

# Area 14 Workforce Development Board

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Area 14 Workforce Development Board

Training Services Policy

Area 14 Policy 16-06

Effective August 4, 2016



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## **I. Purpose**

The purpose of this policy is to establish guidance for Program Operators in delivering training services to participants enrolled in WIOA funded training programs and activities. Training services may be utilized for any of the three funding streams within the WIOA system (Adult, Dislocated Worker and Youth). The requirements set forth in this policy are universal across all streams, unless specifically noted.

## **II. Effective**

Immediately

## **III. Requirements**

WIOA funded programs are not entitlement programs. Although a participant may be eligible for the WIOA program, training services may not be an appropriate utilization of WIOA funding unless the participant has been assessed and a determination has been made by Program Operator staff that the participant is a) likely to benefit from the training service and b) likely to complete the training service and secure employment as a direct result of the training service. Program Operators must weigh all factors before authorizing expenditures for training services. Program Operators will adhere to guidance in the WIOA, as well as state of Ohio guidance in the delivery of training services for participants.

### **Funding Caps**

All training services utilizing WIOA funding will count towards the participant's overall funding cap as set by the Area 14 Workforce Development Board (maximum of \$10,000 per year; maximum of \$20,000 total per training program). This cap is inclusive of all employment, educational, training and supportive services utilizing WIOA funding.

### **Other Sources of Funding**

The utilization of WIOA funding for training services should be "Last Source", meaning all other resources or sources of funding have been explored and attempted before the approval of WIOA funding. Documentation is not required for these attempts, but Program Operators should make a good faith effort in utilizing other funding sources before authorizing the use of WIOA funds for training services. Program Operators must adhere to any and all relevant internal procurement rules within their organization.

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## **Eligibility for Training Services**

Pursuant to section 134 (b)(3)(A) of the WIOA, training services may be provided to adults or dislocated workers who:

1. After an interview, evaluation, or assessment and career planning, have been determined by OhioMeansJobs staff or OhioMeansJobs center partner staff to be:
  - 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;
  - In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
  - Have the skills and qualifications to successfully participate in the selected program of training services.
2. Selects a program of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate; and
3. Are unable to obtain other grant assistance for training or require assistance beyond the assistance made available under other grant assistance programs, including Pell Grant funds.

## Documentation

The case files for participants must contain a determination of need for training service as determined through the interview, evaluation, or assessment, and career planning informed by State and local in-demand occupation lists and training provider performance information, or through any other career service received. It is important that WIOA staff gather enough information, by whatever means, to justify the need for training services.

## Use of Previous Assessments

When determining the services needed for an individual to obtain or retain employment, the Program Operator staff, WIOA staff or an OhioMeansJobs center partner shall not be required to complete a new interview, evaluation, or assessment of a participant if it is determined that it is appropriate to use a recent interview, evaluation, or assessment (within six (6) months) of the participant conducted pursuant to another education or training program. This may include evaluations completed by a secondary school, Vocational Rehabilitation, Adult Basic and Literacy Education (ABLE), Veteran Program, or other education or training providers.

## Priority for Adult Program

Priority for training services funded by and provided through the adult program shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of training services determined appropriate to obtain or retain employment. The emphasis in WIOA is to prioritize services to those individuals who have the most barriers to employment and to provide those individual with the opportunity to benefit from employment and training services.

## Priority for Veterans and Eligible Spouses

Pursuant to the Area 14 Workforce Development Board policy on “Priority of Service”, veterans and eligible spouses take precedence, with all other qualifying eligibility requirements being equal, over non-veteran and eligible spouses in obtaining services and program enrollment.

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## **Determination of Self-Sufficiency**

Pursuant to section 134 (b)(3)(A)(i)(I) of the WIOA, for adults and dislocated workers to receive training services, they must be in need of such service to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than wages from previous employment.

For working dislocated workers, determination of self-sufficiency status requires a two-step assessment of the worker's employment:

1. Determine if the employment is "interim employment."
2. If the employment is not "interim," determine if the wage is at least 200% of the Federal Poverty Level (FPL) or if the hourly wage is comparable to or higher than wages from previous employment.

It should be noted that workers who have received notice of layoff, but have not yet been laid off and who do not have any other sources of employment are not subject to review of self-sufficiency.

## Interim Employment for Dislocated Workers

Typically, employment is considered to be interim if the salary is below the salary of the dislocated worker's primary occupation and/or if the dislocated worker is working under the skill level of his or her customary occupation. There may be circumstances where interim employment does provide a sufficient wage temporarily but is not considered permanent employment that leads to self-sufficiency (e.g., working through a temporary agency). The determination about whether or not a dislocated worker's employment is interim employment must be made on a case by case basis and take into consideration dislocated worker's personal, family, financial, and employment situation.

A dislocated worker who is in interim employment is not considered to be self-sufficient even if the hourly wage exceeds the lower living standard income or if the hourly wage is comparable to or higher than the wages from previous employment.

If a dislocated worker has interim employment, this participant is considered to be unemployed at participation and information should be entered into the Ohio Workforce Case Management System (OWCMS) as such.

## Wage Standard for Non-Interim Employment for Dislocated Workers

Employed dislocated workers whose wages are over 200% of the FPL standard or comparable or higher than the wages from previous employment are considered to be "self-sufficient," unless the employment is considered to be "interim employment." Dislocated workers who are determined to be "self-sufficient" may receive career services only.

## **Training Services**

Training Services may include:

- Occupational skills training, including training for nontraditional employment;
- On-the-job training;
- Incumbent worker training;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Transitional jobs;
- Job readiness training;
- Adult education and literacy activities;
- Customized training.

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## Linkage to Occupations in Demand

Training services provided shall be directly linked to an in-demand industry sector or occupation or a high potential for sustained growth in the Area 14 or the Southeast Ohio local planning region, or in another area to which a participant receiving such services is willing to relocate. Refer to WIOPL No. 15-11, Use of Individual Training Accounts (ITA), for the guidelines on the selection of State In-Demand Occupations and Local In-Demand Occupations.

## Eligible Training Providers

Training services shall only be provided by providers who have met the criteria to be eligible and have been identified as being on the list of eligible providers of training services pursuant to section 122 of the WIOA. Pursuant to 20 CFR 680.530, providers of OJT, customized training, incumbent worker training, internships, paid or unpaid work experiences, or transitional jobs are not subject to the eligibility requirements outlined in section 122 (a)-(f) of WIOA, but are required to provide performance information established by the State.

## Informed Customer Choice

Training services shall be provided in a manner which maximizes consumer choice in the selection of an eligible provider of such services. Each Ohio Means Jobs center in Area 14 shall make available the list of eligible providers of training services and accompanying performance information. Based upon the available information, participants, with the assistance of staff, are able to make informed customer choices. Refer to WIOPL No. 15-11 for more guidance on informed customer choice.

## Needs-Related Payments

Due to the lack of sufficient funding to properly administer Needs-Related Payments to training participants, Needs-Related Payments will not be offered to participants in the Area 14 workforce development system.

## Individual Training Accounts (ITA)

An ITA is one of the primary methods through which training is financed and provided for adults, dislocated workers and out-of-school youth. ITAs are established on behalf of a WIOA participant to purchase a program of training services from eligible training providers. Guidance on the use of ITA's is offered in WIOAPL No. 15-11 and WIOAPL No. 15-10.

Training contracts may be provided pursuant to a contract in lieu of an ITA if consumer choice requirements and one of the following exceptions are met:

- If such training services are on-the-job training (including placing participants in a registered apprenticeship), customized training, incumbent worker training, or transitional jobs;
- Where the Area 14 Workforce Development Board determines there are an insufficient number of eligible providers of training services in the local area to accomplish the purposes of a system of individual training accounts as described in the local plan;
- If the Area 14 Workforce Development Board determines that there is a training services program of demonstrated effectiveness, through criteria developed by the local board, offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;
- If the training is for multiple individuals in in-demand industry sectors or occupations, as long as the contract does not limit the individual's customer choice; or
- The contract is a pay-for-performance contract.

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## Local Requirements for WIOA Adult, Dislocated Worker and Youth Funded ITAs

For Individual Training Accounts (ITA's) funded through the Adult, Dislocated Worker or Youth Program, participants must:

- meet the minimum requirements of the training provider for the type of training selected. Participants will be required to provide documentation that they meet all requirements before an ITA can be authorized.
- be assessed on their academic skills and knowledge prior to authorization. Individuals must receive a score of 9.0 or better on reading/math grade levels on the CASAS test (Comprehensive Adult Student Assessment System) or received a score of 9.0 or better on the TABE (Test of Adult Basic Education) in order to be enrolled in an ITA training program. If recent (6 months or less) scores are available from a college entrance exam, or other suitable assessment tool, Program Operators may use these as a substitute at their discretion. Suitable accommodations will be provided to participants with disabilities. Individuals that fall short of the required grade level will be referred to the Adult Basic Literacy Education program for remediation. For short-term training that does not require a high-school diploma, Program Operators have the discretion to waive this requirement and use a non-grade level assessment to determine appropriateness for an ITA.
- maintain a 2.0 (minimum) cumulative Grade Point Average or, in training situations where GPA's are not utilized, meet the minimum requirements for the training to satisfactorily progress towards completion. Complying with the attendance requirements of the training provider is an important part of a participant making satisfactory progress. If a participant does not maintain a 2.0 GPA while enrolled in the program, or fails to meet the requirements for satisfactory progression, or fails to comply with the training program's attendance requirements, the Program Operator may exit the participant from the WIOA program and begin non-funded follow-up services. Participants that are exited for this reason will not be eligible for further training services within the Area 14 workforce development system.

## Additional Requirements for Adult-Funded ITAs

WIOA adult-funded ITA's may only be approved for those who have been determined to be below 200% of the FPL as the locally defined standard of "family self-sufficiency." This requirement is intended to ensure that adult participants seeking adult-funded ITAs are those whose families lack or have limited ability to pay for training and supportive services needed in order to obtain or retain employment.

Additionally, all young adults, ages 18-24, who are seeking WIOA adult-funded ITAs, must also be screened for dependency status. Refer to WIOAPL No. 15-06, Determination of Dependent Status, for guidance on determining dependency status. If an adult, ages 18-24, is determined to be dependent, "family self-sufficiency" would include the income(s) of all family members, including the young adult's parent(s).

WIOA eligible adults who are over the local standard for "family self-sufficiency" are not eligible for adult-funded ITAs. Other WIOA services may be provided, as appropriate. They may also be served using other WIOA funds, if eligible.

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## Extenuating Circumstances for WIOA Adult-Funded ITAs

If a family income exceeds the "family self-sufficiency" standard, a participant may still receive an adult-funded ITA if extenuating circumstances exist. When evaluating extenuating circumstances, the costs related to the economic hardship must be the responsibility of that person or for his or her legal dependent, spouse, or parent. Those costs must be ongoing and expected to cause a financial hardship for the duration of the ITA.

Economic hardships include, but are not limited to:

- The portion of medical procedure or prescription medication costs that are not covered by insurance and are ongoing and determined to be medically essential;
- Health insurance premium payments that are not paid for by private or public sources;
- Payments on past due or back mortgage, rent, or essential services (e.g., electric, water, natural gas, propane, and other utility arrearages) that accumulated because of involuntary unemployment or underemployment;
- Court-ordered child support or spousal payments;
- Ongoing payments to a nursing home, home health care provider, elder care provider, or assisted living provider;
- Payments toward debt that accumulated as a result of a natural disaster, severe illness, or disability.

Extenuating circumstances do not include normal rent, mortgage, utility, automobile, fuel, grocery, credit card, or "pay-day loan," payments.

Exceptions may be approved on a case by case basis for individuals whose family incomes exceeds the family self-sufficiency standard. Documentation explaining the extenuating circumstances must be maintained in the participant file, along with the signature approval of the Area 14 Fiscal Agent and Executive Director of the Area 14 WDB.

## **Determination of Appropriateness for Training Services**

As the WIOA program is designed to provide employment and training opportunities to those who can benefit from, and who are in need of such opportunities, eligible individuals must be determined to be appropriate for training services based upon a consistent and equitable assessment that is relevant to the type of training for which the individuals are applying.

WIOA staff must gather information and assess appropriateness in a timely manner and Program Operators must establish a customer flow that allows an expedited path to needed services.

Training services may be provided to adults, dislocated workers or youth who after an interview, evaluation, or assessment and career planning, have been determined by Ohio Means Jobs staff or Ohio Means Jobs center partner staff to be:

- 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;
- In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
- Have the skills and qualifications to successfully participate in the selected program of training services.

The process to obtain this information shall be a combination standardized tests, interviews, inventory of applicants' fields of interests, skills assessments, career exploration, and available labor market, other data

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which may have been collected through the provision of a career service, or any other means that provide Program Operator staff the insight into the appropriateness of training services.

## **IV. Reporting Requirements**

Program participation begins when the participant is determined eligible, receives the staff-assisted basic career service, individualized career service, or training service which is funded by the adult or dislocated worker program. For youth participants, program participation begins when the youth is determined eligible and receives an assessment and a program element. Therefore, at the point of participation, a youth participant will be enrolled in the youth program and reported in the Ohio Workforce Case Management System (OWCMS). All youth participants will be counted in the WIOA youth program performance measure calculations. Program Operators are required to maintain and report accurate program and financial information.

Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into Ohio Workforce Case Management System (OWCMS) accurately and timely.

The Area 14 Workforce Development Board will conduct oversight of the implementation of WIOA funded training programs to ensure that participants enrolled in the programs are eligible, that eligibility has been properly documented and services were provided consistent with applicable policies. Program Operators are required to make available to the board and/or contracted monitors all relevant participant files, documents and paperwork.

Through the state's monitoring system, program monitors will review the area's determination of eligibility for adults, dislocated workers and youth, including a participant file review, during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

## **V. References**

Workforce Innovation and Opportunity Act, Pub. L. 113-128.

20 CFR Parts 603 et al.

29 U.S.C. 3101 et seq.

Ohio Administrative Code rule 5101:9-30-04, Mandated Use of Ohio Workforce Case Management System (OWCMS).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-06, Determination of Dependent Status, (July 1, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-14, Needs-Related Payments Using Adult and Dislocated Worker Funds

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11, Use of Individual Training Accounts, (July 1, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08, Career Services for Adults and Dislocated Workers, (July 1, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-10, Youth Services, (July 1, 2015).