

# WORKFORCE INVESTMENT ACT RESOURCE GUIDE

## ADULTS & DISLOCATED WORKERS

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## **PART C—WIA ADULT AND DISLOCATED WORKER PROGRAM ACTIVITIES AND, BENEFITS**

### **Chapter C-1**

#### **The Three-Tiered Service Delivery System**

**The goal of WIA is to increase employment, retention and earnings of participants, and in doing so, improve the quality of the workforce to sustain economic growth, enhance productivity and competitiveness, and reduce welfare dependency.**

To that end, the Workforce Investment Act provides for a continuum of services that individuals may progress through: core services, intensive services and training.

The first level of activity, [core services](#), are designed to provide opportunities for basic exploration of the job market, the workforce system and one's personal resource. Job referrals are also a core service.

The next tier is [intensive services](#) where case managers direct their attention on a client's needs. Intensive services are available to eligible adults and dislocated workers whose circumstances require more assistance than core services provide to obtain appropriate employment.

[Training services](#) provide skills training as warranted by individual circumstances.

The ultimate goal is "to increase employment, retention and earnings of participants."

In addition to looking at individual needs, the workforce system is generally expected to "improve the quality of the workforce to sustain economic growth, enhance productivity and competitiveness and reduce welfare dependency." How these goals are implemented should be described in the local Workforce Services Plan as well as local policies and procedures. The case manager's role is to help clients explore possibilities that are attainable within a reasonable time and with available resources, and help them attain the goals that they set. The Three-Tiered Service Delivery System allows clients to progress from initial self-discovery inquiry to assisted exploration, with more extensive levels of services provided to those who need and are likely to benefit from them.

Case managers should ensure that all WIA activities help to place participants in employment in demand occupations, with priority given to:

- high-skill, high-wage jobs
- jobs in growth sectors
- jobs that provide skill upgrades to meet changing workforce demands
- jobs that lead to self-sufficient earnings.

Note that at every service tier, veterans and eligible spouses who meet the eligibility requirements are entitled to receive priority for the receipt of services over other WIA participants.

**Local boards must ensure that they offer a wide range of services in each tier. Boards must further ensure that all WIA-funded activities are recorded in EFM.**

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## Chapter C-2

### Core Services

The first activity assigned to an adult or dislocated worker must be a core service. Core services are available to all adult clients (age 18 or older) of the One-Stop system. In Florida, stand-alone core services are generally provided through the Wagner-Peyser program rather than WIA.

WIA core services may be offered to any adult who meets general eligibility requirements (age, citizenship/right to work, selective service requirements).

Core services may include:

#### **Outreach**

One-Stop systems are to include an outreach and recruitment process to connect with individuals who may be eligible for WIA services. Outreach efforts are conducted through One-Stop partners, educational institutions, economic development and business organizations, labor organizations, civic and community organizations, etc.

#### **Orientation**

One-Stops typically schedule regular orientations to provide interested individuals with information about WIA services available in their area. The frequency and format of such meetings may vary depending on such factors as client needs and their ability to access the One-Stop. Many Regions provide this service electronically through a web-based format. Regardless of format, the presentation may be generic and provide an overview of all services, or focus on specific programs and services. One-Stops should be prepared to provide additional and/or specific orientations to respond to local economic circumstances or client needs.

#### **Reemployment Assistance (unemployment compensation) Information**

In the One-Stop system, dislocated workers should have access to information about how to file for reemployment assistance and other program/benefits available to them, as well as their obligations to remain eligible for the assistance.

#### **Eligibility for Other Programs**

One-Stop Career Centers are able to provide information about eligibility for other programs, such as Welfare Transition/TANF and other non-WIA training and education programs.

#### **Provision of information about availability of supportive services in the area**

Since One-Stop Career Centers coordinate the provision of services with a variety of partner programs and other agencies, they should provide accurate information about supportive services available in the local area and be prepared to offer referral to such services.

#### **Completion of the WIA Application**

The WIA Application is entered into the EFM as described in Part B of the Guide.

#### **Use of Resource Room**

A Resource Room should be open to all job seekers and provide Internet browsing, applications that can be used as part of a job search, assessment tools, etc.

### **Group Activities**

General group *how-to* sessions, such as writing a résumé, may be offered to all job seekers.

### **Provision of Labor Market Information**

The One-Stop staff provide employment statistics information that relates to local, regional and national labor market areas. This would include information relating to local in-demand occupations and the earnings and skill requirements for such occupation.

### **Provision of RWB Performance Information**

The One-Stop should provide job seekers access to information about how the RWB is performing on national, state, and local performance measures.

### **Provision of training performance information and program costs related to [eligible training providers](#)**

The One-Stop should provide job seekers access to training performance information and program cost information on approved providers of training services.

### **Job Referrals**

One-Stop Career Centers carry job listings from employers in their area and will refer qualified applicants for these positions. The One-Stop may also provide testing and conduct background checks on behalf of employers prior to referring applicants.

### **Individual Job Development & Job Clubs**

One-Stop staff assist clients individually or in group settings to find employment. A One-Stop may organize job clubs where participants network and support each other's job search efforts.

### **Follow-up Services after Exit.**

Follow-up services may be provided to WIA clients for up to 12 months after WIA activities end.

***All WIA core services provided to participants must be entered in EFM.***

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## Chapter C-3

### Intensive Services

Eligible adults and dislocated workers who have not obtained employment through core services may be referred to intensive services. This is intended to facilitate a more focused and comprehensive assessment of their status, goals and needs.

To be eligible to receive intensive services, an individual must have received at least one (1) core service, be determined unable to obtain employment through core services and need intensive services to obtain employment. Employed applicants must be determined in need of the intensive services to obtain or retain employment that allows for self-sufficiency. WIA 134(3)(A).

Additionally, adults and dislocated workers are required to meet specific eligibility requirements (priority of service for adults and/or specific dislocated worker criteria.)

Intensive services are not limited to the activities listed in WIA and may include:

#### **Comprehensive and Specialized Assessments**

The assessment should examine the individual's skill levels and identify assets and barriers to employment as well as service needs (may include diagnostic testing, in-depth interviews & evaluations). Each local area should establish its own tools and methods for conducting comprehensive and specialized assessments.

#### **Development of an Individualized Employment Plan/Career Plan (IEP)**

IEPs should be individualized to identify employment goals, achievement objectives and a combination of services and activities that can lead to self-sufficiency. IEPs should take into account assessment results, the client's stated preferences, labor market information relevant to the client's goals, etc. An IEP can be maintained in hard copy or electronically in EFM. The IEP is a living document and should be updated to reflect progress made in the accomplishment of identified goals and objectives.

#### **Group Counseling, Individual Counseling and Career Planning**

More targeted counseling and career planning may be provided based on client needs.

#### **Short-term Prevocational Services**

One-Stop staff may provide prevocational services, particularly for individuals with a poor work history or other barriers, to help these individuals attain employment or successfully participate in training. Such instruction may include communication and interviewing skills, punctuality, study skills, professional conduct, and basic computer literacy and competencies.

#### **Stand-alone Adult Education and Literacy Training**

For individuals who need adult education, English as a Second Language (ESL) and GED preparation, these may be provided as an intensive service.

#### **Case Management**

Through case management, a case manager assesses, plans, implements, coordinates, monitors, and evaluates the options and services required to meet a client's needs. Case management is characterized by advocacy, communication and resource management and promotes quality and cost-effective interventions and outcomes.

Case management services are optimized if offered in a climate that allows direct communication among the case manager, the client and other service delivery professionals. (The publication "Definition and Philosophy of Case Management" is issued by the [Commission for Case Manager Certification](#).)

### **Work-based Intensive Services**

A work experience is a planned, structured learning experience that takes place in a workplace for a limited period. Public sector, private non-profit and for profit employers are acceptable sites for work experience placements.

The intent of work experience is to enable participants to explore career options and gain exposure to the working world and its requirements. Such activities should be of limited duration, based on the needs of the individual.

The use of unpaid work experiences should be combined with other services and should be based on a service strategy identified in an IEP. If an RWB enrolls participants in unpaid work experiences, they must ensure that they comply with [Wage and Hour requirements](#). If the work experience creates an employer-employee relationship according to federal Wage and Hour requirements, the participant must receive at least the minimum wage for hours worked. The employer of record is responsible for federal withholding.

The State of Florida provides workers' compensation medical coverage to participants in WIA work experience.

**In order to ensure that work experience worksites and WIA participants are aware of the workers' compensation coverage, the following written notice must be provided to the worksite (employer) as well as the participant:**

**Florida Statutes, section 445.009(11) sets out the parameters for workers' compensation coverage for work experience participants: A participant in an adult or youth work experience activity administered under this chapter shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.**

WIA regulations that apply to youth work experience activities discuss features that may be useful for an adult work experience program, for example:

- Instruction in employability/workplace skills
- Exposure to various aspects of an industry
- Progressively more complex tasks
- Integration of basic academic skills into work activities

- Supported work, work adjustment and other transition activities
- Entrepreneurship

Operationally, there is no difference in WIA law or regulations between work experience and internship. Consequently, all requirements and restrictions that apply to work experience also apply to internships. WIA law imposes certain requirements and restrictions to work-based training. These are described [below](#).

[20 CFR 663.200](#).

***All intensive services provided to participants must be entered in EFM.***

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## Chapter C-4

### Training Services

Eligible adults and dislocated workers who do not obtain employment following intensive services may be referred to training in order to secure employment. Through One-Stop Career Centers, these individuals need to be evaluated and assessed to determine whether they are in need of training and if they possess the skills and qualifications needed to participate successfully in the training program in which they express an interest.

Training services must be directly linked to occupations that are in demand in the local area or in another area to which the individual receiving services is willing to relocate.

Training services may not be provided directly by Regional Workforce Boards. They must be offered through [Individual Training Accounts](#) as described below or through a [contract](#).

#### **[Eligible Training Providers List \(ETPL\)](#)**

The State is required to maintain a list of training providers that are eligible to receive adult or dislocated worker funds. Not only are training providers included in the list, but training programs provided by the providers have to be reviewed and approved for inclusion. This list is put together through collaboration between the State (WFI and DEO) and RWBs. For information about the development of the ETPL, please refer to Guidance Paper xx.

The ETPL is based on annual publication of [Targeted Occupation Lists](#) and is updated as new information becomes available from such sources as DEO's Office of Labor Market Statistics, the Florida Department of Education and RWBs. The Targeted Occupation Lists include high-skill/high-wage occupations as well as occupations approved for Welfare Transition.

All training programs for adults and dislocated workers must be listed on the ETPL, with only two exceptions:

- [Customized Training](#)
- [On-the-Job Training](#)

#### **Individual Training Accounts (ITA)**

The Workforce Investment Act specifies that WIA training services for adults and dislocated workers must be provided through the use of ITAs.

RWBs determine the structure of the ITA system for their areas. RWBs may analyze the costs of training for any program/training provider to determine whether the costs are reasonable and necessary, as part of the local approval process.

The law does not prescribe a limit on the amount that may be funded to assist an individual in obtaining training nor does it preclude a state or locality from establishing such a limit for WIA-funded training. Thus, a local board may place a maximum cap on the amount of training that an ITA will cover. Any such cap must be listed in the RWB's local plan.

The following costs may be included in an ITA:

- Tuition
- Fees
- Books
- Tuition, fees and books associated with basic literacy training, e.g. GED, ESL, as long as this training is concurrent or sequenced with occupational skills training

Various formats may be used for an ITA, including a voucher or debit card.

For federal and state reporting, complete ITA information must be recorded in EFM. Required information includes:

- Name and address of training provider
- Training occupation code and title
- ITA training costs

WIA provides an exception to the requirement that WIA-funded training be offered through an ITA. RWBs may provide training through contracts as provided in [20 CFR 663.430](#) in the following cases:

1. [On-the-job](#) or [customized training](#).
2. Programs procured when it is determined that there is an insufficient number of providers in the area to accomplish the purposes of ITAs.
3. When the RWB determines that there is a training program in the local area by a community-based organization or another private organization to serve special participant populations that face multiple barriers to employment. RWBs must have in place criteria developed to determine the demonstrated effectiveness as it applies to the special participant population it proposes to serve. This exception is meant to address special needs and should be used infrequently. Even then, clients should be afforded all appropriate training options
4. USDOL also allows the awarding of contracts for "class-size training" to an institute of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupation. TEGs [26-10](#) and [19-11](#).

The use of these exceptions must not limit customer choice. Note that all training programs except OJT or customized training must be included on the [ETPL](#).

### **Coordination with Other Federal Grants**

Federal law requires that WIA training costs are coordinated with funds available under other federal programs. To best leverage resources, WIA adult and dislocated funds may only be spent to provide training to individuals who are unable to obtain educational grants (e.g. Pell Grants) or who require assistance beyond their grant award.

Case managers need to work with the participant and the training institution's financial aid counselor to assess the full "education and education-related costs" and calculate the funding resources available to the participant. **Note that loans are not to be included in the resources available nor should participants be required to apply for loans in order to attend WIA funded training.**

State policy does not mandate that Pell funds have to be used first to pay for tuition. Instead, the exact mix of funds should be based on the availability of funding for training costs or supportive services. The important point to remember is that case managers should assess the total cost of the education to be provided (not just tuition, fees, and books) and the client's resources, then use available WIA funding to cover these costs without duplication. WIA section 134(d)(4)(B), [20 CFR 663.320](#), and Preamble to the [WIA Regulations](#) Federal Register, Vol. 65, No. 156, Friday August 11, 2000, 49294 *et seq.*, at pages 49328 – 49329 detail how RWBs should coordinate WIA funds with other federal grant assistance.

Note that VA benefits for training are not included in the other grant assistance coordination requirement. Therefore, veterans and spouses are not required to coordinate their entitlement to those benefits with any concurrent eligibility they may have for WIA-funded training (and therefore, should not be precluded from receiving WIA-funded services). Similarly, RWBs may not require veterans or spouses to exhaust their entitlement to VA-funded training benefits prior to receiving WIA-funded training. See [TEGL 10-09](#).

### **Training Activities**

Training Services are described at [WIA 134\(d\)\(4\)\(D\) 20 CFR 663.300, et seq.](#) They may include:

**Occupational skills training** including training for nontraditional employment

Occupational skills training is provided by an institute of higher education that leads to a specialized diploma, certification or licensure as defined by the Florida Department of Education.

Occupational skills training must be provided by an [eligible training provider](#), generally through the use of [ITA](#).

### **On-the-job training (OJT)**

- **Definition.** On-the-Job Training (OJT) is paid training that is provided by an employer to a participant while engaged in productive work in a job that allows the participant to acquire knowledge or skills essential to the full and adequate performance of the job. OJT can be provided by an employer in the public, private, or non-profit sector.
- **OJT Contract/Agreement.** For OJT, a contract must be developed between the RWB and/or One-Stop and the employer that provides the training. The employer may receive reimbursement of up to 50% of the wages paid to compensate for the extraordinary costs associated with training, lower productivity and additional supervision. The required employer reimbursement may be more than 50% under a waiver. Front-line staff must be aware of the existence of waivers, when applicable. See [Part G](#) below for information about the current waivers.
- **Length of Training.** The OJT contract must be limited to the period of time required for the worker to become proficient in the occupation for which the training is provided. Consideration should be given to the skill requirements of the occupation and the client's skill level and prior work experience as evidenced in the client's [individual employment plan \(IEP\)](#). The Occupational

Information Network ([O\\*NET](#)) categorizes occupations into "[Job Zones](#)" which describe how much education, related experience and/or on-the-job training people need to do the work. The Job Zones replace the older system, "[Specific Vocational Preparation](#)" (SVP).

- **Employed Workers** may also participate in OJT when the employee is not earning a self-sufficient wage per RWB policy and 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 RWB.
- **Working Conditions.** Individuals in OJT must be compensated at the same rate, including periodic increases and be provided the same working conditions as trainees or employees in similar occupations by the same employer and who have similar training, experience and skills. In no case, can wages be less than the federal and state minimum.
- **Failure to Retain OJT Trainees.** Local areas must not contract with any employer who has exhibited a pattern of failing to provide OJT participants with continued long-term, post-training employment with wages, benefits and working conditions equal to those of regular employees who have worked a similar length of time and are doing the same type of work. RWBs should establish procedures to ensure that this requirement is met.
- **Requirements & Restrictions**
  - ✓ Health and safety standards are applicable to the working conditions of work-based participants. Workers' compensation coverage must be provided to work-based participants on the same basis as other workers.
  - ✓ Work-based employers must comply with nondiscrimination and equal opportunity requirements. These prohibit discrimination on the basis of race, religion, sex, national origin, age, disability, or political affiliation.
  - ✓ Work-based agreements may not be written with religious organizations for employment in sectarian activities or to carry out maintenance or construction on any part of a facility that is used for sectarian instruction or as a place of worship.
  - ✓ Work-based activities may not be used to encourage or induce a business to relocate from any location in the United States if the relocation results in employees losing their jobs at the original location. OJT may not be provided to any business that has relocated from any location in the United States until the company has operated at the new site for 120 days.
  - ✓ Work-based activities are not permitted if the employer has or will displace any current employee (including a reduction in regular non-overtime hours, wage or employment benefits) or if any individual is on layoff from the same or substantially equivalent job;
  - ✓ Work-based agreements may not infringe on any union agreement with the employer nor infringe on the promotional opportunities of currently employed workers. To ensure that this requirement is met, union concurrence must be

obtained if a collective bargaining agreement that covers the affected workers exists.

[20 CFR 667.266, et seq.](#)

- **Staffing Agencies/Professional Employer Organizations (PEO).** It is allowable to enter into an OJT agreement with an employer who uses a PEO or staffing company. The PEO/staffing agency—the employer of record—and the worksite employer are considered co-employers. Thus, the agreement should be executed with both the worksite employer who is responsible for training the participant and ultimately making the decision to hire and retain the participant at the conclusion of the OJT and with the PEO/staffing agency that is providing services to the worksite employer.

The agreement needs to clearly identify the roles and responsibilities of both the worksite employer and the “employer of record” including who is responsible for providing documentation of hours worked and wages paid, as well as who will receive the allowable reimbursement of the wages for the training provided by the worksite employer.

[20 CFR 663.700 et seq.](#), [AWI Final Guidance 00-009](#).

### **Customized training**

Customized training is occupational training that is designed to meet the special requirements of an employer or group of employers. It is conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training, and for which the employer(s) pay for not less than 50% of the cost of training. The required employer contribution may be lowered under federal [waiver](#). Front-line staff must be aware of the existence of waivers, when applicable. See [Part G](#) below for information about the current waivers.

Customized training may be provided for an employed worker if the worker is not earning a self-sufficient wage per RWB policy and the customized training 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 RWB. [20 CFR 633.715 et seq.](#)

The same [requirements and restrictions](#) listed in the OJT section above apply to Customized Training

### **Entrepreneurial training**

Entrepreneurship refers to the process of starting a business venture. Entrepreneurial training should include the following key elements:

- **Training and technical assistance.** Typical training topics include business plan development, integrating technology, sound accounting principles, bookkeeping, business management, insurance and marketing. Training may be offered through various settings including classroom type lectures, one-on-one counseling, peer networking and mentoring programs.
- **Economic literacy and asset development.** The training should stress the importance of establishing checking and savings accounts, a credit rating and, in some instances, learning about credit rehabilitation.

- **Funding Needs & Credit Sources.** The training should assist the participant in finding funding sources, including referral to appropriate community organizations or institutions that provide access to credit.
- **Regulatory and Tax Issues.** Many new entrepreneurs need training in tax laws and regulatory issues.
- **Follow-up services.** After the completion of core training, follow-up services help new entrepreneurs to successfully negotiate the challenges they face in marketing, increasing sales, quality control, legal issues and business expansion, etc.

See [TEGL 12-10](#) for additional resource and partner information.

### **Skill upgrading and retraining**

In a time of rapid technological changes and dramatic shifts in the labor market, when entry-level jobs are becoming scarce, local areas should ensure they have programs in place to train job seekers and currently employed workers in preparation of current and future skill needs and deficits. The difference between this training activity and short-term prevocational services (an intensive service) has to do with the degree of financial and personal commitment on the part of the client and RWB. Skill upgrading and retraining would provide specialized knowledge or skills of a higher order. RWBs should adopt policies that distinguish between skill upgrading and retraining (a training activity) and short-term prevocational services (an intensive service).

### **Programs that combine workplace training with related instruction, which may include cooperative education programs**

A cooperative education program is a structured method of combining classroom-based education with practical work experience. A cooperative education experience provides academic credit for structured job experience.

### **Adult education and literacy in combination with other allowable training**

For adults with limited English, who are basic-skills deficient or who lack a high-school diploma, training activities may include adult education, English as a Second Language (ESL) and GED preparation classes. [Add hyperlinks – ltd English and BSD]

Adult and literacy training may be provided as a requisite for another allowable WIA training activity and should be described in an IEP/Career Plan.

### **Training programs operated by the private sector**

#### **Job Readiness training**

***All training activities must be recorded in EFM.***

[WIA 134\(d\)\(4\)\(D\) 20 CFR 663.300, et seq.](#)

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## Chapter C-5

### Supportive Services

Supportive services are used to enable an individual to participate in WIA-authorized activities. They may only be provided to adults and dislocated workers who are participating in core, intensive or training services and who are unable to obtain supportive services through other programs that provide such services.

RWBs must establish policies regarding the availability of supportive services and the coordination of resources within the area. RWBs may establish limits on the provision of supportive services, as well as procedures to grant exceptions to the limits, if they so choose.

See [20 CFR 663.800](#), *et seq.*

Generally, supportive services include:

**Transportation assistance.** This may take the form of bus passes, gas cards, referral to other partner agencies for assistance, etc.

**Child care & dependent care.** For child care, local areas are to coordinate the delivery of services with the child care agency and other licensed agencies providing such assistance, etc.

**Housing assistance.** These can include assistance with rent, utilities, referral to partner agencies, community/faith based organizations providing this assistance, etc.

**Needs-related payments** provides financial assistance to adults and dislocated workers to enable them to participate in training. To qualify, an adult or dislocated worker must

- be unemployed, AND
- have ceased qualifying for unemployment compensation, and be enrolled in a training activity by the end of the 13<sup>th</sup> week of the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8<sup>th</sup> week after the worker is informed that a short-term layoff will exceed six months, OR
- did not qualify for unemployment compensation or trade readjustment allowances under the Trade Act of 1974 as amended

The maximum amount of payment may not exceed the greater of

- the applicable weekly level of the unemployment benefit for a participant who was eligible for unemployment compensation as a result of the qualifying dislocation
- the poverty level for a participant who did not qualify for unemployment compensation (the weekly amount must be adjusted to reflect changes in total family income)

An RWB should describe these processes and maximum amounts in its approved Workforce Services Plan and should have in place operational procedures for

delivering this service. See [20 CFR 663.825 - 663.840](#) for additional requirements and restrictions for dislocated workers.

**All supportive services must be recorded as an activity in EFM.**

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## Chapter C-6

### Follow-Up Contacts and Services

#### Follow-up Contacts

It is the policy of the Florida workforce system that follow-up contacts are made quarterly for the four quarters following exit. EFM creates a table when a client exits that shows the deadlines for making such contacts. Follow-up contacts should be made with the client and/or the client's employer. If contact cannot be made, case managers should record the attempts in EFM.

The purpose of the follow-up contacts is to verify (continued) employment status of the client, verify the attainment of a certificate or degree and determine whether the client needs follow-up assistance. This information, when properly gathered and recorded in the follow-up fields in EFM may provide a positive outcome for the client.

#### Follow-up Services

WIA allows local boards to provide follow-up services to clients. These follow-up services do not "re-activate" a client.

EFM codes for follow-up services begin with an "F". Such services include:

- Referral to community resources
- Referral to medical services
- Tracking progress on the job
- Work-related peer support group
- Assistance securing better paying job
- Career development and further education planning
- Assistance with job/work-related problems
- Adult mentoring
- Tutoring
- Leadership development
- Supportive services transportation
- Supportive services work-related uniforms/attire
- Supportive services work-related tools
- Supportive services housing assistance
- Supportive services utilities
- Supportive services dependent care
- Supportive services medical
- Supportive services incentives/bonuses
- other follow-up services

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## Chapter C-7

### Coordination of WIA Training with Reemployment Assistance

Current law allows Reemployment Assistance (unemployment compensation) claimants to enroll in **full-time agency-approved college or other training program**. The requirement that claimants be "able and available for work" can be waived during the weeks during which they are enrolled in such approved training.

To be approved, a claimant must meet five criteria:

- Claimant possesses aptitude and skills that can be usefully supplemented by the training
- Present or pending demands for the claimant's present skills are minimal and not likely to improve under present circumstances
- The training is vocational, technical, intern, managerial, high-school equivalency, or an academic program designed to prepare the individual for gainful employment
- There is a reasonable expectation that the claimant will become employed upon completion of the training
- The training course or school is approved by the Florida Department of Education or other official governmental approving agency within the state where the training is being conducted with respect to curriculum, facilities, staff, and other essentials necessary to achieve the training objectives

If the training is funded through WIA or Trade Adjustment Assistance (TAA), the training is considered to meet the five requirements and is automatically approved.

For more information, see [Frequently Asked Questions](#).

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## CHAPTER C-8

### Coordination with Trade Adjustment Assistance Programs

#### **What is Trade Adjustment Assistance (TAA)?**

The Trade Adjustment Assistance program was created under the Trade Act of 1974, as amended, to provide benefits and services to workers who become unemployed as a result of foreign competition.

#### **What is a Petition?**

An official document created by the United States Department of Labor (USDOL) whereby a group of three or more workers, an employer, a union representative, a State Workforce Official, a One-Stop Operator/Partner, or another duly authorized representative files a petition on behalf of workers who will or have been laid off as a result of foreign competition.

The Petition must be filed with the USDOL's Office of Trade Adjustment Assistance and DEO's TAA Coordinator. Upon completion of an investigation, the USDOL will make a determination as to the circumstances surrounding the layoffs and whether or not the worker group meets the qualifications for certification.

#### **What does Certification mean?**

If a Petition is approved, the USDOL issues a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance. At that point, the full range of TAA services becomes available to workers who have been officially separated from the trade-affected employer.

#### **What services and benefits are available to eligible individuals under the TAA Program?**

- Rapid Response Assistance
- WIA or Wagner-Peyser core and Intensive services
- Approved training programs (Remedial, Occupational Skills, Customize and On-the-Job Training)
- Trade Readjustment Allowances
- Subsistence and/or Transportation Assistance
- Job Search and/or Relocation Allowances
- Wage Subsidy for older workers
- Health Coverage Tax Credit (HCTC)

#### **What are the coordination requirements for WIA?**

DEO and local One-Stop Operators shall make every reasonable effort to ensure that adversely affected workers covered by certifications receive the full range of employability services to include counseling, testing, job referral, placement services, as well as all other services provided under any other Federal law, including the Wagner-Peyser Act and WIA. The TAA program, serving as primary, may co-enroll eligible individuals into WIA-funded services.

**Note:** Eligible trade-affected customers who are served with WIA or other program funded services are entitled to the benefits offered and available under the TAA program.

**Where can I find more information about TAA?**

There are various sources where information can be obtained regarding the TAA program:

USDOL's Website, <http://www.doleta.gov/tradeact/>

DEO Website, <http://floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/trade-program>

DEO Final Guidance (FG 039) – Operating Procedures for the TAA Reform Act of 2002, <http://www.floridajobs.org/pdg/administration/039TAA.rtf>

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## Chapter C-9

### Coordination with Migrant and Seasonal Farmworker Programs

#### National Farmworker Jobs Program (NFJP)

WIA Section 167 authorizes employment and training services for migrant and seasonal farmworkers (MSFWs) through a two-year competitive grant with the U.S. Department of Labor (DOL). In Florida, this grant is administered by the Florida Department of Education's Adult Migrant Program and Services. Also known as the Farmworker Jobs and Education Program (FJEP), this project is administered locally by separate school boards, community colleges, local governments and non-profit organizations.

To contact the local program in your area, see the [Florida Department of Education's website](#).

#### Services Provided by FJEP

The workforce investment activities and related assistance available to eligible MSFWs include employment, training, educational assistance, literacy assistance, English as a Second Language (ESOL), worker safety training, supportive services, dropout prevention activities, follow-up services for those placed in employment and housing assistance. The program may cover training and educational expenses such as tuition, exams, books, licenses and transportation.

#### Coordination Requirements under WIA

WIA Section 121(b)(1) identifies the entities that are required partners of the local One-Stop systems. National programs such as the NFJP are required One-Stop partners. Local Boards must include them in the One-Stop delivery system where they are present in their local area. In local areas where the national programs are not present, States and local boards should take steps to ensure that customer groups served by these programs have access to services through the One-Stop delivery system. As a required partner, the NFJP must enter into a memorandum of understanding (MOU) with the local Regional Workforce Board (RWB) and provide representation on the RWB. See [20 CFR 662](#).

DOL highly encourages collaboration with the NFJP to provide services to MSFWs. MSFWs who are deemed eligible for both WIA Adult and Dislocated Worker and WIA 167 may be co-enrolled in both training programs. Co-enrollment allows the leveraging of resources through cost sharing. [TABLE OF CONTENTS](#)

## Chapter C-10

### Coordination with Public Assistance Programs

#### WELFARE TRANSITION

##### **What is the Welfare Transition (WT) program?**

The Welfare Transition (WT) program provides cash assistance to needy families in exchange for their participation in work activities. The program is designed to provide Temporary Cash Assistance (TCA) recipients with training, education, support services, and the skills needed to gain unsubsidized employment. The four general purposes of the WT program are to:

- Provide cash assistance to needy families so that children can be taken care of in their homes
- Reduce the dependency of needy families on government assistance
- Decrease the number of out-of-wedlock births
- Increase the formation of two-parent families

##### **Who is eligible for the Welfare Transition (WT) program?**

In Florida, eligibility for Temporary Cash Assistance (TCA) is determined by the Department of Children and Families (DCF), and is based on the individual's income, assets, and other factors. Work eligible TCA recipients are referred to the WT program and provided an assessment of their skills, work history, and employability at their local One-Stop Career Center.

##### **What are the types of support services offered by the Welfare Transition (WT) program?**

Support services offered through the WT program are designed to eliminate or minimize program participant barriers to employment and self-sufficiency. Types of support services offered include transportation and childcare assistance.

#### **WT/WIA Coordination**

Commonalities exist between the WT and WIA programs. For example, one common goal is to assist low-income unemployed or underemployed individuals become self-sufficient through employment. Another common goal is that both programs offer participants an opportunity to further their education. Co-enrollment in both programs allows a participant to continue to receive WT services while having education funded through WIA.

##### **Where can I find more information about WT?**

For general WT and other workforce program information please visit:  
<http://floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/welfare-transition-program>.

For families interested in applying for TCA please visit:  
<http://www.myflfamilies.com/service-programs/access-florida-food-medical-assistance-cash>.

## **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)**

The [Supplemental Nutrition Assistance Program \(SNAP\)](#) emphasizes work, self-sufficiency, and personal responsibility. The program strives to help nutrition assistance recipients to gain skills, training, work, and experience that will increase their ability to achieve total self-sufficiency.

A SNAP participant may be enrolled in the WIA program while receiving nutrition assistance. Examples include WIA funded training, On-the-Job Training (OJT), subsidized employment, paid work experience, unpaid work experience, as well as other WIA activities. [TABLE OF CONTENTS](#)

## Chapter C-11

### Federal and State Tax Credit and Incentive Programs

There are a variety of programs in place to facilitate the hiring of low-income and other individuals with barriers to employment. These programs are typically in the form of an incentive to employers. Case managers should be aware of these programs so that they may better assist their clients to obtain employment. (Typically, these programs are authorized on an annual basis.) See [DEO's website](#).

#### **WORK OPPORTUNITY TAX CREDIT (WOTC)**

WOTC is a federal income tax credit that provides incentives to private for-profit employers to encourage the hiring of individuals from certain targeted groups of job seekers who traditionally have difficulty finding employment. A list of the target groups can be found at the [USDOL's Work Opportunity Tax Credit website](#).

An employer can reduce its federal tax liability by up to \$9,600 during the first year of the employee's employment, depending on the target group. There is no limit to the number of qualified employees for which an employer may receive this credit.

DEO administers this program in Florida.

#### **FEDERAL BONDING PROGRAM**

The federal bonding program is an incentive program that allows employers to hire at-risk job applicants with limited liability to their business. The employer is insured for theft, forgery, larceny, or embezzlement by the bonded employee.

At-risk job applicants are defined as:

- Ex-offenders
- Recovering substance abusers (drugs or alcohol)
- Welfare recipients
- Persons with poor financial credit or who have declared bankruptcy
- Individuals dishonorably discharged from the military
- Economically disadvantaged adults and youth who lack a work history
- Anyone who cannot secure employment without bonding services

DEO administers this program in Florida.

#### **ACCESSIBILITY TAX INCENTIVES**

Two tax incentives (tax credit and tax deduction) are available to businesses to help cover the costs of making access improvements for employees with disabilities, including architectural adaptations, equipment, and transportation, as well as services such as sign language interpreters.

#### **EMPOWERMENT ZONE AND RENEWAL COMMUNITY EMPLOYMENT CREDIT**

This credit may be claimed for employers located in an [empowerment zone](#) (in Florida, certain parts of Jacksonville, Miami/Dade County and Collier/Hendry Counties) and

with employees located in the empowerment zone. The credit is based on a percentage of qualified wages. [TABLE OF CONTENTS](#)

## PART D—STATEWIDE INITIATIVES & SPECIAL PROJECTS

### Statewide Incumbent Worker Training Program (IWT)

WIA provides that 15% of adult, dislocated and year-round youth allotments may be reserved to fund state operations, demonstration pilots and other state-level activities. Of this amount, Florida law requires that \$2 million be used to fund the IWT program that is administered by Workforce Florida, Inc. (WFI).

The purpose of the program is to provide grants to employers to assist with certain expenses associated with skills upgrade training for their full-time employees. The program helps established Florida businesses provide training and education for current workers, which may result in improved employee productivity, reduced employee turnover and increased business competitiveness.

An incumbent worker is not required to meet the eligibility requirements for intensive and training services for employed adults or dislocated workers. But the individual must meet the general WIA requirement of age, citizenship and compliance with the Selective Service requirements. See [20 CFR 665.220](#).

For-profit entities that have been in operation for at least one year prior to the application date may apply for funding under this program.

An employer who receives an incumbent worker grant receives performance reporting instructions that detail the reporting requirements for the grant.

For more details about this program, see [Incumbent Worker Training Program Guidelines for the State of Florida](#) issued by WFI.

### Quick Response Training Program (QRT)

The Quick Response Training program was created by the Florida Legislature ([FS 288.047](#)). The QRT program, managed by WFI, provides state-funded grants to selected businesses to train their new, full-time employees. Funding is provided in the form of a performance based reimbursable grant.

The QRT program is designed to increase the competitiveness of Florida businesses in the local economy. New and expanding businesses may apply to WFI for funding to help create new high-quality jobs. For more information, see [Quick Response Training Grants](#).

The QRT program is not funded through WIA either at the State or the local level and does not impose client reporting requirements.

### Other State Initiatives

The State administers a variety of workforce initiatives through contracts and grants. Some of these initiatives receive WIA funds. For these initiatives, contractors and grantees receive specific performance reporting instructions. Information is posted at [WFI's website](#).

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## PART E—ADULT AND DISLOCATED WORKER PROGRAM PERFORMANCE

### Chapter E-1

#### General Information

The Workforce Investment Act explicitly requires that States and local areas maintain a comprehensive performance accountability system so that regulatory authorities as well as Congress and the general public can measure the return on investment of Federal funds expended on WIA and other workforce programs.

The USDOL is charged with setting up the reporting requirements. States and local areas that receive federal workforce funds are required to follow the USDOL mandates.

In 2006, the USDOL issued [TEGL 17-05](#) and subsequent changes to disseminate the requirements for outcome reporting for WIA. TEGL 17-05 provides an extensive description of outcomes and under what circumstances participants are included in the performance measures calculations, as well as detailed examples.

**ALL PROGRAM STAFF MUST BECOME FAMILIAR WITH TEGL 17-05.**

WIA program outcomes fall in one of two categories which will be discussed in detail in subsequent chapters. While the outcome measures are the same for adults and dislocated workers, they are reported separately.

- **Common Measures**

These are measures that are common to WIA and other workforce programs such as Wagner-Peyser, TAA, etc.

- **Core WIA Performance Measures**

These are measures that are specific to WIA and are mandated by the WIA statute.

#### ***Who is included in the count?***

All adult/dislocated worker participants who receive a core, intensive and/or training service and who exit the program are to be included in performance measures calculations.

#### ***Universal Exclusions from Outcome Reporting***

A participant in any of the following categories, either at the time of exit or during the three-quarter measurement period following the exit quarter, may be excluded from common measures:

- **Institutionalization** – The participant is residing in an institution providing 24-hour support (e.g. prison or hospital) and is expected to remain in that institution for at least 90 days. This reason does not apply to individuals with disabilities residing in a residential environment, individuals participating in the Responsible Reintegration of Youthful Offenders program or individuals participating in the Prisoner Reentry Initiative.

- **Health/Medical or Family Care** – The participant is receiving medical treatment or providing care for a family member with a health/medical condition that precludes entry into unsubsidized employment or continued participation in the program. This does not include temporary conditions expected to last less than 90 days.

For purposes of this Global Exclusion, family consists of a participant's:

- ✓ Spouse
  - ✓ Child
  - ✓ Parent
- **Deceased**
  - **Reserve Forces Called to Active Duty** – The participant is a member of the National Guard or military Reserve unit and is called to active duty for at least 90 days.
  - **Relocated to a Mandated Program** – A YOUTH participant is in the foster care system or another mandated (residential or non-residential) program and has moved from the area as part of such a program. This does not include relocation to a Job Corps center.
  - **Invalid or Missing Social Security Number** – Participants who do not voluntarily disclose a valid social security number (SSN) may be excluded from measures that require matching of the SSN with wage and other administrative data.

**What are the definition and timing of program exit?**

Program exit is triggered when a participant has not received a service funded by the program or by a workforce partner program for 90 consecutive calendar days and is not scheduled for future services. The exit date is the last date of service.

***It is essential that participants be enrolled in workforce activities under WIA, Wagner-Peyser or TAA only when they are in fact actively involved. Case managers are not allowed to record activities when they have not been actively working with a client. If a participant voluntarily or involuntarily discontinues participation in workforce activities, the case manager must record an accurate end date to the extent possible. In any event, if a case manager is not able to make contact with a client, the case manager may not create or extend an activity.***

Post-exit follow-up services designed to ensure job retention, wage gains and career progress do not count as services that would extend the participation period. While these activities do not extend the participation period or delay program exit, they may have a direct and positive impact on the employment retention and wage rate of participants who entered employment.

Income maintenance or support payment from unemployment insurance, TANF, SNAP, etc. as well as eligibility determination do not extend the period of participation or delay the exit date.

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## Chapter E-2

### Common Measures for Adults and Dislocated Workers

Federal law requires that the USDOL measure the performance of WIA-funded activities. Three indicators for adults and dislocated workers are included in what are known as *Common Measures*. These relate directly to employment, job retention and earnings from employment. These indicators are classified as Common Measures because the USDOL measures the accomplishments of federally-funded workforce initiatives under its jurisdiction, such as (re)employment services through the Wagner-Peyser Act, employment and training services through the Trade Act, as well as activities through WIA. [WIA 136\(\)\(b\)\(2\)\(i\)\(I\)-\(III\)](#)

**ENTERED EMPLOYMENT RATE.** *Of those who are [not employed](#) at the date of participation (date of first WIA activity):*

The number of adults (or dislocated workers) who are [employed](#) in the first quarter after the exit quarter

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Divided by the number of adults (or dislocated workers) who exit during the quarter

- Individuals who are employed at the date of participation are excluded from this measure.
- Individuals who were employed at the time of participation but had received a notice of termination or been covered by a WARN Notice or other notice or are transitioning service members are considered not employed at the date of participation and are included in the measure.

**Data sources for entered employment:** State Wage Records (UI, Wage Record Interchange System, various federal systems, etc.) or [supplemental sources of data](#), i.e. participant/employer information.

**EMPLOYMENT RETENTION RATE.** *Of those who are employed in the first quarter after the exit quarter:*

The number of adults (or dislocated workers) who are employed in both the second and third quarters after the exit quarter

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Divided by the number of adults (or dislocated workers) who exit during the quarter

- This measure includes all those who are employed in the first quarter after the exit quarter regardless of their employment status at participation.
- Individuals who are not employed in the first quarter after the exit quarter are excluded from this measure.
- Employment in the first, second and third quarters do not have to be with the same employer.

**Data sources for employment retention:** State Wage Records (UI, Wage Record Interchange System, various federal systems, etc.) or [supplemental sources of data](#), i.e. participant/employer information.

**AVERAGE EARNINGS.** *Of those adults (or dislocated workers) who are employed in the first, second and third quarters after the exit quarter:*

Total earnings in the second quarter + total earnings in the third quarter  
after the exit quarter

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Divided by the number of adult participants (or dislocated workers) who  
exit during the quarter

**Data source for average earnings:** State Wage Records only (UI, Wage Record Interchange System, various federal systems, etc.)

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## Chapter E-3

### Additional Core Adult/Dislocated Worker Performance Measure

WIA law establishes one performance indicator in addition to the [Common Measures](#) described in the previous chapter:

**ATTAINMENT OF A RECOGNIZED CREDENTIAL BY ADULTS (OR DISLOCATED WORKERS) WHO ENTER UNSUBSIDIZED EMPLOYMENT.** *Of those adults (or dislocated workers) who received [training services](#):*

The number of adults (or dislocated workers) who were employed in the first quarter after exit and received a credential/[certificate](#) by the end of the third quarter after exit

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Divided by the number of adults (or dislocated workers) who exit during the quarter

- Only adults (or dislocated workers) who were enrolled in a WIA training activity will be counted in this outcome.
- For clients who began receiving WIA services on or after July 1, 2006, only certificates are recognized under this measure. See [Attachment D to TEGL 17-05](#).

[Attachment B to TEGL 17-05](#) defines certificate as a nationally-recognized certificate that is awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. It does not include work readiness skills or local credentials. A certificate is awarded by:

- A state educational agency responsible for administering vocational and technical education in the state
- An institution of higher education that is qualified to participate in federal student financial aid programs
- A professional industry or employer organization or a product manufacturer using a valid and reliable assessment of an individual's knowledge, skills, and abilities
- A registered apprenticeship program
- A public regulatory agency that issues an occupational professional title or to practice an occupation or profession
- A program approved by the Department of Veteran Affairs
- Job Corps centers that issue certificates
- Institutions of higher education controlled or chartered by an Indian tribe(s)

It is the case manager's responsibility to ensure that credential/certificate information is timely and accurately entered into EFM. A credential/certificate may be recorded in the Activity Closure (the training activity must be closed before the credential is added), the Case Closure (all WIA activities must be closed before a case closure can be created), and the Follow-up field through the third quarter after exit. [TABLE OF CONTENTS](#)

## Chapter E-4

### Outcome Verification

#### Employment/Retention

All adult/dislocated common measures relate directly to employment, job retention and earnings from employment. Thus it is critical that employment/job placement information be accurately recorded in EFM when a participant has obtained or retains employment prior to exit/termination from the WIA program. An employment outcome should be recorded in EFM when a participant enters *unsubsidized employment* subsequent to initial participation in WIA-funded services or activities. Employment information needs to be verified prior to entry into EFM.

Employment and retention are **post-exit outcomes**. Once a participant has exited, the case manager must conduct quarterly follow-up contacts to verify continued employment. If a client is employed in the first quarter after exit, proper recording of continued employment during both the second and third quarters after exit will result in a positive performance outcome for that client even if earning records are unavailable through the State's earning reporting system.

The best form of verification is a signed and dated form from an employer representative. Other methods include: pay stubs, phone verification, new hire reports, etc.

The required information is:

- job start date
- hours worked per week
- gross wages (hourly, weekly, monthly)

#### Credential/Certificate

The attainment of a credential (certificate or degree) may be recorded through the third quarter after exit. Allowable documentation:

- Transcript
- Certificate
- Diploma
- Case Notes

#### Case Notes/Telephone Verification

Whenever a case manager obtains an oral verification from an employer (employment) or a training institution (certificate/diploma), the following information should be recorded:

- Name of individual providing information
- Contact information for individual providing information (telephone number, e-mail address, street address, e.g.)
- Affiliation of individual providing information (name of employer/institution)
- Job title/function of individual providing information
- Date information obtained

- Name of person who sought the information
- Information provided
  - ✓ For employment: employer name, date hired, job title, weekly hours, wages
  - ✓ For certificate/credential: institution name, certificate/degree obtained, date issued

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## **PART F—CLIENT RECORDS MANAGEMENT**

### **Chapter F-1**

#### **Data Validation**

To measure the effectiveness of programs funded by WIA and ensure transparency and accountability for these programs, local areas are required to maintain and report accurate data on all WIA processes:

- Eligibility
- Participation/Activities/Services
- Outcomes
- Status
- Exit

#### **Why Data Validation?**

Because of the great deal of control and flexibility afforded to local areas by WIA, it is even more critical that data reported in EFM be accurate. Thus, the USDOL sets standards to be used by local boards to accurately report these data.

To strengthen the integrity of data reporting, the USDOL mandates that the State conduct an independent review of the data elements to ensure that the information reported in EFM is supported by appropriate documentation.

The USDOL issues an annual reporting and data validation Training and Employment Guidance Letter (TEGL).

#### **Federal Data Validation Requirements**

##### ***Validation Rules***

Two types of validation rules exist:

1. If the validation instruction says *MATCH*, the data on the worksheet must match the data in the source documentation.
2. If the validation instruction says *SUPPORT*, the data on the worksheet must be supported by the data in the source documentation

##### ***Types of Source Documentation***

For most data elements, the validation instructions provide multiple forms of acceptable source documentation. Ideally, all source documentation should tell the same story regarding the participant, services rendered, and outcomes. However, if the RWB collects multiple sources for the same data element and the sources conflict, the most reliable source should be used to determine if the element passes or fails.

For example, for Education Status at Participation, copies of records from an educational institution are a more reliable source than participant self-attestation.

For the most part, the definition of a particular source is clear, but there have been questions about four sources—Cross-Match, State Management Information System (MIS), Self-Attestation, and Case Notes. Definitions for these four types of source documentation are:

1. Cross-Match: A cross-match requires validators to find detailed supporting evidence for the data element. An indicator or presence of an SSN in a non-WIA database is not sufficient evidence. For example, TANF participation can be determined by a cross-match with the state's public assistance database. It is not sufficient to find that the sampled SSN is present in the public assistance database; validators must also find supporting information such as dates of participation and services rendered.
2. State MIS: Unless otherwise noted, state MIS refers to specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable source documentation in and of itself. For example, state MIS is an acceptable source documentation for date of first training service. To be an acceptable source to validate date of first training service, in addition to the date of first training, the state MIS should have information about the type of training and the organization that provided the training. This detailed information makes valid source documentation and makes it unnecessary for such states to validate this data element in local offices.
3. Self-Attestation: Self-attestation occurs when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying his or her status for permitted elements and (b) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the state management information system, with an online signature.
4. Case Notes: Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the case manager who obtained the information. Case notes should also document the source and contact information for the person who provided the data.

### **Important Notes**

1. Local boards are required to accurately describe in EFM the document used to verify each eligibility data element.
2. A case manager must make sure that the document recorded in EFM does in fact verify the data element in question.
3. Whenever "Other Applicable Documentation" is listed, the case manager must describe the document in EFM.
4. For a data element that reflects a local criterion (e.g. priority of service) the documentation must reflect that the applicant meets the definition of the local criterion.

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## Chapter F-2

### Client Record Retention

#### RETENTION SCHEDULE

Records maintained by the Regional Workforce Boards are considered public records under both federal and State law,

#### Federal Requirements.

Subgrantees, such as Regional Workforce Boards, are required by federal law to follow administrative requirements in the management of federal funds. These requirements can be found at 29 CFR 95 and 29 CFR 97. Subsections 95.53 and 97.42 govern the record retention and access requirements.

Generally, the length of a retention period for federally funded activities is three years from the date of the last expenditure report. Any litigation, claim, or audit involving records that started before the expiration of the three-year period must be retained until the completion/resolution of all issues.

#### State Requirements

State law makes it clear that RWBs fall under the Public Records requirements listed in FS 119<sup>1</sup>. The custodial and retention requirements are found in FS 119.021 which charges the Department of State's Division of Library and Information Services to adopt rules to establish retention schedules and a disposal process for public records.

In response to the legislative mandate, the State Library and Archives of Florida have issued the required guidance. The [General Records Schedule GS1-SL for State and Local Government Agencies](#) details the general records schedule that applies to state agencies, including RWBs<sup>2</sup>.

As this publication illustrates, RWBs need to be aware of all laws and regulations that relate to their recordkeeping requirements and remember that they are not permitted to reduce retention periods stated in the schedule.

***Thus, the minimum record retention requirement is the longer of the federal or the state schedule.***

By way of illustration, here are some provisions that would be relevant to front-line staff:

- Client Case Files: Human/Social Services (page 9): Five fiscal years provided applicable audits have been released.
- Client Case Files: Veteran Services (page 9): Five fiscal years after case closed provided applicable audits have been released.

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<sup>1</sup> See FS 445.007 which states that RWBs are subject to chapter 119. Additionally, FS, 119.011(2) defines "agency" as... any board, bureau, commission... and any other public or private agency... or business entity acting on behalf of any public agency."

<sup>2</sup> Additional schedules were published for specific agencies and types of records. At the date of publication, there were no such schedules for workforce activities.

- Complaints: Citizens/Consumers/Employees (page 10): One anniversary year after resolved provided applicable audits have been released.
- Disbursement Records: Detail (page 13): five fiscal years provided applicable audits have been released.
- Equal Employment Opportunity Compliance Records (page 17): Four anniversary years after final action provided applicable audits have been released and resolved.
- Grant Files: Recipient (page 21): Five fiscal years after completion of project provided applicable audits have been released.
- Grievance Files (page 22): Three years after settlement provided applicable audits have been received.
- Incident Report Files (page 23): Four anniversary years from date of incident.
- Injury Records (page 23): Five calendar years.

### **ELECTRONIC RECORDKEEPING**

Section [1B-26.003](#) of the Florida Administrative Code establishes the standards for the maintenance of electronic records. Each RWB must become familiar with these requirements and implement them if they choose to use an electronic recordkeeping system.

In brief, once a document has been electronically recorded in an appropriate manner, the original generally may be considered a duplicate and disposed of as indicated in the General Records Schedule.

RWBs must provide a method for users to retrieve the records and institute an appropriate level of security to ensure the integrity of the records. Consequently, if a copy is made from a legible document but the copy is illegible, the integrity of the records is not adequately protected. Testing of the electronic records should be conducted regularly to identify the loss of information and correct the cause of the data loss.

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## PART G—WAIVERS

States may obtain waivers of statutory or regulatory requirements under WIA section 189(i)(4). See [20 CFR 661.400, et seq.](#) These waivers are meant to provide flexibility to the State and RWBs and enhance their ability to improve the workforce investment system. Certain waivers affect statewide activities and will not be addressed in this Guide.

The current waiver approval, **in effect July 1, 2012 – June 30, 2017**, provides local flexibility regarding adult and dislocated worker activities as follows:

**Performance measures:** The State is authorized to report WIA outcomes to USDOL against the [common measures](#) only.

**Transfer of funds:** The State is authorized to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area to 50 percent.

**Eligibility determination for partner programs:** Intake and eligibility determination for TANF, SNAP, and Medicaid programs are considered to be WIA core services and can be paid for with WIA funds.

**Employer contribution for Customized Training\*:** The required employer contribution for customized training may be set on a sliding scale based on the size of the business: no less than 10 percent match for employers with 50 or fewer employees, no less than 25 percent for employers with 51 – 250 employees, and 50 percent for employers with more than 250 employees.

**Wage reimbursement for OJT\*:** Employer reimbursement for OJT may be set on a sliding scale based on the size of the business: up to 90 percent for employers with 50 or fewer employees, up to 75 percent for employers with 51 – 250 employees, and up to 50 percent for employers with more than 250 employees.

**Use of local Dislocated Worker funds for Incumbent Worker Training (IWT):** RWBs may use up to 20 percent of their local Dislocated Worker funds for IWT as part of a layoff aversion strategy. All locally-funded IWT is restricted to skill attainment activities. See TEGLS [26-09](#) and [30-09](#), and revised [FG-060](#) and [Memorandum](#) detailing key distinctions between employed worker and incumbent worker training activities for more information about implementing this waiver.

An additional waiver reduces the data collection for employers participating in **locally-administered IWT programs** and discontinues the collection of: single parent, unemployment compensation eligible status at participation, low income, TANF, other public assistance, homeless/runaway, and offender.

\* If the Customized Training or OJT employer uses a staffing agency or PEO, the size of the business is based on the size of the worksite employer and not that of the staffing agency or PEO.

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