

Policy Number: Section 1 Policy 1

Effective Date: 9-15-16

Conflict of Interest and Nepotism Policy

Purpose: The Central Arkansas Workforce Development Board of Directors, to prevent the occurrence and/or appearance, however slight, of any real, perceived, or potential conflicts of interest and/or nepotism shall ensure transparency and fairness in both Board actions and the provision of WIOA services. To accomplish these purposes, the CAWDB establishes the following Conflict of Interest and Nepotism Policy.

Policy: The Central Arkansas Workforce Board shall comply with Arkansas Code Annotated §25-16-1001-1007 with respect to the provision of services through the Workforce Innovation and Opportunity Act, and the actions of the members and officers of the Central Arkansas Workforce Development Board. CAWDB members and officers shall abide by all provisions of the statutes referenced in this policy when acting within the scope of their responsibilities on behalf of the CAWDB.

Pursuant to ACA § 25-16-1001-1007, board members and officers who wish to enter contracts for the provision of services, must not participate in the selection of vendors and must make the interest in the proposed contract known in the official records of the CAWDB.

In addition, any CAWDB member or officer who participates in the expenditure of WIOA/WIA funds shall perform his/her duties in a manner consistent with their obligations to the CAWDB and in accordance with sound business practices. In complying with these requirements, members, officers, staff, or representatives/agents shall refrain from:

1. Solicitation or acceptance of gratuities, favors, or anything of monetary value, from contractors, potential contractors, or parties to sub-agreements.
2. Participation in awards or administration of contracts to firms in which the member or officer or his/her immediate family has a financial or other interest.
3. No board member or officer shall supply to the CAWDB any equipment, material, supplies, or services, unless pursuant to an award or contract after public competitive bidding.
4. Any member or officer who is a paid consultant or who has a relative who is a paid consultant (as defined by Arkansas Law) for any provider which currently transacts business with the CAWDB is prohibited from participating in a decision process which may lead to the award of a contract involving such firm.

Approved by: _____

Michelle Allgood

Date: 9-15-16

Title: CAWDB Chairperson

Policy Number: Section 1 Policy 2

Effective Date: 12-6-16

Debt Collection Policy

Purpose:

This policy provides guidance and direction to the Central Arkansas Workforce Development Area Board and staff regarding the collection of debts associated with the disallowed expenditure of Workforce Innovation and Opportunity Act (WIOA) funds.

Background:

WIOA requires that Local Areas establish fiscal procedures that comply with 20 CFR §683.420 (a)(i). Cited law and regulations also require Local Workforce Development Boards to collect established debts stemming from the disallowed expenditure of funds.

Policy:

The Central Arkansas Workforce Development Board shall require the designated Fiscal Agent to assure resolution of all audit and or findings through aggressive debt collection action to be taken for any and all "disallowed" expenditures as required by the referenced federal and state laws, regulations, and policies. The settlement of such debts resulting from fraud, malfeasance, misapplication of funds or other serious violations or illegal acts which have been "disallowed" must be repaid in cash from nonfederal sources. Funds collected by designated Fiscal Agent in settlement of these debts must be returned to Arkansas Department of Workforce Services immediately upon receipt. The Fiscal Agent shall maintain records that document the actions taken with respect to debt collection, restoration, or other debt resolution activities and shall document the actions taken to support these decisions. In addition, the permanent records of all debtors shall contain documentation sufficient to demonstrate that all necessary steps to collect such debt have occurred.

References:

WIOA §184

Title 20 CFR 683.410(a), 683.420(a)(i), 683.750

2 CFR Part 200, 2 CFR 200.327, 200.328, 200.330, 200.331, 200.338

OMB Uniform Administrative Requirements

Approved by: Michelle Allgood

Date: 12-6-16

Title: CAWDB Chairperson

Policy Number: Section 1 Policy 3

Effective Date: 9-22-16

One-Stop Operator Selection

Purpose: To require the review and competitive procurement of the One-stop Operator for the Central Arkansas Workforce Development Area and to provide guidance for the review and procurement process as prescribed by WIOA § 121 (c)(v).

Policy: The Central Arkansas Workforce Development Board (CAWDB) shall review and procure by a competitive process the One-Stop-Operator. The steps for the review and procurement are as follows:

1. CAWDB Approves One-Stop Operator draft Request for Qualifications.
2. CAWDB Chairman appoints a RFQ review committee.
3. Immediately following the appointment of the RFQ committee, the CAWDB will publish the RFQ advertisement in a newspaper/media with statewide circulation.
4. Deadline for submitting proposals shall be the close of business after a minimum of fourteen calendar days from the date of publication.
5. The RFQ Committee will score and rank respondents within thirty of the date of closing.
6. The RFQ Committee will present its recommendation for selection of the One-Stop Operator to the CAWDB during the next CAWDB meeting.
7. The CAWDB shall present their recommendation for selection of the One-stop Operator to the Consortium of Chief Elected Officials for consideration and final selection.
8. The effective Date of the One-stop Operator's Contract shall be the first day of July of the year in which procurement is required under this Policy and shall not exceed a total of three (3) years with an additional two year renewal in one year increments.

The Central Arkansas Workforce Development Board will prevent conflict of interest during the One-Stop Operator RFQ process as described in the Conflict of Interest and Nepotism policy for the Central Arkansas Workforce Development Board. The Central Arkansas Workforce Development Board will adhere to all Federal standards of procurement.

Approved by: Michelle Allgood

Date: 9-22-16

Title: CAWDB Chairperson

Policy Number: Section 1 Policy 4

Effective Date: 5-22-17

One-Stop Operator and Service Provider Procurement Policy

1. Purpose:

To communicate the process used in the Central Arkansas Local Workforce Development Area for the procurement and selection of a one-stop operator and/or service provider under the Workforce Investment and Opportunity Act (WIOA).

This policy is in effect for all future competitive bid processes for one-stop operator(s) and service provider.

2. Background:

WIOA changed the law and rules governing procurement and selection of one-stop operators and the individuals/groups allowed to serve as operators. The Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly known as the OMB Super Circular) also changed procurement requirements and consolidated eight previous circulars into one Uniform Guidance document, amongst other changes.

Local Workforce Development Boards (WDBs) must select their One-Stop Operator through a competitive process at least once every four years (WIOA sec. 121(d)(2)(A)). The competitive process must comply with 2 CFR § 200, including the Department of Labor specific requirements at 2 CFR part 2900. As part of that competitive process, Local WDBs are required to clearly articulate the expected role(s) and responsibilities of the One-Stop Operator (20 CFR § 678.620(a)) and include the role(s) and responsibilities in the resulting contract.

3. Policy:

- a. LWDBs must have local procurement policies that adhere to applicable sections of federal law and regulations and state policy in selecting one-stop operators and service providers and awarding contracts under WIOA.
- b. LWDBs must document, in writing, (1) efforts to identify the availability of one-stop operators and service providers and (2) the allowable processes used to select one-stop operators and service providers and how they were followed, including procurement processes (including selection criteria by which bids were scored), where applicable. All of this documentation must be maintained and provided to the State upon request.
- c. Federal Requirements
 - i. Procurement of One-Stop Operators and Service Providers

- A. One-stop operators must be designated and certified through a competitive procurement process. LWDBs must be able to document, in writing, that they made their board members and the public aware of the competitive process to be used. That includes providing at least 30-day public notice through media where prospective local, state, and national bidders typically identify such opportunities (e.g., local print newspapers, on-line newspapers, LWDB web sites, other community web sites, etc.). Solicitations must include the selection criteria to be used in the process and must be maintained as part of the documentation.
- B. The competitive process used by LWDBs to procure one-stop operators must be conducted at least once every four years and follow the principles of competitive procurement set forth in Uniform Administrative Guidance at 2 CFR 200.318-326.
- C. Local Boards are encouraged to use the same procurement process to select Adult, Dislocated Worker, and Youth Service Providers.
- D. The allowable forms of competitive procurement processes are as follows:
 - 1. Sealed Bids
 - 2. Competitive Proposals
 - 3. Sole Source
 - I. Sole source can be exercised as per local policies that comply with state and federal procurement laws and regulations and only if documented factors, including published notice(s) of intent made available to the public for at least 30 days in media where prospective local, state, and national bidders typically identify such opportunities, lead to a determination that only one entity could serve as an operator and/or service provider, compelling circumstances¹ outweigh the delay that would result from a competitive solicitation, or results of the competition conducted per Section 3(c)(i)(C)(1-2) of this policy are determined inadequate², and only with the agreement of the local Chief Elected Official and Governor.
 - II. LWDBs may be selected as one-stop operators under a sole source agreement only if they demonstrate adherence to appropriate internal controls and establish conflict of interest policies and procedures that identify appropriate internal controls and are approved by the Governor. LWDBs must complete a request for a waiver to serve as a one-stop operator and submit it to the State Workforce Development Board (SWDB).
- E. LWDBs may serve as one-stop operators in the region for which they are designated if they are determined to be the successful bidder in a solicitation that

¹ Examples of compelling circumstances that outweigh delays that would result from competitive solicitations include the need to avoid a break in services if an operator is terminated for cause or is unable to continue providing services through the end of the contract period.

² Inadequate responses are those judged by a panel of impartial reviewers to score below a predetermined minimum level on scoring criteria published as part of the solicitation.

conforms to the principles of competitive procurement set forth in Uniform Administrative Guidance at 2 CFR 200.318- 326, and only if approved internal control and conflict of interest policies are followed. Internal controls include the requirement that the solicitation and scoring process be managed by a fair and impartial third party free of conflicts of interest and that LWDB staff and the agency that employs such staff cannot develop the solicitation for proposals, facilitate the scoring process, or score proposals. The SWDB and LWDBs may work together to establish a list of pre-qualified bidders for this role.

d. Local Procedures

i. Competitive Bid Process

A. Procurement Task Force

1. The Central Arkansas Workforce Development Board will form an ad hoc Procurement Task Force to oversee the vendor selection process.
2. The Procurement Task Force will include board members and may also include Chief Elected Officials.
3. The Procurement Task Force must be chaired by a board member.
4. An independent contractor will be contracted with to facilitate the procurement process and work with the Procurement Task Force.
5. The Procurement Task Force will keep meeting minutes that will be made available for State or Federal inspections as needed. The meeting minutes will not be made public prior to the Operator and/or Service Provider award as this would compromise the procurement process. Minutes can be made available upon request once contract award is made and approved by the Central Arkansas Workforce Development Board in coordination with the Chief Elected Official.
6. Central Arkansas Workforce Development Board's Conflict of Interest Policy applies to the Procurement Task Force members that are also board members. In addition, members of the Procurement Task Force and the independent contractor will sign a specific declaration of no conflict as it relates to the procurement process.

B. Request for Proposals/Qualifications

1. The Procurement Task Force will work with the independent contractor to create and issue a Request for Proposals (RFP) or Request for Qualifications (RFQ)

The independent contractor will set up a closed dropbox file for Procurement Task Force members to communicate and share documents throughout the process.

2. The RFP/RFQ will be emailed to Board Members, Chief Elected Officials, Partner Agencies, and to potential offerors who have requested to be on the local bidders lists. Following distribution, the RFP shall be posted on the Board's website and a notice and url provided in a local newspaper.

3. The RFP/RFQ shall include a required Intent to Apply be submitted.
 4. The RFP/RFQ shall allow for a period to ask questions. All questions and answers will be communicated to any organization submitting an Intent to Apply and also will be posted on the Board's website.
- C. Selecting the One-Stop Operator and/or Service Provider
1. The Procurement Task Force will review and score all proposals and submit a selection recommendation to the Executive Committee or full Board for vote.
 2. In the case that no proposals are received, one proposal is received, or, none of the proposals received a score high enough, the Central Arkansas Workforce Development Board will exercise the sole source option with the Chief Elected Officials and Governor's approval.
- ii. Contracting Procedures
- A. Once directed by the Central Arkansas Workforce Development Board, the Administrative Entity on behalf of the Board, will create and manage the contract. In the event the selected vendor also serves as Board staff or Board Support, an Agreement will be executed between the Successful Offeror and the Board that clearly defines roles and responsibilities as well as a description of internal controls and related conflict of interest requirements.
- iii. Performance Monitoring
- A. The Administrative Entity typically provides monitoring and oversight on behalf of the Board. In the event the existing Administrative Entity is the Successful Offeror, an independent consultant will be contracted with to conduct program monitoring at least one time each program year and will report findings directly to the Board.

Approved by: _____

Michelle Allgood

Date: 5-22-17

Title: CAWDB Chairperson

CAPDD/Arkansas Workforce Center is an "equal opportunity employer/program," and "auxiliary aids and Services are available upon request to Individuals with disabilities." Arkansas Relay Service: 1-800-285-1121 (Voice) 1-800-285-1131 (TDD) or TDD 711

Policy Number: Section 1 Policy 5

Effective Date: 12/04/2023

WIOA Grievance Policy

Purpose:

This policy provides guidance and procedures under which the Central Arkansas Workforce Area and its sub-recipients/contractors accept and process grievances and complaints that allege a violation of the Workforce Innovation and Opportunity Act (WIOA), regulations, grants or other agreements administered under the Act, terms and conditions of employment, or discrimination.

Policy:

The Central Arkansas Workforce Development Board mandates the implementation of policies and procedures that provides the means necessary for participants, workforce staff, board members and any interested parties the ability to file official grievances/complaints within the requirements of the Workforce Innovation and Opportunity Act and the State of Arkansas's Grievance Policy (WIOA Title I-B, Updated).

1. WIOA § 683.600(a) states that:

Each local area, State, outlying area, and direct recipient of funds under title I of WIOA, except for Job Corps, must establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA, according to the requirements of this section. The grievance procedure requirements applicable to Job Corps are set forth at §§686.960 and 686.965 of this chapter.

CAWDB GRIEVANCE AND APPEAL PROCEDURE

I. PURPOSE

In accordance with 20 CFR 683.600, the purpose of this procedure is as follows:

- A process for dealing with grievances and complaints participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers.

- A process for resolving appeals from decisions made by the one-stop operator or other partner.

These procedures will be made available, upon request, to all WIOA Title I participants and staff persons.

II. General Guidelines for Filing a Grievance or Complaint [*WIOA §181(c); 20 CFR 683.600*]

- A. The Central Arkansas Workforce Development Board has established and maintains a procedure for grievances or complaints alleging violations of the requirements of Title I of the Workforce Innovation and Opportunity Act or Arkansas Act. Grievances or complaints involving activities within the Central Arkansas Workforce Development Area should follow these procedures. Grievances or complaints should be sent by certified mail, return receipt requested, to the Executive Director at Central Arkansas Planning and Development District at the address below.

Director of the Central Arkansas Workforce Development Board
Central Arkansas Planning and Development District, Inc.
Post Office Box 300
Lonoke, AR 72086

- B. If a grievance or complaint is filed with the Director that, in the opinion of the Director, should first be filed with the One-Stop Operator, that grievance will be remanded to the Executive Director of the Central Arkansas One-Stop Operator to be processed. This decision will be made within 30 days of receiving the grievance. Notification of remanding will be sent to the complainant or informant.
- C. All complaints, with the exception of complaints alleging fraud or criminal activity, must be filed within one year of the alleged occurrence.
- D. The name of the complainant or informant will be kept confidential where possible. Where disclosure of the person's identity is essential to assure a fair determination of the issues and to effectively accomplish responsibilities under the Workforce Innovation and Opportunity Act, disclosure will be under conditions that promote continued receipt of confidential information. Written reports may be subject to disclosure under Arkansas Freedom of Information Act.
- E. No person, organization, or agency may discharge or in any other manner retaliate against any person because that person has filed a complaint, instituted any proceeding related to the Workforce Innovation and Opportunity Act, testified or is about to testify in any proceeding or investigation, or provided information or assisted in an investigation.
- F. Complainant's statement must include:
- The full name, telephone number (if any), and address of the person making the complaint.

- The full name and address of the person or entity against whom the complaint is made.
 - A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.
 - The provisions of the Workforce Innovation and Opportunity Act, regulations, a grant, or other agreements under WIOA Title I believed to have been violated.
 - A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any federal, state, or local authority, and if so, the date of the commencement or conclusion and the name and address of the authority.
- G. Upon receipt of a grievance or complaint, the Director or designee will acknowledge receipt of the grievance to all parties by certified mail, return receipt requested. The acknowledgement of receipt of the grievance will:
- Outline the steps to be taken to resolve the matter.
 - Notify all parties of the right to request a hearing.
 - Advise of attempt to reach an informal resolution.
 - Provide a synopsis of issues to be decided.
- H. The Executive Director or designee shall provide a written decision within 60 days of receipt of the grievance or complaint. If requested, a hearing will be completed within those 60 days.
- I. The following procedures will apply to a hearing:
- The hearing will be informal. Technical rules of evidence will not apply. Hearsay evidence will be admissible at the discretion of the hearing examiner.
 - Hearings will be held at a time and place determined by the Director, after reasonable written notice has been sent to the parties and the witnesses.
 - The party requesting the hearing will have the burden of establishing the facts and the entitlement to the relief requested.
 - Either party may be represented by an attorney or other representative.
 - Either party may bring witnesses and documentary evidence.
 - The respondent will cooperate by making available any person under their control or employ to testify, if these persons are requested to testify by the complainant, and to release requested documents relevant to the issue after the requesting party has established that such testimony/documentation is relative and not cumulative.
 - Either party or representative will have the opportunity to question any witness.
 - A verbatim record or tape recording will be made of the proceeding.
 - The Executive Director or designee will make a written decision.
- J. If a hearing is not requested, the Executive Director or designee will conduct an administrative fact-finding investigation. The investigation will include:
- Opportunities for all parties to submit an in-depth position statement, including documentary supportive data and/or records.
 - Access to and review of appropriate official records.

- Interview of principle parties and opportunity for all parties to offer rebuttal to information received.
 - A written decision.
- K. A written decision will be sent by certified mail, return receipt requested, and will contain the following:
- Statement assuring the adherence with all steps included in the grievance/complaint procedures.
 - Issue(s) being decided.
 - Statement of facts.
 - Reasons for the decision.
 - Remedies to be offered, if appropriate.
 - Summary.
 - Advisement of the right to appeal the decision.
- L. A party to which the decision is adverse may appeal the decision to the Central Arkansas Workforce Development Board. The appeal must be filed within 60 days of the receipt of the decision. All appeals of such decisions must be sent by certified mail, return receipt requested, to the Chairman of Central Arkansas Workforce Development Board at the following address:

Chairman
Central Arkansas Workforce Development Board
Post Office Box 300
Lonoke, AR 72086

The Executive Committee of the Central Arkansas Workforce Development Board will review all documentation, evidence and decisions to develop a recommendation to the full Central Arkansas Workforce Development Board to confirm, amend or overturn the Director's decision.

The Central Arkansas Workforce Development Board will meet to decide the issue and inform all parties of its decision by certified mail, return receipt requested.

III. APPEAL OF LOCAL DECISIONS

- A. A decision made by the Central Arkansas Workforce Development Board Executive Director may be appealed to the Arkansas Workforce Development Board (State Board) when no decision is reached within 60 days or when either party is dissatisfied with the local hearing decision. *[WIOA §181(c)(1); 20 CFR 683.600]*

Arkansas Workforce Development Board
Attn: Appeal/Grievance Review
P. O. Box 2981
Little Rock, AR 72202

- B. A training provider that has been denied eligibility or has had eligibility terminated may appeal to the State Board within 60 days of the decision. *[20 CFR 663.565(b)(4)]*

- C. A provider of on-the-job training or customized training that has been denied eligibility may appeal to the State Board within 60 days of the decision.
- D. The appeal must be sent by certified mail, return receipt requested to the Director at the address below within 60 days of the local decision or, when no local decision has been reached, within 120 days of the original filing date. The Director will contact the local board director or administrator and investigate the appeal. Except as indicated below, procedures in II (H-O) above will apply.

IV. SPECIAL COMPLAING PROCEDURES

- A. Complaints of discrimination from participants and other interested parties will be handled in accordance with WIOA section 188(b) and the Department of Labor nondiscrimination regulations implementing that section. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA section 188 may be mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210. *[20 CFR 683.600]*
- B. A complaint may be made directly to the Secretary of Labor if a WIOA Title I recipient has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding or investigation under or related to this title, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this title or the Secretary's regulations. In this case, the Secretary shall take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both, within 30 days. *[WIOA §184(f)]*

Secretary, U.S. Department of Labor, ETA
200 Constitution Avenue NW
Washington, DC 20210

- C. Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department of Labor's Incident Reporting System to the DOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756.
- D. Testing for use of controlled substances is not part of the Arkansas Workforce Investment system; therefore, an appeal procedure is not established for this procedure at this time.

EQUAL OPPORTUNITY UNDER THE LAW

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

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

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

- The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or
- The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Inquiries May Be Addressed To:

<i>Local Level</i>	WIOA EO Officer P. O. 300 Lonoke, AR 72086 Telephone: (501) 676-2721 ARS: 1-800-285-1131
<i>State Level</i>	Arkansas Division of Workforce Services WIOA EO Manager P.O. Box 2981 Little Rock, AR 72203 (501) 682-3106 ARS: 1-800-285-1131
<i>Federal Level</i>	Secretary, U.S. Department of Labor, ETA 200 Constitution Avenue NW Washington, DC 20210 (202) 693-6500

Arkansas Relay Service
1-800-285-1121 (Voice)
1-800-285-1131 (TDD)

NOTE: The Central Arkansas Planning and Development District, Inc. (CAPDD) shall provide reasonable accommodations as required by federal and state legislation, including Section 503 and 504 of the Rehabilitation Act of 1973 as amended, and the Americans with Disabilities Act (ADA) of 1990, to persons with disabilities who are otherwise qualified for positions for which they are applying or in which they are employed. For additional information contact the Executive Director or Equal Opportunity Officer.

DISCRIMINATION COMPLAINT POLICY

The Central Arkansas Planning and Development District shall assure nondiscrimination and equal opportunity in the operation and administration of all programs, services, and activities funded in whole or in part with federal funds. The Equal Opportunity Officer/Director/Manager is designated as the responsible individual for affecting compliance with this part.

The District shall establish, maintain and make available a procedure for processing/resolving discrimination complaints alleging violation of the requirement of Title I of the Workforce Innovation and Opportunity Act.

Any individual who believes that he/she has been discriminated against has the right to file a complaint within 180 days of the alleged discriminatory act(s) in accordance with the WIOA Discrimination Complaint Procedures.

A. FILING COMPLAINTS OF DISCRIMINATION

1. Any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA or 29 CFR § 38 may file a written complaint, either by him/herself or through a representative.
2. A complainant may file a complaint with either:
 - a. Local One-Stop Equal Opportunity Officer, P.O. Box 300, Lonoke, Arkansas, (501) 676-2721 or ARS 1-800-285-1121 (Voice) or 1-800-285-1131 (TDD);
 - b. State WIOA Equal Opportunity Manager, P.O. Box 2981, Little Rock, Arkansas 72203(501) 682-3105 or ARS 1-800-285-1121 (Voice) or 1-800-285-1131 (TDD);
 - c. The Director of the Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Ave. NW, Room N-4123, Washington, D.C. 20210, or the address listed in 29 CFR Part 38.
3. Complaints shall be filed within 180 calendar days of the alleged violation unless such time limitation is waived by the Director of CRC for good cause shown. The WIOA EO Manager shall not accept complaints filed after the 180-day limit unless the complaint includes written notice of a waiver obtained from the Director of CRC. If a complainant submits a complaint that is untimely (over 180 days) the complaint will be processed as usual and submitted to CRC for an extension of time.
4. All Complaints shall be submitted in writing. A complainant may file a complaint by:
 - a. Completing and submitting a CRC Complaint Information Form
 - b. Submitting a written document containing the information required by 29 CFR Section 38 which includes:
 - 1) The complainant's name and address, or other means of contacting the complainant.
 - 2) The identity of the respondent.
 - 3) A description of the complainant's allegations with sufficient detail to allow the WIOA EO Manager to determine whether the WDB has jurisdiction, whether the complaint was filed on time, and whether the complaint has apparent merit, and
 - 4) The complaint's signature or the signature of complaint's representative.
 - 5) Both the complainant and the respondent have the right to representation by an attorney or other individual of their choice. The WDB shall not be responsible for any costs incurred by either the complainant or the respondent in obtaining representation.

B. JURISDICTION OF COMPLAINTS OF DISCRIMINATION

1. The WIOA EO Manager shall accept and investigate only those discrimination complaints alleging a violation of WIOA Section 188 by a respondent or the WIOA.
2. If a complaint filed with the WIOA EO Manager alleges discrimination by a recipient on a basis that is both prohibited by WIOA Section 188 and by a federal law enforced by a federal grant-making agency other than the U.S. Department of Labor, and the

recipient is funded in whole or in part by that other federal agency, the WDB shall refer the complaint to the other federal agency for processing under the other federal agency's procedures.

3. If the WIOA EO Manager determines that the WIOA does not have jurisdiction over the complaint, he/she shall provide written notification to the complainant, which includes:
 - a. A statement of the reasons for the determination: and
 - b. A notice that the complainant may file a complaint with CRC within 30 days of receipt of the notification.

C. PROCESSING COMPLAINTS OF DISCRIMINATION

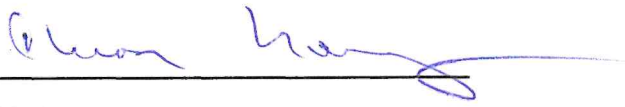
1. If the WIOA EO Manager determines that the WDB does have jurisdiction over a complaint alleging discrimination, the WIOA EO Manager shall issue a written acknowledgement of receipt including a notice of the complainant's right to representation in the complaint process and the opportunity to participate in an alternate dispute resolution rather than the customary process described in 29 CFR Section 38 and in this section.
2. The WIOA EO Manager shall issue to the complainant a statement of the issues raised in the complaint and a statement regarding each issue of whether the WDB will accept the issue for investigation or reject the issue with the reasons for any rejection.
3. The WIOA EO Manager shall investigate the circumstances underlying the complaint.
4. The WIOA EO Manager shall attempt to resolve the complaint. At any point in the investigation of the complaint, the complainant, respondent or the WIOA EO Manager may request that the parties attempt conciliation. The WIOA EO Manager will act to facilitate such conciliation efforts.
5. Within 90 days of the date of receipt of the complaint, The WDB shall issue a Notice of Final Action, which shall include:
 - a. For each issue raised, the WDB decision on the issue and reasons for the decision, or a description of the way the parties resolved the issue; and
 - b. Notice that the complaint has the right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued, if he/she is dissatisfied with WDB final action on the complaint.
6. If the complainant is dissatisfied with the WDB decision in the Notice of Final Action, the complainant or his/her representative may file a complaint with the Director of CRC within 30 days of the date on which the complainant received the Notice.
7. If by the end of the 90-day period from the date on which the WIOA EO Manager received the complaint, the WDB fails to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the Director of CRC within 30 days of the date on which the complaint was filed.

D. ALTERNATE DISPUTE RESOLUTION OF COMPLAINTS OF DISCRIMINATION

1. The complainant may choose to use the WDB Discrimination Complaint Alternate Dispute Resolution (ADR) procedure rather than the complaint processing procedure.
2. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director of CRC.

3. A party to an agreement reached under the WDB ADR process may file a complaint with the Director of CRC in the event the agreement is breached following the process described in 29 CFR Section 38).

NOTE: The CAPDD EEO Policy is subject to change at any time in response to changes and revisions to state and federal laws and regulations.

<p>Approved by:  _____</p> <p>Title: <u>CAWDB Chairperson</u></p>	<p>Date: <u>12-4-2023</u></p>
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CAPDD/Arkansas Workforce Center is an "equal opportunity employer/program," and "auxiliary aids and Services are available upon request to Individuals with disabilities." Arkansas Relay Service: 1-800-285-1121 (Voice) 1-800-285-1131 (TDD) or TDD 711.

Policy Number: Section 1 Policy 6

Effective Date: 9-10-19

Confidentiality Policy

Purpose:

The purpose of this policy is to describe and to detail the Confidentiality policy for the Central Area under the WIOA Program.

References:

WIOA § 116(i)(3)
TEGL 7-16
20 CFR 677(c)(3)
20 U.S.C. 1232g (Family Education Rights and Privacy Act)
29 CFR 38
ADWS Policy No. – 4.1 (Confidentiality)

Policy:

Case managers and other WIOA Title I-B employees have access to personal information that must remain confidential or that may be dispersed only to certain other entities. Every individual with access to such personal information must comply with the Family Education Rights and Privacy Act.

A signed confidentiality agreement with knowledge and acceptance of the requirements of the FERPA and this policy and the penalties for violation of the requirements, must be maintained with the CAWDB's administrative entity.

CAWDB workforce staff shall develop and implement procedures to ensure confidentiality and security of information. They procedures need to address:

- What information must be kept confidential and what information can be disclosed
- To whom confidential information may be given
- Information may be disclosed only on a "need to know" basis
- The manner for storing confidential information that must be maintained for reporting reasons
- All medical or disability-related information obtained about a particular individual must be collected on forms separate from other information collected from the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection)
- Forms signed by individuals allowing WIOA to release appropriate information to other entities that might be helpful to the participant

- A process for individuals who request that normally-public information not be disclosed (for example, address of a person who is escaping an abusive ex-spouse)
- Regulations concerning the security of laptop computers when not in use, when taken home, and when traveling
- All computers must be password protected
- All computers must have screen savers with password protection or keyboard locking program activated on them
- Penalties for misuse, mishandling, or unauthorized disclosure of confidential information
- Sensitive personally identifiable information (information that could result in harm to the individual whose name or identity is linked to the information) may not be electronically transmitted unless it is specifically protected by secure methodologies. Sensitive information includes, but is not limited to, place of birth, date of birth, mother's maiden name, driver's license number, biometric information, medical information (except brief references to absences from work), personal financial information, Social Security numbers (including documentation containing only the last four digits), credit card or debit card account numbers, passport numbers, potentially sensitive employment information (e.g., personnel ratings, disciplinary actions, and results of background investigations), criminal history, and any information that may stigmatize or adversely affect an individual [ADWS Information Security Policy Manual].
- Non-sensitive personal identifiable information that may be transmitted electronically without protection include work phone numbers, work addresses, work and personal e-mail addresses, or resumes that do not include a Social Security number or where the Social Security number has been redacted [ADWS Information Security Policy Manual].
- Prohibition on downloading or installing any software or program without consent
- The use of the internet is confined to official business only
- The use of network activity may be monitored without an employee's knowledge or consent
- Confidential information cannot be discussed or disclosed in telephone conversations unless it is certain that the other party has authorized access to the information
- Paper documents must be secured in a manner so that unauthorized access (such as by individuals walking into the room) is unlikely
- Computer monitors must be positioned such that unauthorized viewing is unlikely
- Disposition of documents
- Computers may be used for business use only

Approved by:

Michael Allegood

Date: 9-10-19

Title: CAWDB Chairperson

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9-10-19
Confidentiality Policy



CENTRAL ARKANSAS Workforce Development Board

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Policy Number: Section 2 Policy 1

Effective Date: 9-1-15

Policy Statement

The Central Arkansas Workforce Development Board has passed and approved the following "Policy Statement" to serve as the process for submission, review and renewal of applications to become an Eligible Provider for the Central Arkansas Workforce Development Area.

Policy Statement: Any application for the CAWDA Eligible Provider received from the ACRS:

1. Shall be reviewed by the Administrative Staff for compliance with all mandated WIA requirements for any (state-supported and/or private) to be placed on the Eligible Provider List.
2. All applications which meet such requirements shall be submitted to the CAWDB for consideration in the Board meeting designated for the third quarter of each year.
3. Any Eligible Provider, whose designation as such is scheduled to expire before the scheduled third quarter meeting of the CAWDB, staff may administratively renew such designation upon a satisfactory review of performance data and "good standing" with the CAWDA.
4. Administrative Staff shall update and maintain the approved Eligible Provider List as prescribed by the CAWDB.

Approved by:

Michelle Allgood

Date: 9-1-15

Title: CAWDB Chairperson

CAPDD/Arkansas Workforce Center is an "equal opportunity employer/program," and "auxiliary aids and Services are available upon request to Individuals with disabilities." Arkansas Relay Service: 1-800-285-1121 (Voice) 1-800-285-1131 (TDD) or TDD 711.

9-1-15
Policy Statement

Policy Number: Section 2 Policy 3

Effective Date: 9-15-16

Additional Assistance Policy

Purpose: This policy provides guidance on the criteria for youth qualifying for program services through the “additional assistance” eligibility criterion.

Background: Both in-school youth (ISY) and out-of-school youth (OSY) are eligible for assistance based on the additional assistance criterion.

The following definitions for the additional assistance criterion has been adopted in Central Arkansas:

An individual who has been assessed and (1) exhibits deficiencies in educational or (2) occupational skills, or (3) is determined to be at risk by the local education agency.

In school youth (ISY) is an individual who requires additional assistance to complete an educational program or to secure or hold employment (129)(a)(1)(C)(iv)(VII).

Out of school youth (OSY) is a low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (129)(a)(1)(B)(iii)(VIII).

ISY Limitation

Not more than five percent (5%) of in-school youth (ISY) served during a program year may be eligible based only on the additional assistance criterion (129)(a)(3)(B).

Low Income Exception

Not more than five percent (5%) of individuals assisted under this section may be persons who would be covered individuals, except that the persons are not low-income individuals (129)(a)(3)(A)(ii).

Additional Assistance Criterion Verification:

These circumstances will be verified and documented as follows:

- (1) The youth scores below his or her grade level in reading or math according to a recognized evaluation instrument such as TABE. If the youth is a high school graduate TABE is used.

A copy of the results of the evaluation must be included in the youth's file. The results of the evaluation must be included in case notes in AJL and on the Objective Assessment and the ISS. Enter in Testing in AJL.

- (2) The youth scores below an accepted norm on any work readiness skills evaluation such as employability and work maturity. The norm for employability and work maturity is 70% any score below a 70% is considered deficient.

A copy of the results of the evaluation must be included in the youth's file. The results of the evaluation must be included in case notes in AJL and on the Objective Assessment and ISS.

Approved by: _____

Michelle Allgood

Date: 9-15-16

Title: CAWDB Chairperson

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Policy Number: Section 2 Policy 4

Effective Date: 9-10-19

Customized Training Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning Customized Training.

References:

WIOA §§ 3(14), 188(a)(3), & 134(c)(3)(G)(ii)(II)
20 CFR 680 & 683
Comments in WIOA Final Rule concerning §680.320
29 CFR part 2, subpart D
TEGLs 10-16 & 19-16
ADWS Certification of Local Workforce Development Boards
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)
ADWS Policy No. WIOA I-B – 3.7 (Customized Training)

Policy:

Customized training is training that meets all of the following requirements:

1. Training is designed to meet the specific requirements of an employer or group of employers.
2. Training is conducted with a commitment by the employer to employ an individual upon successful completion of the training.
3. The employer or employers pay(s) a significant portion of the cost of the training.
 - a) If the training is to be conducted by an employer or employers in one local area, the board will decide the portion of the cost of training to be paid by the employer or employers, taking into account the size of the employer and other appropriate information, such as:
 - i) The number of employees participating in the training
 - ii) The wage and benefit levels of those employees (present and anticipated upon completion of the training)
 - iii) The relation of the training to the competitiveness of a participant
 - iv) Other employer-provided training
 - v) Advancement opportunities
 - b) If training is to be conducted by an employer or employees in multiple locations, the Governor of Arkansas must determine the amount to be paid.

Customized training may be provided for an employed individual when all of the following conditions apply:

1. The employee is not earning a self-sufficient wage, or wages comparable to or higher than wages from a previous employment
2. Other requirements are met, including that an individual is unlikely or unable to retain employment leading to a self-sufficiency or wages comparable to or higher than wages from previous employment without training, and the training leads to a job that provides economic self-sufficiency or pays wages comparable or higher than previous wages.
3. The training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, instruction in workplace literacy.

Additional limits on funding activities are listed in ADWS Policy 3.7.

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson



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Policy Number: Section 2 Policy 5

Effective Date: 3-9-20 (Updated 12-7-20)

Individual Training Account Policy

Purpose:

This policy provides guidance on the development and use of “Individual Training Accounts” (ITAs) for the procurement of training services for WIOA and other workforce grant participants. Customer choice is a guiding principle of WIOA and other workforce grants, with participants expected to make a self-informed choice about their own employment future and the training services needed to achieve their employment goals.

Policy:

Individual participants are expected to utilize information that is provided (e.g., skills assessment, labor market conditions/trends and training vendor performance) to take an active role in managing their employment future through the use of Individual Training Accounts (ITAs). Upon the determination that training services are appropriate for a participant, an ITA must be utilized to procure training services from the eligible training provider list for Adults and Dislocated Workers. An ITA may also be used for other workforce related grants. Eligible training providers shall be selected by the participant through consultation with program staff and or employment counselors.

Time Limits

Each ITA will be limited to two academic school years for eligible participants to earn/complete an academic degree. An ITA may be utilized to complete a bachelor degree for a participant with an associate degree if their occupational goal requires a bachelor degree and/or such degree will increase their employability. An ITA may be utilized to fund prerequisite training for a vocational training program if such prerequisite is required by the educational institution.

Funding Limits

Tuition and fees for WIOA Title I and other workforce grant funding is limited to a maximum of \$10,000 for up to two (2) academic years of training. The amount and duration of an ITA award shall be determined on an individual basis. Funding amounts will take into account any other financial assistance available to the participant and also the federal funding available to the Adult or Dislocated Worker program operator. Other costs associated with training such as parking fees, school supplies, parking passes, licenses, books, uniforms, inoculations,

Updated 12-7-20
Updated 3-9-20
(12-9-19)

Individual Training Account Policy

background checks, driving abstracts, etc. may be considered a training cost and would thereby be included in the \$10,000 maximum for tuition and fees.

However, an individual's funding limit may be increased to \$15,000, with approval from the Executive Director of the Central Arkansas Planning and Development District, Inc. (CAPDD). Such an increase may only be considered under compelling circumstances. The Workforce Center Manager is responsible for submitting a request to the Executive Director, which must completely state the reasoning for the request.

WIOA Title I-B participant may enroll in WIOA-funded training while his or her application for a Pell Grant is pending. However, the CAWDB will maintain arrangements with the training provider and the WIOA participant, that require the training provider to reimburse the WIOA funds used to underwrite the training for the covered amount of the Pell Grant.

Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA Title I-B participant for education-related expenses, such as supportive services [20 CFR 680.230].

References:

Workforce Innovation and Opportunity Act of 2014
CAWDB Supportive Services Policy
Training and Employment Guidance Letter (TEGL) 10-09
CFR 680.310(d)
20 CFR 680.320(a)

Approved by: Michelle Allegood

Date: 3-9-20 (Updated 12-7-20)

Title: CAWDB Chairperson

CAPDD/Arkansas Workforce Center is an "equal opportunity employer/program," and "auxiliary aids and Services are available upon request to Individuals with disabilities." Arkansas Relay Service: 1-800-285-1121 (Voice) 1-800-285-1131 (TDD) or TDD 711.

Updated 12-7-20
Updated 3-9-20
(12-9-19)

Individual Training Account Policy



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Policy Number: Section 2, Policy 6 Implementation Date: 9-10-19 (Updated 6-14-2021)

On-the-Job Training Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning on-the-job training (OJT), in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

References:

WIOA §§ 3(24), 3(44), 134(c)(3), & 188(a)(3)
20 CFR 680, 681, & 683
Comments in WIOA Final Rule concerning §680.320
29 CFR part 2, subpart D
TEGLs 10-16, Change 1; 13-16; 19-16; & 14-18
Arkansas State Plan 2020-2023

Most recent version of the following policies and procedures:

- ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- ADWS Policy No. WIOA I-B – 2.8 (Priority for Individuals with Barriers to Employment)
- ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)
- ADWS Policy No. WIOA I-B – 3.6 (Incumbent Worker Training)
- ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)
- ADWS Policy No. WIOA I-B – 3.5 (Registered Apprenticeships)
- ADWS Policy No. WIOA I-B – 3.7 (Customized Training)
- ADWS Policy No. WIOA I-B – 3.8 (Work Experience)
- ADWS Certification of Local Workforce Development Boards

Policy:

On-the-job training (OJT) is occupational training that is provided under a contract with an employer or registered apprenticeship program sponsor [20 CFR 680.700 (a)]. It is considered a training service for adults and dislocated workers and a work experience for youth [20 CFR 681.460(a)(3); 681.600(c)]. As a Youth work experience, OJT qualifies for the 20% minimum that local areas must spend on work experience [20 CFR 681.590(a)]. Although on-the-job training is classified as a work experience for the Youth program, the guidelines and policies for youth follow those for adults and dislocated workers [20 CFR 681.600(c)(4)]. Adult and dislocated worker OJT participants are included in the Milestones Measurable Skills Gain performance indicator [TEGLs 10-16, Change 1, & 14-18].

OJT is training provided by and employer to a paid participant who is engaged in productive work in a job that:

- (a) provides knowledge or skills essentially to the full and adequate performance of the job;
- (b) is made available through a program that provides reimbursement to the employer of up to 50% of the wage rate of the participant (except in some cases where it may be as high as 90%) for the extraordinary costs of providing the training and additional supervision related to the training; and
- (c) is limited in duration as appropriate to the occupation for which the participant is being training, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate [WIOA § (3)(44); WIOA § 134(c)(3)(H; Arkansas State Plan 2020-2023)].

Employers are not required to document the extraordinary costs [20 CFR 680.720(b)].

Adult and Dislocated Worker Requirements for OJT

For adults and dislocated workers, eligibility for this training is the same as for all other training services. The individual must have met all requirements to become a participant in the particular program. The participant must have been determined, after an interview, evaluation, or assessment, and career planning to be:

- (a) unable or unlikely to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment without the training,
- (b) in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment (and the OJT can result in that),
- (c) has the skills and qualifications to participate successfully in training services, and
- (d) is unable to obtain assistance from other sources to pay the costs of the training [20 680.210].

See ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers) or 20 CFR 680.210 for complete eligibility requirements.

Special rules apply if an OJT contract is written for an employed worker. An OJT contract may be written for an eligible employed worker (an employed worker who meets eligibility criteria for the particular program) only when all other program eligibility requirements and other OJT requirements are met (as described in this policy), and when the employee meets all of the following requirements [20 CFR 680.210 & 680.710]:

- (a) The employee meets basic requirements to receive training services, as listed above, in 20 CFR 680.210, and in ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers);
- (b) The employee is not earning a self-sufficient wage, as determined by the LWDB, or wages compared to or higher than wages from previous employment;
- (c) All other OJT requirements are met; and
- (d) The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the LWDB, along with increased wages.

For the purpose of determining eligibility for OJT, “employment status” is determined at the time of eligibility determination for the training and is defined in ADWS Policy No. WIOA I-B – 1.2

(Definitions). Eligibility for OJT may be determined at the time of program entry, or it may be made after other services or activities have been provided and participant needs OJT. Note that an individual who is in the military, is in a Registered Apprenticeship program, or is self-employed is considered as employed [TEGLs 10-16 & 13-16].

An OJT contract may be entered into with registered apprenticeship program sponsors or participating employers in registered apprenticeship programs for some or all of the OJT portion of the registered apprenticeship program, consistent with the guidelines of this policy [TEGL 19-16]. Depending on the length of the registered apprenticeship and local policies, the OJT may last for some or all of the registered apprenticeship training [20 CFR 680.740(a)]. Some information concerning the connection between an OJT and a registered apprenticeship (RA) are included in this policy. Additional information is contained in ADWS Policy No. WIOA I-B – 3.5 (Registered Apprenticeships).

When an OJT contract is written for participation in a registered apprenticeship program, all eligibility requirements and other OJT requirements must be met. This means that if the apprentice is employed at the time of participation in the OJT:

- (a) He or she must not be receiving a wage leading to self-sufficiency (or wages lower than wages from previous employment) before the OJT contract;
- (b) He or she must expect to receive a wage leading to self-sufficiency (or wages comparable to or higher than wages from previous employment) because of the OJT;
- (c) The OJT must be related to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the LWDB;
- (d) The participant is unable to obtain or retain employment without the training; and
- (e) The participant is unable to obtain assistance from other sources to pay the costs of the training [20 CFR 680.210, 680.720, & 680.740].

Incumbent worker training may be an option for upskilling apprentices who already have an established working/training relationship with the RA program [TEGL 19-16]. See ADWS Policy No. WIOA I-B – 3.6

(Incumbent Worker Training) for more information.

More information concerning options for participants in a Registered Apprenticeship program may be found in ADWS Policy No. WIOA I-B – 3.5 (Registered Apprenticeships).

Participant Requirements for Youth

OJT is classified as a paid work experience under Program Element 3 of the Youth Program. Each youth who has been determined eligible either as an In-school Youth or an Out-of-school Youth may receive OJT if appropriate, as determined by the local area. The appropriateness of this program element for an eligible youth is established through the participant's objective assessment and individual service strategy [20 CFR 681.460(b)]. Although OJT is a training service for adults/dislocated workers and a work experience for youth, the guidelines and policies for both are the same [20 CFR 681.600(c)(4)].

Employer Requirements for OJT

An OJT may be provided under contract with an employer or RA sponsor in the public, private non-profit, or private sector [20 CFR 680.700(a)]. More information concerning the entities with which RA contracts are written is found in ADWS Policy No. WIOA I-B – 3.5 (Registered Apprenticeships).

Providers of on-the-job training are not subject to the requirements applicable to entities listed on the eligible training provider list, and they are not included on the state list of eligible training providers and programs [20 CFR 680.530], unless they are included for other reasons, such as being registered apprenticeship programs [20 CFR 680.470]. If the State, however, decides to impose performance regulations, local areas must collect required performance data and identify providers that meet required performance levels [20 CFR 680.530].

OJT contracts under Title I must not be entered into with an employer who has received payments under WIOA or the Workforce Investment Act (WIA) and has established a pattern of not providing OJT participants with continued long-term employment and the same wages, benefits, and working conditions as other employees working a similar length of time and doing the same type of work [20 CFR 680.700(b)].

Training Requirements

An OJT contract must be limited to the period of time required for the participant to become proficient in the occupation for which the training is being provided, considering the skill requirements of the occupation, the academic and occupational skill level of the participant, the participant's prior work experience, and the individual employment plan of the participant [20 CFR 680.700(c)].

When OJT contracts are written with RA sponsors or participating employers in RA programs for the OJT portion of the RA program, the length of the OJT is limited to the time requirements given in the previous paragraph and the policies of the local area. Depending on the length of the RA and local OJT policies, these funds may cover some or all of the registered apprenticeship training. All other regulations concerning OJT participants and contracts apply [20 CFR 680.740].

In some cases, a combination of individual training accounts (ITAs) and contracts is the most effective approach to serve participants [TEGL 19-16]. There is no prohibition on the combination of ITAs with OJTs if conditions for both services are met [20 CFR 680.750]. An OJT may be combined with an ITA to support a participant in a registered apprenticeship program if conditions for all three programs are met (See ADWS Policy No. WIOA I-B – 3.3 Occupational Skills Training or 20 CFR 680.330 for additional information concerning using an ITA to support participants in registered apprenticeship) [20 CFR 680.750].

An OJT contract may also be written for the on-the-job training portion of customized training, incumbent worker training, or transitional jobs [TEGL 19-16]. When this is done, regulations concerning both types of services must be met. See ADWS Policies No. WIOA I-B – 3.7 (Customized Training), 3.6

(Incumbent Worker Training), and 3.8 (Work Experience) for more information.

Reimbursement Guidelines

Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50% of the wage rate of the participant, to compensate for the extraordinary costs of providing the training and supervision and the decreased productivity of the participant [WIOA § (3)(44); 20 CFR 680.700(a); 20 CFR 680.720; TEGL 19-16]. The employer does not have to document the extraordinary costs [20 CFR 680.720(c)]. This rate may be increased to an

amount of up to 75% if the LWDB approves the increase, taking into account the following factors [WIOA § 134(c)(3)(H); 20 CFR 680.700(a); 20 CFR 680.720(b); 20 CFR 680.730(a); TEGL 19-16]:

1. The characteristics of the participants, especially individuals with barriers to employment. See WIOA § 3(24), ADWS Policy No. WIOA I-B – 1.2 (Definitions), or ADWS Policy No. WIOA I-B – 2.8 (Priority for Individuals with Barriers to Employment) for more information concerning individuals with barriers to employment;
2. The size of the employer, with an emphasis on small businesses (The State specifies a business size of 51 – 250 employers for this level of reimbursement.) [Arkansas State Plan 2020-2023];
3. The quality of employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and
4. Other such factors as the LWDB may determine to be appropriate, which may include the number of employees participating in the training, wage and benefit levels of those employees (comparing pre-participation and post-participation earnings), and relation of the training to the competitiveness of a participant.

LWDBs must document the factors used when deciding to increase the wage reimbursement levels above 50% up to 75% [20 CFR 680.730(b); TEGL 19-16]. Documentation may be made in the form of LWDB minutes or similar documents.

Under a waiver requested by the State of Arkansas and approved by the U.S. Department of Labor until June 30, 2022, local areas may increase the reimbursement rate to up to 90% of the wage rate of the OJT participant(s) for businesses with 50 or fewer employees. If a local area wished to exercise this increased percentage, the local area must:

1. Adjust or provide an addendum to the local plan explaining the planned use of the waiver and
2. Provide an annual “outcome report,” due September 30 of each year that describes how the waiver was used and how effective the change was.

Such actions will allow the ADWS to monitor progress under this waiver, as required by the U.S. Department of Labor and the Arkansas State Plan [Arkansas State Plan 2020-2023].

Other Guidelines and Requirements

The participant may not be employed to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not used primarily for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a); 20 CFR 683.285(b)]. Special rules concerning training administered by religious organizations can be found in 29 CFR part 2, subpart D (Equal Treatment in Department of Labor Programs for Religious Organizations, Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries) [20 CFR 683.255(b); 20 CFR 683.285(b)].

No funds may be provided to employers for work-based training may be used directly or indirectly to assist, promote, or deter union organizing [20 CFR 680.830]. No funds may be provided to employers for work-based training to be used directly or indirectly to aid in the filling of a job opening that is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage [20 CFR 680.840].

WIOA funds may not be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location. No individual may be placed in work experience in any business or part of a business that has relocated from any location in the United States until the company has operated at that location for 120 days if the relocation has resulted in any employee losing his or her job at the original location. To verify that a business that is new or expanding and is not, in fact, relocating employment from another area, a standardized Arkansas pre-award review criteria must be completed and documented jointly by the local area and the business (FORM WIOA I-B – 4.1 Standardized Pre-Award Review Criteria) [20 CFR 683.260].

A participant in any workforce training activity must not displace any currently employed employee, including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits. The workforce training activity must not impair existing contracts for services or collective bargaining agreements unless the appropriate labor organization and the employer provide written concurrence before the activity begins. The participant may not replace an unsubsidized employee who was laid off from the same or any substantially equivalent job or who was terminated with the intention of hiring the participant. The participant may not be placed in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation in the training activity [20 CFR 683.270].

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual [20 CFR 683.200(g)]. The Arkansas State definition of "immediate family" is (1) a spouse and (2) any other person residing in the same household as the participant, who is a dependent of the participant or of whom the participant is a dependent.

Dependent means any person, whether or not related by blood or marriage, which receives from the participant, or provides to the participant, more than one-half of his/her financial support [ADWS Certification of Local Workforce Development Boards]. (This definition is different from the definition of "family" used for eligibility purposes.)

Participants must receive benefits and working conditions at the same level as other trainees or employees working a similar length of time and doing the same type of work [20 CFR 683.275]. Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants. To the extent that a State workers' compensation law applies, workers' compensation must be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment [20 CFR 683.280].

Approved by:



Date: 6-14-2021

Title: CAWDB Board Chair

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Policy Number: Section 2 Policy 7

Effective Date: 9-10-19 (Updated 12-9-19)

Supportive Services Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning Supportive Services

References:

WIOA § 3(59); 134(c)(2)(A)(iv); 134(d)(2)
20 CFR 679.430, 680 & 681
TEGLs 19-16 & 21-16
ADWS Policy No. – 3.9 (Supportive Services)

Policy:

The term “supportive services” is defined as payments for services that are necessary to enable an individual to participate and be successful in activities authorized under WIOA. Supportive services are designed to provide a participant with the resources necessary to enable an individual to participate in WIOA Title I-B Adult, Dislocated Worker, or Youth activities. The activities need not be provided with WIOA funds, but the program provider must be allowed to provide such activities by federal and state laws, regulations, policies, and guidance [WIOA § 3(59); 20 CFR 680.910(b) 681.570; TEGLs 19-16 & 21-16]. Supportive services are Program Element 7 of the Youth program, and such services must be available to Youth as when needed, appropriate, and in accordance with the local Supportive Service Policy. Supportive services may be provided with WIOA Title I-B funds when such services are not available through non-WIOA funding sources.

The Central Arkansas Workforce Development Board in consultation with the American Job Center partners and other community service providers, ensures resource and service coordination in the Central area. The Central Arkansas Workforce Development Board has the discretion to provide supportive services as deemed appropriate, subject to WIOA’s limitations.

Supportive services may include, but are not limited to [WIOA § 3(59); 20 CFR 680.900, 681.460(a)(7), & 681.570; TEGLs 19-16 & 21-16]:

- Linkages to community services
- Assistance with transportation
- Assistance with childcare and dependent care
- Assistance with housing
- Needs-related payments
- Assistance with educational testing

9-10-19
(Updated 12-9-19)
Supportive Services Policy

- Reasonable accommodations for individuals with disabilities
- Legal aid services
- Referrals to health care
- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear.
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes.
- Payments and fees for employment and training-related applications, tests, and certifications.

Partnering with American Job Center partners and other entities that can provide supportive services to participants is highly encouraged. [WIOA § 134(d)(2); 20 CFR 680.910; 20 CFR 681.460(c); 20 CFR 681.470; TEGLs 19-16 & 21-16]. The WIOA staff must work with the other entities to ensure that participants receive coordinated service to create an appropriate total package [20 CFR 681.470; TEGLs 19-16 & 21-16].

Eligibility for Supportive Services

For any individual to receive supportive services, he or she must meet all eligibility requirements for a WIOA Title I-B program. The need for supportive services to participate in an eligible activity of the program may be determined through an interview, an evaluation or assessment, or the development of either an individual service strategy (ISS) or an individual employment plan (IEP). Documentation of the need for supportive services must be maintained in the participant file.

Adults & Dislocated Workers

The primary requirements for an Adult or Dislocated Workers to receive a supportive service are [WIOA § 3(59) & 134(d)(2); 20 CFR 680.140, 680.900 & 680.910; TEGL 19-16]:

- The participant is participating in an activity authorized as a WIOA Title I-B Adult or Dislocated Worker (DLW) career (except follow-up) or training service. (There is no requirement that WIOA fund the service or activity, but WIOA Title I-B must be authorized by WIOA § 134 and/or the appropriate other sections of the Final Rule or TEGLs to fund the service or activity.)
- The supportive services must be necessary to enable the participant to participate in the activity or training service.
- The participant is unable to obtain the needed supportive services through another program providing such services [WIOA § 134(d)(2) 20 CFR 680.910(a)].

Youth

The primary requirements for a Youth to receive a supportive service are [WIOA § 3(59); 20 CFR 681.570 & 681.580; TEGL 21-16]:

- The participant is participating in an activity authorized as a WIOA Title I-B Youth activity or service, including follow-up services. (There is no requirement that WIOA fund the service or activity, but it must be one of the 14 program elements or a follow-up service.)
- The supportive services must be necessary to enable the participant to participate in the activity or training service.
- The participant is unable to obtain the needed supportive services through another program providing such services.

Needs Related Payments

Needs-related payments may be provided to Adults and Dislocated Workers to enable them to participate in training services. Needs-related payments may not be provided for participation in Career Services [WIOA §

134(d)(3)(A); 20 CFR 680.930]. To receive needs-related payments, an Adult must meet all of the following bulleted eligibility requirements [WIOA § 134(d)(3)(A); 20 CFR 680.940]:

- Be unemployed.
- Not qualify for, or have ceased qualifying for, unemployment compensation
- Be enrolled (registered for classes) in a WIOA Title I-B training service.

To receive needs-related payments, a Dislocated Worker must meet one of the following two numbered eligibility requirements [WIOA § 134(d)(3)(A); 20 CFR 680.950]: 1. For DLWs who qualified for unemployment benefits or trade readjustment allowance under TAA, meet all of the following bulleted requirements:

- Be unemployed.
- Have ceased qualifying for, unemployment compensation or trade readjustment allowance under TAA.
- Be enrolled (registered for classes) in a program of WIOA Title I-B training service by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for the DLW program, OR if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

For DLWs who did not qualify for unemployment benefits or trade readjustment assistance under TAA, meet all of the following bulleted requirements:

- Be unemployed.
- Did not qualify for unemployment benefits or trade readjustment assistance under TAA.
- Be enrolled (registered for classes) in a WIOA Title I-B training service

Needs-related payments may be paid while a participant is waiting to start training classes, provided he or she has been accepted into a training program and enrolled in (registered for) classes and provided the classes will begin within 30 days. The Governor may authorize local areas to extend the 30-day period to address appropriate circumstances [20 CFR 680.960].

The level of a needs-related payment made to an eligible Dislocated Worker may not exceed the greater of:

- (a) the applicable level of unemployment compensation; or
- (b) if the DLW did not qualify for unemployment compensation, an amount equal to the poverty line for an equivalent period, adjusted to reflect changes in total family income, as determined by the CAWDB policies [WIOA § 134(d)(3)(C); 20 CFR 680.970].

Supportive Services may be the key to assisting the hard-to-serve participants enrolled in WIOA programs. There are numerous agencies and programs providing health care, temporary shelter, financial counseling, transportation, childcare and other support, which are well suited to customer needs. WIOA staff will make referrals to other programs prior to providing supportive services with WIOA funds. When a determination is made that no other services are available, staff will make a request to a supervisor to provide such services. Staff must document that the participant has exhausted all other means of providing the supportive services requested by completing a verification form.

Continued eligibility – at a minimum each semester staff will revisit a participant's need for continued supportive services and will document that the review has occurred and the results of that review. Supportive services are designed to provide a participant with the resources necessary to enable their participation in career and training services, are governed by the DOL-only Final Rule at 20 CFR 680.900 through .970.

Supportive services may be available to any youth, adult or dislocated worker participating in Title I career services or training activities who is unable to obtain supportive services through other programs providing such services. Supportive services may NOT be provided to an adult or dislocated worker participant once they exit WIOA program or during follow-up. This does not apply to youth participants. They may still receive supportive services during follow-up if it is deemed necessary and appropriate.

Definitions and approved supportive services limits.

Combined funding for training and supportive services is limited to \$10,000 per eligible WIOA participant. However, this limit may be increased up to \$15,000 with approval from the Executive Director of the Central Arkansas Planning and Development District, Inc.

- A) Clothing - The costs of items such as clothes and shoes which are necessary for participation in WIOA training activities are allowable.
- B) Counseling - The costs of personal counseling services that will enhance a participant's employability are allowable. This may include employment, financial, individual, family, and drug and alcohol abuse counseling. Generally, major personal or emotional problems are outside the scope of WIOA services, therefore referrals to counseling services are critical.
- C) Childcare - Agreements can be made with licensed childcare facilities for participants who do not qualify for childcare assistance through other sources. The maximum amount to be paid by WIOA fund will be in accordance with comparable rates in the area which the participant lives. Total amounts per participant will be approved by the supervisor.
- D) Residential - The cost of rent, house payments and utility assistance may be provided in extreme cases where participants are in danger of losing their housing or having utilities disconnected. A secure nighttime residence is essential to the success of our participants.

Training programs require some participants to be away from their nighttime residence in order to complete training. An example of this is traveling to another city to complete a rotation required for clinical training for an RN student.

- E) Health - The health category includes such items as vaccinations or physicals required for a participant to enroll in a particular training program. It may also include things such as one-time dental work or eye glasses if not otherwise available from another source.

Health care – insurance premiums may be paid after all other health care options have been exhausted and the coverage is a requirement to attend a training program. Examples include preventative and corrective care necessary to enter training; participate in training, to be employed or to retain employment. Drug and alcohol treatment are not included in this body of health care. Glasses, dental corrections, etc., may be required to be employable or to complete training. Treatment not covered by medical insurance or program elements may be provided to a trainee or employee in some cases.

- F) Transportation - The cost of transportation to assist participants to get to and from training activities, including job search activities, is allowable. Transportation assistance may include bus tokens or passes or a mileage allowance per mile driven for travel from the participant's place of residence to and back from the training site. The rate per mile shall not exceed the rate set for the Arkansas state government.

Tires and car repairs may be made with management approval if the participant cannot participate in training without this service. Participants will contribute a portion of such costs when possible. This service requires management approval, and the amounts will vary based on participant need.

The primary process for paying supportive services is through reimbursement. Workforce staff are responsible for explaining the process to the participant, and the participant is responsible for submitting the proper documentation along with the reimbursement request. If there is a circumstance where reimbursement is not possible, and an advancement of funds is requested, the request will require the approval of the CAWDB administrative entity's Executive Director.

- G) Emergency Food - Under extreme circumstances staff may purchase food for a participant at a restaurant or grocery store; for example, a youth participant who has no funds to purchase lunch during their work or training day. These limits will be approved on a case-by-case basis with management approval.
- H) Needs-related payments will be awarded only when the provision of the other supportive services does not provide the assistance a participant needs. The forms are an attachment to this document. WIOA regulations will be followed when providing this service.
- I) Other services may be provided if allowable within WIOA and regulations with management approval as situations arise.
 - a. In situations where a computer, or similar item, may be deemed a necessity for an individual to participate in an approved training program, the following elements must be met:
 - i. The training provider must provide a written explanation for the necessity of the equipment.
 - ii. Costs of the equipment must be identified and included on the ITA.
 - iii. The Workforce Center Manager must submit a written request to the Executive Director for approval.
 - iv. The workforce staff must develop a process to ensure the participant understands that the voucher can only be used for the intended purpose, and that the participant promptly submits the purchase receipt.
 - v. The participant must provide written acknowledgement that he/she must return the equipment if he/she does not complete the course, for whatever reason.

Assistance with educational testing – for example testing fees required for an LPN license.

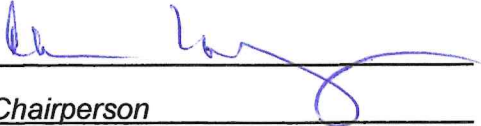
Accommodations for individuals with disabilities; - for example an amplified stethoscope may be needed for a participant who is hearing impaired and enrolled in LPN training.

Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear; - must be a requirement for the job or the training program and not just a nice to have item.

Assistance with books, fees, school supplies, and other necessary items for students enrolled in post-secondary education classes; - must be a requirement for the training and not just a nice to have item.

Payments and fees for employment and training-related applications, tests, and certifications; - for example a background check required for entrance into a training program or a CDL text packet required for entrance into a truck driving program.

Legal aid services – for example, payment of a minor offense so a participant may retain or obtain a driver's license.

<p>Approved by: </p> <p>Title: <u>CAWDB Chairperson</u></p>	<p>Date: <u>12-4-23</u></p>
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9-10-19
(Updated 12-9-19)
Supportive Services Policy

Policy Number: Section 2 Policy 8

Effective Date: 12-6-16

WIOA Self-Sufficiency Definition of Enrollment of Employed Applicants

Purpose:

A significant population of job seekers are “underemployed” and which are in need of WIOA services just as those who are unemployed. Individuals who may be defined as underemployed may include:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual
- Individuals who are employed, but whose current job’s earnings are not sufficient compared to their previous job’s earnings from their previous employment, per State and/or local policy.

Policy:

The Workforce Innovation and Opportunity Act (WIOA) provides that training services may be made available to both employed and/or unemployed adults and dislocated workers who cannot be defined as maintaining a “self-sufficient” standard of living; and, are:

- Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services, and
- Are in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

The Central Arkansas Workforce Development Area shall define SELF-SUFFICIENCY for the purposes of eligibility for WIOA Services for:

- a. **Employed Adults-** Shall be defined as family wages that fall within the annual poverty level income and or lower living standard income level (LLSIL) as determined by the Arkansas Department of Workforce Services.

- b. **For Employed Dislocated Workers**-Shall be defined as employment which provides the worker a wage that is equal to or greater than 80% of his or her wage at the time of dislocation.

Approved by: Michelle Allgood

Date: 12-6-16

Title: CAWDB Chairperson

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Policy Number: Section 2 Policy 9

Effective Date: 12-9-19 (Updated 12-7-20)

Work Experience Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning Work Experience.

References:

WIOA §§129(c)(2)(C), 129(c)(4), 134, 181(d), & 188(a)(3)
20 CFR 680, 681, & 683
Comments in WIOA Final Rule concerning §§ 680.140, 680.180, 680.190, 680.195, & 680.320
TEGL 19-16
29 CFR part 2, subpart D
Fair Labor Standards Act
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)
ADWS Policy No. WIOA Title I-B – 3.4 (On-the-Job Training)
ADWS Policy No. WIOA Title I-B – 3.8 (Work Experience)

Policy:

Work experiences (including internships) that are linked to careers are individualized career services that are required to be available for adults and dislocated workers if these services are determined to be appropriate in order for individuals to obtain or retain employment.

Work experiences, including internships and transitional jobs, are planned, structured learning experiences that take place in workplaces for limited periods of time. Internships and other work experiences may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act.

A Work Experience (WE) opportunity may be provided as an individualized career service to enrolled Adults, Dislocated Workers and Youth who have met the priority of service requirements.

Work experience is defined as “a planned, structured learning experience that takes place in the workplace for a limited period of time that contributes to the achievement of the participant’s employment goal(s).

The Work Experience workplace (WEX site) may be in the private-for-profit sector, the non-profit sector, or the public sector. An internship or work experience may be paid or unpaid, as appropriate.

A WEX is not designed to replace an existing employee or position. Wages are provided by the WIOA service provider and paid directly to the participant developing an employer/employee relationship between the service provider and the WEX participant. Labor standards apply in any WEX where an employee/employer relationship exists, as defined by the Fair Labor Standards Act. Employers are not monetarily compensated.

WEX Funding Limits:

- WEXs are subject to the maximum funding limit as stipulated for training in the CAWDA Individual Training Account Policy.

No less than 20% of the youth funds (minus admin costs) must be spent to provide ISY and OSY with paid and unpaid work experiences. Administrative staff must track the funds to ensure this requirement is met. **Supportive Services cannot be counted towards the 20% minimum.** Examples of work experience expenditures that may be counted for the 20% minimum are:

- a) Wages/stipends paid for participation in a work experience (including employment costs such as FICA match and workers' compensation insurance)
- b) Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience
- c) Staff time spent working with employers to ensure a successful work experience, including staff time spent managing the work experience
- d) Staff time spent evaluating the work experience
- e) Participant work experience orientation sessions
- f) Employer work experience orientation sessions
- g) Classroom training or the required academic education component directly related to the work experience
- h) Incentive payments directly tied to the completion of work experience
- i) Employability skills/job readiness training to prepare youth for a work experience

Youth Specific Requirements

Work Experience for Youth must involve an **Academic** and **Occupational Education** Component. See (ADWS WIOA I-B Policy 3.8 Updated). The administrative entity must develop a method to ensure that these components are met.

First, the academic and occupational education components should be identified in the participants file prior to the Youth beginning the Work Experience.

Second, the file should also document "how" the components were demonstrated to the participant. This documentation should be completed/submitted by the participant.

Approved by: Michelle Allgood

Date: 9-10-19 (Updated 12-9-19)

Title: CAWDB Chairperson

Policy Number: Section 2 Policy 10

Effective Date: 9-10-19

Occupational Skills Training Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning occupational skills training.

References:

WIOA §§ 3(24), 3(47), 122(h), 123, 129(c)(2), 134(c)
20 CFR 680.200-230
20 CFR 680.320-330
20 CFR 681.540-550
20 CFR 683.500-510
Comments in WIOA Final Rule concerning 20 CFR 680.150
TEGLs 10-09, 19-16 & 21-16
20 U.S.C. 1001, 1002(a)(1)
A.C.A. 15-4-3711(a)(8)
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 3.1 (Service for Adults and Dislocated Workers)
ADWS Policy No. WIOA I-B – 3.2 (Occupational Skills Training)

Policy:

To receive Occupational Skills Training an Adult or Dislocated Worker must meet all of the following numbered eligibility criteria:

1. Must meet common eligibility requirements
2. After interview, assessment, evaluation, and after career planning participant must:
 - a. Be unlikely to obtain or retain employment
 - b. Is in need of training services to obtain or retain employment leading to economic self-sufficiency
 - c. Has the skills and qualifications to participate successfully in training services
3. Participant must select a program of training services (from the approved eligible training provider list) that is directly linked to the employment opportunities in the local area or the planning region, or in geographic areas to which the individuals are willing to commute or relocate.
4. Participant must be given the opportunity to review and select a training provider for the relevant training
5. Participant must be unable to obtain assistance from other funding sources. Examples are Pell Grants, state funding, TANF, etc. Participants are required to seek out other funding sources prior to receiving WIOA funds for training. If other funding sources are awarded to the participant, they must be used prior to using WIOA funds. Case managers shall gather

this information and maintain it in the case file. If the participant has other funds that are "pending," WIOA Title I-B funds may be used if arrangements have been made with the training provider or participant to return the Title I-B funds when the other funds are awarded.

ITAs are to be used for Occupational Skills Training. In rare cases, a contract for services can be used. First a justification must be submitted to the Workforce Board for review and approval. A public comment period of 30 days is required prior to awarding a contract. The contract for services may be used when:

1. There is not enough training providers for the specific training to support the ITA system.
2. There is an institution of higher education or other training entity has demonstrated effectiveness in its training, and multiple individuals will be receiving training during a similar period of time.

Occupational skills training can be combined with workplace training or work experience in several different situations. ITAs may be used with or without OJT contracts for registered apprentices [20 CFR 680.330 (a)]. Registered apprenticeship programs (RA) automatically qualify to be on a State's ETPL [20 CFR 680.330; TEGL 19-16]

Youth

Occupational skills training is Youth Program Element 4. As a Program Element, occupational skills training must be available to all youth if their assessments of academic levels, skill levels, and service needs indicate that they are prepared for such training and that the training meets their employment goals [TEGL 21-16]. Occupational skills training for youth must:

1. be outcome-oriented and focused on an occupational goal specified in the ISS
2. be of specific duration to impart the skills needed to meet the occupational goal, and
3. lead to the attainment of a recognized postsecondary credential [20 CFR 681.540(a); TEGL 21-16]

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

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Policy Number: Section 2 Policy 11

Effective Date: 9-18-18

Priority of Service for Veterans and Eligible Spouses

Purpose

The purpose of this Policy is to provide information on implementing priority of services to veterans and eligible spouses to all Arkansas Workforce Center staff and all Arkansas Workforce Center partners that receive funds from the Department of Labor to operate qualified job training programs.

Background

The Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law on November 7, 2002. This Act codified at U.S.C. 4215, establishes a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows, and widowers, as defined by the Act) in qualified job training programs.

Policy

All Arkansas Workforce Center staff and all Arkansas Workforce Center partners must provide services to veterans and eligible spouses in accordance with instructions outlined in ADWS Policy No. WIOA I-B – 2.2, and TEGs 19-16, 10-09: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs funded in whole or in part by the U.S. Department of Labor. A veteran or eligible spouse must meet each program's eligibility criteria to receive services.

Veterans and eligible spouses of veterans will be identified at the point of entry, or during the interview and registration process at the Central Arkansas Workforce Centers. They will be given an opportunity to take full advantage of priority of services.

When an individual is identified as a veteran or eligible spouse, center staff will notify the applicant of his/her priority of service, the full array of services available, and the applicable eligibility requirements for the programs and services.

For income-based eligibility determinations, military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income. This policy applies for both the "low-income individual" requirement of Youth programs, and for the priority of services for "low-income individuals" for Adult funds. [20 CFR 680.650; 20 CFR 683.230; 38 U.S.C. 4213; TEGs 10-09 & 19-16].

VA benefits for education and training services are not included in the category of "other

sources of training grants" listed in 20 CFR 680.230(b) [Comments concerning §680.230 in the WIOA Final Rule; TEGLs 10-09 & 19-16]. Veterans or spouses who are eligible for the GI Bill or other forms of VA funded education or training are not required to coordinate their entitlement to those benefits with their eligibility for WIOA-funded training. VA-funded training does not need to be exhausted before the veteran or eligible spouse can be enrolled in WIOA-funded training [TEGL 19-16].

Pension payments, whether or not their retirement was based on disability, are not exempt and are to be included in "low income" calculations [TEGL 10-09].

Inquiries: Questions regarding this WIOA Policy should be directed to josh.rogers@capdd.org.

Approved by: Michelle Allegood
Title: CAWDB Chairperson

Date: 9-18-18

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Policy Number: Section 2 Policy 12

Effective Date: 3-12-19

WIOA Priority for Individuals with Barriers to Employment Policy

Purpose:

The purpose of this policy is to describe the Central Arkansas Workforce Development Board's (CAWDB) priority for WIOA Title I-B programs and services in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

Reference:

WIOA §§ 3, 166(b), 167(i)(1-3), 203(7)
20 U.S.C 7517 25 U.S.C 450b
42 U.S.C. 601 et seq.
43 U.S.C 1602(b),(r)
TEGLs 19-16 & 21-16
ADWS Policy No. WIOA I-B – 1.2
ADWS Policy No. WIOA I-B – 2.3
ADWS Policy No. WIOA I-B – 2.4
ADWS Policy No. WIOA I-B – 2.8

Policy:

In addition to statutory requirements concerning eligibility and priority for particular programs (including veterans priority for all programs), all programs of WIOA Title I-B must focus on serving individuals with barriers to employment, as detailed below [TEGL 19-16]. This does not mean that these individuals are the only ones who can be served, but that priority must be given to individuals identified as having barriers to employment after individuals who meet statutory priority requirements. Of course, all levels of priority must meet program eligibility criteria.

The CAWDB has developed procedures to ensure priority access to services for individuals with barriers to employment for all programs, while conforming to statutory regulations concerning each program.

CAWDB authorizes the administrative entity to develop and modify procedures that give priority to "individuals with barriers to employment" as described below [WIOA § 3(24); TEGL 19-16]:

- a) Displaced homemakers, as defined in WIOA § 3(16) and ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program)

- b) Low-income individuals, as defined in WIOA § 3(36) and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- c) Indians (as defined in WIOA § 166(b) and 25 U.S.C 450b), Alaska Natives (as defined in WIOA § 166(b) and 43 U.S.C 1602(b),(r)), and Native Hawaiians (as defined in WIOA § 166(b) and 20 U.S.C 7517)
- d) Individuals with disabilities, including youth who are individuals with disabilities, as defined in WIOA § 3(25) and ADWS Policy No. WIOA I-B – 1.2 (Definitions) and including individuals who are recipients of Social Security Disability Insurance [TEGL 19-16]
- e) Older individuals, defined as age 55 or older [WIOA § 3(39)]
- f) Ex-offenders or offenders [TEGL 19-16], as defined in WIOA § 3(38) and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- g) Homeless individuals, including runaways and homeless children and youth, as defined in TEGL 19-16 and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- h) Youth who are in or have aged out of the foster care system
- i) Individuals who are English language learners, as defined in WIOA § 203(7) and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- j) Individuals who have low levels of literacy (i.e. Basic Skills deficient [TEGL 19-16]), as defined in ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- k) Individuals facing substantial cultural barriers to employment, as defined in ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- l) Eligible migrant and seasonal farmworkers, as defined in WIOA § 167(i)(1-3) and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- m) Individuals within 2 years of exhausting lifetime eligibility under TANF (See 42 U.S.C. 601 et seq.)
- n) Single parents (custodial and non-custodial, mothers and fathers) and single pregnant women [TEGLs 19-16 & 21-16]
- o) Long-term unemployed individuals, as defined in ADWS Policy No. WIOA I-B – 1.2.

When providing services to multiple individuals, those identified as having priority will be served before others in accordance with this policy. The CAWDB administrative entity is responsible for developing and updating procedures as necessary for the purpose implementing this policy. Procedures are to be immediately implemented once developed, as well as any subsequent changes. The order of priority of services for individuals are as follows:

1. Veterans and eligible spouses, who receive public assistance, are low-income individuals, or are individuals who are basic skills deficient.
2. Not veterans or eligible spouses, but who are recipients of public assistance, are low-income individuals, or are basic skills deficient.
3. Veterans and eligible spouses who are not recipients of public assistance, are not other low-income individuals, and are not basic skills deficient.
4. Individuals, who are not veterans, are not recipients of public assistance, are not other low-income individuals, and are not basic skills deficient, but are individuals with other barriers to employment addressed in this policy.
5. Individuals, who are not veterans, are not recipients of public assistance, are not other low-income individuals, and are not basic skills deficient, or individuals with other barriers to employment addressed in this policy.

Approved by: Michelle Allgood
 Title: CAWDB Chairperson

Date: 3-12-19

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CENTRAL ARKANSAS Workforce Development Board

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Policy Number: Section 2 Policy 13

Effective Date: 9-10-19

Eligibility for Adult Program Policy

Purpose:

The purpose of this policy is to outline the additional eligibility requirements for the WIOA Adult program for the Central Arkansas Workforce Area.

References:

WIOA § 134(c)(3)(E)
20 CFR 680.120, 680.600, & 680.650
Comments in WIOA Final Rule concerning §683.105
TEGLs 10-09 & 19-16
38 U.S.C. 4215 (Veterans' Benefits)
Arkansas WIOA Combined State Plan
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)
ADWS Policy No. WIOA I-B – 2.2 (Veterans Priority of Service)
ADWS Policy No. WIOA I-B – 2.8 (Priority of Individuals with Barriers to Employment)
ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)
ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program)

Policy:

Eligibility for the Adult program, however, does not make an individual eligible for all services in the program. The individual must demonstrate a need for the services given, and the individual must meet eligibility requirements applicable to the receipt of these services. Nothing in this policy implies that an individual who qualifies for the Adult program is guaranteed receipt of all individualized career services and training services. Priority of Service will be given in order set forth by CAWDB Policies (WIOA Priority for Individuals with Barriers to Employment) & (Priority of Services to Veterans).

To be eligible for the Adult program, an individual must:

1. Be at least 18 years old; and
2. Meet all requirements in CAWDB Policy (Common Eligibility Requirements).

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

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Policy Number: Section 2, Policy 14 Effective Date: 11-26-19 (Updated 6-14-2021)

Eligibility for Dislocated Worker Program Policy

Purpose:

The purpose of this policy is to outline the eligibility requirements for the Dislocated Worker (DLW) program in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

References:

WIOA § 3(15 & 16)
WIOA § 134(c)(2)(A)(xii)
WIOA § 134(c)(3)
20 CFR 680.130, 680.610, 680.630, & 680.650
20 CFR part 1010
Comments in WIOA Final Rule concerning §§680.610 & 680.650
Introduction to Part 680 of WIOA Final Rule
TEGL 19-16
10 U.S.C. 101 & 991(b)
38 U.S.C. 101(16)
38 U.S.C. 4215
ADWS Policy No. WIOA I-B – 1.2, Change 1 (Definitions) (or most recent version)
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)
ADWS Policy No. WIOA I-B – 2.2 (Veterans Priority of Service)
ADWS Policy No. WIOA I-B – 2.8 (Priority for Individuals with Barriers to Employment)
ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)

Policy:

Dislocated workers are individuals who have lost jobs through no fault of their own. The goal of services to dislocated workers is to help them find appropriate jobs in in-demand industries. Priority of Service will be given in order set forth by CAWDB Policy (WIOA Priority for Individuals with Barriers to Employment)

Eligibility for the Dislocated Worker program does not make an individual eligible for all services available through the program. Certain eligibility requirements apply to some services, and the individual must demonstrate need for any services given. See ADWS Policy No. WIOA I-B – 3.1

(Services for Adults and Dislocated Workers) for eligibility requirements for specific services. Although there is no low-income priority of services for the Dislocated Worker program [20 CFR 680.610], income may be a consideration in determining needed services.

Availability of services is based on the available funding in the local areas and the needs of participants. Nothing in this policy implies that an individual who qualifies for the Dislocated Worker program is guaranteed receipt of all individualized career services and training services provided through the program.

The State of Arkansas places no limits on the time between an individual's separation from a job and the determination of eligibility for the Dislocated Worker program. Local areas may develop policies creating such limits. To be eligible for Dislocated Worker services, the individual must have been unemployed and/or underemployed (as defined in the Employment Status Clarification section below) during the entire interval between the qualifying separation and the eligibility determination.

To be eligible for the Dislocated Worker program, an individual must:

1. Be at least 18 years old;
2. Meet all requirements in CAWDB Policy (Common Eligibility Requirements); and
3. Meet the eligibility criteria in one of the following categories:

Categories of Eligibility

A person is classified as a dislocated worker (DLW) for the purposes of WIOA title I-B if the individual meets the criteria in one of the following categories [WIOA § 3(15 & 16); 20 CFR 680.130]:

Category A – Individual Lay-off. The applicant must meet all three of the numbered conditions [WIOA 3(15)(A)] OR the Special Veteran's Criterion [TEGL 19-16]:

1. Has been terminated or laid off or has received a notice of termination or layoff, from employment
2. Meets one of the following conditions concerning unemployment compensation:
 - a. Is eligible for or has exhausted entitlement to unemployment compensation
 - b. Has been employed long enough to demonstrate attachment to the workforce (that is, has received wages in at least one (1) quarter in the last year immediately prior to eligibility determination [ADWS Policy No. WIOA I-B – 1.2, Change 1 - Definitions]), but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer not covered under a state unemployment compensation law.
3. Is unlikely to return to a previous industry or occupation (In compliance with TEGL 19-16, it is Arkansas state policy that local areas must define “unlikely to return to a previous industry or occupation.”)

Special Veteran's Criterion: A separating service member qualifies as a dislocated worker under Category A if the separation is anything other than dishonorable, whether or not he or she receives or is eligible for Unemployment Compensation. A DD-214 from the Department of Defense or other

appropriate documentation that shows a separation or imminent separation from the Armed Forces qualifies as the notice of termination or layoff to meet the dislocated worker definition. ETA policy dictates that a separating service member meets the Dislocated Worker requirement that an individual is unlikely to return to his or her previous industry or occupation. A separating service member may be provided career services while he or she is still part of the Active Duty military if the service member has an imminent separation date and the discharge will be anything other than dishonorable [TEGL 19-16].

Category B – Business closure or substantial layoff. The applicant must meet one of the following conditions [WIOA § 3(15)(B)]:

1. 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
2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days

Notes: An applicant who is employed at a facility at which the employer has made a general announcement that such facility will close, with no specific date or a date greater than 180 days in the future, may receive services other than training services described in WIOA § 134(c)(3), career services described in WIOA § 134(c)(2)(A)(xii), or supportive services. The person may qualify for these training, career, and supportive services when one of the above numbered conditions is met [WIOA § 3(15)(B)].

In compliance with TEGL 19-16, it is Arkansas state policy that local areas must define “general announcement of a plant closing.”

Arkansas state policy defines “substantial layoff” as at least 50 employees or 33% of the facility workforce, whichever is less, not including employees who have worked less than 6 months in the last 12 months and those who work an average of less than 20 hours a week.

In addition to the definition of “substantial layoff”, Arkansas state policy clarifies that being laid off as a result of any substantial layoff must meet one of the following conditions:

1. Has been laid off permanently
2. Has been laid off indefinitely (no end date)
3. Has been laid off with a call-back date no less than 30 days after the lay-off date

Although upskill/backfill strategies are normally used with layoff aversion for incumbent workers [TEGL 19-16], it is Arkansas state policy that upskilling may be used with dislocated workers declared eligible under Category B with the documented intent of the employer to rehire the worker and to give a pay increase to the worker after the training is completed. A letter of intent to rehire, including the required training and the increased pay, must be obtained from the employer before the training is arranged.

Category C – Self-employed individuals. An individual who was previously 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 qualifies as a dislocated worker [WIOA § 3(15)(C)]. In compliance with TEGL 19-16, it is Arkansas state policy that local areas must define “unemployed as a result of general economic conditions in the community to which an individual resides or because of natural disasters.”

Category D – Displaced homemaker. To qualify as a displaced homemaker, an individual must meet all three of the following numbered conditions [WIOA § 3(15)(D); WIOA § 3(16); 20 CFR 680.630]:

1. Has been providing unpaid services to family members in the home (See ADWS Policy No. WIOA I-B – 1.2, Change 1 Definitions for the definition of “family”)
2. Meets one of the following conditions of losing the income of another family member:
 - a. Has been dependent on the income of another family member, but is no longer supported by that income (See ADWS Policy No. WIOA I-B – 1.2, Change 1 for definition of “family”)
 - b. Is the dependent spouse of a member of the Armed Forces on active duty, and the family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of state, or the service-connected death or disability of the member (See 10 U.S.C. 101 & 991(b), 38 U.S.C. 101(16), and ADWS Policy No. WIOA I-B–1.2, Change 1 for definitions of these terms)
3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment

Category E – Spouse of an active-duty member of the Armed Forces who meets one of the following conditions [WIOA § 3(15)(E); 20 CFR 680.630; TEGL 19-16]:

1. Has lost employment as a direct result of a relocation due to a permanent change in the duty station of such member
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment

Employment Status Clarification

An individual who meets one of the categories to be eligible for the Dislocated Worker program may be unemployed or underemployed at the time of eligibility determination [TEGL 19-16]. The intent of this rule is to allow dislocated workers to take lower-paying employment in order to meet financial obligations while looking for appropriate employment.

ETA encourages states to develop policies for determining the criteria for an individual to be considered “underemployed” [TEGL 19-16]. The Arkansas state policy for the definition of “underemployed” is someone who meets one of the following criteria:

1. Employed less than full-time and seeking full-time employment (Arkansas state policy defines "less than full-time" as either working less than 30 hours per week or working part-time as defined by the employer's policies.)
2. Employed in a position that is inadequate with respect to his or her skills and training
3. Employed and meets the definition of a low-income individual
4. Meets the definition of a dislocated worker and is currently employed, but whose earnings in the current job are less than the earnings in the job from which the individual was terminated. The State does not set a time limit for the time between termination and eligibility determination for Dislocated Worker services, but the individual must have been unemployed or underemployed during this entire interval.

Approved by: <u>Michael Allgood</u>	Date: <u>6-14-2021</u>
Title: <u>CAWDB Chair</u>	

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Updated 6-14-2021
11-26-2019
Eligibility for DLW Program Policy

Policy Number: Section 2 Policy 15

Effective Date: 9-10-19

Eligibility for In-School Youth Program Policy

Purpose:

The purpose of this policy is to outline the additional eligibility requirements for the WIOA In-School Youth program for the Central Arkansas Workforce Area. These requirements are in addition to the requirements described in the CAWDB Policy, "Common Eligibility Requirements."

References:

WIOA § 129

20 CFR 681

Comments in WIOA Final Rule concerning §861.210

TEGLs 23-14, 8-15, & 21-16

42 U.S.C. 677 (sec. 477 of the Social Security Act)

A.C.A §6-1-201

ADWS Policy No. WIOA I-B – 1.2 (Definitions)

ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)

ADWS Policy No. WIOA I-B – 2.5 (Eligibility for In-School Youth Program)

Policy:

In-school Youth status, as well as age for eligibility purposes, is determined at the time of the eligibility-determination portion of enrollment. The date a youth is determined eligible for services is the date of determining school status and age. Eligibility for the program does not end if a participant enrolls in school or reaches an age greater than the age of the program, as long as the participant needs the services and activities of the Youth program.

No more than 25 percent of the Youth funds (after administrative costs) granted to a local area may be spent on ISY.

If an eligible youth applies for a WIOA Youth program and either does not meet the enrollment requirements for that program or cannot be served by that program, the Youth program provider must ensure that the youth is referred for further assessment, if necessary, or referred to appropriate programs to meet the basic skills and training needs of the applicant.

To be eligible for In-school Youth (ISY) Services, an applicant must meet all of the numbered requirements:

1. Meet all Common Eligibility Requirements

2. Be attending any school at the time of the eligibility portion of enrollment. "School" refers to an approved private, public, parochial secondary school, or home school that meets the requirements for legal operation or a postsecondary school. Adult education, YouthBuild, Job Corps, high school equivalency, and dropout re-engagement programs do not qualify as a "school" for the purposes of WIOA Title I-B Youth eligibility. Any credit-bearing postsecondary education classes, including community college classes and credit bearing continuing education classes, are considered "school". (Exception: any youth attending a high school equivalency program, including those considered to be dropout reengagement programs, funded by the public K-12 school system that are classified by the school system as still enrolled in school are considered to be an ISY.) An individual is considered an ISY if he or she is enrolled in school but is not attending only because the school is not in session. If eligibility is determined during the summer and the youth is in between school years, the youth is considered an ISY if the applicant is enrolled to continue school in the fall (or summer, if applicable). "Enrollment" in postsecondary education is defined as "registered for classes." If the applicant is between high school graduation and postsecondary education, the youth is considered an ISY if he or she is registered for postsecondary education classes, even if the youth has not yet begun postsecondary classes at the time of eligibility determination. If a high school graduate does not follow through with plans to attend postsecondary education, then the youth would be considered an OSY if the eligibility is determined after the youth decided not to attend postsecondary school.
3. Be not younger than age 14 or older than age 21 at time of the eligibility-determination portion of enrollment (unless an individual with a disability who is attending school under State law). Participants may continue to receive services beyond the age of 21 once they are enrolled in the program. The exception to the 21-year-old age limit is a youth with a disability who has an Individualized Education Program and is allowed by State law to be served by the K-12 public school system beyond the age of 21. Such youth may be enrolled as ISY only up to the age allowed by the particular state to receive secondary education services
4. Be a low-income individual
5. Be one of the following:
 - a. Basic skills deficient
 - b. An English language learner:
 - i. an individual who has limited ability in reading, writing, speaking or comprehending the English language and either:
 1. whose native language is a language other than English; or
 2. who lives in a family or community environment where a language other than English is the dominant language
 - c. An offender
 - d. A homeless individual
 - e. A runaway (A person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of his or her family [also categorized as homeless])
 - f. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption or 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
 - g. Pregnant or parenting (An individual who is parenting may be a mother or father, custodial or non-custodial. A pregnant individual can be only the expectant mother.
 - h. An individual with a disability
 - i. An individual who requires additional assistance to complete an educational program or secure or hold employment.

Low-income Exception: WIOA Title I-B allows an exception to the low-income requirement for no more than 5% of WIOA Title I-B Youth (both ISY and OSY combined, and based on newly enrolled youth in a given program year) who ordinarily would be required to be low-income for eligibility purposes. Excepted individuals must meet other eligibility requirements.

Approved by: <u>Michelle Allgood</u>	Date: <u>9-10-19</u>
Title: <u>CAWDB Chairperson</u>	

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Policy Number: Section 2 Policy 16

Effective Date: 9-10-19

Eligibility for Out-of-School Youth Program Policy

Purpose:

The purpose of this policy is to outline the additional eligibility requirements for the WIOA Out-of-School Youth program for the Central Arkansas Workforce Area. These requirements are in addition to the requirements described in the CAWDB Policy, "Common Eligibility Requirements."

References:

WIOA § 129
20 CFR 681
Comments in WIOA Final Rule concerning 681.210
TEGL 21-16
42 U.S.C. 677 (sec. 477 of the Social Security Act)
A.C.A §6-1-201
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)
ADWS Policy No. WIOA I-B – 2.6 (Eligibility for Out-of-School Youth Program)

Policy:

In-school or Out-of-school Youth status, as well as age for eligibility purposes, is determined at the time of the eligibility-determination portion of enrollment. The date a youth is determined eligible for services is the date of determining school status and age. Eligibility for the program does not end if a participant enrolls in school or reaches an age greater than the age of the program, as long as the participant needs the services and activities of the Youth program.

If an eligible youth applies for a WIOA Youth program and either does not meet the enrollment requirements for that program or cannot be served by that program, the Youth program provider must ensure that the youth is referred for further assessment, if necessary, or referred to appropriate programs to meet the basic skills and training needs of the applicant.

To be eligible for Out-of-school-Youth (OSY) Services, an applicant must meet **all** of the following numbered requirements:

1. Meet all applicable Common Eligibility Requirements.
2. Not attending any school at the time of enrollment. "School" refers to an approved private, public, parochial secondary school, or home school that meets the requirements for legal operation or a postsecondary school. Adult education, YouthBuild, Job Corps, high school equivalency, and dropout re-engagement programs do not qualify as a "school" for the purposes of WIOA Title I-B Youth eligibility. Any credit-bearing postsecondary education classes, including community college classes and credit-

bearing continuing education classes, are considered "school." (Exception: any youth attending a high school equivalency program, including those considered to be dropout re-engagement programs, funded by the public K-12 school system that are classified by the school system as still enrolled in school are considered to be an In-school Youth (ISY). An individual is considered an ISY if he or she is enrolled in school but is not attending only because the school is not in session. If eligibility is determined during the summer and the youth is in between school years, the youth is considered an ISY if the applicant is enrolled to continue school in the fall (or summer, if applicable). "Enrollment" in postsecondary education is defined as "registered for classes." If the applicant is between high school graduation and postsecondary education, the youth is considered an ISY if he or she is registered for postsecondary education classes, even if the youth has not yet begun postsecondary classes at the time of eligibility determination. If a high school graduate does not follow through with plans to attend postsecondary education, then the youth would be considered an OSY if the eligibility is determined after the youth decided not to attend postsecondary school.

3. Not younger than age 16 or older than age 24 at the time of enrollment. Because eligibility is based on age at the eligibility-determination portion of enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program
4. Meet one or more of the following criteria at the time of eligibility determination:
 - a. A school dropout (an individual who is not attending any school and who has not received a secondary school diploma or its equivalent)
 - b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter session of school, however the local school defines a quarter. In cases where schools do not use quarters, local programs must use calendar year quarters. Arkansas age of compulsory school attendance is generally through age 17
 - c. A recipient of a secondary school diploma or its recognized equivalent who is low income and is also either basic skills deficient or an English language learner
 - d. An offender
 - e. A homeless individual
 - f. A runaway (a person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of his or her family [also categorized as homeless])
 - g. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption or 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
 - h. An individual who is pregnant or parenting (An individual who is parenting may be a mother or father, custodial or non-custodial. A pregnant individual can be only the expectant mother.
 - i. An individual with a disability
 - j. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Low-income Exception: WIOA Title I-B allows an exception to the low-income requirement for no more than 5% of WIOA Title I-B Youth (both ISY and OSY combined, and based on newly enrolled Youth in a given program year) who ordinarily would be required to be low-income for eligibility purposes. Excepted individuals must meet other eligibility requirements

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

Policy Number: Section 2 Policy 17

Effective Date: 9-10-19

Case Management and Participant Files Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning case management and participant files of the Central Arkansas Workforce Development Board Area.

References:

WIOA §§ 129(c)(3)(B) & §134(c)(2)(A)(xii)
20 CFR 380.220(b)
20 CFR 678.430(b)
20 CFR 681.420(e & f)
TEGL 19-16
ADWS Policy No. – 4.2 (Case Management and Participant Files)

Policy:

CAWDB authorizes the administrative entity to develop and implement procedures and forms required to conduct compliant and efficient workforce business. This policy identifies the requirements and act as a guidance on how to develop the necessary procedures and forms.

“Case manager” is a generic term used in this manual to indicate anyone working directly with participants. Case managers are essential front-line staff who are the core of the WIOA Title I-B programs. They welcome applicants and make them feel comfortable. They determine eligibility for programs, as well as for particular services. They evaluate the assessments, skills, interests, and aptitudes of participants to help the participants receive the services they need to obtain or retain appropriate employment. They have regular contact with participants and serve as career counselors, progress monitors, cheerleaders, and coaches. After participants exit, they identify appropriate follow-up services to help former-participants be successful in their chosen occupations.

To best serve potential participants, case managers must read and understand the policies, procedures, and forms for the CAWDB Area. Case managers should regularly review all policies and procedures so that they are familiar with services and requirements and can, therefore, give individuals all needed services for which the participant qualifies.

In addition to CAWDB forms, the administrative entity has the authority to use/substitute ADWS forms as deems necessary.

In determining eligibility, the case manager must use the eligibility determination form, as well as CAWDB's priority of service policies.

The case manager must use the IEP or ISS to determine and document the need for services.

Every individual who submits a WIOA application is a reportable individual. Information for every reportable individual must be entered into Arkansas Job Link (AJL), including all demographic information given. After an applicant has been determined eligible for a program, entering all appropriate information into AJL is part of the enrollment process.

Case Notes

AJL is also part of the case management process. Case notes, services given by any entity, and other appropriate information should be entered as events happen or information is available. All case notes and services provided by Central staff or any program partner must be entered into AJL.

Every participant must receive information concerning the following topics, as applicable, and documentation of receipt and understanding of this information must be maintained in the case file:

- Hatch Act – if participating in work-based services /activities
- Personnel Policies – if participating in work-based services/activities
- Rights, Responsibilities, and Benefits – May be specific to services/activities participating in
- Receipt of Local Grievance/Complaint Procedure. At a minimum, this must be the procedure of the local program provider or One-Stop Operator.
- Equal Opportunity information

Authorization to obtain and release information is on the last page of the application. Case managers must review this information with the participant to be sure he/she understands what has been signed.

Case notes should be made when the participant is enrolled, at least once each month while the individual is a participant, and at any time something significant happens. There must be more than merely "an attempt to contact with no answer" in the case notes.

Case notes must be entered into AJL and kept in the participant file. Forms and notes must be written in ink, not pencil. No white-out may be used in files. If a mistake is made, it must be crossed through once or twice, initialed, and the correction information put beside the original information. Forms must be dated when they are completed and signed. Applicants cannot be allowed to sign blank forms.

The case file (electronic or on paper) must contain a determination of need for training services as determined through the interview, evaluation, or assessment, career planning.

Original paper notes and documentation must be placed in a 6-tab folder in the order below:

- TAB 1 (Front left): Data Validation & Enrollment & Eligibility Information
Information in tab: Data Validation Checklist on top, with other information in the number order on the checklist AND all documents collected related to enrollment for eligibility information

Examples: Application, eligibility documentation, barrier information, low-income documentation, dislocated worker documentation

- TAB 2 (Front right): Notes, if printed
Information in tab: Program notes, and enrollment notes in chronological order with most recent on top
- TAB 3 (Middle left): Case Management Information
Information in tab: ISS/IEP on top, followed by assessments, testing, and other case management information in chronological order with most recent on top
- TAB 4 (Middle right): Miscellaneous Documents and AJL Printouts not in another Tab
Examples: Referral forms, Photo & Story Release Form, Exit Form, Partner Provided Form
- TAB 5 (Back Left): Training Information
Information in tab: All training information, including occupational skills training, RA (educational component), high school, and Youth occupational training accompanying work experience Examples: ITA, transcripts, degree plans, financial aid information, class schedule, attendance documents, and supportive services related to training
- TAB 6 (Back right): Work Experience and Workforce Training Information
Information in tab: All information related to work experience or workforce training, including OJT and work component of RA
Examples: Contract for work, work permit, work evaluations, I-9, job description, time sheets, supportive services relating to work

The individual employment plan (IEP) and Individual Service Strategy (ISS) should be used to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals

The provision of individualized career services and training services must be based on the employment and service needs of the individual as determined jointly by the individual and the case manager, and should be identified through an individual employment plan (IEP) or Individual service strategy (ISS).

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson



CENTRAL ARKANSAS Workforce Development Board

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Policy Number: Section 2 Policy 18

Effective Date: 9-10-19

Co-Enrollment and Co-Funding Program Policy

Purpose:

The purpose of this policy is to describe the requirements and regulations concerning co-enrollment and/or co-funding of WIOA Title I-B participants within the Central Arkansas Workforce Area, in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

References:

WIOA § 134(b)(2)(A)(v)

20 CFR 680.230

20 CFR 680.350

20 CFR 681.430 - 440

TEGL 19-16

A.C.A. 15-4-3711(a)(10)(D)

ADWS Policy No. WIOA I-B – 2.7, Change 1 (Co-Enrollment and Co-Funding)

Policy:

Participants may be eligible for Youth, Adult, and/or Dislocated Worker services. The participant may also be eligible for the services of other one-stop partners, as well as services for non one-stop partners. Case managers must coordinate with other agencies as appropriate to provide the full array of services documented as needed by the participant.

Co-enrollment within WIOA Title I Adult, Dislocated Worker, and Youth programs

The CAWDB administrative entity of the programs may determine the appropriate level and balance of services to individuals based on current funding levels and the needs of the participant. The provider shall develop measures to mitigate the duplication of services and funding streams. However, if it is determined that only the Youth or the Adult/Dislocated Worker program array of services is appropriate for an individual aged 18 – 24, then the local program provider may enroll the participant in only one program [20 CFR 681.440].

Co-enrollment and Co-funding with Other Programs

WIOA funding for training is limited to participants who are unable to obtain grant assistance from other sources. Case managers must ensure that participants apply for Pell grants and

other funding sources. The administrative entity must develop and update procedures to leverage other funds.

Case managers must ensure that participants In order to appropriately coordinate funding and co-enrollment, case managers must be trained in programs and eligibility requirements of other one-stop partners and other local and state entities providing services needed by their participants so they can leverage the funding of other sources to provide all services needed by WIOA Title I-B participants [A.C.A. 15-4-3711(a)(10)(D)]. Some of these potential entities include, but are not limited to:

1. Career Pathways Initiative for custodial parents attending Arkansas two-year colleges
2. Single Parent Scholarship Funds for each county (www.aspsf.org/scholarships)
3. Arkansas Rehabilitation Services and Division of Services for the Blind
4. TEA / Work Pays
5. TAA
6. WIOA Title I-D Dislocated Worker Grants and other Discretionary Grants
7. Veterans' Services
8. State and institutional scholarships
9. Department of Human Services
10. Food Stamp Employment and Training Programs
11. Arkansas Human Development Corporation (National Farmworker Jobs Program)
12. American Indian Center of Arkansas
13. Local housing authority
14. Local homeless shelter(s)
15. Local food banks and distribution centers
16. Local provider of assistance with utilities
17. Local provider of older worker services (Title V of the Older Americans Act of 1965, 42 U.S.C. § 3056 et. seq.)
18. Community Service Block Grants
19. Programs funded by the Second Chance Act
20. Other Arkansas Job Center partners, as appropriate

WIOA Title I-B Adult and Dislocated Worker funds may support adult education and literacy activities of the Arkansas Department of Career Education Adult Education Division, the Arkansas Literacy Council, and other programs providing adult education and literacy activities if the participant is also engaged in one of the following:

1. Occupational skills training, including training for nontraditional employment
2. On-the-job training (OJT)
3. Incumbent worker training, as described in ADWS Policy No. WIOA I-B – 3.6 (Incumbent Worker Training)
4. Programs that combined workplace training and related instruction, which may include cooperative education programs
5. Training programs operated by the private sector
6. Skill upgrading and retraining
7. Entrepreneurial training

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

CAPDD/Arkansas Workforce Center is an "equal opportunity employer/program," and "auxiliary aids and Services are available upon request to Individuals with disabilities." Arkansas Relay Service: 1-800-285-1121 (Voice) 1-800-285-1131 (TDD) or TDD 711

Policy Number: Section 2 Policy 19

Effective Date: 9-10-19

Common Eligibility Policy

Purpose:

To establish a policy that outlines the common eligibility requirements for the WIOA Title I-B programs for the Central Arkansas Workforce Development Area.

Requirement:

In order to be enrolled in WIOA Title I-B activities, an individual must or should (depending on the requirement) provide documentation of eligibility in four areas: age/birthday, Social Security number (SSN), compliance with the Military Selective Service Act, and eligibility to work in the United States.

However, documentation of age/birthday, Social Security number (SSN), compliance with the Military Selective Service Act, and eligibility to work in the United States are not required if the individual is seeking Basic Career Services that do not require enrollment in WIOA Title I-B.

In some cases, the specific program may require additional eligibility requirements. Those additional requirements are addressed in the specific program policies such as "Eligibility for Adult Program."

Arkansas residency is not a requirement or preference.

Race/ethnicity, age, sex, and disability must be collected on every individual who is interested in being considered for WIOA Title I-B services.

Documentation for the following is required:

- **Age** – In the form of a legal document including, but not limited to: valid, government-issued identification
- **Social Security Number** - Proof of social security number must be requested for participation in any WIOA Title I-B program, but the SSN cannot be required unless/until the individual goes to work for an employer that uses E-verify, receives occupational training in a postsecondary program that qualifies for a Federal Pell Grant, or is required to document the SSN by a non-WIOA entity. If no SSN is provided, services may be limited. Case managers must notify applicants that the SSN is used for program performance purposes or is required by the particular service(s) being provided.

- **Selective Service Act** - With certain exceptions, each male must have enrolled for the Selective Service System (SSS) within 30 days of his 18th birthday and before he reaches the age of 26. As a general rule, individuals who were not exempt, but failed to register with SSS prior their 26th birthday, are ineligible for WIOA Title I-B programs. Exceptions: A man who has reached the age of 26 and who did not register for Selective Service when required may:
 - Present evidence to document an exception described below, or
 - Contact the Selective Service System to request a Status Information Letter for possible exception, or may provide documentation establishing that his failure to register was not **knowing and willful**. Both conditions of “knowingly” and “willful” must be met.
 - **“Evidence”** must describe in detail the circumstances that prevented him from registering and provide documentation of those circumstances. All appropriate documentation must be maintained in the participant file.
 - In determining whether the failure to register was **“knowing”**, the program provider should consider the following questions:
 - Was the individual aware of the requirement to register?
 - If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him?
 - On which date did the individual first learn that he was required to register?
 - Where did the individual live when he was between the ages of 18 and 26?
 - Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?
 - In determining whether the failure was **“willful,”** the program provider should consider the following questions:
 - Was the failure to register done deliberately and intentionally?
 - Did the individual have the mental capacity to choose whether or not to register and decided not to register?
 - What actions, if any, did the individual take when he learned of the requirement to register?
 - Common documentation to support a claim (self-attestation) that failure to register was **not** knowing and willful are:
 - Evidence that a man has served honorably in the U.S. Armed Forces, such as a DD Form 214 or his Honorable Discharge Certificate. Such documentation **may** be considered sufficient evidence that his failure to register was not willful or knowing.
 - Affidavits from parents, teachers, employers, doctors, etc. concerning mental or physical reasons for not registering may be helpful in making the determination regarding willful and knowing failure to register.
 - Men **not** required to register are:
 1. Men born before 1960 are not required to be registered with Selective Service to be eligible for federal grant programs such as WIOA.
 2. Members of the Armed Forces who were on active duty during the full time of age 18 to age 26 are not required to register. Any member who is discharged before the age of 26 must register within 30 days of discharge.
 3. Cadets and Midshipmen at Service Academies or Coast Guard Academy during the full time of age 18 to age 26 are not required to register. Any student who leaves the academy and is discharged from service before the age of 26 must register within 30 days of separation.
 4. Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, and Virginia Polytechnic Institute and State University during the full time of age 18 to age 26 are not required to register. Any

student who leaves the institution and is discharged from service before the age of 26 must register within 30 days of separation.

5. Lawful non-immigrants on visas (such as diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150) are not required to register.
 6. Immigrants who maintained valid visas described above from age 18 (or the time they entered the U.S., whichever is later) until age 26, and remained in the United States after the age of 26 are not required to register.
 7. Immigrants who did not enter the United States until after they were 26 years old are not required to register.
 8. Seasonal agricultural workers on H-2A Visas are not required to register.
 9. Individuals who were incarcerated, hospitalized, or institutionalized for medical reasons during the full time of age 18 to age 26 are not required to register. Any individual who leaves confinement before the age of 26 must register within 30 days of release.
 10. Individuals who were born female and have changed their gender to male are not required to register.
- **Conclusion-** If the program provider determines that the individual's failure to register was not knowing and willful and the individual is otherwise eligible, appropriate documentation and notes should be placed in participant's file and WIOA Title I-B services may be provided. If the program provider determines that evidence shows that the individual's failure to register was both knowing and willful, WIOA Title I-B services must be denied. Individuals denied services must be advised of the service provider's and local board's grievance and complaint procedures. Whether services are allowed or denied, the program provider must keep documentation related to evidence presented in the determination of eligibility relative to Selective Service.
- **Ability to Work in the United States** - Specific information required and acceptable documentation can be found on the USCIS I9 Form (OMB No. 1615-0047) and ADWS Policy No. WIOA I-B – 2.7 (Acceptable Documentation).
 - **Equal Opportunity Data and Nondiscrimination** - Equal opportunity (EO) data must be collected during registration for every individual who applies for WIOA Title I-B financially assisted aid, benefits, services, or training. These data are race and ethnicity, age, sex, and disability [20 CFR 675.300]. Individuals may not be discriminated against because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, except as required by federal law for particular programs.

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

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Policy Number: Section 2 Policy 20

Effective Date: 9-10-19

Incumbent Worker Training Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning Incumbent Worker Training.

References:

WIOA §§ 188(a)(3), 134(c)(3)(G), & 134(d)(4)

20 CFR 680 & 683

Comments in WIOA Final Rule concerning §§677.150(a), 680.320 & 680.790

29 CFR part 2, subpart D

TEGLs 10-16 & 19-16

ADWS Policy No. WIOA I-B – 1.2 (Definitions)

ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)

ADWS Policy No. WIOA I-B – 3.6 (Incumbent Worker Training)

Policy:

Incumbent worker training (IWT) is training designed to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs.

IWT is not permitted to be used to provide the occupational training a new hire needs [TEGL 19-16]. It may be used to either:

- Help avert potential layoffs of employees, or
- Obtain the skills necessary to retain employment, such as increasing the skill levels of employees so they can be promoted within the company and create backfill opportunities for less-skilled employees [TEGL 19-16]

Workforce Staff should report demographic information concerning individuals receiving IWT in American Job Link (AJL). Workforce staff should also enter information needed to calculate employment in the 2nd and 4th quarters after exit.

The Central area may use up to 20% of the combined Adult and Dislocated Worker allocation for IWT. Activities must be programmatic in nature.

IWT should be provided through contracts instead of ITAs. Incumbent Worker Training must be for occupations that are considered in-demand by the CAWDB. The following conditions must be met:

- Workers must be employed in a situation that meets the Fair Labor Standards requirements for an employer-employee relationship
- Workers must have an established employment history for at least 6 months, unless training is being given to a cohort of employees. The 6 months may include time spent as a temporary or contract worker.
- An incumbent worker does not have to meet eligibility requirements for careers and training services for Adult and Dislocated Worker program, unless he/she is also enrolled as a participant on one of those two programs.

In determining the eligibility of an employer or group of employers to provide IWT, the following factors will be considered:

1. The characteristics of the program
2. Whether the training improves the labor market competitiveness
3. Number of employees participating in the training
4. Wage and benefit level increase of the employees
5. Credentials and skills gained
6. Layoffs averted
7. Utilization as part of a larger sector and/or career pathway
8. Existence of other training opportunities provided by employer

Additional Information

IWT may be used for underemployed workers, such as workers who are part-time, but would prefer full-time employment.

No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to assist, promote, or deter union organizing [20 CFR 680.830]. No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to aid in the filling of a job opening which is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage [20 CFR 680.840].

No funds may be used to pay a participant to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not used primarily for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a)]

WIOA funds may not be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location.

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

The employer(s) participating in the Incumbent Worker training program must pay the non-Federal share of the cost of providing training to their incumbent workers. The nonfederal share percentages are (and cannot be less than):

1. 10% of the cost for employers with not more than 50 employees
2. 25% of the cost for employers with more than 50 employees and not more than 100 employees
3. 50% of the cost for employers with more than 100 employees.

Additional information can be found in the State Policy 3.6.

Approved by: Michelle Allgood
Title: CAWDB Chairperson

Date: 9-10-19

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Policy Number: Section 2 Policy 21

Effective Date: 9-10-19

Nepotism Policy

Purpose:

The purpose of this policy is to prevent favoritism, or its appearance, in decisions made in Central Area.

References:

20 CFR 683.200(g)
A.C.A. § 25-16-1001
ADWS Policy No. – 4.4 (Nepotism)

Policy:

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual. As related to nepotism, the State of Arkansas defines supervisor as any individual having authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, or exercise other such authority over the individual. The Arkansas State definition of "immediate family" is (1) a spouse or (2) any other person residing in the same household as the participant, who is a dependent of the participant or of whom the participant is a dependent. For this situation, "dependent" means any person, whether or not related by blood or marriage, which receives from the participant, or provides to the participant, more than one-half of his/her financial support.

No individual may make decisions involving eligibility or services or otherwise provide case management for a relative. For this rule, "relative" is defined as husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece.

The CAWDB administrative entity may develop and implement procedures to address the potential issues mentioned within this policy.

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

Policy Number: Section 2 Policy 22

Effective Date: 9-10-19

Registered Apprenticeship Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning Registered Apprenticeships.

References:

WIOA §§ 129(c)(2) & 134(c)(3)(A)(i)(I)
20 CFR 680 & 681
TEGLs 10-16, 13-16, 19-16, & 21-16
29 U.S.C. 50 et seq. (National Apprenticeship Act of 1937)
www.workforce.arkansas.gov/ACRS/ETPApPrenticeShipList.aspx
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program)
ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program)
ADWS Policy No. WIOA I-B – 2.6 (Eligibility for Out-of-School Program)
ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)
ADWS Policy No. WIOA I-B – 3.2 (Services for Youth)
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)
ADWS Policy No. WIOA I-B – 3.4 (On-the-Job Training)
ADWS Policy No. WIOA I-B – 3.9 (Supportive Services)
ADWS Policy No. WIOA I-B – 3.5 (Registered Apprenticeships)

Policy:

Five core components Registered Apprenticeship (RA) Programs, and must include:

- Business involvement
- On-the-Job Training (OJT)
- Related Instruction
- Reward for skill gains
- National occupation credential

The length of training and skills and competency required for mastery of the occupation are set by industry standards.

OJT

An OJT contract may be entered into with registered apprenticeship program sponsors or participating employers in registered apprenticeship programs for some or all of the OJT portion of the registered apprenticeship program, consistent with the guidelines of this policy [TEGL 19-16]. Depending on the length of the registered apprenticeship and local policies, the OJT may last for some or all of the registered apprenticeship training [20 CFR 680.740(a)].

Even though the cost of training may be subsidized by WIOA funds, a participant in a RA is considered to be employed [TEGLs 10-16 & 13-16].

Related Instruction

RAs automatically qualify to be on the State's eligible training provider list. ITAs may be used to support the related instruction component of the RA for eligible apprentices.

Eligibility Requirements

Participant must first qualify for the respective WIOA program.

The case file must contain a determination of need for training services as determined through the interview, evaluation, or assessment, career planning using local labor market information and training provider performance information, or other career service received. If career services are not provided before training, the case manager must document the circumstances that justified the determination to provide training without first providing career services [20 CFR 680.220(b)].

A contract for the OJT may be written for an **unemployed** individual if they meet the general requirements of the respective program.

When contract for RA is written for an **employed** worker:

1. He/She must not be receiving a wage leading to self-sufficiency
2. He/She must expect to receive a wage leading to self-sufficiency because of the OJT; and
3. The OJT must be related to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the LWDB [20 CFR 680.210, 680.720, & 680.740].

For the purpose of determining "employment status," it is determined at the time of eligibility determination.

Allowed Assistance for Apprenticeship Programs

Supportive Services may be provided for those who demonstrate a need for them, subject to eligibility requirements.

Needs-related payments are not to be provided for RA due to conflicts between the Final Rule and TEGL 13-16. At the request of ADWS, Central will not provide these payments for RA unless subsequent guidance authorizes it.

Youth

Each of the 14 Program Elements available, as appropriate, to youth who have the skill level, academic level, and interest to participate in that activity. Case managers and participants should use the assessment and ISS to determine if a specific program is appropriate for the participant.

Pre-apprenticeship training is a category of Program Element 3, work experience. It includes:

- Training and curriculum that aligns with the skill needs of employers in the Central Area
- Access to educational and career consulting and other supportive services
- Hands-on, meaningful learning activities that are connected to career options
- Opportunities to attain at least one industry-recognized credential
- A partnership with one or more registered apprenticeship programs

All Youth may receive supportive services, as needed, and within other relevant CAWDB policy.

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

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9-10-19
Registered Apprenticeship Policy



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Policy Number: Section 2 Policy 23

Effective Date: 9-10-19

Services for Adult and Dislocated Worker Policy

Purpose:

The purpose of this policy is to describe and define the required and permitted services for adults and dislocated workers.

Policy:

WIOA §§ 3, 122(h); 129(b)(2)(D), & 134

20 CFR 678.430

20 CFR 680

20 CFR 683.500 – 683.530

20 U.S.C. 1001 & 1002(a)(1)

Comments in WIOA Final Rule concerning §680.150

20 U.S.C. 796 et seq. (Title VII of the Rehabilitation Act of 1973)

42 U.S.C. 651 et seq. (Title IV of the Social Security Act)

TEGLs 16-16 & 19-16

A.C.A. § 15-4-3711(a)(8) (codified from Arkansas Act 907 of 2015, the Arkansas Workforce Innovation and Opportunity Act)

ADWS Policy No. WIOA-I-B – 3.1 (Services for Adult and Dislocated Worker)

Policy:

Adult and Dislocated Worker Services are comprised of two types of services. Career Services and Training Services. Career Services consists of three types: basic, individualized, and follow-up services. The Common Eligibility Requirements, and additional program eligibility requirements, must be met before an individual receives service from the respective program.

An individual becomes a participant in one of the programs when the person is declared eligible for that program and then receives his/her first service, other than self-service or information-only. An individual must demonstrate a need for the service before receiving the service. Nothing in this policy implies or guarantees that an individual will receive service. Services are also limited to funding availability.

Basic Career Services

These services must be made to all individuals seeking employment and training services, but they are limited to only those services which are appropriate to the individual's situation. Basic

services must be coordinated with other workforce center partners if applicable. There is no specific order in which services must be offered. The following is a list of basic career services:

1. Determination of whether the individual is eligible to receive WIOA Title I-B Adult, Dislocated Worker, and/or Youth services.
2. Outreach, intake (including identification through the state's Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the American Job Center network.
3. Initial assessment of skill levels, including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps) and supportive services needs
4. Labor exchange services, including:
 - a. Job search, placement assistance, and, in appropriate cases, career counseling
 - b. Information concerning in-demand industry sectors and occupation
 - c. Information about nontraditional employment
 - d. Recruitment on behalf of employers
5. Referrals to and coordination of activities with other programs and services, including American Job Center partners and other programs and services, as appropriate.
6. Accurate workforce and labor market employment statistics information relating to local, regional, state, and national labor market areas, including:
 - a. Job vacancy listings in labor market areas
 - b. Information about job skills necessary to obtain vacant jobs listed.
 - c. Information concerning local in-demand occupations, as well as the wages, skill requirements, and opportunities for advancement for those occupations.
7. Performance information and program costs of eligible training providers, provided by program and type of providers.
8. Easy-to-understand information concerning local performance measures.
9. Easy-to-understand information about supportive services and assistance, including, but not limited to, childcare, child support, medical or child health assistance, SNAP, earned income tax credit, TANF programs (including TEA, Work Pays, and the Career Pathways Initiative, as appropriate), HUD housing counseling and assistance, and any other available program of supportive services and transportation.
10. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.
11. Information and assistance in filing claims for unemployment compensation

Basic Services that trigger inclusion in program participation:

- Initial Assessment of skill level and supportive service needs
- Staff-assisted job search
- Staff-assisted referral to employment & placement assistance
- Staff-assisted career guidance & counseling
- Meaning assistance in filing for unemployment insurance
- Assistance in establishing eligibility for financial aid.

Individualized Career Services

Individuals must meet the common eligibility requirements, be eligible for Adult and/or Dislocated Worker programs, **and** be determined to need such services in order to obtain or retain employment. Provision of services must be based on the need as determined jointly by the individual and the case manager; and may be identified through an individual employment

plan (IEP). Those who are eligible for the service must be offered any and all individualized career services required to retain or obtain employment.

Individualized Career Services must be made available and coordinated with other workforce center partners if applicable. There is no specific order in which services must be offered. The following is a list of individualized career services:

1. Comprehensive and special assessments of the skill levels and services needs of the participant. The Provider may use assessments, interviews, and evaluations of other entities, if appropriate. Examples are diagnostic testing & other assessment tools, in-depth interviewing and evaluation.
2. Develop an individual employment plan (IEP) to identify goals and objectives, and services and providers that could help accomplish them.
3. Group and/or individual counseling and mentoring
4. Career Planning (case management)
5. Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance, and professional conduct. Pre-apprenticeship may qualify also.
6. Internships and Work Experiences that are linked to careers identified in the IEP.
7. Workforce preparation activities that help an individual acquire a combination of basic academic, critical thinking, digital literacy, and self-management skills.
8. Financial literacy services such as training for: creating a budget, savings plan, retirement, managing spending and debt, evaluating and comparing financial products, understanding financial situations of a non-English speaker, etc.
9. Out-of-area job search and relocation assistance. (non-financial assistance must be made available).
10. English language acquisition

Follow-Up Services

Follow-up services must be made available by provider for at least 12 months after the first day of employment, to participants who are in unsubsidized employment. The services will be based on the needs of the individual, based on the assessment of the case management staff. Follow-up services may not include Supportive Services and are not a qualifying service for the receipt of supportive services.

Opting out of the twelve (12) month follow-up period may occur at any point in time. The request to opt out or discontinue follow-up services must be clearly documented in the case notes. Follow-up services must be documented into AJL under the S & T section.

An individual who is employed is not required to exit the Adult and Dislocated Worker programs simply because he or she is employed. If the participant is enrolled in other common-exit programs or if he or she needs additional career services (other than follow-up services, self-service, and information-only services and activities), training services, or both, the participant is not exited until these services are no longer needed.

Examples of Follow-Up Services are, but not limited to:

- Leadership development

- Regular contact with a participant's employer, including assistance in addressing work-related problems that arise.
- Assistance in securing better paying jobs, career development and further education.
- Work-related peer support groups
- Adult mentoring
- Tracking the progress of employment after training

Training Services

The need for training services must meet the educational and career goals, as well as the abilities and skill gaps of the participants. The need for training services must be documented in case management files [20 CFR 680.220(b)]. Training services are subject to funding availability.

Training Services may include, but are not limited to:

- Occupational skills training
- On-the-job training (OJT), including Registered Apprenticeship (RA) training.
- Incumbent worker training.
- Skills upgrade.
- Job readiness.
- Adult Education and literacy activities, including English language acquisition.
- Customized training.
- Programs that combine workplace training with related instruction
- Supportive Services

Selection of services should be conducted in a manner that is linked to an in-demand occupation in the Central areas and maximizes customer choice. A list of eligible training providers, with a description of their program, should be made available to the customer.

To receive Training Services a participant must meet all the following numbered eligibility criteria:

1. Meet all eligibility requirements for the Adult or Dislocated Worker program, and in accordance with our local priority policy.
2. Has been determined after an interview, evaluation, or assessment, and after career planning that the individual meets all of the following criteria [WIOA § 134(c)(3)(A)(i)(I); 20 CFR 680.210(a) & 680.220(a); TEGL 19-16]:
 - a. Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency, or wages comparable to or higher than wages from previous employment, through career services alone.
 - b. Is in need of training services to obtain or retain employment leading to economic self-sufficiency, or to wages comparable to or higher than wages from previous employment.
 - c. Has the skills and qualifications to participate successfully in training services.

Where appropriate, a recent interview, evaluation, or assessment may be used for the assessment purpose. "Recent" is defined as within the last six months.

The case file must contain a determination of need for training services as determined through the interview, evaluation, or assessment, and/or career planning using local labor market information and training-provider performance information, or other career

service received. If career services are not provided before training, the case manager must document the circumstances that justified the determination to provide training without first providing career services [20 CFR 680.220(b)].

3. Select a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in geographic areas to which the individuals are willing to commute or relocate [WIOA § 134(c)(3)(A)(i)(II); 20 CFR 680.210(b); TEGL 19-16].
4. Is unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Federal Pell Grants, and TANF; or requires WIOA Title I-B assistance in addition to these other sources. In making the determination, WIOA programs may take into account the full cost of participating in training services, including the cost of support services and other appropriate costs [WIOA § 134(c)(3)(B)(i)(I); 20 CFR 680.210(c); 20 CFR 680.230; TEGL 19-16]. WIOA partners and other entities must coordinate funds available to pay for training. [20 CFR 680.230].

WIOA Title I-B participant may enroll in WIOA-funded training while his or her application for a Pell Grant is pending as long as the American Job Center has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charges to attend training. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA Title I-B participant for education-related expenses, such as supportive services [20 CFR 680.230].

If the applicant is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination, training may be provided under WIOA Title I-B if all other eligibility requirements are met. If the petition is certified, the worker may then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA Title I-B [TEGL 19-16].

Training services must be made through Individual Training Accounts (ITAs), or through training contracts.

Contracts will be used instead of ITAs when **one or more** of the following exceptions apply and the consumer choice requirement has been fulfilled:

1. When the services to be provided are OJT or RA
2. When the CAWDB determines that there is an insufficient amount of eligible training providers in the area (determination process must include a 30-day public comment period)
3. When CAWDB determines that there is a program that provides efficient training in the area by a community-based or private organization to service individuals with barriers to employment
 - a. Financial stability of the organization
 - b. Demonstrated performance in the delivery of services to individuals with barriers to employment (see ADWS Policy 3.1 for additional instruction)
 - c. How the specific program relates to the workforce investment needs identified in the Local Plan.
4. When CAWDB determines it most appropriate to contract with a higher education institution, or other providers, to facilitate training services for in-demand industries, and where the contracts do not limit customer choice.

5. CAWDB may determine that a pay-for-performance contract is suitable consistent with 20 CFR 683.500. If a contract is formed, the contract must be consistent with 20 CFR 683.510. No more than 10% of funds can be spent on pay-for-performance contract strategies.

Permitted Activities and Services

Other permissible, but not required, services and activities. See ADWS Policy 3.1 for an in-depth explanation of the services listed below:

- Job seeker services
- Employer Services
- Coordination Activities

Approved by: 

Date: 12-4-23

Title: CAWDB Chairperson

CAPDD/Arkansas Workforce Center is an "equal opportunity employer/program," and "auxiliary aids and Services are available upon request to Individuals with disabilities." Arkansas Relay Service: 1-800-285-1121 (Voice) 1-800-285-1131 (TDD) or TDD 711

Policy Number: Section 2 Policy 24

Effective Date: 9-10-19

Services for Youth Policy

Purpose:

The purpose of this policy is to describe and define the required and permitted services for Youth.

Policy:

WIOA §§ 3(59), 116(b)(2)(A)(ii), 123; 129, & 681
20 CFR 200
20 CFR 681
DOL comments in Final Rule concerning §§681.210 & 681.640
TEGLs 23-14, 8-15, & 21-16
A.C.A. §§ 6-1-201 & 6-15-501
ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program)
ADWS Policy No. WIOA I-B – 2.5 (Eligibility for In-School Youth Program)
ADWS Policy No. WIOA I-B – 2.6 (Eligibility for Out-of-School Youth Program)
ADWS Policy No. WIOA I-B – 2.7 (Co-enrollment)
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)
ADWS Policy No. WIOA I-B – 3.4 (On-the-Job Training)
ADWS Policy No. WIOA I-B – 3.8 (Work Experience)
ADWS Policy No. WIOA I-B – 3.9 (Supportive Services)
ADWS Policy No. WIOA I-B – 3.2 (Services for Youth)

Policy:

Both in-school youth (ISY) and out-of-school youth (OSY) are eligible for Youth services [20 CFR 681.200]. Local WIOA Title I-B Youth program providers must work with other one-stop partners and providers of services to assist youth in obtaining the full array of needed services [WIOA §129(c)(3)(A); 20 CFR 681.420(c & d)].

This policy lays the framework for the administrative entity to develop procedures that provide a compliant and effective service delivery system.

Youth must register and be declared eligible before receiving any services other than self-service or information only. In addition, **all** of the following activities **must occur** for a youth to be a participant for reporting purposes:

1. Collection of documentation to support an eligibility determination

2. Provision of an objective assessment. A recent assessment from another entity may qualify. "Recent" is defined as within the last six months.
3. Development of an individual service strategy. A recent assessment from another entity may qualify. "Recent" is defined as within the last six months.
4. Participation in any of the 14 WIOA youth Program elements.

Not less than 75% of all local WIOA Title I-B Youth funds beyond administrative costs must be spent on OSY activities [WIOA §129(a)(4)(A); 20 CFR 681.410(d)], unless an exception is granted under WIOA § 129(a)(4)(B).

Arkansas law requires attendance at a private, public, parochial or home school each day the school is open for individuals age 5 through 17 unless one of the following applies:

- Child has received a high school diploma or its State-recognized equivalent
- Child is 16 years or older and enrolled in a post-secondary vocational institution, community college, or two or four-year higher education institution
- Child is 16 years or older and enrolled in an Adult Education program or the Arkansas National Guard Youth Challenge Program.

Youth Program

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

CAWDB shall engage the community, youth, parents, and other organizations in order to better develop and administer its youth services.

Assessment & Individual Service Strategy:

1. Provide an objective assessment of academic levels, skill levels, and service needs of each participant. Including, but not limited to, a review of:
 - a. Basic skills, occupational skills, prior work experience, employability, interests & aptitudes, supportive service needs, and developmental needs. Must consider a youth's strengths in addition to areas of needed improvements. Must develop or adopt an appropriate assessment tool to be used. If another education or training entity has completed an assessment on the potential participant within the past six months, a new assessment is not required.
2. Develop & update as needed an individual service strategy (ISS) based on the needs, interests, and aptitudes indicated in the assessments and also based on **one or more** of the following:
 - a. Obtaining employment through education or training
 - b. Retaining employment through education or training
 - c. Increasing earnings in unsubsidized employment
 - d. Obtaining a recognized postsecondary credential
 - e. Obtaining a high school diploma or its recognized equivalent **and** either obtaining an retaining employment or continuing education or training in a postsecondary school
 - f. Obtaining measurable skill gains (MSGs) toward a postsecondary credential program or employment.

The ISS must also identify career pathways that include education and employment goals, that consider career planning and the results of the assessment, and prescribes achievement objectives and services for the youth.

3. The administrative entity should reach out to establish relationships with area entities to foster youth participation. The entities may include local :
 - a. Justice and law enforcement officials
 - b. Public housing authorities
 - c. Education agencies
 - d. Human service agencies
 - e. WIOA Title II providers
 - f. Disability servicing agencies
 - g. Health and mental health providers
 - h. Job Corp representatives
 - i. Representatives of other area youth indicatives
4. All WIOA Youth program providers must refer all youth participants to appropriate entities where they can receive needed services.
5. If a youth applies and does not meet enrollment requirements or cannot be served by the program, the youth must be referred for further assessment if deemed necessary, or referred to appropriate partners who may be able to assist the youth. This should be done for the purpose of meeting basic skills and training needs if a youth is deemed ineligible.
6. An assessment from another or the ISS is not required if a recent (within six months) was developed under another education or training program.
7. If CAWDB ever chooses to enact a Pay-for-Performance contract strategy for the 14 program elements, not more than 10% of the total youth funds may be used for this strategy. Additional regulations for the WIOA Pay-for-Performance contract strategies are contained in 20 CFR 683.500.

14 Program Elements

The elements must be available to all Youth participants, but not all elements are required to be provided to each participant. In addition, WIOA funds are not required to be spent on these services. CAWDB will provide these services or enter into an agreement with a partner organization to make sure these services are offered.

These services must be reported in AJL.

1. **Program Element 1: Tutoring, study skills training, instruction, and dropout prevention services** that lead to completion of secondary school diploma or its recognized equivalent, or for a recognized postsecondary credential.
 - a. Tutoring, study skills training, and instructions that lead to a high school diploma.
 - b. Secondary school dropout prevention intended to lead to a high school diploma. Strategies that overlap with other program elements:
 - c. Dropout recovery strategies aimed at youth who have dropped out of secondary education
2. **Program Element 2: Alternative secondary school services or dropout recovery services**. They are:

- a. Basic education skills training, individualized academic instruction, and English as a Second Language training.
 - b. Dropout recovery services include credit recovery, counseling, and education plan development, focuses to assist youth who have dropped out.
3. **Program Element 3: Paid and unpaid work experiences** that have academic and occupational education as a component. Work experience is a planned, structured learning experience that takes place in a workplace for a limited period. Types:
- a. Summer Employment
 - b. Employment throughout the year
 - c. Pre-Apprenticeships
 - d. Internships & job shadowing
 - e. On-the-job training

Work experience should be “appropriate,” based on the participant’s objective assessment and ISS.

No less than 20% of the youth funds (minus admin costs) must be spent to provide ISY and OSY with paid and unpaid work experiences. Administrative staff must track the funds to ensure this requirement is met. **Supportive Services cannot be counted towards the 20% minimum.** Examples of work experience expenditures that may be counted for the 20% minimum are:

- a) Wages/stipends paid for participation in a work experience (including employment costs such as FICA match and workers’ compensation insurance)
 - b) Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience
 - c) Staff time spent working with employers to ensure a successful work experience, including staff time spent managing the work experience
 - d) Staff time spent evaluating the work experience
 - e) Participant work experience orientation sessions
 - f) Employer work experience orientation sessions
 - g) Classroom training or the required academic education component directly related to the work experience
 - h) Incentive payments directly tied to the completion of work experience
 - i) Employability skills/job readiness training to prepare youth for a work experience
4. **Program Element 4: Occupational skill training**
- a) Training must be for in-demand industry or occupation in the Central Area, and lead to a recognized postsecondary credential.
 - b) Training must provide specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels
 - c) Training must also meet **all** of the following criteria:
 - a. Be outcome-oriented and focused on an occupational goal specified in the individual service strategy
 - b. Be of sufficient duration to impart the skills needed to meet the occupational goal
 - c. Lead to the attainment of a recognized postsecondary credential

Individual Training Accounts (ITAs) may be provided to Out-of-School Youth (OSY) ages 16 to 24 with Youth funds. Youth funds may not be used to provide ITAs to In-School Youth (ISY), but ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the youth’s needs, knowledge, skills, and interests align with the WIOA adult

program, the youth meets priority requirements, and the ITA is funded by the Adult program.

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

- a. This program element reflects an integrated education and training model that describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or pathway [20 CFR 681.630].
- b. Program Element 5 is the concurrent delivery of Program Element 2, Program Element 3, and Program Element 4 to create an integrated education and training model. When the program elements occur concurrently to train for a particular occupation, occupational cluster, or career pathways, the services are reported in Program Element 5. When the activities occur separately and at different times, they are reported in the Program Element 2, 3, or 4, as appropriate [TEGL 21- 16].

6. Program Element 6: Leadership development opportunities:

- a. Exposure to postsecondary educational possibilities
- b. Community and service learning projects
- c. Peer-centered activities, including peer mentoring and tutoring
- d. Organizational and team work training, including team leadership training
- e. Training in decision-making, including determining priorities and problem solving
- f. Citizenship training, including life skills training, such as parenting and work behavior training
- g. Civic engagement activities that promote the quality of life in a community
- h. Other leadership activities that place youth in leadership roles, such as serving on youth leadership committees, such as a Standing Youth Committee.

7. Program Element 7: Supportive services that are necessary to enable an individual to participate in Youth activities, including, but not limited to:

- a. Linkages to community services
- b. Assistance with transportation
- c. Assistance with child care and dependent care
- d. Assistance with housing
- e. Assistance with educational testing
- f. Reasonable accommodations for youth with disabilities
- g. Legal aid services
- h. Referrals to health care
- i. Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear
- j. Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes
- k. Payments and fees for employment and training-related applications, tests, and certifications.

8. Program Element 8: Adult mentoring

- a. Shall be for a duration of 12 months, which may occur both during and following exit from the program.
- b. Must be structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee.
- c. May include, but not limited to:
 - i) Group mentoring
 - ii) Mentoring through electronic means

iii) Workplace mentoring

Workforce staff must develop procedures to properly screen and select mentors.

9. **Program Element 9: Follow-up services** for not less than 12 months after completion of participation. Follow-up services may include, as appropriate:

- a. Regular contact with a youth participant's employer
- b. Assistance in addressing work-related problems that arise
- c. Supportive services, as described in Program Element 7
- d. Adult mentoring, as described in Program Element 8
- e. Financial literacy education, as described in Program Element 11
- f. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services
- g. Activities that help youth prepare for and transition to postsecondary education and training

Follow-up services may begin immediately following the last expected date of service in the programs included in the Common Exit date, when no future services are scheduled. Once 90 days of no services, other than follow-up services, self-service, and information-only services and activities, has elapsed and the participant has an official exit date applied retroactively to the last date of service, the program continues to provide follow-up services for the remaining 275 days of the 12-month follow-up requirement. The 12-month follow-up requirement is completed upon one year from the date of exit.

Youth should be informed about the availability of follow-up services at the time of enrollment.

10. **Program Element 10: Comprehensive guidance and counseling**

- a. May include drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate to the needs of the individual youth.

11. **Program Element 11: Financial literacy education**

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

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

12. **Program Element 12: Entrepreneurial skills training.** Skills that teach youth to:

- a. Take initiative
 - b. Creatively seek out and identify business opportunities
 - c. Develop budgets and forecast resource needs
 - d. Understand various options for acquiring capital and the trade-offs associated with each option
 - e. Communicate effectively and market oneself and one's ideas
- Training may include teaching youth how to start and run a business and enterprise development.

13. **Program Element 13: Services that provide labor market and employment information** about in-demand industry sectors or occupations available in the local area.

- a. Career awareness
- b. Career counseling
- c. Career exploration

Workforce staff should also familiarize themselves with Labor Market Information in order to better assist youth with in-demand sectors and occupations.

14. **Program Element 14: Postsecondary preparation and transition activities**

- a. Services given to assist youth in postsecondary advancement once they have obtained a high school diploma, GED, or recognized equivalent.
 - i. Services may be provided prior to the youth obtaining a high school diploma or GED.
 - ii. Services include exploring postsecondary education options, such as technical schools, two-year colleges, four-year colleges and universities, and registered apprenticeships. Additional services include, but are not limited to, assisting youth to prepare for SAT/ACT tests, assisting with college admission applications, searching and applying for scholarships and grants (including the FAFSA), and connecting youth to postsecondary education programs.

- b. **Incentive Payments-** Any incentive payments must be in compliance with the Cost Principles in Uniform Guidance at 2 CFR part 200, and may **not** include entertainment.

- i. **If** incentive payments are used, **they must be:**

- 1. Tied to the goals of the specific program
 - 2. Outlined in writing before the commencement of the program that may provide incentive payments
 - 3. Align with the local program's organizational policies
 - 4. Are in accord with the requirements contained in 2 CFR part 200.

- c. **Program Exit-** The exit date is determined when the participant has not received services in the Youth program (or any other program included in a common-exit program in which the participant is co-enrolled) for 90 days, and no additional services are scheduled. At that point, the date of exit is applied retroactively to the last date of service.

- i. There is no minimum or maximum time an individual can participate in the program.

- ii. Must link participation time to the individual service strategy and not to the timing of youth service provider contracts or program years

- iii. A youth need not exit the program if he or she reaches the maximum age or if an OSY enrolls in school, as long as the youth still needs services provided in the Youth program

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

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9-10-19
Services for Youth Policy

Policy Number: Section 2 Policy 25

Effective Date: 12-7-2020

MONITORING AND OVERSIGHT POLICY AND PROCEDURES

- I. **INTRODUCTION AND GENERAL INFORMATION:** These procedures set forth the guidelines by which the Central Arkansas Planning and Development District (CAPDD), will monitor all Agency funded grant programs, financial and operational activities. The Federal Regulations governing the Workforce Innovation and Opportunity Act (WIOA) activities authorize and require that the Governor be responsible for oversight of all Local Workforce Development Board (LWDB) grant recipients and Title I programs. Also, guidelines and other specific regulations, from other funding sources, may require monitoring and oversight by the grantee or administrative agency responsible for the various funds.

The CAPDD staff adopted the following Arkansas Monitoring Procedures specifically for the WIOA funds. These procedures may also be used as guidelines to monitor other activities. The CAPDD staff will generally use these procedures along with other issued policies and guidelines to perform monitoring and oversight activities.

- II. **PURPOSE:** The primary purpose of monitoring is to ensure that all legal, contractual and policy requirements of specific funding sources are met. A secondary purpose is to identify and call attention to questionable activities and conditions which appear to diminish opportunities for achieving the intent of the WIOA or other funding sources, though not necessarily in violation of specific requirements.
- III. **SELF-MONITORING:** All entities receiving WIOA funds are required to have and follow adequate written procedures for monitoring all activities for which it receives.

CAPDD has adopted the procedures as outlined in the WIOA Title I-B Arkansas Department of Workforce Services Program and Financial Monitoring Instrument with Monitoring and Oversight Procedures.

- IV. **MONITORING OF WORKFORCE INNOVATION AND OPPORTUNITY ACT ACTIVITIES:** The CAPDD staff has been designated to monitor WIOA and other activities for which CAPDD is responsible. Circumstances may occur which compel alteration of procedures. For example, unannounced monitoring may be necessary under certain conditions. However, the CAPDD staff will generally adhere to the following procedures.

V. DOCUMENTATION REQUIREMENTS

PROGRAM

- A. The following documents are required to accomplish the CAPDD's monitoring effort and should be kept in the participant's file. (Optional documents are designated where appropriate.)
1. Signed Agency Application – Optional
 2. Job Description - Applicable to On-The-Job-Training (OJT), Work Experience, Customized Training, and Summer Youth. The job description should be included either in the OJT agreement, or in the work-site agreement for the other components.
 3. Personnel Policy Statement
 4. Benefits and Working Conditions Statement
 5. Grievance Procedure Statement
 6. Hatch Act
 7. Applicable Arkansas Joblink (AJL) data including eligibility support documentation
 8. Thirty (30) Days Review - Optional unless stipulated by the local training plan or the sub grant narrative. The State staff recommend that this checkpoint be incorporated into internal procedures as a safeguard against ineligibles. The Thirty (30) Days Review form should be devised by the AE.
- B. The following documents are required to be maintained within the Fiscal Department:
1. Time and attendance records signed by the participants and the immediate supervisor/instructor; and
 2. W-4 Forms - Applicable to participants receiving monetary compensation.
- C. The following documents are required to be maintained within the grantee management files:
1. List of current worksites;
 2. Worksite Agreements; and
 3. List of other funding sources.

FINANCIAL

- A. Bank Collateralization
- B. Financial Policy and Procedures
- C. Lease Contract Agreement(s)
- D. Sub-grant Agreement(s)
- E. List of Training Providers
- F. Training Providers Contract Agreement(s)
- G. Other Contract Agreement(s)
- H. Management Letter (A-133)
- I. List of Equipment Purchases, if applicable
- J. Petty Cash Reconciliation and Supporting Documentation
- K. List of Board Members and Disclosure Statements
- L. Employee Handbook
- M. Insurance and Bonding
- N. Invoices, receipts, payroll records, and other supporting documentation requested on-site

VI. MONITORING PROCEDURES

- A. Determine the tools to use and who will monitor.
- B. The monitoring tool should be based off of the current State's monitoring instrument, and only the relevant sections, questions, checklists, etc. that are applicable to the circumstances must be used.
- C. Other tools will be used as appropriate. Examples include:
 - 1. Monitored Entity's file
 - 2. Previous monitoring reports
 - 3. Letters of concern/correspondence
 - 4. Other pertinent information from the file
 - 5. LWDB Workforce Plan
 - 6. LWDB Sub grant
 - 7. MIS
 - 8. Wage file
 - 9. Program status reports or other reports as appropriate
 - 10. WIOA Issuances
 - 11. State issued policies/directives
 - 12. DOL compliance review guides and other appropriate DOL material
 - 13. Workforce Innovation and Opportunity Act
 - 14. Applicable OMS Circulars
 - 15. Follow-up reports
 - 16. Time cards
 - 17. Internal monitoring reports
 - 18. LWDB information
 - 19. Cooperative Agreements, if applicable
 - 20. Contracts/sub-grants
 - 21. Financial reports
 - 22. Other pertinent material
- D. The following entities will conduct compliance reviews:
 - 1. Granters/Contractors will monitor themselves and grantees/subcontractors;
 - 2. Agencies will monitor the provision of services affecting their participants agreed to in their financial and non-financial written agreements; and
 - 3. Contracts/grants/written agreements will be the basis of monitoring.

VII. SCHEDULE MONITORING

- A. The individual responsible for the monitoring process will establish a general timeframe for monitoring and make monitoring assignments. The CAPDD monitor will establish a quarterly program monitoring schedule to ensure compliance with federal, state, and local requirements. Internal financial monitoring will be conducted annually.
- B. The monitor will contact the appropriate staff member to make them aware of the upcoming monitoring, and give an explanation of the scope of the monitoring.

VIII. CONDUCT THE DESK REVIEW AND PREPARE FOR MONITORING

- A. The monitor will review the grant, plan, and all modifications of the entity to be monitored for comparison during on-site review. He/she will:
 - 1. Note target groups, kinds of activities, supportive services to be provided, including needs-based payments plan
 - 2. If provided, services to non-residents, etc.; and
 - 3. Note methods for determining demand occupations, length of training, eligibility/verification, assessment/remediation, identification/selection of participants, youth competencies, etc.
- B. The monitor will review monitored entity files to compare with information on-site. Some specific areas to review include:
 - 1. Correspondence - note general questions, problems/solutions, waivers, etc.
 - 2. LWDB information - minutes, by-laws, current list of members, disclosure statements of board members, appointments/vacancies notification, etc.
 - 3. Monthly financial reports - note expenditure rates, timeliness, cost categories' expenditures;
 - 4. Resource files - note items to be looked at during monitoring;
 - 5. Financial and non-financial agreements - note activities;
 - 6. Recent monitoring reports - note corrective action required for follow-up verification; and
 - 7. Last audit report - note corrective action required for follow-up verification.
 - 8. As appropriate, review reports and files in the Management Information System for the monitored entity. Specific areas to look at include:
 - 9. Program status summary to determine sample size for reviewing participant files;
 - 10. Enrollment list to select participant files for review;
 - 11. Activity reports to determine if any participants have been inactive or received no WIOA service for more than ninety (90) days;
 - 12. Wage report to select files for review;
 - 13. Exit list to select files for review;
 - 14. Verify placement and training relatedness; and
 - 15. Review appropriate files for special emphasis areas.

IX. CONDUCT THE REVIEW

- A. The Monitor will provide detailed information regarding the overall review process, including what will be covered/reviewed, the timeframe for the review, work and training site visits, etc.
- B. The Monitor will provide a list of documents and files and/or types of documents and files needed for review.
- C. If the Monitor knows in advance there are specific files he/she wants to see, he/she may relay this information to the respective staff member.
- D. The Monitor will mention items of concern or primary focus.
- E. The Monitor will analyze findings and concerns from the monitored entity's most recent audit(s) and monitoring report(s). He/she will explain that he/she will be reviewing documentation to see that all cited findings and concerns, and especially those that were left unresolved pending additional review, have been corrected.

- F. The staff being interviewed will describe current program operations, contracts, activities, etc. They will also describe how the program is organized; the objectives of its major programs, and the processes for conducting its respective business function. Depending on the subject of the monitoring, those business functions may include:
 - a. Eligibility documentation
 - b. Participant IEP/ISS
 - c. Client files
 - d. AJL data input
 - e. Forms
 - f. Program Procedures
 - g. Worksite Information
 - h. Equipment Purchases
 - i. RFPs, IFBs, Small Purchases
 - j. Financial Policies and Procedures
- G. Any other information that the monitored entity believes would be helpful to the monitor, or about which the monitor asks, in order to ensure that the monitor understands the major orientation of the monitored entity's programs so that the reviews will be focused appropriately to reduce misunderstandings.
- H. The Monitor will meet with staff to discuss problem areas. Those areas may be reconciled while on site and/or in a recommended/action plan.
- I. Problems that are minor, isolated and do not indicate a trend, can be corrected on the spot as long as the staff understands why the condition is a problem and how it is to be avoided in the future. Such problems may not be noted in the monitoring report.
- J. Problems that involve issues of non-compliance will be noted in the report, but the report also will state that the monitored entity corrected the problem on the spot and no additional corrective action is necessary.
- K. Problems that do not involve issues of non-compliance will be covered through informal discussion between the Monitor and the appropriate monitored entity contact person. Depending on the seriousness of such a problem, the Monitor also may provide a copy of his/her exit conference notes referencing the problem or may write a separate letter to the monitored entity about the problem.
- L. The Monitor will inform the monitored entity that the Director or designee will be notified promptly of any serious items.
 - a. The monitor will explain that if a serious problem is identified, the problem will be immediately discussed with the monitored entity's Director.
 - b. Depending on the nature of the problem, the monitor may first call the monitor's supervisor and together they will determine the next appropriate notification.
- M. The report will require that the monitored entity provide corrective action, if necessary, and will include a response due date.
- N. The Monitor will ask if there are any particular areas of concern that the monitored entity wishes to discuss.

XI. CONDUCT ON-SITE MONITORING - MONITORING AT TRAINING SITES

- A. Upon arrival, the monitor will introduce himself/herself to the contact person previously identified by monitored entity. If the contact person (or alternates) is/are unavailable, the monitor will contact the supervisor(s) of participants. If after reasonable effort is made, neither a contact person nor supervisor can be found, the monitor will interview participants and the monitored entity will be informed of the situation.
- B. The monitor will review training site records. The monitor will request access to records relative to:
 - 1. WIOA activities at the training site and review them in the presence of training site personnel.
 - 2. When interviewing youth, the monitored entity will have:
 - a. A representative present, if desired, during the interview.
 - b. The monitored entity representative should not be someone involved with participant selection or the selection of the work/training site.
 - c. During the interview, if the monitor and/or the monitored entity staff believe a problem is indicated, either the monitor or the monitored entity will then conduct a private interview.
 - 3. For adult interviews, the monitored entity does not have to be present during the interview. The monitor will discuss any problems/questions with the monitored entity and staff immediately, if the monitored entity staff is available.
 - 4. The monitor will observe the training environment.
 - 5. In addition to verbal interviews at the training site, the monitor will attempt to observe broad aspects of the training environment that may not surface in interviews. Examples of such observations will include, but not be limited to:
 - a. condition and appropriateness of training;
 - b. equipment; and/or
 - c. environmental safety, etc.
 - 6. Except for the introduction protocol (first), the sequence of monitoring activities at training sites will vary due to convenience of training site staff,

XIV. ISSUE THE REPORT

- A. A written monitoring report will be issued to the monitored entity and will contain the following items:
 - 1. Findings for which clarification are requested and for which clarification was not provided or was not sufficient during the monitoring and/or exit conference; and
 - 2. Findings for which corrective action are requested.
- B. Concerns, which may require clarification or corrective action, may be offered as information, if the concerns are considered as indications perceived to indicate potential problems and/or indicate need for further investigation and attention by the monitored entity. These concerns may be included in separate communication.
- C. All findings will be accompanied with a specific reference to that part of the Act, regulations, or other requirements which the monitor believes have been violated.
- D. Only findings, which describe conditions or activities which monitors witnessed personally, will be reported.

- E. Findings based on second-hand accusations, or other hearsay or what was heard will be included in the report, only, if verified by the monitor(s) or first-hand acknowledgment or statements by staff, supervisors, employers, participants, etc.
- F. Concerns will be reported, regardless of the source of information, when they relate to conditions or activities, which seem to have potential for significant negative impact on the program.
- G. The report will be mailed to the monitored entity within approximately thirty (30) calendar days following the date of the exit conference.
- H. The monitored entity will have seven calendar days from the date of the report to review the report for accuracy. This seven (7) day period will serve as a review stage to be sure the CAPDD staff or the monitored entity staff has not overlooked information that has a significant impact on any of the items noted in the report.
- I. If the CAPDD staff is not made aware of any information that has a significant impact on the items noted in the report within the seven (7) day period, the report will be considered a final report and a response will be due from the monitored entity within thirty (30) days of the report.

XV. PROCESS RESPONSES AND IMPLEMENT CORRECTIVE ACTION

- A. The monitored entity will receive and review the monitoring report. The monitored entity will respond to the report within thirty (30) calendar days of the date of the report or as otherwise scheduled in the letter of transmittal. The response:
 - 1. Will provide requested clarification;
 - 2. Will describe the corrective action taken or being taken for each finding; and
 - 3. Will provide documentation to support what the corrective action was (e.g., if a new procedure was needed, a copy of the written procedure, if a participant was determined ineligible, a copy of documentation showing that he/she is eligible or a copy of paperwork showing that the participant has been terminated immediately).
- B. The monitoring agency will respond to the monitored entity within fifteen (15) calendar days of the response's postmark accepting the corrective action taken and closing the report or requesting additional information or documentation.
 - 1. If the monitoring agency is closing the report, process XVI will be used.
 - 2. If additional information or documentation is requested, the process will be repeated, except that only fifteen (15) calendar days will be available for response.
 - 3. The monitoring agency will close the report, per process XVI.

XVI. CLOSE THE REPORT

- A. If no findings are reported, the monitoring report will be closed out and the monitoring agency will send a closeout letter to the monitored entity with the report.
- B. If there are findings, a letter closing the report will be issued within ten (10) calendar days of the receipt of the last response. If corrective action is determined acceptable, the closeout letter will constitute final action on the report.

- C. If, after two (2) responses from the monitored entity, corrective action is determined to be inadequate and findings are unresolved, a final determination will be written which will include identification of the unresolved issues and identify what steps are to be taken as a result of the unresolved issues. Within thirty (30) calendar days, copies of the letter and all related written reports and communications will be sent to the monitored entity, LWDB Chair, AWB, the monitoring agency's resolution staff, and the DOL, if applicable.
- D. If sanctions are imposed, the monitored entity has the option of appealing through the WIOA grievance process. Ten (10) calendar days after the final action on the grievance or the notification of imposed sanctions, copies of the report, responses and other related written communication will be mailed to the LWDB or Board Chairperson.

Approved by: Michelle Allgood Date: 12-7-2020
Title: CAWDB Chairperson

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CENTRAL ARKANSAS Workforce Development Board

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Policy Number: Section 2 Policy 26 Implementation Date: 12-7-20

Referral Policy

Purpose:

The purpose of this policy is to describe and detail the regulations concerning customer referrals.

Background Information:

Local Boards shall ensure that each participant shall be provided – (i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those providers or partners receiving funds under this subtitle; and (ii) referral to appropriate training and educational programs that have the capacity to serve either on a sequential or concurrent basis.

References:

WIOA Section 129 (c)(3)(A)

Policy:

Customers in need of services not provided by Workforce Center staff shall be referred to the appropriate service provider or organization. Referrals may occur via direct referrals (phone, in person), email referrals, online referrals (chat, social media), and/or the utilization of the referral form.

When the referral form is utilized, the service provider/organization should describe the outcome(s) achieved in the “response” section of the form and return to the Workforce Center staff. If no response is received, the Workforce Center staff will contact the service provider/organization and document the outcome(s) achieved in the AJL case notes.

Approved by: <u>Michelle Allgood</u>	Date: <u>12-7-20</u>
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Title: <u>CAWDB Chairperson</u>

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Policy Number: Section 2 Policy 27

Effective Date: 3-8-21

Arkansas Work-Based Learning Program

PURPOSE:

The purpose of this policy is to describe and give general guidelines for an Arkansas Work-Based Learning Program, a cooperative program between the Arkansas Department of Workforce Services (ADWS), the local Workforce Development Boards (LWDBs), local program providers, and business partners. The program is designed to meet the needs of Arkansas businesses, provide job opportunities and training to populations with barriers to employment, and to increase the diversity and quality of training methods in Arkansas. All requirements and regulations are in accordance with the rules and regulations of the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB), as given in the Arkansas WIOA Title I-B Policy Manual.

REFERENCE:

WIOA §§ 134(c), 134(d)(4)
20 CFR 680.150(b), 680.210, 680.700(a), 20 CFR 680.720(b), 20 CFR 680.730(a), 680.790, 680.800, 680.820
TEGLs 10-16 & 19-16
AWDB Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)
ADWS Policy No. WIOA I-B – 2.8 (Priority for Individuals with Barriers to Employment)
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)
ADWS Policy No. WIOA I-B – 3.4 (On-the-job Training)
ADWS Policy No. WIOA I-B – 3.6 (Incumbent Worker Training)
ADWS Policy No. WIOA I-B – 3.8 (Work Experience)

POLICY:

The partnership between local program providers and the Arkansas Department of Workforce Services (ADWS) will add to existing efforts of local areas to strengthen work-based training options in Arkansas. The program will increase the abilities of local areas to focus on meeting the needs of Arkansas businesses, provide job opportunities and training to populations with barriers to employment, and to increase the diversity and quality of training methods in Arkansas.

The four options available through this partnership are on-the-job training (OJT), paid internships, paid work experience, and incumbent worker training (IWT). ADWS will develop announcements and applications for the Arkansas Work-Based Learning Program. Employers will apply to ADWS for funding for options that meet their needs. To participate in the program, employers will complete ADWS applications proposing work-based training. In each option, ADWS will work with local areas to identify businesses, to develop specifics of contracts, and to fund the programs. Local areas may assist employers in completing applications. Number of grants issued will depend on available State WIOA funding and the amount of each grant.

For some options, LWDBs may need to develop policies to determine guidelines for which employers may be served, the rate of reimbursement, training to provided, and specific policies and procedures concerning the provision of services. LWDBs may also adopt the guidelines provided by ADWS to partner with them in providing the training.

In all the options except incumbent worker training, local program providers must determine eligibility, determine service needs, and provide case management for all participants.

There is nothing to prohibit a local area from using this policy as a model for their own program without partnering with ADWS.

All requirements, guidelines, and policies of the Arkansas WIOA Title I-B Policy Manual, the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, and Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA) must be followed.

Option A: On-the-Job Training (OJT)

Option A of the Arkansas Work-Based Learning Program is similar to a local area's on-the-job training program (OJT), as outlined in ADWS Policy No. WIOA I-B – 3.4 (*On-the-job Training*), except that employers will complete an ADWS application and that funding may come from state and/or local WIOA funds. ADWS will create policies that allow reimbursement of up to 75% of the participant's wages to compensate for the extraordinary cost of a participant's training. The percent to be reimbursed will be based on the size of the business, if the occupation of the position is in-demand, if the training leads to an industry-recognized credential, if the training is also part of a Registered Apprenticeship program, and if the trainee is an individual with a barrier to employment, as defined in AWDB Policy No. WIOA I-B 1.2 (*Definitions*). LWDBs must adopt policies accepting the funding factors given in the grant announcement if local funds are to be used in the training. (A local area may also develop their own OJT policies for reimbursement up to 75% with different funding factors, as long as these factors following the guidelines in ADWS Policy No. WIOA I-B – 3.4 (*On-the-Job Training*) [WIOA § 134(c)(3)(H); 20 CFR 680.700(a); 20 CFR 680.720(b); 20 CFR 680.730(a); TEGL 19.16; ADWS Policy No. WIOA I-B – 3.4 (*On-the-Job Training*)].

Local areas must determine eligibility of participants, identify supportive service needs, and provide case management. To be determined eligible for OJT, the individual must meet not only Adult, Dislocated Worker, or Out-of-School Youth eligibility requirements, but also eligibility requirements for an OJT, as listed on page 2 of ADWS Policy No. WIOA I-B – 3.4 (*On-the-job Training*) [20 CFR 680.210]. Participants in this joint program must be unemployed at the times of being determined eligible for WIOA Title I-B services and beginning the Arkansas Work-Based Learning Program.

Local areas and ADWS may work jointly to identify employers, and local area may assist employers in completing applications. Funding for the reimbursement may come from local or state WIOA funds. The coordination of funding will be determined before the grant is issued to the employer.

All policies of the program must follow the requirements of ADWS Policy No. WIOA I-B – 3.4 (*On-the-job Training*).

Option B: Paid Internships

A paid internship is a type of work experience and, as such, is a planned, structured learning experience that takes place in a workplace for a limited period of time and leads to a career. Paid internships are available for eligible adults, dislocated workers, and youth if these services are determined to be appropriate in order for such individuals to obtain or retain employment [WIOA § 134(c)(2)(A)(xii)(VII); 20 CFR 680.150(b)]. All policies and regulations contained in ADWS Policy No. WIOA I-B – 3.8 (Work Experience) apply to this program.

In Arkansas Work-Based Learning Program, internships may be provided when Registered Apprenticeships are not available or are not appropriate for the employer. Interns in this program must be unemployed individuals who are determined eligible for the Adult, Dislocated Worker, or Out-of-School Youth program. Interns must be attending occupational classes in the fields of their internships. If the occupation is in-demand, the training provider must be on the eligible training provider list. If the occupation is not in-demand, there must be a commitment by the employer to hire the intern at the end of successful training. The occupational training must lead to a recognized credential.

Local program providers must determine eligibility of participants for the program, their eligibility for training services, the eligibility of the training program, and the appropriateness of the training program and the workplace for the participant. Local areas will also provide case management and career services (including follow-up services) as appropriate for all participants. Local areas may also work with ADWS to identify and/or select appropriate occupations and workplaces. Policies in ADWS Policies No. WIOA I-B – 3.3 (*Occupational Skills Training*), 3.8 (*Work Experience*), and other appropriate policies in the Arkansas WIOA Title I-B Policy Manual must be followed.

Each intern will be paid wages for up to 20 hours per week for up to one year while working in a position that provides training in a field for which the intern is attending occupational training. The participant must be enrolled in occupational training during the entire internship, except for school breaks. If the student discontinues occupational training, the internship is discontinued. The local program provider will directly pay the intern, but state WIOA Title I-B funds may be used to reimburse the local program provider for part or all of the wages. The coordination of funding and the rate of pay to the intern will be determined before the grant is issued to the employer.

The occupational training component of the training may be subsidized with an Individual Training Account (ITA) provided with local funds, but such a subsidy is not required. If the ITA is provided, all requirements of ADWS Policy No. WIOA I-B – 3.3 (*Occupational Skills Training*) must be met. Other services may be provided using local funds, if case managers determine a need by the participant for such services and the services meet WIOA state and local policies.

Option C: Work Experience

Paid work experience, a planned, structured learning experience that takes place in a workplace for a limited period of time, is often needed for individuals with barriers to employment in order to enter or re-enter the workplace. The Work Experience Option of the Arkansas Work-Based Learning Program is designed as a cooperative effort of ADWS, local areas, and organizations to help eligible out-of-school youth, adults, and dislocated workers with barriers to employment, as defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*), obtain self-sufficiency.

Work experience, for the purposes of the Arkansas Work-Based Learning Program, is for organizations who agree to train individuals with barriers to employment and to help them find unsubsidized jobs. Local areas will help identify businesses, determine eligibility and needed services for participants, and provide case management and follow-up services. Training must be provided in occupations in which the participant can obtain employment. The local program provider and/or the employer may provide career services, as appropriate; this arrangement will be stated in the contract. Wages to be paid will be proposed by the employer in the application, but they may be negotiated by the employer, ADWS, and the program provider, as appropriate. Wages and needed supportive services will be paid by the local program provider, but they may be reimbursed by state WIOA funds, as determined before the contract is written. All regulations and guidance in ADWS Policy No. WIOA I-B – 3.8 (*Work Experience*) must be followed.

Option D: Incumbent Worker Training (IWT)

Incumbent worker training (IWT) is training designed to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs. It is conducted with a commitment by the employer(s) to retain or avert the layoffs of the incumbent worker(s) trained [20 CFR 680.790; TEGL 19-16]. IWT is not permitted to be used to provide the occupational training a new hire needs [TEGL 19-16]. It may be used only to either:

- Help avert potential layoffs of employees, or
- Obtain the skills necessary to retain employment, such as increasing the skill levels of employees so they can be promoted within the company and create backfill opportunities for less-skilled employees [TEGL 19-16].

Unlike individuals in other options, incumbent workers are not individually determined eligible for the program, although they must meet basic eligibility requirements: at least 18 years old, a U.S. citizen or otherwise authorized to work in the United States, and in compliance with selective service requirements. They are not considered participants unless they receive other services under the Adult or Dislocated Worker program, although demographic information must be reported in AJL. [TEGLs 10-16 & 19-16; ADWS Policy No. WIOA I-B – 2.1 (*Common Eligibility Requirements*)].

The employers, and not the workers, are chosen for the Incumbent Worker Program. The approved employer chooses the individuals to be trained, using the criteria in this option. Employees must have been employed with the company for at least 6 months, unless the training is being given to a cohort of employees. In that case, at least a majority of those being trained must have been employed for at least 6 months [TEGL 19-16]. More information concerning eligibility of workers and requirements of the program are in ADWS Policy I-B – 3.6 (*Incumbent Worker Training*).

Employers selected for participation in the program must be consistent with the careers listed in the state plan and must be in career paths that lead to in-demand occupations. Criteria to be used in the selection of particular employers for the Arkansas Work-Based Learning Program are:

- The number of employees participating in the training
- Wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training)
- The relationship of the training to the competitiveness of the employer and employees
- The availability of other employer-provided training and advancement opportunities
- The size of the employer
- The characteristics of the trainees, including those with documented barriers to employment, as defined in AWDB Policy No. WIOA I-B – 1.2 (*Definitions*)
- The quality of the training and advancement opportunities: whether the training leads to industry-recognized credentials and whether the occupation is considered to be in-demand, either at the state or local level

Employers will be reimbursed for a percentage of the cost of training, with the percentage dependent on the size of the business, the demand of the occupation for which the workers are being trained, whether the training leads to a credential, and if the workers have barriers to employment, as defined in AWDB Policy No. WIOA I-B – 1.2 (*Definitions*). Percentages of reimbursement will be consistent with the guidelines given in ADWS Policy No. WIOA I-B – 3.6 (*Incumbent Worker Training*), WIOA § 134(d)(4)(D)(ii), 20 CFR 680.820, and TEGL 19-16.

Either ADWS or a local area may administer IWT. If a local area administers this IWT program and state WIOA funds are used, the LWDB must adopt ADWS policies. If the local area administers an IWT program with local funds, the LWDB may develop other policies in compliant with ADWS Policy WIOA I-B

– 3.6 (*Incumbent Worker Training*), or they may adopt the ADWS policies. Regardless of who administers and/or provides funding for the program, the selection of the employer must align with career pathways and sector strategies identified in the state and/or local plans [TEGL 19-16]. ADWS Policy I-B – 3.6 (*Incumbent Worker Training*) details information concerning providing other services to participants involved in IWT. The cost of these other services, determination of eligibility, and case management for participants receiving services must be provided by the local areas.

Funding for the cost of training may come from local or state WIOA funds. The coordination of funding will be determined before the grant is issued to the employer. Local areas may use up to 20% of the combined total of their Adult and Dislocated Worker allocations for incumbent worker training [WIOA § 134(d)(4)(A)(i); 20 CFR 680.800(a); TEGLs 10-16 & 19-16].

All policies and requirements of ADWS Policy WIOA I-B – 3.6 (*Incumbent Worker Training*) must be followed in the program.

Approved by:

Michelle Allgood

Date: 3-8-2021

Title: CAWDB Chair

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Policy Number: Section 2, Policy 28

Implementation Date: 6-14-2021

WIOA / TAA Co-Enrollment

Purpose

The purpose of this policy is to outline the policy and procedures for co-enrollment and joint case management between TAA and WIOA title I-B programs and the role of the One-Stop operator in assisting this process.

References

WIOA §§ 3(15)(B); 103; 121(b)(1)(B)(vii); & 134(c)(2)(B)
Reauthorization of the Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015,
title IV
of the Trade Preferences Extension Act of 2015 (Pub. L. No. 114-27)
20 CFR 618 (TAA Final Rule)
20 CFR 677.150
TEGLs 14-18; 3-20; 4-20; & 10-16, Change 1
ADWS Issuances PY 19-09 & PY 20-01
Most recent versions of:
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)
ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program)
ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)

Background

On July 10, 2020, the Employment and Training Administration of the U.S. Department of Labor (DOL) issued the Final Rule for the Trade Adjustment Assistance for Workers (TAA) program. The TAA Final Rule became effective on September 21, 2020. As part of this Final Rule, regulations in 20 CFR part 90 and 20 CFR parts 617 and 618 were consolidated into one part: 20 CFR part 618, also referred to as 20 CFR 618 or the TAA Final Rule. The TAA Final Rule aligns closely with parts of the WIOA title I-B programs, although there are some differences in definition of terms, allowed services and activities, and eligibility requirements.

TAA is a required partner in the Arkansas Workforce Center [WIOA §121(b)(1)(B)(vii); 20 CFR 618.305]. As allowed in 20 CFR 677.150(c)(3) and encouraged in TEGL 10-16, Change

1, TAA is one of the programs included in the WIOA Common Exit date for Arkansas [ADWS Policy No. WIOA I-B – 1.2 (Definition)]. Many of the performance accountability indicators for the TAA program are now aligned with the performance indicators for WIOA core programs [TEGL 14-18].

Although there are some differences in eligibility, almost all individuals who qualify for employment and/or training assistance under TAA, also qualify for assistance under the WIOA title I Dislocated Worker Program (WIOA, for the purposes of this policy, unless otherwise

stated). In many cases, the individual is able to become eligible for WIOA before he or she is eligible for TAA.

Policy

It is the shared responsibility of TAA and WIOA to attempt to determine eligibility for and to co-enroll every applicant who is laid off as a result of a permanent closure or a substantial layoff of a trade-affected company and who desires assistance in obtaining new employment, unless that person does not qualify for WIOA and/or TAA services [20 CFR 618.325]. If the applicant is eligible for only one program, the program for which the individual qualifies is responsible for attempting to enroll the individual and to give appropriate services. The worker may enroll as a participant in WIOA as soon as he or she receives a lay-off notice or the company has made a general announcement (as defined by the local area) that the facility will close within 180 days, assuming all other eligibility requirements are met [WIOA § 3(15); ADWS Policy No. WIOA I-B – 2.4]. A worker cannot enroll as a TAA participant until the company is determined trade-affected. If a trade-affected worker chooses to decline co-enrollment in WIOA, he or she may not be denied TAA benefits and services solely for declining co-enrollment [20 CFR 618.325]. It is the responsibility primarily of TAA and WIOA to co-enroll, and not primarily the responsibility of the individuals [Preamble to 20 CFR 618]. Individuals who complete an application, but are not eligible, for a program must be enrolled as Reportable Individuals for that program [TEGL 14-18].

It is also the shared responsibility of TAA and WIOA to work together to give co-enrolled participants the best array of services appropriate for these participants. This includes, but is not limited to, WIOA title II Adult Education and Literacy, WIOA title III Vocational Rehabilitation Services (ARS and DSB), and all other Arkansas Workforce Center (AFW) Partners [20 618.325]. It is the responsibility of the One-Stop Operator (OSO) to convene the meeting of partners if needed. In order to provide the best array of services, TAA and WIOA may share initial assessments, other assessments, and Individual Employment Plans (IEPs) with each other and other Arkansas Workforce Center Partners as appropriate [WIOA § 134(c)(2)(B); 20 CFR 618.335].

It is the shared responsibility of TAA, WIOA, the Dislocated Worker Services Unit, ES (ADWS Employment Services), and the Arkansas Workforce Center (AWC) Operator (One-Stop Operator) to share layoff information with other appropriate entities, including AWC partners, as soon as such sharing is allowed by the company closing and/or laying off employees.

Nothing in this policy may be construed to say that a TAA participant may be co-enrolled only in the WIOA DLW program. He or she may be enrolled, either also or instead of the DLW program, in the Youth and/or Adult program if he or she is eligible for that program and if the

services best match the needs of the applicant. In addition, he or she may be co-enrolled in any partner program that is appropriate. Each partner's files must contain proper information and documentation, as required by each respective program.

Procedures

A. Ongoing Strategy

1. The local One-Stop Operator is the conduit for updating contact information, as they are responsible for the "coordination of services" in their respective local areas. Therefore, TAA, Dislocated Worker Services Unit, as well as WIOA title I-B program managers should notify their One-Stop Operator of changing Points of Contact (POCs) within their local area.
2. The flow of the enrollment and referral process for TAA and WIOA is described in detail in "Before TAA Certification of Company/Workers" (Part B of this policy).
3. TAA and WIOA front-line staff will meet regularly to discuss upcoming events, common applicants and participants, eligibility requirements, allowed services, and other topics that will help both programs to serve individuals who have been laid off because of a plant closing or downsizing.
4. TAA and WIOA will coordinate services for co-enrolled participants to give them the best mix of appropriate services, keeping in mind the requirements of each of the programs.
5. When the Local Workforce Development Area (both WIOA and ES) knows about a potential plant closure or substantial layoff and they are allowed to share the information, they will notify the Dislocated Worker Services Unit, TAA, and the One-Stop Operator about the potential layoff and business contacts for these layoffs. Within the local area, WIOA and ES will share such information that does not breach confidentiality agreements. The One-Stop Operator will assist with the dissemination of such information.
6. The Dislocated Worker Services Unit will send Layoff Business Contacts monthly to an established Point of Contact (POC) for each local One-Stop Operator, and the One-Stop Operator POC will disseminate the information to other POCs.
7. Each One-Stop Operator will maintain the contact list for Layoff Business Contacts and provide updates to the Dislocated Worker Services Unit.
8. One-Stop Operators must send updated contact information to WIOA@arkansas.gov as soon as possible after the replacement POCs.
9. The Dislocated Worker Services Unit must send the Layoff Business Contacts with read receipts, and they must notify the One-Stop Operator if the email fails, so that research can be done to determine if there was a failure to report a change in the POC.

10. Assessments (initial, comprehensive, and specialized) and Individual Employment Plans (IEP) may be shared between TAA and WIOA title I-B, as appropriate [[WIOA § 134(c)(2)(B); 20 CFR 618.335; 20 CFR 618.605] With permission from the participant, supporting documentation may also be shared as appropriate.

B. Before TAA Certification of Company/Workers:

1. The Dislocated Worker Services Unit will notify the designated representatives for the One-Stop Operator, WIOA DLW Program, and TAA of the pending Worker Assistance Workshops as soon as the workshop is scheduled.
2. WIOA will be allowed 10 minutes at the beginning of the Worker Assistance Workshop for Information about the WIOA DLW program and how a worker may apply for assistance. Applications will be distributed, and assistance will be given, if needed, after the presentations.
Appointments will also be set after the presentations. If possible, appointments should be set for no more than seven (7) days from the date of the workshop.
3. The worker may apply first to either WIOA or TAA. Generally, he or she will qualify first for WIOA because a Dislocated Worker is eligible for WIOA services when he or she receives a lay-off notice or the company has made a general announcement that the facility will close within 180 days, assuming all other eligibility requirements are met. (See most recent versions of ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program) and ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements) for more details.) Workers do not become eligible for TAA until the company is certified as trade-affected by DOL.
4. The program to which the worker first applies (either WIOA or TAA) has the first responsibility to refer the worker to partner programs for which the worker may qualify. This includes WIOA/TAA, but the referral is not limited to these. This responsibility continues until the worker is co-enrolled in all appropriate entities.
5. Each program will use its own normal referral process to refer applicants and participants to other programs, as appropriate. The referrals will be primarily to, but are not limited to, AWC partner programs.
6. It is important to note that training and/or other services and activities should not be delayed in anticipation of a potential TAA certification.
7. If training is appropriate for the worker and WIOA is funding the training, such training need not be TAA-approved. Likewise, if TAA is funding the training, such training need not be WIOA-approved. The needed mix of WIOA and TAA funding over time should be considered in the worker's individual employment plan (IEP).
8. WIOA may pay supportive services, however, only to allow a worker to participate in WIOA-allowed training and activities, whether or not WIOA actually funds the training or activity. Likewise, TAA may pay supportive service only to allow a worker to participate in TAA-allowed training and activities, whether or not TAA actually funds

the training or activity.

9. After determination of WIOA eligibility, an initial assessment, and an individual employment plan (IEP), if further services are to be delayed, planned services must be entered in the S & T with the status of “scheduled”. This could happen when the worker cannot yet attend training or other services because of work. Details concerning scheduling services are in ADWS Issuance PY 20-01.
10. Some trade-affected workers who do not meet the Selective Service registration requirement are not eligible for the WIOA Dislocated Worker Program. (Compliance with the Selective Service Act is not required for the TAA program.) Such workers are exempt from the co-enrollment requirement [20 CFR 618.325(b)(3)].
11. It is Arkansas policy that residency in a particular local area or state cannot be a local requirement or a local preference for the WIOA Dislocated Worker Program [ADWS Policy No. WIOA I- B – 2.1 (Common Eligibility Requirements)].
12. WIOA will determine eligibility, enroll all eligible workers, assess the needs, and provide career services to all workers who request and qualify for these services/activities.
13. For workers who want occupational skills training, eligibility for training will be determined, and training will be arranged as appropriate. In order for WIOA to fund or provide supportive services for such training, workers and the training provider must meet the eligibility requirements in ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers) and ADWS Policy No. WIOA I-B – 3.3, Change 1 (Occupational Skills Training). Worker eligibility for training includes the three requirements for the participant listed in WIOA § 134(c)(3)(A)(i)(I); 20 CFR 680.210(a) & 680.220(a); and TEGL 19-16:
 - a. Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency, as determined by the LWDB, or wages comparable to or higher than wages from previous employment [generally, the employment from which a worker was laid off], through career services alone;
 - b. Is in need of training services to obtain or retain employment leading to economic self-sufficiency, as determined by the LWDB, or to wages comparable to or higher than wages from previous employment [generally, the employment from which a worker was laid off]; and
 - c. Has the skills and qualifications to participate successfully in training services.
 - d. In addition, the training provider must be on the Arkansas Eligible Training Provider List or meet the alternate requirements given in ADWS Policy No. WIOA I-B – 3.3, Change 1.
14. WIOA will provide all appropriate services allowed in ADWS Policy No. WIOA I-B – 3.1

(Services for Adults and Dislocated Workers). It should be noted that services are not limited to occupational skill training. Other services that meet the needs of the participants must be made available.

C. After the Company is Certified as Trade-affected:

1. WIOA will be allowed 10 minutes at the beginning of each Trade Adjustment Assistance (TAA) Information Session for WIOA to present information about the DLW program.
2. The TAA lead and the WIOA case manager will check in monthly to share information about participants -- both co-enrolled participants and potentially co-enrolled participants. If needed, the OSO will convene these meetings. Information about the meetings will be documented.
3. Each participant will contact either the TAA lead or the WIOA case manager at least monthly to update him or her. The main contact person for the participant will be determined by the TAA lead and the WIOA case manager within the first month of co-enrollment. The TAA lead and the WIOA case manager will share information and documentation. Planned services must be entered on both IEPs, even though a WFC partner is providing the services.
4. Once a worker is determined to be TAA-affected, TAA is the priority source of funding if such funding is allowed by TAA.
5. Beginning with the first semester of WIOA/TAA co-enrollment, TAA will be the first funding provider for any services for which TAA is allowed to provide funds. Usually, these services include the following, when applicable: tuition, fees required of all students, required books, transportation (if travel is outside the normal commuting area), supplies required of all students in the training, subsistence payments, relocation allowances (90% reimbursement), job search allowances (90% reimbursement), and On-the-Job Training (OJT).
6. When training costs are paid by TAA, WIOA will pay for any appropriate costs allowed under the local and state policies that are not paid by TAA. This may include, but is not limited to, childcare, mileage not allowed under TAA, vehicle repairs, work experience, and other supportive services. WIOA may pay for supportive services only for training/career services that can be provided by WIOA, whether or not the training is paid for by WIOA.)
7. If the participant is enrolled in occupational skills training that is allowed by WIOA title I-B, but not TAA, WIOA title I-B will pay all appropriate training or supportive services. Co-enrollment is still expected because TAA may provide other appropriate services. In addition, TAA and WIOA are also encouraged to refer the participant to other appropriate AWC partners (and other entities) that can provide needed services.
8. If TAA begins the training funding, the training is allowed by WIOA local and state policies, and TAA has reached its maximum funding for the training, WIOA will fund the remainder of the training for the co-enrolled participant, being careful to be compliant

with ADWS Issuance PY 19-09.

D. After Co-enrolled Participant Exits both programs:

1. WIOA will provide follow-up services as allowed by the local policy, in compliance with state and federal policies.
2. WIOA will give any appropriate follow-up information to their local TAA case manager. WIOA will document such services and will share these documents, as well as any other appropriate information, with TAA.

Approved by: Michael Allgood Date: 6-14-2021
Title: CAWDB Board Chair

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