

WIOA – Q & A

Q: Will the dual eligibility (DW & AD) requirement continue for an individual that is categorized as a Dislocated Worker, now that the system gives the option to choose the program where the funding will be provided from?

A: No. Staff are not required to determine dual eligibility. However, dual eligibility determination (for Adults & DW) will allow a continuity of service in the event that funds are depleted in one of the funding streams. We suggest that staff continue to collect income documentation for those dislocated workers that may also be served through the Adult funding stream pending eligibility determination.

Q: Under WIOA is training allowed for an OJT with an out-of-state employer? You know we are within minutes of Dothan, AL and have employers there that hire our training participants and job seekers. Employers include the 2 large hospitals for our RN graduates but there are other businesses as well. While I am looking at out-of-state issues – Are other state's institutions allowed as eligible service providers under WIOA as well?

A: Yes. In WIOA (as in WIA) you can add an out of state provider to your local ETPL for Occupational Skills. Currently all providers that were on the ETPL when WIOA became effective will remain until December 30, 2015 or until a new policy is issued. We are currently working on a new policy with CSF. Aside from Occupational Skills, OJT out of state employers can also be used. As long as you have a contract it does not matter if they are FL or another state.

Q: Determination for fulltime virtual school status - What is DOE's interpretation of ISY vs OSY status for students enrolled in Florida Virtual School

A: Based on review of Florida Statutes and definition of school in 1003.01(2)(d) and information on virtual instruction in 1002.45, our preliminary guidance is that students enrolled in Florida Virtual Schools are "in school".

Q: If a youth is an offender in the DJJ System and is enrolled in Alternative Secondary Education at a DJJ facility, would they be considered OSY?

A: No. youth in DJJ facilities are considered "in school" unless they have a high school diploma or GED.

Q: Are out of school youth (youth not attending any school [as defined under State law] who have not obtained a high school diploma and who are 16 to 24) considered to be a school dropout?

A: Yes. An individual who is not younger than 16 or older than age 24 at the time of enrollment into a Workforce Innovation and Opportunity Act (WIOA) funded youth program, who is not attending a regular or alternative school, but is enrolled in an adult education or GED program is considered, for purposes of WIOA, an out of school youth and is also, for purposes of WIOA, considered a dropout if the individual has not received a high school diploma.

Q: Youth Policy – the law allows the use of “high poverty areas” based on the ACS data. I am struggling with getting the data and putting it in a format we can use. Is the state working on anything related to this?

A: This is still being reviewed internally.

Q: MOU for One Stop Infrastructure Cost – anything happening up there regarding guidance on establishing the MOU’s with our One-Stop Partners? We are moving towards doing it ourselves but wanted to check to see anything was coming down from DEO

A: More information on this topic will be available after the WIOA taskforce submits its recommendation to the governor's office

Q: Are you aware of any activity related Perkins funding no longer being governed by DOE but moving to CSF?

A: We are not aware of any such related activity.

Q: If a youth is a drop out do they have to meet income guidelines?

A: An age-eligible youth who has been determined to be a school dropout at the time of enrollment into a WIOA-funded program, does not need to be low-income

Q: The NPRM states that local areas may reimburse participant wages in OJT up to 75% based upon the factors listed in 20 CFR 680.730. One of the factors listed is the size of the employer with an emphasis on small businesses. Does this mean that subject to local board approval and a Notice modification to our plan we would be able to reimburse small employers at the rate of 75%?

A: Yes. After reviewing the law and the NPRM, what you are wanting to do is allowable. You can choose to reimburse small businesses at the rate of 75%.

Q: It is not specifically stated in the Act or the NPRM, is it the state’s opinion that the flexibility to reimburse at higher levels than 50% could apply as indicated below?

- a. 75% - Employers with 50 or less employees
- b. 60% - Employers with 51 to 250 employees
- c. 50% - Employers with 251 or more employees

Under WIA, upgrade OJT was not included in any of the waiver language however under the NPRM there is a single section on OJT reimbursement that seems to encompass upgrade OJT such that the flexibility to reimburse employers at a greater percentage than 50% of the wage would be allowable. If the state is in agreement we would like to use the same sliding scale employed for straight OJT for those individual enrolled in upgrade OJT.

A: The law allows the LWDB to set their own rates based on the number of employees (50%-75%) so your scale of 50, 60, and 75 would be appropriate for both regular OJT and upgrade OJT.

Q: We would also like to reimburse employers regardless of employer size at the rate of 75% - if the participant has a documented disability – can you please advise if adopting such a policy is allowable.

A: The reimbursement rate can be up to 75% if you are serving a barrier population (such as disability). This information was also located in the NPRM.

Q: Would like to know if a person with an “other than honorable discharge” in lieu of a Court Marshall from the Armed Forces would be eligible for WIOA training services?

A: Yes. A veteran with an “other than honorable discharge” is eligible to receive services but he/she must also meet all statutory WIOA eligibility criteria. Please see 38 USC 4215, CFR 1010, WIOA sec 683.230, and Veterans Program Letter 07-09 for reference.

Q: I understand that literacy and numeracy will not be measured for WIOA but do we still need to update the literacy/numeracy table in EFM for WIA cases that were carried over or do we continue to enter literacy/numeracy test results until July 2016 (after WIA measures are gone)?

A: Yes. You will need to continue to enter both pre and post-test information for all appropriate youth. This should be done at least until July 2016.

Q: Is a youth who is between 16 – 24 years old, not attending any school, and has a civil citation eligible as an out-of-school youth for the following barrier: an individual who is subject to the juvenile or adult justice system?

A: Yes

Q: We have an OSY RFP on the street and during our bidder’s conference as we were reviewing the barriers one of the attendees asked whether a youth who received a civil citation could be considered an ex-offender. We were not sure and said we would check with DEO. Broward County has a program where police have the discretion to issue a civil citation instead of making an arrest. The individual usually has to do community service or make some sort of reparation and if they do there is no record of a criminal

offense. It is helpful to youth and first time non serious offenders. Please let me know how DEO views this.

A: DEO consulted with DJJ, who has advised that civil citations are an alternative to arrest for first-time misdemeanor offenses. Youth who successfully complete the sanctions imposed under the civil citation program will not have an arrest record on the state level and will not be considered an ex-offender. If a youth fails to successfully complete the sanctions imposed by the civil citation, then the youth will be processed through the formal juvenile justice system. Upon completion of their involvement with the juvenile justice system, the youth would be considered an ex-offender.

Additionally, you may access the contact information for the civil citation program coordinator in your local area at the following link:

[http://www.djj.state.fl.us/docs/probation-policy-memos/civil-citation-program-information-for-posting.pdf?Status=Master&sfvrsn=2.](http://www.djj.state.fl.us/docs/probation-policy-memos/civil-citation-program-information-for-posting.pdf?Status=Master&sfvrsn=2)