

# WORKFORCE INVESTMENT ACT RESOURCE GUIDE

## ADULTS & DISLOCATED WORKERS

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# INTRODUCTION

## Authority

The Workforce Investment Act (WIA) is a federal program administered by the State of Florida and operated by local Regional Workforce Boards (RWB). Policy guidance is provided by:

- Federal Statutes
- Federal Regulations
- Federal Formal Guidance Notices/Letters
- State Statutes
- State Regulations
- State Formal Administrative Guidance Papers, Communiqués, Memoranda and Policy Resource Guides

It is the responsibility of all users to become familiar with these documents. Wherever possible, this Resource Guide contains citations and hyperlinks. Users should also monitor changes that are made to policy subsequent to the issuance of this Guide.

## Objective of the Resource Guide

This Guide is primarily for case managers, supervisors and staff who work with WIA clients.

Federal and State law provide a great deal of flexibility. To meet local needs and comply with federal and state requirements, RWBs should have developed and implemented appropriate program management and operational policies and procedures. The Guide is intended to support these local WIA program processes.

## Organization of the Resource Guide

This Guide has the following search capabilities:

- Table of Contents
- Hyperlinks
- Find

## Table of Contents

The Table of Contents is shown at the beginning of the Guide. It allows users to see the Chapter headings. Each of these headings contains a hyperlink (described below).

## Hyperlinks

Throughout the Guide, hyperlinks, which are highlighted and underlined, have been inserted to guide the user to the referenced link.

For example, the user may select the following hyperlink by guiding the mouse over the following text and clicking on it: [Department of Economic Opportunity Website](#).

If using Microsoft Word, while holding down the Ctrl key, move the mouse pointer to the link and left click on the link.

If using Adobe Acrobat, move the mouse pointer to the link and left click on the link.

By clicking on the text, the user activates the address and will be guided to the DEO Website.

Other hyperlinks in this Guide will take the user to federal laws, Florida statutes, bookmarks in this document, and other pertinent references.

## **Find**

Whether using MS Word or Adobe Acrobat, access the Find feature by selecting “Edit” from the Menu Bar.

Select “Find.”

Type in the word or phrase to find, and press the “Enter” button.

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## **PART A—THE WORKFORCE SYSTEM**

### **Chapter A-1**

#### **The Workforce Investment Act**

The [Workforce Investment Act of 1998](#) created a comprehensive, customer-focused workforce system designed to meet the needs of job seekers and employers.

The law establishes local workforce boards (Regional Workforce Boards or RWBs in Florida) to receive and disburse the WIA funds based on local needs. One of the primary functions of the board is to set up the one-stop career center system in its region.

The one-stop system –

- Provides convenient single-point access to employment, education, training, and other services
- Helps individuals access the tools they need to manage their careers through information and high quality services

WIA emphasizes the necessity to include the business sector to provide information and leadership and play an active role in ensuring that the system prepares people for current and future jobs. Thus, each RWB must have a majority of owners/high-level executives from the private sector.

The one-stop centers offer a single point of contact for employers to obtain information about current and future skills needed by their workers and to list job openings. Employers thus benefit from a single system for finding job-ready skilled workers who meet their needs.

#### **Seven Key Principles of WIA**

##### ***Streamlining services***

Services are streamlined through better integration at the customer level in the One-Stop delivery system. Programs and providers co-locate, coordinate and integrate activities and information so that the system as a whole is coherent and accessible for individuals and businesses alike.

##### ***Empowering individuals***

1. Eligible adults are given financial power to use Individual Training Accounts (ITAs) at qualified institutions. These ITAs supplement educational grants available from other sources.
2. Individuals are empowered with greater levels of information and guidance through a system of consumer reports that provide key information on the performance outcomes of training providers.
3. Individuals are empowered through the advice, guidance and support available in the One-Stop system and the activities of One-Stop partners who provide universal access.

##### ***Universal access***

All individuals have access to the One-Stop system and to core employment-related services. Information about job vacancies, career options, student financial aid, relevant employment trends, and instruction on how to conduct a job search, create a résumé or interview with an employer are available to any job seeker and to anyone who wants to advance their career.

### ***Increased accountability***

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.

Training providers and their programs must demonstrate successful performance to remain eligible to receive funds under WIA.

### ***Strong role for Regional Workforce Boards and the private sector***

Local business-led boards focus on strategic planning, policy development and oversight of the local workforce investment system.

Business and labor have an immediate and direct stake in the quality of the workforce investment system. Their active involvement is critical to the provision of essential data on what skills are in demand, what jobs are available, what career fields are expanding, and the identification and development of programs that best meet local employer needs.

### ***State and local flexibility***

Significant authority is reserved for the Governor and local Chief Elected Officials to build on existing reforms in order to implement an innovative and comprehensive workforce system tailored to meet the particular needs of local and regional labor markets.

### ***Improved youth programs***

Youth programs are closely linked to local labor market needs and community youth programs and services with strong connections between academic and occupational learning.

Youth programs include activities that promote youth development and citizenship, such as leadership development through voluntary community service opportunities, adult mentoring and follow-up, and targeted opportunities for youth living in high poverty areas.

## **Managing the Workforce System**

Under federal law, the Governor establishes a State workforce investment board. In Florida, the State legislature enacted the [Workforce Innovation Act of 2000](#) to effect the federal requirements and provide additional guidance for the workforce system.

**Workforce Florida, Inc. (WFI)** is the State's workforce investment board. WFI helps the Governor develop a five-year strategic plan that describes statewide workforce development activities and priorities. WFI establishes workforce policy for the State.

**The Department of Economic Opportunity (DEO)** is the administrative entity for the WIA program. DEO is charged with ensuring that the system operates according to federal and state mandates and issues guidance to the local boards, based on

State, federal and WFI policy. DEO is also the grant recipient for WIA funds and receives annual allocations for the WIA adult, dislocated worker, and youth programs.

**State Set-Aside.** WIA specifies that fifteen percent of the WIA funds may be reserved at the State level to fund required and optional state-level activities. Occasionally, Congress changes the set-aside formula when it appropriates WIA funds. For example, for Program Year 2012, no more than five percent of WIA funds could be set aside for State-level activities.

An additional 25% of the formula Dislocated Worker grant may be reserved for rapid response activities or to respond to major layoffs and natural disasters. At the end of the year, any unexpended amounts are reallocated to the regions. Additionally, RWBs may apply at any time for assistance to address a layoff situation in their area.

**Local Formula Funding.** WIA requires that at least 85 percent of the WIA adult, and youth funding and 60% of the dislocated worker funding is passed through to the Regional Workforce Boards to operate their WIA services and training programs. Each line of funding has its own requirements and restrictions that are described in this Resource Guide and in the accompanying Youth Resource Guide. RWBs may transfer some of the funds among the adult and dislocated worker funding streams as permitted by WIA law. Recent appropriation legislation has decreased the amount of funding available for state-level activities and increased the amount of funding for local activities.

**Regional Workforce Boards** operate the workforce program at the local level. Each RWB sets priorities for services, establishes the one-stop system, and selects providers of services for its area.

Pursuant to Federal and State law, each board consists of representatives of:

- Private business (majority of the board)
- Educational providers, including a Community College, School District that provides Adult Literacy and Vocational Training, one private non-profit and one private for-profit training organization
- Labor organizations
- Community-based organizations
- Economic development agencies
- Military installation(s) (where applicable)
- Mandatory one-stop partners, including programs that serve Migrant and Seasonal Farmworkers, Job Corps, programs that serve local Native American Tribes, programs that serve veterans, the Senior Community Service Employment program, programs carried out by the Department of Housing and Urban Development, and programs funded by a Community Services Block Grant.

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## Chapter A-2

### Federal and State Guidance

WIA is a federally-funded, State-administered, locally-operated program. Each of the governmental strata is required to operate pursuant to the statutes that control it. Additionally, each of the layers of governance is required to promulgate guidance to ensure that the federal funds are spent prudently and as directed by law.

#### FEDERAL GUIDANCE

**Workforce Investment Act of 1998** (Public Law 105-220) The stated purpose of WIA is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.

**Title I** authorizes the workforce investment system and establishes the funding mechanism for States and local areas. It specifies participant eligibility criteria and authorizes a broad array of services for youth, adults, and dislocated workers. It requires the establishment of a system of accountability. It also permits certain statewide activities. This Resource Guide addresses programs under this Title.

Title I authorizes a number of national programs, such as the Job Corps, Native American, Migrant and Seasonal Farmworker (MSFW), and Veterans programs, Youth Opportunity grants, technical assistance to States and local areas, demonstration, pilot, and other special projects, national emergency grants, and program evaluations.

**Title II** reauthorizes the Adult Education and Literacy programs.

**Title III** amends the Wagner-Peyser Act to require that employment/job service activities become part of the one-stop system and establishes a national employment statistics initiative. It requires linkages between WIA programs and Trade Adjustment Assistance programs.

**Title IV** reauthorizes Rehabilitation Act programs and links those programs to State and local workforce development systems.

**Title V** contains general provisions pertaining to WIA.

**Final Rules** (20 CFR 652 and 660-671, Federal Register, vol. 65, No. 156, August 11, 2000, p. 49294, *et seq.*)

Part 652 – Wagner-Peyser Act Services in a One-Stop Delivery System Environment – provides guidance for the implementation of Wagner-Peyser services in the one-stop system.

Part 660 – Introduction to the Regulations for Workforce Investment Systems under Title I of the Workforce Investment Act – provides a brief description of the purpose of WIA and the regulatory scheme.

Part 661 – Statewide and Local Governance of the Workforce Investment System under Title I of the Workforce Investment Act – details the creation and operation of State and local workforce boards and the waiver system.

Part 662 – Description of the One-Stop System under Title I of the Workforce Investment Act – describes the mutual responsibilities of one-stop partners.

Part 663 – Adult and Dislocated Worker Activities under Title I of the Workforce Investment Act – establishes the three-tier service delivery system as well as criteria for selecting eligible training providers and providing work-based training (on-the-job training and customized training). This part also addresses supportive services.

Part 664 – Youth Activities under Title I of the Workforce Investment Act – sets out the youth program design requirements, the role of the Youth Council, eligibility criteria for youth services, summer employment opportunities, one-stop services to youth, and Youth Opportunities Grants.

Part 665 – Statewide Workforce Investment Activities under Title I of the Workforce Investment Act – lays out required and allowable statewide activities and details Rapid Response Activities.

Part 666 – Performance Accountability under Title I of the Workforce Investment Act – sets out performance measures, incentives and sanctions related to performance at the State and local levels.

Part 667 – Administrative Provisions under Title I of the Workforce Investment Act – addresses issues related to funding, administrative rules, cost limitations, reporting & oversight requirements, grievance procedures, sanctions and liability, administrative adjudication and judicial review. While this part seems mostly administrative, it contains some substantive requirements and limitations that affect the delivery of services.

Part 668 – Indian and Native American Programs under Title I of the Workforce Investment Act. These are national programs that are not administered by the State and, therefore, not addressed in this Resource Guide.

Part 669 – National Farmworkers Jobs Program under Title I of the Workforce Investment Act. This program is administered by the State and operated through the one-stop system.

Part 670 – The Job Corps under Title I of the Workforce Investment Act. This is a national program that is not administered by the State and, therefore, not addressed in this Resource Guide.

Part 671 – National Emergency Grant for Dislocated Workers. These grants provide supplemental dislocated worker funds to States, local boards, and other eligible

entities in response to major economic dislocation events which cannot be met with formula allotments. This Resource Guide does not directly address such grants, as the award establishes specific requirements that must be met.

## **Waivers**

States may request waivers of federal requirements from the Secretary of Labor. When waivers are approved, the State receives a letter that details the terms of the waivers. The USDOL typically reviews waivers annually, so it is important that program staff keep abreast of developments in this area.

In recent years, Florida has received waivers that affect:

- The allowable transfer amount between adult and dislocated worker funding streams allocated to a local area
- The use of common measures to replace the performance measures listed in WIA law
- The employer reimbursement for on-the-job training
- The required employer contribution for customized training
- The use of a portion of local funds for incumbent worker training
- The collection of participant data for incumbent workers
- The ability of one-stop career center staff to perform intake and eligibility determination for additional programs

## **United States Department of Labor, Employment and Training Administration (ETA) Advisory System**

The ETA advisory system is used to disseminate interpretations of Federal laws, procedural, administrative, management, program direction, and other information. ETA issues the following [directives](#):

Training and Employment Guidance Letters (TEGL) which transmit policy and operational guidance. Issued by program year (TEGL 11-01 would be the first TEGL issued in program year 2011-2012.)

Training and Employment Notices (TEN) which communicate announcements of meetings, publications, or general information. Also issued by program year.

Communications for partner programs: Unemployment Insurance Program Letters (UIPL) and Bulletins for specialized programs, such as MSFWs.

Handbooks and [technical assistance guides](#) provide instructions, information or guidance concerning a specific program or administrative area or a group of related activities or functions pertaining to a single program or administrative area.

## Federal Training Resources

[Workforce<sup>3</sup>One](#) is an e-learning, knowledge sharing webspaces that provides learning events, resource information and tools for the workforce system. The site is sponsored by ETA.

## STATE GUIDANCE

[Workforce Innovation Act of 2000](#) (FS 445). The main purpose of Chapter 445 is to implement the federal WIA statute and put in place statewide priorities, requirements, and restrictions. State requirements are incorporated in this Resource Guide as needed.

[Florida Administrative Code \(FAC\)](#). The FAC codifies regulatory requirements promulgated by State agencies to implement State law. Currently, workforce-related rules can be found in chapter 73C.

[Five-Year Strategic Plan](#). The strategic plan, required by State law, involves the Governor, Enterprise Florida, Inc., the Florida Chamber of Commerce, WFI, DEO, RWBs, leaders in business, education and economic development, etc. The strategic plan –

- Assesses workforce trends
- Assesses existing resources and infrastructure and projected needs
- Establishes the State's strategic goals
- Identifies State priorities
- Evaluates outcomes

[State Workforce Plan](#). This plan is created in response to instructions issued by ETA. Much of the information contained in the Five-Year Strategic Plan is included in this plan which provides more detail about the operation of the workforce system. Requests for waivers to federal law are also included in this plan.

**DEO Policy and Guidance.** DEO develops and disseminates guidance in response to federal and state mandates. These guidances come out in the following formats:

[Guidance Papers](#) are issued when the State established policy to effect federal or state statutory mandates or policy issued by WFI.

[Communiqués](#) are the means used to transmit federal communications, such as TEGs and TENS.

[Memoranda](#) introduce information that does not involve the development of State policy.

**Other Publications** are posted on the DEO website: [TEGs](#), [TENS](#), [EFM Tips and Updates](#), [Information Tips](#), and [Best Practices](#).

## State Training Resources

The DEO website contains a wealth of [training presentations](#) (PowerPoint and narrated) for WIA and other workforce programs. The [training calendar](#) and information about

the State's training system for front-line staff certification ([Adobe Connect](#)) are also posted on DEO's website.

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## Chapter A-3

### The One-Stop Service Delivery System

The cornerstone of WIA—the One-Stop Service Delivery System—unifies numerous training, education and employment programs into a single customer-friendly system in each community. Some of these One-Stop programs are [mandated by law](#). Additional [optional](#) programs may be included with the approval of the RWB and local elected officials.

The one-stop system integrates services and governance structures so that the customer has access to a seamless system of workforce investment services. It envisions that a variety of programs use common intake, case management and job development systems.

Each local workforce board must establish a one-stop service delivery system through which it delivers core employment-related services and provides access to other employment and training services. The access to services must be provided through at least one physical One-Stop Career Center in each local area and may be supplemented by networks of affiliated sites.

RWBs select the One-Stop operator and execute written memoranda of understanding with one-stop partners that describe the services to be provided, use of varied funding streams, method for referral of individuals between the partners, etc.

#### Mandatory One-Stop Programs

- Programs authorized under federal law, administered by the State through the RWBs. Staff positions operating these programs are either DEO employees assigned to local One-Stop Career Centers and managed on a day to day basis by the one-stop center operator or are provider staff. These programs are:
  - ✓ Wagner-Peyser that serves job seekers, including migrant and seasonal farmworkers, and employers
  - ✓ Local veterans employment representatives and disabled veterans outreach programs
  - ✓ Trade Adjustment Act that serves workers who lose their jobs due to foreign trade
  - ✓ Programs authorized under the State unemployment compensation law
- Programs authorized under Title I of WIA, administered by the USDOL, to the extent that these programs operate in the area:
  - ✓ Workforce Investment Act (Adult, Dislocated Workers, and Youth)
  - ✓ [Job Corps](#)
  - ✓ [Native American Programs](#) that offer employment and training services for a local tribe
  - ✓ [Veterans Workforce Investment Programs](#) that offer employment and training services to certain veterans

- Educational programs under the oversight of the Florida Department of Education (<http://www.fldoe.org/SiteIndex/directories.asp>), including:
  - ✓ Adult education and literacy activities (WIA)
  - ✓ Postsecondary vocational education activities (Carl D. Perkins Vocational and Applied Technology Education Act)
  - ✓ Vocational Rehabilitation programs (Rehabilitation Act)
  - ✓ Farmworker Jobs and Education program (WIA)
- [Senior Community Service Employment](#) programs
- Employment and training activities carried out under a [Community Services Block Grant](#)
- Employment and training activities carried out by the [Department of Housing and Urban Development](#)

### **Optional One-Stop Partner Programs**

- Programs administered by the Department of Children and Families:
  - ✓ Welfare transition programs
  - ✓ [Office on Homelessness](#)
- Transportation agencies
- Child Care agencies
- Community Colleges
- Economic Development Boards

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## Chapter A-4

### Participant Eligibility

Federal law establishes strict participant eligibility, priorities and requirements for participation. To account for the proper use of federal funds, appropriate documentation must be maintained and made available for review by auditors and local, state and federal representatives.

#### **Who Is a Participant and When Does Participation Begin?**

A participant is an individual who is determined eligible to participate in the program and receives a service funded by the program in either a physical location or remotely through electronic technologies.

Participation begins after an individual has been determined eligible to participate in the program and begins receiving a service funded by the program.

#### **General Eligibility Criteria**

Citizenship: The participant must be a [US citizen or an alien authorized to work in the US](#).

Selective Service Registration: All adult males born after December 31, 1959 and 18 years or older are required to [register with the Selective Service System](#).

Age: The participant must be 18 years or older to receive WIA Adult services.

Residency: Since the premise of WIA is one of customer choice, a region may not establish a prohibition against serving customers who reside outside of its boundaries. However, a local board may provide priority to residents of their region when funds are limited. To facilitate serving participants who reside outside a region's boundaries, local boards are encouraged to negotiate reciprocal agreements with neighboring RWBs.

#### **Program-Specific Eligibility Criteria & Priority of Services**

Adult: The WIA statute and regulations require that local areas give priority for adult intensive and training services to recipients of public assistance and other low-income individuals when funds are limited. It is the responsibility of the local board to determine if and when funds are not limited.

Each RWB is to follow the priority of services procedures described in its approved Workforce Services Plan. This requirement does not mean that only recipients of public assistance and other low-income individuals are eligible to receive WIA-funded intensive and training services when the funds are limited. Each local board should assess the needs of its workforce and determine the most appropriate distribution of services against projected levels of service needs. In developing their criteria for priority, RWBs should consider the needs of specific groups within the local area, the availability of other funding sources and other appropriate factors. Thus, a careful set of criteria needs to be established by each RWB. 20 CFR 663.600

Dislocated Worker: An individual who is meets one of the following criteria –

- √ The individual has been terminated or laid off, or has received a notice of termination or layoff; and is eligible for unemployment compensation (UC) OR has a demonstrated attachment to the workforce but is not eligible for unemployment compensation because of insufficient earnings or because of



having worked for an employer not covered under the State UC law; AND is unlikely to return to work in a previous industry or occupation.

NOTES:

1. If a client's UC records indicate that the individual's claim for UC was originally denied, but the original determination was subsequently overturned, and consequently the individual became eligible for UC, that individual would meet this dislocated worker criterion.
  2. An individual who has been separated from full-time active duty military service or has been demobilized from full-time Federal service in a National Guard or Reserve unit meets the dislocated worker criterion. In contrast, individuals who have retired from full-time, active duty military service do not meet the dislocated worker criterion.
  3. A military spouse who leaves his or her job because of relocation of the service member or discharge from the military may be considered to have been terminated and to be unlikely to return to work in the previous occupation. See [TEGL 22-04, Change 1: Serving Military Spouses as Dislocated Workers under the Workforce Investment Act Dislocated Worker Formula Grant](#).
- √ The individual has been terminated or laid off or has received a notice of termination or layoff within 180 days because of a permanent closure or a substantial layoff at a plant, facility or enterprise. The individual may receive core services without regard to the 180 days.
  - √ The individual was self-employed but is unemployed as a result of general economic conditions in the community or because of natural disasters.
  - √ The individual is a displaced homemaker, i.e. an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

INTERIM OR INCOME MAINTENANCE EMPLOYMENT: Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may be served as long as the wage earned does not exceed the local criterion for self-sufficiency for dislocated workers. For dislocated workers who have become employed prior to eligibility determination, earnings comprising a certain percentage of the wage earned at the time of dislocation may be the most appropriate to use for determining eligibility.

For example, an individual may be laid off from an administrative position that pays \$45,000 per year, and then take a job as a sales clerk in a retail store earning \$20,000 per year while seeking more appropriate employment with higher wages. This worker may still be eligible for WIA services as a dislocated worker.

Note: To better serve dislocated workers, RWBs should define the following terms:

- demonstrated attachment to the workforce
- substantial layoff

- underemployed
- interim/income maintenance employment

***Employed Worker Eligibility***

Employed workers may be eligible for intensive services and training activities if they are determined to be in need of such services in order to obtain or retain employment that allows for self-sufficiency. Local boards set the criteria for “obtain or retain employment that allows for self-sufficiency.” At a minimum, self-sufficiency means employment that pays at least the lower living standard income level.

The criteria for adult employed workers and dislocated workers employed in an income maintenance job may be different.

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## Chapter A-5

### Priority of Service for Veterans and Eligible Spouses

#### Federal Priority of Service Requirements

For all workforce programs, including WIA, federal mandates require that [veterans](#) and [eligible spouses](#) be given preference for employment and training services. This requirement is described in detail in [TEGL 10-09](#) (issued jointly with Veterans' Program Letter 07-09).

To implement the priority requirement, RWBs are required to put in place processes that ensure that veterans and eligible spouses are aware of:

1. Their entitlement to priority of service
2. The full array of services available under priority of service
3. Applicable eligibility requirements for workforce programs and services

Priority of service means that veterans and eligible spouses are given priority and are entitled to precedence over [non-covered persons](#) for the receipt of WIA services. Thus, veterans and eligible spouses are to receive access to a service earlier than a non-covered person. Likewise, if resources are limited, veterans and eligible spouses receive access to the service instead of or before a non-covered person. For example, if there is a waiting list, an eligible veteran or eligible spouse goes to the top of the list.

To implement the veterans/eligible spouses priority in the context of the [WIA priority for low-income/public assistance adults](#), the following ranking applies:

- First: Veterans and eligible spouses who meet the WIA priority must receive the highest level of priority.
- Second: Non-covered persons who meet the WIA priority receive the second level of priority
- Third: Veterans and eligible spouses who do not meet the WIA priority receive the third level of priority
- Fourth: Non-covered persons who do not meet the WIA priority receive the lowest level of priority

For universal access programs and those programs that have a discretionary priority (one not mandated by federal law), veterans and eligible spouses must receive the highest priority.

The status of veterans/eligible spouses must be verified when they are to immediately undergo eligibility determination to be enrolled in a WIA intensive service. See documentation requirement in [Appendix B](#).

#### Factors Affecting Priority of Service for Veterans and Eligible Spouses

##### ***Exemption of Military Service-Related Income for Family Income Determination***

Many types of service-related income are not included to determine whether a veteran or covered spouse meets the low-income eligibility criteria. See [excluded Income](#) below.

### ***Exclusion of VA-Funded Training from “Other Grant Assistance” in Coordination with WIA-Funded Training***

WIA requires that RWBs coordinate WIA-funded training with “other grant assistance” such as Pell Grants. **This requirement does not apply to veterans or spouses who are eligible for the GI Bill or other forms of VA-funded education or training.** For a more detailed discussion of this issue, see Coordination with Other Federal Grants below [to be circulated in a later issuance].

### **State Priority of Service Requirements**

Additionally, State guidance requires that dependents of certain veterans also be given preference for employment and training services (disabled veterans, and families of severely disabled veterans and of military members killed in action). [AWI FG 06-056](#)

### **One-Stop Staff Involvement**

RWBs must ensure that all service delivery points provide maximum employment and training opportunities to eligible veterans. Although regions may have Disabled Veterans' Outreach Program staff and Local Veterans' Employment Representatives, it is the responsibility of all staff in each One-Stop to provide priority service to veterans for all workforce services.

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## Chapter A-6

### The State Management Information System (MIS)

For its data collection and reporting system, Florida uses Employ Florida Marketplace (EFM) <https://www.employflorida.com/> developed by Geographic Solutions (GeoSol), Inc.

GeoSol has published a *Virtual One-Stop – Staff Services User Guide (VOS User Guide)* that can be found under Staff Resources after a user logs into the system. This Guide provides instructions to assist staff in:

- √ taking applications
- √ determining eligibility and priorities
- √ recording assessment information
- √ maintaining career plans
- √ enrolling clients into program activities
- √ maintaining case notes
- √ recording program outcomes
- √ closing cases
- √ exiting clients
- √ conducting follow-up

In addition to the *VOS User Guide*, the EFM system has numerous prompts and help screens to assist staff while they enter data.

The processes described in the *VOS User Guide* are not repeated in this Guide. Instead this Guide describes the statutory and regulatory framework that directs the WIA programs.

**It is important that all program staff become very familiar with this Resource Guide as well as the instructions contained in the *VOS User Guide* and on the client screens in the EFM system.**

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## PART B—WIA INTAKE APPLICATION

### Chapter B-1

#### General Instructions

Federal, state and local workforce program accountability standards require that applicant data be collected on local forms or copies of EFM screens and/or maintained in EFM.

**The data elements required by federal reporting are the basis for the State MIS. These data must be periodically reported to the USDOL.** See [TEGL 14-00](#).

The WIA Application collects and records information necessary to make an initial determination of eligibility for WIA services. The Application and related documents must be retained in the participant's case file for federal fund accountability and data validation reviews. See Part F for additional information regarding the required source documentation for data elements. Both the client and the certifying staff member must initial any whiteout, cross-out, write-over, or erasure in the WIA Application and related documents.

Completion of an application, enrollment in WIA activities and subsequent participation information in EFM must meet the federal and State requirements about confidentiality of information. The data may only be used for record-keeping and reporting, determining program eligibility and priorities, determining the extent to which the local area is operating WIA-funded programs in a nondiscriminatory manner, or for other uses as authorized by law. [29 CFR 34.24](#), [AWI FG 04-044 Guidance Paper – Data Sharing](#), [AWI FG 02-033, Final Guidance – Confidentiality of Records and Public Records Requests and Subpoenas](#).

The local areas should ensure that their WIA processes give consideration to the following:

- ✓ Equal Employment Opportunity data (EEO data) must be collected and retained on every individual who is interested in being considered for WIA services. [20 CFR 663.105](#). See the Department's "[Guidelines for Compliance with Section 188 of the Workforce Investment Act: Collection of Demographic Data](#)."
- ✓ The date of application is the date the individual began the process of eligibility determination.
- ✓ Enrollment (Participation) occurs at the point of receipt of assisted core services (adults and dislocated workers) or objective assessment (youth). [20 CFR 663.105](#).
- ✓ An individual must meet age eligibility requirements at the point of the receipt of first service. Refer to [TEGL 14-00](#), [TEGL 17-05](#).

#### Application Data Description

##### Why do we gather Application Data?

Federal law and regulations require WIA practitioners to gather a variety of data. These are collected for five main reasons:

1. To verify identity (ID)
2. To gather contact information (CO)
3. To ensure equal opportunity for all applicants (EO)
4. To determine eligibility in general for WIA (GE)
5. To ensure program-specific eligibility, establish priority for services, etc. (PE)

#### **1. To verify Identity (ID)**

These items consist of:

- Name
- Social Security Number
- Date of Birth

#### **2. To gather contact information (CO)**

These items consist of:

- Address
- Telephone Number
- E-mail address

#### **3. To ensure equal opportunity for all applicants (EO)**

Certain data are collected to ensure that WIA services are made available without discrimination on the basis of:

- Race/Ethnicity
- Gender
- Disability
- Age
- Limited English Proficiency (LEP) as it relates to national origin
- Citizenship

For guidance regarding the requirements under the Americans with Disabilities Act, see [29 CFR 37](#). Additional guidance regarding discrimination affecting LEP can be found at [Federal Register, Volume 68, No. 103, May 29, 2003, page 32290](#).

The data listed above do not include all nondiscrimination requirements. Federal laws also prohibit discrimination on the basis of national origin, political affiliation or belief, and religion. The State MIS system does not collect or report on these elements.

#### **4. To determine general eligibility for WIA (GE)**

To be eligible to participate in any WIA program, a person must meet three eligibility criteria:

- Citizenship:** The applicant must be a United States citizen or an alien authorized to work in the U.S.

**Selective Service Registration Compliance:** If the applicant is a male 18 years or older, born after December 31, 1959, the applicant is required to show compliance with the Selective Service registration requirement.

**Age:** Individuals must meet age requirements at the time of participation. Age requirements are discussed in more detail in the following chapter.

**5. To ensure program-specific eligibility (PE)**

Eligibility specialists must also collect information to ensure that clients meet program-specific eligibility criteria. Each of the WIA programs has its own eligibility criteria as described in [Chapter A-4](#).

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## Chapter B-2

### Demographic & Contact Information

As indicated in the previous chapter, personal client information is gathered to establish identity, maintain contact information, ensure equal opportunity and determine eligibility priority for WIA services.

The data elements are detailed here.

#### **Name**

[ID](#)

First and last names and middle initial of the applicant.

#### **Social Security Number (SSN)**

[ID](#)

Although a social security number is not required for program participation, one is required on each record submitted to the United States Department of Labor (USDOL) for the Workforce Investment Act Standardized Record Data (WIASRD).

The social security number of the individual is the key to the individual's record in the MIS. Thus it is very important that this number be entered correctly.

Record the full nine-digit social security number of the individual.

A pseudo SSN may be assigned if the individual cannot readily provide a SSN or refuses to provide it; but a valid SSN should be obtained and recorded prior to exit of the individual from the program. To create a pseudo social security number, use the following methodology.

The first digit of a pseudo SSN is always a "9" followed by the last two digits of the individual's birth year. The next two digits will be "00" followed by the birth month and day. If two or more individuals have the same date of birth the "00" will become "01," "02," etc.

For example, two individuals with a date of birth of May 1, 1960 would be assigned the following pseudo numbers:

1st individual 960-00-0501

2nd individual 960-01-0501

For an individual with birth date of September 18, 1954: 954-00-0918

#### **Contact Information**

[CO](#)

Record the applicant's street address, telephone number(s) and e-mail address. If the applicant uses a different mailing address, this should be recorded. Alternate contact information may also be recorded.

Note that RWBs may not limit services to only those customers who reside in their region. However, a region may incorporate a priority to serve its residents when funds are limited. To facilitate serving participants who reside outside of a region's geographic area, RWBs are encouraged to negotiate reciprocal agreements with neighboring regions.

**Date of Birth**[EO](#), [GE](#), [PE](#)

Individuals may be served as Adults only if they are 18 years or older at the time of first assisted core service. A Youth is an individual from age 14 through 21 at the time of participation in the first activity.

**Gender**[EO](#)

Record the applicant's gender (male or female).

**Selective Service Registration Compliance**[GE](#)***Who is required to register?***

All male U.S. citizens born after December 31, 1959 must register with the Selective Service while they are between the ages of 18 and 26 unless otherwise specified.

Persons from the American Samoa, the Republic of the Marshall Islands and the Federated States of Micronesia are required to register if they are "habitual residents in the U.S." Habitual residency is presumed when such a person resides in the U.S. for more than one year.

***When is compliance with selective service registration to be verified?***

This should be documented at the time of the initial application. For young men who begin receiving WIA services prior to their 18<sup>th</sup> birthday, case managers should track the date they turn 18 to ensure that they register with the Selective Service, and should maintain verification of the registration in the client's file.

***Who is not required to register?***

- Females
- Members of the armed forces on active duty (but must register within 30 days of leaving the armed forces if under 26)
- Certain cadets and students in Officer Procurement Programs (but must register within 30 days of leaving the armed forces if under 26)
- Persons who are incarcerated, hospitalized or institutionalized for medical reasons; and physically or mentally handicapped individuals confined in a residence, hospital or institution.
- Non-immigrant individuals on visas
- Special agricultural workers

For more detail, see [Who Must Register Chart](#) published by the Selective Service System (June 26, 2009).

The Application seeks information about the Selective Service Registration status of the applicant: "Have you registered for the Selective Service?"

YES – if the male applicant has registered as required by law

NO—if a male applicant 18 or older who was born after December 31, 1959 has not registered in violation of the Selective Service registration requirements

DOCUMENTED EXEMPTION FROM REGISTRATION—if a male applicant who was required to register meets one of the criteria listed above.

NOT APPLICABLE—if the applicant is female, or is younger than 18, or was born before January 1, 1960.

Selective Service registration may be made on-line at <http://www.sss.gov/>. Inquiries may be addressed to: Selective Service System, Registration Information Office, PO Box 94638, Palatine, IL 60094-4638.

Males between the ages of 18 and 26 who are required to register, but have not registered, and have not yet reached their 26<sup>th</sup> birth date, should be registered with the Selective Service System (SSS) before registration into WIA.

It is the Regional Workforce Board, not the Selective Service System, which makes the final decision whether male applicants who are over 26 years old meet Selective Service registration requirements.

Regional Workforce Boards should develop a procedure, including identifying acceptable documentation for making a determination of WIA eligibility for males who have not registered with the Selective Service System. See [Communiqué](#) issued December 14, 2011 that disseminates [TEGL 11-11](#) and related Changes.

- A male 26 years of age or older who did not register for the Selective Service or cannot produce appropriate documentation of registration may obtain a *Status Information Letter from the Selective Service* indicating whether he was required to register. The request form can be accessed at: <http://www.sss.gov/PDFs/infoform.pdf>. Instructions can be found at <http://www.sss.gov/PDFs/instructions.pdf>.
- If the *Status Information Letter* indicates that the individual was not required to register for the Selective Service, he is eligible to enroll in WIA-funded service.
- If the *Status Information Letter* indicates that he was required to register, he is presumed to be disqualified from participation in WIA-funded services until it can be determined that his failure to register was not knowing and willful.
- The RWB is responsible for making the determination of whether the failure to register was knowing and willful.
- The applicant must present a written statement and any relevant evidence supporting the circumstances at the time of the required registration and the reasons for failing to register.
- The following questions should be considered:
  - Was the individual aware of the requirement to register?
  - If the individual knew about the requirement, was he misinformed about the applicability of the requirements to him (e.g., veterans who were discharged before their 26<sup>th</sup> birthday were occasionally told that they did not need to register)?
  - On which date did the individual first learn that he was required to register?
  - Where did the individual live when he was between the ages of 18 and 26?

- Does the *Status Information Letter* indicate that the Selective Service sent letters to the individual at that address and did not receive a response?
- In determining whether the failure was "willful", the RWB should consider:
  - Was the failure to register done deliberately and intentionally?
  - Did the individual have the mental capacity to choose whether or not to register and decided not to register?
  - What actions, if any, did the individual take when he learned of the requirements to register
- The following are examples of documentation or evidence which could be provided by the male applicant.
  - Service in Armed Forces - A man provides evidence that he served honorably in the U.S. Armed Forces by submitting a copy of his DD Form 214 attesting to this service, or a copy of his Honorable Discharge Certificate. This documentation may be considered prima facie evidence that his failure to register with the SSS was not willful or knowing.
  - Aliens entering the U.S. on or after age 26 – Alien males who entered the U.S. on or after their 26th birthday are exempt from the Selective Service registration requirements. Immigration and Naturalization Service (INS) Form I-94 (Arrival/Departure Record) and INS Form I-551 (Alien Registration Receipt Card commonly called the "green card") will show the birth date of the alien male. Also, INS has granted legal status and employment authorization to lawful seasonal agricultural workers (SAWs) and formerly illegal aliens under the 1986 Immigration Reform and Control Act (IRCA).
  - Immigrant aliens – Immigrant aliens, refugees, parolees, asylees, etc. with work permits may be served in WIA only after an SSS registration or exemption is established as detailed above. INS Form I-688 (Temporary Resident Card) will be helpful in establishing the alien's status.
  - Former illegal aliens – Male aliens 26 years of age or older who entered the U.S. illegally and who are subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, but who are not registered with the SSS can be registered in WIA if they are otherwise eligible and provide the One-Stop or service provider compelling evidence that they did not knowingly and willfully fail to register.
  - Non-immigrant aliens – Lawfully non-immigrants on visa (e.g., diplomatic and consular personnel and families; foreign student; tourists with unexpired INS forms) are not required to register with the Selective Service, but must be authorized to work in the United States to be eligible for WIA services.
- A third party statement from family members, teachers, doctors, etc. concerning reasons for not registering may be acceptable documentation used in making a determination regarding willful and knowing failure to register with the SSS.

If after reviewing the evidence, the One-Stop staff or service provider determines that the preponderance of the evidence shows that a man's failure to register was not a knowing and willful failure and that he is otherwise eligible, services may be provided.

All documentation provided must be maintained in the applicant's file.

Male applicants denied services must be advised of their rights to appeal an adverse decision under the WIA grievance procedures. See [Final Guidance 00-004](#).

**Note:** Selective Service registration is not a requirement for Trade Adjustment Assistance (TAA) participation. However, a male co-enrolled in WIA must meet Selective Service registration requirements.

## Citizenship

## [GE](#), [EO](#)

[WIA](#) limits program participation to "citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, parolees and other immigrants authorized by the Attorney General to work in the United States." This same section prohibits discrimination against individuals who meet the citizenship or lawful resident status. Thus, if the United States Citizenship and Immigration Service (USCIS) recognizes a document as adequate proof of authorization to work in the United States or of US citizenship, case managers should not request additional documentation. See the [USCIS I-9 web page](#) which contains hyperlinks to relevant documents.

The Application requests information seeking to determine whether the person is one of the following:

A Citizen of the U.S. or U.S. Territory

An Authorized Alien – Registration information will be required

Not Authorized to Work

The USDOL requires that citizenship or authorization to work is to be verified for all individuals before WIA services are provided.

To verify citizenship, review original records detailed on the "List of Acceptable Documents" on the I-9 Form List A & List C (8/7/09). These include:

- U.S. Passport or Passport Card
- Native American tribal document
- Original Social Security Card (unless on its face the card states it does not authorize employment in the U.S.)
- Certification of Birth Abroad issued by the Department of State (FS-545)
- Certification of Report of Birth issued by the Department of State (DS-1350)
- Original or Certified Copy of a Birth Certificate issued in the U.S.
- U.S. Citizen I.D. Card (Form I-197)
- Identification Card for Resident Citizen in the U.S. (I-179)
- Temporary Work status as verified by a foreign passport with a I-94 (check deadlines and limitations on I-94)

- Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- Foreign Passport with Temporary I-551 stamp or printed notation.
- Employment Authorization Document with photo (I-766)

For a detailed discussion and copies of some of these documents, consult the *Handbook for Employers* posted on the [USCIS I-9 web page](#).

Note: Documents containing an expiration date must be current in order to be acceptable. Case managers should **not** re-verify (after the client was originally determined eligible) an expired Alien Registration Receipt Card/Permanent Resident Card (Form I-551). However, other documents issued by USCIS/Department of Homeland Security, such as Employment Authorization Documents, must be re-verified.

In addition, the following forms may also be accepted as proof of citizenship.

- U.S. Baptismal Record
- U.S. Hospital Record
- Public Assistance Records (if place of birth shown)
- DD-214, Report of Transfer or Discharge (if place of birth shown)
- A completed I-9
- Telephone Verification (allowable only if exigent circumstances don't allow the applicant to present other documentation)
- Applicant Statement (allowable only if exigent circumstances don't allow the applicant to present other documentation)

## Race

[EO](#)

A person may select one or more racial designations.

American Indian or Alaskan Native: A person having origins in any of the original peoples of North America and South America (including Central America) and who maintains cultural identification through tribal affiliation or community recognition.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian Subcontinent (e.g. Bangladesh, Bhutan, Cambodia, China, India, Japan, Korea, Malaysia, Nepal, Pakistan, the Philippine Islands, Sikkim, Sri Lanka, Thailand and Vietnam).

Black: A person having origins in any of the black racial groups of Africa.

Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White: A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

Other: Ethnic origin from a racial category not listed.

Information not provided.

## Hispanic Heritage

[EO](#)

A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture in origin, regardless of race.

### **Haitian Heritage**

[EO](#)

A person of Haitian origin.

### **Individual with a Disability**

[EO, PE](#)

An individual with a disability means an individual with any disability as defined in section 3(2)(a) of the [Americans with Disabilities Act of 1990](#) (42 U.S.C. 12102).

DEO has issued [Guidelines for Compliance with the Americans with Disabilities Act \(ADA\)](#) and related statutes that provides clear guidance about the appropriateness of asking applicants questions about disability as well as confidentiality requirements. All intake and case management staff must become familiar with these issues.

An applicant will answer

**YES** if he/she has a physical or mental impairment that substantially limits one or more of such person's major life activities, or has a record of such impairment, or is regarded as having such impairment.

Pursuant to 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1988, Final Rule, the phrase, "physical or mental impairment" means:

Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine; and

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase "physical or mental impairment" includes, but is not limited to, such contagious and non contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The term "physical or mental impairment" does not include homosexuality or bisexuality

The phrase "major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The phrase "has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

The phrase "is regarded as having an impairment" means:

Has a physical or mental impairment that does not substantially limit major life activities but that is treated by the recipient as constituting such a limitation;

Has a physical or mental impairment that substantially limits major life activities only as result of the attitudes of others toward such impairment; or

Has none of the impairments defined above but is treated by the recipient as having such an impairment.

**NOTE:** Individuals with a disability may be treated as a “Low-Income Individual” (family of one) when their own income meets program income guidelines even if they are a member of a family whose income does not meet such requirements. WIA Section 101(25)(f).

## **Veteran Information**

## **PE**

The State MIS requires veteran status to be determined and information collected if the individual

- has ever served in the U.S. Military, Naval or Air Service
- was a campaign veteran
- was a disabled veteran
- was recently separated from the military

Additionally, when clients complete an initial (Wagner-Peyser) application, they are asked to identify their status as spouse or dependent of a veteran or an individual in active duty.

This information is gathered to comply with the federal Jobs for Veterans Act which requires that [priority be given to veterans or eligible persons](#).

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## Chapter B-3

### Employment History

An individual's employment history is relevant for program eligibility and the development of a service strategy.

EFM seeks information about current and recent past employment:

#### Employment status

#### PE

- √ Employed – someone who
  - Does any work at all as a paid employee, OR
  - Does any work at all in their own business, profession, or farm, OR
  - Works 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, OR
  - Is not working, but has a job or business from which they are temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job.
- √ Employed, but received notice of termination of job or military separation – someone who, although employed
  - Has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN Notice) or other notice that the facility or enterprise will close, OR
  - Is currently on active military duty and has been provided with a firm date of separation from military service.
- √ Not Employed - An individual who does not meet any of the conditions described above.

**Rate of pay** – current or most recent HOURLY rate of pay.

**Underemployed** means as an individual who is working part-time (less than 30 hours per week) but desires full-time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational attainment and/or skill achievement. RWBs may further define this term.

**Layoff Information** – applies to individuals who have been terminated or laid off, or have received a notice of termination or layoff, or to displaced homemakers

- Terminated or Laid off, or has received notice of termination or layoff, and is eligible for or has exhausted entitlements to UC and is unlikely to return to previous industry or occupation. Note that a military spouse who leaves a job because of a new duty assignment may be considered terminated or laid off. (See Change 1 to TEGL 22-04.)
- Terminated or Laid off, or has received notice of termination or layoff, and has been employed for sufficient duration (a minimum of six weeks) to demonstrate workforce attachment, but is not eligible for UC due to

[insufficient earnings or employer not being covered under state compensation law](#) and is unlikely to return to previous industry or occupation.

- Terminated or Laid off, or has received notice of termination or layoff from employment as result of [permanent closure of or substantial layoff at a plant, facility or enterprise](#). The projected date or actual date of layoff is required in the space provided.
- Employer has made a general announcement that facility will close. The projected date or actual date of closure is to be entered in the space provided.
- [Previously Self-employed](#) (including farmers, ranchers and fisherman) but is unemployed due to general economic conditions in the community of residence or because of natural disaster.
- [Displaced Homemaker](#) is an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.
- None of the above. Termination/layoff does not qualify individual for Dislocated Worker program.

#### Layoff Dates

- Actual Layoff Date: The last day of employment at the dislocation job. This information should be entered only when the qualifying dislocation takes place. There is no layoff date for Displaced Homemakers.
- Projected Layoff Date: Planned layoff date if the individual is still employed at the dislocation job.

Rapid Response Information – to be provided in the event the layoff was the subject of a WARN notice.

#### Dislocation Employer Information

- Name and Address of Dislocation Employer
- HOURLY rate of pay in Dislocation Employment

#### **Receipt of Unemployment Compensation**

**PE**

- √ Eligible claimant referred by the State's Priority Reemployment Services (PREP) - Any individual who is a person who (a) filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal Unemployment Compensation (UC) programs and whose benefit year or compensation, by reason of an extended duration period, has not ended and who has not exhausted their benefit rights, and (b) was referred to service through the state's PREP.
- √ Eligible claimant - Any individual who is a person who meets condition (a) described above, but was not referred to service through the state's PREP system.

- √ Exhaustee - Any individual who has exhausted all unemployment compensation (UC) benefit rights for which the individual has been determined monetarily eligible, including extended supplemental benefit right.
- √ Neither Claimant nor Exhaustee

### **Work History**

EFM allows individuals to enter their employment history and update it as needed. The information recorded in this area can be printed in Résumé mode. An individual may permit interested employers to view their employment history.

Case managers use a client's work history to determine whether a client meets the local [self-sufficiency](#) definition, as well as to assess transferable skills, develop the individual employment plan (IEP), and to determine an appropriate mix of activities and services, including training activities. [TABLE OF CONTENTS](#)

## Chapter B-4

### Education History

As with employment history, education history may be relevant to program eligibility/priority of service. [PE](#)

EFM seeks information about the individual's educational attainments.

- √ Highest grade completed
- √ School status for youth
  - In-school, high school or less – for individuals who are attending any primary or secondary school and have not received a high school diploma or GED
  - In school, alternative school – for individuals who are in school but are attending an alternative school
  - In school, post high-school – for individuals who have received a high school diploma or GED and are attending a post-secondary school or program
  - Not attending school, school dropout – for individuals who have not received a high-school diploma or GED and are no longer attending school
  - Not attending school, high school graduates – for individuals who are not attending any school and have a high-school diploma or GED
- √ Youth who are in elementary or secondary school and who are below grade for their age
- √ Youth enrolled in Education leading to High-School Diploma, GED, or Certificate

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## Chapter B-5

### Individual Barriers

An individual's barriers may be relevant to program eligibility/priority of service. [PE](#)

Information about barriers is important because of eligibility requirements for youth and priority of services for adults. Performance measures and incentives may depend on the accurate identification of these data elements.

These barriers include:

- √ Individual or family member with limited English – An individual who has limited ability in speaking, reading, writing or understanding the English language **and** (a) whose native language is other than English **or** (b) who lives in a family or community environment where a language other than English is the dominant language.
- √ Single parent – A single, separated, divorced, or widowed individual who has primary responsibility for one or more dependent children under age 18.
- √ Homeless – An individual who lacks a fixed, regular, adequate nighttime residence; and any individual who has a primary nighttime residence that is a publicly or privately operated shelter for temporary accommodations, an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings. This definition does not include an individual imprisoned or detained under an Act of Congress or State law. An individual who may be sleeping in a temporary accommodation while away from home should not, as a result of that alone, be recorded as homeless. An applicant for services who meets the definition of *homeless individual* is considered to meet the definition of low income.
- √ Offender – An Offender is an individual who is or has been subject to any stage of the criminal justice process, for whom services under WIA may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
- √ [Displaced homemaker](#). While this is not a barrier, it is listed in this section of the Resource Guide because it is found in the barrier section in EFM.

There are additional youth barriers that should be evaluated for a client age 18 -21 since an adult or dislocated worker between these ages could also qualify as a youth.

- √ Runaway youth – A youth under 18 years of age that absents him/herself from home or place of legal residence without the permission of parents or legal guardian. Note: An emancipated youth is not included in this definition.
- √ Pregnant or parenting youth – A youth who is under 22 years of age and who is pregnant, or a youth (male or female) who is providing custodial care for one or more dependent child under age 18 or who provides child support for one or more dependent child.
- √ Foster care youth - A youth who is currently in foster care or has been in the foster care system at any point during his/her lifetime.

- √ Basic skills deficient youth - A youth who computes or solves problems, reads, writes, or speaks English at or below the 8<sup>th</sup> grade level or is unable to compute or solve problems, read, write or speak English at a level necessary to function on the job, in the individual's family or in society.
- √ Special youth barriers (facing serious barriers to employment [5% exception] or youth requiring additional assistance) – These barriers are defined by the RWB and included in its Workforce Services Plan.
- √ Out of school youth – While this is not a barrier, it is listed in this section of the Resource Guide because it is found in the barrier section in EFM. All youth EXCEPT (a) those who are attending any school and have not received a secondary school diploma or its recognized equivalent, **or** (b) those who are attending post-secondary school and are not basic skills deficient are considered out of school youth.
- √ Youth facing serious barrier to employment and youth requiring additional assistance – The WIA statute allows local boards to identify other barriers than those established by law that make it more difficult for youth to succeed in employment or education. These barriers must be described in the local plan.

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## Chapter B-6

### Low Income and Public Assistance

An individual's economic status may be relevant to program eligibility and/or priority of service for Adults.

***WIA mandates that recipients of public assistance and other low-income individuals receive priority for intensive and/or training services, unless a board has determined that adult funds are not limited.*** (See discussion [above](#).)

Adults receiving WIA assisted-core services need not be low-income (even if funds are limited); however, when funds are limited, a determination of income eligibility must be made to establish whether an applicant meets the local criteria for priority of service for an Adult to be eligible to receive intensive and training services as described in the local plan.

NOTE: Veterans and eligible spouses are entitled to preference in the receipt of training services. See [Chapter A-5](#).

Thus, EFM seeks the following information.

#### Recipient of Public Assistance

[PE](#)

- a. Does the applicant receive public assistance, i.e. Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA) or General Assistance (GA)?
- b. If the applicant is not a recipient of public assistance, are they a member of a family that receives public assistance (TANF, SSI, RCA, or GA)?
- c. Is the applicant a member of a household that receives food stamps or that has been determined eligible for food stamps in the six months prior to the application date?
- d. Is the individual a publicly supported foster child?

#### Low-Income Individual

[PE](#)

To determine whether an individual is low-income, use either of these two tests.

1. An individual who is a recipient of public assistance, as described in paragraphs a – d above, or who qualifies as a [homeless](#) individual automatically meets the standard of low-income.
2. An individual who received an income, or is a member of a [family](#) that received a total [family income](#) for the six months prior to the application date that, in relation to family size, does not exceed the Family Income Guidelines in effect at the time of application meets the standard of low-income.

To make this determination, determine family size and family income.

*Family Composition/Size.* A family means two or more persons related by blood, marriage or decree of court, who are living in a single residence and are included in one or more of the following categories (a) a husband, wife, and [dependent children](#); (b) a parent or guardian and [dependent children](#); (c) a husband and wife.

The phrase "living in a single residence" with other family members includes temporary, voluntary residence elsewhere (e.g., attending school or college, or visiting relatives). It does not include involuntary temporary residence elsewhere (e.g., incarceration, or placement as a result of a court order).

In general, to be a qualifying dependent child of a taxpayer, a client must:

- Be the taxpayer's child or stepchild (whether by blood or adoption), foster child, or descendent of one of these
- Have the same principal residence as the taxpayer for more than half the tax year. Exceptions apply in certain cases for children of divorced or separated parents, kidnapped children, temporary absences, and children who were born or died during the year. Students who reside at school but are considered a parent's dependent would be considered to have the same principal residence as their parents.
- Be under the age of 19 at the end of the tax year or under the age of 24 if a full-time student for at least five months of the year
- Not have provided more than one-half of his/her own support for the year.

➤ *Family Income.*

To determine family income, total the includable income of each family member as defined in the preceding subsection ([Family Size](#)).

The annualized family income includes cash receipts before taxes from all sources, with certain [exceptions](#) listed below. To derive the annualized family income amount, calculate the total family income for the six-month period prior to application and multiply by two.

Examples of Includable Income:

- Gross wages and salaries
- Net receipts from self-employment (receipts from an individual's unincorporated business, partnership or farm which one operates as an owner, renter or sharecropper, after deductions for business or farm expenses)
- Pension or retirement income (including military retirement pay and annuity payments from IRAs, Keoghs, 401(k) plans, etc.)
- Benefits from union funds received while on strike
- Net rental income
- Interest, dividends, royalties
- Periodic receipts from estates and trusts (see the exclusion of payments from a [Supplemental Needs Trust](#) below)
- Alimony
- Educational assistance and training stipends and college or university grants, fellowships and assistanceships (see exclusion of [needs-based financial aid](#) below)



- Other support from an absent family member not living in the household
- Other miscellaneous sources of revenue considered as reportable income by the IRS (net gambling or lottery winnings, etc.)

The following types of income are not counted to determine family income:

- Wages paid through the Senior Community Service Employment Program funded under Title V of the Older Americans Act
- Unemployment compensation
- Trade Readjustment Allowances
- Social security benefits (old age, survivors, disability)
- Public cash assistance, e.g., TANF, emergency assistance, general relief, supplemental security income (SSI)
- Noncash assistance, e.g., food stamps, housing assistance, school meals, Medicare, Medicaid
- Noncash benefits, e.g., employer-funded insurance, housing
- Military pay and allowances received by a family member on active duty (includes while active in the National Guard or Reserves)
- Educational benefits for veterans and other eligible persons
- Disability and death benefits for veterans and other eligible persons
- Financial aid under Title IV of the Higher Education Act, e.g., PELL Grants, Supplemental Educational Opportunity Grants (SEOG), Federal Work Study, as well as needs-based scholarships
- Training stipends under WIA except that OJT assistance is included as part of wages and salaries
- Child support, including foster child payments
- One-time unearned income such as, but not limited to:
  - i) payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans
  - ii) one-time or fixed-term scholarship and fellowship grants
  - iii) accident, health and casualty insurance proceeds
  - v) disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits
  - v) one-time awards and gifts
  - vi) inheritance, including fixed term annuities, and
  - vii) fixed-term workers compensation awards
- Capital gains
- Assets drawn down as withdrawals from a bank, sale of property
- Periodic receipts from a Supplemental Needs Trust, i.e. a type of special needs trust which complies with provisions of U.S. state and

federal law and is designed to provide benefits to, and protect the assets of, physically disabled or mentally disabled persons while still allowing such persons to be qualified for and receive governmental care benefits under SSI, SSDI and/or Medicaid

- Tax refunds, gifts, loans
  - When a federal statute specifically provides that income or payments received under the statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments shall be excluded in WIA eligibility determination.
3. An individual with a disability who is a member of a family whose income does not meet the low-income requirement listed in paragraph 2 above may be considered a family of one (1) and only his/her income will need to be verified if their own income would qualify them as a low-income individual.

**NOTE:** If a client is determined to be low-income because of the receipt of public assistance, homelessness, or foster care status, there is no need to verify income. In such cases, it is acceptable to show \$0 as includable income in EFM. For all others, the family size and annual family income should be verified and entered into EFM.

### **Pell Grant Recipient**

This information is needed to determine the need for WIA funds to support training. WIA requires that funding be given to individuals who are unable to obtain other federal grant assistance or require assistance beyond the federal grant. See discussion about coordination of WIA funds with other federal grant assistance [to be circulated in a later issuance].

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## Chapter B-7

### Administrative Information

In addition to the applicant/participant information listed in the previous sections, WIA staff need to include various administrative data:

- √ Regional Workforce Board and One-Stop information (names and addresses)
- √ Application Date – date on which the applicant begins the application process
- √ Eligibility Date – date on which all the application information has been completed and verification for general and program-specific eligibility requirements has been completed
- √ Determination of Program Eligibility and Priority of Services under various WIA funding sources, including:
  - Youth
  - Adult
  - Dislocated Worker
  - Statewide Contracts for Youth, Incumbent Workers, Displaced Homemaker, Rapid Response Assistance, etc. Program eligibility criteria are described in the contract.
- √ Receipt of grant assistance through national and statewide grants
- √ Case manager information (including case managers operating under State contracts)
- √ Documentation of verification of data elements

EFM requires case managers to record what type of documentation is used to verify certain data elements. The information recorded in EFM must accurately reflect the actual documentation maintained in the individual's case file.

For a thorough discussion of acceptable documentation for the verification of data elements, see Part F.

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## Chapter B-8

### Grievance/Complaint Procedures

Federal law and regulations require that each region establish a procedure to allow participants, staff and other interested parties to file a complaint if they believe that they have been unlawfully discriminated against or a grievance if they have been negatively affected by actions taken in violation of the WIA requirements. [WIA](#) 181(h).

Federal regulations provide additional guidance for the implementation of this requirement ([20 CFR Part 667](#)). Additionally, the state has described the requirements for processing complaints/grievances, including hearings and appeals. ([Final Guidance 00-004](#), revised 6/8/07).

#### Discrimination Complaints

Federal and State law prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief in connection with any workforce program. Individuals who believe that they were subjected to unlawful discrimination may file a complaint within 180 days from the date of the alleged violation. The complaint must be filed with the Florida Office for Civil Rights and Minority Affairs or the U.S. Department of Labor's Civil Rights Center.

Discrimination complaints must be filed in accordance with the State's [Discrimination Complaint Procedure](#) **Other Grievances**

Any individual or entity that is adversely affected by the local workforce system (board, one-stop career center, or other service provider) has the right to file a grievance with the local board. (Note, however, that discrimination complaints must be filed according to the procedures described [above](#).)

Local boards receive, review and attempt to informally resolve the initial grievance. If it cannot be resolved informally, a hearing must be held and a decision issued within 60 calendar days from receipt of the grievance.

The individual may file an appeal to DEO if not satisfied with the outcome of the local process.

#### Documentation of Notice to Clients

Case managers must be able to document the fact that each client is aware of the region's complaint/grievance process. To that effect, a grievance form must be given to each client. A signed acknowledgement that the form was given and that the client was made aware of their rights needs to be maintained in the client's file. The form must include, at a minimum:

- Equal Opportunity Notice, including the addresses of the Office of Civil Rights and Minority Affairs and the U.S. Department of Labor's Civil Rights Center.
- Local grievance procedures, including address to file grievance.
- Appeal rights.
- Time frames.

Note that the federal regulations direct staff to present the form in an understandable manner, particularly to youth, limited-English speaking individuals, etc. [TABLE OF CONTENTS](#)

## 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, 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. 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 – lfd 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.

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## 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.

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## 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.

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## 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 SHOULD 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

---

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

---

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

---

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.

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## 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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## APPENDIX A

### ELIGIBILITY GLOSSARY

**ADULT.** An individual who is age 18 years of age or older. [Workforce Investment Act (WIA) §101(1)]

**BASIC SKILLS DEFICIENT.** An individual who has English reading or computing skills at or below 8th grade level(<9) on a generally accepted standardized test or a comparable score on a criterion-referenced test. [WIA §101(4)]

**BEHIND GRADE LEVEL.** An individual with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individual. [WIA §129(c)(5)(C)]

**CITIZENSHIP/WORK ELIGIBILITY.** Participation in programs and activities financially assisted by WIA "shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States." Citizens and nationals generally prove citizenship with documentation of place of birth or citizenship status. Aliens must prove employment authorization status, generally with the appropriate visa or registration form issued by the Immigration and Naturalization Service (INS). An original social security card that does not indicate that the individual is not allowed to work in the U.S. may also be used for verification. [WIA §188(A)(5)]

**DISLOCATED WORKER.** A job seeker who is unemployed through no fault of his or her own or who has received an official layoff notice. The job seeker -

- I. (a) Has been terminated, laid off or received a notice of termination or layoff from employment; **and**
  - (b) (1) is eligible for or has exhausted entitlement to unemployment compensation; **or** (2) has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law; **and**
  - (c) is unlikely to return to a previous industry or occupation.
- II. (a) Has been terminated, laid off or has received a notice of termination or layoff from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise; **or**
  - (b) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **or**
  - (c) for purposes of eligibility to receive services other than training services described in WIA §134(d)(4), intensive services described in WIA §134(d)(3), or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.

III. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

IV. Is a displaced homemaker.

[WIA §101(9)]

Note: If they meet the eligibility requirements, non-retiree military service members discharged other than dishonorably and qualifying military spouses may be eligible to be served as dislocated workers.

**DISPLACED HOMEMAKER.** A job seeker who has been providing unpaid services to family members in the home, and who:

(A) has been dependent on the income of another family member but is no longer supported by that income; **and**

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. [WIA §101(10)]

Note: For purposes of (B) above, underemployment occurs when an individual is working part time but desires full-time employment or is working in employment not commensurate with the individual's demonstrated level of educational attainment—e.g., a college graduate in microbiology can find no work in his or her field and is working as a clerk in a department store. [DOL Training and Employment Guidance Letter (TEGL) 14-00, Change 1]

#### **ELIGIBLE SPOUSE**

The spouse of any of the following:

- a. Any veteran who died of a service-connected disability
- b. Any member of the Armed Forces who is listed as missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power
- c. Any veteran who has a total disability resulting from a service-connected disability as evaluated by the Department of Veterans Affairs
- d. Any veteran who died while a disability was in existence

A spouse whose eligibility is derived from a living veteran or service member (categories b & c) would lose the eligibility if the veteran or service member were to lose the status that is the basis for the eligibility. Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

**EMPLOYED.** An individual who is currently -

(A) Working:

- as a paid employee;
- in his or her own business, profession, or farm; or
- worked 15 hours or more per week as an unpaid worker on a farm or in an enterprise operated by a member of the family; or

(B) Not working, but has a job or business from which he or she is temporarily absent because of illness, bad weather, vacation, labor management dispute, or personal reasons, whether paid by the employer for time off, and whether seeking another job.

Note: An individual who has received a notice of layoff or termination is not considered "employed".

**FAMILY.** Two or more persons related by blood, marriage or decree of court, who are living in a single residence, and are included in one or more of the following categories:

(A) A husband, wife, and [dependent children](#);

(B) A parent or guardian and [dependent children](#); or

(C) A husband and wife. [WIA §101(15)]

Note:

- Family size is determined based on those individuals meeting the above definition at time of application.
- For purposes of (B), references to guardian refer to legal guardian.
- An individual with a disability may, for purposes of income eligibility determination, be considered an unrelated individual who is a family unit of one consistent with the definition of low-income individual at WIA §101(25)(f).

#### **FAMILY INCOME.**

The eligibility of adults and youth is generally determined based on family income. To determine family income, total the [includable income](#) of each [family member](#). The annualized family income includes annual cash receipts before taxes from all sources, with certain [exceptions](#).

**FOSTER CHILD.** A youth on behalf of whom state or local government payments are made; and for whom a court order removing the youth from the custody of the parent(s) and specifying a managing conservator exists. [WIA §101(25)(E)]

**HOMELESS.** An individual who lacks a fixed, regular and adequate nighttime residence and who has a primary nighttime residence that is:

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition is from §103 of the Stewart B. McKinney Homeless Assistance Act. [WIA §101(25)(D)]

**INDIVIDUAL WITH A DISABILITY.** An individual with a disability as defined in the Americans with Disabilities Act of 1990, §3. [42 U.S.C. §12102]

The individual:

- has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- has a record of such an impairment; or
- is regarded as having such an impairment.

**LAYOFF.** A separation of an employee from an establishment that is initiated by the employer; an involuntary separation; a period of forced unemployment. [Bureau of Labor Statistics]

**LITERACY.** Literacy means an individual's ability to read, write, and speak in English, and to compute and solve problems at levels of proficiency necessary to function on the job, in the family of the individual and in society. [20 C.F.R. §660.300]

**LOW-INCOME INDIVIDUAL.** An individual who:

- (A) receives or is a member of a family that receives cash payments under a federal, state, or local income-based public assistance program;
- (B) received an income or is a member of a family that has received a [total family income](#) for the six-month period prior to application for the program involved [exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402)] that, in relation to family size, does not exceed the higher of:
  - (1) the poverty line, for an equivalent period; or
  - (2) 70 percent of the Lower Living Standard Income Level, for an equivalent period;
- (C) is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977;
- (D) qualifies as a homeless individual, as defined in the Stewart B. McKinney Homeless Assistance Act §103(a) and (c);
- (E) is a foster youth on behalf of whom state or local government payments are made; or
- (F) in cases permitted by regulations of the secretary of labor, is an individual with a disability whose own income meets the requirements of (B) above, but who is a member of a family whose income does not meet such requirements.

[WIA §101(25)]

**MILITARY SPOUSE.** An individual who is married to an active duty service member, including one in the National Guard or Reserve; or the surviving spouse of an active duty service member who lost his or her life while on active duty service in Afghanistan, Iraq or other combat area.

**NATURAL DISASTER.** Categories of natural disasters include, but are not limited to, any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mud-slide, snowstorm, drought, fire, explosion or other catastrophe.

**NON-COVERED PERSON.** Any individual who is not a veteran or an eligible spouse for purposes of veterans/eligible spouses priority of service.

**OFFENDER.** Any adult or juvenile who is, or who has been, subject to any stage of the criminal justice process for whom service under WIA may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or convictions. [WIA § 101 (27)]

Note: Includes misdemeanors.

**OUT-OF-SCHOOL YOUTH.**

(A) An eligible youth who is a school dropout; or

(B) An eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed or underemployed. [WIA § 101 (33)]

**PARTICIPANT.** An individual who has been determined to be eligible to participate in, and is receiving services (except for follow-up services) under a program authorized by WIA Title I. Participation commences on the first day, following determination of eligibility, on which the individual begins receiving services provided under WIA Title I.

**PERMANENT CLOSURE.** The term plant closing means the permanent or temporary shutdown of a single site of employment or one or more facilities or operating units within a single site of employment. An employment action that results in the effective cessation of production or the work performed by a unit, even if a few employees remain, is a closure. [WARN § 639.3(j)]

**PERMANENTLY DISLOCATED.** A permanent loss of employment from a place of business, including a self-employed business, where no intention exists to rebuild or reestablish the business or occupation.

**PUBLIC ASSISTANCE.** Federal, state, or local government cash payments for which eligibility is determined by a needs or income test. [WIA § 101 (37)]

**RUNAWAY YOUTH.** An individual under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian. This definition is from regulations issued pursuant to the Runaway and Homeless Youth Act. [WIA § 129(c)(5)(F)]

**SCHOOL DROPOUT.** An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. [WIA § 101 (39)]

**SELF-ATTESTATION/APPLICANT STATEMENT.** An individual's signed attestation that the information he or she submits to demonstrate eligibility for a program under Title I of WIA is true and accurate. [20 C.F.R. § 660.300]

**SELF-EMPLOYED.** Self-employed individuals are gainfully occupied and work for themselves as opposed to a salaried or commissioned worker who is the employee of another.

**SUBSTANTIAL HANDICAP TO EMPLOYMENT.** A loss of occupational choices of a class or group of jobs owing to disability, i.e., significant diminishment of occupational choices.

**TERMINATION.** Separation from employment due to reasons other than a discharge for cause, voluntary departure, or retirement.

**UNDEREMPLOYED.** An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement. [20 C.F.R. §668.150]

**UNEMPLOYED.** An individual who is without a job and wants and is available for work. The determination of whether an individual is without a job is made in accordance with the following criteria, used by the DOL Bureau of Labor Statistics to define individuals as unemployed:

An individual who did not work during the seven consecutive days prior to application, who made specific efforts to find a job within the past four weeks prior to application, and who was available for work during the seven consecutive days prior to application.

Also included as unemployed are those who did not work and individuals:

- waiting to be called back to a job from which they have been laid off; or
- waiting to report to a new wage or salary job scheduled to start within 30 days.

[WIA §101(47)]

**UNLIKELY TO RETURN.** A job seeker in the dislocated worker population whose situation is such that:

- (A) The industry or occupation shows no growth or a decline in available job opportunities as documented by labor market statistics or other Commission-approved labor market analyses;
- (B) The individual has been seeking employment since termination, layoff or receipt of notice of layoff, but has been unable to find, a job in his or her previous industry or occupation due to economic conditions and/or skill limitations; or
- (C) A military spouse is required to leave a job or occupation as a result of the military member's transfer that does not position the spouse to return immediately to his or her previous occupation or industry.

Note: Individuals laid off on a temporary basis, with a specific recall date, are not eligible under Category 1 of the WIA dislocated worker eligibility criteria, based on the unlikely to return provision.

**VETERAN.**

The term veteran means an individual who served at least one day in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable. Active service includes full-time federal service in the National Guard or a Reserve component (but does not include full-time duty performed strictly for training purposes—"weekend" or "annual" training—nor full-time active duty for personnel who are mobilized by state rather than federal duty—usually in response to events such as natural disasters).

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## **APPENDIX B**

### **ELIGIBILITY DOCUMENTATION**

#### **Social Security Number Verification**

- Original Social Security Card
- DD-214 Report of Separation
- Employment Records
- IRS Form Letter 1722
- Letter from Social Service Agency
- Pay Check Stubs
- Social Security Benefits
- W-2 Form
- Driver's License (some States, not Florida)
- Telephone Verification
- Unemployment Records
- Passport
- School Records
- School/State or Federal Identification Card
- Applicant Statement/Self-Attestation (last resort)

#### **Address Verification**

- Voter Registration Card
- Computer Printout from Government Agency
- Driver's License
- Food Stamp Award Letter
- Homeless – Primary Nighttime Residence
- Housing Authority Verification
- Insurance Policy (Residence or Auto)
- Landlord Statement
- Lease
- Letter from Social Service Agency or School
- Library Card
- Medicaid/Medicare Card
- Phone Directory
- Property Tax Record
- Public Assistance Record
- Rent Receipt
- School Identification Card
- Selective Service Registration Card
- Utility Bill
- Postmarked Mail Addressed to Applicant
- Other Applicable Documentation
- Applicant Statement/Self-Attestation
- The RWB may adopt a policy that does not require address verification

#### **Date of Birth and Age Verification**

- Birth Certificate
- Baptismal Record with Date of Birth
- Completed and Signed I-9 Form
- DD-214
- Driver's License
- Federal, State, or Local Government ID Card
- Hospital Birth Record
- Passport
- Public Assistance/Social Service Record
- School Records/Identification
- Work Permit (if DOB shown)
- Cross-Match with Department of Vital Statistics, Tribal Records

### **Selective Service/Draft Status Verification**

- DD-214
- Selective Service Status Information Letter
- Selective Service Registration Record (Form 3A)
- Selective Service Verification Form
- Stamped Post Office Receipt of Registration
- Internet Verification [www.sss.gov](http://www.sss.gov)
- Selective Service Registration Card
- Additional Document if it validates Selective Service Registration
- Applicant Statement/Self-Attestation (last resort)

### **Citizenship/Alien Status Verification**

- Completed and Signed I-9 Form
- Baptismal Certificate with Place of Birth (U.S.)
- Birth Certificate (U.S.)
- DD-214
- Food Stamp Records
- Foreign Passport Stamped Eligible to Work
- Hospital Birth Record (U.S.)
- Naturalization Certification
- Public Assistance Records
- U.S. Passport
- Native American Tribal Document
- Alien Registration Card Indicating Right to Work
- Telephone Verification
- School/State or Federal ID Card
- Documentation Specified on the I-9 Form
- Social Security Card (Does not State Ineligible for Work)
- Applicant Statement/Self-Attestation (last resort)

### **Disability Verification**

- Letter from Drug or Alcohol Rehabilitation Agency
- Medical Records
- Social Service Records/Referral

- Physician's Statement
- Psychiatrist's Statement
- Psychologist's Diagnosis
- Rehabilitation Evaluation
- School Records
- Sheltered Workshop Certification
- Worker's Compensation Record
- Social Security Administration Disability Records
- Veterans Administration Letter/Records
- Vocational Rehabilitation Letter
- Applicant Statement/Self-Attestation (last resort)

### **Military Service/Veteran/Eligible Spouse Verification**

- DD-214 (not dishonorable discharge)
- Military Document (ID, other DD form) Indicating Eligible Spouse
- Cross-Match with Veterans Database
- A Veterans' Administration (VA) **medical card**
- A [Florida Driver's license with a "V"](#) on its face (issued on or after July 1, 2011)

### **Disabled Veteran Verification**

- VA Certification of Disability
- Entitlement to Disabled Veterans Benefit Documentation
- VA Clinic Card with Disability Rating

### **Employment/Retention**

- UI Records/Check Stubs
- Job Search Worksheet
- Case Notes
- UI Cross-Match
- Self-Attestation/Applicant Statement

### **Actual Layoff Date Verification**

- Verification from Employer
- Rapid Response List
- Notice of Layoff
- Public Announcement with Cross-Match from UI
- Applicant Statement/ Self-Attestation

### **Unemployment Compensation Verification**

- UCTC and JT12
- Telephone Verification with the UC Office
- Telephone Verification with the UC Office (Other State)
- Applicant Statement/Self-Attestation (last resort)
- Other Applicable Documentation

## **Low-Income Verification**

- Public Assistance record, letter, card, printout, etc. (TANF, SSI, Refugee Assistance, General Assistance, Food Stamps), cross-match with public assistance database
- Foster Child: court records, verification of payments/written statement from state or local agency
- Homeless: written statement from a shelter, social service agency, individual providing temporary assistance, applicant statement/self-attestation
- Family Income – requires verification of family size and includable income
  - ❖ Family Size: birth certificates, court decrees, marriage certificates, most recent tax return supported by IRS document, public housing authority, public assistance/social service agency records, telephone verification, applicant statement in limited cases, other applicable documentation (If an applicant statement is used to verify family composition/size, it must include a list of the individuals in the family and their relationship to the applicant in order to allow the case manager to make an independent determination of family size based on the WIA definition of family)
  - ❖ Includable Income: pay stubs, UC printout/document, bank statement, court award, employer statement/contact, alimony agreement, award letter from Veterans' Administration, compensation award letter, housing authority verification, pension/annuity statement, quarterly estimated tax for self-employed persons (Schedule C), business financial records, workers' comp records, telephone verification, applicant statement (last resort), other applicable documentation

## **Education Level Verification**

- Copy of Diploma or GED
- TABE Test or Generally Accepted Standard or Criterion-Referenced Test
- School Record
- School Verification
- Applicant Statement/Self-Attestation

## **Basic Skills Deficient (Youth)**

- Copy of Generally Accepted Standard or Criterion-Referenced Test
- School Record of Reading/Math skills determined within the previous six (6) months
- Case Notes
- Other Applicable Documentation

## **Displaced Homemaker Verification**

- Divorce Decree or Legal Separation
- Death Certificate
- Employer Statement/Layoff Notice
- Public Assistance Records

- Court Records
- Applicant Statement/Self-Attestation

### **Homeless Verification**

- Written Statement from an Individual Providing Temporary Assistance
- Written Statement from Social Security Agency
- Applicant Statement/Self-Attestation

### **Runaway Verification (Youth)**

- Written Statement from Social Service Agency
- Written Statement from an Individual Providing Temporary Residence
- Written Statement from Shelter
- Applicant Statement/Self-Attestation

### **Foster Care Verification**

- Statement/Referral from Social Services Agency
- Foster Care Facility Resident
- Court/Guardianship Documents
- Applicant Statement/Self-Attestation (last resort)
- Other Applicable Documentation

### **Pregnant/Parenting Youth Verification**

- Physician's Note
- Birth Certificate
- Baptismal Records
- Case Notes/Observation
- Applicant Statement/Self-Attestation

### **Youth Required Additional Assistance Verification**

- RWB Definition – must be specific and verifiable
- Individual Service Strategy
- Case Notes
- WIA Registration
- State MIS
- Applicant Statement/Self-Attestation (if appropriate and authorized by RWB policy)

### **Offender Verification**

- Police Records
- Court Documents
- Halfway House Resident
- Letter of Parole
- Letter from Probation Officer
- Telephone Verification

- Documents from Juvenile/Criminal Justice
- Juvenile Justice System Case Notes
- Applicant Statement/Self-Attestation (last resort)

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## APPENDIX C – FEDERAL AND STATE AUTHORITIES

This chart records the Federal and State authorities cited in this Guide.

### FEDERAL AUTHORITIES

TITLE/CITATION	DATE	SUBJECT
<a href="#">Workforce Investment Act of 1998</a>	8/7/98	Creation of the WIA System, One-Stops; amendment of the Wagner-Peyser Act; and related provisions
<a href="#">20 CFR 652 and 660, et seq.</a>	4/15/99	Regulations related to WIA Title I
<a href="#">20 CFR 1010</a>		Application of Priority of Service for Covered Persons
<a href="#">29 CFR 34.24</a>		Data and information collection; confidentiality
<a href="#">TEGL 14-00 &amp; Change 1</a>	3/5/01	Workforce Investment Act (WIA) Performance Reporting System
<a href="#">29 CFR 37</a>		Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998
<a href="#">Federal Register, Volume 68, No. 103, May 29, 2003, page 32290</a>	5/29/03	Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficiency Persons
<a href="#">TEGL 08-98</a>	11/3/98	Selective Service Registration
<a href="#">TEGL 5-03</a>	9/16/03	Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act"
<a href="#">TEGL 22-04, Change 1</a>	9/28/07	Serving Military Spouses as Dislocated Workers under the Workforce Investment Act Dislocated Worker Formula Grant
<a href="#">TEGL 17-05</a>	2/17/06	Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues
<a href="#">TEN 08-09</a>	8/25/09	Program Year 2008/Fiscal Year 2009 Performance Reporting and Data Validation
<a href="#">TEGL 12-10</a>	11/15/10	Supporting Entrepreneurial and Self-Employment Training through the Workforce Investment System

TITLE/CITATION	DATE	SUBJECT
<a href="#">20 CFR 1010</a>	12/19/08	Priority of Service for Covered Persons; Final Rule (issued by the Veterans' Employment and Training Service)
<a href="#">TEGL 10-09</a>	11/10/09	Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)
<a href="#">29 CFR 34.24</a>	1/15/93	Data and Information Collection; Confidentiality
<a href="#">Military Selective Service Act</a>	Amended 7/9/03	50 USC 451, et seq.
<a href="#">Who Must Register Chart</a>	6/26/09	Guidelines issued by the Selective Service System
<a href="#">Form I-9 Form</a> – Employment Eligibility Verification	8/7/09	Issued by U.S. Citizenship and Immigration Services
<a href="#">Handbook for Employers</a>	7/31/09	Instructions for Completing form I-9 issued by U.S. Citizenship and Immigration Services
<a href="#">Americans with Disabilities Act of 1990</a>	Amended 1/1/09	Provides national mandate for the elimination of discrimination against individuals with disabilities
<a href="#">USDOL Letter re: Waivers for PY 2011</a>	6/21/11	Approves State-requested waivers, effective dates: July 1, 2011 – June 30, 2012

#### STATE AUTHORITIES

TITLE	DATE	CITATION/SOURCE
<a href="#">Workforce Innovation Act of 2000</a>	2000	FS Chapter 445
<a href="#">Department of Economic Opportunity Website</a>		
<a href="#">Quick Response Training for Economic Development</a>	Amended 2004	FS 288.047
<a href="#">Final Guidance: Grievance/Complaint and Hearing/Appeal Procedure under WIA, TAA, WT/TANF, FSET, and Wagner-Peyser and Discrimination Complaint Procedures</a>	3/15/04	FG 00-004
<a href="#">Final Guidance: On-the-Job Training</a>	5/30/00	AWI FG 00-009



<b>TITLE</b>	<b>DATE</b>	<b>CITATION/SOURCE</b>
<a href="#">Final Guidance: Confidentiality of Records and Public Records Requests and Subpoenas</a>	Revised 11/7/04	AWI FG 02-033
<a href="#">Guidance Paper: Data Sharing</a>	11/17/04	AWI 04-044
<a href="#">Guidance Paper: Priority Workforce Service Delivery Strategies – Severely Injured Military Members and their Families, Disabled Veterans, Veterans, Florida National Guard Members and Military Reservists, and Families of Military Members Killed in Action</a>	9/13/06	AWI FG 06-056
<a href="#">Final Guidance: Guidelines for Recording Assessment Results for Youth in Employ Florida Marketplace</a>	1/24/08	AWI FG 062
<a href="#">Guidance Paper: Guidelines for Compliance with the Americans with Disabilities Act of 1990, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 188 of the Workforce Investment Act of 1998</a>	Revised 3/6/08	AWI FG 04-042
<a href="#">Final Guidance Employed and Incumbent Worker Training</a>	Revised 8/22/11	AWI – 060
<a href="#">Updated Selective Service Registration Verification Procedures for an Individual Applying for Workforce Investment Act Services</a>	6/22/05	AWI-05-10
<a href="#">Incumbent Worker Training Program Guidelines for the State of Florida</a>	7/1/09	Issued by WFI
<a href="#">Workforce Florida Expired/Awarded Funding Opportunities</a>	2009	Reported by WFI
<i>Virtual OneStop – User Guide for Staff</i>	Revised 5/2009	Published by Geographic Solutions in <a href="#">Staff Online Resources</a> (staff log-in required)

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