursuant to NRS 241.020 . Due to time constraints, the Chair may limit public comments to three (3) minutes/person . Please clearly state and spell your full name.	

<p>5. <u>*FOR POSSIBLE ACTION</u></p> <p>Approval of the January 21, 2016 Governor’s Workforce Development Board (GWDB) meeting minutes</p>	<p><i>Luther Mack</i> Chair</p>
<p>6. <u>*FOR POSSIBLE ACTION</u></p> <p>Approval of the February 18, 2016 Governor’s Workforce Development Board (GWDB) meeting minutes</p>	<p><i>Luther Mack</i></p>
<p>7. <u>INFORMATIONAL/DISCUSSION</u></p> <p>Changes to Nevada’s Workforce Development System: Executive Order No. 2016-08 – Order regarding workforce development; the establishment of the <i>Office of Workforce Innovations (OWINN)</i></p>	<p><i>Dale Erquiaga</i> Chief Strategy Officer Office of Governor Brian Sandoval</p>
<p>8. <u>*FOR ACTION</u></p> <p>RATIFICATION: The establishment of the GWDB’s <i>Executive Committee</i> – Rules of Practice</p>	<p><i>Dale Erquiaga</i></p>
<p>9. <u>*FOR ACTION</u></p> <p>RATIFICATION: Restructuring of the GWDB’s Industry Sector Councils</p>	<p><i>Dale Erquiaga</i></p>
<p>10. <u>* FOR POSSIBLE ACTION</u></p> <p>Revision of State Compliance Policy No. 1.5: WIOA Memorandums of Understanding (revision of existing policy)</p>	<p><i>Grant Nielson</i> DETR’s ESD Program Chief Workforce Investment Support Services</p>
<p>11. <u>* FOR POSSIBLE ACTION</u></p> <p>Revision of State Compliance Policy No. 1.6: Eligibility for Adult and Dislocated Worker Employment and Training Activities (revision of existing policy)</p>	<p><i>Grant Nielson</i></p>
<p>12. <u>* FOR POSSIBLE ACTION</u></p> <p>Revision of State Compliance Policy No. 2.1: Eligibility for Youth Services (revision of existing policy)</p>	<p><i>Grant Nielson</i></p>
<p>13. <u>* FOR POSSIBLE ACTION</u></p> <p>*NEW* State Compliance Policy No. 5.9: State Compliance Policy Creation and Update Procedure (<i>new policy</i>)</p>	<p><i>Grant Nielson</i></p>
<p>14. <u>INFORMATIONAL/DISCUSSION</u></p> <p>DETR Workforce Investment Support Services: Technical Assistance Guide (T.A.G.) for Eligible Training Providers List (ETPL) Procedures</p>	<p><i>Grant Nielson</i></p>
<p>15. <u>INFORMATIONAL/DISCUSSION</u></p> <p>WIOA Unified State Plan: Problem Statement</p>	<p><i>Dennis Perea,</i> DETR’s Deputy Director Vice Chair – GWDB’s Strategic Planning Subcommittee</p>
<p>16. INFORMATIONAL ITEMS/REPORTS</p>	
<p>a. DETR Research and Analysis Bureau’s economic updates</p>	<p><i>Bill Anderson</i> DETR’s Chief Economist</p>
<p>b. Nevadaworks – Northern LWDB’s quarterly report and updates</p>	<p><i>John Thurman</i> Nevadaworks’ C.E.O.</p>

c. Workforce Connections – Southern LWDB’s quarterly report and updates	<i>Ardell Galbreth</i> Workforce Connections’ Exec. Director
d. WIOA Analysis of Expenditures for SFY 15/16	<i>Jennifer McEntee</i> DETR’s, Interim C.F.O.
17. SECOND PUBLIC COMMENT(S) Members of the public are invited for comment(s). NO action may be taken on a matter during public comments until the matter itself has been included on an agenda as an item for <i>possible action</i> , and properly noticed pursuant to NRS 241.020 . Due to time constraints, the Chair may limit public comments to three (3) minutes/person . Please clearly state and spell your full name.	
18. ADJOURNMENT	

NOTE: Persons with disabilities who require reasonable accommodations or assistance at the meeting should notify the DETR Director’s Office, in writing at: 2800 East St. Louis Ave Las Vegas, NV 89104; or, should call (702) 486-6511; if hearing impaired, dial TTY (800) 326-6868 or Nevada Relay 711; or send a fax request to (702)486-6426 as soon as possible and *no later than close of business on Friday, April 15, 2016.*

Governor’s Workforce Development Board Members

Dr. Luther Mack, Jr. - Chair
Business – Washoe County
WLM, LLC.

Steve Fisher
State Government – Core Program
Administrator – DHHS’ Welfare and Support
Services Division

Michael Roberson
Nevada State Legislature - State Senator

Debbie Banko
Business – Clark County
Link Technologies

Larry Harvey
Business – Carson City
Click Bond, Inc.

Patrick Sheets
Business – Clark County
Global C2 Integration Tech

Dana Bennett
Business – Washoe County
Nevada Mining Association

Shelley Hendren
State Government – Core Program
Administrator - DETR’s Rehabilitation Division

Stephen Silberkraus
Nevada State Legislature - State Assemblyman

Stewart “Mac” Bybee
Workforce/Labor - Statewide
Association of Builders and Contractors

Cory Hunt
Business – Statewide
Governor’s Office of Economic Development

Don Soderberg
State Government – Core Program
Director - DETR

Jo Cato
Business – Clark County
Periwinkle Media Group

Marilyn Kirkpatrick
Local Elected Official
Clark County Commissioner

William ‘Bill’ Stanley
Workforce /Labor – No. Nevada
So. Nevada Building and Construction Trades
Council

Jolene Dalluhn
Business – Washoe County
Quest Counseling

Todd Koch
Workforce - Labor
No. Nevada Buildings & Construction Trades Council

Dr. Alan Walker
Workforce/Labor/Apprenticeship Programs -
Sierra Nevada College - President

Oscar Delgado
Local Elected Official
Reno City Councilman

Horacio Lopez
Business – Clark County
So. Nevada Courier Services

William ‘Bill’ Welch
Business - Statewide
Nevada Hospital Association

Dasya Duckworth
Business – So. Nevada
Avi Resort and Casino

Jim New
Workforce/Labor/Apprentice-ship Programs
Truckee Meadows Community College – Dean

Kris Wells
Business – Washoe County
AT&T

Dave Ellis
Business – Clark County
DB Electric, LLC/Communication
Electronic Systems, LLC.

Mike Raponi
State Government – Core Program
Nevada Department of Education

Mike Willden
Governor/Designee
Chief of Staff – Office of Governor Brian
Sandoval

Notice of this meeting was posted on or before 9 a.m. on the third day prior to the meeting at at least three (3) of the following locations: DETR, 2800 E. St. Louis, Las Vegas, NV; DETR, 500 East Third St., Carson City, NV; DETR, 1325 Corporate Blvd., Reno NV; NEVADA JOBCONNECT, 3405 S. Maryland Parkway, Las Vegas, NV; NEVADA JOBCONNECT, 4500 E. Sunset Road #40, Henderson, NV; NEVADA JOBCONNECT, 2827 N. Las Vegas Blvd., North Las Vegas, NV; NEVADA JOBCONNECT, 1929 N. Carson St., Carson City, NV; NEVADA JOBCONNECT, 172 Sixth St., Elko, NV; NEVADA JOBCONNECT, 480 Campton St., Ely, NV; NEVADA JOBCONNECT, 121 Industrial Way, Fallon, NV; NEVADA JOBCONNECT, 475 W. Haskell, #1, Winnemucca, NV; NEVADA JOBCONNECT, 4001 S. Virginia St., Suite G, Reno, NV; NEVADA JOBCONNECT, 2281 Pyramid Way, Sparks, NV; GRANT SAWYER OFFICE BUILDING, 555 E. Washington Ave., Las Vegas, NV; LEGISLATIVE BUILDING, 401 S. Carson St., Carson City, NV; NEVADAWORKS 6490 S. McCarran Blvd., Building A, Unit 1., Reno, NV; WORKFORCE CONNECTIONS, 6330 West Charleston Blvd. #150, Las Vegas, NV.

Notice of this meeting was posted on or before 9 a.m. on the third day prior to the meeting on the Internet at:

DETR's Public Meetings website - www.nvdetr.org, <http://nvdetr.org/publicmeetings.htm>; and Nevada's Public Notice website at <https://notice.nv.gov/>, as required by [NRS 232.2175](#).

Supporting public material provided to Committee members for this meeting is posted on DETR's Web site at www.nvdetr.org, <http://nvdetr.org/publicmeetings.htm>, and may be requested from the Director's Office at 500 E. Third Street, Carson City, Nevada 89713; or call (775)684-3911; or fax (775)684-3908 **on or before the close of business on Friday, April 15, 2016.**

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD

fka Governor's Workforce Investment Board (GWIB)
Thursday, January 21, 2016 – 2:00 p.m.

Department of Employment, Training and Rehabilitation
500 E. Third Street – SAO Auditorium
Carson City, NV 89713

Alternate Location: Some members of the board may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Department of Employment, Training and Rehabilitation
2800 E. St. Louis Avenue – #C
Las Vegas, NV 89104

MINUTES OF MEETING

Present: Luther W. Mack (Chair), Debbie Banko, Dana Bennett, Stewart “Mac” Bybee, Jo Cato, Jolene Dalluhn, Councilman Oscar Delgado, Dave Ellis, Steve Fisher, Shelley Hendren, Cory Hunt, Councilwoman Marilyn Kirkpatrick, Todd Koch, Horacio Lopez, Jim New, Michael Raponi, Senator Mike Roberson, Patrick Sheets, Bill Stanley, Assemblyman Stephen Silberkraus, Don Soderberg, Alan Walker, William Welch, and Mike Willden

Not Present: Kris Wells

Also present: William (Bill) Anderson (DETR); Christopher Robison (DETR); Mark Costa (DETR); Jennifer McEntee (DETR); Renee Olson (DETR); Ardell Galbreth (Workforce Connections) Patrick Sheets (GWDB); Kristine Nelson (DETR); Dennis Perea (DETR); John Thurman (Nevadaworks); Beth Wicks (Nevadaworks); Matt Morris (Governor's office); Grant Nielson (DETR); Karlene Johnson (DETR); Heather Johnson (DETR); and Brad Deeds (Dept. Education);

1. OPENING REMARKS

Chair Luther W. Mack called the meeting to order, welcomed participants and made announcements.

Chair Mack welcomed new Board Members Marilyn Kirkpatrick, Clark County Commissioner; Bill Stanley, representing workforce and labor; Alan Walker, representing workforce and labor.

2. ROLL CALL - CONFIRMATION OF A QUORUM

Per direction from Chair Mack, **Kristine Nelson** took roll call and confirmed the presence of a quorum.

3. VERIFICATION OF PUBLIC NOTICE POSTING

Kristine Nelson affirmed that the agenda and notice of the Governor's Workforce Development Board meeting on January 21, 2016 was posted pursuant to Nevada's Open Meeting Law, NRS 241.020.

4. FIRST PUBLIC COMMENT(S) NOTICE

Chair Mack read the notice into the record as follows: “Members of the public are invited to comment at this time; however, no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. At my discretion, in the interest of time, public comments will be limited to three minutes per person.”

Chair Mack invited comments from Carson City, Las Vegas or via telephone.

Mr. Pedro Gonzalez, Las Vegas, requested to speak via ASL translator. As a disabled individual, his comments addressed inaccessibility to Nevada State Rehabilitation Council meetings. On at least two occasions, two other individuals with similar disabilities have also been denied access. He stated that this means the Nevada State Rehabilitation Council meeting is in violation and breach of an Office of Civil Rights Agreement to accessibility. He opined that the State Plan should be denied and the funding not allowed.

5. ***APPROVAL OF MINUTES**

Chair Mack called for a motion to approve the October 15, 2015 draft minutes of the Board as submitted.

It was moved and seconded by to approve the October 15, 2015 draft minutes. Motion carried. No abstentions.

6. ***FOR POSSIBLE ACTION/INFORMATIONAL/PRESENTATIONS**

a. **FOR POSSIBLE ACTION – WIOA State Plan: Introduction**

Don Soderberg, Director, DETR discussed that the WIOA State Plan reflects the State's responsibility to implement the Workforce Innovation and Opportunity Act (WIOA). Approximately every ten years, Congress adopts a new Workforce Act. From this, many functions are delegated to the states. A State Plan is then drafted. Nevada's Plan, once adopted, will replace the current State Plan or the WIA (Workforce Investment Act). Historically, when a state adopts a plan according to the relevant Act, the plan remains unchanged. In this case, the approach will be modified through trial and error and through the Governor's efforts to improve the workforce. Once regulations are adopted, the State may wish to modify its Plan. It may also wish to modify its Plan upon review from the Federal Government, which may take as much as two years. One of the hallmarks of the Plan is that this Board is anticipated to be more of an active participant.

In the Prior Acts, various state agencies were charged with certain tasks, while local workforce boards were tasked with developing one-stop centers. The concept was that an individual could access a number of services in one location. However, oversight was disjunctive without clear levels of fiscal responsibility. Under the new Act, the current plan takes a big step toward integration, as it includes the concept that all the involved entities are truly partners. At one time, based on the WIOA Act, some local workforce boards were not performing well, however, they are currently working better than ever before, which is a credit to the work of Ardell Galbreth and John Thurman. Having the GWDB involved in the decision making process and taking a more active role in certification will ensure consistency, no matter who is leading efforts in the future. The implementation process will include the following:

- Introduction of the Plan
- Taking public comment
- Question time for presenters as well as those individuals or partners who run a division and are responsible for one of the titles of the Act.
- On January 29th, the WIOA Governance Committee will meet to consider input from public comment and the GWDB to come up with a recommendation.
- On February 18th, the GWDB will again consider the recommendations of the WIOA and other viewpoints with the hope that a plan will be adopted at the end of the meeting.

b. **FOR POSSIBLE ACTION – Governor's Strategic Vision of the Workforce System**

Matt Morris, Senior Policy Analyst and Legislative Coordinator for Governor Brian Sandoval presented the Governor's strategic vision for the implementation of Nevada's Unified State Plan, pursuant to the Workforce Innovation and Opportunity Act (WIOA) of 2014. When the Governor was sworn in for his second term in January of last year, he began to outline his vision for the State of Nevada and to identify priorities and objectives that would inform his policy agenda over the next four years. As part of that vision, he articulated broader long-term goals. The 2015 legislative session was a significant step toward this objective.

Historic education reform measures were passed by the Legislature and approved by the Governor which were intended to modernize education by providing students new and better opportunities to succeed. Education reform is necessary to prepare students for today's economy, which is increasingly global, fiercely competitive and requires new skill sets and credentials. These educational skills are frequently identified as science, technology, engineering and mathematics or STEM skills, which are necessary to take advantage of growing industry opportunities. STEM industries are being driven by innovative companies and premier brands. Job opportunities of the future will increasingly be found in the areas of advanced manufacturing, autonomous vehicle systems, technology logistics, data storage, healthcare delivery, renewable energy development and other predominately STEM oriented fields.

Nevada must adapt its workforce training and preparation system to provide the skills and resources necessary for these emerging industries, while ensuring that it maintains its competitive edge in gaming, tourism and mining. The State must also focus on closing the skills gap, creating effective career pathways and reducing barriers for those who are seeking employment, while providing other tools and services that potential employees need to realize the opportunities available to them in the new Nevada economy. While the State and its local partners have performed these functions in the past, it must now explore new ways to perform these functions in order to meet new goals and objectives that are tied to 21st century economic development. This effort is reflected in Assembly Bill 1, which the Legislature approved during the 29th Special Session last month, and which created a mechanism for aligning workforce training resources with economic development efforts to recruit and retain dynamic industries that form the basis of the new Nevada economy.

The Plan includes new strategies to enhance sector councils and to better link the workforce development function to the Governor's Office of Economic Development and the State Economic Development Plan. The implementation of Nevada's Unified State Plan, pursuant to WIOA, represents an important step in enhancing Nevada's workforce development strategy, which will involve leveraging resources, including state agencies, data collection and analysis and past experiences, in an effort to maximize efficiency, promote collaboration and partnership between private industries and the public sector and align workforce development programs to achieve specific outcomes. Today's input will improve an already excellent document, so that the Governor can give his final approval and submit the State's Plan to the U.S. Department of Labor in March. The Draft Plan presented for the Board's view, includes the vision, strategies, goals and outcomes of the final stage workforce development efforts for the next five years and beyond.

c. WIOA State Plan – Review and discuss unified State Plan Draft

Steve Fisher, Department of Health and Human Services Welfare and Supportive Services Division and Chairman of the WIOA State Plan Committee stated that a work group consisting of approximately 30-35 representatives from all the core programs and southern and northern local boards was formed to develop the Plan. A unified plan type was chosen, as opposed to the option of adopting a combined State plan. Beyond the core programs contained in the Plan, the TANF program is a mandatory partner of the one-stop system and is an integral part of the Program. Because the SNAP program falls under the Division of Welfare and Supportive Services, the SNAP Employment and Training Program will also be a partner in the Plan.

The two overarching goals of the Plan include alignment of sector strategies and career pathways, as well as aligning the core programs. For the goal of aligning sector strategies and career pathways, the Plan includes the following strategies:

- Utilize industry sector councils as the centralized targeting mechanism for emerging workforce needs in the New Nevada Economy.
- Enhance inter-agency collaboration through governance changes or other coordination efforts.
- Streamline state board activities through the creation of an executive committee to more nimbly coordinate with sector councils and the governing bodies of NDE and NSHE.
- Align local boards with regional development agencies.

For the goal of aligning the core programs, the Plan includes the following strategies:

- Access: Increase access to education, training and support services and remove barriers to employment.
 - Expand access to and enhance the availability of technological resources.
 - Expand and enhance access to transportation and other support services.
 - Increase access to expertise, especially to underserved Nevadans and those with multiple and complex barriers to employment.
 - Ensure physical and geographical access to service delivery locations.
 - Provide a single point of access to all employment-related services.
- Alignment: Align, coordinate and integrate education, employment and training programs to meet the needs of Nevadans.
 - Develop and implement a Nevada Career Pathways system that aligns and integrates education, training, counseling and support services.
 - Maximize education and training opportunities for Nevada job seekers.
 - Develop a comprehensive management information system.
 - Coordinate employment supports across Nevada's workforce development system.
- Quality: Meet the needs of Nevada's employers by enhancing the quality of integrated workforce development system that provides measureable value on investment.
 - Improve the validity, relevance, timeliness, and integrity of Nevada's workforce development data systems.
 - Expand and enhance Nevada employers' partnerships, networks, and engagement efforts.
 - Ensure that Nevada's workforce has the relevant skills, preparation and credentials necessary for in-demand employment.
 - Ensure service delivery staff members are skilled, qualified, adaptable and possess 21st century understanding of Nevada's evolving labor market and workforce needs.
 - Ensure accountability and transparency to Nevada's workforce development participants and stakeholders.
 - Enhance efficiency and effectiveness of the workforce system.
- Outcomes: A statewide workforce development system that results in skills gains, relevant credentials, good jobs and prosperity for Nevadans.
 - Prepare potential employees to achieve competitive, integrated employment in the new Nevada.
 - Meet the skilled workforce needs of Nevada employers.
 - Provide effective and efficient job training aligned with in-demand occupations.
 - Implement accountability measure directly aligned to high priority outcomes. One strategy is to use performance indicators established in WIOA, including, but not limited to:
 - Employment in second and fourth quarters after program exit
 - Identification of median second quarter earnings
 - Obtainment of measureable skills
 - Entry into post secondary education and training programs leading to credentials
 - Employer effectiveness

The four core programs in the Plan are:

- Title I: Adult Dislocated Workers and Youth Program
- Title II: Adult Education and Family Literacy Act Programs
- Title III: Wagner-Peyser Act Programs
- Title VI: Rehabilitation Act programs

Other included programs are:

- TANF: Temporary Assistance for Needy Families Program
- SNAPET: Supplemental Nutrition Assistance Program Employment and Training

A timeline of next steps includes:

- January 7, 2016: Draft of United State Plan published to solicit public comments
- January 21, 2016: Governor’s Workforce Development Board meeting – Unified State Plan draft for review
- February 8, 2016: Public comment solicitation deadline
- February 18, 2016: Governor’s Workforce Development Board meeting – vote on final draft of the Unified State Plan
- March 3, 2016: Final Unified State Plan submission to U.S. DOL and DOE
- July 1, 2016: State implementation
- July 1, 2016 – June 30, 2020: Four years of core programs

d. GWDB’s Strategic Planning Subcommittee’s Recommendations

Patrick Sheets, Strategic Planning Subcommittee Chair reviewed that the Subcommittee has addressed the Governor’s Workforce Development Board several times over the last year to describe the process. Several meetings have occurred to set business rules regarding how decisions would be made to develop the Plan. Additional meetings were held in October, 2015 and January of 2016 to finalize the Draft Plan presented today. He recommended approving the Draft Plan, while encouraging Board members to read, review and provide input. The evolution of the Plan includes moving from a unified Plan to potentially a combined Plan over the next two to three years, depending on the successful implementation of the unified Plan. The Strategic Planning Subcommittee will be key to keeping the Board informed in developing these iterations.

7. INFORMATIONAL ITEMS/REPORTS

- DETR Research and Analysis Bureau’s Economic updates**
- GWDB Industry Sector Council reports and updates**
- Workforce Connections -- Southern LWDB’s quarterly report and updates**
- Nevadaworks -- Northern LWDB’s quarterly report and updates**
- WIOA Analysis of Expenditures for SFY 15/6**

(The submitted written reports for items 7(a) through (e) are provided in lieu of oral presentation)

8. BOARD COMMENTS(S) AND DISCUSSION

Chair Mack read the statement into the record: “Members of the Governor’s Workforce Investment Board may now comment on any matter(s) or topic(s), which is relevant to or within the authority or jurisdiction of the Board. **NO** action may be taken on a matter during public comments until the matter itself has been included on an agenda as an item for *possible action*, and properly noticed pursuant to **NRS 241.020**.” He invited comments from Carson City, Las Vegas or on the telephone.

Mike Willden referred to page five of the Plan and suggested that the older employment statistics be updated just prior to final submission of the Plan. He referenced page 21, under the discussion under the New Workforce Innovations for New Nevada (WINN), which was created in a Special Session and suggested the possibility for the addition of detail into the references that the Governor and Legislature provided to the WINN Program. He also could not find reference to the Office of Science Innovation and Technology, to which financial resources were allocated for STEM education. In addition, some important terms were not included the glossary contained within the Plan. **Mr. Willden** indicated that he would provide the comments in greater depth in writing.

Cory Hunt, Governor’s Office of Economic Development, referenced WINN and the TEN Program, noting that both programs reside within his office and indicated he would be happy to help revise these sections and add additional information. He stressed appreciation of the importance of tying into the State’s Plan for economic development, which is referenced and outlined on page 71 of the document. He agreed with Mr. Soderberg that this is a living document and suggested a way to continue to update the State economic development plan within the WIOA Plan.

He noted that throughout the document, it talks about demand driven workforce identification, adding that there is a mixed metaphor in talking about the forecasting and demand driving workforce needs versus strategy. The Governor's Office has led a strategy of diversification throughout different sectors of the economy, and so the current demand for the workforce may not be reflective of where things are actually going. He suggested looking at strategy and goals to identify future workforce needs. He suggested that throughout the document, the term "demand driven" should be defined as including both sides of the equation, including both current and future needs.

William (Bill) Anderson, Chief Economist with the Department of Employment, Training and Rehabilitation, stated in reference to Mr. Willden's comments about updating the Plan, direction has been given to his staff to update the data. In reference to Mr. Hunt's comments, he indicated that his Department has an excellent relationship with GOED and looks forward to working together going forward. He added that forecasting in demand occupations is a difficult task. He stressed the importance of keeping dialogue open between various partners in identifying emerging occupations.

9. PUBLIC COMMENTS NOTICE (SECOND)

Chair Mack read the statement into the record: "Members of the public are invited to comment at this time; however no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. In my discretion, in the interest of time, public comment will be limited to three minutes per person." He invited comments from Carson City, Las Vegas or on the telephone. There were none.

10. ADJOURNMENT

Chair Mack reminded Board Members that a special meeting is scheduled for February 18th, 2016 at 2:00 p.m. to vote on the Unified State Plan Draft in order to meet the March 3, 2016 State Plan submission deadline to the Department of Labor.

The January 21, 2016 meeting was adjourned.

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MINUTES OF MEETING

- Present:** Luther W. Mack (Chair), Debbie Banko, Dana Bennett, Stewart “Mac” Bybee, Jo Cato, Councilman Oscar Delgado, Dave Ellis, Steve Fisher, Shelley Hendren, Cory Hunt, Councilwoman, Todd Koch, Jim New, Michael Raponi, Senator Mike Roberson, Bill Stanley, Assemblyman Stephen Silberkraus, Don Soderberg, Alan Walker, William Welch, Kris Wells, and Mike Willden
- Not Present:** Jolene Dalluhn, Marilyn Kirkpatrick, Horacio Lopez, and Patrick Sheets
- Also present:** William (Bill) Anderson (DETR); Christopher Robison (DETR); Jennifer McEntee (DETR); Renee Olson (DETR); Ardell Galbreth (Workforce Connections); Kristine Nelson (DETR); Dennis Perea (DETR); John Thurman (Nevadaworks); Beth Wicks (Nevadaworks); Bill Stewart (Nevadaworks) Matt Morris (Governor's office) Dale Erquiaga (Governor's office); Grant Nielson (DETR); Karlene Johnson (DETR); Heather Johnson (DETR); DeAndrea Ceccarelli (Community Services Agency) and Brad Deeds (Dept. Education); Katherine Jacobi; Dana Pray and Marissa Brown

1. OPENING REMARKS

Chair Luther W. Mack called the meeting to order, welcomed participants.

Chair Mack The main objective for today's meeting is to vote on the Unified State Plan. As you will recall, the Plan was submitted to this board in January. Today, the Chair of the WIOA State Plan Committee's Governance Workgroup will provide a brief overview of that committee's activities. Then, this board will vote on approval of the Plan.

2. ROLL CALL - CONFIRMATION OF A QUORUM

Per direction from Chair Mack, **Kristine Nelson** took roll call and confirmed the presence of a quorum.

3. VERIFICATION OF PUBLIC NOTICE POSTING

Kristine Nelson affirmed that the agenda and notice of the Governor's Workforce Development Board meeting on February 18, 2016 was posted pursuant to Nevada's Open Meeting Law, NRS 241.020.

4. FIRST PUBLIC COMMENT(S) NOTICE

Chair Mack read the notice into the record as follows: “Members of the public are invited to comment at this time; however, no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. At my discretion, in the interest of time, public comments will be limited to three minutes per person.”

Ardell Galbreth, Executive Director Workforce Connections – Workforce Connections and the Local Workforce Development Area’s Chief Local Elected Officials (LEO’s) embrace the Unified State Plan and look forward to providing opportunities to expand Nevada’s workforce footprint, services and access. We appreciate all the hard work by the group and the Chair, Mr. Steve Fisher and the various subgroups and partners as we moved toward an intergraded workforce development system in the state of Nevada to provide skilled workers for Nevada’s employers in all sectors.

Edward Guthrie. Opportunity Village. Opportunity Village is a community rehabilitation program (CRP) that provides assessment, training, employment and other supports and services for people with intellectual and other disabilities. In the twelve months that ended in June 2015, Opportunity Village provided these services to almost 2,000 different youth and adults with severe disabilities. Opportunity Village believes that disability is a natural part of life and that people with intellectual disabilities have the right to participate fully in the life of their community. One of the ways that most people participate in the community is by working. Opportunity Village believes that all people with intellectual disabilities should have the opportunity to earn a paycheck. Work helps people with intellectual disabilities become more independent and economically self-sufficient. Work also gives people with intellectual disabilities purpose, dignity, self-esteem, a sense of pride in their accomplishments. We want to start by saying thank you to everyone that has spent the time and effort to develop this comprehensive plan. We applaud the emphasis on competitive integrated employment for all youth and adults with severe disabilities who are seeking vocational rehabilitation services. We agree that competitive integrated employment should be the "1" option that's explored and we also agree that youth and adults should have the opportunity to "sample" employment in the community through internships like Opportunity Village's Job Discovery program, our Pathways to Work program and other options. Opportunity Village believes that it is important to target services for youth and support having at least 15% of the basic Section 110 grant to the State be spent on services to youth under the age of 24 years and that 50% of the allotment for Supported Employment should also be targeted to "school-to-work" transition services to place these youth in competitive integrated employment. We agree that job development and job coaching services to place individuals in competitive integrated employment should be available for up to 24 months for all adults with significant disabilities and for up to 48 months for all youth (under the age of 24 years) with significant disabilities. We agree that the "individualized plan for employment" (IPE) should be developed within 90 days of an individual with severe disabilities applying for vocational rehabilitation services. We also assume that an assessment of the employability of the individual will have been completed prior to the development of the plan. However, we worry that requiring all individuals with intellectual and developmental disabilities to receive an assessment of employability will create massive waiting lists for services for youth aging out of special education services. Many of these youth are those with the most profound disabilities who will not qualify for vocational rehabilitation services anyway but may be forced to wait for an assessment before they can qualify for day habilitation services through Medicaid's HCBS program. These youth live with their families (where both parents must work to "make ends meet"). Where do they go? Does one of the parents have to stay home and thereby jeopardize the health and safety of the entire family? What about the youth with severe disabilities who are aging out of foster care? We agree that all adults with severe disabilities who are not in competitive integrated employment and are being paid a special minimum wage through Section 14(c) of the Fair Labor Standards Act should be offered counseling and training in self-advocacy to assure that they have the ability to make an informed decision about the potential of competitive integrated employment to meet their needs and aspirations. We have partnered with the Bureau of Vocational Rehabilitation (BVR) and the Aging & Disabilities Services Division to offer a work experience program (the Pathways to Work program) at Boulder Station Hotel & Casino and Centennial Hills Hospital. We're pleased with the results of these programs so we are negotiating similar arrangements with other hotel/casino companies and other hospitals in southern Nevada. People with severe disabilities, especially people with intellectual disabilities are the poorest of the poor. Many of the people served by Opportunity Village need other sources of income (e.g. SSI) or need other community services (e.g. Medicaid Home & Community-Based Services) to maintain their independence. They often ask for reduced hours of employment because they don't want to jeopardize these benefits which then would jeopardize the other necessary services. We encourage DETR to offer benefits counseling which will help people with severe disabilities to maximize their hours of work and increase their independence.

When we as a society were first addressing discrimination in employment for minorities and women, government lead the way in offering these individuals opportunities for employment. We encourage State and local governments to lead the way in employing people with severe disabilities. We need to identify the obstacles in the civil service system that prevents people with severe disabilities from having opportunities to become government employees. We also need to look at ideas that have been tried in other States and try to adapt them to our needs and circumstances. One way to assure that agencies embrace the effort to hire people with severe disabilities is to set hiring goals for each agency. Another way to address employment of people with the most severe disabilities is to assure that, when agencies outsource the purchase of goods or services that they purchase these goods and services through the Preferred Purchase program. This program enables community rehabilitation programs to provide these goods or services to government agencies and provide employment for people with the most severe disabilities. Opportunity Village believes that everyone with a severe disability should have the opportunity to work in competitive integrated employment in their community. We believe that even the most profoundly disabled people should have the sense of pride and purpose that comes from earning a paycheck. Thank you for the opportunity to comment on the WIOA Unified State Plan.

Chair Mack invited any additional comments from Carson City, Las Vegas or via telephone.

5. DISCUSSION – Overview of WIOA Unified State Plan v8.3

Steve Fisher, Administrator – DHHS’ Welfare and Support wanted to first thank the entire team. It was a huge effort and would not of been possible without the hard work and collaboration of the four core programs and the all the partners. Since the last time the GWDB meet the Governance Committee reviewed each and every public and board comment and voted as to whether it should be included in version 8.2. February 8, 2016, was the final date that the public could comment on the plan. The committee met again on February 9, 2016 to review any of the comments provided by the public and once again reviewed and voted on version 8.3 “draft plan” before you today. Mr. Fisher then asked the board if they had any questions or comments.

Chair Mack invited any additional questions and/or comments Carson City, Las Vegas or via telephone.

6. *FOR POSSIBLE ACTION - Approval of v8.3 Unified State Plan Draft

It was moved by Mr. Don Soderberg and seconded by Mr. Mike Raponi to approve the draft WIOA Unified State Plan version 8.3 as presented by Mr. Steve Fisher. Motion carried. No abstentions.

7. BOARD COMMENTS(S) AND DISCUSSION

Chair Mack read the statement into the record: “Members of the Governor’s Workforce Investment Board may now comment on any matter(s) or topic(s), which is relevant to or within the authority or jurisdiction of the Board. **NO** action may be taken on a matter during public comments until the matter itself has been included on an agenda as an item for *possible action*, and properly noticed pursuant to **NRS 241.020**.” He invited comments from Carson City, Las Vegas or on the telephone.

Mike Raponi, Department of Education, wanted to go on the record to acknowledge Steve Fisher’s leadership and hard work.

Chair Mack invited any additional comments from Carson City, Las Vegas or via telephone.

8. PUBLIC COMMENTS NOTICE (SECOND)

Chair Mack read the statement into the record: “Members of the public are invited to comment at this time; however no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. In my discretion, in the interest of time, public comment will be limited to three minutes per person.” He invited comments from Carson City, Las Vegas or on the telephone. There were none.

9. ADJOURNMENT

Hearing no further discussion or comments, I would like thank this board for taking time out of your busy schedules to attend this special meeting of the board. Your attendance and commitment to the important work we do for Nevada is commendable. And, I appreciate this Board's commitment of time and efforts to attend these board meetings in person.

This February 18, 2016 meeting of the Governor's Workforce Development Board is hereby ADJOURNED.

The February 18, 2016 meeting was adjourned.

DRAFT



Executive Order 2016-08

ORDER REGARDING WORKFORCE DEVELOPMENT

WHEREAS, this administration has led a five-year effort to diversify Nevada's economy and create new, high-quality jobs throughout the State;

WHEREAS, job creation in innovative sectors of the economy, together with an economic recovery in the traditional industries of Nevada, is leading to the emergence of new economic and employment opportunities in the Silver State;

WHEREAS, a highly-skilled, diverse workforce is critical to the success of new companies seeking employees in the technology, advanced manufacturing, education, and health care sectors;

WHEREAS, our continued success in growing and sustaining a more diversified economy depends on innovative workforce development programs that will support the labor market needs of Nevada;

WHEREAS, the component pieces of Nevada's workforce development system exist in many different departments and agencies of State government, which must in turn coordinate and assist the activities of many different local government entities and nonprofit organizations;

WHEREAS, there exists a need for enhanced cooperation and collaboration among all entities engaged in workforce development;

WHEREAS, I, as Governor of the State of Nevada, issued Executive Order 2015-08 on June 23, 2015, revising the Governor's Workforce Development Board in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA); and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."

NOW, THEREFORE, by the authority vested in me as the Governor by the Constitution and laws of the State of Nevada, it is hereby ordered as follows:

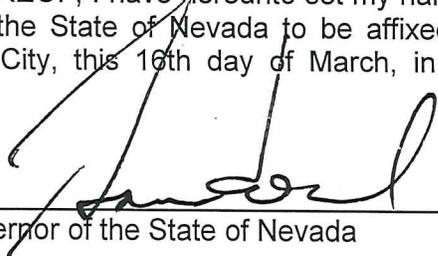
1. The Office of Workforce Innovation is hereby created within the Office of the Governor.
 - a. The Office of Workforce Innovation shall:
 - i. Provide support to the Governor's Workforce Development Board ('State Board'), industry sector councils, and the Office of the Governor in developing a strategy for the cooperation and collaboration among all stakeholders focused on workforce development;
 - ii. Develop a career pathways strategy for Nevada in the fields of technology, advanced manufacturing, education, and health care;
 - iii. Recommend improvements to the allocation of federal and state dollars incorporating evidence-based and outcome-based strategies to align workforce training programs in Nevada with current and projected job opportunities and career pathways, based on the Nevada's economic development plan and information received from the industry sector councils;

- iv. Apply for and administer grants, including those that may be available from funding reserved for statewide workforce investment activities from WIOA;
 - v. Review the current status and structure of local workforce investment boards in this state to determine if they are appropriately aligned to serve the unique needs of regional economies in Nevada; and
 - vi. Work on any other matter as directed by the Office of the Governor.
 - b. The Office of Workforce Innovation shall be funded until June 30, 2017, with funding reserved for statewide workforce investment activities from WIOA. Funding will be used to hire through the State contract process persons necessary to provide an appropriate level of staff for the Office of Workforce Innovation to carry out its duties and achieve its mission.
 - c. The Office of Workforce Innovation shall provide a report summarizing the industry sector council recommendations required by Section 3 of this Executive Order to the Executive Committee of the State Board, Nevada System of Higher Education, Nevada Department of Education, Nevada Department of Health and Human Services, Nevada Department of Employment, Training and Rehabilitation, Nevada Department of Veterans Services, Governor's Office of Economic Development, Office of Science Innovation and Technology, State Apprenticeship Council, local school boards, local workforce investment boards, and any nonprofit organization known to be receiving federal or state dollars to carry out workforce development activities.
 - i. The Office of Workforce Innovation may, after consultation with the State Board, include funding and program recommendations with the information forwarded in the report; and
 - ii. Any entity receiving the recommendations pursuant section 3 of this Executive Order shall within ninety (90) days respond in writing to the Office of Workforce Innovation describing any implementation plans or activities.
 - d. The Office of Workforce Innovation shall deliver a complete report of its activities, discussions, findings, and recommendations to the Governor on or before November 30, 2016, and May 31, 2017.
- 2. Executive Order 2015-08 is amended to authorize the appointment of an Executive Committee to assist and expedite the work of the State Board.
 - a. The Executive Committee shall evaluate reports from the Office of Workforce Innovation and make recommendations to the State Board regarding the allocation of workforce development funds within the State Board's purview.
 - b. The Executive Committee shall be appointed by and serve at the pleasure of the Governor.
 - c. The Executive Committee shall be comprised of no more than nine members selected from the State Board. Members shall include: the current Chair of the State Board, who shall also serve as the Chair of the Executive Committee; four members representing businesses or the workforce; one member representing State government; one member representing local government; one member representing higher education; and one member representing either K-12 education or local workforce training programs.
 - d. The Executive Committee shall adopt rules of practice to efficiently and effectively manage the administrative duties of the State Board during the time between regularly-scheduled State Board meetings.
 - e. The Executive Committee may meet as often as necessary in the discretion of its Chairman, and all meetings shall be subject to the Open Meeting Law set forth in Chapter 241 of the Nevada Revised Statutes.

3. The State Board is directed to reorganize all industry sector councils no later than April 30, 2016.
- a. Reorganized industry sector councils shall:
- i. Meet twice each year to receive information from the Office of the Governor, the Governor's Office of Economic Development, the Nevada Department of Employment Training and Rehabilitation, the Nevada System of Higher Education, and any other agencies or organizations directed by the Office of Workforce Innovation;
 - ii. Issue written recommendations, based on the information received during its bi-annual meetings, to the State Board and Office of Workforce Innovation forecasting both short- and long-term job growth on a regional basis for both new and existing industry so as to inform the workforce development programs of this State; and
 - iii. Make recommendations concerning the necessary skills and education for the jobs outlined in its job growth recommendations.
- b. Industry sector councils shall consist of no more than seven members, with at least four members of each council representing businesses in the targeted industry.

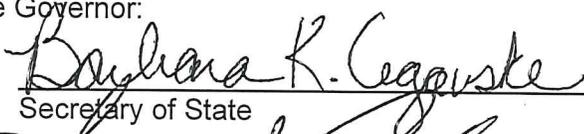
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 16th day of March, in the year two thousand sixteen.



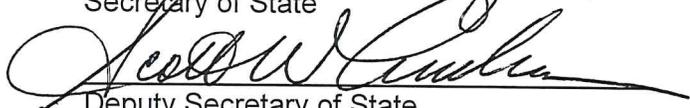


Governor of the State of Nevada

By the Governor:



Secretary of State



Deputy Secretary of State

STATE OF NEVADA



**Governor's Workforce Development Board's
*Executive Committee***

Rules of Practice

Effective: 4/21/2016

Governor's Workforce Development Board

Executive Committee Rules of Practice Adopted Pursuant to Executive Order 2016-08 § 2(d)

I. PURPOSE –

In accordance with Executive Order 2016-08, the Executive Committee (“Committee”) of the Governor’s Workforce Development Board (“State Board”) shall act on behalf of the State Board, as set forth in NRS 232.935, in relation to matters under the purview of the State Board, arising between regularly scheduled meetings of the State Board, or when it is not practical for the State Board to meet. The Committee exists to ensure that the State Board successfully performs its role and meets its responsibilities in implementing Nevada’s statewide workforce development system as described in the State’s Unified Plan submitted pursuant to the federal Workforce Innovation and Opportunities Act (WIOA). Except as otherwise provided below, the Committee is delegated the authority to act as the full State Board and to exercise such powers and authority as is authorized by Executive Order 2016-08 and set forth herein.

II. MEMBERSHIP –

The Committee shall be comprised of no more than nine members of the State Board, appointed by the Governor and serving at the pleasure of the Governor. Committee Members shall include: the Chair of the State Board; four members representing business or workforce; one member representing State government; one member representing local government; one member representing higher education; and one member representing either K-12 education or local workforce training programs. Insofar as it is possible, the Governor will also name a Vice Chair from among the members of the Committee.

III. MEETINGS AND QUORUM –

The Committee shall meet at the call of the Chair, or in the Chair’s absence at the call of the Vice Chair, during such times as regular, quarterly meetings of the Board are not held. Meetings of the Committee are subject to Nevada Open Meeting law as set forth in NRS 241. A majority of Committee Members shall constitute a quorum for the Committee to deliberate, vote on any matter, or otherwise take action or conduct business. The Committee may meet as often as necessary in the discretion of the Chair.

IV. AUTHORITY –

In carrying out its function as an entity created to support the State Board’s roles as outlined in Nevada’s Unified Plan submitted pursuant to WIOA, the Committee is authorized to exercise any power and take any action that is within the authority of the State Board, and any matter that may properly be brought before the State Board may be brought before the Committee. The Committee may refer matters to the State Board for ratification if a majority

of the members of the Committee deem such referral to be necessary, provided that any matter pertaining to the allocation of funding which is acted upon by the Committee must be ratified by the State Board at its next regularly scheduled meeting.

The Committee is authorized, in accordance with Executive Order 2016-08, to:

- (1) Identify industry sectors which are essential to the State and identify the region or regions of this State where the majority of operations of each of those industry is conducted;
- (2) Establish regional goals for economic development for each of the sector councils identified pursuant to subsection 1, and establish a council for each industry sector;
- (3) Consider and develop programs to promote:
 - a. Strategies to improve labor markets for industries and regions of this State, including without limitation improving the availability of relevant information;
 - b. Coordination of the efforts of relevant public and private agencies and organizations;
 - c. Strategies for providing funding as needed by various industry sectors;
 - d. Increased production capacities for various industry sectors;
 - e. The development of useful measurements of performance and outcomes in various industry sectors;
 - f. Participation by and assistance from state and local government agencies;
 - g. Expanded market penetration, including, without limitation, by providing assistance to employers with small numbers of employees;
 - h. Partnerships between labor and management;
 - i. Business associations;
 - j. The development of improved instructional and educational resources for employers and employees;
 - k. The development of improved economies of scale, as applicable, in industry sectors;
 - l. Identify and apply for federal funding available for job training and education programs for which federal funding is available;
- (4) With the exception of Governor's Reserve WIOA dollars, consider and approve or disapprove applications for money, provided that such approval or disapproval is subject to final ratification and approval by the State Board at its next regularly scheduled meeting; and
- (5) With the exception of Governor's Reserve WIOA dollars, upon ratification and approval by the State Board, provide and administer grants of money for the purpose of establishing job training and education programs in industry sectors for which regional goals for economic development have been established;

V. KEY RESPONSIBILITIES –

Pursuant to Executive Order 2016-08, the Committee shall:

- (1) Evaluate reports provided by the Office of Workforce Innovation;

- (2) Make recommendations to the State Board regarding the allocation of workforce development funds within the purview of the State Board;
- (3) Provide an oral report of Committee meetings at every meeting of the State Board, and make minutes of such Committee meetings available as soon as they are prepared; and
- (4) Undertake any other task or consider any other matter properly within the purview of and as directed by the State Board.

VI. DESIGNATED SUPPORT -

The Department of Employment, Training and Rehabilitation will provide administrative support until such time as the Office of Workforce Innovation is staff. The Office of Workforce Innovation will be the designated office that provides administrative support to the Committee within the limits of available resources.

VII. RATIFICATION –

These Rules of Practice shall become effective upon adoption by the Committee at its first regular meeting, which shall occur no later than April 14, 2016, and ratification by the Board no later than April 21, 2016.

Policy Summary

State Compliance Policy (SCP) 1.5

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 1.5 to the Governor's Workforce Development Board (GWDB) for review and approval.

This SCP 1.5 replaces the existing Workforce Investment Act policy providing instruction to the Local Areas on creating One-Stop System Memorandums of Understanding (MOU). SCP 1.5 lays out the guidelines that Local Areas must follow when developing WIOA MOUs with all of their One-Stop system partners. In particular, this policy provides a two phase approach with differing deadlines. Phase I of this approach gives Local Areas the criteria to create the services portion of the MOU with their partners with a deadline of June 30, 2016.

In phase 2, as outlined by SCP 1.5, Local Areas are given the necessary criteria to enter into the Resource Sharing Agreements with One-Stop partners to pay for the infrastructure costs of the One-Stop system. Phase 2 has a deadline of June 30, 2017. Phase 2 is one of the most critical efforts in establishing a stable One-Stop system. This effort will require effective communication with partners across the system.

This policy, for both phases, lays out the elements that are necessary in an effective agreement with the workforce partners. DETR stands ready to provide any technical assistance needed to any workforce partner in the efforts of developing these critical agreements.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act of 2014
State Compliance Policy (SCP)**

Policy Number: 1.5

Originating Office: Workforce Investment Support Services (WISS)

Subject: WIOA Memorandums of Understanding

Issued: April 2016

Purpose: The Department of Employment, Training and Rehabilitation (DETR) is providing guidance on the development of Memorandums of Understanding (MOUs) under the *Workforce Innovation and Opportunity Act* (WIOA).

Please note that this guidance was developed using the WIOA Notices of Proposed Rule Making (NPRM) and is subject to change based upon issuance of the final WIOA regulations or further guidance from Department of Labor (DOL).

Authorities/References:

- WIOA (Public Law 113-128) Section 121(c); Section 188, ad 29 CFR Part 38
- Americans with Disability Act Amendment Act of 2008 (Public Law 110-325)
- Title 20 Code of Federal Regulations (CFR) “WIOA, Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; NPRM”, Sections 678.305, 678.310, 678.315, 678.500 and 678.505; (See also corresponding Title 34 Department of Education Sections 361.500, 361.505 and 361.510)
- Title 2 Code of Federal Regulations (CFR) Part 200

Action Required:

Upon issuance bring this guidance to the attention of all LWDB Board members and any other concerned parties. Any local boards’ policies, procedures, and or contracts affected by this guidance are required to be updated accordingly. **Please provide quarterly updates on the progress towards completion of each phase.**

Background:

The WIOA strengthens the ability of our public workforce system to align investments in workforce, education, and economic development with regional in-demand jobs. It also focuses

on the importance of providing customers with access to high-quality one-stop centers that connect them with the full range of services available in their communities.

Accordingly, Nevada’s Workforce Development Strategic Plan (State Plan) was developed with the following four policy objectives in mind:

- **ACCESS:** Increase access to education, training, and support services and remove barriers to employment.
- **ALIGNMENT:** Align, coordinate and integrate education, employment and training programs to meet the needs of Nevadans.
- **QUALITY:** Meet the needs of Nevada’s employer’s by enhancing the quality of an integrated workforce development system that provides measureable value on investment.
- **OUTCOMES:** A statewide workforce development system that results in skills gain, relevant credentials, good jobs, and prosperity of Nevadans.

To achieve these objectives, the America’s Job Center of Nevada (AJC) system must serve as an all-inclusive access point to education and training programs that provide demand-driven skills attainment, especially for those with barriers to employment.

A critical component of the successful implementation of the State Plan vision is a well-articulated MOU. Local Boards, with the agreement of the chief elected official (CEO), are responsible for entering into a MOU with each of the AJC partners that outlines the operations of the overarching one-stop delivery system [WIOA Section 121(c)]. The law envisions that Local Boards will act as both the convener of the MOU negotiations as well as the shaper of how one-stop services are delivered within their Local Workforce Development Area (Local Area) (NPRM Preamble page 20602).

Policy and Procedure:

The AJCs are the cornerstone of Nevada’s workforce development system. The AJC partners are jointly responsible for workforce and economic development, educational, and other human service programs. Therefore, collaboration is essential to establishing a quality-focused, employer-driven, and customer-centered system.

Development of a Memorandum of Understanding

Each MOU should act as a functional tool as well as visionary plan for how the Local Board and AJC partners will work together to create a unified service delivery system that best meets the needs of their shared customers.

Local Boards may develop a single “umbrella” MOU that addresses overarching issues for the Local Board, CEO, and AJC partners as they relate to the local AJC system. Alternatively, they

may choose to enter into a separate MOU with each individual partner or groups of partners (NPRM Section 678.505). Two or more Local Areas within a planning region also have the option to develop a single joint MOU, should they wish to do so (NPRM Section 678.500).

The three major components each MOU should address are as follows:

1. Shared Customers
2. Shared Services
3. Shared Costs

Joint infrastructure funding is a critical part of establishing the foundation needed to support integrated service delivery. Therefore, under WIOA each of the required partners must contribute a portion of their cash and/or in-kind contributions (fairly evaluated) toward maintaining the AJC system under WIOA. However, in order to ensure we are moving toward a customer-focused approach across all programs, the shared resources and costs portion of each MOU does not have to be negotiated until after the Local Board and AJC partners have first addressed their shared customers and services.

Phase I and Phase II

The MOU development process will take place in two phases. Phase I of each MOU will address service coordination and collaboration amongst the partners. Phase II will address how to functionally and fiscally sustain the unified system described in Phase I through the use of resource sharing and joint infrastructure costs. After each phase of a MOU has been completed, authorized representatives of the Local Board, CEO, and AJC partner(s) must sign it.

Phase I: Service Coordination

For Phase I, Local Boards are expected to work with all of the required and optional partners in their Local Area to develop an agreement regarding the operations of the local one-stop system as it relates to shared services and customers. **Phase I of each MOU must be completed no later than June 30, 2016.**

Phase II: Shared Resources and Costs

For Phase II, Local Boards should build upon the agreements established in Phase I and determine how to best support their established service delivery model through the sharing of resources and costs. **Phase II of each MOU must be completed no later than June 30, 2017.**

The two-part schedule is being provided in order to allow time for other key WIOA milestones (e.g., Local Area subsequent designation, AJC operator procurement, establishment of a state infrastructure fund) to be completed before Phase II is due.

While the AJC operator can participate in the MOU development process, the responsibility of negotiating Phase I and Phase II of each MOU cannot be delegated to

them as part of the competitive procurement process. Local Boards may wish to request an assessment of an applicant’s ability to leverage resources or their experience in working with the required and optional AJC partners. However, they cannot require applicants to submit each AJC partner’s financial commitments as part of the procurement process.

Every MOU must contain an assurance that it will be reviewed and updated, at a minimum, every three years in order to ensure it contains up to date information regarding funding, delivery of services, and changes in the signatory official of the Local Board, CEO, or AJC partner(s).

In addition, each MOU must be reviewed and, if necessary, renegotiated after Local Workforce Development Plans have been developed. This is to ensure they are properly aligned with the local priorities and strategies identified in both plans.

Strategic Timeline

During the MOU development process, Local Boards should remain aware of upcoming deadlines. The timeline below takes into account current federal guidance as well as Nevada’s strategic vision for WIOA implementation:

- During PY 2015-2016, Local Boards must complete Phase I of the MOU no later than **June 30, 2016.**
- During PY 2017-2018, Local Boards must complete Phase II of the MOU no later than **June 30, 2017.**

*Please note: dates are subject to change, pending further guidance from DOL.

Provisions of a Memorandum of Understanding

The table below outlines the content for Phase I and Phase II of the MOU development process. The left column lists the provisions that each MOU must contain, as required by WIOA. The right column lists what corresponding information needs to be included in order to address each provision.

In addition, the state developed a Sample MOU (Attachment 1). The Sample MOU is intended to be a technical assistance tool rather than a required template. As such, it should be used in whatever way best fits the needs of the Local Board.

Phase I
June 30, 2016

MOU Provisions Required under WIOA Section 121 (c)	Corresponding Information Needed
<p>Services provided through the one-stop delivery system</p> <p>WIOA Section 121(c)(2)(A)(i)</p> <p>Describe the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated and delivered through such a system.</p>	<ul style="list-style-type: none"> • Define the purpose, mission, values and goals of the AJC system. • Identify the AJC partner(s) included in the MOU (both required and optional). • Describe the AJC system design. • Describe the AJC system services, that are applicable to each partner, including career services and those identified in the bi-lateral agreements contained in the Nevada Workforce Development Strategic Plan • Identify the AJC system customers and describe shared customers. • Describe the responsibilities of the AJC partner(s), including joint planning and staff development/professional development.
<p>Initial Plan for Funding of Services and Operating Costs</p> <p>Describe the initial plan for Phase II as referenced in WIOA Section 121(c)(2)(A)(ii).</p>	<ul style="list-style-type: none"> • Include a commitment to sharing system operating costs. • Include an assurance that costs will be based on proportionate use and agreed upon methodology. • Include an assurance that a cost sharing agreement will be completed during Phase II of MOU process (see Attachment 1 for more guidance).
<p>Methods for Referring Customers</p> <p>WIOA Section 121(c)(2)(A)(iii)</p> <p>Describe methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities.</p>	<ul style="list-style-type: none"> • Describe the AJC system referral process. • Describe commitment to ensuring a high quality customer service and customer-centered focus. • Identify how the AJC system will provide direct access to partners through real-time technology.

<p>Access to Services</p> <p>WIOA Section 121(c)(2)(A)(iv)</p> <p>Describe methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one- stop delivery system</p>	<ul style="list-style-type: none"> • Attach an AJC system map that identifies the location of each comprehensive and affiliate AJC within the Local Area. • Identify individuals with barriers to employment and describe how the AJC system will ensure access and priority for services to individuals with barriers to employment. • Include a commitment by the AJC partner(s) to work together to share data and technology. • Identify measures and internal control applied to ensure system security. • Include a commitment to comply with the confidentiality provisions of the respective statutes of the AJC partner(s). • Describe how the AJC system will provide measures to promote non-discrimination and equal opportunity. • Describe the AJC system grievance procedures. • Include a commitment that the AJC partner(s) will comply with the Americans with Disability Act Amendment(s) Act of 2008. • Include a commitment that the AJC partner(s) will promote capacity building and professional development for staff in order to increase awareness and understanding of serving individuals with barriers to employment and individuals with disabilities.
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<p>Duration of MOU</p> <p>WIOA Section 121(c)(2)(A)(v)</p> <p>Describe the duration of the MOU and the procedures for amending the memorandum during the duration of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services.</p>	<ul style="list-style-type: none"> • Identify the effective dates of the MOU. • Include an assurance to review the MOU at least every three years. • Describe the procedures established to revise and modify the MOU. • Describe the procedures established to terminate the MOU
<p>Recommended MOU Provision</p>	<p>Optional Sections to include in the MOU</p>
<p>Administration and Operations Management</p>	<ul style="list-style-type: none"> • Describe management operations, including site supervision and day to day operations. • Describe how the AJC system will engage in media releases and communication. • Describe the AJC system policy and procedures regarding hold harmless, indemnification, and liability. • Describe how the AJC system will handle dispute resolution.

Phase II

June 30, 2017

MOU Provisions Required under WIOA Section 121 (c)	Corresponding Information Needed
<p>Funding of Services and Operating Costs</p> <p style="text-align: center;">WIOA Section 121(c)(2)(A)(ii)</p> <p>Describe how the costs of such services and the operating costs of such system will be funded, including the following:</p> <p>(I) Funding through cash and in-kind contributions (fairly evaluated), which contributions may include funding from philanthropic organizations or other private entities, or through other alternative financing options, to provide a stable and equitable funding stream for ongoing one-stop delivery system operations.</p> <p>(II) Funding of the infrastructure costs of one-stop centers in accordance with subsection (h).</p>	<ul style="list-style-type: none">• Identify the AJC system operating and infrastructure costs.• Describe how shared operating and infrastructure costs will be funded by the AJC partner(s).• Describe the cash and in-kind contributions used to fund shared operating and infrastructure costs.• Identify the amount to be contributed by the AJC partner(s) through the cost sharing agreement.• Include an assurance that AJC proportionate fund contributions were calculated in accordance with Title 2 CFR Part 200.• Describe the process that will be used to periodically (yearly) review and adjust shared costs so that they continue to be proportionate and equitable to the benefit received by the AJC partner(s).

Additional Resources

Supplementary federal guidance that may be of assistance during the MOU development process includes the following:

[DOL Training and Employment Guidance Letter 04-15](#): Vision for the One-Stop Delivery system under the WIOA

[Rehabilitation Services Administration Technical Assistance Circular 15-02](#):
Vision for the State Vocational Rehabilitation Services Program as a Partner in the

Workforce Development System Under the WIOA

[Office of Career, Technical and Adult Education - Division of Adult Education and Literacy 15-4](#): Vision of the Adult Education and Literacy Act in the Workforce System and Initial Implementation of the WIOA

[Unemployment Insurance Program Letter 20-15](#): Unemployment Insurance and the WIOA of 2014

<https://www.doleta.gov/WIOA/FAQs.cfm>: DOL ETA FAQs for WIOA

INQUIRIES:

Please direct all inquiries to the Nevada Department of Employment Training and Rehabilitation's Workforce Investment Support Services WIA Coordinator at 775-684-0301.

Attachments

Attachment 1 - MOU Sample Template

**Workforce Investment Act
State Compliance Policies**

SECTION : 1.5

Memorandums of Understanding

August 2000

I. MEMORANDUM OF UNDERSTANDING (MOU):

- A. The MOU is an agreement between the One Stop Partners and the Local Workforce Investment Board (LWIB), with the consent of the chief elected officials, to establish a process to maintain and govern the operation of a One-Stop delivery system in the local workforce area. [• 662.300(a)]
- B. Since funds are generally appropriated annually, financial agreements may be negotiated with each partner on an annual basis to clarify funding of services and operating costs of the system under the MOU.

II. MINIMUM PROVISIONS FOR A MOU [Section 121(c)(2) and • 662.300(b)]:

- A. Each MOU must contain at a minimum the following provisions:
 - 1. A description of the services to be provided through the One-Stop delivery system;
 - 2. Funding services and the operating costs of the system;
 - 3. Methods for referral of individuals between the One-Stop operator and the One- Stop partners;
 - 4. The duration of the MOU and the procedures for amending the MOU;
 - 5. And any other provisions, consistent with the requirements of Title I and regulations, agreed to by the parties.

III. SINGLE OR INDIVIDUAL MOU:

- A. A single •umbrella• MOU may be developed that addresses the issues relating to the local One-Stop delivery system for the LWIB and all partners, or:
- B. The LWIB and its partners may decide to enter into separate agreements between the

LWIB and one or more other partners.

IV. WHEN A MOU IMPASSE OCCURS [• 662.310(b)]:

- A. LWIBs and partners must enter into good-faith negotiations.
- B. LWIBs and partners may request assistance from the lead state agency, the organization or agency responsible for administering the program, the Governor, SWIB or other appropriate parties.
- C. The State agency(ies), SWIB and the Governor may also consult with appropriate Federal officials to address impasse situations after exhausting other alternatives.
- D. The LWIB and a disagreeing partner must document the negotiations and efforts that have taken place.
- E. Any failure to execute a MOU between a LWIB and a required partner must be reported by the LWIB and the required partner to the Governor , SWIB and the State agency responsible for administering the partner*s program. The Governor, State Board and State agency must report the breach to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of the partner*s program.

V. WHEN AN IMPASSE CANNOT BE RESOLVED [• 662.310(c)]:

- A. If an impasse cannot be resolved, any partner that fails to execute a MOU may not be permitted to serve on the LWIB or receive benefits from WIA funds and programs.
- B. Any local area in which the LWIB has failed to execute a MOU with all of the required partners, is not eligible for State incentive grants awarded for the local coordination of activities.
- C. These sanctions are in addition to, not in lieu of, any other remedies that may be applicable to the Local Board or to each partner for failure to comply with the statutory requirement. [§662.310(c)]

Workforce Innovation and Opportunity Act **SAMPLE Memorandum of Understanding**

This Sample Memorandum of Understanding (MOU) is intended to be a technical assistance tool rather than a required template; it should be used in whatever way best fits the needs of the Local Workforce Development Board (Local Board).

The document contains a combination of suggested guidance and sample language. Please note, all sample language will be indicated by *italics*.

Preamble/Purpose of MOU

This section should include the preamble and overall purpose of the MOU.

The Workforce Innovation and Opportunity Act (WIOA) requires that a MOU be developed and executed between the Local Board and the America's Job Center (AJC) partners to establish an agreement concerning the operations of the AJC delivery system. The purpose of the MOU, is to establish a cooperative working relationship between the parties and to define their respective roles and responsibilities in achieving the policy objectives. The MOU also serves to establish the framework for providing services to employers, employees, job seekers and others needing workforce services.

Nevada's one-stop delivery system, the AJC, is a locally-driven system which develops partnerships and provides programs and services to achieve three main policy objectives established by the Nevada Workforce Development Strategic Plan, which includes the following:

- *Foster demand-driven skills attainment*
- *Enable upward mobility for all Nevadans*
- *Align, coordinate, and integrate programs and services*

These objectives will be accomplished by ensuring access to high-quality AJCs that provide the full range of services available in the community for all customers seeking the following:

- *Looking to find a job.*
- *Building basic educational or occupational skills.*
- *Earning a postsecondary certificate or degree.*
- *Obtaining guidance on how to make career choices.*
- *Seeking to identify and hire skilled workers.*

Local Vision Statement, Mission Statement, and Goals

This section should include the vision, mission, principles, and goals of the AJC delivery system from a local and regional viewpoint.

Parties to the MOU

This section should include all parties relevant to the MOU.

Local Boards may enter into separate MOU agreements with each partner or enter into an “Umbrella” MOU which includes all required and optional AJC partners, both locally and regionally.

Required partners include local/regional representatives of the following programs:

- WIOA Title I Adult, Dislocated Worker, and Youth
- WIOA Title II Adult Education and Literacy
- WIOA Title III Wagner-Peyser
- WIOA Title IV Vocational Rehabilitation
- Carl Perkins Career Technical Education
- Title V Older Americans Act
- Job Corps
- Native American Programs (Section 166)
- Migrant Seasonal Farmworkers (Section 167)
- Veterans
- Youth Build
- Trade Adjustment Assistance Act
- Community Services Block Grant
- Housing & Urban Development
- Unemployment Compensation
- Second Chance
- Temporary Assistance for Needy Families

One-Stop System, Services

This section should include a description of the local system, the customers served, and the services provided by each AJC partner. This includes the three types of “career services” authorized under WIOA (basic career services, individualized career services and follow-up services) as well as training services and services provided to employers.

This can be included as an attachment or communicated through a chart that describes how each service will be integrated into the operations of the AJCs and which partner(s) will provide it.

Responsibility of AJC Partners

This section should include a description of local agreements to share responsibility for planning, implementing and operating the system.

- *The AJC partner agrees to participate in joint planning, plan development, and modification of activities to accomplish the following:*
 - *Continuous partnership building.*
 - *Responsiveness to local and economic conditions, including employer needs.*
 - *Adherence to common data collection and reporting needs.*
- *Make the applicable service(s) applicable to the partner program available to customers through the one-stop delivery system.*
- *Participate in the operation of the one-stop system, consistent with the terms of the MOU and requirements of authorized laws.*
- *Participate in capacity building and staff development activities in order to ensure that all partners and staff are adequately cross-trained.*

Funding of Services and Operating Costs

This section should include information on current or future planning related to shared resources and joint funding.

Local Boards that have already negotiated cost sharing agreements should include them as an attachment. Local Boards that have not yet negotiated cost sharing agreements should include language in Phase I of the MOU that indicates each partner agrees to negotiate and implement a cost sharing plan by June 30, 2017.

All relevant parties to this MOU agree to share in the operating costs of the AJC system, either in cash or through in-kind services. The cost of services, operating cost, and infrastructure costs of the system will be funded by all AJC partners through a separately negotiated cost sharing agreement based on an agreed upon formula or plan.

AJC partners will ensure that the shared costs are supported by accurate data, the shared costs are consistently applied over time, and the methodology used in determining the shared costs are reflected in a separate Cost Sharing Agreement that will be attached to this MOU.

Methods for Referring Customers

This section should include a commitment to mutually implement processes for the referral of customers to services not provided on-site.

The referral process can be included as an attachment and should do the following:

- Ensure that intake and referral processes are customer-centered and provided by staff trained in customer service.
- Ensure that general information regarding AJC programs, services, activities and resources shall be made available to all customers as appropriate.
- Describe how customer referrals are made electronically, through traditional correspondence, verbally or through other means determined in cooperation with

- partners and operators.
- Describe how each AJC partner will provide a direct link or access to other AJC partner staff that can provide meaningful information or service, through the use of co-location, cross training of AJC staff, or real-time technology (two way communication and interaction with AJC partners that results in services needed by the customer).

Access for Individuals with Barriers to Employment

This section should include information on how the AJC system will ensure access for individuals with barriers to employment.

Recommended topics include the following:

- A definition of the term “individuals with barriers to employment.”
- A commitment to offer priority for services to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient when providing individualized career services and training services with WIOA adult funds.
- An attached “system map” that identifies the location of every comprehensive and affiliate AJC within the Local Area.

This section should also include a commitment from each AJC partner to ensure their policies, procedures, programs, and services are in compliance with the *Americans with Disabilities Act of 1990* and its amendments, in order to provide equal access to all customers with disabilities.

Shared Technology and System Security

This section should include a commitment to share data and technology as well to ensure that all data and systems are secure.

WIOA emphasizes technology as a critical tool for making all aspects of information exchange possible, including client tracking, common case management, reporting, and data collection. To support the use of these tools, each AJC Partner agrees to the following:

- *Comply with the applicable provisions of WIOA, Health and Human Services Code, Nevada Education Code, Rehabilitation Act, and any other appropriate statutes or requirements.*
- *The principles of common reporting and shared information through electronic mechanisms, including shared technology.*
- *Commit to share information to the greatest extent allowable under their governing legislation and confidentiality requirements.*
- *Maintain all records of the AJC customers or partners (e.g. applications, eligibility and referral records, or any other individual records related to services provided under this MOU) in the strictest confidence, and use them solely for purposes directly related to such services.*
- *Develop technological enhancements that allow interfaces of common information*

- *needs, as appropriate.*
- *Understand that system security provisions shall be agreed upon by all partners.*

Confidentiality

This section should address compliance with the confidentiality requirements of all applicable laws, regulations, and rules.

The AJC Partner agrees to comply with the provisions of WIOA as well as the applicable sections of the Health and Human Services Code, the Nevada Education Code, the Rehabilitation Act, and any other appropriate statute or requirement to assure the following:

- *All applications and individual records related to services provided under this MOU, including eligibility for services and enrollment and referral, shall be confidential and shall not be open to examination for any purpose not directly connected with the delivery of such services.*
- *No person will publish, disclose use, or permit, cause to be published, disclosed or used, any confidential information pertaining to AJC applicants, participants, or customers overall unless a specific release is voluntarily signed by the participant or customer.*
- *The AJC partner agrees to abide by the current confidentiality provisions of the respective statutes to which AJC operators and other AJC partners must adhere, and shall share information necessary for the administration of the program as allowed under law and regulation. The AJC partner, therefore, agrees to share client information necessary for the provision of services such as assessment, universal intake, program or training referral, job development or placement activities, and other services as needed for employment or program support purposes.*
- *Client information shall be shared solely for the purpose of enrollment, referral or provision of services. In carrying out their respective responsibilities, each party shall respect and abide by the confidentiality policies of the other parties.*

Non-Discrimination and Equal Opportunity

This section should address compliance with all non-discrimination and equal opportunity provisions.

The AJC partner shall not unlawfully discriminate, harass or allow harassment against any employee, applicant for employment or AJC applicant due to gender, race, color, ancestry, religion, national origin, veteran status, physical disability, mental disability, medical condition(s), age, sexual orientation or marital status. The AJC partner agrees to comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12990) and related, applicable regulations.

The AJC partner will assure compliance with the Americans with Disabilities Act of 1990 and its amendments, which prohibits discrimination on the basis of disability, as well as other applicable regulations and guidelines issued pursuant to the Americans with Disabilities Act.

Grievances and Complaints Procedure

This section should including a commitment to establish and maintain a procedure for handling grievances and complaints as outlined in WIOA.

The AJC partner agrees to establish and maintain a procedure for grievance and complaints as outlined in WIOA. The process for handling grievances and complaints is applicable to customers and partners. These procedures will allow the customer or entity filing the complaint to exhaust every administrative level in receiving a fair and complete hearing and resolution of their grievance. The partner further agrees to communicate openly and directly to resolve any problems or disputes related to the provision of services in a cooperative manner and at the lowest level of intervention possible.

American's with Disabilities Act and Amendments Compliance

This section should include language on how each AJC partner will ensure that the policies and procedures of the AJC system and the services being provided are in compliance with the Americans with Disabilities Act of 1990 and its amendments.

The AJC partner agrees to ensure that the policies and procedures as well as the programs and services provided at the AJC are in compliance with the Americans with Disabilities Act and its amendments. Additionally, partners agree to fully comply with the provisions of WIOA, Title VII of the civil Rights act of 1964, the Age Decimation Act of 1975, Title IX of the Education Amendments of 1972, 29 CRF Part 37 and all other regulations implementing the aforementioned laws.

Effective Dates and Term of MOU

This section should include the effective dates and term length of the MOU.

This MOU shall be binding upon each party hereto upon execution by such party. The term of this MOU shall be three years, commencing on the date of execution by all parties. The MOU will be reviewed not less than once every three years to identify any substantial changes that have occurred.

Modifications and Revisions

This section should include information regarding any modifications or revisions of the MOU.

This MOU constitutes the entire agreement between the parties and no oral understanding not incorporated herein shall be binding on any of the parties hereto. This MOU may be modified, altered, or revised, as necessary, by mutual consent of the parties, by the issuance of a written amendment, signed and dated by the parties.

Termination

This section should include information regarding termination of the MOU.

The parties understand that implementation of the AJC system is dependent on the good faith effort of every partner to work together to improve services to the community. The parties also agree that this is a project where different ways of working together and providing services are being tried. In the event that it becomes necessary for one or more parties to cease being a part of this this MOU, said entity shall notify the other parties, in writing, 30 days in advance of that intention.

Administrative and Operations Management Sections

The following is sample language for the Administrative and Operations Management sections of the MOU, should the Local Board wish to include them.

License for Use

During the term of this MOU, all partners to this MOU shall have a license to use all of the space of the AJCs for the sole purpose of conducting acceptable AJC services as outlined herein.

Supervision/Day to Day Operations

The day-to-day supervision of staff assigned to the AJCs will be the responsibility of the site supervisor(s). The original employer of staff assigned to the AJCs will continue to set the priorities of its staff. Any change in work assignments or any problems at the worksite will be handled by the site supervisor(s) and the management of the original employer.

The office hours for the staff at the AJCs will be established by the site supervisor(s) and the primary employer. All staff will comply with the holiday schedule of their primary employer and will provide a copy of their holiday schedule to the operator and host agency at the beginning of each fiscal year.

Disciplinary actions may result in removal of co-located staff from the AJCs and each party will take appropriate action.

Each party shall be solely liable and responsible for providing to, or on behalf of, its employee(s), all legally-required employee benefits. In addition, each party shall be solely responsive and save all other parties harmless from all matters relating to payment of each party's employee(s), including compliance with social security withholding, workers' compensation, and all other regulations governing such matters.

Dispute Resolution

The parties agree to try to resolve policy or practice disputes at the lowest level, starting with the site supervisor(s) and staff. If issues cannot be resolved at this level, they shall be referred to the management staff of the respective staff employer and the operator, for discussion and resolution.

Press Releases and Communications

All parties shall be included when communicating with the press, television, radio or any other form of media regarding its duties or performance under this MOU. Participation of each party in press/media presentations will be determined by each party's public relations policies. Unless otherwise directed by the other parties, in all communications, each party shall make specific reference to all other parties.

The parties agree to utilize the AJC logo developed by the State of Nevada and the Local Board on buildings identified for AJC usage. This also includes letterhead, envelopes, business cards, any written correspondence and fax transmittals.

Hold Harmless/Indemnification/Liability

In accordance with provisions of Nevada Revised Statutes and other applicable laws, each party hereby agrees to indemnify, defend and hold harmless all other parties identified in this MOU from and against any and all claims, demands, damages and costs arising out of or resulting from any acts or omissions which arise from the performance of the obligations by such indemnifying party pursuant to this MOU. In addition, except for Departments of the State of Nevada which cannot provide for indemnification of court costs and attorneys fees under the indemnification policy of the State of Nevada, all other parties to this MOU agree to indemnify, defend and hold harmless each other from and against all court costs and attorneys fees arising out of or resulting from any acts or omissions which arise from the performance of the obligations by such indemnifying party pursuant to this MOU. It is understood and agreed that all indemnity provided herein shall survive the termination of this MOU.

Workforce Connections' Comments Regarding State Compliance Policy 1.5

Authorities/References: Please consider including reference to Section 188 Non-discrimination. Also, on a related matter, please consider referencing 29 CFR Part 38 which addresses non-discrimination and Equal Opportunity Regulations—NPRMs

- Please change Title 34 to Title 20. Title 34 covers Department of Education, while Title 20 covers Department of Labor

Background:

(Please change this section to coincide with the goals outlined in Nevada's Unified State Plan)

Accordingly, Nevada's Unified State Plan (State Plan) was developed with the following four overarching goals in mind

- **ACCESS:** Increase access to education, training and support services and remove barriers to employment.
- **ALIGNMENT:** Align, coordinate and integrate education, employment and training programs to meet the needs of Nevadans.
- **QUALITY:** Meet the needs of Nevada's employers by enhancing the quality of an integrated workforce development system that provides measurable value on investment.
- **OUTCOMES:** A statewide workforce development system that results in skills gains, relevant credentials, good jobs, and prosperity for Nevadans.

Policy and Procedures: Please change the word collaboration to integration. (Under WIOA integration is essential to establishing a quality One-Stop Delivery System, i.e., employer-driven and customer centered.

(Please Include the following):

Comprehensive American Job Centers (AJC)

Every Local Area must have at least one comprehensive AJC that provides universal access to the full range of employment services, training and education, employer assistance, etc. In other words, a comprehensive AJC is a physical location where job seekers and employers have access to the programs, services, and activities of all the required AJC partners. These include the following:

- WIOA Title I Adult, Dislocated Worker, and Youth
- WIOA Title II Adult Education and Literacy
- WIOA Title III Wagner-Peyser
- WIOA Title IV Vocational Rehabilitation
- Carl Perkins Career Technical Education

- Title V Older Americans Act
- Job Corps
- Native American Programs (Section 166)
- Migrant Seasonal Farmworkers (Section 167)
- Veterans
- Youth Build
- Trade Adjustment Assistance Act
- Community Services Block Grant
- Housing & Urban Development
- Unemployment Compensation
- Second Chance
- Temporary Assistance for Needy Families

The term “access” refers to providing services through one of the following methods:

- Co-location – Program staff from each partner are physically present at the AJC.
- Cross information sharing – Staff physically present at the AJC are properly trained to provide information about all programs, services, and activities that may be available to the customer through other partners.
- Direct access through real-time technology – Access through two-way communication and interaction between customers and AJC partners that result in services being provided. Examples may include the following:
 - o Email or instant messaging.
 - o Live chat via Skype or Facetime.
 - o Identification of a single point of contact for service delivery at each partner program.
 - o Establishment of an Internet portal linking all of the partners.

(NPRM Section 678.305)

Affiliate AJCs

An affiliate AJC is a center that offers job seekers and employers one or more of the AJC programs, services, and activities. These types of centers serve as access points into the local AJC system. An affiliated site is not required to provide access to every required AJC core or partner service and the frequency of staff presence in an affiliated center is determined at the local level. Affiliate AJCs can be specialized centers that address specific needs of a target population or key industry sector or cluster. Local Areas choosing to incorporate affiliated centers as part of their service delivery strategy should implement these centers in a manner that supplements and enhances customer access (NPRM Section 678.310).

Stand Alone Wagner-Peyser Office

Stand-alone Wagner-Peyser (W-P) Employment Service (ES) offices are no longer permitted. Current W-P offices may transition to an affiliate center, provided that staff from at least one other partner in the affiliated center is physically present more than 50 percent of the time during the center’s business hours and an MOU has been developed with the Local Board. Additionally, the other partner must not be the partner administering local veterans’ employment

representatives, disabled veterans' outreach program specialists, or unemployment compensation programs. If W-P ES and any of these three programs are provided at an affiliated site, an additional partner must have staff present in the center more than 50 percent of the time during the center's business hours (NPRM Section 678.315).

Development of Memorandum of Understanding

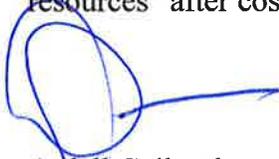
Please add the words "and resources" after funds.

Phase I and Phase II

Please change the word collaboration to "integration".

Phase I

Initial Plan for Funding of Services and Operating Costs: Please add the words "and resources" after costs.



Ardell Galbreth
Executive Director
Workforce Connections

Policy Summary

State Compliance Policy (SCP) 1.6

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 1.6 to the Governor's Workforce Development Board (GWDB) for review and approval.

State Compliance Policy 1.6 communicates the policy and procedure to Local Areas for determining Adult and Dislocated Worker eligibility under WIOA in the State of Nevada. This policy provides guidance in the general program eligibility requirements as well as eligibility for career and training services. It also provides instruction for the additional requirements for Dislocated Workers. SCP 1.6 also addresses requirements for special populations/circumstances such as Displaced Homemakers, Veterans and when it is appropriate, the requirements for supportive services/needs related payments.

This policy also provides guidance to LWDBs on how to appropriately document activity for the services provided in the WIOA Adult and Dislocated Worker Program. Instructions are given as to what documents must be collected and kept in the case files and management information system.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act of 2014
State Compliance Policy (SCP)**

Policy Number: 1.6

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Eligibility for Adult and Dislocated Worker Career and Training Activities

Issued: November 2009 Workforce Investment Act (WIA)

Revised: March 2016 Workforce Innovation and Opportunity Act (WIOA)

Purpose:

To provide program participant eligibility requirements for Adult and Dislocated Worker WIOA programs.

State Imposed Requirements:

This directive contains some state-imposed requirements. These requirements are printed in ***bold, italic type***.

Authorities/References:

Workforce Innovation and Opportunity Act (P.L. Sec. 3-134), NPRM 20 CFR Part 681, Source Documentation Requirements Data Element Validation, TAG 3-15, TEGL 39-11.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB Board members and any other concerned parties. Any local boards' policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

WIOA became law on July 22, 2014 and supersedes titles I and II of the Workforce Investment Act (WIA). The Department of Labor (DOL) and Education published a set of proposed regulations implementing WIOA. These are known as the Notice of Proposed Rulemaking (NPRMs).

The following (SCP) communicates the unaffected requirements, the proposed changes and state requirements in program and service eligibility. The policy includes procedure, content definition and minimal file content requirements to address two of the three DOL requirements of Eligibility and Reporting. The final piece, Performance will be addressed in other SCP/TAGs.

Policy and Procedure:

General Eligibility Requirements

Birth date/Age:

To receive services in the Adult (AD) and Dislocated Worker (DW) programs an individual must be at least eighteen (18) years of age, be registered and determined eligible for the specific program or service.

Employment Authorization:

A participant must be authorized to work in the United States to receive WIOA services.

Selective Service Registration:

Male applicants born on or after January 1, 1960 must be registered with the U.S. Selective Service within 30 days of their 18th birthday. Those who have not yet registered should be referred for registration prior to WIOA enrollment. Reference TEGL 11-11. ***Local Boards must have written policy addressing Selective Service compliance.***

Provide Documentation on Social Security Number: While the state cannot require the collection of social security numbers per TEGL 5-08, it is highly encouraged to do so in order to use quarterly wage records information in program performance reports to DOL.

Priority for Adult Funds: (WIOA Sec. 134(c)(3)(E), TEGL 3-15)

Priority shall be given to recipients of public assistance, veterans and eligible spouses, other low-income individuals, and individuals who are basic skills deficient for receipt of career services and training services.

- First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. 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 would receive first priority for services provided with WIOA adult formula funds.
- Second, to non-covered persons (that is, 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.
- Last, to non-covered persons outside the groups given priority under WIOA.

Veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service and as such, must be identified at any point of entry and made aware of: 1) their entitlement to priority of services 2) the full array of employment, training, and placement services available under priority of services 3) any applicable eligibility requirements for those programs and/or services. As clarified in TEGL 10-09 it is important to note that veterans and eligible spouse must first meet any and all of the statutory eligibility criteria in order to be enrolled in WIOA Formula Programs. Reference SCP 1.7 and 1.18.

Note: 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. TEGL 22-04.

Eligibility for Career Services: (WIOA Sec. 134(c)(2), CFR 680.120, 680.130)

To be eligible to receive career services as an adult in the adult and dislocated worker programs, an individual must be 18 years of age or older.

To be eligible to receive career services as a dislocated worker in the adult and dislocated worker programs, an individual must meet the definition of “dislocated worker” per WIOA Sec. 3(15).

Eligibility for Training Services: (WIOA Sec. 134(c)(3)(A)(i), CFR 680.210)

Prior to delivery of Training Services, at a minimum the participant must receive either an interview, evaluation, or assessment, and career planning or any other method through which the one-stop operator or partner can obtain enough information to make an eligibility determination for training services.

The participant case file must contain a determination of the need for training as determined through the interview, evaluation or assessment and career planning informed by local labor market information and training provider performance information, or through any other career service received.

Dislocated Worker Eligibility Requirements: (WIOA Sec. 3(15), 3(16), CFR 680.120, 680.130)

To be eligible for dislocated worker career and training services, an individual must, in addition to meeting the eligibility requirements for career and/or training services, meet one of the following criteria (in addition to the State criteria):

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

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

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in Sed. 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 unemployment compensation law; and

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

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

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

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

(C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(D) is a displaced homemaker; or

(E)(i) is the spouse of a member of the Armed Forces on active duty (as defined in Sec. 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in 3(16)(B).

Note: Applicants who are seasonal or temporary layoffs do not qualify as a dislocated worker. Those who quit or were fired from a job will not qualify as a dislocated worker unless the State Unemployment Insurance Unit rules in favor of the applicant and allows benefits.

State Criteria: The Qualifying Dislocation Date (QDD) must be within 36 months of the WIOA enrollment date with or without stop-gap employment. Documentation must be collected per SCP and placed in client file as well as match that recorded in NJCOS. Local Boards must have written policy and procedures to guide staff on this item of eligibility.

Displaced Homemaker: (WIOA Sec. 3(16))

An individual who has been providing unpaid services to family members in the home and who- (A)(i) has been dependent on the income of another family member but is no longer supported by that income;

Or (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in Sec. 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in Sec. 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in Sec. 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in Sec. 101(16) of title 38, United States Code) death or disability of the member; and

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

Note: Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis per Sec. 8 of TEGL 3-15. Individuals who meet the definition of an individual with a barrier to employment (see WIOA Sec. 3(24)) who are underemployed may also be served in the Adult program.

Individuals who are determined eligible for the Dislocated Worker program and are determined by policy to be underemployed, may still be considered eligible for career and training services under this program. (TEGL 3-15). Local Boards must develop written policy approved by their Board for determining underemployment for both the adult and dislocated workers.

Eligibility Requirements for Supportive Services and Needs-Related Payments: (WIOA Sec. 134(d)(2)(3), CFR 680.900- 680.970, TEGL 3-15) Can only be made available to those participating in Career and Training activities. (Note: Follow-Up Services are listed as a Career Service (134(c)(2)). Reference SCP 1.15 which contains detail to eligibility of, requirements for supportive services for adults and dislocated workers are defined at WIOA Sec. 3(59) and Sec. 134(d)(2) and (3). They include services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIOA Sec. 134(c)(2) and (3). Local Boards, in consultation with the one-stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination in the local area. The policy should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is one of the career services that must be available to adults and dislocated workers through the one-stop delivery system. (WIOA Sec. 134(c)(2)(A)(ix) and CFR 678.430) Local Boards must ensure that needs-related payments are made in a manner consistent with CFR 680.930, 680.940, 680.950, 680.960, and 680.970. 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.

Note: Self-attestation Forms, Telephone Verification Forms and or Participant Applications must be completed in their entirety, dated and signed by the appropriate parties and participant and contain all relevant information the form is intended to provide. In addition, the use of self-attestation forms, where applicable, should be used as the last resort and only when all other avenues of proof have been exhausted.

Grantees must take the steps necessary to ensure the privacy of all Personally Identifiable Information (PII) obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. Ref. TEGL 39-11.

Definitions

Attachment to the workforce:

Can be demonstrated by full time employment (30 hours a week or more) in the same or similar occupation, for at least one year of three years (36 months) immediately preceding the WIOA application. Verification of workforce attachment is only necessary when an applicant worked for an employer who was not covered under UI or the applicant was not eligible for unemployment insurance due to insufficient earnings.

Barriers to Employment: (WIOA Sec. 3(24))

The term “individual with a barrier to employment” means a member of 1 or more of the following populations:

- Displaced homemakers.
- Low-income individuals.
- Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in Sec. 166.

- Individuals with disabilities, including youth who are individuals with disabilities.
- Older individuals.
- Ex-offenders.
- Homeless individuals (as defined in Sec. 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 Sec. 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, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers, as defined in Sec. 167(i).
- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- Single parents (including single pregnant women).
- Long-term unemployed individuals.
- Such other groups as the Governor involved determines to have barriers to employment.

Basic Skills Deficient:

WIOA Sec. 3(5) defines “basic skills deficient” as an individual: who has English reading, writing, or computing skills at or below the 8th grade (8.9 or lower) level. It is expected that basic skills deficient will be determined using an objective, valid and reliable assessment, such as the Test for Adult Basic Education (TABE) or Comprehensive Adult Student Assessment System (CASAS).

Career Services: WIOA Sec. (134 (c)(2)) Reference SCP 1.8

Case Notes:

For the purpose of Data Element Validation (DEV), case notes refer to either paper or electronic statements by staff that identify, at a minimum, the following: a participant’s status for a specific data element, the date on which the information was obtained, and the staff who obtained the information. TEGL 06-14, Attachment A.

Concurrent Enrollment:

Eligible individuals who are 18 through 24 years old [at registration] may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth and adult/dislocated worker eligibility criteria applicable to the services received. Local program operators should determine the appropriate use of co-enrollment for individuals in this age group. This determination should be driven by program design and services provided. 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/dislocated worker programs concurrently, and ensure that services are not duplicated.

Cross Match:

For the purpose of DEV, a cross-match requires validating staff to find detailed supporting evidence for the data element in a database. TEGL 06-14, Attachment A

Data Collection Requirements/Recordkeeping: (CFR 683.220) Reference SCP 5.4

All information required by federal, state, and local reporting requirements must be collected for each youth participant, including documentation of each eligibility piece, including employment authorization, those required by DOL's Data Element Validation (DEV), forms identifying participation/costs toward the individual's training, support services or incentive payments and as required for the types of service the individual has received. Each item data point must be clearly defined in case notes.

The local boards are required to establish written policy for data collection and handling to ensure the quality and integrity of data over time. This includes standards for data verification, data validation and data security. The purpose is to ensure resulting electronic databases, participant files and reports are certifiably accurate up to and including participant exit and through all storage requirements.

Data Element Validation (DEV):

The federally mandated process by which the state annually assesses the accuracy of reported participant data. Reference TAG 15-1, NJCOS Data & Performance Desk Reference, TEGL 06-14, Attachment A

Determining Knowing and Willful Failure to Register:

TEGL 11-11, Change 2 provides local areas with detailed information about requesting a Status Information Letter and the process for determining knowing and willful failure to register. The intent of the TEGL is to provide a framework for local areas to make determinations through a local process where determinations are based on the individual circumstances (e.g., questions, considerations, statements, status information letter) and relevant documentation (i.e., documentation that supports the reason for not registering or further supports the belief that it was not knowing or willful). Because circumstances will vary and need to be considered, there is not an established and definitive list of acceptable documentation.

English Language Learner: (WIOA Sec. 203(7))

The term "English language learner" when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

- (A) whose native language is a language other than English; or
- (B) who lives in a family or community environment where a language other than English is the dominant language.

General Announcement:

Is a verifiable form of communication from the employer or authorized representative informing the public of the employees of a business closure. A general announcement should include a planned closure date.

Homeless:

A homeless individual (as 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 (as defined in Sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11434a(2))), a runaway, in foster care or has aged out of the foster care system, 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. Lacks a fixed, regular, and adequate nighttime residence; this includes an individual who: is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, or campground due to a lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement; (b) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, park, abandoned building, bus or train station, airport, or camping ground.

Low Income Individual: (WIOA Sec. 3(36)) (A)

In General, The term “low-income individual” means an individual who-

- (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of
 - (I) the poverty line; or
 - (II) 70 percent of the lower living standard income level;
- (iii) is a homeless individual (as defined in Sec. 41403(6) of the Violence Against Women Act of 1994 Returning Veterans; Military earnings, amounts 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 (38 U.S.C. 4213, 20 CFR 683.230). Therefore, separating service members who qualify otherwise for the AD program, can qualify under the priority for low-income. (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under Sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- (v) is a foster child on behalf of whom State or local government payments are made; or
- (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

Lower Living Standard Income Level: (WIOA Sec. 336(B))

The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary. This is issued from the state each year in memo form. It must be disseminated to Service providers upon issuance.

Military Spouse:

An individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq, or other combat-related areas is

considered to be a military spouse. A military spouse who leaves his/her job to follow his/her spouse, who is unable to continue an employment relationship because of the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, the military spouse can be served, assuming he/she meets the other eligibility criteria for dislocated worker. **TEGL 22-04**; An eligible military spouse who leaves his/her job to follow his/her spouse can be served with dislocated worker formula grant funds when the spouse is unable to continue an employment relationship because the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIOA definition of dislocated worker. The military spouse must also satisfy all other criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation. Additionally, a military spouse may also qualify to be served as a dislocated worker if he/she meets the definition requirements for a displaced homemaker.

Surviving spouses of veterans and military service members may also be served with WIOA dislocated worker or displaced homemaker funding after having met the criteria. If a surviving spouse does not meet the requirements, he/she could be served under the WIOA Adult Formula Program. In either program, a surviving spouse of a veteran may receive priority of service if he/she qualifies for such priority under the Jobs for Veterans Act (P.L. 107-228(38 USC 4215 (a) (1) (B)).

Nondiscrimination: (WIOA Sec. 188)

Provides that no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Participation in programs and activities must also be available to citizens and nations 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. Individuals with employment authorization may access any WIOA services for which they otherwise would qualify.

Offender: (WIOA Sec. 3(38))

The term "offender" means an adult or juvenile—

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

Participation/Enroll: (CFR 680.110)

The point at which the individual has been determined eligible for program services and has received or is receiving WIOA services other than self-service or informational service.

Priority of Service: (WIOA Sec.134(c)(3)(E))

WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, staff responsible for these funds must give priority to recipients of public assistance, other low-income individuals, and individuals

who are basic skills deficient in the provision of individualized career services, and training services per TEGL 15-03. Reference State Compliance Policy (SCP) 1.7 which details Priority of Service.

Priority for Veterans:

Pursuant to Sec. 2(a) of the Jobs for Veterans Act (38 U.S.C. 4215(a)), veterans and eligible spouses of veterans who otherwise meet the eligibility requirements for adult worker programs (AD,DW) must receive the highest priority for receipt of services. Reference SCP 1.18 which details this priority.

Registration: (CFR 680.110)

The process for collecting information to support a determination of eligibility. Adult and Dislocated Workers seeking more than minimal assistance from staff in taking the next steps toward self-sufficiency employment must be registered and eligible. Registration can be done electronically, through an interview, or through an individual's application.

Selective Service Registration Requirements: Reference TEGL 11-11.

Local Boards must have written policy addressing Selective Service compliance.

Self-Attestation:

Self-attestation (also referred to as a participant or applicant statement) occurs when a participant (applicant) states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) a participant (applicant) identifying his or her status for a permitted data element and (b) signing and dating a form attesting to this self-identification (with a disclaimer concerning the self-identification).

Self Employed:

An applicant who was self-employed (includes farmers, ranchers, and fishermen) but is now unemployed due to general economic conditions in the community in which the individual resides or because of natural disasters. Business failure due to economic conditions can be demonstrated by the forced sale of a business, bankruptcy or foreclosure. State policy allows contributing family members to be served in this group. In order to qualify for the self-employed group, applicants must be able to demonstrate a successful self-employment connection followed by an involuntary separation due to economic conditions or natural disaster. Consequently, an applicant who voluntarily sells a business or leaves self-employment for personal reasons does not meet the criteria. Neither does an applicant who states his/her business did not comply with state and federal requirements (tax returns, quarterly reports, etc.) because the business seldom or never made a profit.

Significantly Reduced: (as it relates to displaced homemaker)

If the household income is above 150% of the Federal Poverty Level, then a drop in income, to 150% or below of the Federal Poverty Level, is considered a significant reduction. If the household income is currently at or below 150% of the Federal Poverty Level, than any drop in household income is considered significant. (Refer to LLISL memo)

State MIS:

For the purpose of DEV, State MIS refers to specific, detailed information that is stored in the state's information system that supports a data element. TEGL 06-14, Attachment A.

Stop-gap Employment:

The State has defined Stop-gap/income maintenance employment as a job paying significantly less than the lay-off wage, paying significantly less than the Lower Living Standard Income Level (LLISL) self-sufficiency standard, paying a percentage that is significantly less than the negotiated performance goal or a job classified and documented as temporary in duration. Qualifying Stop-gap employment is that which falls within the 36 month period prior to enrollment. This employment, documented in the participant's work history, must be deemed eligible within one of the above parameters and documented clearly in case notes.

Substantial lay off:

Is defined as a reduction in force of at least 500 employees OR at least 50 employees if they make up at least 33% of the workforce. This definition means a single site during a 30 day period and excludes employees working less than 20 hours per week.

Termination or layoff:

Refers to involuntary separation. An applicant will qualify as having been laid off, or terminated if the State's Unemployment Insurance Unit determines in his/her favor and allows unemployment insurance benefits.

Training Services:

WIOA Sec. (134(c)(3)(D) include; (i) occupational skills training, including training for nontraditional employment; (ii) on-the-job training; (iii) incumbent worker training in accordance with subsection (d)(4); (iv) programs that combine workplace training with related instruction, which may include cooperative education programs; (v) training programs operated by the private sector; (vi) skill upgrading and retraining; (vii) entrepreneurial training; (viii) transitional jobs in accordance with subsection (d)(5); (ix) job readiness training provided in combination with services described in any of clauses (i) through (viii); (x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and (xi) customized training conducted with a commitment by an employer or group of employers to employ.

Transitional Jobs: (TEGL 3-15)

Transitional jobs are a new type of work-based training that is allowed under WIOA. Transitional jobs are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, and are combined with comprehensive career and supportive services. The goal of transitional jobs is to establish a work history for the individual that demonstrates success in the workplace, and develops the skills that lead to entry into and retention in unsubsidized employment. Unlike OJT, there is no assumption that the individual will be retained in their transitional job after the experience is over, though that would be a successful experience and outcome. Under Sec. 134(d)(5) of WIOA, local boards may use

up to 10 percent of their adult and dislocated worker funds to provide transitional jobs to individuals.

If local areas choose to use transitional jobs as part of their service delivery strategy, they should adopt policies and identify employers (public, private or nonprofit) that can provide quality experiences for individuals to eventually obtain unsubsidized employment. Additionally, these policies should include plans on the amount reimbursements would be for the jobs, what supportive services should be included, and any limits on the duration of the transitional job.

Underemployed:

Individuals who are underemployed may include: Individuals employed less than full-time who are seeking full-time employment; those who are employed in a position that is inadequate with respect to their skills and training; those who are employed who meet the definition of a low-income individual in WIOA Sec. 3(36); and those who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment. Individuals who are underemployed and meet the definition of low-income or the definition of an individual with a barrier to employment (WIOA Sec. 3(24) may receive career and training services under the Adult program on a priority basis per Sec. 8 of TEGL 3-15. ***Each local area must have a policy defining "sufficient earnings", and after Local Board approval, submit to the State for approval.***

Unemployed Individual: WIOA Sec. (3(61))

An individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for these purposes, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of DOL.

Unlikely to Return to Previous Industry or Occupation: *The State has defined as follows:*

In order to be considered as unlikely to return to a previous industry or occupation, an individual must meet at least one of the following criteria documented appropriately in case notes in the MIS and or hard file:

- *Individual worked in a declining industry or occupation, as documented on state or locally developed labor market statistic lists of such industries or occupations.*
- *Individual worked in an industry or occupation for which there are limited job orders at the time of eligibility determination.*
- *Individual is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation, as documented through an in-take orientation process or assessment of the client's educational achievement levels, testing, or other suitable means.*
- *Individual has had a lack of job offers as documented by the assigned Case Manager, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation.*
- *Individual cannot return to their previous industry or occupation because they have physical or other limitations, which would prevent reentry into the former industry or occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.). In circumstances where support documentation is not available, an applicant self-attestation may be utilized to demonstrate unlikely to return.*

• *Individuals that may have worked seasonally can be considered unlikely to work in a previous industry or occupation as a temporary or seasonal worker, for a variety of reasons such as:*

- *Change in family situation that requires higher income;*
- *Disability that precludes returning to the same industry or occupation;*
- *Natural disaster that results in lost wages;*
- *Loss of agricultural land;*
- *Mechanization; or*
- *Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.*

• *Individuals laid off on a temporary basis with a specific return date and/or determined by Unemployment Insurance to be attached to an employer do not meet the criteria of unlikely to return work in a previous industry or occupation.*

Veteran:

An individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel. TEGE 22-04; the term terminated is not defined in law or regulation. It is a Department of Labor policy that being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIOA definition of dislocated worker. The separating military personnel must also satisfy all other criteria for dislocated workers' eligibility, including the requirement that the individual is unlikely to return to a previous industry or occupation.

Required/Acceptable File Documentation

Additionally, reference Data Element Validation Source Documentation Requirements released yearly from DOL, and TAG 15-1 for MIS data entry/Reporting requirements.

Assessment and Date Administered: TBD for WIOA

Authorization to Release Information:

State/Local Board approved notice hard copy signed and dated by participant.

Barriers to Employment:

Necessary documentation collected to confirm the barrier as identified in the registration process.

Basic Literacy Skills Deficiency: Standardized assessment tests, official school records.

Basic Skills (low literacy levels) Deficient:

Hard copy Standardized assessments test results or school records and MIS case note documentation.

Credential Type: Transcript, certificates, diploma, surveys, case notes.

Credential, Certificate, Degree Date Attained:

Transcript, certificates, diploma, letter or other documentation from school system. Attainment date must match MIS month day and year.

Certificate or Degree Attainment: Transcript, certificates, diploma, letter or other documentation from school system.

Date of Birth/Age:

Hard or electronic copy of one of the following that shows proof of date/age on its surface; Baptismal record, birth certificate, DD-214, Report of Transfer or Discharge paper, Federal/State driver's license or identification card, passport, hospital record of birth, public assistance/social service records, official school records or ID card, work permit, cross match with Department of Vital Statistics or tribal records.

Date of Qualifying Dislocation:

Verification from employer, rapid response list, notice of layoff, public announcement with follow-up cross match with UI, self-attestation. Note: File documentation date must match month, day and year that is entered into MIS.

Displaced Homemaker:

Public assistance records indicating said, divorce papers, bank records, spouse layoff notice or death record, self-attestation.

Documents that establish both Identity and Employment Authorization:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST A at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Documents that establish Identity:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST B at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Documents that establish Employment Authorization:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST C at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Eligible Veteran Status:

DD214, cross match with Veteran's data, letter from Veteran's Administration.

Eligible Migrant and Seasonal Farmworker:

Data to confirm eligibility per WIOA Sec. 167(i)

Employment Authorization Documentation: Verification Document(s) that Satisfy List A of the I-9 or Verification Document(s) that satisfy List B and C of the I-9@

<http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Employment Status at Participation:

Self Attestation form, registration/application or a case notes.

Employment after 2nd, and 4th exit quarter: Supplemental data, wage record system.

Employment match at exit, at 2nd, and 4th quarter:

Supplemental through case management, survey, verification with employer, wage record systems, case notes, follow-up.

English Learner:

Observation and as indicated in MIS record, WIOA intake or registration form, self-attestation.

Equal Opportunity (E.O.):

State/ Local Board approved form hard copy communicating equal opportunity law that participant signed and dated.

Exemption: see Other Reason for Exit.

Family size:

Acceptable identification cards for each family member, rental or lease agreement, social service records, school/reduced or free lunch program records, most recent tax return.

Follow-Up Services: Activity/sign in sheets, attendance records, vendor contact, State MIS, case notes, WIA/WIOA status forms indicating service received.

Food Stamps: see SNAP.

Free/Reduced-Price Lunch:

Written documentation from school/district showing that the individual or entire school/district is eligible.

Homeless:

Written statements from an individual providing residence, shelter or social service agency, WIOA intake or registration form, self-attestation.

Individual with disability: (for income eligibility purposes)

Letter from drug or alcohol rehabilitation agency, letter from Individual Education Plan (IEP) team stating specific disability, medical records, physician's statement, psychiatrist's/psychologist's diagnosis, rehabilitation evaluation, school record stating specific disability, social service records/referral, Social Security Administration disability records, Veterans Administration letter/records, vocational rehabilitation letter, observable condition (applicant statement needed), sheltered workshop certification, workers compensation record; including case notes indicating the case manager has viewed and verified any of the listed documents.

Low Income:

Alimony Agreement, applicant statement, award letter from veteran's administration, bank statements, compensation award letter, court award letter, pension statement, employer statement/contact, family or business financial records, housing authority verification, pay stubs,

public assistance records, quarterly estimated tax for self-employed, Social Security benefits, UI documents, appropriate documentation from local or federal entities that show receive or is eligible for a free or reduced price school lunch.

Low Levels of Literacy: Documentation that the participant is unable to read, write, and speak English; compute and solve problems at levels of proficiency necessary to function on the job, in the family of the participant, or in society.

Measurable Skills Gain:

- Education Achievement: Documentation that participant achieved at least one educational functioning level in an education program that provides instruction below a post-secondary level.
- Secondary/Post-Secondary Transcript/Report Card: Documentation from education institution for one academic year (or 24 credit hours) showing participant is achieving the state unit's policies for academic standards.
- Training Milestones: Documentation from employer/training provider participant had a satisfactory or better progress report towards established milestones. (e.g. completion of OJT, completion of one year of registered apprenticeship programs, etc.)
- Skills Progression; Documentation participant successfully completed a required exam required for a particular occupation, or progress in attaining technical or occupational skills as evident by trade –related benchmarks such as knowledge based exams.

Measurable Skills Gain, Date of Most Recent:

Record data in MIS, dates must match documentation in file.

Native American Populations: documentation collected to prove eligibility per Sec. 166(b)

Nonimmigrant Alien Authorization 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 on 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 any restrictions or limitations identified on the form.

Offender (ex):

Documentation from juvenile or adult criminal justice system, documented phone call with court or probation representatives, WIOA intake or registration form, self-attestation.

Other public assistance:

Copy of authorization to receive cash public assistance, copy of public assistance check, medical card showing cash grant status, public assistance records, refugee assistance records, cross-match with public assistance data base.

Other reason for Exit (exemption):

Information from partner services MIS systems, WIA/WIOA status/exit form, case notes, information from institution or facility.

School status at participation:

Applicable records from education institution (certificate, diploma, attendance record, transcripts, drop out letter, school documentation), State MIS, WIOA intake/registration forms, self- attestation.

School Status at Exit: Transcripts, certificate, diploma, survey, case notes.

Selective Service registration:

Acknowledgment letter from Selective Service, Report of Transfer or Discharge, DD-214, registration process, Selective Service Advisory Opinion letter, Selective Service registration record (Form 3A), Selective Service registration card, Selective Service system contact, Selective Service verification form, stamped post office receipt of registration, registration status information letter, local area determination of unknowing/not willful failure to register; including case notes indicating the case manager has viewed and verified any of the listed documents.

Substantial Cultural Barriers: Indicated in MIS and ISS.

Social Security Number: Social Security Card, Social Security Administration printout containing the applicants' name and social security number.

SNAP Benefits:

Notice of decision from Social Service Agency, public assistance records/printout, Cross-match with Social Service Agency. (copy of EBT card not acceptable)

TANF: Copy of public assistance records/print out, Cross-match with Social Service Agency.

Veteran's status:

DD-214, Cross-match with veteran's data, letter from Veteran's Administration.

Work History:

Appropriate hard form documentation indicating participant's past employment for five years or as far back as necessary to document relevant skill including start, end dates, job title and employer. Qualified Dislocation Date must match month, day, year to data entered in MIS.

Note: Self-attestation Forms, Telephone Verification Forms and or Participant Applications must be completed in their entirety, dated and signed by the appropriate parties and participant and contain all relevant information the form is intended to provide.

In addition, the use of self-attestation forms, where applicable, should be used as the last resort and only when all other avenues of proof have been exhausted.

All Grantees must take the steps necessary to ensure the privacy of all Personally Identifiable Information (PII) obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. Ref. TEGL 39-11.

**Workforce Investment Act
State Compliance Policies**

SECTION: 1.6

**Eligibility for Adult and Dislocated Worker
Employment and Training Activities**

November 2009

I. Core services that are self-service or informational in nature are universally available to all adults and dislocated workers without regard to eligibility requirements contained herein.

II. Registration and Eligibility Determination:

- A. All individuals receiving WIA funded staff assisted core, intensive, or training services under title IB must be registered and determined eligible. This information may be collected by using any of the following methods: [§663.105(a)(b)]
1. Electronic data transfer;
 2. Personal interview; or
 3. Individual's application.
- B. All information required by federal, state, and local reporting requirements must be collected for each individual receiving services other than core self-service or informational services, including documentation of each eligibility requirement for the types of service that the individual has received. Acceptable documentation for specific eligibility requirements are outlined in the tables on pages 5, 6, and 7 of this policy and copies must be stored in the clients file.
- C. Equal opportunity data must be collected on individuals during the registration process. [§663.105(c)]

III. Eligibility Requirements for Dislocated Worker Services:

- A. To be eligible for dislocated worker intensive and training services, an individual must, in addition to meeting the eligibility requirements for staff assisted core, intensive, or training services as defined in Sections VI, VII, and VIII of this policy, meet one or more of the following eligibility requirements: [WIA Section 101(9), §663.115, §663.200 and §663.310]
1. An individual who:
 - 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 unemployment compensation law; and

- c. Is unlikely to return to their previous industry or occupation
- 2. Or an individual who:
 - 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.
- 3. The individual is a displaced homemaker under the following eligibility criteria: [§663.120, Section 101(10)]
 - a. Has been providing unpaid services to family members in the home; and
 - b. Has been dependent on the income of another family member but is no longer supported by that income; and
 - c. Is unemployed or underemployed and is experiencing difficulty upgrading or obtaining employment.
- 4. The individual is self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of:
 - a. Natural disasters; or
 - b. General economic conditions in the community in which the individual resides.

C. LWIBs may establish additional policies and procedures for determining an individual's eligibility as a dislocated worker to include what constitutes a general announcement of a plant closing.

IV. Eligibility Requirements for Adults:

To be eligible for adult intensive and training services an individual must be 18 years of age or over and must meet the eligibility requirements for staff assisted core, intensive, and training services as defined in Sections VI, VII, and VIII of this policy. (§663.110, §663.200, and §663.220) In addition, they must meet the eligibility criteria for priority of services as outlined in WIA State Compliance Policy 1.7.

V. Eligibility for Veterans and Military Service Returnees:

A. Returning military service members (non-retiree) and military spouses may also be eligible for dislocated worker or adult services providing they meet the eligibility criteria for WIA Formula Grant Programs and as clarified in TEGl 22-04 Change 1.

WIA regulations (20 CFR 667.255) state in accordance with 37 U.S. Code Part 4213, income related to those who served on active duty must be disregarded when determining low income eligibility. The following Chapters of Title 38 U.S.C. 4213 also exempt from inclusion in low income calculation determinations:

- 11. Compensation for service-connected disability or death
- 13. Dependency and indemnity compensation for service-connected deaths
- 30. All volunteer force educational assistance program
- 31. Training and rehabilitation for veterans with service-connected disabilities

- 35. Survivors' and dependents' educational assistance
- 36. Administration of educational benefits

Also excluded from low income calculations are benefits received under Chapter 106 Title 10 U.S. Code, Educational assistance for members of the selected reserve.

Pension payments authorized by Title 10 U.S. Code, such as those received by military retirees whether or not their retirement was based on a disability, are not exempt and are to be included in low income calculations for eligibility.

As clarified in TEGl 22-04, the term terminated is not defined in law or regulation. It is a Department of Labor policy that being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military personnel must also satisfy all other criteria for dislocated workers' eligibility, including the requirement that the individual is unlikely to return to a previous industry or occupation.

An eligible military spouse who leaves his/her job to follow his/her spouse can be served with dislocated worker formula grant funds when the spouse is unable to continue an employment relationship because the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIA definition of dislocated worker. The military spouse must also satisfy all other criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation. Additionally, a military spouse may also qualify to be served as a dislocated worker if he/she meets the definition requirements for a displaced homemaker.

Surviving spouses of veterans and military service members may also be served with WIA dislocated worker or displaced homemaker funding after having met the criteria. If a surviving spouse does not meet the requirements, he/she could be served under the WIA Adult Formula Program. In either program, a surviving spouse of a veteran may receive priority of service if he/she qualifies for such priority under the Jobs for Veterans Act (P.L. 107-228(38 USC 4215 (a)(1)(B))).

WIA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIA funded training.

Definitions:

Veteran- an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel.

Military Spouse- an individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq, or other combat-related areas is considered to be a military spouse. A military spouse who leaves his/her job to follow his/her spouse, who is unable to continue an employment relationship because of the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, the military spouse can be served, assuming he/she meets the other eligibility criteria for dislocated worker.

B. Eligibility for Priority of Service.

Veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service and as such, must be identified at any point of entry and made aware of: 1) their entitlement to priority of services 2) the full array of employment, training, and placement services available under priority of services 3) any applicable eligibility requirements for those programs and/or services. As clarified in TEGl 10-09 it is important to note that veterans and eligible spouse must first meet any and all of the statutory eligibility criteria in order to be enrolled in WIA Formula Programs.

1. **Veteran:** For the purposes of implementing priority of service, the Final Rule requires that program operators use the broad definition of veteran found in 38 U.S.C. 101(2). Under this definition, the term “veteran” means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters). If they are established as eligible for dislocated services and they meet the definitions of veteran or military spouse, they should receive priority of services, according to the Job for Veterans Act (PL 107-288), over non-veterans.
2. **An “Eligible Spouse”** as defined at section 2(a) of the JVA (38 U.S.C. 4215[a]) means the spouse of any of the following:
 - a. Any veteran who died of a service-connected disability;

- b. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - i. Missing in action;
 - ii. Captured in the line of duty by a hostile force; or
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power;
- c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- d. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.
- d. Additionally, the State of Nevada offers priority of service to the spouse of any Veteran defined in section V.B.1 above as long as said spouse meets the program eligibility for any WIA Core, Intensive and Training service.

VI. Eligibility Requirements for Core Services:

- A. Individuals who receive core services, which require a significant amount of staff involvement in terms of resources or time, and which are designed to impart job seeking and/or occupational skills, must be registered and determined eligible. *For services to be provided to a WIA eligible client, registration must be completed prior to additional services being provided through WIA resources.* Specific core services that require the individual to be determined eligible for services include, but are not limited to: [§663.105(b)]
 - 1. Staff assisted job search and placement including career counseling.
 - 2. Staff assisted job referral (such as testing and background checks).
 - 3. Staff assisted job development (working with employer and job seeker).
 - 4. Staff assisted workshops and job clubs.
- B. Individuals that receive one or more of the core services in A. above must:
 - 1. For adult services, be 18 years of age or over (§663.110), or
 - 2. For dislocated worker services, meet the eligibility criteria in section III of this policy; [§663.115 and WIA Section 101(9)]
 - 3. Comply with Selective Service legislation by providing documents to demonstrate compliance with Selective Service requirements [TEGL 11-11 and TEGL 11-11 Change 1 and 2];
 - 4. Comply with citizenship and eligibility to work requirements by providing documents necessary to validate the same (State requirement) and
 - 5. Social Security Number (TEGL 5-08 and 17-05):

- a. LWIB service providers must request a participant's social security number when offering staff assisted core services and training and education services. Service must not be denied to any participant who refuses to provide a social security number.
- b. When requesting a participant's social security number, service provider staff should explain that social security numbers are only used for the calculation of employment related performance measures outcomes.
- c. If a participant refuses to provide a social security number, participant will be excluded from employment related performance measures outcomes.
- d. States are required, consistent with state law, to use quarterly wage record information in measuring the progress against state and local performance measures. (20 CFR §666.150) State must use social security numbers to match a program participant's records with that individual's quarterly wage record information to assess the impact of program services.

VII. Eligibility Requirements for Intensive Services:

- A. To be eligible for intensive services, individuals must, in addition to meeting the requirements of paragraph VI.B. above, meet one of the two eligibility categories: (§663.220)
 1. Be unemployed, and
 - a. Have received at least one core service and have been unable to obtain employment through core services; and
 - b. Must be determined to be in need of intensive services in order to obtain employment; or
 2. Be currently employed, and
 - a. Have received at least one core service; and
 - b. Must be determined to be in need of intensive services in order to obtain employment or retain employment according to the criteria for self-sufficiency determined by LWIB. This criteria must, at a minimum, define self-sufficiency as employment that pays at least the lower living standard income level according to the most recent definition published by the Department of Labor or may be defined in relationship to a percentage of the layoff wage for a dislocated worker. [Section 101(24), §663.230]
 3. LWIBs may adopt additional criteria for intensive services.

VIII. Eligibility Requirements for Training Services:

- A. To be eligible for training services, employed or unemployed individuals must: [§663.310 and WIA Section 134(d)(4)]
 1. Have met the eligibility requirements for intensive services;
 2. Have received at least one intensive service, and have been determined by the case manager to be unable to obtain or retain employment through such services;
 3. After an interview, evaluation or assessment, and case management services, have been determined and documented *by a One-Stop Operator or Partner* to

be in need of training services and to have the skills and qualifications necessary to successfully complete the selected training program; [§663.310(b)]

4. Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate;
5. Initially, make every reasonable effort to obtain grant assistance from other sources to pay the costs of training, including, but not limited to, Welfare to Work, state funded training, Trade Adjustment Assistance (TAA), Federal Pell Grants established under Title IV of the Higher Education Act of 1965, but they may also need WIA assistance in addition to other sources of grant assistance (refer to WIA State Compliance Policy 1.10). [§663.320(b)(c)]

IX. Eligibility Requirements for Supportive Services and Needs-Related Payments:

- A. Supportive services may only be provided to adults and dislocated workers when they are: [§663.805 and WIA Sections 101(46) and 134(e)(2&3)]
 1. Participating in staff assisted core, intensive, or training services and are unable to obtain supportive services through other programs providing such services; or
 2. When supportive services are necessary to enable individuals to participate in title I, Workforce Investment Systems activities.
- B. Needs-related payments may be made only to adults who are: [§663.820 and WIA Section 134(e)(3)]
 1. Unemployed and do not qualify for or have ceased qualifying for unemployment compensation;
 2. Enrolled in training program services authorized by WIA.
- C. Needs-related payments may be made to dislocated workers who are: (§663.825)
 1. Unemployed and do not qualify for unemployment compensation or trade readjustment assistance under TAA or NAFTA-TAA, and they are;
 2. Enrolled in WIA training program services by the end of the 13th week after the most recent layoff that resulted in a determination of their eligibility as a dislocated worker; [Section 134(d)(4)] or
 - a. If later than the 13th week, 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 or NAFTA-TAA.

X. Acceptable Documentation:

Intensive Services (Adult and Dislocated Worker Services)	
Eligibility Criteria	Acceptable Documentation (for electronic registration, all documentation subject to verification)
A. Citizen/eligible to work	<ol style="list-style-type: none"> 1. Birth certificate 2. Alien registration card [Most common forms I-551, and I-94] 3. US Passport 4. Authorized to work in the US form 5. Public assistance records,
B. Social Security Number	<ol style="list-style-type: none"> 1. Social Security card 2. Pay stub 3. US Passport
C. Selective Service	<ol style="list-style-type: none"> 1. Selective Services registration card 2. Acknowledgement letter 3. Written documentation addressing knowing and willfulness for failure
D. Birth Date/Age	<ol style="list-style-type: none"> 1. Birth certificate 2. Driver's license 3. US Passport 4. Work permit 5. Public assistance records 6. School records
DISLOCATED WORKER SERVICES	
Eligibility Criteria	Acceptable Documentation
A. 1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment;	<ol style="list-style-type: none"> 1. Documentation from employer 2. Unemployment Insurance records
2. a. Is eligible for or must have exhausted entitlement to unemployment compensation; or	<ol style="list-style-type: none"> 1. Individual Unemployment Insurance records (Award Letter) 2. Profiled client/referral form [Department of Employment, Training and Rehabilitation/Employment Security Division (DETR/ESD Form)]
b. 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	<ol style="list-style-type: none"> 1. Pay stubs 2. Letter from company 4. Individual Unemployment Insurance records 5. W2 records 6. Tax returns

services for an employer that was not covered under a State unemployment compensation law.	
3. Is unlikely that the individual will return to his/her previous industry or occupation.	<ol style="list-style-type: none"> 1. Job orders from ES record 2. Documentation of Unemployment Insurance exhaustion 3. Separation from military service 4. Labor market information - Supply and Demand [Occupational Information System (OIS)] 5. Certificate of expected separation
B. 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:	<ol style="list-style-type: none"> 1. Letter from company 2. Newspaper article 3. Employment Security Division records
1. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days.	<ol style="list-style-type: none"> 1. Letter from company 2. Newspaper article 3. Employment Security Division records
C. Displaced Homemaker	<ol style="list-style-type: none"> 1. Tax returns 2. Social Security documents 3. Death notice 4. Legal separation 5. Divorce Decree 6. Public assistance records/UI records 7. Lay off notice for wage earner 8. Wage earners UI award letter
D. Self-employed status	<ol style="list-style-type: none"> 1. Records of business closure 2. Tax returns 3. Business license 4. News articles on the state of the local economy or natural disaster

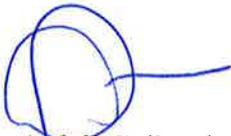
XI. SPECIAL PARTICIPANT POPULATIONS – Refer to Individual Training Accounts §663.430 and WIA State Compliance Policy 1.9

Training Services for Special Participant Populations (Adult Services)	
Eligibility Criteria	Acceptable Documentation
A. When applicable, Special Participant Populations must meet low income eligibility criteria detailed under WIA State Compliance Policy 1.7, and one or more of the following:	
1. Individuals with substantial language or cultural barriers.	<ol style="list-style-type: none"> 1. Self certification 2. English as a Second Language evaluation

2. Offenders	<ol style="list-style-type: none"> 1. Prison records 2. Prison identification 3. Other documentation from a corrections agency
3. Homeless individuals	Written statement from social service agency, shelter, individual providing temporary shelter

Workforce Connections'
Comments Regarding State Compliance Policy 1.6

1. WIOA does not require the documentation of Social Security Numbers. Recommend this not be included in state policies.
2. Limiting Dislocated Workers to those within 36 months limits possibilities for some Dislocated Worker enrollments. This limit is not imposed by the DOL/WIOA.
 - a. After review of the following state policies: Texas, Washington, California and Michigan, no referenced time limits for could be found.
3. The policy is requiring the Local Board to determine underemployment for dislocated workers, yet dislocated workers are not subject to priority provisions in the act.
4. The state definition includes bankruptcy to demonstrate business failure. Bankruptcy does not always indicate failure.
5. The policy reads that state will only accept a card copy or SSA printout as proof of the SSN, while a SSAN New Me printout should suffice.



Ardell Galbreth
Executive Director
Workforce Connections



nevada**works**

Coordinating Workforce Development for Northern Nevada

March 30, 2016

Grant Nielson, Chief of WISS
500 East Third Street
Carson City, NV 89713

RE: Public comment regarding State Compliance Policy 1.6

Mr. Nielson:

Nevadaworks would like to respectfully submit the following as public comment regarding State Compliance Policy 1.6:

Nevadaworks requests clarification on the General Eligibility Requirement: "Provide Documentation on Social Security Number: A State Requirement." US DOL TEGL 5-08 addresses a participant's requirement to disclose his/her social security by stating, "This guidance does not imply or require that a participant provide a social security number to the state to receive services through WIA or any other workforce investment program, with the exception of a participant filing a claim for unemployment compensation.", and, "Section 7 of the Privacy Act (5 U.S.C. Section 552a Note (Disclosure of Social Security Number)) provides that unless the disclosure is required by Federal statute, 'It shall be unlawful for any Federal, state, or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.'"

Due to the dynamic nature of documentation requirements, Nevadaworks recommends that the "Required/Acceptable File Documentation" Section be removed from SCP 1.6 and included in a State issued Technical Assistance Guidance (TAG) which will allow for easier modification/clarification of file documentation requirements in the future.

Thank you for the opportunity to provide public comment. If you have any questions, please let me know.

Sincerely,

Milt Stewart
Program Manager

Policy Summary

State Compliance Policy (SCP) 2.1

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 2.1 to the Governor's Workforce Development Board (GWDB) for review and approval.

State Compliance Policy 2.1 communicates the policy and procedure to Local Areas for determining Youth eligibility under WIOA in the State of Nevada. This policy provides guidance in the requirements for both In-School Youth and Out-of-School Youth. Notably, SCP 2.1 defines "low income," as well as how to determine what "an individual who requires additional assistance to enter or complete an educational program, or to secure or hold employment" means when working with a youth participant.

This policy also provides guidance to LWDBs on how to appropriately document activity for the services provided in the WIOA Youth Program. Instructions are given as to what documents must be collected and kept in the case files and management information system.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act of 2014
State Compliance Policy (SCP)**

Policy Number: 2.1

Originating Office: Workforce Investment Support Services

Subject: Participant Eligibility for Youth Services

Issued: March 2016, Workforce Innovation and Opportunity Act 2014 (WIOA)

Purpose:

To provide program and participant eligibility requirements for youth services under WIOA.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 3-134), 20 CFR Part 681, Source Documentation Requirements Data Element Validation, Technical Assistance Guide (TAG) 15-3.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB Board members and any other concerned parties. Any local boards' policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: WIOA became law on July 22, 2014 and supersedes titles I and II of the Workforce Investment Act (WIA). The Departments of Labor (DOL) and Education published a set of proposed regulations implementing WIOA. These are known as the Notice of Proposed Rulemaking (NPRMs).

The following SCP communicates the unaffected requirements, the proposed changes and state requirements in program and service eligibility. The policy includes procedure, content definition and minimal file content requirements to address two of the three DOL requirements of Eligibility and Reporting. The final piece, Performance will be addressed in other SCP/TAGs. WIOA refined several of the eligibility requirements of the Workforce Investment Act. These include age requirements and low income determination and are addressed in the following. There are no Youth self- service components in WIOA. Every individual receiving services must meet the In School Youth (ISY) or Out of School Youth (OSY) eligibility criteria and be formally enrolled in the program.

Policy and Procedure:

General Eligibility Requirements

Birth Date/Age:

Age eligibility is based on age at enrollment. In-School Youth applicants must be between the ages of 14 and 21 and Out-of-school applicants between 16 and 24.

Employment Authorization:

A participant must be authorized to work in the United States to receive WIOA services.

Selective Service Registration:

Male applicants born on or after January 1, 1960 must be registered with the U.S. Selective Service within 30 days of their 18th birthday. Those who have not yet registered should be referred for registration prior to WIOA enrollment. Reference TEGL 11-11. ***Local Boards must have written policy addressing Selective Service compliance.***

Provide Documentation on Social Security Number: While the state cannot require the collection of social security numbers per TEGL 5-08, it is highly encouraged to do so in order to use the quarterly wage records information in program performance reports to DOL.

Registration: (CFR 680.110) the process for collecting information to support a determination of eligibility. Youth seeking more than minimal assistance from staff in taking the next steps toward self-sufficiency employment must be registered and eligible. Registration can be done electronically, through an interview, or through an individual's application.

Eligibility and Definitions:

In-School Youth (ISY):(CFR 681.220, WIOA Sec. 3(27), 129(a)(1)(C))

An individual who is:

- Attending school (*as defined by State law; NRS 388*), including secondary and post-secondary school;
- Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the 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;
- A low-income individual as defined by WIOA 3(36), or lives in a high poverty area; **and** one or more of the following:
 1. Basic skills deficient; (English, reading, writing, or computing skills below 8th grade level on a generally excepted standardized test or speak English at a level necessary to function on the job, in the individual's family or in society.)
 2. An English language learner as defined in Sec. 203 (7);
 3. An offender 3(38);
 4. A homeless individual (as 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 (as defined in Sec.

- 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11434a(2))), a runaway, in foster care or has aged out of the foster care system, 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;
5. An individual who is pregnant or parenting;
 6. An individual with a disability (WIOA Sec. 3 (25)); or
 7. An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (WIOA Sec. 3(27) and 129(a)(1)(C)). No more than five percent of ISY served in the workforce area may be deemed eligible because of the criteria described in this bullet.

Out-Of-School Youth (OSY): (CFR 681.210, WIOA Sec. 3(46),129(a)(1)(B))

An individual who is:

- Not attending any school as defined by **NRS 388**;
- Not younger than 16 or older than age 24 at the 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 one or more of the following:
 1. A school dropout as defined by state law (a youth attending an alternative school at the time of enrollment is not considered a dropout);
 2. A youth who is within the age of compulsory school attendance (aged 6-18), but has not attended school for at least the most recent complete school year calendar quarter. The school year calendar quarter is based on the local school district definition.
 3. A recipient of a secondary school diploma or recognized equivalent who is a low-income individual **and** is either
 - basic skills deficient (English, reading, writing, or computing skills below 8th grade level on a generally excepted standardized test or speak English at a level necessary to function on the job, in the individual's family or in society) **or** an English language learner;
 4. An individual who is subject to the juvenile or adult justice system;
 5. A homeless individual (as 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 (as defined in Sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11434a(2))), a runaway, in foster care or has aged out of the foster care system, 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. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment

Note: Determination of School Status whether a youth participant is an ISY or OSY is made at program enrollment. Once the school status is determined, that status remains the same throughout the participation in WIOA youth program for purposes of reporting.

For purposes of WIOA the USDOL does not consider providers of Adult Education under title II of WIOA, YouthBuild programs, and the Job Corps programs to be schools. Therefore WIOA

youth programs may consider a youth to be OSY for the purposes of WIOA youth program eligibility if they are attending Adult Education under title II of WIOA, YouthBuild, or Job Corps (CFR 681.230).

Local WIOA youth programs must verify a youth's dropout status at the time of program enrollment. A youth attending an alternative school at the time of enrollment is not a dropout. "Alternative school" is defined in *NRS 388.537, 388.820-388.874, 389.155*. However, if an individual who is out-of-school at the time of enrollment and subsequently placed in an alternative school or any school is an out-of-school youth for the purposes of the 75 percent expenditure requirement for out-of-school youth (CFR 681.240).

Low Income Eligibility Requirement: (CFR 681.250)

- For OSY, only those youth who have a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner and youth who require additional assistance to enter or complete an educational program or to secure or hold employment must be low-income. All other OSY meeting OSY eligibility under CFR 681.210(c)(1), (2) and (4) through (7) are not required to be low income (WIOA Sec. 129(a)(1)(iii)(I)-(II) and 129(a)(1) (iii)(IV)-(VII)).
- All ISY must be low-income to meet the ISY eligibility criteria, except those who fall under the low-income exception as defined below. (CFR 681.250)
- WIOA allows a low-income exception for up to five percent of all WIOA youth participants who ordinarily would be required to be low-income for eligibility purposes. These participants must meet all other eligibility criteria for WIOA youth except for the low-income requirement. A program must calculate the five percent based on all youth served by the program in the local area WIOA youth program in a given program year. (CFR 681.250)
- In addition to the criteria in the definition of "low-income individual" in WIOA Sec. 3(36), a youth is low-income if they receive or are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42U.S.C. 1751 et seq.) (CFR 681.270), or if they live in a high-poverty area. A "high poverty area" is a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 30 percent as set every five years using American Community Survey 5-year data (CFR 681.260, 681.270).
- For an individual with a disability, income level for eligibility purposes is based on the individual's own income rather than his or her family income. WIOA Sec. 3(36)(A)(vi) states that an individual with a disability whose own income meets the low-income definition in clause (ii) (income that does not exceed the poverty line or 70 percent of the lower living standard income level), but is a member of a family whose income exceeds this income requirement is eligible for youth services (CFR 681.280).

An Individual Who Requires Additional Assistance to Enter or Complete an Educational program, or to Secure or Hold Employment: (CFR 681.210(c)(3), 681.290)

The State has developed the following eligibility criteria for its definition of "An individual Who Requires Additional Assistance to Enter or Complete an Educational Program, or to Secure or Hold Employment"

A youth must qualify for at least one of the following:

1. *Has repeated at least one secondary grade level or is one or more grade levels behind age appropriate level*
2. *Has a core GPA of less than 1.5 or is a postsecondary student deemed by a school official to be on academic probation*
3. *Is at least two semester/four quarter credits behind the rate required to graduate from high school for each year of secondary education*
4. *Has a family history of chronic unemployment (during the two years prior to application, family members were unemployed longer than employed)*
5. *Is an emancipated youth*
6. *Is a current or previous dropout or is deemed at risk of dropping out of school by a school official*
7. *Has been suspended two or more times from school or has been expelled*
8. *Has been referred to or is being treated by an agency for documented mental health or a substance abuse-related problem*
9. *Has experienced a recent traumatic event (within two years of application), is a victim of abuse, or resides in an abusive environment as documented by a school official or professional*
10. *Is a youth 16 years of age or older who has not held a job for longer than three months or is currently unemployed and lacks work readiness skills necessary to obtain and retain employment as documented on the youth objective assessment*

Barriers to Employment: (WIOA Sec. 3(24)) the term “individual with a barrier to employment” means a member of 1 or more of the following populations:

- Displaced homemakers.
- Low-income individuals.
- Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in Sec. 166.
- Individuals with disabilities, including youth who are individuals with disabilities.
- Older individuals.
- Ex-offenders.
- Homeless individuals (as defined in Sec. 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 Sec. 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, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers, as defined in Sec. 167(i).
- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- Single parents (including single pregnant women).
- Long-term unemployed individuals.
- Such other groups as the Governor involved determines to have barriers to employment.

Basic Skills Deficient:

WIOA Sec. 3(5) defines “basic skills deficient” as an individual:

who has English reading, writing, or computing skills at or below the 8th grade (8.9 or lower) level. It is expected that basic skills deficient will be determined using an objective, valid and reliable assessment, such as the Test for Adult Basic Education (TABE) or Comprehensive Adult Student Assessment System (CASAS).

Basic Skills Deficient Assessment Tools:

As referenced above, Local Boards must determine, in policy, generally accepted standardized tests which calculate the desired measures with set bench marks for assessment results.

Regardless of which assessment is used, documentation of the assessment and results must be maintained in the hard case file and documented in the MIS Comments as described in the NJCOS WIOA Data and Performance Desk Reference.

Data Collection Requirements/Recordkeeping: (CFR 683.220) Reference SCP 5.4

All information required by federal, state, and local reporting requirements must be collected for each youth participant, including documentation of each eligibility piece, including employment authorization, those required by DOL's Data Element Validation (DEV), forms identifying participation/costs toward the individuals training, support services or incentive payments and as required for the types of service the individual has received. Each item data point must be clearly defined in comments.

The local boards are required to establish written policy for data collection and handling to ensure the quality and integrity of data over time. This includes standards for data verification, data validation and data security. The purpose is to ensure resulting electronic databases, participant files and reports are certifiably accurate up to and including participant exit and through all storage requirements.

Drop Out Status: (CFR 681.240)

Local WIOA youth programs must verify a youth's dropout status at the time of WIOA youth program enrollment. A youth attending an alternative school at the time of enrollment is not a dropout. States must define "alternative school" in their State Plan. The definition should be consistent with their State Education Agency definition, if available. An individual, who is out-of-school at the time of enrollment and subsequently placed in an alternative school or any school, is an out-of-school youth for the purposes of the 75 percent expenditure requirement for out-of-school youth.

The State defines alternative school as outlined in *NRS 388.537, 388.820-388.874, 389.155.*

English Language Learner: (WIOA Sec. 203(7))

The term "English language learner" when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

- (A) whose native language is a language other than English; or
- (B) who lives in a family or community environment where a language other than English is the dominant language.

Free and Reduced Price Lunch: (CFR 681.270)

WIOA Sec. 3(36) defines a low income individual to include an individual who receives (or is eligible to receive) a free or reduced price lunch under the Richard B. Russell National School Lunch Act.

High Poverty Area: (CFR 681.260)

A youth who lives in a high poverty area is automatically considered to be a low-income individual. A high-poverty area is a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 30 percent as set every 5 years using American Community Survey 5-Year data. *Further defined in future notification.*

Homeless:

An individual who lacks a fixed, regular, and adequate nighttime residence; including: sharing housing of other persons due to loss of housing, economic hardship, or a similar reason; living in a motel, hotel, or campground due to lack of alternative adequate accommodations; living in an emergency or transitional shelter; abandoned in a hospital; or awaiting foster care placement; an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or migratory children (as defined in Sec. 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless because the children are living in circumstances described above.

Low-Income: (WIOA Sec. 3(36))

(A) In General; The term “low-income individual” means an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance; (ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in Sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under Sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

Lower Living Standard Income Level: (LLISL) (WIOA Sec. 36(B))

The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary. This is

issued from the state each year in memo form. It must be disseminated to Service providers upon issuance.

Low Income Exception: (CFR 681.250(c))

WIOA allows a low-income exception where five percent of all WIOA youth participants may be participants who ordinarily would be required to be low-income for eligibility purposes and who meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent based on the percent of all youth served by the program in the local area's WIOA youth program in a given program year.

Nondiscrimination: (WIOA Sec. 188)

No individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Participation in programs and activities must also be available to citizens and nations 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. Individuals with employment authorization may access any WIOA services for which they otherwise would qualify.

Offender: (WIOA Sec. 3(38))

The term "offender" means an adult or juvenile—

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

Participation/Enroll: (CFR 680.110)

The point at which the individual has been determined eligible for program services and has received or is receiving WIOA services other than self-service or informational service.

Selective Service Registration Requirements: Reference TEGL 11-11.

Local Boards must have written policy addressing Selective Service compliance.

Self-Attestation:

Self-attestation (also referred to as a participant or applicant statement) occurs when a participant (applicant) states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) a participant (applicant) identifying his or her status for a permitted data element and (b) signing and dating a form attesting to this self-identification (with a disclaimer concerning the self-identification).

State MIS:

For the purpose of DEV, State MIS refers to specific, detailed information that is stored in the state's information system that supports a data element. TEGL 06-14, Attachment A

Work History:

Appropriate hard form documentation indicating participant's employment title, wage, experience, skills and employer. At a minimum of 5 years in the MIS or more to adequately document skills and abilities related to employment.

Youth with Disability Income Eligibility:

For an individual with a disability, income level for eligibility purposes is based on the individual's own income rather than his or her family's income. WIOA Sec. 3(36)(A)(vi) states that an individual with a disability whose own income meets the low-income definition in clause (ii) (income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level), but who is a member of a family whose income exceeds this income requirement is eligible for youth services.

Note: Self-attestation Forms, Telephone Verification Forms and or Participant Applications must be completed in their entirety, dated and signed by the appropriate parties and participant and contain all relevant information the form is intended to provide.

In addition, the use of self-attestation forms, where applicable, should be used as the last resort and only when all other avenues of proof have been exhausted.

All Grantees must take the steps necessary to ensure the privacy of all Personally Identifiable Information (PII) obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. Ref. TEGL 39-11.

Required/Acceptable File Documentation

Additionally, reference Data Element Validation Source Documentation Requirements released yearly from DOL, and TAG 15-1 for MIS data entry/Reporting requirements.

Basic Skills (low literacy levels) Deficient:

Hard copy Standardized assessments test results or school records and MIS case note documentation.

Alternate Education (Alternative, Adult Education, Youth Build, Job Corps):

Written documentation from educational program indicating that participant is enrolled and attending.

Assessment and Date Administered: TBD for WIOA

Barriers to Employment:

Necessary documentation collected to confirm the barrier and as identified in the registration process.

Basic Literacy Skills Deficiency: Standardized assessment tests, official school records.

Credential Type: Transcript, certificates, diploma, surveys, case notes.

Credential, Certificate, Degree Date Attained:

Transcript, certificates, diploma, letter or other documentation from school system. Attainment date must match MIS month day and year.

Certificate or Degree Attainment: Transcript, certificates, diploma, letter or other documentation from school system.

Date of Birth/Age:

Hard or electronic copy of one of the following that shows proof of date/age on its surface; Baptismal record, birth certificate, DD-214, Report of Transfer or Discharge paper, Federal/State driver's license or identification card, passport, hospital record of birth, public assistance/social service records, official school records or ID card, work permit, cross match with Department of Vital Statistics or tribal records

Documents that establish both Identity and Employment Authorization:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST A at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Documents that establish Identity:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST B at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Documents that establish Employment Authorization:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST C at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Educational attainment one or more grade levels below the grade level appropriate for individual's age:

School records, school verification; including case notes indicating the case manager has viewed and verified any of the listed documents.

Eligible Veteran Status:

DD214, cross match with Veteran's data, letter from Veteran's Administration.

Eligible Migrant and Seasonal Farmworker: data to confirm eligibility per WIOA Sec. 167(i).

Employment Authorization Documentation:

Verification Documents(s) that Satisfy List A of the I-9 or Verification Document(s) that satisfy List B and C of the I-9@

<http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Employment Status at Participation:

Self-Attestation form, registration/application or a case notes.

Employment after 2nd, and 4th exit quarter: Supplemental data, wage record system.

Employment after 2nd, and 4th exit quarter:

Supplemental through case management, survey, verification with employer, wage record systems, case notes, follow-up.

English Learner:

Observation and as indicated in MIS record, WIOA intake or registration form, self-attestation.

Enrolled in Education:

Applicable records from educational institution to certify enrollment, case note with verification from educational institution or training provider that participant is enrolled in education.

Exemption: see Other Reason for Exit.

Family size:

Acceptable identification cards for each family member, rental or lease agreement, social service records, school/reduced or free lunch program records, most recent tax return.

Follow-Up Services:

Activity/sign in sheets, attendance records, vendor contact, State MIS, case notes, WIA/WIOA status forms indicating service received.

Food Stamps: see Snap.

Foster Care Youth: (in or who have aged out of):

Written confirmation from social service agency, court records, Foster Care payment records, telephone verification form with appropriate governmental agency, self-attestation.

Free/Reduced-Price Lunch:

Written documentation from school/district showing that the individual or entire school/district is eligible.

High Poverty Area: *To be further defined in future notification.*

Homeless:

Written statements from an individual providing residence, shelter or social service agency, WIOA intake or registration form, self-attestation.

Individual with disability: (for income eligibility purposes)

Letter from drug or alcohol rehabilitation agency, letter from Individual Education Plan (IEP) team stating specific disability, medical records, physician's statement, psychiatrist's/psychologist's diagnosis, rehabilitation evaluation, school record stating specific disability, social service records/referral, Social Security Administration disability records, Veterans Administration letter/records, vocational rehabilitation letter, observable condition (applicant statement needed), sheltered workshop certification, workers compensation record;

including case notes indicating the case manager has viewed and verified any of the listed documents.

In School: Applicable records from an educational institution.

Low Income:

Alimony Agreement, applicant statement, award letter from veteran's administration, bank statements, compensation award letter, court award letter, pension statement, employer statement/contact, family or business financial records, housing authority verification, pay stubs, public assistance records, quarterly estimated tax for self-employed, Social Security benefits, UI documents, appropriate documentation from local or federal entities that show receive or is eligible for a free or reduced price school lunch.

Low Levels of Literacy:

Documentation, that the participant is unable to read, write, and speak English; compute and solve problems at levels of proficiency necessary to function on the job, in the family of the participant, or in society.

Most Recent Date Received Educational, Summer Employment or Leadership Opportunities:

Activity/sign in sheets, attendance records, vendor contact, State MIS, case notes, WIA/WIOA status forms indicating service received.

Measurable Skills Gain:

- **Education Achievement:** Documentation that participant achieved at least one educational functioning level in an education program that provides instruction below a post-secondary level.
- **Secondary/Post-Secondary Transcript/Report Card:** Documentation from education institution for one academic year (or 24 credit hours) showing participant is achieving the state unit's policies for academic standards.
- **Training Milestones:** Documentation from employer/training provider participant had a satisfactory or better progress report towards established milestones. (e.g. completion of OJT, completion of one year of registered apprenticeship programs, etc.)
- **Skills Progression;** Documentation participant successfully completed a required exam required for a particular occupation, or progress in attaining technical or occupational skills as evident by trade –related benchmarks such as knowledge based exams.

Measurable Skills Gain, Date of Most Recent:

Record data in MIS, dates must **match** documentation in file.

Native American populations:

Documentation collected to prove eligibility per WIOA Sec 166(b).

Nonimmigrant Alien Authorization 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 on 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 any restrictions or limitations identified on the form.

Offender (ex):

Documentation from juvenile or adult criminal justice system, documented phone call with court or probation representatives, WIOA intake or registration form, self-attestation.

Other public assistance:

Copy of authorization to receive cash public assistance, copy of public assistance check, medical card showing cash grant status, public assistance records, refugee assistance records, cross-match with public assistance data base.

Other reason for Exit (exemption):

Information from partner services MIS systems, WIA/WIOA status/exit form, case notes, information from institution or facility.

Out of School:

School Drop Out *or* individual has not attended school for at least the most recent complete school year calendar quarter): appropriate school/justice records notating required documentation, secondary school diploma or its equivalent recipient who is basic skills deficient or an English language learner.

Pregnant or parenting youth:

Copy of child's birth certificate, baptismal record, observation of pregnancy status, doctor's note confirming pregnancy, intake/registration forms, self-attestation.

Runaway youth:

Written statements from an individual providing residence, shelter or social service agency, WIA intake/registration form, self-attestation.

School status at participation:

Applicable records from education institution (certificate, diploma, attendance record, transcripts, drop out letter, school documentation), State MIS, WIOA intake/registration forms, self- attestation.

School Status at Exit: Transcripts, certificate, diploma, survey, case notes.

Selective Service registration:

Acknowledgment letter from Selective Service, Report of Transfer or Discharge, DD-214, registration process, Selective Service Advisory Opinion letter, Selective Service registration record (Form 3A), Selective Service registration card, Selective Service system contact, Selective Service verification form, stamped post office receipt of registration, registration status

information letter, local area determination of unknowing/not willful failure to register; including comments indicating the case manager has viewed and verified any of the listed documents

Substantial Cultural Barriers: indicated in MIS and ISS.

Social Security Number:

Social Security Card, Social Security Administration printout that contains the applicants' name and social security number.

SNAP Benefits:

Notice of decision form Social Service Agency, public assistance records/printout, Cross-match form with Social Service Agency (copy of EBT card not acceptable).

TANF: Copy of public assistance records, Cross-match with Social Service Agency.

Veteran's status:

DD-214, Cross-match with veteran's data, letter from Veteran's Administration.

Youth Who Needs Additional Assistance:

School records, medical or social services referral, criminal or civil referral, acceptable standardized test scores, WIOA intake or registration forms, self-attestation.

Youth Placement Information:

Cross match with other agencies, apprenticeship verification, documentation from military service, advanced training, post-secondary education, transcripts, registration forms, employer contact, wage records, case notes.

Youth Retention Information:

Cross match with other agencies, apprenticeship verification, documentation from military service, advanced training, post-secondary education, transcripts, registration forms, employer contact, wage records, case notes.

**Workforce Investment Act
State Compliance Policies**

SECTION: 2.1

Eligibility for Youth Services

March 2005

I. Eligibility Requirements:

- A. To be eligible for youth services, individuals must [Section 101 (13) and §664.200]:
1. Be age 14 through 21;
 2. Comply with Selective Service legislation by providing documents to demonstrate compliance with Selective Service requirements; (WIAL #3-99)
 3. Comply with citizenship and eligibility to work requirements by providing documents necessary to validate the same; (WIAL #3-99)
 4. Provide documentation of Social Security Number; (State requirement)
 5. Be an individual who meets the following income requirements:
 - a. Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
 - b. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to registration for services [exclusive of unemployment compensation, child support payments, payments and old-age and survivors insurance received under Section 202 of the Social Security Act (42 U.S.C. 402)] that, in relation to family size, does not exceed the higher of:
 - (i) the poverty line*; or
 - (ii) 70 percent of the lower living standard income level*;
(*State will issue income guidelines annually)
 - c. Is a member of a household that receives (or has been determined within the six month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
 - d. Qualifies as a homeless individual as defined in subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302); or
 - e. Is a foster child on behalf of whom State or Local government payments are made;
 - f. Is an individual with a disability whose own income meets the requirements described in Items 1 or 2 above who qualifies as low-income even if the individual family does not meet those requirements (§663.250);

6. Be within one or more of the following categories:
 - a. Deficient in basic literacy skills according to the following criteria:
 - (i) Computes or solves problems, reads, writes, or speaks English at or below the 8th grade level; [*Note: grade level scores below 9.0 (e.g. 8.9 should be considered as at or below the 8th grade level – reference TEGL 14-00 Change 1 – Attachment E- WIASRD element #131.]*]
 - (ii) Is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual family or in society; or
 - (iii) Other additional criteria defined by the local board;
 - b. School dropout who is no longer attending school and who has not received a secondary school diploma or recognized equivalent. A youth attending an alternative school is not a dropout. [Section 101(39) and §664.310]
 - c. Homeless, runaway, or foster child;
 - d. Pregnant or parenting;
 - e. Offender; or
 - f. Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment.

B. Up to five percent (5%) of youth participants served by youth programs in a local area may be individuals who do not meet the income criterion for eligible youth, provided that they are within one or more of the following categories [Section 129(c)(5) and §664.220 (a-h)]:

1. School dropout who is no longer attending any school and who has not received a secondary school diploma or a recognized equivalent. A youth attending an alternative school is not a dropout; [Section 101(39) and §664.310]
2. Is deficient in basic skills according to the following criteria: [Section 101 (4)]
 - a. The individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or comparable score on a criterion-referenced test;
3. Is one or more grade level below the grade level appropriate to the individual's age;
4. Is pregnant or parenting;
5. Possesses one or more disabilities, including learning disabilities;
6. Is homeless or a runaway;
7. Is an offender; or
8. Faces serious barriers to employment as identified by the Local Board.

C. An out-of-school youth is an individual who: [Section 101(33) and §664.300]

1. Is an eligible youth who is a school dropout; or
2. Is an eligible youth who has either graduated from high school or holds a GED, but is basic skills deficient, unemployed, or underemployed.

II. Registration And Acceptable Documentation (§664.215):

- A. All youth participants must be registered in order to collect information to support a determination of eligibility. All information required by federal, state, and local reporting requirements must be collected for each youth participant, including documentation of each eligibility requirement for the types of service the individual has received.
- B. The following chart outlines acceptable forms of documentation for eligibility requirements for youth services:

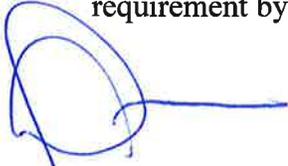
YOUTH SERVICES	
ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
A. Citizen/Eligible to Work	<ol style="list-style-type: none"> 1. Birth Certificate 2. Alien Registration Card [Most common forms I-551, and I-94] 3. US Passport 4. I-9 (Immigration Form) 5. Public Assistance Records, etc. <p><i>Note: For electronic registration, the user must submit document ID numbers.</i></p>
B. Social Security No.	<ol style="list-style-type: none"> 1. SS Card 2. Pay Stub, etc. <p><i>Note: For electronic registration, the user must submit Social Security Number.</i></p>
C. Selective Service	<ol style="list-style-type: none"> 1. SS Registration Card 2. Acknowledgment Letter, etc. <p><i>Note: For electronic registration, the user must certify that he meets the requirements of Selective Service (if applicable).</i></p>
D. Birth Date/Age	<ol style="list-style-type: none"> 1. Birth Certificate 2. Driver's License 3. US Passport 4. Work Permit 5. Public Assistance Records 6. School Records, etc. <p><i>Note: For electronic registration, the user must submit birth date.</i></p>
E. Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program	<ol style="list-style-type: none"> 1. Copy of Public Assistance Records/Check 2. Public Assistance Card showing cash grant status 3. Telephone Confirmation, etc. 4. Food Stamp Card/Receipt 5. Public Assistance Records, etc.

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
<p>F. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for intensive or training services (exclusive of unemployment compensation, child support payments, payments and old-age and survivors insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of--</p> <ol style="list-style-type: none"> a. the poverty line; or b. 70 percent of the lower living standard income level 	<ol style="list-style-type: none"> 1. Pay stubs 2. Public assistance/social agency records 3. Most recent tax return 4. Birth certificate(s) 5. Telephone verification
<p>G. Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)</p>	<ol style="list-style-type: none"> 1. Food stamp card/receipt 2. Public assistance records, etc.
<p>H. Qualifies as a homeless individual as defined in subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302)</p>	<p>Written statement from social service agency, shelter, individual providing temporary shelter</p>
<p>I. Is a foster child on behalf of whom state or local government payments are made</p>	<ol style="list-style-type: none"> 1. Court documentation 2. Written statement from state/local agency 3. Medical card, etc.
<p>J. An individual with a disability</p>	<ol style="list-style-type: none"> 1. School records 2. Social service records/referral 3. Physician's statement

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
K. Basic skills deficient	<ol style="list-style-type: none"> 1. School Records 2. Assessment from generally accepted standardized test 3. School Report Card
L. Pregnant/Parenting	<ol style="list-style-type: none"> 1. School Records 2. Birth Certificate 3. Referrals from official agencies
M. School Dropout	<ol style="list-style-type: none"> 1. Drop Out Letter 2. Attendance Records
N. Offender	<ol style="list-style-type: none"> 1. Court Documentation 2. Letter of Parole 3. Police Record

**Workforce Connections'
Comments Regarding State Compliance Policy 2.1**

1. The state is continuing to require documentation of a Social Security Number, yet, there's no requirement by DOL/WIOA.



Ardell Galbreth
Executive Director
Workforce Connections



nevada**works**

Coordinating Workforce Development for Northern Nevada

March 30, 2016

Grant Nielson, Chief of WISS
500 East Third Street
Carson City, NV 89713

RE: Public comment regarding State Compliance Policy 2.1

Mr. Nielson:

Nevadaworks would like to respectfully submit the following as public comment regarding State Compliance Policy 2.1:

Due to the dynamic nature of documentation requirements, Nevadaworks recommends that the "Required/Acceptable File Documentation" Section be removed from SCP 2.1 and included in a State issued Technical Assistance Guidance (TAG) which will allow for easier modification/clarification of file documentation requirements in the future.

Thank you for the opportunity to provide public comment. If you have any questions, please let me know.

Sincerely,

Milt Stewart
Program Manager

Policy Summary

State Compliance Policy (SCP) 5.9

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 5.9 to the Governor's Workforce Development Board (GWDB) for review and approval.

State Compliance Policy 5.9 communicates the policy and procedure for providing statewide guidance in the form of Technical Assistance Guides (TAGs) and State Compliance Policies. The State receives official guidance and directives from the Federal Government in many forms. These include; federal law; regulations (CFRs); Training and Employment Guidance Letters (TEGLs); Veterans Program Letters (VPLs); and Training Employment Notices (TENs). Other forms of instruction come as a result of monitoring findings or changes in state statutes. When DETR receives any of these forms of guidance or directive, often it will require changes in policy or further explanation given to the Local Areas.

Further, SCP 5.9 communicates when DETR has the authority to make non-substantive changes to policy. An example of a non-substantive change would be when a typo is found or a citation is updated.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act of 2014
State Compliance Policy (SCP)**

Policy Number: 5.9

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: State Compliance Policy Creation and Update Procedure

Issued: March 2016

Revised: NEW

Purpose: To transmit the procedure for updating State Compliance Policy (SCP) and the use of Technical Assistance Guides (TAGs) as it relates to the Workforce Innovation and Opportunity Act (WIOA). This policy is intended to facilitate timely SCP updates.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 3-134), NPRM 20 CFR, State Compliance Policies (2015)

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB Board members and any other concerned parties. Any local boards' policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: WIOA is designed to improve workforce investment activities services of the State and local workforce development systems. By increasing the employment, retention and earnings of participants, assisting in the attainment of recognize postsecondary credentials, and improving the quality of the workforce participants will obtain economic self-sufficiency and employers will gain a more competent workforce.

Program regulations for WIOA are contained in the Code of Federal Regulations at 20 CFR. Changes to regulations such as interpretations of Federal laws, procedural, administrative, management, and program direction are published in the Federal Register and require mandatory compliance on the published effective date. Additionally the Employment and Training Administration (ETA) Advisory system disseminates changes, updates and clarifications to existing legislation and regulations through Training Employment Notices (TEN) and Training & Employment Guidance Letters (TEGL) which are also mandatory program requirements. The

changes contained in these documents are required to be incorporated into the appropriate Nevada State Compliance Policy (SCP).

Policy and Procedure:

SCP will be written in accordance with the criteria established in WIOA, NPRM, final regulations, and as clarified by Training and Employment Guidance Letters (TEGL), Training and Employment Notice (TEN) and Veteran Program Letters (VPL). State policy may then narrow the policy in this guidance should there be a need as it related to Nevada's unique needs. In the occurrence of State requirements, additional or otherwise, these items are printed in **bold** and *italicized*.

Prior to submission of new policies to the State Workforce Development Board (State Board) for review and approval, each Local Workforce Development Board (Local Board) will have the opportunity for review. This review will allow for comments to be submitted in writing for consideration by the State before final action.

Changes to policy initiated either by State staff or Local boards must be approved by the State Board.

Non-substantive changes do not require State Board approval and are defined later in this policy under definitions.

Mandatory substantive changes required by Federal program regulation published in the Code of Federal Regulations or documented in either TEN, TEGL or VPL are automatically incorporated into the SCP for approval by the State Board. WISS staff will prepare updated SCP and back-up documentation which will be included as an informational item in the State Board meeting.

Technical Assistance Guides (TAGs) will be issued to clarify statewide procedures, WIOA Reporting, Performance, Management Information System (MIS) and other clarifications as necessary.

Definitions:

Federal Changes to Notices: Changes to an advisory are issued as a change to the original document and located in the same year as the original document. The Advisory and all changes to it are found under the year in which it was first issued. This may be Program Year or Fiscal Year.

Federal level changes: Changes the federal government mandates.

Non-substantive Changes: Non substantive changes are defined as administrative corrections or adjustments originating from the State that are considered not to impact the content or the law as intended.

State Requirements: Policy the state of Nevada proposes/mandates, including procedural changes including WIOA training, reporting, performance, Federal policy clarification and updates.

Strategic plan based changes: Changes necessary to achieve goals of the State Board (e.g. strategic plan, branding, integration).

Substantive Changes: Substantive changes are defined as any modification that impact the content or definition of a SCP and requires Board approval.

Technical Assistance Guides: clarify statewide procedures, WIOA Reporting, Performance, Management Information System (MIS) and other clarifications as necessary. These are issued to the Local Board for comment period prior to posting on the DETR site.

Training and Employment Guidance Letters (TEGLs): Are used to transmit policy and operational guidance to the Workforce Investment Act state and local workforce systems. Issued by Program Year (July 1 - June 30). *Reviewed to determine necessary updates to State Policy.*

Training and Employment Notices (TENs): Are used to communicate announcements of meetings, publications, or general information. Issued by Program Year (July 1 - June 30). *Reviewed to determine necessary updates to State Policy.*

Veteran Program Letter (VPL): To provide guidance to states and Department of Labor (DOL) Veterans' Employment and Training Service (VETS) field staff on changes to the Department of Veterans Affairs Vocational Rehabilitation and Employment (VA/VR&E) joint national agreement to coordinate services for veterans enrolled in VA's Chapter 31 program.

Additional Information

Approved SCP are posted to the DETR web site at the following location;
http://detr.state.nv.us/workforce_investment_pages/WIA_Policies.htm

TAG's are posted to the DETR web site at the following location.
http://detr.state.nv.us/workforce_investment_pages/Technical_Assistance_Guides.htm

State of Nevada
Department of Employment, Training and Rehabilitation
Employment Security Division

February 10, 2016

MEMORANDUM

TO: Governor's Workforce Development Board (GWDB)

FROM: Karlene Johnson, Workforce Services Representative IV

SUBJECT: Eligible Training Provider List (ETPL) procedures

On June 26, 2015 Department of Labor issued Training and Employment Guidance Letter (TEGL) 41-14. The TEGL explained that the Workforce Investment Act (WIA) requires the establishment of the eligible training provider list (ETPL) to ensure informed customer choice, performance accountability and continuous improvement. WIOA expands the WIA requirements by increasing accountability and transparency through reporting and biennial review. WIOA requires that the State of Nevada – Department of Employment, Training and Rehabilitation – Workforce Investment Support System (WISS), on behalf of the Governor and in consultation with the GWDB, establish criteria and procedures regarding the eligibility of training providers to receive WIOA funds for the provision of training services.

Attached you will find Technical Assistance Guide (TAG) 15-2 that was developed with and agreed upon by WISS staff, Nevadaworks and Workforce Connections (the two Local Workforce Development Boards).

WISS respectfully requests Board review and Public comment regarding the TAG.

Department of Employment, Training and Rehabilitation
Employment Security Division
Workforce Investment Support Services



Technical Assistance Guide (T.A.G.) Workforce Innovation and Opportunity Act

Number: 15-2

Date: October 6, 2015

Subject: Eligible Training Provider List (ETPL)

Purpose:

To provide instruction update, guidance for training organizations wishing to provide training services under the Workforce Innovation and Opportunity Act of 2014.

Executive Summary:

The Workforce Investment Act (WIA) requires the establishment of the eligible training provider list (ETPL) to ensure informed customer choice, performance accountability and continuous improvement. WIOA expands the WIA requirements by increasing accountability and transparency through reporting and biennial review. WIOA requires that the State of Nevada – Department of Employment, Training and Rehabilitation – Workforce Investment Support System (WISS), on behalf of the Governor and in consultation with the Governor’s Workforce Development Board (GWDB), establish criteria and procedures regarding the eligibility of training providers to receive WIOA funds for the provision of training services.

Scope:

The requirements in this TAG apply to Local Workforce Development Boards (LWDB/Local Board).

Effective Date:

This directive is effective upon its issuance.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA)
- TEGL 41-14, Attachments I & II

1. Transition of Existing Training Providers

The WIOA Eligible Training Providers requirements go into effect July 1, 2015. In order to facilitate implementation of these requirements, existing training providers and programs eligible under WIA on June 30, 2015, may continue to be eligible to provide training services through December 31, 2015. All providers will be required to update program and performance levels for review by Local Boards by January 15, 2017. Transitioning providers and programs approved by LWDBs will then be reviewed by WISS to ensure complete information has been provided and subsequent eligibility requirements as outlined in this TAG have been met. Transitional training providers must meet the subsequent eligibility requirements as described below.

- Eligibility will be automatically extended through December 31, 2015. To ensure that the provider's transition is smooth, providers must seek continued eligibility by submitting their application before **November 15, 2015**.

Training providers and programs that do not renew eligibility by November 15, 2015 will be removed as an eligible training provider and removed from ETPL effective January 1, 2016.

2. Eligible Providers of Training Services

A program of training services is defined as one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent, employment, or measurable skill gains toward such a credential or employment. These training services could be delivered in person, on-line, or in a blended approach. The types of eligible training services under WIOA title I-B are similar to those approved under WIA title I with expanded options for incumbent workers, and the use of Local Board contracts for training services.

Providers of training services are identified within the following categories:

- Post-secondary education institutions;
- Registered Apprenticeship programs;
- Other public or private providers of training, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training;
- Local Boards, if they meet the conditions of WIOA sec. 107(g)(1); and
- Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness that provide training under contract with the local board.

A provider, as described above, must comply with the criteria, information requirements, and procedures established under WIOA and this TAG to be included on the list of eligible providers of training services.

Apprenticeships, are exempt from initial eligibility procedures and shall be included and maintained on the list of eligible providers for so long as the corresponding program of the provider remains registered as a registered apprenticeship program.

3. New Provider Eligibility Requirements

Initial eligibility for all new training providers under WIOA begins July 23, 2015. New providers may seek initial eligibility electronically through approval by the LWDBs and, if reviewed and approved by WISS, will remain eligible and listed on the ETPL for only 1 year for a particular program. Subsequent eligibility applications will be reviewed every year as a State requirement. The criteria and information requirements determined by WISS establish that a provider and/or program not previously eligible under this section provide verifiable information pertaining to:

- Description of each program of training service to be offered including internships, lab fees, and materials to include costs associated for each item and as indicated on the ETP application;
- Information addressing a factor related to the indicators of performance, as described in WIOA sec. 116(b)(2)(A)(i)(I)-(IV), which include: unsubsidized employment during the second

quarter after exit, unsubsidized employment during the fourth quarter after exit, median earnings, and credentials attainment;

- A description concerning whether the provider is in a partnership with a business including quality and quantity of employer partnerships and as indicated on the ETP application;
- Other factors that indicate high-quality training services leading to a recognized post-secondary credential;
- Information addressing the alignment of the training services with in-demand industry sectors and occupations, to the extent practicable;
- State licensure requirements;
- The ability of the providers to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities;

Subsequent Eligibility Requirements

In addition to the above requirements, subsequent eligibility requires the following factors be considered by LWDBs when electronically recommending programs to WISS for approval.

- The performance of providers of training services on the performance accountability measures described in WIOA sec. 116(b)(2)(A)(i)(I)-(IV) and as initially and subsequently required by WISS and indicated initially through the provider application process;
- Access to training services throughout the State including rural areas and through the use of technology;
- Information reported to State agencies on Federal and State training programs other than programs within WIOA title I-B, including one-stop partner programs;
- The degree to which training programs relate to in-demand industry sectors and occupations in the State;
- State licensure requirements of training providers, and licensing status of providers of training services, if applicable;
- The provider's ability to offer industry-recognized certificates and/or credentials;
- The ability of providers to offer programs that lead to post-secondary credentials;
- The quality of the program of training services including a program that leads to a recognized post-secondary credential;
- The ability of the providers to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities;
- The timeliness and accuracy of the eligible training provider's performance reports; and,
- Other factors that the Governor determines are appropriate in order to ensure: the accountability of providers; that one-stop centers in the State will meet the needs of local employers and participants; and that participants will be given an informed choice among providers. This includes the annual recertification process and performance reporting functions. States are responsible for ensuring the quality and value of eligible training providers for WIOA program participants. Examples of additional factors that the Governor may consider include: the ability of a provider to partner with employers and to provide job placement

services; the dropout rate of the training provider, and the student loan default rate of the provider.

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

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

4. Registered Apprenticeship Programs (RA) Inclusion on the ETPL

All Registered Apprenticeship programs registered with the U.S. Department of Labor, Offices of Apprenticeship or a recognized State Apprenticeship Agency are automatically eligible to be included as an eligible training provider. These include;

Employers who provide related instruction; Employers with Registered Apprenticeship programs provide formal in-house instruction as well as on-the-job training at the work site.

Employers who use an outside educational provider; Under this model, Registered Apprenticeship program sponsors do not provide the related instruction or educational portion of the apprenticeship, but rely upon an outside educational entity to deliver instruction. Employers can use two- or four-year post-secondary institutions, technical training schools, eligible providers of adult education and literacy activities under title II, or on-line courses for related instruction. The employer is the ETP and must identify their instructional provider as defined locally.

Joint Apprenticeship Training Programs; These programs are made up of employers and unions. They have an apprenticeship training school where the instructional portion of the Registered Apprenticeship program is delivered. The training schools are usually administered by the union.

Intermediaries; Intermediaries can serve as program sponsors when they take responsibility for the administration of the apprenticeship program. They can also provide expertise such as curriculum development, classroom instruction and supportive services, as appropriate. The intermediary is the ETP and must identify the instructional provider if an outside organization is providing the educational portion of the apprenticeship. Intermediaries include:

- Educational institutions including two- and four-year post-secondary institutions, technical schools, or eligible providers of adult education and literacy activities under title II. In this model, the educational institution administers the program, works with employers to hire apprentices and provides classroom or on-line instruction for the apprenticeship program;

- Industry associations administer the program and work with employer/members and educational entities to implement the apprenticeship program; and,
- Community based organizations administer the program and work with employers, educational entities and the community to implement the apprenticeship program.
- LWDBs are responsible for establishing contact with Registered Apprenticeship program sponsors within their local area to identify the programs that want to be included on the State's ETPL through appropriate means (mass email or other general communication, personal communication or a telephone call to local Registered Apprenticeship program sponsors). (TEGL 41-14 section 8)
- A written response to the LWDBs from the Registered Apprenticeship program sponsor requesting inclusion will serve as the program sponsor's affirmation to be included on the ETPL.
- LWDBs must notify WISS in writing of all registered apprenticeship programs that indicate an interest in being included in the ETPL.

Note: Pre-apprenticeship programs do not have the same automatic eligibility as do RA's and must pursue the standard application process to apply to the ETPL.

Procedure

- LWDBs shall work with local providers to comply with training provider and program application requirements.
- LWDBs shall provide the following information to WISS for all Registered Apprenticeship programs that indicate an interest in being on the ETPL:
 - Occupations included within the Registered Apprenticeship program;
 - Name and address of the Registered Apprenticeship program sponsor;
 - Name and address of the Related Technical Instruction provider, and the location of instruction, if different from the program sponsor's address;
 - Method and length of instruction; and
 - Number of active apprentices.

Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program (as outlined above) may be required to provide additional information about their education provider, including the cost of the instruction.

5. Technology based training (on-line programs), must complete the application process as lined out in the application/instructions and include the following additional information; how students log-in and submit their assignments, testing requirements, if a proctor test, what location, who grades the online submission, and how attendance is being tracked.

6. Performance Requirements per TEGL 41-14

After the initial period of eligibility ends, Training Providers will be required to meet the following reporting requirements in order to remain eligible to receive WIOA funding as indicated by the still proposed Primary Performance Indicators for the WIOA ETP Performance Report.

The (ETP) Performance Report, applicable only to the title I Adult and Dislocated Worker programs, must report the below five indicators with respect to *all individuals* who exited a program of study and all

individuals who completed a program of study including individuals in the program of study who are not WIOA participants.

1. The percentage of individuals who are in unsubsidized employment during the second quarter after exit from the program of study;
2. The percentage of individuals who are in unsubsidized employment during the fourth quarter after exit from the program of study;
3. The median earnings of individuals in the program of study who are in unsubsidized employment during the second quarter after exit;
4. The percentage of program participants who obtain 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. For those participants who obtained a secondary school diploma or its recognized equivalent, the participant must also have obtained or retained employment or be in an education or training program;
5. The total number of individuals who exit from the program of study.

The ETP Performance Report must report the below indicators with respect to *all WIOA participants* in the program of study.

1. The number of participants exiting from the program of study (or the equivalent);
2. The total number of participants who received training services through each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years;
3. The total number of participants who exited from training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;
4. The average cost per participant for the participants who received training services, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years; and
5. The number of individuals with barriers to employment served by each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by each subpopulation of such individuals, and by race and ethnicity, sex, and age.

7. Proposed Performance Measures

- **Unsubsidized employment during the second quarter after exit.....34%**
- **Unsubsidized employment during the fourth quarter after exit.....33%**
- **Median Earnings.....\$3,480**
- **Credential attainment.....20%**

Note: Data collected will be analyzed as appropriate over the span of the next two program years, and considered in setting, re-setting and in determining additional WIOA Performance Measures, as determined by the Governor. Additional performance measures may be released in the future; along with final performance requirement should they change from the above proposed. The designated levels of performance will be published on the ETPL website on a yearly basis.

8. ETPL Training Provider Appeals

LWDB's are responsible to have an appeals process policy in writing to include standard time frames, in effect should the need arise. Any registrant, participant, applicant, eligible applicant, sub-recipients, subcontractors, employees or other interested persons may file a grievance with an administrative entity, contractor or grantee. Complainants must exhaust the procedures at the local level before the grievance/complaint may be filed with the State per SCP 4.4.

9. Responsibilities:

The LWDBs are responsible for carrying out the following procedures assigned by the State:

- Review new and subsequent training provider applications for programs of training services to ensure labor market relevance, WIOA training providers eligibility criteria, performance information and State required items have been provided accurately prior to submission to the WISS for final approval.
- Consult with the State when establishing procedures affecting the ETPL;
- Quarterly determine new RA programs wishing to be on the list and provide required information to the State for submission to the ETPL.
- Yearly determine those RA programs who no longer wish to be on the list and those who are de-registered with federal Office of Apprenticeship (OA) director or the applicable State agency and are communicated to the State for removal from the ETPL.
- Ensure the LWDBs' current policy outlines the Appeals Process for ineligible provider/programs denied inclusion and or removed from the ETPL for cause, is provided to all interested parties.
- Recommend the termination of programs/providers from the ETPL per SCP 1.13.
- Work with the State to ensure that: there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities;
- Maintain the credibility of the State ETPL Applications, which means that ONLY State approved changes/updates to the applications are allowed.
- Ensure the State's eligible training provider list is disseminated publicly through the local one-stop system, and its partner programs;
- LWDBs may require additional information and/or set higher levels of performance for providers to become or remain eligible to provide services in their particular area within the parameters set forth in WIOA and State requirements;
- Establish a procedure to provide interested members of the public an opportunity to make recommendations and submit comments regarding the eligibility process. Quarterly submit these comments to WISS; and
- Determine programs meet the eligibility criteria and performance levels established by the State

State (WISS) is responsible to ensure the quality and value of eligible training providers for WIOA participants by:

- Establishing ETPL eligibility procedures;
- Clarifying State and LWDB roles and responsibilities;
- Providing Statewide publication/dissemination of ETPL;
- Verifying programs meet the eligibility criteria and established performance levels;
- Verifying the accuracy of LWDB submitted information;
- Verifying the accuracy of LWDB procedure on adding and removing RA programs;
- Upon request from the LWDBs, removing programs that do not meet established program criteria or performance levels;
- Ensuring performance and cost information relating to each provider is available to the public;
- Adjudicating as required in Appeals Process;
- Providing final approval of providers and programs recommended by the LWDBs; and
- Consulting with the State Board when establishing procedures affecting the ETPL



Coordinating Workforce Development for Northern Nevada

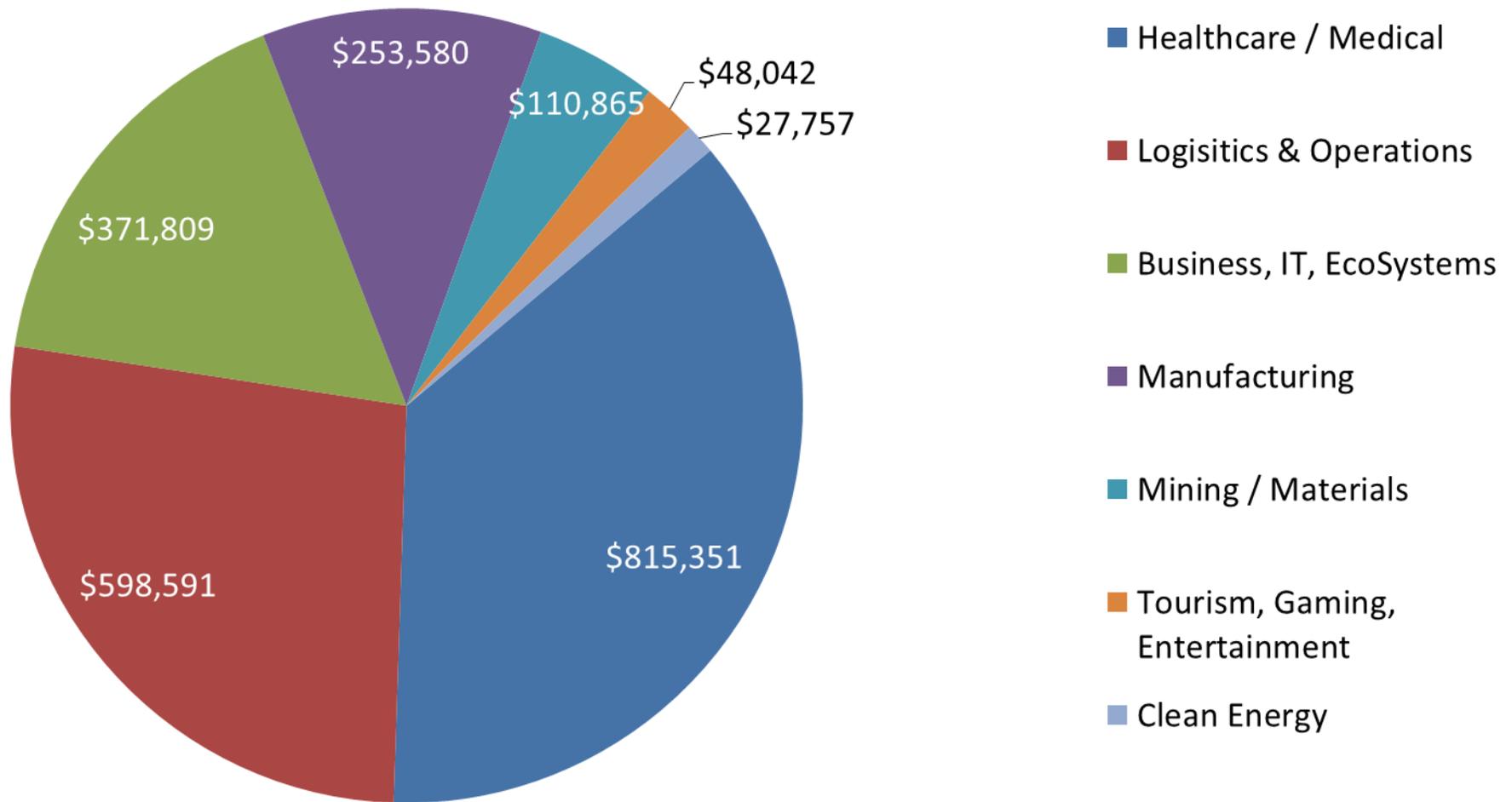
Date: April 2016
To: Governor's Workforce Development Board
From: John H. Thurman
Subject: Quarterly Report

The implementation of the Workforce Innovation and Opportunity Act (WIOA) enactment on July 1, 2015 continues, with Nevadaworks staff currently concentrating on the Local Plan, Resource Sharing agreement, Partner MOUs, and procurement of the local One-Stop System operator.

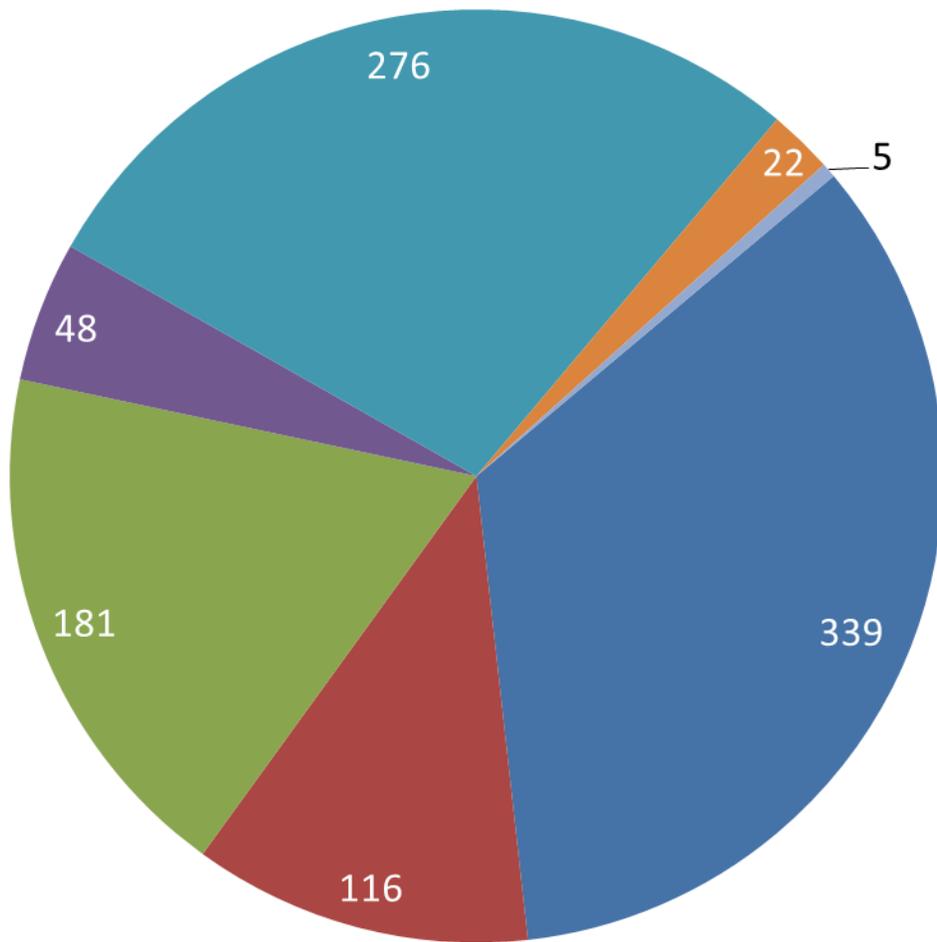
Nevadaworks Youth Out-of-School programs for Program Year (PY) 2015 appear to be on track to meet all their goals. The switch from a minimum spending level of 30% for Out of School programs to a minimum of 75%, was a bit of a challenge. With not quite a quarter of the program year remaining, indications are favorable for a successful PY 2015.

During the last 12 months Nevadaworks Service Providers and the WIA One Stop System provided services to 731 Adult, 734 Dislocated Worker, and 661 Youth participants in WIA Title I funded services. In addition 12,770 individuals accessed the One Stop System in a self-service capacity. Nevadaworks Service Providers in program year 2014 have provided individuals with occupational skills training in the nine State of Nevada identified industry sectors. The following information shows numbers served and dollar amounts spent, per sector, for the period April 1, 2015 through March 31, 2016.

Dollars Spent by Sector
April 1, 2015 to March 31, 2016
Total: \$2,225,996

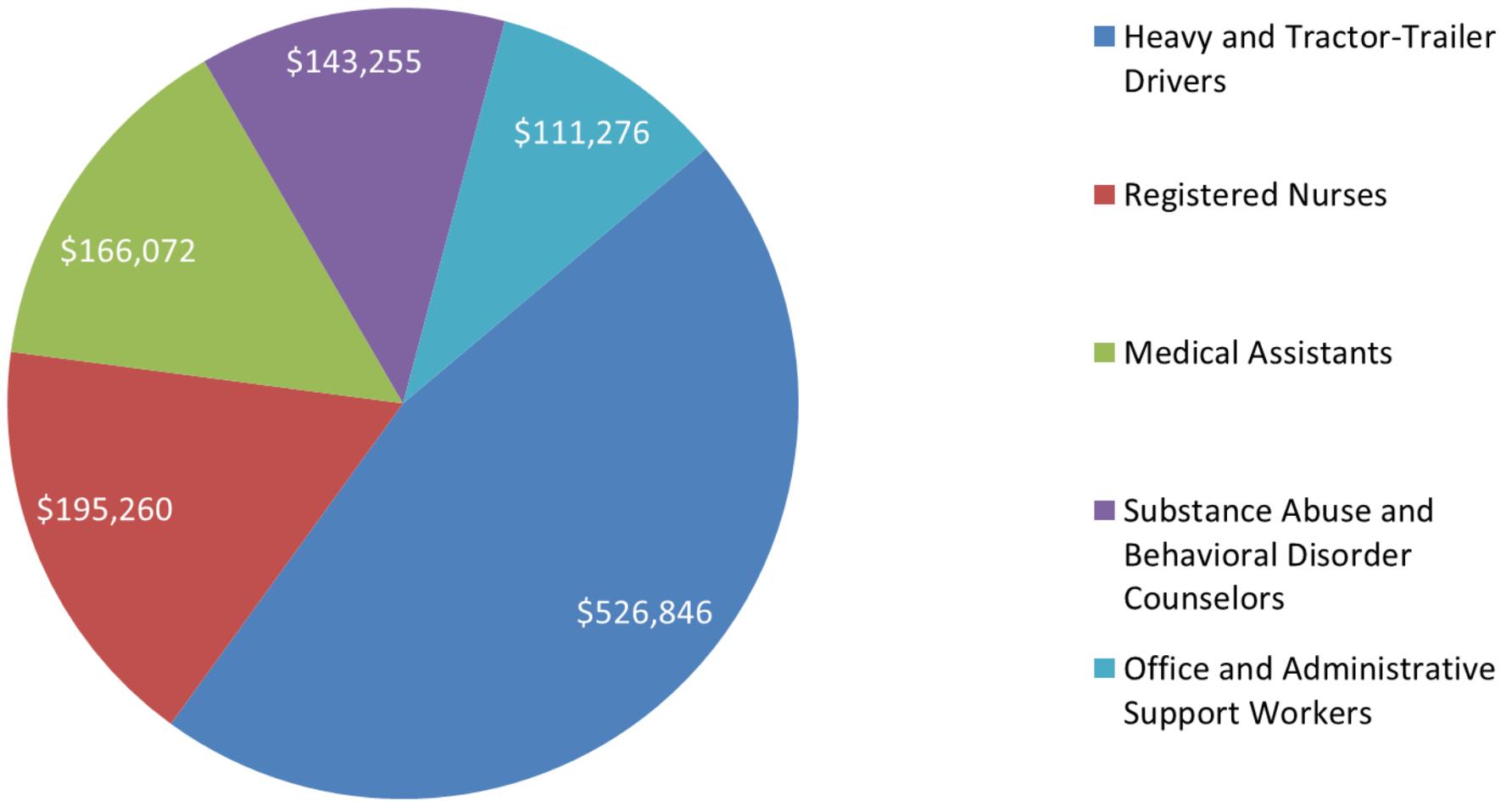


Client Count by Sector
April 1, 2015 to March 31, 2016
Total Clients: 987

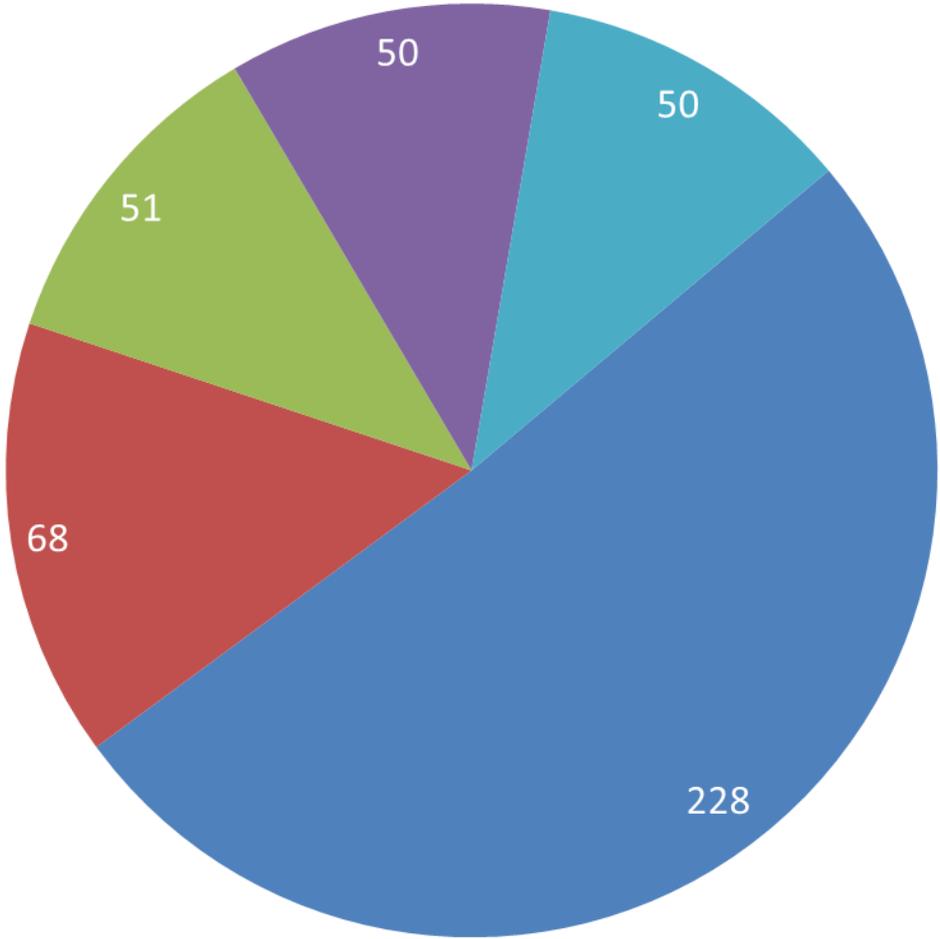


- Healthcare / Medical
- Manufacturing
- Business, IT, EcoSystems
- Mining / Materials
- Logistics & Operations
- Tourism, Gaming, Entertainment
- Clean Energy

**Top 5 O*NET Codes by Dollars Spent
April 1, 2015 to March 31, 2016
Total: \$1,142,709**



Top 5 O*NET codes by Client Count
April 1, 2015 to March 31, 2016
Total: 447 Clients



- Heavy and Tractor-Trailer Drivers
- Medical Assistants
- Nursing Assistants
- Registered Nurses
- Office and Administrative Support Workers

Performance for Nevadaworks Service Providers for the program year 2014 was as follows. The green highlighted cells indicate performance exceeded the Department of Labor (DOL) negotiated levels, yellow highlighted cells indicate performance was within 80% of the negotiated rate. % WIB Achieved is percentage of Local WIB Plan

	Actual	Local WIB Plan	% WIB Achieved
numerator Adult Entered Employment	257		
denominator Adult Entered Employment	331		
Adult Entered Employment	78.6%	75.5%	104.2%
numerator Adult Retention	292		
denominator Adult Retention	423		
Adult Retention	68.8%	82.4%	83.4%
numerator Adult Avg Earnings	3,872,543		
denominator Adult Avg Earnings	281		
Adult Average Earnings	\$13,781	\$14,500	95.0%
numerator DW Entered Employment	428		
denominator DW Entered Employment	493		
DW Entered Employment	88.6%	77.0%	115.1%
numerator DW Retention	377		
denominator DW Retention	518		
DW Retention	73.1%	84.5%	86.5%
numerator DW Avg Earnings	6,428,636		
denominator DW Avg Earnings	364		
DW Average Earnings	\$17,661	\$15,922	111.3%
numerator Youth Placement	242		
denominator Youth Placement	314		
Youth Placement	76.5%	68.7%	111.3%
numerator Youth Attain Degree	259		
denominator Youth Attain Degree	338		
Youth Attain Degree	73.1%	61.0%	119.9%
numerator Youth Literacy Numeracy	30		
denominator Youth Literacy Numeracy	66		
Youth Literacy Numeracy	42.9%	43.0%	99.7%



Quarterly Report to the Governor's Workforce Development Board

April, 2016

One-Stop Delivery System (OSDS)

- Workforce Connections (WC) released four Request for Proposals (RFPs) on February 26, 2016, that will provide WIOA services in the Southern Nevada Workforce Development Area (SNWDA). Projects will commence on July 1, 2016.
 - The geographic RFPs released were for Adult, Dislocated Worker & Youth One-Stop Affiliate Sites in East Las Vegas, Mesquite, and Boulder City and/or Laughlin.
 - A special initiatives RFP was released for pre- and post-release re-entry services in partnership with the Clark County Detention Center and Las Vegas Metropolitan Police Department.
- WC commenced formal program and fiscal monitoring of its Workforce Innovation and Opportunity Act (WIOA) contracted partners throughout the SNWDA.

One Stop Career Center (OSCC)

- ResCare Workforce Services, the One-Stop Career Center operator, has provided career services to over 2,000 job seekers during the 3rd quarter (Jan – Mar).
- The OSCC continues to offer free career exploration and job readiness workshops on a daily basis. Workshops include: Hands on STEM exploration, Computer Basics, Foundations of Job Search, Interview Success, and Workplace Preparation. Job clubs have also been added to the schedule to provide networking, job application and placement opportunities to those who have completed occupational training.
- ResCare enhanced services provided in the OSCC by adding a talent engagement manager, an OSCC navigator, a resource room attendant and job developer to their staffing structure.
- The Mobile One-Stop (MOS) has been deployed to nine (9) community events this quarter, including hiring events, Culinary Training Academy orientations, Clark County School District Mission Achieves events, the My Brother's Keeper resource fair and D Street Strong Safe Village community events.
- WC and ResCare staff attended the California Workforce Association (CWA) conference in San Diego, CA. The focus of the conference was on the importance of collaboration between state, regional and local entities for a successful implementation of WIOA.
- WC and ResCare were selected to present a workshop at CWA regarding the implementation of the two mobile one-stops. The workshop highlights innovative ways to reach the community and "taking WIOA services on the road".



- The most recent AARP graduation on March 18, 2016, graduated twelve participants. Each of the graduates completed a Woofound assessment and are being provided services beyond the AARP program from talent development specialists at the OSCC. Participants are currently being recruited for the next cohort commencing on April 11, 2016.
- There is a new veteran's financial literacy coach housed in the OSCC who is scheduling appointments with veterans throughout the week. The coach provides the OSCC with a list of veteran assistance agencies that are contacted for direct referrals. In addition, the coach spends time doing outreach in the field and community, specifically to veterans in need of services.

Strategic Initiatives

- **Two Generation Strategy:** In an effort to break the inter-generational cycle of poverty and move families toward economic security with gainful employment, through partnership with agencies like United Way of Southern Nevada, Clark County Social Services, and others, WC will be implementing a two-generation strategy initiative.
 - This initiative will include strong, comprehensive employment, education and training components that address both adults and their children.
 - Key elements of the strategy are the use of integrated funding streams of leveraged resources that cover an array of supportive services earmarked for low income families.
- Local elected officials, board members, and board staff attended the National Association of Workforce Boards (NAWB) 2016 forum in Washington DC. The forum highlighted how technology is changing the very nature of work by creating new efficiencies in learning, training, skills development and human potential. It also focused on community collaboration and the shared accountability with the education system and economic development.
- WC was selected to present an innovation workshop at the NAWB forum regarding the use of latest technologies to improve client services and raise staff efficiencies.
- Board staff continued to attend relevant USDOL webinars and trainings regarding the implementation of the WIOA.
- WC submitted local area input for the Unified State Plan throughout the quarter. The plan was submitted by DETR to USDOL on March 3, 2016. Revisions are already in the works through the WIOA State Implementation Governance Working Group.



- WC's Local Strategic Plan is currently being assembled to be in alignment with the Unified State Plan and to address the specific regional needs of the SNWDA.
- WC's local area WIOA implementation continues to progress on schedule. All activities and milestones are being documented in a comprehensive Gantt chart managed by the executive director.
- WC's Strategic Work Plan Goals Matrix quarterly update took place in January and was approved by the board and local elected officials. Review and updates will continue to take place on a quarterly basis.
- Implementation of the new Eligible Training Provider List (ETPL) online application and performance reporting process is complete. Minor bugs and refinements are currently being addressed.
- Phase 2 of the interactive career exploration project is underway. When complete, it will provide participants access to innovative career exploration activities in Southern Nevada's industry sectors from any mobile device. Phase 1 included access from any computer. Participants are guided by interactive and fun virtual characters and can also take the Woofound personality assessment, a 2-3 minute fun visual assessment that is accurate, quick and delivers instant personalized career recommendations and current job listings based on the unique traits of the client.

Business Engagement

- The Business Engagement Panel was held on February 17, 2016, at the Workforce Connections' offices. Seven new members and employers joined the panel, making the total 35 members and 28 employers in Southern Nevada. With continued discussions, the panel is hopeful to bring attention to the areas of improvement in our local workforce development area. These issues/areas of improvement are:
 - Awareness of the workforce system through publicity, communications and technology.
 - Being a resource for mid-level and executive level management.
 - Providing access to business solutions, business resources and entrepreneurial training.
- WC, Clark County Commissioner Lawrence Weekly and Nevada Partners held a Hospitality Hiring Event on March 3, 2016, at the Culinary Academy. The event hosted 28 employers from the hospitality industry hiring for over 1,000 jobs onsite. The event allowed employers to conduct face-to-face interviews, giving jobseekers a head start on



becoming gainfully employed. Approximately 320 jobseekers were in attendance, of which 93 were WIOA participants.

- With the demand for personal care assistants and attendants soaring, WC hosted the first in a series of healthcare hiring events. Five companies with more than 50 jobs available participated in the event held on February 26, 2016, at the Workforce Connections' office. Twenty-four (24) pre-screened job seekers attended and had the opportunity to interview with all employers at the event. ETPL training partners were on hand to offer training that support healthcare in-demand occupations.

YouthBuild Las Vegas (YBLV) 2015

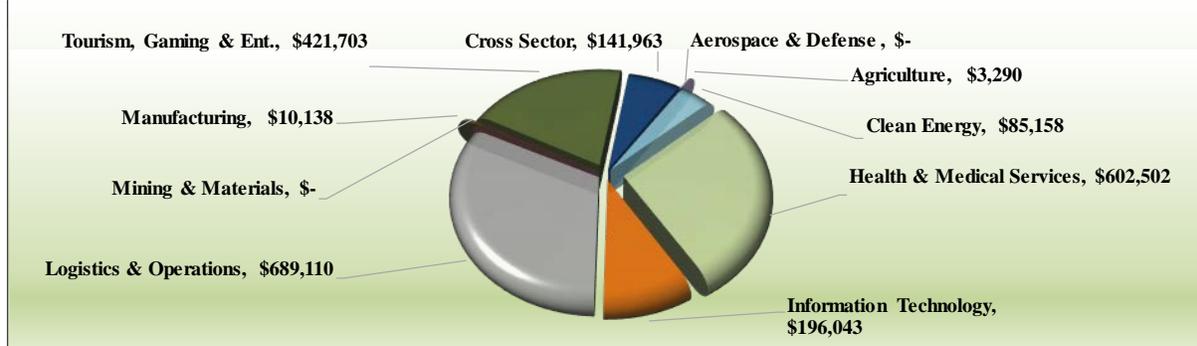
- YBLV hosted former First Lady / Secretary of State Hillary Clinton during her visit to Las Vegas on February 19, 2016. Participants shared their backgrounds prior to participation in YouthBuild, experiences during the program, and plans for "Life after YouthBuild". Participants were also able to discuss the blueprints and actual housing project being built for a first-time home owner with the Secretary. This provided her with perspective regarding local opportunity youth in Las Vegas.
- In partnership with Habit for Humanity Las Vegas, YBLV was involved in building and displaying a framed home at the Las Vegas Motor Speedway NASCAR event held March 4, 2016. The home was eventually transported to the site for a first-time home owner.

Reporting (See Pgs. 5-6)

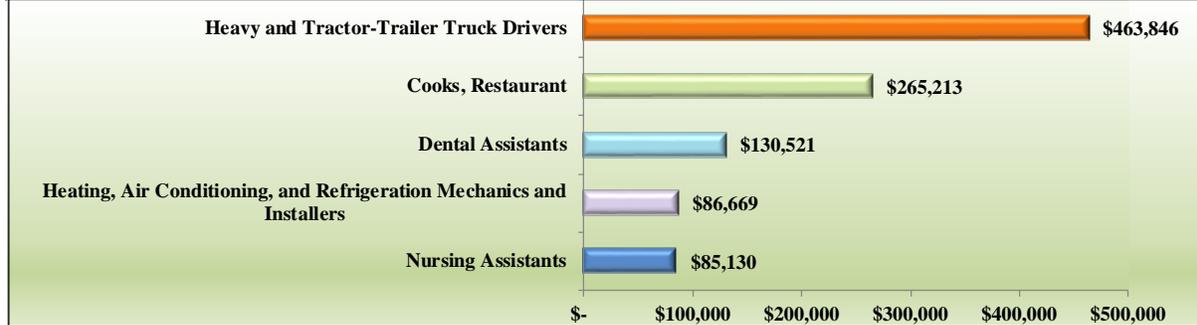


**Adult and Dislocated Workers Trained by Industry Sector
12 Months Ended March 31, 2016**

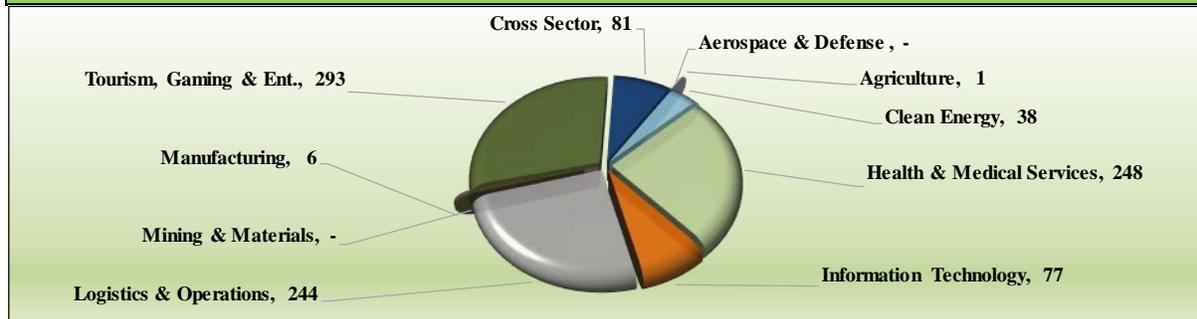
Total Training Spend by Sector - \$2,149,906 ⁽¹⁾



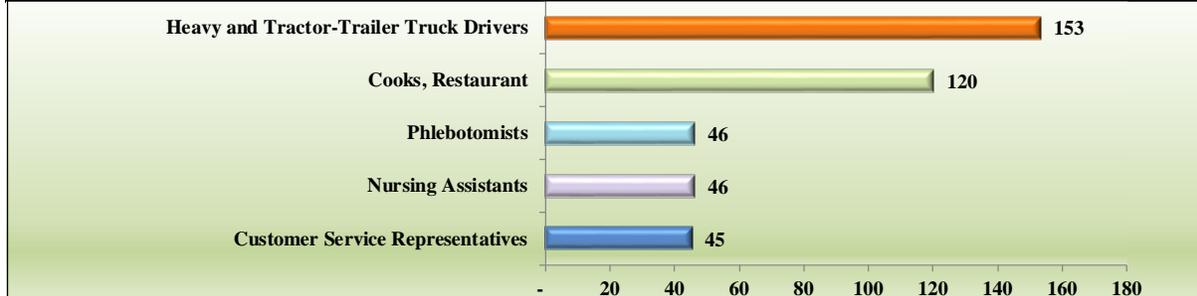
Top 5 Trainings by Dollars Spent



Number of Trainings by Sector - 988 ⁽¹⁾



Top 5 Trainings by Participant Count



Note :

1) Does not include 470 trainings which occurred before resuming data entry directly into NJCOS on June 30, 2015.



Common Measures Performance
2Q PY15 Cumulative: January 1, 2015 through December 31, 2015

	<u>Actual</u>	<u>Negotiated</u>	⁽¹⁾	<u>% Achieved</u>
Adult Entered Employment				
Numerator	1,493			
Denominator	1,986			
Adult Entered Employment	75.2%	75.5%	→	99.6%
Adult Retention				
Numerator	1,606			
Denominator	1,914			
Adult Retention	83.9%	82.4%	↑	101.8%
Adult Average Earnings				
Numerator	\$24,543,291			
Denominator	1,603			
Adult Average Earnings	\$15,311	\$14,500	↑	105.6%
Dislocated Worker Entered Employment				
Numerator	568			
Denominator	708			
Dislocated Worker Entered Employment	80.2%	77.0%	↑	104.2%
Dislocated Worker Retention				
Numerator	547			
Denominator	617			
Dislocated Worker Retention	88.7%	84.5%	↑	104.9%
Dislocated Worker Average Earnings				
Numerator	\$8,313,910			
Denominator	545			
Dislocated Worker Average Earnings	\$15,255	\$15,922	→	95.8%
Youth Placement in Employment or Education				
Numerator	922			
Denominator	1,431			
Youth Placement in Employment or Education	64.4%	69.0%	→	93.4%
Youth Attainment of Degree or Certificate				
Numerator	723			
Denominator	1,109			
Youth Attainment of Degree or Certificate	65.2%	61.0%	↑	106.9%
Youth Literacy and Numeracy Gains				
Numerator	195			
Denominator	398			
Youth Literacy and Numeracy Gains	49.0%	43.0%	↑	113.9%
Notes:				
1) Key: % Achieved	↓ Failing <80%	→ Meeting ≥80%	↑ Exceeding ≥100%	

State of Nevada
Department of Employment, Training and Rehabilitation
Workforce Innovation and Opportunity Act (WIOA)
Analysis of Expenditures
March 31, 2016

Budget	Committee	Approved	Date	TOTAL			PY15			PY14		
				Allocation	Expenses	Available	Allocation	Expenses	Available	Allocation	Expenses	Available
				Term: 04/01/15 - 6/30/18			Term: 04/01/14 - 6/30/17					
				Balance			Spent			Spent		
				Balance			Balance			Balance		
NV Workforce Investment Boards												
North (G/L 8750, 8752, 8754)												
				4,806,816.00	(3,353,550.77)	1,453,265.23	2,303,301.00	(850,035.77)	1,453,265.23	2,503,515.00	(2,503,515.00)	0.00
				4,320,155.00	(2,920,868.18)	1,399,286.82	2,157,427.00	(758,140.18)	1,399,286.82	2,162,728.00	(2,162,728.00)	0.00
				5,263,195.00	(3,737,451.45)	1,525,743.55	2,428,620.00	(902,876.45)	1,525,743.55	2,834,575.00	(2,834,575.00)	0.00
				14,390,166.00	(10,011,870.40)	4,378,295.60	6,889,348.00	(2,511,052.40)	36%	4,378,295.60	7,500,818.00	(7,500,818.00) 100%
South (G/L 8751, 8753, 8755)												
				17,038,015.00	(11,412,057.55)	5,625,957.45	7,375,010.00	(1,749,052.55)		5,625,957.45	9,663,005.00	(9,663,005.00) 0.00
				11,900,788.00	(6,403,347.87)	5,497,440.13	5,973,728.00	(476,287.87)		5,497,440.13	5,927,060.00	(5,927,060.00) 0.00
				8,254,503.00	(4,893,884.99)	3,360,618.01	4,448,425.00	(1,087,806.99)		3,360,618.01	3,806,078.00	(3,806,078.00) 0.00
				37,193,306.00	(22,709,290.41)	14,484,015.59	17,797,163.00	(3,313,147.41)	19%	14,484,015.59	19,396,143.00	(19,396,143.00) 100%
				51,583,472.00	(32,721,160.81)	18,862,311.19	24,686,511.00	(5,824,199.81)	24%	18,862,311.19	26,896,961.00	(26,896,961.00) 100%
Rapid Response												
				1,037,180.55	(525,429.88)	511,750.67	648,248.18	(136,497.51)		511,750.67	388,932.37	(388,932.37) 0.00
				1,282,541.45	(128,444.89)	1,154,096.56	1,169,845.82	(15,749.26)		1,154,096.56	112,695.63	(112,695.63) 0.00
				1,500,000.00	0.00	1,500,000.00	1,500,000.00	0.00		1,500,000.00	0.00	0.00
				3,819,722.00	(653,874.77)	3,165,847.23	3,318,094.00	(152,246.77)	5%	3,165,847.23	501,628.00	(501,628.00) 100%
Statewide - Governor's Reserve												
				0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
				79,783.00	0.00	79,783.00	79,783.00	0.00		79,783.00	0.00	0.00
				162,949.99	(162,949.99)	0.00	0.00	0.00		162,949.99	(162,949.99)	0.00
				72,714.00	(72,714.00)	0.00	0.00	0.00		72,714.00	(72,714.00)	0.00
				5,692.00	(5,692.00)	0.00	0.00	0.00		5,692.00	(5,692.00)	0.00
				366,242.70	(366,242.70)	0.00	5,189.98	(5,189.98)		361,052.72	(361,052.72)	0.00
				359,460.00	(14,632.37)	344,827.63	359,460.00	(14,632.37)		344,827.63	0.00	0.00
				80,725.00	(66,314.59)	14,410.41	80,725.00	(66,314.59)		14,410.41	0.00	0.00
				19,264.00	0.00	19,264.00	19,264.00	0.00		19,264.00	0.00	0.00
				597,918.00	(475,211.64)	122,706.36	347,851.00	(225,144.64)		122,706.36	250,067.00	(250,067.00) 0.00
				1,016,935.92	(1,016,935.92)	0.00	16,110.36	(16,110.36)		0.00	1,000,825.56	(1,000,825.56) 0.00
				990,069.00	(339,009.45)	651,059.55	990,069.00	(339,009.45)		651,059.55	0.00	0.00
				3,751,753.61	(2,519,702.66)	1,232,050.95	1,898,452.34	(666,401.39)	35%	1,232,050.95	1,853,301.27	(1,853,301.27) 100%
Administration												
				1,914,815.76	(1,596,054.45)	318,761.31	1,203,383.16	(884,621.85)		318,761.31	711,432.60	(711,432.60) 0.00
				53,565.63	(53,565.63)	0.00	0.00	0.00		53,565.63	(53,565.63)	0.00
				18,750.00	(18,750.00)	0.00	9,787.50	(9,787.50)		0.00	8,962.50	(8,962.50) 0.00
				1,987,131.39	(1,668,370.08)	318,761.31	1,213,170.66	(894,409.35)	74%	318,761.31	773,960.73	(773,960.73) 100%
				61,142,079.00	(37,563,108.32)	23,578,970.68	31,116,228.00	(7,537,257.32)	24%	23,578,970.68	30,025,851.00	(30,025,851.00) 100%
				61,142,079.00	(37,563,108.32)	23,578,970.68	31,116,228.00	(7,537,257.32)		23,578,970.68	30,025,851.00	(30,025,851.00) 0.00
			Verify Variance	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
			Verify authority to allocations	0.00			0.00			0.00		