

# Area 14 Workforce Development Board

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Area 14 Workforce Development Board

Training Services for Adult, Dislocated, and Youth

Area 14 Policy 14.15-09 & 15-10

Effective: May 15, 2019

Revised: February 12, 2020

Revised: November 10, 2021



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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 and to set the local level for both “Self-Sufficiency” and “Family Self-Sufficiency” as they relate to requirements of the Workforce Innovation and Opportunities Act.

## **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 \$40,000 total per training program if pursuing a baccalaureate degree or a 4 year Registered Apprenticeship). 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

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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.

## **Residency Requirement for Training Services**

Career services are available to any individuals requesting assistance through WIOA or the Ohio Means Jobs system in Area 14. However, to maximize the impact of WIOA services within Area 14, training services for Adults, Dislocated Workers, and Youth require the participant reside within the three-county area (Athens, Meigs and Perry counties) of the Area 14 workforce development system. Individuals residing within Area 14 must apply for WIOA services through their county of residence first, and if no funding is available, will be referred to the other Area 14 county programs for services. Individuals residing outside of the Area 14 workforce development system that require training services will be provided referral information for the workforce development area in which they reside.

## **Eligibility for Training Services**

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

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to another education or training program. This may include evaluations completed by a secondary school, Vocational Rehabilitation, Aspire, 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 individuals 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.

## 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.

The local definition of “self-sufficiency” should not be confused with the “family self-sufficiency” definition.

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 the locally defined level of self-sufficiency 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 locally defined “Self-Sufficiency” level 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 online state case management system as such.

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## Wage Standard for Non-Interim

Employed dislocated workers whose wages are over locally defined self-sufficiency standard 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.

**The Area 14 Workforce Development Board defines “self-sufficiency” for the adult program as 200% of the Federal Poverty Level for the applicable year, calculated by examining the applicant’s family income for the 6-month period prior to the date of application.**

**For “Dislocated Workers” this threshold sets aside the wages earned in previous employment if that employment has ended and is not expected to begin again in the immediate future.**

**The Area 14 Workforce Development Board defines youth program eligibility as defined in area policy 14.15-03.1.** Please refer to that policy for guidelines.

## **Family Self-Sufficiency**

As part of the determination of the appropriateness for training services, case managers within the Area 14 workforce development system must review "family self-sufficiency" for participants seeking a WIOA adult funded ITA. For the purposes of this policy, family income to be considered includes a spouse and/or children along with the applicant’s income. Family income should only include earned income including benefits paid by an employer such as disability pay and would exclude any unearned income amounts-TANF, SNAP, SSI, child support payments, etc. WIOA adult funded ITA’s may only be approved for those who have been determined to be below a 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 through 24, who are seeking WIOA adult funded ITAs, must also be screened for dependency status. Refer to WIOAPL No. 1506, Determination of Dependent Status, for guidance on determining dependency status. If an adult, ages 18 through 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.

The local definition of “family self-sufficiency” should not be confused with the "self-sufficiency" definition.

**For purposes of determining eligibility for Individualized Training Accounts (ITA’s) the Area 14 Workforce Development Board defines “family self-sufficiency” as 200% of the Federal Poverty Level for adults or 100% of the Federal Poverty Level or 70% of the lower living standard for**

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youth (whichever is higher) calculated by examining the applicant's family income for the 6-month period prior to the date of application.

## Training Services

Training Services may include:

- Occupational skills training, including training for nontraditional employment;
- Registered apprenticeship (which incorporates both on-the-job-training (OJT) and classroom training
- On-the-job training;
- Incumbent worker training;
- 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 in combination with other training services or transitional jobs;
- Adult education and literacy activities, including activities or English Language acquisition and integrated education and training programs, provided concurrently or in combination with other training services;
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon the successful completion of the training.

### 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

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**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. 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. 15-11.1.

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.

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

For Individual Training Accounts (ITA's) funded through the Youth, Adult, and/or Dislocated Worker 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. Program Operators have the discretion to waive or require the high school diploma or GED.
- be assessed on their academic skills and knowledge prior to authorization based on whether the program is long term (Pell eligible programs) or short term (non-Pell eligible):
  1. For Pell Eligible training programs-Individuals must be at a 9<sup>th</sup> grade level or better on reading/math grade levels on the CASAS test (Comprehensive Adult Student Assessment System), a 9<sup>th</sup> grade level or better on the TABE (Test of Adult Basic Education) or 9<sup>th</sup> grade level on the Work Keys assessment in order to be enrolled in a Pell eligible ITA training program.
  2. Individuals who are seeking a non-Pell eligible certification, must be at a 5<sup>th</sup> grade level or better on the CASAS, Work Keys or TABE in order to be enrolled in an ITA.
  3. If recent (6 months or less) scores are available from a college entrance exam, or other suitable assessment tool such as high school equivalency, high school grade card, current college grade card with grade cards noting a 2.0 or higher, SAT/ACT, TEAS, the Program Operators may use these as a substitute at their discretion when determined appropriate. A record of approval or denial due to appropriateness should be documented in case notes.

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**Please Note:** Suitable accommodations will be provided to participants with disabilities. Individuals that fall short of the required grade level will be referred to the Aspire program for remediation.

- 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.

## 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.

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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 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.

All participants entering into a training program are required to have an IEP, IOP and/or ISS.

## **IV. Reporting Requirements**

Program Operators are required to maintain and report accurate program in the online state case management system and financial information in CFIS. 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 the online state case management system accurately and within 30 days. The online state case management system may be used to assist in the determination of eligibility. However, the online state case management system cannot be used as verification of eligibility. WIOAPL No. 15-07, Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for programs.

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

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Operators are required to make available to the board and/or contracted monitors all relevant participant files, documents and paperwork.

## V. References

Workforce Innovation and Opportunity Act §134, Pub. L. 113-128.

Jobs for Veterans Act, Pub. L. 107-288.

20 C.F.R.. §§ 680.200-230, 680.300, 680.320-680.340, 680.420, 680.470, 680.600, 680.650-660, and 683.500-683.510.

29 U.S.C. 3101 et seq.

O.A.C. 5101:9-30-04.

USDOL, Training and Employment Guidance Letter WIOA No. 41-14, Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition, (June 26, 2015).

USDOL, Training and Employment Guidance Letter WIOA No. 13-16, Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA), (January 12, 2017).

USDOL, Training and Employment Guidance Letter WIOA No. 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Services (ES), as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017).

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

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers, (June 6, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-09.1, Training Services for Adults and Dislocated Workers (January 8, 2018).

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

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11.1, Use of Individual Training Accounts, (January 8, 2018).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-12, Work Experience for Adult and Dislocated Workers, (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-20.1, Priority of Service for Veterans and Eligible Spouses, (August 18, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-22.1, On-the-Job Training Policy, (January 22, 2018).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-23, Incumbent Worker Training (IWT) Guidelines, (March 29, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-24, Customized Training Guidelines, (March 23, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-02, Eligible Training Providers, (November 10, 2016).

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