

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

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**Contact Information:** For questions regarding these policies, please contact Jennifer Bane, Executive Director for the Fiscal Agent/Staff to the Board, Workforce Innovations, Inc., 208 N. Mill Avenue, Dyersburg, TN 38024 Phone: (731)286-3585 Email: [jbane@nwtworks.org](mailto:jbane@nwtworks.org).

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Co-Enrollment of Customers

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** This policy establishes guidelines for the provision of participant co-enrollment, according to program eligibility, and the Memorandum of Understanding, as a method to provide effective services by combining WIOA core programs and other resources, as appropriate.

**Policy:** WIOA includes the following core programs – Adult, Dislocated Worker, Youth (Title I); Adult Education and Literacy Activities (Title II); Wagner-Peyser (Title III); Vocational Rehabilitation Services (Title V); and Temporary Assistance for Needy Families (TANF). In addition, there are additional resources available through American Job Center (AJC) partnerships. Co-enrollment of participants is necessary in order to leverage funding and provide services, without duplication. By braiding funds between supportive and educational services, a participant receives maximum benefit in proportion to the amount of funds spent, while avoiding duplication or redundancies of services. WIOA programs that target similar demographics should necessitate automatic co-enrollment, when appropriate for the participant.

- Identification of Eligible Participants - Individuals entering an AJC will be greeted with a “no wrong door” approach; there is no incorrect entry point for an individual seeking services. During the first step a staff member will conduct a verbal assessment – mainly focused on the individual’s eligibility for WIOA Title I and III programs – that addresses barriers to employment, establishes priority of service, and identifies a disability that requires further resources. Using this assessment, the staff member then offers guidance about the most appropriate next steps.
- Initial Assessment - During initial assessments staff are required to ascertain the individual’s long-term employment goal; furthermore, staff must work with the individual to formulate a plan to achieve this goal.
- Enrollment Process - The initial assessment and case management will provide the basis for co-enrollment to meet individualized development plans for education, training and/or support service needs. Following the initial assessment, the individual may participate in core programs offered under WIOA or choose to seek staff assistance to establish which programs best fit their needs and eligibility. The strategy for co-enrollment will focus on short-term training to enter or re-enter employment while maintaining sight of how this plan will lead to long-term self-sustainability within the labor market. Ultimately, the goal is to formulate a plan specific to the needs of each individual which can then lead to self-sustaining employment. If it is determined that an individual can benefit from co-enrollment in multiple programs, referral and joint case management should be conducted.
- Intake Through Technology - Co-enrollment will normally be facilitated through enrollment in specific activities in the technology-enabled intake and case management system, Virtual One Stop (VOS); however, if the resource is not available to be captured via VOS as an enrollment activity, co-enrollment should be covered in case notes and/or funding agreements.
- Co-Enrollment Benefits - Eligible individuals, ages 18 to 24 at registration, may be enrolled in both adult/dislocated worker and youth programs concurrently. This concurrent enrollment will allow an adult/dislocated worker enrollee to also receive specific services as outlined in the fourteen basic elements of the youth program. Also, WIOA programs targeting similar demographics may necessitate co-enrollment (EXAMPLE: Reemployment Services and Eligibility Assessments (RESEA) may be co-enrolled with dislocated worker program). Other programs where co-enrollment may benefit an individual include Supplemental Nutrition Assistance Program Employment & Training (SNAP E & T), TRADE, Temporary Assistance for Needy Families (TANF), and Adult Education (AE).
- Non-Duplication of Services – In order to prevent duplication of services, a referral process will be utilized in the LWDA. Also, open communication with partner staff of other programs an individual may be eligible for, will be maintained to determine which partner will pay for services needed.

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- Funding - Coordinated funding for ITAs will be utilized to maximize services for an individual enrolled in more than one program. In order to ensure that funding received by an individual under a specific program is appropriate, monitoring will be conducted by both board staff and service delivery staff to ensure the cost is allowed under that program.
- Automatic Co-Enrollment - WIOA programs that target similar demographics should necessitate automatic co-enrollment when beneficial to the participant. One such example is Reemployment Services and Eligibility Assessments (RESEA), and dislocated worker programs. Other programs that may be paired could include Supplemental Nutrition Assistance Program Employment and Training (SNAP E & T), TRADE, Temporary Assistance for Needy Families (TANF), Adult Education (AE), Dislocated Worker Programs and Youth Programs.

The One-Stop Operator is responsible for providing specific procedures for co-enrollment between all partners.

**Reference:** 20 CFR 679.560(b)(2)(ii); WIOA Section 108(b)(21)

**Related TDLWD Policy:** Co-Enrollment of AJC Customers Policy (pages 3 and 5)

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:

*Jimmy Williamson*

04805EDDF2C344B...

Jimmy Williamson, Chairman

Northwest Tennessee Workforce Board

## Conflict of Interest (Service Delivery)

**Effective Date:** May 23, 2023

**Duration:** Indefinite

**Purpose:** To ensure that individuals or representatives of organizations entrusted with public funds will not personally or professionally benefit from the award or expenditure of such funds. This policy is established to provide direction for sub-recipients, contractors, staff and board members of the LWDA to prevent actual, potential or questionable conflicts of interest. The LWDA shall also ensure training concerning internal conflicts of interest for any entities directly involved with making assessments and determining the eligibility of participants. Documentation of training must be maintained and made available for review and audit purposes.

**Policy:** The following entities will not provide direct service during the intake or eligibility determination of a family member or close acquaintance. No workforce staff or member will have a personal or business relationship with, or a positive bias for, or a special interest in, that particular applicant. Such workforce members are:

- Local Workforce Development Board members
- Local Workforce Development Board subcommittee members
- Chief Local Elected Officials
- WIOA executive staff and supervisors
- WIOA employees
- AJC partner staff
- WIOA sub-recipients and/or contractors

The Workforce Innovation and Opportunity Act (WIOA) eligibility/intake forms must include the following disclosure statement for the customer and the certifying individual to sign:

Customer - *My signature is a declaration that I am not related to, nor have a close personal acquaintance to the workforce staff member (Local elected officials, LWDB members, LWDB subcommittee members, WIOA executive staff and supervisor, WIOA employees, job center partner staff and WIOA sub-recipients and / or contractors) determining my eligibility for Workforce Innovation and Opportunity Act funding.*

Certifying Individual - *I understand my signature on this form is a declaration that I am a member of workforce staff (Local elected officials, LWDB members, LWDB subcommittee members, WIOA executive staff and supervisor, WIOA employees, job center partner staff and WIOA sub-recipients and/or contractors) and the customer I am determining eligibility and /or services for is not a relative or close personal acquaintance.*

For the purpose of this policy, relative will be considered a parent, step-parent, or parent-in-law, child, including step child or adopted child, spouse or partner, brother, including step, half or foster brother, sister, including step, half or foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, aunt, uncle, cousin, or other family member who resides in the same household. A close personal acquaintance is defined as a personal friend, personal friend's spouse or children, boyfriend / girlfriend and their children, and church or neighbors with whom you have a close relationship.

This policy does not prohibit the applicant from receiving services for which they are eligible. Should an applicant be related to, or a close personal acquaintance of, a workforce member staff, the applicant shall be referred to another staff person in the area for determination of eligibility, enrollment, services, and case management.

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

Further, any grant recipient or sub-recipient receiving WIOA funds through the LWDB shall ensure that no individual in a decision-making capacity engages in any activity if a conflict of interest is involved, even in perception of impropriety of a conflict of interest. This includes decision-making that involves the selection, awarding, or administering of a grant, sub-grant or contract by WIOA funds.

Conflict of interest forms will be signed and returned to staff annually each year, or as a new board/committee member/staff/contractor becomes part of the Workforce System in the Local Workforce Development Area. Signed copies of the Conflict of Interest will be kept on file in the LWDB office.

**Reference:** Title I of WIOA, Pub. L. 113-128; WIOA Section 107(c)(3)(A)(i); 20 CFR 683.400(c); 20 CFR 679.430; 20 CFR 679.410(a)(3) and 20 CFR 679.410(c); 20CFR 684.630(b)-(c); 29 CFR 97.36(b)(3); 20 CFR 683.200(c)(5)(i-iii) reference to 2 CFR 200.318.

**Related TDLWD Policy:** Workforce Services Policy – Conflict of Interest TN-WIOA (17-2)

**Vetted and Approved by the Local Workforce Development Board:** May 23, 2023



Jimmy Williamson, Chairman

Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Electronic Case Files

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To provide guidance regarding maintenance of records for a period of five (5) years and utilization of electronic records to reduce/keep paperwork to a minimum. (TDLWD effective 11-30-17). This guidance also includes instructions to protect customer information.

**Policy:** The Tennessee Department of Labor and Workforce Development (TDLWD) mandated that all WIOA record keeping be transitioned to a paperless system by using an electronic document imaging and storage system effective November 30, 2017. TDLWD revised the documentation process for determining eligibility and the maintenance of pertinent records by electing to utilize electronic documents and requiring electronic verification of eligibility requirements. Jobs4TN allows both internal and external access to provide all servicing partners the means to efficiently administer services to their participants.

The Jobs4TN electronic record system must be utilized whenever possible to maintain all participant records, including:

- creating participant applications,
- recording provided services,
- uploading supporting documentation to verify eligibility, and
- providing case notes regarding interaction with participants including the ‘who, what, when, where, why, and how’ of service delivery.

All forms currently used during an individual’s registration within an American Job Center, specifically following the initial assessment, will be replaced by the use of Jobs4TN, whenever possible. All documents, with the exception of medical records containing protected health information (PHI) under the HIPAA Act of 1996, are required to be uploaded into VOS to validate data entered.

Exception: Medical records, including any records containing identifiable health information—also known as protected health information (PHI) under the HIPAA Act of 1996—such as health status, provision of health care, or payment for health care, must be maintained in a secure area and in paper format.

Access for Monitoring/Auditing: Electronic information will be made available to any US Department of Labor or State auditor or monitor who need access in order to carry out their official duties by granting full access to the Virtual One-Stop (VOS) system or in paper format if requested.

Data Validation: The State has established procedures, consistent with the guidelines issued by the Secretaries of Labor and Education, to ensure information contained in WIOA federal reports is valid and reliable. Data Element Validation (DEV) is conducted annually by a review of a sample of participant records chosen from the federal report. Staff from TDLWD validate that each participant record reviewed denotes accurate information and supporting documentation. Data validation is conducted to make sure participant files are accurate and in compliance. All required documentation for data element validation shall be uploaded into the VOS system.

Deleting Images: No images may be deleted from VOS without permission granted by the TDLWD, and only by the TDLWD Policy and Compliance Unit. Should an image need to be deleted, staff should contact the LWDB Director of Performance and Compliance and a request will be submitted to the State.

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Records Maintenance: All records, electronic and paper, necessary to prepare reports and permit tracing of funds, must be maintained for five (5) years per TDLWD pursuant to Records Disposition Authorizations (RDAs) 1586 and 2207 from the State of Tennessee Comptroller of the Treasury (3 years prior to 11-30-17).

Confidentiality of Records and Release Forms: Data or information acquired for statistical purposes, shall not be disclosed in identifiable form for any other use, except with the informed consent of the respondent per Public Law 107-347 Title V Section 512(b)(1). Release forms, including release of educational records in compliance with the Family Educational Rights and Privacy Act (see below), should be signed and dated by the participant and case manager and uploaded into VOS. This form must state that the participant's information may be used for reporting purposes as a result of federal regulations associated with the benefit of federal funds, and that the participant's personal information will remain confidential. This may be used as a stand-alone form or may be incorporated into other release forms used. The release form must be uploaded into the participant file in Jobs4TN to validate that the participant agrees to the release of information for reporting purposes.

Federal law, enacted in 1974, under the Family Educational Rights and Privacy Act protects the privacy of student education records. Student's education records may not be disclosed without the parent or student's prior written consent, unless (34 CFR 99.31):

- The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests
- A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party
  - Performs an institutional service or function for which the agency or institution would otherwise use employees;
  - Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
  - Is subject to the requirements of Section 99.33(a) governing the use and re-disclosure of personally identifiable information from education records.
- An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement of this section.
- The disclosure is, subject to the requirements of Section 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

Participants who attend training through WIOA-funded programs must also sign and date a form authorizing the release of educational records in order to obtain information or copies of certifications or diplomas from educational institutions for data validation and reporting purposes.

Legal Status of Electronic Documents: In accordance with Public Law 105-277 Title XVII Section 1707, electronic records submitted or maintained in accordance with procedures developed under this title, or electronic signatures or other forms of electronic authentication, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

Timeliness and Accuracy of Reporting: All applicants must be processed immediately upon a customer receiving services. However, there are allowable exceptions-such as Rapid Response. In such instances the maximum allowable time to enter information into Jobs4TN is ten (10) business days. Any exception requires advance



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written approval of the LWDB Director of Performance and Compliance. Otherwise, all eligibility intake information and documentation must be immediately uploaded into Jobs4TN upon receipt. This immediate action also applies to the exiting of participants once they have completed all programs and are no longer receiving services (including documentation to support credentials or employment, when applicable). Once participants have exited programs, follow-up procedures and documentation concerning these individuals must be entered into Jobs4TN in a timely manner, typically within 10 business days. TDLWD will not entertain any exceptions to this mandate. Service providers are expected to enter all verification documents, immediately upon receipt, into Jobs4TN for all active and exited participants using the naming conventions provided in Workforce Services Policy – Electronic Case Files. All documentation and case notes input into Jobs4TN.gov are expected to be true and accurate.

Personally Identifiable Information (PII) - PII is defined as either protective or non-sensitive. Protective PII is information that is sensitive and typically includes information such as a social security number, date of birth, or bank account numbers. Non-sensitive information is personal information that, when released by itself, should not be harmful to the individual. Non-sensitive information typically includes first and last name, email addresses, and business address. The handling of PII should be done with caution and follow federal guidance.

Fiscal-Related Documentation - The Fiscal Agent maintains records of participant related payments and is not required to upload invoicing documentation into the Jobs4TN system, as Jobs4TN is not intended to be the system of record for fiscal documentation. All participant-related payments must be linked to their corresponding payments in the Fiscal Agent's fiscal accounting system by notating the invoice number or other specific identifier within the voucher payment in the Jobs4TN. This allows for ease of reference during monitoring and review.

**Reference:** 20 CFR 37.39; WIOA Section 308(c)(2)(F)(ii); TEGL 39-11

**Related TDLWD Policy:** Electronic Case Files Policy

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:

*Jimmy Williamson*

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Jimmy Williamson, Chair

Northwest Tennessee Workforce Board



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Grievance and Complaint Resolution

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To establish a complaint and grievance policy for participants and other interested parties to address alleged violations of the requirements of Title I of the WIOA.

**Policy:** The Local Workforce Development Board (LWDB) Grievance and Complaint resolution is as follows:

Information will be provided regarding the content of the grievance and complaint procedures required by this guidance to participants and other interested parties affected by the local workforce development system (20 CFR 683.600). Each sub-recipient of funds under Title I of WIOA will provide information about the content of the grievance and complaint procedures required by this guidance to participants and other interested parties affected by the local workforce development system, including One-Stop partners and service providers (20 CFR 683.600). Reasonable efforts will be made to assure that the information provided will be understood by the affected participants including youth and those with limited English-speaking ability (29 CFR 37.35). One-on-one assistance is available for individuals with disabilities when necessary. All processes regarding grievance and complaint procedures will be made available in hard copy and posted on the LWDB website. Procedures will be posted and accessible in all American Job Center offices. All contracts, plans, and agreements will contain equal opportunity policies including, but not limited to a) Provision of equitable services across all substantial population segments; and b) Programmatic and physical access will be provided to those with physical, mental, or sensory disabilities.

### *Non-Discriminatory Complaints*

This complaint procedure is limited to complaints and/or grievances that are non-discriminatory in nature, such as unjust denial of WIOA services that are not discriminatory in nature, hostile work environment experienced during participation in a WIOA-funded program, other complaints against employers that relate to a WIOA-funded program, and complaints made by staff within the Local Workforce Development Area (LWDA) against either other staff or against a sub-recipient entity. This procedure applies to staff, program participants, applicants, service/training providers, and other interested parties. In cases where discrimination is alleged, a different process is used, and the LWDA's Equal Opportunity Officer handles the complaint. Complaints made by LWDA staff against other LWDA staff or a sub-recipient entity may also follow the procedures prescribed by the Employer of Record for Staff to the Board, Partners and Providers.

Informal procedures and a hearing will be initiated to resolve the applicant/participant's complaint within 60 days. If these procedures do not resolve the issue to the applicant/partisan's satisfaction, the Executive Director will advise the individual of the formal complaint procedure as follows:

- 1) All complaints must be submitted in writing to the Executive Director at the Workforce Innovations, Inc. in the form of a letter via certified U.S. Mail to: Executive Director, 208 N. Mill Ave. Dyersburg, TN 38024.
- 2) All complaints must include:
  - Name and address of complainant.
  - The identity of the individual or entity that the complainant alleges is responsible;
  - A description of the allegations in enough detail to allow an initial determination, establish jurisdiction, encourage timeliness, and determine the apparent merit of the complaint, including any supporting documentation;
  - Settlement or corrective action desired by complainant;
  - If there are any witnesses, their names and contact information are included; and
  - Date of the incident (or time frame, if there is an occurrence over a period of time), and date of filing;
  - Describe attempts to resolve the issue of complaint;

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- The complainant's signature or the signature of the complainant's authorized representative.
  - Complaints must be submitted within 180 days of the date of the incident.
- 3) The Executive Director will provide written acknowledgement of receipt of complaint to complainant.
  - 4) The Executive Director will launch an investigation.
  - 5) The Executive Director will hold a formal verbal discussion with complainant within fifteen (15) working days of receipt of complaint.
  - 6) The Executive Director will communicate a written decision to the complainant within ten (10) working days of the verbal discussion.
  - 7) Should the complainant not be satisfied, the complainant may file a written appeal, prepared consistent with item #2 above, with the Board Chairman.
  - 8) Upon receipt of an appeal, the Chairman will convene an ad hoc committee to review the appeal. The hearing will be limited to the original complaint and the complainant can choose to be represented by another individual, including legal counsel.
  - 9) The committee will render a written decision to the complainant within five (5) working days of the hearing. If more time is required to reach a decision, the complainant will be notified in writing of the time by which a decision will be made.
  - 10) For issues covered under this procedure, the decision of this committee may be appealed to the Tennessee Department of Labor and Workforce Development (TDLWD). If a decision has not been made within sixty (60) days, an appeal may also be made to the TDLWD.
  - 11) Copies of all appeals will be forwarded to the Tennessee Department of Labor and Workforce Development.
  - 12) All files pertaining to complaints will be maintained not less than five (5) years and will be available to all federal and state monitors.
  - 13) An individual party to a collective bargaining agreement, alleging a labor standards violation, may also submit the grievance to a binding-arbitration procedure.

The Executive Director must maintain documentation throughout the complaint process which must include, at a minimum, the Employment and Training Administration (ETA) Complaint/Apparent Violation Form, correspondence related to the complaint, and meeting minutes regarding any in-person adjudication between LWDA staff and the complainant, if applicable.

#### ***Hostile Work Environment Complaints, Unrelated to American Job Center Staff***

The One-Stop Operator (OSO) must ensure complaints alleging a hostile work environment or other unfair treatment by an employer are appropriately forwarded to either the Labor Standards Unit or the Tennessee Occupational Safety and Health Administration (TOSHA).

- A. Complaints to the Labor Standards Unit: inspections of child-labor and non-smoker protection, claims for unpaid wages, and investigations of allegations of unlawful hiring practices related to illegal aliens and whether workers are lawfully authorized to work.

More information can be accessed through the following link:

<https://www.tn.gov/workforce/employers/safety---health/regulationscompliance/regulations---compliance-redirect/labor-standards-unit.html>

- B. Complaints to TOSHA: inspections of possible existence of safety and health hazards.

More information can be accessed through the following link:

<https://www.tn.gov/workforce/employees/safety-health/tosha-redirect/file-a-safetycomplaint.html>

The OSO must assist the complainant to file a complaint with the organizations listed above, to include follow up with the customer to confirm that transfer between organizations. This process must be reflected in AJC Complaint Log and documentation must be maintained at the AJC.

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***Discriminatory Complaints***

The Workforce Innovation and Opportunity Act must comply with Title VI and VII of Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, section 504 of the Rehabilitation Act of 1973, Executive Order 11, 246 and the related regulations to each. The Local Workforce Development Board (LWDB) assures that it will not discriminate against any individual because of race, religion, creed, color, sex, age, disability, national origin, political affiliation, or belief. Additionally:

- It is against the law for the LWDB, a recipient of Federal financial assistance, to discriminate on the following basis;
- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA) on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his/her participation in any WIOA Title I - financially assisted program or activity.

The LWDB must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with such a program or activity.

Further, the LWDB agrees to take affirmative action to ensure that applicants are employed and the employees are treated equally during their employment without regard to race, religion, creed, color, sex, disability, or national origin and that such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection available to employees and applicants for employment.

Applicants/participants, or other interested parties, who feel that they have received unequal treatment should contact the LWDB Fiscal Agent/Staff to the Board, Workforce Innovations, Equal Opportunity Officer, 731-286-3585, TDD 7-1-1. Informal procedures and a hearing will be initiated to resolve the applicant/participant's complaint within 60 days. One-on-one assistance is available for individuals with disabilities when necessary. If these procedures do not resolve the issue to the applicant/partisan's satisfaction, the Equal Opportunity Officer will advise the applicant/participant of the formal complaint procedure as follows:

If an individual thinks he / she has been subjected to discrimination under WIOA Title I – financially assisted program or activity, the individual may file a complaint within 180 days from the date of the alleged violation with either:

**U.S. Department of Labor**  
Director, Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue NW,  
Room N-4123  
Washington, D.C. 20210  
202-693-6500  
(TTY) 202-693-6516

**TN Dept. of Labor & Workforce Development**  
Equal Opportunity Officer  
220 French Landing Drive  
Nashville, TN 37243  
615-253-1331  
(TDD) 615-532-2879

**Workforce Innovations, Inc.**  
Equal Opportunity Officer  
208 N. Mill Ave.  
Dyersburg, TN 38024  
731-286-3585  
(TDD) 7-1-1

To file a complaint with the Workforce Innovations, Inc. Equal Opportunity Officer (EOO), all complaints must be submitted in writing to the EOO in the form of a letter via certified U.S. Mail to: EOO, 208 N. Mill Ave., Dyersburg, TN 38024.

- 1) All complaints must include:

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

- Name and address of complainant.
  - The identity of the individual or entity that the complainant alleges is responsible;
  - A description of the allegations in enough detail to allow an initial determination, establish jurisdiction, encourage timeliness, and determine the apparent merit of the complaint, including any supporting documentation;
  - A description of the allegations, including any supporting documentation;
  - Settlement or corrective action desired by complainant;
  - If there are any witnesses, their names and contact information are included; and
  - Date of the incident (or time frame, if there is an occurrence over a period of time), and date of filing;
  - Describe attempts to resolve the issue of complaint;
  - The complainant's signature or the signature of the complainant's authorized representative.
  - Complaints must be submitted within 180 days of the date of the incident.
- 2) The EOO will provide written acknowledgement of receipt of complaint to complainant.
  - 3) The EOO will launch an investigation.
  - 4) The EOO will hold a formal verbal discussion with complainant within fifteen (15) working days of receipt of complaint.
  - 5) The EOO will communicate a written decision to the complainant within ten (10) working days of the verbal discussion.
  - 6) For issues covered under this procedure, the decision may be appealed to the Tennessee Department of Labor and Workforce Development (TDLWD). If a decision has not been made within sixty (60) days, an appeal may also be made to the TDLWD.

The EOO must maintain documentation throughout the complaint process which must include, at a minimum, the Employment and Training Administration (ETA) Complaint/Apparent Violation Form, correspondence related to the complaint, and meeting minutes regarding any in-person adjudication between LWDA staff and the complainant, if applicable.

If a complaint is filed with the LWDB Fiscal Agent/Staff to the Board, Workforce Innovations, Inc. EOO, the individual must wait either until the EEO issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the EOO does not give a written Notice of Final Actions within 90 days of the day on which the individual filed a complaint, the individual does not have to wait for the EOO to issue that Notice before filing a complaint with the CRC. However, the individual must file CRC complaint within 30 days of the 90-day deadline.

If the EOO does give written Notice of Final Action for the complaint, but the individual is dissatisfied with the decision or resolution, a complaint may be filed with CRC. An individual must file a CRC complaint within 30 days of the date on which he / she received the Notice of Final Action.

The Workforce Innovations, Inc. is an Equal Opportunity Employer/Program; Auxiliary Aides for services are available upon request to individuals with disabilities. An individual party to a collective bargaining agreement, alleging a labor standards violation, may also submit the grievance to a binding-arbitration procedure.

### ***Complaint Logs***

A complaint log will be maintained for each American Job Center and submitted to the TDLWD in accordance with their policy. The log must contain sufficient detail to identify who filed the complaint, who received the complaint, what the complaint alleges, where the complaint was filed, and when the complaint was filed.

### ***Reporting Fraud, Waste, and Abuse***

Information and complaints involving criminal fraud, abuse, or other criminal activity must be reported immediately in one of the following three ways:

LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

Atlanta Regional Office, Office of  
Investigations, U.S. Dept. of Labor  
61 Forsyth Street Southwest,  
Room 6T1  
Atlanta, GA 30303

Tennessee Comptroller of  
Treasury  
Fraud, Waste, and Abuse  
Hotline:  
1-800-232-5454

Inspector General Office of  
Investigations, Room S5514  
U.S. Department of Labor  
200 Constitution Ave.  
Washington, DC 20210

**Reference:** 20 CFR 683.600(b)(1); 20 CFR 683.600(c); 29 CFR 38.1

**Related TDLWD Policy:** Grievance and Complaint Resolution Policy

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:  
  
04805FDDF2C344B  
Jimmy Williamson, Chair  
Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Training Provider Approval

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** In order to receive funds under Title I of WIOA, a training provider must make application to the local Workforce Board for approval. Therefore, customers approved for ITA funds can only select from programs on the Eligible Training Provider List (ETPL). If a program is not on the list, WIOA cannot pay the cost of attendance.

**Policy:** In the State of Tennessee, the Tennessee Department of Labor and Workforce Development (TDLWD) is charged by the State Workforce Development Board with the responsibility to develop and maintain the Eligible Training Provider List.

### *Training Provider Eligibility (TEGL 41-14)*

To be eligible to receive funds, the training provider must meet at least one of the following requirements:

1. A postsecondary educational institution that is eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. Seq.) and provides a program that leads to an associate degree, baccalaureate degree, diploma, or certificate.
2. An entity that carries out programs under the National Apprenticeship Act of August 16, 1937; 50 Stat. 664, Chapter 663; 29 U.S.C. 50 et. seq.
3. Another public or private provider of a program of training services for the general public or specialized training for participant populations that face multiple barriers to employment such as providers directly associated with the Division of Rehabilitation Services, TN Department of Human Services. These populations include the following categories: low-income individuals with barriers to employment and people with disabilities.
4. LWDBs if they meet the conditions of WIOA Section 107(g)(1).
5. Another public or private provider with demonstrated effectiveness providing training to a population that faces multiple barriers to employment. These populations include:
  - a. Displaced homemakers
  - b. Low-income individuals
  - c. Indians, Alaskan natives, and native Hawaiians, as such terms are defined in WIOA Section 166(b)
  - d. Individuals with disabilities, including youth who are individuals with disabilities
  - e. Older individuals
  - f. Ex-offenders
  - g. Homeless individuals (as defined in Section 41403(6) of the Violence Against Women Act of 1994 [42 U.S.C. 1404e-2(6) as amended in 2013]; or homeless children and youths (as H.R. 803 – 10 defined in Section 725[2] of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1143a[2] and Section 721). Youth who are in or who have aged out of the foster care system
  - h. Individuals who are English language learners, including individuals who have low levels of literacy and individuals facing substantial cultural barriers
  - i. Eligible migrant farmworkers, as defined in WIOA Section 167(i), and services to other low-income individuals
  - j. Individuals within two (2) years of exhausting lifetime eligibility under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et. Seq.)
  - k. Single parents (including single pregnant women)
  - l. Long-term unemployed individuals
  - m. Other groups the Governor determines to have barriers to employment (WIOA Section 134[c][3][E])
6. Other groups as determined by the Governor.

In-state and out-of-state post-secondary institutions must be authorized by a state governing body—such as the Tennessee Higher Education Commission (THEC), the Tennessee Board of Regents (TBRs), the Tennessee



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

Independent Colleges and Universities Association (TICUA), and the Southern Association of Colleges and Schools (SACs)—to operate in the State of Tennessee. This does not apply to RAs.

### ***Program of Training***

Training services program may be delivered in person, online, hybrid, or blended format and must lead to at least one (1) of the following:

1. An industry-recognized certificate or certification, a certificate of completion of a Registered Apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;
2. A secondary school diploma or its equivalent;
3. Employment; or
4. Measurable skill gains toward a credential or secondary school diploma.

### ***ETPL Exceptions***

The following activities are exempt from utilizing the ETPL process:

1. On-the-Job Training and Customized Training (as defined by WIOA)
2. Skill enhancement and workplace literacy are considered to be short-term prevocational and, therefore, are not defined as training services for the purposes of this policy.
3. Short-term prevocational services are not tied to a specific occupation and include course-like services such as Literacy and Adult Basic Education, Workplace Literacy, introductory computer classes, as well as development of learning skills, communication skills, interviewing skills, punctuality training, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.
4. Community-based organizations and other private organizations providing training.

### ***Registered Apprenticeship Programs (TEGL 41-14)***

All approved Registered Apprenticeships (RA) are automatically eligible to be included on the statewide ETPL. RAs are not subject to the same application, performance information requirements, or period of initial eligibility procedures since they have already gone through a detailed application and vetting process through the USDOL Office of Apprenticeship. The information required for an RA program to be added to the ETPL is:

- Occupation(s) included within the registered apprenticeship program;
- Name and address of the Registered Apprenticeship Program Sponsor;
- Name and address of the related technical instruction provider, including the location of the facility if different from the program sponsor's address;
- Method and length of instruction, and
- The number of active apprentices.

### ***Reciprocal Agreement***

While the ETPL is the primary list of ETPs and programs to be used when referring an eligible WIOA Title I-B candidate to training, the LWDB can send a participant to training located in a different state if the training provider has a Reciprocal Agreement with Tennessee. These agreements allow Tennessee participants to use ETPs if that training provider appears on the other State's ETPL. Similarly, WIOA participants in the reciprocal states can utilize programs that are on Tennessee's ETPL.

### ***ETP Approval Process***

The Local Workforce Development-Board (LWDB) agrees to adopt the procedures and formats provided by TDLWD for accepting and processing applications for the Eligible Provider List. Said procedures include processes and formats for Renewal Applications for “grandfathered” eligible providers and for others which have completed their period of initial eligibility, as well as processes for making initial application. Interested applicants shall visit the Eligible Training Provider (ETP) website at [www.Jobs4TN.gov](http://www.Jobs4TN.gov) in order to register and



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

complete the appropriate application forms as provided by TDLWD within the system. Application forms are available online at the website listed above.

Upon receipt of completed applications, a Sub-Committee of the LWDB will review and make recommendation to the LWDB for approval, denial or other additional/subsequent consideration. The Sub-Committee Committee, other committees of the LWDB, or LWDB members may request any additional information from the applicant institution deemed necessary. Applicants must provide all requested performance, cost, credentialing, articulation documentation, or other information requested by the Committee and/or the LWDB. The LWDB will review and approve applicants which are deemed to have met the criteria outlined in WIOA Subtitle B, Chapter 1, Section 122.

### ***Third-Party Training Services***

ETPL approved training providers who wish to partner with third-party training services must ensure the training service provider has a physical presence in the United States. The third-party provider must be authorized for postsecondary training by the appropriate state authorization agency and comply with all WIOA and ETPL procedures. Each program must be evaluated individually to determine if successful completion of the program results in a recognized credential. The ETPL training provider is responsible for collecting initial and continued applications for performance data requirements of the ETPL annual reporting. Further, the certificate received by participants upon successful completion must be issued by the ETPL training provider. It must include the name of the training provider listed on the ETPL, not the name of the third party training provider.

### ***Making Changes to ETP and Program Information***

Training providers must submit additional documents and information as needed to the LWDB and the TDLWD as required, such as periodic updates on WIOA training participants, including copies of credentials and transcripts received by WIOA Title I participants, information about all students attending a training program as required for reporting of performance measures, submitting the Annual Training Performance Report (Annual Report) to the TDLWD and LWDB (excluding Registered Apprenticeships\_, notifying the LWDB of any changes or updates to a training program, changes in the point of contact, a transition of the school's location, or impending sale or closure.

Revision(s) to already approved and existing program curriculums must first be approved by the appropriate State authorizing agency (Tennessee Higher Education Commission, Tennessee Board of Regents, etc.) if required. The ETP must submit the proper forms using the online web application to make changes on the ETPL. Changes submitted by the ETP are subject to review by the LWDB and the State. Changes in program cost or length that are beyond twenty-five percent (25%) must be resubmitted to the LWDB for approval as a new program. It is the responsibility of the ETP to ensure that information displayed on the ETPL is accurate. ETPs with inaccurate information on the ETPL as discovered in conjunction with a Data Validation review or a Data Accuracy Report are subject to removal from the ETPL for a set suspension period or until all information is corrected (whichever occurs later).

### ***Subsequent Eligibility Determination***

Approved training providers receive initial eligibility for one fiscal year for a particular program. After the initial eligibility expires, training providers are subject to application procedures for continued program eligibility every two years. Renewal applications must be reviewed by the LWDB and provide required performance data, meeting or exceeding performance standards as outlined in TDLWD policy, in order to remain on the Eligible Training Provider List. If approved, the LWDB will submit appropriate information and recommendation for addition to the Statewide Eligible Training Provider List in the Jobs4TN system.

All approved training providers on the ETPL will be required to provide performance data on all training participants as required WIOA section 116(d)(4). The reporting information should contain the nine elements on "All Individuals" in the ETA-9171 report. These elements are as follow:

- Total number of individuals served;

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

- Total number of individuals exited (includes students who completed, withdrew or transferred out of the program);
- Total number who completed the program;
- Total number of exiters employed in the 2nd quarter after exit;
- Total number of exiters employed in the 4th quarter after exit;
- Median earnings of exiters in the 2nd quarter after exit;
- Total number of exiters who attained a credential during participation or within one year after exit;
- Average earnings in the 2nd quarter after exit; and
- Average earnings in the 4th quarter after exit.

Besides the requirements above, the State has established four (4) performance standard measures to evaluate the Subsequent Eligibility determination for programs with a minimum of ten (10) WIOA students at the end of each program year (July 1- June 30), and they are as follow:

- WIOA student completion rate for each Program must be greater than or equal to 40%.
- All student completion rates for each Program must be greater than or equal to 70%.
- WIOA student placement rate for each Program must be greater than or equal to 40%.
- All student placement rates for each Program must be greater than or equal to 70%.

### ***Failure to Meet Subsequent Eligibility***

To maintain eligibility as a training provider, an entity must provide accurate information and adhere to federal and State performance metrics as provided in additional State guidance. Failure to meet performance requirements can result in punitive action to include written warnings, suspension, or removal of a provider or program from the ETPL. Supplemental data, explained within WIOA Section 122(b)(1)-(b)(4)(D) and 20 CFR 680.490, such as the specific economic, geographic, and demographic factors in the local areas in which training providers seeking eligibility are located; and the characteristics of those served by the eligible training providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable, may be considered prior to removal. The LWDB will inform the ETP in writing and include the reason(s) for the removal. Any program removed from the ETPL for subsequent eligibility reasons must remain off of the ETPL for a minimum of one (1) complete program year. In order for the program to be added back to the ETPL, the ETP must re-apply through the LWDB. Performance data is required as part of the application process for the time period when the program was removed from the ETPL. While a program is removed from the ETPL for subsequent eligibility reasons, the ETP cannot receive new WIOA Title I training participants or utilize WIOA ITA funds for the removed programs. Additionally, an ETP may be suspended from the ETPL for actions provided in State policy. An ETP whose eligibility is terminated as a result of the reasons specified in Subsequent Eligibility of the current policy for a program shall be liable for repayment of all funds received during any period of noncompliance (WIOA Section 122[f][1][C]).

### ***Request by ETP to be Removed from ETPL***

Any time after the initial program approval by the LWDB, the ETP (including Registered Apprenticeship Programs) can request to have a program removed from the ETPL. If a program is removed from the ETPL, with the exception of Registered Apprenticeship programs, the ETP is still required to submit quarterly performance reports until the last WIOA training participant completes or withdraws from the program. Failure to submit the remaining quarterly performance reports will subject the ETP to the penalties according to State policy. If at any point after initial approved training is temporarily not offered or is permanently deleted from the ETP's selection of the programs, it must be removed from the ETPL within thirty (30) days of the institutional decision.

### ***Training Providers Appeal Process***

If a Local Workforce Development Board (LWDB) rejects an application for initial eligibility determination for a program of training service, the LWDB must provide notice with the letter of rejection containing the reasons for rejections as well as the availability of an appeals process.

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

### Reasons for Denial of Application for Initial Eligibility:

1. LWDB or the State may deny eligibility if the application from an ETP is not complete or not submitted within the required time frame.
2. LWDB or the State may deny eligibility if an applicant fails to meet the minimum criteria for initial listing specified in this policy (WIOA Section 122[c][1]).
3. LWDB may deny eligibility if the training programs offered by the ETP do not lead to gainful employment in in-demand occupations as determined by a labor market analysis.
4. LWDB may deny eligibility if the training program demographics (i.e. cost and length) are substantially higher (beyond fifty percent [50%] than previously approved programs offering the same credential (within the past two [2] program years).
5. LWDB or the State may deny eligibility if it is determined that the applicant intentionally supplied inaccurate information (WIOA Section 122[f][1][B]).
6. LWDB or the State may deny eligibility to a training provider who has been found to have substantially violated any WIOA requirements (WIOA Section 122[f][1][B]).

**Local Appeals** - Each LWDB maintains a written appeal process. The procedure includes an opportunity for a hearing, with a final written decision on the appeal to be provided within sixty (60) days of the date of the LWDB's receipt of the request for appeal. If the provider is not satisfied with the outcome of the local appeal, a provider may submit a formal appeal to the State appeals committee.

Should an application for addition to the ETPL be denied by the LWDB, the LWDB will notify the applicant of the denial, the reason(s) for the denial, and information on the appeal process within ten (10) working days. Notification shall be written and may be transmitted by U. S. Postal Service, Return Receipt Requested, Fed Ex or other package delivery service, by facsimile transmission, and/or electronically through e-mail. The applicant institution may access the approved LWDB appeal process, as follows:

1. The institution must request, in writing, additional consideration by the LWDB and its Sub-Committee of at least 1 – 3 impartial appeal officers (i.e. any staff or board members uninvolved in the initial decision). The written request must be submitted within 10 working days of receipt of written notification of denial or need for additional information/review by the LWDB.
2. Address local appeals to the Workforce Innovations, Inc., Attn: Executive Director and Board Chairman at 208 N. Mill Ave. in Dyersburg, TN 38024, (731) 286-3585, TDD # 711.
3. The LWDB Sub-Committee shall consider the appeal request within 30 calendar days of receipt of the written request for appeal and shall make a recommendation to the NWTNWB LWDB for approval, denial, or request for additional/subsequent information.
4. The LWDB must consider the appeal and the recommendation of the Sub-Committee and render a decision at its next regularly scheduled LWDB meeting, or within 60 calendar days from the date the LWDB received the written request for appeal from the provider institution, whichever is greater.
5. The applicant institution must be notified, in writing, of the decision of the LWDB within 10 working days of the LWDB final action, and the process for filing a State appeal in the event the provider is not satisfied with the outcome of the local appeal. As referenced above, written notification may be in the form of USPS Return Receipt Requested, Fed Ex or other package delivery service, facsimile transmission, and / or electronically using e-mail.
6. If the applicant disagrees with the action taken by the LWDB through its local appeal process, the applicant may access the appeal process through the THEC, according to established THEC appeal procedures, as outlined in the approved Strategic Five Year State Workforce Investment Plan for the State of Tennessee.
7. In the event an approved provider is removed or suspended from the ETPL, students enrolled through the Workforce Innovation and Opportunity Act (WIOA) prior to the suspension/removal will be allowed to continue their training using WIOA funds until completion. No new students may be enrolled into a suspended/removed institution until official notification of reinstatement has been received.

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

### ***State Level Appeals***

This procedure applies only to training providers who have exhausted the appeal process of a Local Workforce Development Board and are dissatisfied with the Local Workforce Development Board's final decision.

8. A training provider wanting to appeal to the State must submit an appeal request to the State within 30 days from the LWDB's notification to the training provider of its final decision on an appeal. The request for an appeal to the State must be in writing and include a statement of the desire to appeal, specification of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.
9. The State will promptly notify the LWDB when it receives a request for appeal. The State will also notify the LWDB when it makes the final decision on an appeal.
10. The State appeal process includes the opportunity for the appealing training provider to have a hearing. The hearing officer must be impartial. The hearing officer must provide written notice to the concerned parties of the date, time, and place of the hearing at least 10 calendar days before the scheduled hearing. Both parties must have the opportunity: to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s), and to be represented.
11. The five-member State appeals committee, chaired by the hearing officer, will administratively review the appeal, make a preliminary decision, and notify the training provider and the LWDB. The committee may either uphold or reverse the LWDB decision.
12. The State appeals committee must render a decision within 60 days from receiving the training provider's initial State appeal request.

### ***Dissemination of the ETPL for Customer Access***

The State will ensure that the ETPL is accurate and current. The State must ensure that the updated list is available to all LWDBs (WIOA Section 122[d][1]) and to the general public through the State website wherever internet service is available. The LWDB is responsible for ensuring that all American Job Center (AJC) staff members have access to the ETPL and are knowledgeable about utilizing the ETPL; the LWDB will also ensure local access to the ETPL is made available for customers within the AJCs (WIOA Section 122[d][1]). The LWDB is also responsible for ensuring that all American Job Center staff do not allow WIOA participants to enroll in programs that do not appear on the ETPL.

### ***Participant Selection of ETP***

Participants utilizing an Individual Training Account (ITA) will have the opportunity to select any of the approved ETPs and programs on the ETPL (WIOA Section 122[d]). While participants can select from the complete ETPL, State and LWDB policies determine the funding amounts for each program. Thus, the LWDB may choose not to fund certain categories of training programs based on, but not limited to, the following reasons: lack of occupational demand for LWDB; high tuition cost in comparison to comparable programs; and lack of a livable wage upon program completion

### ***Monitoring***

The TDLWD will monitor the LWDBs for ETPL compliance at a minimum of every two (2) years. The LWDBs must monitor a minimum of fifteen percent (15%) of a training providers' program each year between July 1 and June 30. The LWDB staff will randomly select WIOA participant files and validate that the data has been uploaded into the system correctly, ensuring that the yearly Federal ETP report is accurate. Additionally, the LWDBs must establish monitoring procedures and will provide a copy of this process to the ETPL Coordinator upon request. The LWDB's monitoring procedures shall include:

1. Running reports in Jobs4TN quarterly to identify programs due for renewal.
2. Selecting a sample of the ETP's programs due for renewal that representative of at least 15% of the ETP's programs on the ETPL.

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

- a. If the programs due for renewal do not constitute a large enough sample, additional programs will be selected at a later time in the program year when they are due for renewal, or
  - b. If additional programs are not due for renewal within the program year, additional programs will be selected at the time of the review.
3. Completing a review of the selected programs by:
  - a. Verifying the information in Jobs4TN is complete and accurate.
  - b. Ensuring a copy of the accrediting body's receipt letter or exemption certificate is on file.
  - c. Ensuring the program is still in-demand.
  - d. Evaluating the process in place for tracking student and WIOA participant progress, completion, placement, and earnings for required performance measures.
  - e. Verifying that the annual ETPL performance report for the program has been submitted timely and with accurate information.
  - f. Ensuring all applicable performance standards were met in accordance with TDLWD policy.
  - g. Verifying the number of WIOA participants served.
  - h. Selecting a 10% sample of WIOA participants, including at least one student per program being monitored, for review.
    - i. Validating that the data has been uploaded into the system correctly, ensuring that the yearly Federal ETP report is accurate.
4. Monitoring results will be documented and kept on file by the LWDB staff.


**Data Validation**

To ensure the accuracy and validity of the information supplied by Eligible Training Providers, the State conducts data validation visits at least once every year for all ETPs or as warranted by WIOA enrollment numbers. The State will notify the LWDB of the audit findings within ten (10) days of auditing of an ETP within LWDB area.

**References:**

Workforce Services Policy - Eligible Training Provider List, TN-WIOA (16-9); Title I of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3101 et seq.); Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); WIOA Section 188 Nondiscrimination; WIOA Section 122

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:  
  
 04805F70DF2C344B  
 Jimmy Williamson, Chair  
 Northwest Tennessee Workforce Board



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Individual Training Account

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To establish a policy for use of Individual Training Accounts (ITAs) for in-demand occupations.

**Policy:** An Individual Training Account (ITA) voucher may be available to provide funding for WIOA eligible adults, dislocated workers and out of school youth, observing Priority of Service policies, who have completed an assessment and been determined to need in-demand occupational skills training to become gainfully employed. An ITA may be provided if the State Workforce Agency (SWA) or one-stop center staff determine, after an interview, evaluation or assessment, and career planning, that the eligible individual is:

- Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through Career Services alone;
- In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through Career Services alone; and
- In possession of the skills and qualifications to successfully participate in the selected program of training services.

Training services must be linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the individual is willing to commute or relocate. The selection of training services should be conducted in a manner that maximizes customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance.

Per TEGL 19-16, Section 134(c)(3)(E) of WIOA, with respect to funds allocated to a local area for Adult employment and training activities, priority must be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of Individualized Career Services and Training Services. Also per TEGL 19-16, Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the manner described in the Priority of Service Policy.

The LWDB limits ITAs to programs on the WIOA Eligible Training Provider List that lead to a credential in a period of 2 years or less, including Challenge/CLEP tests, when appropriate. ITAs may also be used to support Registered Apprenticeships (RAs), an "earn and learn" training model that combines structured learning with on-the-job training from an employer. The goal is to provide workers with advanced sets of skills that meet the specific needs of employers. Upon completion of a RA program, participants receive an industry issued, postsecondary credential that certifies occupational proficiency and is also portable (see WIOA Section 122[a][2][A]).

Many RA programs also offer interim occupational credentials that can be attained by apprentices during their program. Attainment of a credential marks an important milestone in the apprenticeship and signals that the apprentice has successfully advanced along a career pathway, increased their skills in the field, and potentially moved beyond the point of needing support from a program authorized by WIOA. Given that RAs can range from one to six years, and WIOA support for apprentices may be needed earlier in the program rather than the last two years, ITA funds may be utilized for up to two years at any point in a RA program as long as an interim credential will be earned during that period, or within the following year.

ITA funding is for unmet need for cost of training not covered by other federal or State financial aid, such as Pell, Lottery, TN Promise, and TN Reconnect. WIOA funds are considered "last dollar." ITA funding is authorized per training term (quarter, semester, trimester, etc.), with subsequent terms authorized after successful completion

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

of the previous term. The ITA is limited to \$4,000 per year, for two years, with total cost limited to \$8,000 during participation in the WIOA program. The One-Stop Operator may file an appeal with the LWDB Executive Director for additional time/funding for the participant for extenuating circumstances that prohibit successful completion.

A Needs Assessment/Financial Aid Worksheet, identifying costs and financial aid information, and staff authorizing the ITA, must be completed prior to authorizing funding. The AJC staff should provide career guidance; however, the participant's choice for a training provider must be observed.

### *Funding Criteria for ITAs*

The process a participant goes through to select a program of study and the process the Career Advisor follows to establish whether or not the participant is eligible for training assistance goes well beyond the process of determining if a person meets the minimum general qualifications to be determined financially eligible for WIOA. In order to make a career decision, the participant will go through a series of assessments and career exploration exercises in order to establish the appropriateness of training. Career decision making should rely heavily on the Local Labor Market Information, focusing on future job growth. If there is no local demand, then the participant must be able to establish a viable plan for relocation to an area where the occupation is in demand before training can be approved. This plan must be documented within the case narrative section and on the Individual Service Strategy (ISS).

In order for an ITA to be used to pay for training, a number of questions have to be addressed:

1. Is the program of study selected on the Eligible Training Provider List (ETPL)? Has the program been approved by the local board? Anyone seeking training Out-of-State must document that the Out-of-State provider and program is listed on the eligible training provider list of the state in which it is located and that the state has a reciprocal agreement in place with the Tennessee Department of Labor and Workforce Development.
2. Does the program lead to a certificate as defined in TEGl 10-16, Change 1, issued on August 23, 2017? It is the policy of our Local Board to not use local WIOA training funds for refresher courses or other training which does not lead to a certificate as defined in TEGl 10-16, Change 1. Although some of these types of training may be listed on the ETPL, the Local Board has elected to not use WIOA Title I training funds for these types of programs or to re-train a person in a program for which they already possess the certificate.

Example: A person who currently holds a Class A CDL will not be eligible to receive training funds to attend a commercial truck driving training program. A person who has an active LPN license will not be eligible to receive training funds to attend an LPN training program. In both instances, the training would be considered re-training for the occupation for which they already hold the certificate and therefore, not eligible for local training funds.

3. Is the program of study going to lead to a job in a documented demand occupation in the local or regional area?
4. Is the program of study selected appropriate for the individual? Appropriateness of training should be based on assessment results. If it appears to be incongruent with the assessment results, the ISS must address and explain on what basis the career decision was made
5. Is the program a Pell eligible program? If so, has the applicant/participant applied for Pell and other State Grant Awards (SEOG & TSAC)? Is the applicant/participant potentially eligible for other sources of funding such as TN Promise, TN Reconnect, etc.?

Note: A participant may enroll in WIOA-funded training while his/her application for a Pell grant is pending. This enrollment is permitted as long as the Career Service Provider (CSP) has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell grant if it is subsequently awarded. In that case, the training provider must reimburse the CSP all WIOA funds used to underwrite the training for the amount that the Pell grant covers (WIOA Section 134(c)(3)(B(ii))). Reimbursement is not



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

required from the portion of Pell grant assistance disbursed to the participant for education-related expenses.

6. After Pell, SEOG and TSAC are applied to the cost of the training, is there any unmet need remaining? If not, there is nothing the NWTNWB will pay unless the participant is eligible for supportive services which may be available, such as transportation, child care, etc.
7. If Pell, SEOG, TSAC and WIOA do not cover all the costs of training, does the participant have a plan to pay for the difference? The plan to pay for all uncovered costs must be documented in the case narrative. Supporting documentation should be obtained as appropriate.

In addition to the above items, the following criteria must also be met in order for participants to be approved for, and continue to receive, funding for occupational skills training and associated supportive services:

### *For New Participants Only*

1. Potential participants must be residents of, or dislocated from an employer located in, a county located within the local service area.
2. Potential participants must register in Jobs4TN or update an existing account.
3. Potential participants must complete all steps of the assessment and enrollment.
4. Potential participants must be currently enrolled, or accepted into, an institution and training program that is listed on the Eligible Training Provider List. The Career Advisor will use the eligible training provider list for the state in which the institution is located.
5. The training program must be linked to an in-demand occupation as determined by the Career Advisor through the use of the EMSI system or other documentation as appropriate.
6. For training programs leading to a career in an occupation requiring licensure, participants must meet the criteria outlined in the Licensed Occupations Eligibility section of this policy.
7. Potential participants must be able to complete the training program within two years. For those attending four-year institutions, they must have earned approximately 60 credit hours and / or reached junior status in order to be eligible for funding.

Note: Participants with less than 60 earned credit hours who anticipate completing training within two years must demonstrate and provide detailed documentation as to how they will complete training within the two-year period.

Exceptions: (1) In-School Youth enrolled during secondary school who transition to postsecondary training may receive travel stipends for the entire four-years at a four-year institution; and (2) ITA funds may be utilized for up to two years at any point in a RA program as long as an interim credential will be earned during that period, or within the following year.

### *For New and Current Participants*

1. Participants must meet at least half-time enrollment criteria according to the institution and program. Up to half of participants' credit hours may be for developmental / remedial classes.  
 Note: For institutions / programs that do not require coursework for the summer term, a participant may still choose to take courses during this time. Participants who choose to take classes during the summer term can take any number of credit hours as long as they are still following their plan of action to graduate, and as long as they still have ITA money available.
2. Participants must be in good academic standing and maintain satisfactory progress according to the institution's policy. If the participant falls below good standing, they must return to school without funding until they get back in good standing. Once they return to good standing status, the career advisor may apply funding again.
3. Participants may only receive funding once. If participants fail or drop out of a class that has been paid for by an ITA, they must retake the class on their own, without funding, including travel.

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4. Participants who drop a class, without approval from their Career Advisor, must successfully complete the next term on their own, including travel, before they can receive funding again.
5. Participants attending Pell-eligible training institutions must complete the FAFSA and CANNOT be in default on any federal financial aid (i.e. Pell grants).

### ***Funding Criteria for Licensed Occupations***

Clients being considered for licensed professional occupational training should have good prospects for finding and keeping employment in the field. Based on research of area employers, the following conditions must be met for a client to be considered for financial assistance for any unmet need for occupations that require licensure prior to employment in the field. For all Licensure Occupations an applicant should have:

1. No felony convictions for any crime in the past five (5) years. The past five (5) years is calculated from the date they were convicted of the crime. To check for felony convictions AJC Staff must check the Tennessee Bureau of Investigation Felony Offender Search website - <https://apps.tn.gov/foil/search.jsp>.
2. No sex offender registration within the last ten (10) years. To check for sex offender registry status WIOA Staff must check the National Sex Offender Search website - <https://www.nsopw.gov/en-US>.
3. No DUI convictions in the past ten (10) years.

If the conviction occurred in the most recent 5 years, but unique circumstances may allow an applicant to be successfully employed, funding may be considered on a case-by-case basis. An appeal may be filed with the Career Service Provider for consideration for funding in order to evaluate the impact of the conviction on employment opportunities in the selected occupation / field. Applicants must supply a pre-hire letter with their appeal.

### ***Truck Driving Specific Requirements***

1. The applicant must supply a valid Medical Examiner's Certificate of a DOT Physical (currently valid for a maximum of two years) and proof of drug screen, performed no more than thirty (30) days prior to date of WIOA eligibility.
2. The applicant must supply a copy of a Motor Vehicle Report (MVR) that is no more than ten (10) days prior to the date of WIOA eligibility.
3. Driver's license must not have been suspended or revoked in the last three (3) years.
4. No reckless or careless driving violation within the last three (3) years.
5. No more than three (3) moving violations in the last three (3) years.
6. No more than one (1) "at fault" accidents in the last three (3) years.

### ***Appeal Process***

#### **When to File an Appeal**

1. If an individual is denied funding for training because a staff person determines that an individual is not in need of training due to the individual being marketable, able to work in the field, and the expected wages per EMSI are enough for the person and his / her family to be self-sufficient, then the individual may choose to file an appeal.
2. If the customer is ineligible to attend a training program for an occupation which requires a license, such as a truck driver, nurse, or teacher, due to restrictions in the Funding Criteria for Licensed Occupations and/or Truck Driver Specific Restrictions, the customer may choose to file an appeal.

#### **Process to File an Appeal**

If the applicant chooses to appeal a condition of eligibility, an appeal must be completed by the applicant and submitted to Executive Director of the Career Service Provider. Appeals denied by the Career Service Provider, may be appealed to the One-Stop Operator. In the case where an applicant can provide a pre-hire letter, this is to be included with the Appeal. Any appeal recommended for approval by the Career Service Provider or One-Stop Operator must be submitted to the Executive Director of the Local Workforce Development Board for

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

approval. The Executive Director of the LWDB has authority from the LWDB to use discretion to waive requirements of this policy for extenuating circumstances deemed to be in the best interest of the applicant and the WIOA program.

### *Payment of ITAs & Refund Policy*

To authorize ITA funds, the Career Service Provider (CSP)'s staff members must complete a Needs Assessment and Financial Aid Worksheet to document required training costs as verified by an authorized representative of the training provider. Once the CSP staff person receives the form back from the training provider, to authorize ITA funds, if needed, he / she must enter an authorized amount, not to exceed the identified unmet need or the available ITA funds, and a voucher number generated by the electronic case management system. Training providers must utilize the completed form to request payment. Invoices are due no later than 30 days past the Term Begin Date. Prior to the submission of invoices, the institution's Financial Aid Representative will review the information provided in Needs Assessment/Financial Aid Worksheet:

1. If changes have occurred that would reduce Unmet Need (additional aid was received, student dropped hours, etc.), corrections should be made to the form and initialed by the Financial Aid Representative prior to signing. Any over payment of Unmet Need could result in audit finding for the program and the Training Provider.
2. If changes have occurred that would increase Unmet Need (book price increase, test fee left off, tuition increase after authorized, etc.), no changes will be made for this term.

If the form is accurate, it should be signed, dated and forwarded to the Account Billing Representative for the Training Provider. **NOTE: If the Financial Aid Representative fails to accurately report financial aid that the student receives, the payment to the Training Provider will be reduced by the amount not reported. It will be the responsibility of the Training Provider to collect any over payment made to the student.** The Account Billing Representative will review the information provided for accuracy and verify at least one day of attendance of registered classes prior to dispersing funds to the student and prior to billing for the ITA.

The Needs-Based Scholarship Amount Authorized should be applied to Tuition/Fees first. Remaining funds may be dispersed to the student for other costs after confirming that the student has attended all classes at least once for the number of registered hours listed in the Student Needs Assessment and Financial Aid Worksheet. If the student drops below the agreed upon registered hours prior to attending first day of class for registered hours and funds have not been dispersed, the Training Provider has an obligation to place a hold on funds and notify AJC Staff member that the Unmet Need must be recalculated/reduced. If the student drops below the agreed upon registered hours after attending the first day of class for registered hours and funds have been dispersed, the Training Provider should return any applicable refund to WIOA, but will not be held accountable for funds dispersed to the student. The student will be penalized by WIOA the upcoming semester.

### *Exceptions to the Use of ITAs*

In accordance with TDLWD's American Job Center Individual Training Account Use guidance, Tennessee recognizes limited exceptions to the use of ITAs. Contracts for services may be used instead of an ITA only when one or more of these exceptions apply (WIOA Section 134(c)(3)(G)(ii)):

1. The services provided are OJT, customized training, incumbent worker training, or transitional jobs;
2. The LWBD determines that there are an insufficient number of Eligible Training Providers in the local area to accomplish the purpose of a system of ITAs;
3. The LWDB determines that in the area there is a training-services program of demonstrated effectiveness offered by a community-based organization or other private organization to serve individuals with barriers to employment;
4. The LWDA determines that the most appropriate training could be provided by an institution of higher education to train multiple individuals for jobs in sector-demanded occupations, provided this does not limit customer choice; or

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

5. The LWDA is considering entering into a pay-for-performance contract and the LWDA ensures that the contract is consistent with 20 CFR 683.510.

In order to determine the effectiveness demonstrated by a community-based organization or other private organization, particularly as it applies to the special participant population to be served, the NWTNWB will evaluate the following:

6. Financial stability of the organization;
7. Demonstrated performance in measures appropriate to the program; and
8. The relevance of the specific program to LWDA needs identified in the local area

**Reference:** 20 CFR 680.320(a)(3); 20 CFR 680.340(f); WIOA Section 122(d)

**Related TDLWD Policy:** AJC Individual Training Account Use Guidance (pages 1 and 2-3)

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:

  
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Jimmy Williamson, Chair

Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Initial Assessment

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To establish guidance for effective initial assessment of American Job Center job seeker customer.

**Policy:** All individuals seeking American Job Center services, beyond self-service, are required to have an initial assessment. An initial assessment identifies a participant's knowledge, skills, abilities, and barriers to employment in support of an employment goal. A thorough initial assessment will provide sufficient information about the participant's current situation which staff will use to create a service plan, including making appropriate referrals to partners and service providers. The initial assessment will include, at a minimum, the determination of:

1. If the participant is job ready or not
2. Participant's job search skills:
  - a. Is customer comfortable using a computer?
  - b. Does customer have an updated resume?
  - c. Can customer conduct on-line job searches and fill out job applications on-line?
  - d. Does customer feel comfortable when interviewing for a job?
3. Any barriers to employment the participant may have:
  - a. Does customer have any health or physical impairments?
  - b. Are legal issues causing problems for customer?
  - c. Is adequate transportation available to customer?
  - d. Does customer need childcare?
4. Participant's skills, abilities, and interests:
  - a. Does customer have necessary education and training to compete in the job market?
  - b. What is the customer's past work history?
  - c. Does the participant have in-demand occupational skills?
  - d. Are any transferable skills listed?
5. Participant's goals – employment and/or pursuit of training or education
6. Analysis of the participant's occupational goal to determine whether it is favorable or unfavorable in the labor market (if the participant does not have a clear occupational goal, or if the participant's outlook for an occupational goal is unfavorable, then the participant is identified for career development services)
7. Next steps, which may include comprehensive assessments and development of an individual employment plan
8. Appropriate referrals to partner agencies for education, training and supportive service needs
9. The need for co-enrollment in multiple programs

The initial assessment should be conducted as a part of the welcome function on the day a participant receives their first service from staff. All AJC participants should receive an initial assessment, utilizing the form provided by the One-Stop Operator, unless the staff member determines that it is appropriate to use a recent interview, evaluation or assessment of the participant conducted pursuant to another education or training program. Assessments should be uploaded into the participant's Jobs4TN file if possible, or case noted when a paper assessment is not utilized.

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

The One-Stop Operator will ensure that all partner programs and staff in the American Job Center adhere to the initial assessment policy/process. The One-Stop Operator will provide partners with an Initial Assessment Form and may update as needed to meet customer-centered service design.

**Reference:** WIOA Section 129(c)(1)(A); WIOA Section 124 (c)(2)(A)(iii)

**Related TDLWD Policy:** AJC Initial Assessment Guidance (pages 2-3 and 4)

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:

*Jimmy Williamson*

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Jimmy Williamson, Chairman

Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Priority of Service

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To provide guidance to the One-Stop Operator and American Job Center Service Providers on the requirements for providing priority of service to all covered persons and identified populations. This guidance will differentiate the requirements based on a participant's "point of entry" and their enrollment into a program to receive employment and/or training services.

**Policy:** Priority of service means the right to take precedence over a person with lower priority in obtaining employment and training services. Per TEGL 19-16, Section 134(c)(3)(E) of WIOA, with respect to funds allocated to a local area for Adult employment and training activities, priority must be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of Individualized Career Services and Training Services. Also per TEGL 19-16, Veterans and eligible spouses continue to receive "point of entry" priority of service for all DOL-funded job training programs, which include WIOA programs.

### *"Point of Entry" Priority of Service*

Any covered person who is seeking WIOA services must be provided priority of service at their "point of entry" into the workforce system. Covered persons include:

1. **Veterans:** persons who have served at least one (1) day of active duty in the military, naval, or air service, and were discharged or released from such service with other than a dishonorable discharge.
2. **Eligible Spouses:**
  - A spouse of any veteran who died of a service-connected disability; or
  - A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than ninety (90) days:
    - o Missing in action
    - o Captured in the line of duty by a hostile force, or
    - o Forcibly detained or interned in the line of duty by a foreign government or power; or
  - A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of Veteran Affairs; or
  - A spouse of any veteran who died while a disability was in existence. A spouse will lose eligibility if it is derived from a living veteran, or a service member, who loses their status which made them eligible. For instance, if a veteran, with a total service-connected disability, were to receive a revised-disability rating at a lower level. Similarly, a spouse, whose eligibility is derived from a living veteran or service member, would lose that eligibility upon a divorce from that veteran or service member. The spouse of a veteran who died as the result of a service-connected disability, or died while a disability was in existence, would not lose covered status through subsequent remarriage.

The "point of entry" includes physical locations, such as AJCs, as well as websites, and other virtual service delivery resources. The One-Stop Operator will be responsible for assuring that the AJC staff are aware of, promote, and comply with the Priority of Service policy. A Priority of Service notice will be posted at each AJC detailing:

- How priority of service allows a covered person to take precedence over a non-covered person,
- That individuals may self-attest to being a member of a priority population, and
- The services available to priority populations.

AJC staff will also evaluate priority status during the initial assessment, eligibility process, and / or enrollment. Each AJC customer is greeted and provided with an evaluation of service need by the AJC staff person serving in the Welcome Function which includes questions for identifying both Veteran and high school diploma /



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equivalent status. Additionally, the Priority Policy will be posted on the area's website, which will also include a designated section for an electronic version of the priority notice displayed in the AJCs to be posted.

### *Employment and Training Priority of Service*

The priority of service for veterans and eligible spouses always applies across all qualified employment and training programs. The priority of service for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to the recipient of individualized career and training services in the WIOA Title I Adult program.

As described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the Point of Entry priority described above, priority must be provided in the below manner:

1. **Priority Group # 1** - Veterans and eligible spouses who are also recipients of public assistance, low income, or basic skill deficient.
2. **Priority Group # 2** - Non-Veterans who are recipients of public assistance, low income, or basic skill deficient.
3. **Priority Group # 3** - Veterans and eligible spouses who are **not** also recipients of public assistance, low income, or basic skill deficient and meet Title I Adult eligibility.
4. **Priority Group # 4** - Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (such as public assistance recipients, other low-income individuals including underemployed, or those who are basic skills deficient), but do meet discretionary criteria established by the Local Workforce Development Board (LWDB), and Title I Adult program eligibility.

In accordance with WIOA Section 2, the purpose of the WIOA is to increase, particularly for individuals with barriers to employment, access to and opportunities for the employment education, training, and supportive services they need to success in the labor market. Furthermore, per TN Department of Labor and Workforce Development (TDLWD) Workforce Services Guidance – WIOA Memorandum of Understanding (MOU) / One-Stop Service Delivery and Infrastructure Funding Agreement (IFA), the following demographics experiencing barriers to employment are specifically targeted for services and must be provided priority for training activities as Priority Group # 4:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Individuals with significant barriers to employment</li> <li>• Displaced homemakers</li> <li>• Eligible migrant and seasonal farmworkers</li> <li>• Justice-Involved Individuals</li> <li>• Homeless individuals</li> <li>• Individuals facing substantial cultural barriers</li> <li>• Individuals with disabilities, including youth with disabilities</li> <li>• Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act 13</li> </ul> | <ul style="list-style-type: none"> <li>• Individuals who are English language learners</li> <li>• Individuals who are unemployed, including the long-term unemployed</li> <li>• Individuals who have low levels of literacy</li> <li>• Individuals without a high school diploma</li> <li>• Native Americans, Alaskan Natives, and Native Hawaiians</li> <li>• Older individuals</li> <li>• Single parents (including single pregnant women and non-custodial parents)</li> <li>• Veterans</li> <li>• Youth who are in, or have aged out of, the foster care system</li> </ul> |
|--|--|

Additionally, the LWDB includes individuals who are employed with an income below the LWDB Self-Sufficiency Standard, as identified in the Adult and Dislocated Worker Eligibility policy, that are identified to need training as part of Priority Group # 4. Per the [U.S. Bureau of Labor Statistics](#), achieving higher levels of education reduces the incidence of living in poverty, and people who complete more years of education usually have greater access to higher paying jobs than those with fewer years of education. By contrast, individuals employed in occupations that typically do not require high levels of education and that are characterized by relatively low earnings were more likely to be among the working poor.

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

To be served under priority group #4, individuals must supply the following documentation as appropriate:

Barrier	Required Documentation
Displaced Homemakers.	Documentation of living in the same household as a spouse or parent / guardian who had income supporting the applicant and providing unpaid services; Documentation of loss of income; and Documentation of being unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.
Non Self-Sufficient Individuals	Documentation requirements as listed in within the Adult and Dislocated Worker Eligibility Policy.
Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.	Self-Attestation on Application.
Individuals with disabilities, including youth who are individuals with disabilities.	Documentation of the disability such as a written statement from Vocational Rehabilitation reflecting current services, verification showing current receipt of SSI or SSD for the individual from the Social Security Administration, or a letter from a local education entity stating the individual is M-Teamed based on a disability.
Older individuals (an individual age 55 or older).	Usual documentation requirements for Date of Birth (i.e. Driver's License, Birth Certificate, etc.)
Justice-Involved Individuals.	Self-Attestation on Application.
Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).	Self-Attestation on Application.
Youth who are in or have aged out of the foster care system.	Documentation of foster care status from the appropriate foster care agency.
Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.	Scoring below a 9.0 on the TABE or CASAS.
Eligible migrant and seasonal farmworkers, as defined in section 167(i).	Documentation of eligibility from TOPS.
Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).	Agency (i.e. DHS or WFE) documentation.
Single parents (including single pregnant women).	Documentation of parenting (i.e. birth certificate) and indication of single status on the Application, including only one parent being listed in the household.
Long-term unemployed individuals (Individuals who are unemployed for 27 or more weeks per WIOA Application found in the Virtual One Stop system as provided by TNDOL).	Self-Attestation on the Application <u>AND</u> documentation of means of support.
Individuals facing substantial cultural barriers	Self-Attestation on Application and / or documented in case notes.

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Individuals who have low levels of literacy	Objective, valid, and reliable assessment such as the Comprehensive Adult Student Assessment Systems (CASAS) or Tests of Adult Basic Education (TABE).
Individuals without a high school diploma	Self-Attestation on Application and / or documented in case notes.

5. **Priority Group # 5** - Non-covered persons outside the groups given priority under WIOA or TDLWD policy but who meet Title I Adult eligibility.

#### *Percentage of Priority Populations Served*

Per TEGL 7-20, ETA envisions that giving priority of service to these individuals means ensuring that at least 75% of a state's participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned above, and expects this rate will be no lower than 50.1% in any state. Though not relevant for the 50.1% minimum which should be met by all states, when reviewing state progress against the 75% percent benchmark, ETA will consider state progress against additional priority populations established by the Governor and/or Local WDB. The Tennessee Department of Labor and Workforce Development (TDLWD) has set a goal that 75% of individuals enrolled in the Title I Adult program must be a recipient of public assistance, low-income, or basic skills deficient as identified in the above section as priority of service level one (1) and two (2). A priority group that is identified by the Governor of Tennessee or a LWDB will not count towards the 75%. Any LWDB who does not meet this metric will be placed under sanctions per the State Workforce Development Boards (SWDB) policy. Documentation of the participant's eligibility as a priority participant, such as public assistance records, income information, or academic assessments, must be maintained in the participant's file. The LWDB will strive for this goal; however, at the direction of the TDLWD, will not deny services to other eligible priority groups.

#### *Procedures for Applying Priority of Service*

AJC staff will evaluate priority status during the initial assessment, eligibility process, and / or enrollment. Each AJC customer is greeted and provided with an evaluation of service need by the AJC staff person serving in the Welcome Function which includes questions for identifying potential priority status. Title I staff will also request information during orientation and / or eligibility and enrollment to determine priority status. Documentation of priority status will be maintained in participant's electronic case file. The Priority Policy will be posted on the area's website, which will also include a designated section for an electronic version of the priority notice displayed in the AJCs to be posted.

In order to appropriately serve priority populations as described above, AJC Staff will provide appointments accordingly within the timeframes described below:

Priority Group # 1 - the first available appointment, but no longer than three (3) working days.

Priority Group # 2 - the first available appointment, but no longer than four (4) working days.

Priority Group # 3 - the first available appointment, but no longer than five (5) working days.

Priority Group # 4 - the first available appointment, but no longer than six (6) working days.

Non-covered persons outside the groups given priority under WIOA or TDLWD policy will be scheduled at the first available appointment, subject to currently scheduled PRIORITY appointments.

Basic Career Services will continue to be available to all Adults.

#### *Process for Determining Low Income Eligibility*

Unless otherwise indicated (i.e. specific groups 1 and 2), applicants must meet the criteria in the WIOA definition of a low-income individual, including public assistance recipients, as listed in below order to be determined eligible as Priority Adults:

**LOW-INCOME INDIVIDUAL** is an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

Food and Nutrition Act of 2008 (7U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 H. R. 803—12 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

A youth eighteen (18) or older, who was determined to be a low-income individual eligible for the WIOA Title I Youth program, may be co-enrolled in the WIOA Title I Adult program without an additional determination of eligibility. They may be counted as an individual who meets adult priority of service if the original determination was made no more than six (6) months prior to the date of co-enrollment.

### ***Process for Determining Basic Skills Deficient Status***

According to the WIOA, “basic skills deficient means, with respect to an individual, (A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or (B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

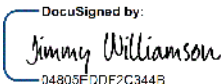
In accordance with Workforce Services Policy –Priority of Services for Adults, Veterans, and Eligible Spouses, the area will utilize the basic skills definition contained in WIOA Section 3(5)(B) (above), documented by using an objective, valid, and reliable assessment, such as the Comprehensive Adult Student Assessment Systems (CASAS) or Test for Adult Basic Education (TABE). An individual who has an English, reading, writing or computing skills at an 8.9 or below on a standardized test (CASAS or TABE) will be considered basic skills deficient. If an applicant is qualified as priority based on the basic skills deficient criteria, then the participant's file must contain academic tests (including the participant's name, date of test, and results).

**Reference:** WIOA Section 134(c)(3)(E); 20 CFR 680.640; TEGL 19-16; WIOA Section 134(d)(4)(E); WIOA Section 3(24); WIOA Section 3(5)(B); WIOA Section 3(36); WIOA Section 134(c)(3)(E); TEGL 7-20

**Related TDLWD Policy:** Workforce Services Policy – Priority of Service for Adults, Veterans, and Eligible Spouses.

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:

  
04805F70DF2C344B

Jimmy Williamson, Chair

Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Supportive Services

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To provide policy for providing supportive services for eligible participants.

**Policy:** As defined in the WIOA, Supportive Services means services such as transportation, childcare, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under the act. The Local Workforce Development Board (LWDB), through the regional planning process and in compliance with TDLWD policy, recognizes that Supportive Services are limited and must be leveraged with other local and state resources. **Supportive services should only be provided when the services are not available elsewhere, since WIOA is considered funding of last resort.** Funds allocated to a local area (WIOA Section 133) may be used to provide supportive services to Adults and Dislocated Workers who:

- (1) Are participating in programs with activities authorized in WIOA Section 134(c)(1)(A)(ii) or WIOA Section 134(c)(1)(A)(iii);
- (2) Have exited and need post-program support services as follow-up (for up to 12 months after exit); and
- (3) Are unable to obtain such supportive services through other programs providing such services.

Supportive services for youth, as defined in WIOA Section 3(59), are services that enable an individual to participate in WIOA activities. Participants in WIOA programs who face significant barriers to employment, such as recipients of public assistance, low-income individuals, or individuals who are basic skills deficient, should be given service according to their level of need.

**Supportive Services are not entitlements and must be supported by demonstration of financial need.** The participant's need for services will be documented in the case file and participants enrolled in individualized career or training services must demonstrate need in the Individual Employment Plan or Individual Service Strategy. When multiple options are available for receiving supportive services, documentation must show a reasonable effort was made to determine and choose the lowest, competitively priced service available. Support services activities and supporting case notes will be entered into VOS by AJC staff. In the event that funds are limited, the LWDB Executive Director may limit one or more of the Supportive Services to priority populations only.

### Allowable Support Services

According to 20 CFR § 680.900 and § 681.570, Supportive Services for Adults, Dislocated Workers, and Youth may include, but are not limited to, the following:

- (a) Linkages to community services;
- (b) Assistance with transportation;
- (c) Assistance with child care and dependent care;
- (d) Assistance with housing;
- (e) Needs-related payments, as described at §§ 680.930, 680.940, 680.950, 680.960, and 680.970;
- (f) Assistance with educational testing;
- (g) Reasonable accommodations for individuals with disabilities;
- (h) Legal aid services;
- (i) Referrals to health care;
- (j) Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- (k) Assistance with books, fees, school supplies, and other necessary items for students enrolled in secondary or postsecondary education classes; and
- (l) Payments and fees for employment and training-related applications, tests, seminars, workshops, and certifications.

The allowable support services as described above will be made available in the following manners:



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

***Referral and Coordination***

The One-Stop Operator and Service Provider(s) shall ensure procedures are in place to coordinate support services through linkages to community services and through partner referral to avoid duplication and ensure Title I funds are last-dollar and are only used to provide supportive services when the services / funds are not available elsewhere.

***Payments on Behalf of / to Participants***

The following support services will be paid on behalf of the participant, directly to the service provider, unless otherwise noted. As noted below, in certain cases (e.g. Child or Dependent Care or Housing, Legal, and Medical Services) payments must be made directly to the participant as a reimbursement. If the participant has a support service need but cannot afford to make the payment to be reimbursed, the Career Service Provider may submit a request to the One-Stop Operator who will submit it for approval by the LWDB Executive Director for payments to be made directly to the participant as an advance. Participants must complete a written request and sign an agreement stating that the funds will only be used for the identified purpose and that receipts of purchases / services obtained must be provided by the participant and maintained by staff. The agreement must also acknowledge that failure to provide appropriate receipts / documentation will result in all funding being suspended for the participant until such documentation is provided. The agreement must be maintained by staff and the purpose of the payment and the approval must be documented in case notes. Duration, unless otherwise noted, is limited to approved terms of participation in programs with activities authorized in WIOA Section 134(c)(1)(A)(ii) or WIOA Section 134(c)(1)(A)(iii); or have exited and need post-program support services as follow-up (i.e. support services for occupational skill training would be limited to up to two years). Amounts are limited to actual cost, subject to a combined \$2,500 maximum, unless other limitations are set out in this policy. Documentation of support service costs, issued by the training provider and / or vendor, must be maintained in the participant's case file.

***Supplies, Uniforms, Accommodations, and Testing***

***\*\*Payments for these supportive services should be made to the vendor, preferably, or to the participant as a reimbursement, unless otherwise approved. This category is subject to the combined maximum support service limitation of \$2,500, except all MANDATORY books, supplies, uniforms, drug screens, background checks, etc. for training with a provider on the Eligible Training Provider List (ETPL) will be covered as a part of the Individual Training Account (ITA) and subject to ITA limitations.***

- assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear needed to be successful in occupational skills training and work-based training such as on-the-job training, transitional jobs, pre-vocational services, or work experience activities;
- assistance with non-mandatory books, fees, school supplies, and other necessary items, such as drug screens and background checks, and other basic supplies that are not mandatory but may be necessary such as laptops, tablets, calculators, backpacks, printing / copying fees, and parking passes;
  - Laptops, tablets, or other similar items identified as a needed tool/supply for a participant to successfully take part in WIOA activities, may be purchased one time at a cost of no more than \$400.
- assistance with educational testing;
- payments and fees for employment and training-related applications, tests, seminars, workshops, and certifications.
- Reasonable accommodations for individuals with disabilities.

***Housing, Legal, and Medical Services***

***\*\*Payments for these supportive services must be made to the participant as a reimbursement, unless otherwise approved. Subject to the combined support service limitation of \$2,500.***

- Assistance with housing, excluding rental deposits or mortgage payments, to allow participants to maintain or obtain adequate or temporary shelter, and related costs such as utilities and / or phone / internet plans, when an emergency arises while actively participating in career or training activities which would prevent the continuation of their attendance. The purpose of the funds must be documented and payments made to

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

the participant require a copy of the bill or receipt listing the participant as the debtor attached to the authorization. Rent payments will require a copy of a lease agreement naming the participant.

- Legal aid services;
- Medical / health care and counseling services such as required immunizations, dental services, ophthalmologist services, eyeglasses, hearing aids, drug and alcohol counseling, mental health counseling, behavioral counseling, etc.

#### *Assistance with Child and / or Dependent Care*

***\*\*Payments for these supportive services must be made to the participant as a reimbursement, unless otherwise approved. Subject to the combined support service limitation of \$2,500.***

Assistance with childcare for children under the age of 12 and dependent care for children over the age of 12 who have a disability, elderly parents, etc., may be utilized to help a participant meet their family care needs during WIOA Title I program participation. Child and dependent care services must be provided by a licensed facility or a trusted caregiver selected by the participant. Participants utilizing trusted caregivers will be encouraged to provide caregivers with information on available childcare training and licensure options. Services will be payable at a maximum rate of \$30 per child / dependent per day, not to exceed actual cost, up to the \$2,500 combined maximum. Since supportive services must only be provided as last-dollar funds, participants who appear to possibly meet requirements for other childcare or dependent care services, such as those available through the Department of Human Services, Headstart, school district pre-k programs, TennCare Choices, etc., must first make application to those programs and provide proof of denial prior to being approved for Title I child or dependent care services. Participants must provide documentation of child / dependent status, such as a birth certificate, guardianship documents, etc. and must complete a release stating that the parent / caregiver is the one deciding on their child / dependent care provider and that the LWDB and Career Service Provider are not liable for issues that may arise. Documentation of actual costs of child and / or dependent care from the provider, to include provider contact information and signature, must be submitted prior to reimbursement to the participants.

#### *Transportation Assistance*

***\*\*Payments for these supportive services must be made to the participant via a gas / loadable card, unless otherwise approved. This category is paid in addition to the combined maximum support service limitation.***

The LWDA will provide transportation assistance for an eligible WIOA participant attending an LWDA approved training provider and program for occupational skills training or to the worksite for the first 360 days of employment. The transportation assistance will be paid through a stipend payment paid at intervals consistent with the training provider terms or work schedule and upon periodic verification of attendance. A one-time only payment for work-based training may be made. Out of School Youth who transitioned from an In-School Youth Program and choose a University Parallel program of study may receive support services, including transportation assistance, in order to complete the goals established in the individual service strategy. Subsequent ITA funding will require the participant, program and provider to meet all local/state criteria.

The payment will be based on exact costs calculated at a rate of \$.16 per mile one-way unit per day, converted to roundtrip (not subject to the \$2,500 maximum). Participants receiving transportation assistance from another organization (i.e. Workforce Essentials, TAA) are not eligible to receive a full transportation stipend from WIOA. As last dollar funds, all other programs must pay first before WIOA funds can be authorized. In the event that a participant is receiving travel funding from another program, the total amount anticipated to be received in transportation assistance from the other agency must be deducted from the transportation assistance amount WIOA expects to pay.

To be eligible for this stipend, one must be in good standing and making satisfactory progress, must not drop or be removed from a course without notifying and providing needed information to the WIOA staff member regarding this action, etc.



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

Participants may receive a travel stipend for the first 60 days of a work-based training, such as a transitional job or work experience activity to offset their gas expenses until they have received two months of pay, at which time, they should have been able to budget money out of their paychecks to pay for their own gas expenses. In the event a transitional job or work experience position requires the participant to travel, the travel stipend may be extended through the duration of the work experience or transitional job subject to LWDB Executive Director or his/her designee approval.

#### **Other Transportation-Related Assistance**

***\*\*Payments for these supportive services should be made to the vendor, preferably, or to the participant as a reimbursement, unless otherwise approved. This category is subject to the combined maximum support service limitation of \$2,500.***

Additionally, required auto repair, insurance, and / or driver license fee payments may be made, subject to the combined \$2,500 maximum, in response to an immediate need, in order to allow a participant to continue to participate in employment and training activities. Normal vehicle maintenance costs are not allowed. If a participant is personally repairing his / her personal vehicle, funds may be used to purchase the parts. Auto repair may not exceed the value of the vehicle and any repair/parts/support exceeding \$500 must have a minimum of three (3) estimates. Staff should take into consideration if public transportation would be a more feasible option for the participant.

#### **Needs-Related Payments (currently suspended due to funding limitations)**

***\*\*This category is paid in addition to the combined maximum support service limitation.***

Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs-related payments a participant must be enrolled in training. Needs-related payments may be paid while a participant is waiting to start training classes if the participant has been accepted in a training program that will begin within 30 calendar days. The Governor may authorize local areas to extend the 30-day period to address appropriate circumstances.

Eligibility Criteria in order to be eligible for needs-related payments:

Adults must:

- (a) Be unemployed;
- (b) Not qualify for, or have ceased qualifying for, unemployment compensation; and
- (c) Be enrolled in a program of training services under WIOA sec. 134(c)(3).

Dislocated Workers must:

- (a) Be unemployed, and:
  - (1) Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
  - (2) Be enrolled in a program of training services under WIOA sec. 134(c)(3) by the end of the 13th week after 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 8th week after the worker is informed that a short-term layoff will exceed 6 months; or
- (b) Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA and be enrolled in a program of training services under WIOA sec. 134(c)(3).

Youth must:

- (a) be co-enrolled into either the Adult or Dislocated Worker programs to qualify for Needs-Related Payments.

Documentation of all eligibility criteria is required and must be maintained in the participant's case file.

#### **Level of Needs-Related Payments**

Per § 680.970, the level of needs-related payments is determined as follows:

- (a) The payment level for Adults must be established by the Local WDB.
- (b) For Dislocated Workers, payments must not exceed the greater of either of the following levels:

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

- (1) The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or
- (2) The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as determined by Local WDB policies.

Methodology - The LWDB has authorized weekly needs-based payments for Adults and Dislocated Workers based on the amount needed for the participant and his / her family to reach the poverty level for the family size, to be adjusted as family income changes, and not to exceed:

- (a) The maximum weekly unemployment compensation benefit amount of \$275 for individuals who have not been determined eligible to receive unemployment benefits.
- (b) The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation.

Example: An applicant is made eligible as an Adult participant as part of a family of four in accordance with the guidelines set forth in the WIOA and relate federal, state, and local guidance. The participant's total family income is \$15,575 per year. The family income is deducted from the poverty level for the family size and converted to weekly rate for needs-related payments as shown below.

\$24,300 per year (Poverty Level for a Family of 4) - \$15,575 per year (Total Annual Family Income)  
 \$8,725 per year (Amount Needed per Year)  
 \$8,725 per year / 52 Weeks per Year = \$167.79 Needed per Week

The participant is eligible to receive the full \$167.79 per week since it is less than the maximum weekly unemployment benefit of \$275, and the individual has not drawn unemployment.

### **Exceptions to Support Services Limits**

The One-Stop Operator may grant exceptions to the limits established for supportive services by submitting a written request for individual need, including supporting documentation, to the Executive Director of the LWDB. For example, an individual who has childcare needs expected to exceed the \$2,500 limit may request to use other available funding (i.e. unused ITA funds) to cover the expected costs. A decision will be rendered within 5 working days.

### **Unallowable Support Services**

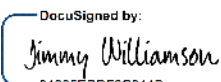
Support services may not be used to pay for expenses incurred prior to the participant's enrollment into the WIOA program. Program Management approval is required and should be documented. Advances against future payments are not allowed. Examples of unallowable services include, but are not limited to:

- Fines and penalties such as traffic violations, late finance charges, and interest payments
- Entertainment, including tips
- Contributions and donations
- Vehicle or mortgage payments
- Refund deposits
- Alcohol or tobacco products
- Pet food
- Items to be purchased for family or friends
- Out-of-state job search and relocation expenses that will be paid by the prospective employer

**Reference:** 20 CFR 680.900; 20 CFR 680.970; 20 CFR 681.570; WIOA Section 106(c)(1)(F)

**Related TDLWD Policy:** LWDA Supportive Services Guidance 5-8-17 (pages 2 and 4)

**Vetted and Approved by the Northwest Tennessee Workforce Board:** November 15, 2022

DocuSigned by:  
  
 04803F70DF2C344B  
 Jimmy Williamson, Chairman  
 Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Verifying Identity and Employment Eligibility

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To establish the requirement for verification of employment eligibility for citizens and non-citizens employed with Workforce Innovation and Opportunity Act funds (WIOA) and to provide guidance on the acceptable documentation to support participant eligibility for programs funded by the WIOA. The documentation sources listed have been established based on Data Validation requirements and concerns for the accuracy, effectiveness, and reliability of the eligibility determination process.

**Policy:** Citizenship is not required for WIOA eligibility. Applicants may present documentation of either citizen status or legal right to work in the United States. WIOA Section 188(a)(5) specifies that participation in WIOA is available to citizens and nationals of the U.S., lawfully admitted permanent resident aliens, refugees, asylees and parolees, and other immigrants authorized to work in the United States. Individuals with employment authorization qualify as “immigrants authorized by the Attorney General to work in the United States.” Therefore, workforce participants with employment authorization may access any WIOA services for which they otherwise would qualify. Individuals meeting the requirements set forth in TEGL 02-14 (Eligibility of Deferred Action for Childhood Arrivals {DACA}), along with participants for Title I and Wagner-Peyser Act programs, are granted relief under the DACA Initiative with employment authorization documents.

It is important to note that verification is far different than hard copy documentation. Verification means to confirm eligibility requirements through examination of official documents, e.g. birth certificate, social security card, public assistance records, etc. Documentation means to maintain physical evidence, which is obtained during the verification process, in participant files. (EXAMPLE: Copies of documents such as driver’s license, birth certificate, etc.). It is the policy of the LWDB that all individuals must be registered in Jobs4TN. If staff register Adults, Dislocated Workers, and Youth, the staff must verify the General and Specific Eligibility criteria that pertain to each specific program, which consists of citizenship or eligible to work in the United States, selective service (if applicable) and age. If an individual self-registers, they are considered to self-attest to the General and Specific eligibility criteria. Upon a decision to enroll an applicant into WIOA, the staff will document all General and Specific Eligibility criteria.

Prior to enrollment in WIOA individualized career services, training or employment services, such as work experience, a citizen or non-citizen must provide documentation to the employer of record that he/she is allowed to work in the United States. The Employment Eligibility Verification form, commonly referred to as the I-9 Form, must be completed prior to beginning employment. The I-9 form is a United States Citizenship and Immigration Services document used by employers to document an employee’s identity and establish that the worker is eligible to accept employment in the United States. The I-9 form may be accessed at <https://www.uscis.gov/i-9>. Instructions for completion of the form and required documentation can be found at <http://www.justice.gov/crt/file/798276/download> - “Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9”. Required documentation to verify employment eligibility must be uploaded to the participant’s Virtual One-Stop (VOS) file for monitoring and audit purposes.

In alignment with WIOA Section 188, the individual may identify as any of the following:

- Citizen of the United States
- Lawfully admitted permanent resident alien
- Refugee, asylee, or parolee
- Other immigrants authorized by the Attorney General to work in the United States
- None of the above

If any individual responds that he/she is a DACA recipient, AJC staff will ask if they are authorized to work in the United States. DACA recipient with authorization to work are eligible for all WIOA Title I services, including the following training services:

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

- o On-the-Job Training (OJT)
- o Short-term Skills Upgrade
- o Transitional Training Services
- o Work-based Training

- o Entrepreneur Training
- o Apprenticeship
- o Incumbent Worker Training (IWT)

DACA recipients who are not authorized to work in the United States are eligible for basic career services only:

- o Eligibility Determination
- o Outreach and Intake
- o Assessment
- o Labor Market Information (LMI) Services
- o Local Performance Information
- o Information on Support Services
- o Information Regarding Unemployment Benefits
- o Assistance in Establishing Eligibility for Education and Financial Assistance

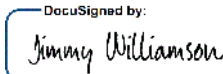
The LWDB utilizes copies of social security card and driver's license as documentation to verify identity and employment eligibility in most cases. Should one of these items not be accessible from the individual, a copy is made of one of the other items listed on the I-9 form as documentation of either identity or employment authorization, as necessary. The LWDB also checks the Selective Service website at <https://www.sss.gov/> for all age-appropriate individuals and prints out the information as documentation that the individual is compliant with registration of selective service. All copies of documentation are uploaded into the participant's Virtual One-Stop (VOS) file on the jobs4tn website.

**Reference:** 20 CFR 681.210(a); WIOA Section 188(a)(5). These Federal References demonstrate any individual is eligible to receive American Job Center services if they: are at least 16 years of age and are able to legally work in the United States.

**Attachment:** I-9

**Related TDLWD Policy:** Verifying Identity & Employment Eligibility Guidance (pages 2 and 3)

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:  
  
 04805FDDF2C344B  
 Jimmy Williamson, Chairman  
 Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY



**Employment Eligibility Verification**  
**Department of Homeland Security**  
**U.S. Citizenship and Immigration Services**

**USCIS**  
**Form I-9**  
 OMB No. 1615-0047  
 Expires 10/31/2022

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Attestation** (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number [ ][ ] - [ ][ ] - [ ][ ][ ]		Employee's E-mail Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States	
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions)	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. (See instructions)	
Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.	
1. Alien Registration Number/USCIS Number: _____ OR 2. Form I-94 Admission Number: _____ OR 3. Foreign Passport Number: _____ Country of Issuance: _____	QR Code - Section 1 Do Not Write in This Space

Signature of Employee	Today's Date (mm/dd/yyyy)
-----------------------	---------------------------

**Preparer and/or Translator Certification (check one):**

☐ I did not use a preparer or translator. ☐ A preparer(s) and/or translator(s) assisted the employee in completing Section 1.  
 (Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)  
 I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code



*Employer Completes Next Page*





## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY



**Employment Eligibility Verification**  
**Department of Homeland Security**  
**U.S. Citizenship and Immigration Services**

**USCIS**  
**Form I-9**  
 OMB No. 1615-0047  
 Expires 10/31/2022

**Section 2. Employer or Authorized Representative Review and Verification**

*(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")*

<b>Employee Info from Section 1</b>	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
<b>List A</b>		<b>OR</b>		<b>List B</b>
<b>Identify and Employment Authorization</b>		<b>Identity</b>		<b>AND</b>
<b>List C</b>		<b>Employment Authorization</b>		
Document Title	Document Title	Document Title		
Issuing Authority	Issuing Authority	Issuing Authority		
Document Number	Document Number	Document Number		
Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)		
Document Title	Additional Information		QR Code - Sections 2 & 3 Do Not Write In This Space	
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				

**Certification:** I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): \_\_\_\_\_ (See instructions for exemptions)

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Title of Employer or Authorized Representative	
Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative	Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)		City or Town	State ZIP Code

**Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)**

<b>A. New Hire (if applicable)</b>			<b>B. Date of Rehire (if applicable)</b>	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	
<b>C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.</b>				
Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)		
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.				
Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative		



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

**LISTS OF ACCEPTABLE DOCUMENTS****All documents must be UNEXPIRED**

Employees may present one selection from List A  
or a combination of one selection from List B and one selection from List C.

<b>LIST A</b> Documents that Establish Both Identity and Employment Authorization	<b>OR</b>	<b>LIST B</b> Documents that Establish Identity	<b>AND</b>	<b>LIST C</b> Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. School ID card with a photograph		3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Voter's registration card		4. Native American tribal document
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		5. U.S. Military card or draft record		5. U.S. Citizen ID Card (Form I-197)
		6. Military dependent's ID card		6. Identification Card for Use of Resident Citizen in the United States (Form I-179)
		7. U.S. Coast Guard Merchant Mariner Card		7. Employment authorization document issued by the Department of Homeland Security
		8. Native American tribal document		
		9. Driver's license issued by a Canadian government authority		
		<b>For persons under age 18 who are unable to present a document listed above:</b>		
		10. School record or report card		
		11. Clinic, doctor, or hospital record		
		12. Day-care or nursery school record		
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI				

Examples of many of these documents appear in the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Veterans and Eligible Spouse Priority of Services

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To establish policy and guidelines to ensure that veterans and eligible spouses are identified at the “point of entry” and informed of their entitlement to priority of AJC services.

**Policy:** American Job Centers, under the direction of the One-Stop Operator, must ensure that veterans and eligible spouses are identified at the “point of entry” (reception area, resource area, web-sites, Self-Services and Informational bulletin boards, etc.), and informed of their entitlement to priority of services.

Procedure to ensuring the priority of service

- Displaying signs that clearly describe the priority of services and the registration process. This information must also be conveyed when veteran and eligible spouse access services electronically or by telephone.
- If a person self identifies as a veteran, or other eligible person, immediate priority of service is required.
- Identifying veterans and other covered persons using Military Service Form LB-1118 (April 2016) when they visit service delivery points.
  - It is neither necessary nor appropriate to require verification of the status of a veteran or other eligibility at the point of entry. Verification as a veteran must be done ONLY when determining eligibility for enrollment (e.g. in WIOA Program). Military Service Form LB-1118 will be used as an initial screening tool to establish eligibility.
- Coordinating employer outreach development activities with related responsibilities of the Local Veterans Employment Representative (LVER) staff.
- Identifying employers who are interested in hiring veterans.
- Promoting job fairs for veterans and eligible spouses.
- Monitoring the priority of services will be done at the point of entry and during training and employment services.

The LWDA Priority of Services Policy identifies veterans and eligible spouses as category #1 and #3 for priority of services in accordance with the following definitions (TDLWD 17-5):

- A Veteran is a person who has served at least one day of active duty in the military, naval or air service, and who was discharged or released under conditions other than a dishonorable discharge.
- An Eligible Spouse (must meet one qualification):
  - A spouse of any veteran who died of a service-connected disability
  - A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - 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
  - A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of Veterans Affairs
  - A spouse of any veteran who died while a disability was in existence.

NOTE: A spouse will lose eligibility if it is derived from a living veteran, or a service member, who loses their status which made them eligible. Such a situation would be: if a veteran, with a total service-connected disability, were to receive a revised-disability rating at a lower level. Similarly, a spouse whose eligibility is derived from a living veteran or service member, would lose that eligibility upon a divorce from that veteran or service member. To further clarify, the spouse of a veteran who died of a service-connected disability, or died while a disability was in existence, would not lose covered status through subsequent remarriage.

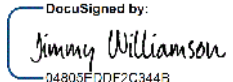
LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

**Attachment:** Military Service Form

**Reference:** 20 CRF 680.650

**Related TDLWD Policy:** Veterans and Eligible Spouse Priority of Service Policy 17-5 (pages 3 and 4)

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:  
  
04805FDDF2C344B  
\_\_\_\_\_  
Jimmy Williamson, Chairman  
Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

**MILITARY SERVICES FORM**

Priority of service is the right of every qualifying individual who served in the military or eligible military spouses to receive employment, training, and placement services before non-eligible persons, as long as other provisions of the law are met. Please complete this questionnaire so we can determine your eligibility for services.

<b>SERVED IN THE MILITARY (Section A)</b>	
Date: _____	
Full Name: _____ SSN: _____	
Branch of Service: _____ Discharge Type: _____ Dates of Service: _____ Rank/Rate: _____	
Contact Information: ( _____ ) Home <input type="checkbox"/> Cell Phone <input type="checkbox"/> E-Mail: _____	
How can we help you today? _____	
Have you ever served on active duty in any branch of the Armed Forces, or are you a Transitioning Service Member, Wounded Warrior, Spouse or Family Caregiver of a service member or veteran? If so you may be entitled to additional services if you can attest to at least one of the criteria below;	
1. Are you a special disabled or disabled veteran whereas you are: Entitled to compensation (or who but for the receipt of military retired pay would be entitled to Compensation)? or _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Have a claim pending with the VA; or _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Were discharged or released from active duty because of a service-connected disability? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Are you homeless or without a permanent residence? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 3. A recently-separated service member, (Within 3 years of End of Active Service) who at any point in the previous 12 months has been unemployed for 27 or more weeks? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 4. An offender, who is currently incarcerated or has been released from custody? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 5. Are you in need of a high school diploma or equivalent certificate? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Low-income (as defined by the State. ( See attached chart)? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 7. Are you between the ages of 18 and 24? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>OTHER ELIGIBLE (Section B)</b>	
1. Are you a Transitioning Service Member with any of the criteria as defined in section A? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Do you have a letter from the VA stating you are an eligible spouse? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 3. Does your spouse have a total disability from a service-connected disability? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 4. Has your spouse been listed as forcibly detained or interned by a foreign government or power, missing in action, or captured in line of duty for a total or more than 90 days? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 5. Are you the surviving spouse of a veteran who died of a service-connected disability as evaluated by the VA or while having a total permanent service-connected disability? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Are you a "Wounded Warrior" currently in a treatment facility or a Caregiver of one? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>MILITARY DOCUMENTS</b>	
1. Do you need to obtain a DD214? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Did you receive a DD2958 Service Member Career Readiness Standard/Individual Transition Plan? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No	

## Work-Based Training

**Effective Date:** May 23, 2023

**Duration:** Indefinite

**Purpose:** To establish policy and guidance for the offering of work-based learning activities with WIOA funding.

**Policy:** The Local Workforce Development Board (LWDB) offers various opportunities for Work-Based Learning, including On-the-Job Training, Work Experience, Transitional Jobs, Apprenticeships and Incumbent Worker Training. The Regional Planning Council, which includes members of the core partners as well as other partners, identifies regional and local in-demand and emerging sectors using available labor market data, strategy meetings, and other data gathering methods. Workforce efforts, including Work-Based Learning, are then focused on identified sectors through services available in the AJC. For instance, manufacturing and healthcare are two of the most prominent sectors in the area, therefore On-the-Job Training (OJT) and Incumbent Worker Training (IWT) grants are heavily concentrated in these areas. The LWDB strives to continually increase employer penetrations rates and will serve as many employers as possible based on employer hiring needs and availability of funding.

The LWDB strives to utilize a significant amount of funding allocated to local area through formula program funds and / or specialized funding such as Consolidated Business Grants (CBGs) to provide work-based learning opportunities. Appropriate support services, as described in the Supportive Services policy in this document, may be used in combination with work-based training as prescribed below and in accordance with the needs of participants.

### *Outreach to Employer Community*

In order to promote and strategize the availability of Work-Based Training, understanding and meeting the needs of employers is given the utmost importance and is achieved through a collaboration of partners serving on the Business Services Team, such as Labor Exchange, Veterans Programs, Trade Act, Re-Employment Services, Unemployment Insurance, Economic Development, Temporary Assistance for Needy Families, Vocational Rehabilitation, and staff to the LWDB. The Business Services Team is responsible for connecting with companies in the targeted industry sectors and occupations, and other employers that have hiring needs, in order to understand and meet their needs through a variety of employer-driven initiatives and services.

In order to understand and meet the needs of employers, Business Services Team members connect with area employers by participating in regional economic development groups comprised of training providers, Chambers of Commerce, plant managers, and economic developers to determine high-growth jobs and industries that are adding substantial jobs to the local economy. Local employers also serve on the local workforce development board and a standing committee of the board. Labor market information (LMI) is also utilized to identify and meet employers' needs. LMI is available through Jobs4TN and Economic Modeling Systems, Inc. (EMSI) and can be used to help employers identify average wages for jobs in an area, which occupations are predicted to have the most future job openings, as well as unemployment rates in an area. The Executive Director of the LWDB and/or his/her designee, also supports and promotes workbased learning with existing and prospective industry, when appropriate. Interested employers are referred to a Business Services Team member for specific details and services.

### *General Employer Eligibility Criteria*

Employers who are classified as a Tennessee (TEGL 25-15) for-profit business or, not-for-profit business with a presence, in accordance with Federal, State and Local law, and in business for at least 120 days that meets the following requirements:

- Be registered with Internal Revenue Service (IRS), have an account with Unemployment Insurance, and carry workers' compensation insurance (Federal Register Vol. 81, No. 161, Page 56117) and be current on all local, state and federal tax obligations.
- Be financially solvent and have an adequate payroll recordkeeping system that tracks hours worked, gross pay, deductions, and net pay.



- Must not appear on any federal suspension or debarment list.
- Be able to enter into agreements that will not displace any currently employed worker (WIOA Section 181[b][2][A]).
- Be able to enter into agreements that will not result in termination of any regular employee, or otherwise reduce the workforce, in order to hire a work-based training employee.
- Verify relocation (for the first 120 days after beginning operations) has not resulted in any employee job losses at the original location (WIOA Section 181[d][2]). To verify that the relocation has not resulted in a loss of employment, WIOA program staff and the work-based training employer must complete a Standardized Pre-Award Review.
- Not currently be involved in a labor dispute (20 CFR 680.840) or have workers currently in a layoff status for the work-based training position.
- Assure employees do not work on construction, maintenance, or operation of any facility that is used for sectarian activities (WIOA Section 188[a][3]).
- Must not meet the existing “pattern of failing to provide OJT specific work-based training participants with continued long-term employment as regular employees with wages and employment benefits” (20 CFR 680.700[b]).
- Must not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, disability, political beliefs or affiliation, or age.
- Assure training for employees must be in an in-demand industry as determined by the Local Workforce Development Board (LWDB) and/or its’ Service Provider.
- Assure training will benefit employees by increasing opportunity for learning new skills, gaining experience, retention, advancement, credentials or wages.
- Assure training will benefit the employer by providing assistance with training employees, which may result in saving jobs or preventing layoffs, enhance process improvement, or improve the overall competitiveness of the employer.
- Per WIOA regulations (10 CFR 638.200(g), assure “no individual may be placed in an employment activity if a member of that person’s immediate family is directly supervised by or directly supervises that individual.” For the purpose of this policy, the term “immediate family” includes a spouse, child, son-in-law, daughter-in-law, parent, mother-in-law, father-in-law, sibling, bother-in-law, sister-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent or grandchild
- Comply with all contract/agreement provisions in accordance with the local workforce development board, Tennessee Department of Labor and Workforce Development and the Workforce Innovation Opportunity Act guidance and regulations.

### **General Participant Eligibility**

Work-based training opportunities must be identified as an appropriate activity for program participants on the Individual Employment Plan (IEP) or Individual Service Strategy (ISS). IEPs or ISSs, and/or case notes, will specify goals of the work-based training activity by identifying the purpose of the activity and expected outcomes.

The Local Workforce Development Area Priority of Service Policy will be adhered to in determining participants eligible to participate in work-based training. In order to maximize services to populations with barriers, agencies serving these populations are targeted for outreach efforts such as distribution of marketing materials, participation in events, and invitations to participate in AJC events and strategy meetings. The AJC displays marketing materials for core and community partners and provides materials to be displayed at the partners' sites. Social media accounts are also used to connect with customers and other agencies and inform them of the services available through the AJC.

The Business Services Team conducts rapid response meetings in order to serve workers dislocated through closures or layoffs. Outreach to unemployment claimants regarding AJC services is also conducted when contact information is available. Specialized programs such as RESEA, serving unemployment claimants, and SNAP Employment & Training, serving SNAP (i.e. food stamp recipients) are also incorporated into services at the AJC.



The Outreach and Opportunities committee of the local workforce board provides guidance for reaching and serving such populations.

In addition, the participant must be:

- A U.S. citizen or individual legally entitled to work in the U.S.
- Age 18 or older\* (exception may be made for Eligible WIOA Youth)
- Registered for the Selective Service unless an exception is justified (Selective Service requires registration of all males who are 18 or older and born on or after January 1, 1960)

### *Work-Based Training Components*

#### **Incumbent Worker Training**

The term “incumbent worker training” (IWT) means training that is — 1. Designed to meet the specific requirements of an employer (including a group of employers); and 2. Conducted with a commitment by the employer to continue to employ an individual upon successful completion of training. IWT may be used to help avert potential layoffs, or to increase the skill levels of employees so they can be promoted within the company and create backfill opportunities for the employers.

- **ITW Funding:** The LWDB may provide incumbent worker training using statewide discretionary funds provided by the Governor and/or under WIOA Section 134(d)(4)(A)(i) of WIOA, LWDBs can use up to twenty percent (20%) of their adult and dislocated worker formula funds to provide for the Federal share of the cost of providing incumbent worker training.
- **Eligibility Requirements for Employers for IWT Grant:** An employer must meet all the following criteria in order to qualify for an Incumbent Worker Training Grant:
  - Grantee must be classified as a Tennessee for-profit business (or a not-for-profit business in health care)
    - Be in an in-demand industry as determined by Jobs4TN labor market information; OR
    - Be in an in-balance industry as determined by Jobs4TN labor market information
    - Be in a declining industry, but with compelling reasons (e.g., evidence of long-term viability of the employer) justifying investment in incumbent worker training
  - Must be in operation for at least one year
  - Must employ at least five full-time employees
  - Must be current on all local, state, and federal tax obligations
  - Must be a financially viable business not currently or recently experiencing, nor expecting to experience, a bankruptcy
  - Must not appear on any federal suspensions or debarment list
  - The Employer must be able to match requested training costs. Percentage of match is based on the size of the company, in accordance with Tennessee Department of Labor and Workforce Development policy (see Employer Share and Qualifying Costs below).
  - Must agree to submit reimbursement requests in the timely manner agreed upon with the LWDA, with required support documentation.
  - Must agree to complete an online monthly status report if required by the TDLWD.
  - Additional factors considered when determining employer eligibility include
    - The characteristics of the incumbent workers to be trained and how they would benefit from retention or advancement – consideration should be given to employers who propose to train individuals with barriers to employment as defined in WIOA Section 3(24).
    - The quality of training – whenever possible the training should allow the participant to gain industry-recognized training experience and/or lead to industry-recognized credentials and/or an increase in wages.
    - The number of participants the employer plans to train or retrain
    - The wage and benefit levels of participants both before and after training

- The occupation(s) for which incumbent worker training is being provided must be in demand for that industry

Each of the above factors leading to the approval of an incumbent worker training project with an employer must be documented and placed in the contract file.

- ***Delivery of IW Training Services:*** Training can be provided through Tennessee's public or private educational institutions, private training organizations, trainers employed by the business, or a combination of training providers. Training can be conducted at the business's own facility, at the training provider's facility, or at a combination of sites. All training must be completed by the last day of the specific program period in the grant contract agreement.
- ***Employer Match Share and Qualifying Costs:*** Employers participating in incumbent worker training are required to pay the non-WIOA (non-federal) share of the cost to provide training to their incumbent workers (WIOA Sections 134(d)(4)(C)-(D) and 20 CFR 680.820). The employer share is based on the size of the workforce as follows:
  - At least 10% of the cost for employers with 50 or fewer employees
  - At least 25% of the cost for employers with 51 to 100 employees
  - At least 50% of the cost for employers with more than 100 employees

Employer cost share contributions must be tracked and documented in the contract file. Wages paid to the participant while in training can be included as part of the employer match share. Other expenses can be provided as cash or in-kind, as long as they are fairly evaluated. The methodologies for determining the value of in-kind contributions must be documented in the contract file and conform to cost sharing requirements at 2 CFR 200.306.

Reimbursable Training Expenses are as follows:

- Instructors'/Trainers' salaries capped at actual amount or \$50/hour if company trainers are used (whichever is less)
- Curriculum development not to exceed 5% of total State obligation (curriculum development is defined as the time necessary for company officials to determine training needs or the actual development of a curriculum)
- Textbooks and manuals
- Materials and supplies
- Tuition expense (tuition is defined as instruction provided by an institution regulated by the Tennessee Higher Education Commission)

Non-Reimbursable Costs, include but are not limited to:

- Trainee's wages
- Purchases of capital equipment
- Purchase of any item or service that may possibly be used outside of the training project
- Travel expenses of trainers or trainees
- Assessment, testing, or certification fees
- Language training unless specific terms of employment
- Advertisement or recruitment
- Any costs not approved in the final sub-recipient agreement

The Employer will be reimbursed for documented allowable costs at 100% of the maximum authorized instructional component cost when at least 90% of Eligible Trainees enroll in the specific training component. If less than 90% of eligible trainees enroll in the specific training component, the reimbursement will be prorated based on the percentage enrolled of the 90% minimum number. The Incumbent Worker Training program will be evaluated for completion of training and placement in employment based on federal performance measures prior to subsequent programs being funded.

- ***Incumbent Worker (Participant) Eligibility:*** In order to qualify as an Incumbent Worker Participant, the following is required:
  - Must be a U.S. citizen or individual legally entitled to work in the U.S.
  - Must be 18 years of age or older
  - All males age 18 or older and born on or after January 1, 1960 must be registered for the Selective Service unless an exception is justified
  - Must be employed
  - Must meet the Fair Standards Act requirements for an employer-employee relationship (information regarding this requirement can be found at <http://www.dol.gov/whd>)
  - Must have an established employment history with the employer receiving the grant for at least six months (which may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds), or, in the event that incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained meet the employment history requirement per TEGL 19-16.

An incumbent worker does not have to meet eligibility requirements for career and training services through WIOA Title I Adult and Dislocated Worker Programs unless they are enrolled in the Adult or Dislocated Worker Program.

- ***ITW Grant Application Process:*** Businesses may submit the application, along with all required documents, online at <https://www.tn.gov/workforce/article/incumbent-worker-training>. The application is found at <https://www.tn.gov/workforce/article/apply-for-iwt> where the responses will then be forwarded to the appropriate LWDA. Local Workforce Development Boards must determine the eligibility of applications for each LWDA that is representative (based on county and grouped by region) of the company or business.

All grants for Incumbent Worker Training will be awarded and operated in accordance with Tennessee Department of Labor and Workforce Development policy and the Workforce Innovation and Opportunity Act law and regulations.

### **On-the-Job Training**

On-the-job Training (OJT) is a form of work-based training provided to an eligible WIOA participant upon entry into employment and while engaged in paid work. OJTs address specific gaps in the trainee's knowledge or skills that are inhibiting their ability to perform assigned duties fully and adequately and provides reimbursement to the employer of up to 50 percent of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training. An OJT may take place with an employer in the public, private non-profit, or private for-profit sectors. Generally, in order to participate in OJT a participant must be a new hire in the employer position (some exceptions may be made for employee upgrades). The Employer will be reimbursed up to 50% of participant wages (not to exceed the established State wage cap for OJT) upon completion of a designated training period not to exceed the Specific Vocational Preparation (SVP) level, taking in to account the prior education, training, work experience and the service strategy of the participant, as appropriate. The OJT wage rate will be evaluated for appropriate level for self-sufficiency and wage progression prior to entering into the OJT agreement. Employers will be required to agree to all provisions in the WIOA On-the-Job Training Program Employer/Grantee Assurances and other guidance issued by the Grantor. Further, the Employer must not have exhibited a "pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages and employment benefits."

### **Registered Apprenticeships**

A Registered Apprenticeship (RA) is an "earn and learn" training model that combines structured learning with on-the-job training from an assigned mentor. The goal is to provide workers with advanced sets of skills that meet the specific needs of employers. Upon completion of a RA program, participants receive an industry issued, postsecondary credential that certifies occupational proficiency. This credential is also portable (see

WIOA Section 122[a][2][A]). Local areas may also include support services, in coordination with career and or training services, to participants in an RA program in accordance with supportive services consistent with WIOA Section 134(d)(2), TEGL 19-16, and local policies. To be eligible, a participant must be selected by the employer to participate in a Registered Apprenticeship program (included on the WIOA Eligible Training Provider List), which may include participation in a pre-apprenticeship program.

- A Pre-apprenticeship is a program or set of strategies designed to prepare individuals to enter, and succeed in, registered apprenticeship programs. These programs have a documented partnership with at least one registered apprenticeship program sponsor. Pre-apprenticeship programs expand the participant's career pathway opportunities by combining industry-based training and classroom instruction. Adult, Dislocated Workers, or Youth participating in pre-apprenticeship may receive funding through paid work experience positions, and associated support services, in accordance with the guidelines listed in the Work Experience section of this policy.

To qualify for local LWDB WIOA funding for a pre-apprenticeship program, the company must be approved as a Tennessee Certified Pre-Apprenticeship Program by the TN Department of Labor and Workforce Development and training must meet the criteria established in the LWDB Training Provider Approval policy – Program of Training including leading to at least one (1) of the following:

- An industry-recognized certificate or certification, a certificate of completion of a Registered Apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;
- A secondary school diploma or its equivalent;
- Employment; or
- Measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards a credential or employment.

In accordance with United States Department of Labor (USDOL) Training Employment Guidance Letter (TEGL) 13-16 a pre-apprenticeship program may be included on the Eligible Training Provider List for use of WIOA Title I Individual Training Accounts (ITAs) funding for eligible individuals, by going through the same vetting process and performance reporting requirements as all other training providers in the State. Programs may also contract directly with the LWDB under the Training Provider Approval policy – ETPL Exceptions.

When utilizing a contract versus an ITA for pre-apprenticeship programs, the costs will be on a reimbursement basis and are limited to:

- Instructors'/Trainers' salaries capped at actual amount or \$50/hour if company trainers are used (whichever is less),
- Textbooks and manuals,
- Materials and supplies,
- Tuition expense, defined as instruction provided by an institution regulated by the Tennessee Higher Education Commission

All costs must be supported by documentation and occur within the terms of the contract. Contracts will be negotiated based on instructional hours and minimum number of participants. The Contractor will be reimbursed for documented allowable costs at 100% of the maximum authorized instructional component cost when at least 90% of eligible trainees enroll in the specific training component. If less than 90% of eligible trainees enroll in the specific training component, the reimbursement will be prorated based on the percentage enrolled of the 90% minimum number. The pre-apprenticeship program will be evaluated for completion of training and placement in employment based on federal performance measures prior to subsequent programs being funded.

**Transitional Jobs**

The local area may use up to 10% of their combined total of Adult and Dislocated Worker allotments for transitional jobs as described in WIOA Sec. 134(d)(5). A transitional job is one that provides a time-limited work experience, that is subsidized in the public, private, or non-profit sectors with eligible employers for those individuals with barriers to employment who are chronically unemployed or have an inconsistent work history. Transitional jobs must be combined with comprehensive career and support services and are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to entry into and retention in unsubsidized employment. Unlike an On-the-Job Training (OJT) contract, there is no expectation that the individual will continue his or her hire with the employer after the work experience is complete; however, employers are encouraged to consider establishing an OJT contract and ultimately employment for individuals participating in transitional jobs as part of a *Ready, Set, Hire* approach to hiring job seekers to fulfill their human resource needs.

- **Ready, Set, Hire:** The *Ready, Set, Hire* approach allows a job seeker and employer to mutually benefit from the combined offerings of:
  - Ready - Transitional Job Up to 320 hours of subsidized employment through a transitional job based on the job seeker's needs as documented on the Individual Service Strategy (ISS). The job seeker's employment is subsidized through the WIOA Adult or Dislocated Worker program at no cost to the employer. The job seeker will be paid through the program at the higher of 100% of the starting rate of the position being performed or a minimum of \$8.00 per hour.

*Note: The LWDB Director may approve work experience through a transitional job beyond 320 hours on a case-by-case basis as needed based on the job seeker's need as documented on the ISS.*

- Set - OJT Position Up to 320 hours of employment through an OJT grant, based on the job seeker's needs as documented on the ISS and the training needs of the position as demonstrated by the Specific Vocational Preparation (SVP) level of the position. Employers may be reimbursed up to 50% of an eligible OJT participant's wages for the completion of the specified training period in accordance with the guidelines set forth in the Business Services Manual, OJT Assurances, and OJT Needs Assessment.
- Hire! Employers are encouraged to consider hiring participants who successfully complete a Transitional Job, with or without an OJT contract. Participants on an OJT contract are employees of the business and are expected to be retained upon the successful completion of the training period. Employers may qualify for a Work Opportunity Tax Credit ranging from \$1,200 to \$9,600 for hiring individuals with barriers who are considered a member of a qualified targeted group.
- **Eligibility Criteria:** In order to be eligible for a transitional job, applicants must:
  - Be determined eligible as an Adult or Dislocated Worker in accordance with the guidelines set forth in the Adult and Dislocated Worker Eligibility section of this Manual; and
  - Have a barrier(s) to employment as documented by being a member of 1 or more of the following populations in accordance with the guidelines set forth in this Manual:
    - Displaced homemakers.
    - Low-income individuals.
    - Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.
    - Individuals with disabilities, including youth who are individuals with disabilities.
    - Older individuals.
    - Ex-offenders.
    - Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as H. R. 803—10 defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).
    - Youth who are in or have aged out of the foster care system.

- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers, as defined in section 167(i).
- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- Single parents (including single pregnant women).
- Long-term unemployed individuals (i.e. individuals who have been unemployed 27 weeks or longer).
- Such other groups as the Governor involved determines to have barriers to employment; and
- Be chronically unemployed or have an inconsistent work history, as defined by the LWDB in accordance with § 680.190, and documented in the work history section of the Application. Taking into consideration an individual's labor market history, unemployment status, durations of unemployment, and long-term unemployment status, the LWDB has determined individuals to be chronically unemployed or to have an inconsistent work history if they meet one or more of the following items:
  - Currently unemployed and have been unemployed for 27 weeks or longer (long-term unemployed).
  - Currently unemployed for less than 27 weeks but have had at least one period of unemployment for 27 weeks or longer within the last 5 years.
  - Two or more significant (10 weeks or longer) gaps in employment within the last five years.
  - Three or more position changes within the last three years.
  - Three or more gaps in employment within the last three years.
  - Have been incarcerated within the last 10 years; and
- Receive appropriate Basic and / or Individualized Career Services to prepare for a successful entry into and retention in a transitional job and ultimately unsubsidized employment as documented on the ISS; and
- Receive support services, as described in the Supportive Services section of this Manual, in order to be able to participate in a transitional job and ultimately unsubsidized employment.

### **Work Experience - In-School and Out-of-School Youth**

WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. As explained in 20 CFR § 681.590(b), local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement.

According to 20 CFR § 680.180, for the purposes of WIOA sec. 134(c)(2)(A)(xii)(VII), an internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. This experience provides participants with opportunities for career exploration and skill development. Work experience must include academic and occupational education (20 CFR 681.600[a-b]).

WIOA identifies four categories of work experience: (1) summer employment opportunities and other employment opportunities available throughout the school year; (2) pre-apprenticeship programs; (3) internships and job shadowing; and (4) on-the-job training (OJT) opportunities as defined in WIOA Section 3(44) and in 20 CFR § 680.700. Eligible WIOA youth program participants may participate in more than one work experience program (i.e. summer employment, job shadowing, pre-apprenticeship) over the duration of their program participation (20 CFR 681.600[c]). Work experience will enhance employability of youth through the development of work readiness and basic work skills including, but not limited to communication, punctuality, attendance, dependability, teamwork, completing a task, time management, decision making, motivation and conflict resolution.



Job shadowing is a work experience option where youth learn about a job by “walking through the work day as a shadow” to become competent workers. The job shadowing work experience is temporary, unpaid exposure to the workplace in an occupational area of interest to the youth.

Paid Work Experiences will be paid through the program at the higher of 100% of the starting rate of the position being performed or a minimum of \$8.00 per hour wage. Participants may work up to 40 hours per week for up to six (6) months, not to exceed 975 total hours as designated by the contract/agreement and individual employment plan.

Per TEGL 21-16, Operating Guidance for the Workforce Innovation and Opportunity Act, the required academic and occupational education component of work experience refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. The educational component may occur concurrently or sequentially with the work experience. The academic and occupational education component may occur inside or outside the work site. The work experience employer can provide the academic and occupational component or such components may be provided separately in the classroom or through other means. The Career Service Provider must document the academic and occupational education components of the work experience on a training plan to be maintained in the participant’s electronic file in Jobs4TN / VOS.

#### **Work Experience - Adult and Dislocated Worker**

In the event that an individual between the ages of 18 and 24 does not qualify as a Youth to be able to participate in a Youth Work Experience position, the individual may be enrolled in the Work Experience position as an Adult or Dislocated Worker as described above. Per WIOA sec. 134(c)(2)(A)(xii)(VII), Adults and Dislocated Workers may receive Individualized Career Services, if determined to be appropriate in order for an individual to obtain or retain employment, that may consist of internships and work experience that are linked to careers. Adults and Dislocated Workers participating in paid work experiences will be paid at the higher of 100% of the starting rate of the position being performed or a minimum of \$8.00 per hour wage.

Eligible Adults and Dislocated Workers over the age of 24 may be served through the Transitional Job component. Transitional jobs are a type of work experience, as described in §§ 680.190 and 680.195 and addressed separately in this policy. When applicable, under discretionary grants, such as National Dislocated Worker Grants awarded to assist with disaster and / or employment recovery efforts related to covered events, any Adults and Dislocated Workers aged 18 and over may participate in work experience.

#### **Contracts and Agreements for Work-Based Training**

Work-based opportunities will include an agreement (contract) with the employer and a training plan for the employee. The contract must include the requirements of WIOA rules and regulations, the type of occupation and skills, the competencies to be learned, and the length of training that will be provided. Contracts / agreements vary based on the type of work-based learning, but will be in an approved format in accordance with LWDB guidance, Tennessee Department of Labor and Workforce Development, and WIOA policy guidance and regulations and include the following:

- Basic Program description
- Cost Per Participant (varies by activity; subject to LWDB policy)
- Appropriate goals for the participant and/or employer.
- The contract awarded will be cost reimbursement. No expenses are reimbursable until a contract has been fully executed (signed by all parties) and, all participant data has been submitted and deemed eligible.

Additionally, work-based learning activities will comply with the following:

- All necessary information about a work-based participant and employer must be properly recorded in the Jobs4TN (VOS) system. Work-based training expenses must be reported by Service Providers on a timely basis to ensure the LWDB can properly report the expenditures in the Grants4TN system.
- Contracts for Work-based training must be monitored at least once by the contracting authority.

#### *Monitoring for Work-Based Training*

Work-based training expenditures are tracked accordingly in the accounting system of record and reported monthly on internal documents as well required State reports. Expenditures and obligations are monitored monthly to ensure compliance with appropriate expenditure and obligation requirements. Monitoring will be based on the contract agreement and may be performed by the contract manager or another position. If the Work-based training is for reimbursement of wages, the employer must submit the following for review:

- Invoice form;
- Payroll records showing the gross wages paid to the trainee;
- Time records showing actual hours worked;

Onsite monitoring visits should be conducted shortly after the trainee begins work, and include additional visits at appropriate intervals (determined by the length of the training plan). Effective monitoring also includes desk review of correspondence from the employer, including payment invoices and required documentation to support those invoices. The Service Provider must regularly review each trainee's progress in meeting program and service strategy objectives. Such strategies should include the trainee's acquisition of basic/occupational skills and the adequacy of supportive services provided as related to work-based training. Any deviation from the work-based training contract should be dealt with and documented promptly.

Monitoring at the LWDB, State, and Federal level will include a review of the Service Provider's monitoring and oversight of participant training and corresponding employer payroll records, as well, as a review of how work-based activities align with and are facilitating the progress of career pathway strategies outlined in the local plan.

Upon completion of the monitoring review (both program and fiscal), a letter of the results will be sent to the OJT Contractor noting any findings. The OJT Contractor may be asked to respond to the monitoring report with a corrective action plan regarding any issues noted in the report. If no issues/concerns are noted in the report, a response from the OJT Contractor will not be necessary. Should it be necessary, follow-up and technical assistance will be given by LWDB staff to the contractor in order to bring them into compliance with WIOA Regulations and LWDB policies.

**Reference:** 20 CFR 680.700(b); 20 CFR 680.840; Federal Register Vol. 81, No. 161, Page 56117; TEGLs 03-15 (specifically "Training Contracts" on pages 9-10) and 19-16; WIOA Section 181(b)(2)(A); WIOA Section (d)(2); WIOA Section 188(a)(3); WIOA sec. 134(c)(2)(A)(xii)(VII); 20 CFR § 680.180.

**Related TDLWD Policy:** Incumbent Worker Training Grants Policy; Work-Based Training Guidance (pages 3 & 10)

**Vetted and Approved by the Local Workforce Development Board:** May 23, 2023



Jimmy Williamson, Chair

Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Youth Eligibility

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To establish policy to provide guidance on WIOA Title I youth program eligibility requirements, policies, and procedures consistent with state and federal requirements and to define “requires additional assistance to enter or complete an educational program, or to secure or hold employment.”

**Policy:** Youth must meet eligibility requirements to participate in the WIOA Title I youth program. WIOA section 129(a)(1) establishes separate criteria for out-of-school youth (OSY) and in-school youth (ISY).

WIOA Section 129(a)(1)(B) defines OSY as an individual who is:

1. not attending any school (as defined under State law);
2. not younger than age 16 or older than age 24; **and**
3. one or more of the following:
  - a. a school dropout.
  - b. a youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.
  - c. a recipient of a secondary school diploma or its recognized equivalent who is a **low-income individual** **and** is (a) basic skills deficient; **or** (b) an English language learner.
  - d. an individual who is subject to the juvenile or adult justice system.
  - e. a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
    - i. Or, per [20 CFR 681.210](#), an individual who has attained 16 years of age and left foster care for kinship guardianship or adoption.
  - f. an individual who is pregnant or parenting.
  - g. a youth who is an individual with a disability.
  - h. **a low-income** individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

WIOA Section 129(a)(1)(C) defines ISY as an individual who is:

1. attending school (as defined by State law);
2. not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;
  1. a low-income individual; **and**
  2. one or more of the following:
    - a. Basic skills deficient.
    - b. An English language learner.
    - c. An offender.
    - d. A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
      - i. Or, per [20 CFR 681.220](#), an individual who has attained 16 years of age and left foster care for kinship guardianship or adoption.
    - e. Pregnant or parenting
    - f. A youth who is an individual with a disability.

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- g. An individual who requires additional assistance to complete an educational program or to secure or hold employment.

Additionally, eligible youth must also be a citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylum, and parolee, and other immigrant authorized by the Attorney General to work in the United States. Before enrollment in WIOA Title I funded services, all males who are at least 18 years old and have not reached their 26<sup>th</sup> birthday must be registered with Selective Services. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I funded services. If a man under the age of 26 refuses to register with Selective Service, WIOA Title I funded programs must be suspended until he registers. For transgender customers, compliance with selective service is predicated on the individual's gender as assigned at birth/as recorded on a birth certificate.

#### Documentation of Participant Eligibility

Documentation is necessary to support WIOA Title I youth eligibility. Staff must verify and confirm that youth are eligible to participate in WIOA youth services through an examination of documents which must be stored electronically by uploading the documents into the participant's file in Jobs4TN. Documentation must be available to program staff, fiscal monitors, and auditors for monitoring purposes. A case note may be added with the documentation indicating the eligibility requirement that the document is supporting. Records must be maintained for a period of at least five (5) years after the submittal of the final closeout expenditure report for that funding period by the Board's Fiscal Agent.

#### Determining School Status

To determine school status for youth participants, service provider staff must follow the below definitions provided in the Workforce Services Policy – Youth Eligibility:

*School:* Any secondary or postsecondary school as defined by the applicable State law or secondary and postsecondary institutions. For purposes of WIOA, the Department does not consider providers of adult education under WIOA Title II, YouthBuild programs, Job Corps program, high school equivalency programs, or dropout re-engagement programs to be schools. Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are an exception; they are considered in-school youth.

*Attending School:* An individual is considered to be attending school if the individual is enrolled in a secondary school or registered for credit-bearing courses at a postsecondary institution. Such schools and/or institutions include, but are not limited to: Tennessee Colleges of Applied Technology, community colleges, four (4) year college/university, traditional K-12 public and private, and alternative schools (e.g. continuation, magnet, charter, and home schools). AJC staff must evaluate the following at the time of enrollment:

- If the youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is considered in-school youth if they are enrolled to continue school in the fall.
- If a youth is enrolled in the youth program between high school graduation and postsecondary education, the youth is considered an in-school youth if they are registered for postsecondary credit-bearing courses, even if they have not yet begun postsecondary classes at the time of enrollment.
  - If the youth does not follow through with attending postsecondary education, then such a youth would be considered an out-of-school youth if the eligibility determination is made after the point that the youth decided not to attend postsecondary education.
- Postsecondary courses must be credit-bearing classes. An individual attending non-credit bearing, post-secondary classes (e.g. remedial courses) are to be considered out-of-school youth.

*Not Attending School:* An individual who is not attending a secondary or postsecondary institution.

*Alternative School:* A non-traditional academic program or school designed to meet the student's educational, behavioral, and social needs for students in grades seven (7) through twelve (12).

#### Determining Basic Skills Deficiency

A youth that has English reading, writing, or computing skills at or below the 8th grade level on a generally

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accepted standardized test or a youth or adult who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society, is considered basic skills deficient. If an individual is found to be basic skills deficient, this must be recorded in Jobs4TN. Testing for basic skills deficiency based on grade level is recommended to be done through the Tennessee Department of Adult Education when applicable. When testing through the TN Department of Adult Education is not applicable, local providers are permitted to administer testing. Formalized testing instruments that are valid, reliable, appropriate, fair, cost effective, well-matched to the test administrator's qualifications, and easy to administer and interpret results must be used with approval of the Board. Assessment instruments must also be appropriate for the target population, and reasonable accommodations must be provided in the assessment process, if necessary, for individuals with disabilities.

Assessing whether a youth or adult is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society may be accomplished using formalized testing as described above, or it may be determined through:

- Staff observation, such as witnessing an individual experience difficulty in reading or writing on enrollment forms or computing or solving mathematical programs. Specific staff observation(s) of the basic skills deficiency must be documented in case notes.
- Workplace assessments, such as the National Career Readiness certificate
- Applicable records from an education institution, such as transcripts, academic assessments, or other school documentation such as records [ACT scores below minimum benchmarks](#) or remedial classes may also be utilized to document skills below those necessary to function on the job or in society.

### Determining Low Income Status

WIOA Section 3(36)(A) defines a low income individual as someone who:

1. (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
2. is in a family with total family income that does not exceed the higher of (I) the poverty line; or (II) 70 percent of the lower living standard income level;
3. is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
4. receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
5. is a foster child on behalf of whom State or local government payments are made; or
6. is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

*Low Income Youth Living in a High-Poverty Area:* Per WIOA section 129(a)(2), for the purpose of WIOA section 129(a)(1), the term "low-income", used with respect to an individual, also includes a youth living in a high-poverty area. As stated in TEGL 21-16, the WIOA regulations at 20 CFR § 681.260 define high-poverty areas as a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data.

If the entire county does not have at least a 25% poverty rate, individual and / or contiguous Census tracts with at least a 25% poverty rate may also be considered a high poverty area. All of the individual Census tracts within the contiguous target area do not have to have a 25% poverty rate as long as the overall set of Census tracts



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within the contiguous area have an overall poverty rate of 25%. More than one high-poverty area may be identified as long as the Census tracts within each high-poverty area are contiguous. For example, a high poverty area can be established in the West side of town and a high poverty area in the South side of town, as long as the Census tracts within the West side poverty area are contiguous with each other and the Census tracts within the South side poverty area are contiguous with each other. Poverty rates of Census tracts may be found at <https://www.census.gov/data.html>.

Once Census tracts have been identified as high-poverty, as an individual tract or part of contiguous tracts with an overall rate of 25% or more, it is necessary to document that a youth applicant lives in a high-poverty area and therefore meets the low-income criteria. AJC staff must determine the Census tract in which the applicant's street address is located at: <https://geocoding.geo.census.gov/geocoder/geographies/address?form>. Once the Census tract of the applicant's residence is identified, it can be compared to high-poverty Census tracts as identified above. Documentation that the Census tract qualifies as part of a high-poverty area and that the applicant's residence is within such as tract must be maintained in the participant's electronic case file.

WIOA Section 3(36)(B) defines lower living standard income level as that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

*Five-Percent Low-Income Eligibility Exception:* As described in 20 CFR 681.250(c), WIOA allows a low-income exception where five (5) percent of WIOA youth may be participants who ordinarily would be required to be low-income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five (5) percent based on the percent of newly-enrolled youth in the Local Workforce Development Area's WIOA youth program in a given program year who would ordinarily be required to meet the low-income criteria. It is not based on all youth since many of the OSY categories do not require low-income status. Because not all OSY are required to be low-income, the five (5) percent low-income exception under WIOA is calculated based on the five (5) percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria.

*Income Calculations:* In order to determine if a youth applicant is in a family with total family income that does not exceed the higher of (I) the poverty line or (II) 70 percent of the lower living standard income level, actual total family income received by the applicant and all members of his / her family living in the household during the six-month period prior to the application date must be collected. All income earned and unearned income, unless specifically excluded per TEGL 19-16 or TEGL 21-16, is considered in determining monthly gross income. Income may be received periodically or at irregular intervals.

WIOA staff members must always obtain ample information to account for all income received during the six-month period prior to the application date, or information on how the family has been supported in the absence of income and / or public assistance (i.e. Food Stamps, Unemployment Insurance, etc.). When completing income computation, WIOA staff should use the following order for obtaining income documentation:

- (1) Actual Six Months of Income (e.g. six months of paystubs or employer statement)
- (2) Best Available Documentation (e.g. any available paystubs or Employment Security Wage Report)
- (3) Third Party Support

Method #1, actual six months of income, is always the best method and there should be very few cases in which six months of actual income is not used for income computation. If six months of actual income is not used for income computation, then staff must enter a very detailed case note justifying why method # 2 (Best Available Documentation such as any available paystubs or Employment Security Wage Report) is used and not method # 1. If method # 3 (Third Party Support) is used instead, staff must enter a very detailed case note justifying why method # 3 was used and not method # 1 or # 2.

*Actual Income Verification:* The Employment Verification Form for Eligibility, a statement from the employer of income between the application date and six months prior to the application date, or paystubs or other wage reports for the entire six-month period may be used to document actual income earned during the six-month period prior to the application date. The total gross income for the six-month period must be included in



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income computation, including any overtime, allowances, tips, or bonuses. All documents should have the person's name, the date(s) of the pay period, and the amount of income before deductions.

**Best Available Documentation:** If the income documentation provided does not reflect an accurate account of the income over the past six months (i.e. worked different jobs, had no income for a period of time, etc.), WIOA staff members should (a) call the applicant or parent/guardian to gather more income information to help determine eligibility (i.e. additional paystubs); (b) prorate year to date (YTD) amount from paystubs that include the entire six month pay period (see below for instructions on using YTD wages); (c) request wage information from Employment Security staff if available; or (d) obtain a Third Party Support Form. Ultimately, the responsibility is on the applicant/parent to supply adequate information to determine eligibility.

In the event that actual income verification for the past six months cannot be supplied by the applicant or employer, income documentation that includes at a minimum the most recent 30-days income (earned and unearned) for all family members in the household may be used as an exception to compute income for the six-month period prior to the application date using prorated year-to-date (YTD) wages. The more income data available for the six-month time period, the better the documentation (multiple paystubs, although not consecutive for the entire period, may give a better picture). In order to use YTD information WIOA staff must determine the hire date and determine how many weeks of pay is represented by the YTD figure. The YTD amount should then be divided by the number of weeks represented, or the number between the first of the year or the hire date, whichever is more recent, and the end date of the most recent pay period as seen on the participant's paystub to identify an average weekly pay amount. The average weekly pay amount must then be multiplied by 26 weeks to determine the income amount for the six-month period prior to the application date. Any other income received during the six-month period by family members living in the household must also be included in the income computation.

**Self-Employment:** For self-employed individuals who have filed their taxes, the most recent tax return (not to be over 13 months old) of the self-employed individual is to be used to determine wages for the previous year. The amount in line will then be divided by 2 to determine the amount for the six-month period. The individual who is self-employed must also provide a signed attestation that nothing has occurred since the last income tax return period being supplied with the application that has or will significantly change the applicant's financial situation. Income of other family members of the household (if applicable) will also need to be documented and included in the income computation. For self-employed individuals who are not required to file taxes, a Personal Services Employment Verification Form may be used to document cash income (e.g. housecleaning, babysitting, dog-walking, etc.).

**Other Means of Support:** For families without includable income or public assistance, or those with gaps in income during the six months, information must be gathered to determine how the family supported themselves. A Third Party Support Form may be used to show how the applicant was supported. When using a Third Party Support Form, the person who is providing support to the applicant, who cannot be a family member as defined above, must list all the types of support provided to the applicant in a month on the form. Support received is not counted as income. Any income of family members living in the household must be included in income computation. If during gaps in employment a family member was relying on the income of other members of the family, staff must document this in the eligibility case note. The income of the family members must be included in income computation. If the family is being supported by exclusionary income, documentation must be obtained and a copy uploaded to the participant's file.

**Determining Family Size:** Income from individuals living in the household who do not meet the definition of "family" will not be included in income computation. Per [20 CFR § 675.300](#), 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 married couple and dependent children.
- (B) A parent or guardian and dependent children.
- (C) A married couple.

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Since parents are included in the definition of family, when an applicant lives in the same household as his/her parents, the income of the parents shall be included in determining low-income status and eligibility, unless:

- a) The applicant is a parent/guardian, living with his / her child within his / her parents' household, and is not claimed as a dependent on the most recent tax return of his / her parents (a copy must be maintained in the participant's file), whereby the applicant and his/her children comprise a separate family unit within the household; or
- b) The applicant is married but lives with parents, and is not claimed as a dependent on the most recent tax return of his / her parents, parents (a copy must be maintained in the participant's file) whereby the applicant and his/her spouse are considered a separate family unit within the household.
- c) The applicant lives with his / her parent or guardian is not claimed as a dependent on the most recent tax return of his / her parents (a copy must be maintained in the participant's file).

When an individual has a disability for which documentation can be obtained, the income for such individual shall exclude the income of any and all other members of the family. Acceptable documentation shall include a written statement from Vocational Rehabilitation reflecting current services, verification showing current receipt of SSI or SSD for the individual from the Social Security Administration, or a letter from a local education entity stating the individual has an IEP along with a signed attestation from the youth applicant and his/her parents/guardians, when applicable due to the applicant's age, that the IEP is based on a disability.

### Needs Additional Assistance Definition

Each LWDB must define in its local plan and local policies the criterion of "requires additional assistance to complete an educational program, or to secure and hold employment" for OSY and ISY. LWDBs must include evidence supporting the established criteria ensure regional alignment to the best of their abilities, which may include most current labor market information, statistical evidence, and other data deemed supportive. Documentation required from participants to support established criteria must also be identified.

According to the Office of Disease Prevention and Health Promotion (ODPHP)'s [website](#), "Many factors can contribute to inequitable access to resources and opportunities, which may result in poverty. Marital status, education, social class, social status, income level, and geographic location (e.g., urban vs. rural) can influence a household's risk of living in poverty. For example, in 2012, 17.7% of people in rural areas were living in poverty, compared to 14.5% of people in urban areas. Racial and ethnic minorities are more likely than non-minority groups to experience poverty at some point in their lives. In addition, children from families that receive welfare assistance are 3 times more likely to use welfare benefits when they become adults than children from families who do not receive welfare. Studies also report that migrant status is a risk factor for poverty."

As shown, the U.S. Census Bureau's American Community Survey 5-Year data showed poverty rates for the NW area between 11.9% and 27.5%. A rate of at least 20% is categorized by the U.S. Census Bureau as a poverty area, while 20 CFR § 681.260 defines a high poverty area as an area that has a poverty rate of at least 25%. If the entire county does not have at least a 25% poverty rate, individual and / or contiguous Census tracts with at least a 25% poverty rate may also be considered a high poverty area. Lake County is considered a high poverty area. The NW area also has median household incomes below the national average and significant percentages of children in poverty, ranging from 15.6% to 37.3%.

County Name	% Poverty Level	% Children Under 18 Poverty Level	Median Household Income
Benton	12.3%	15.6%	\$39,019
Carroll	11.9%	21.1%	\$42,877
Crockett	12.0%	25.7%	\$47,581
Dyer	12.1%	19.6%	\$45,042
Gibson	12.7%	19.1%	\$45,557
Henry	15.6%	33.1%	\$41,037
Lake	27.5%	37.3%	\$34,230

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

Obion	13.8%	26.1%	\$39,985
Weakley	13.7%	28.6%	\$41,488

Source: Community Indicators Map, Economic Modeling Systems, Inc. (from the Census's American Community Survey 5-year estimates)

Furthermore, according to the Tennessee State Plan for 2020-2023, unemployment rates among youth (ages 16 to 24 years old) are higher in the West region at 18.45%, more than five times the overall state rate.

Based on the above labor market information, statistical evidence, Training and Employment Notice 22-19 - Technical Assistance Resources for the Workforce Innovation and Opportunity Act (WIOA) Youth Program, and other relevant experience in serving the youth population, the Local Workforce Development Board, in consultation with the Chief Local Elected Officials, has adopted the below criterion for Youth- "requires additional assistance to enter or complete an educational program, or to secure or hold employment" in an effort to increase the likelihood of participants' educational and occupational success, and reduce the likelihood of participants entering or remaining in poverty:

**REQUIRES ADDITIONAL ASSISTANCE FOR BOTH OSY AND ISY:**

1. Educational Barriers – as documented by school or testing agency records
  - a. Has been placed on probation, suspended, or expelled from school at least within the last 12 calendar months
  - b. Has repeated at least one secondary grade level
  - c. Has or has previously had below average grades or an ACT/SAT score below the college readiness range
  - d. Is attending an alternative school (in-school youth) or has been enrolled in an alternative school within the past 12 months (out-of-school)
2. Employment Barriers – as documented on the participant's application
  - a. Little or no successful work experience or has never held a job
  - b. Has been fired from a job in the last 12 calendar months
  - c. Has a family history of chronic unemployment and / or long-term use of public assistance
  - d. Has experienced an unsuccessful work search or little to no exposure to successfully employed adults
  - e. Has, or is a member of a family who has, a poor work history, to include no work history, long-term unemployment, significant gaps in employment, or sporadic work history
3. Living Arrangements – as documented on the participant's application, assessment, and / or case notes
  - a. Has been previously placed in out-of-home care (foster care, group home, or kinship care)
  - b. Lives in a home with parents who have limited English proficiency or the primary language spoken in the home is not English
  - c. Lives with only one or neither of his/her natural parents
  - d. Lives in public housing
  - e. Lives in a poverty area (poverty rate  $\geq$  20%), federally-designated high poverty area (poverty rate  $\geq$  25%), or an at-risk or distressed county per the Appalachian Regional Commission (ARC)
4. Medical/Social/Family Barriers – as documented on the participant's application, assessment, and / or case notes
  - a. Lacks parental support
  - b. Has emotional, medical, physical, cognitive, or psychological impairment which creates a significant impediment to employment
  - c. Has been referred to, is being treated by, or has previously been treated by an agency for substance abuse
  - d. Has experienced recent traumatic events, is a victim of a crime or abuse, or resides in an abusive environment as documented by a school official or other professional
  - e. Faces significant personal challenges including dysfunctional domestic situations, lack of supportive services or transportation, documented behavioral problems, and substance abuse by the youth or a family member
  - f. Is, or is a member of household, receiving assistance to meet basic needs such as food and shelter
  - g. Has currently or formerly incarcerated parent(s) or guardians
  - h. Has parents who lack a high school diploma or equivalent

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- i. Potential first-generation postsecondary student
- j. Emancipated youth
- k. Immigrant, refugee, or migrant youth
- l. Involved in gang activity

REQUIRES ADDITIONAL ASSISTANCE for Out-of-School Youth only – as documented by school records or the participant's application:

- a. Has dropped out of postsecondary educational program as documented by school records
- b. Has not enrolled in postsecondary school or entered a career path within one year of completion of secondary school to include lack of full-time employment or history of employment with earnings below self-sufficiency guidelines
- c. Has never held a full-time job (aged 18+ only)
- d. Has received court agency/referrals mandating school attendance
- e. Has been unemployed six months out of the last two years (aged 18+ only)
- f. Has neither the work experience nor the credential required for an occupation in demand for which training is necessary and will be provided.

REQUIRES ADDITIONAL ASSISTANCE for In-School Youth only – as documented by school or court records:

- a. Has poor attendance patterns in an educational program during the last 12 months
- b. Has documented behavioral problems at school
- c. Is deemed at risk of dropping out of school by a school official
- d. Is required to enroll in remedial or development coursework in postsecondary
- e. Grade Point Average of less than 2.0 In school (secondary or postsecondary)
- f. One or more years behind modal grade for one's age group

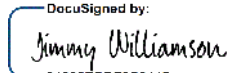
*Five-Percent Additional Assistance Barrier Limitation for ISY:* WIOA section 129(a)(3)(B)(1) states that in each LWDA, **not more than five (5) percent of the ISY assisted may be eligible due to the barrier of requiring additional assistance to complete an educational program or to secure or hold employment.** States and local areas must ensure that in a given program year, no more than five (5) percent of ISY enrolled in the program year are eligible only based on the "additional assistance" criterion. The five (5) percent limitation criterion for additional assistance applies to ISY only.

In order to ensure compliance with the five (5) percent ISY limitation and that ISY who are most in need are served in the WIOA youth program, the LWDA's focuses on serving ISY who are eligible based on criteria other than the "requires additional assistance" criterion, such as homeless youth, foster youth, youth with a disability, and youth offenders. In addition, the service provider must request approval for any ISY enrollments using the needs additional assistance criterion so that the Board staff can track the number of newly-enrolled ISY in this category in a given program year.

**Reference:** WIOA section 129(a)(1)(B) and (C), WIOA Section 3(36)(A) and (B), WIOA section 129(a)(2), 20 CFR § 681.260, 20 CFR 681.250(c), WIOA Section 129(a)(3)(B)(1), WIOA Section 188(a)(5), TEGL 19-16, TEGL 21-16, ODPHP: <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/poverty>

**Related TDLWD Policy:** Youth Eligibility Policy

**Vetted and Approved by the Northwest Tennessee Workforce Board:** November 15, 2022

DocuSigned by:  
  
 04805F7DF2C344B  
 Jimmy Williamson, Chair  
 Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Youth Program Design and Incentives

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To outline the required program framework for youth programs funded in whole or in part under Title I of WIOA and provide guidance for providing incentives for eligible Youth participants.

**Policy:** Funds allocated to a local area for eligible youth must include programs that provide assessments and develop service strategies linked to indicators of performance. The Youth program and service provision, under Title I of the Workforce Innovation and Opportunity Act (WIOA), is designed to:

- Assist eligible out-of-school youth (OSY) and eligible in-school youth (ISY), who are seeking assistance in achieving academic and employment success, with effective and comprehensive services and activities that include a variety of options for improving educational and skill competencies and provide an effective connection to educational institutions and employers, including small employers in in-demand industry sectors and occupations in the local and regional labor markets.
- Implement integrated strategies for career pathway approaches that support post-secondary education, training, and employment.
- Implement work-based training strategies and employment approaches to help participants develop essential skills that are best learned on the job.
- Implement progressive levels of education and training approaches that will help individuals with higher skill levels and experience earn marketable credentials.
- Provide continued support services to individuals who need them to participate and succeed in work investment and training activities.

### Program Design

Program design is an essential element to assist youth service providers to develop comprehensive service strategies based upon an individual needs. Local Workforce Development Boards (LWDBs) must develop intensive outreach efforts to non-profits, community groups, faith-based agencies, schools, and other support agencies who can provide youth services. Access points must be developed in high school libraries with staff trained to assist youth in accessing all available services. Outreach programs must be implemented that will target populations with barriers to employment (including, but not limited to, offenders, homeless individuals, basic skills deficient, English language learners, individuals aging out of foster care, pregnant or parenting individuals, and persons with disabilities).

Service delivery will be based upon the following program components:

- Preparation for postsecondary educational opportunities;
- Occupational training services (that lead to the attainment of a recognized credential);
- Work-based opportunities;
- Youth development services; and
- Employment services

In order to support the attainment of a secondary school diploma or its recognized equivalent, or entry into postsecondary education and career readiness for participants, all youth programs shall provide services consisting of the required 14 Youth program elements as described in WIOA Section 123. Youth participants must be made aware of all available services, and the providing of the information must be documented in the participant's case file in Jobs4TN. When procuring a Youth service provider, the LWDB will follow all requirements as outlined in applicable Workforce Services policies, which shall include bidders providing a detailed outline of how the youth elements identified in the request for proposal (RFP) will be executed, including any leveraging of community-based resources, such as partnerships with organizations that provide leadership development, mentoring services, and private sector employment involvement.



## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

Per TEGL 21-16, as discussed in 20 CFR § 681.430, "individuals who meet the respective program eligibility requirements may participate in WIOA Title I Adult and Youth programs concurrently. Such individuals must be eligible under the Youth or Adult eligibility criteria applicable to the services received. Local program operators may determine, for these individuals, the best mix of services under the Youth and Adult programs." While some 18 to 24 year old may be ready for Adult services due to life experiences such as having gained occupational skills through education or training, prior work experiences, adult schedules, family responsibilities, and the participant's needs, others need specific Youth services covered in the 14 WIOA Youth program elements based on characteristics such as maturity, drug and alcohol abuse, homelessness, foster care status, family abuse/neglect, literacy challenges, pregnancy, and lack of employability skills. Assessments of their skills, career-readiness, literacy, and supportive service needs should be taken into consideration when determining the appropriate program(s) for young adults.

### Intake & Assessment

An orientation process must be provided to each potential eligible youth participant. Orientation must include information on the services that are available within the WIOA Title I youth program and the One-Stop Service Delivery system in the local area. These services may include, but are not limited to:

- Orientation/introduction of the program purpose
- All program services and resources available
- Responsibilities of other service providers
- Program participant's responsibility
- Information on follow-up services
- Information on support services
- Referral to other appropriate services

Intake involves registration, eligibility determination, and collection of documentation to support verification of eligibility for services. Other services also include referral for basic skills development and referral to other services as appropriate.

Assessment is a process that identifies service needs. An objective assessment must be administered to all eligible youth. The WIOA youth program design requires an objective assessment of academic levels, goals, interests, skills levels, abilities, aptitudes, and supportive service needs; it also measures barriers and strengths. Assessment results are used to develop the Individual Service Strategy (ISS). The results from the objective assessment must be entered into Jobs4TN.

### Individual Service Strategy (ISS)

Based on the comprehensive intake and assessment process, Title I staff develop an Individual Service Strategy (ISS) with participants to identify their employment and / or educational goals and objectives, which must specific, measurable, achievable, relevant, and timely (SMART), directly linked to one or more of the indicators of performance, and aligned to the interests and career pathway identified in the objective assessment. The ISS must also document the specific program elements and services to be provided to the participant based on the results of the objective assessment and the participant's SMART goals / objectives. A new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education training program.

### Career Coaching & Case Management

Although not a specific element, Title I staff must provide case management services to assist a youth participant in making informed choices and completing the program. Case management typically includes non-instructional activities, such as navigation to and arrangements for academic, career or personal counseling, financial aid, childcare, housing, and other financial assistance that can be critical to the success and continued engagement of the individual in pursuing their career pathway component. Youth service providers must provide case management services to assist a youth participant in making informed choices and completing the program. Support may be provided on an individual or group basis and career coaching principles and methods must be incorporated throughout the program.

Documentation of all services and activities must also be recorded in the participant's case file in Jobs4TN. Participants must be contacted at least monthly, and contacts must be documented in case notes in Jobs4TN. Recording case notes is critical because it weaves each service element into the comprehensive service plan.



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Case notes, at minimum, must reflect who was assisted, why, when and where the contact occurred and must be entered promptly with detailed information.

Supportive Services

Youth providers must provide supportive services to eligible youth participants that are necessary to enable an individual to participate in youth activities authorized under Title I of WIOA. The LWDB’s Supportive Services policy outlines allowable support services and the procedures for administering and participants receiving supportive services.

Youth Incentives

Under WIOA, a much higher percentage of available local Youth funds must go toward OSY — 75% (versus 30% under WIA). Strategies for recruiting and serving more of these young people must be a focus more than ever before. While OSY who are not working, often referred to as “disconnected” or “opportunity” youth, may seek out opportunities to connect to training and work, according to MDRC’s [\*Serving Out-of-School Youth Under the Workforce Innovation and Opportunity Act \(2014\)\*](#), “youth programs often report difficulties in sustaining participation after the initial connection is made. WIOA-funded service providers will not only have to reach more out-of-school youth, they will also need strategies to stimulate sustained, intense engagement in services.” According to the report, the presence of the following elements indicate that young people are more likely to engage:

- 1. Financial incentives and opportunities for paid training and work.
- 2. Opportunities to feel connected to caring adults and to a community.
- 3. Support services that address a young person’s barriers to participant.

The report states “Incentives and stipends are a key form of positive reinforcement to sustain motivation, especially when tied to benchmarks such as earning academic credentials or acquiring specific competencies. They also can be an important source of support to meet the economic challenges these young people face.” 20 CFR § 681.640 and TEGL 21-16 indicate that incentive payments to youth participants are permitted as an allowed payment for recognition and achievement directly tied to work experience, education, and training. Incentive payments must be:

- 1. Tied to the goals of the specific program;
- 2. Outlined in writing before the commencement of the program that may provide incentive payments;
- 3. Align with the local program's organizational policies; and
- 4. Offered in accordance with the requirements contained in 2 CFR part 200. For example, Federal funds must not be spent on entertainment costs. Therefore, incentives must not include entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. Additionally, there are requirements related to internal controls to safeguard cash, which also apply to safeguarding of gift cards, which are essentially cash.

TEGL 21-16 also states that while the DOL recognizes that incentives could be used as motivators for various activities such as recruitment, submitting eligibility documentation, and participation in the program, incentives paid for with WIOA funds **must** be connected to recognition of achievement of milestones in the program tied to work experience, education, or training. Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcomes. Incentive payments may be provided to both ISY and OSY as long as they comply with the requirements of 20 CFR § 681.640.

To increase engagement among young people, provide positive reinforcement to sustain motivation, increase educational attainment and self-sufficient employment, and help support participants in facing economic challenges, the following incentives will be offered to Youth participants:

Work Experience Incentives	Amount
Successful completion of the first 2 weeks of paid work experience	\$50
Successful completion of the first 4 weeks of paid work experience	\$100

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

Additionally, for Youth participants who are, have been, or will be participating in work experience, education, training, or other workforce preparation activities, and who are in need of a high school equivalency diploma, the following incentives will also be offered:

Attending 4 HiSet classes after orientation totaling 12 class hours	\$100
Completion of the HiSET voucher	\$150
Completion of the HiSET	\$250

For OSY work experience participants, the following incentive will also be offered:

Transitioning into postsecondary during participation or within 2 quarters after exit	\$50
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**Credential Attainment Incentives****Amount**

Attainment of a credential during participation or within 1 year after exit	\$100
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As part of the Work Ready Community (WRC) initiative, which seeks designation as a regional economy with a pool of qualified workers, area residents must achieve the necessary levels on the ACT assessment to be granted a National Career Readiness Certificate (NCRC). By achieving an NCRC, participants are able to demonstrate their employability skills to potential employers who may prefer or require the assessment for entry into a position. Youth participants who may benefit from earning an NCRC, as determined through the assessment process, may earn the following incentive:

Attainment of a National Career Readiness Certificate (NCRC)	\$25
Improved NCRC Certificate Level	\$25

*Note: Participants may only receive an improved NCRC certificate incentive payment if there is a documented need for a higher NCRC level (e.g. a position requires a higher level, the participant is seeking to enter into training for an occupation that typically requires a higher level, etc.).*

**Placement in Postsecondary / Employment Incentives****Amount**

Placement in regular part-time or full-time employment for each quarter after exit <b>OR</b>	\$100 / Qtr (\$400 total)
For individuals originally enrolled as ISY in secondary school or OSY for non-occupational skills training or related services, placement in postsecondary training program for each quarter after exit	\$100 / Qtr (\$400 total)

*Note: Participants can only earn one of the two placement incentives per quarter and cannot exceed \$400 total for four quarters. For instance, a participant who is both employed and enrolled in postsecondary training during a quarter after exit may only receive one \$100 incentive payment for that quarter. Participants can receive a combination of employment and postsecondary placement incentives throughout the four quarters. For instance, a participant may earn a postsecondary placement incentive for the first two quarters, and an employment incentive for the last two quarters.*

Supporting documentation is required for payment of these incentives and must be uploaded into VOS. Supporting documentation may include pay stubs, postsecondary acceptance letter/schedule, transcripts, diploma, Ged/HiSet, High school diploma, postsecondary credential, certificate, or copy of licensure, and/or ACT NCRC scores. Incentive payments to participants must be issued in the form of check or direct deposit, in order to ensure proper internal controls in accordance with 2 CFR part 200, and recorded properly in VOS. At the request of the Career Service Provider, an alternate payment system may be approved by the Executive Director, in consultation with the Board Chair, if proper internal controls have been established and can ensure safeguarding of incentive payments. Availability of incentives is contingent upon funding levels, and this policy may be suspended by the Executive Director, with approval of the Board Chair, to accommodate decreases in funding.

**Common Exit**

A common exit occurs when a participant enrolled in multiple partner programs, to include Title I, Title III, Trade Adjustment Act / Trade and Globalization Adjustment Act, and Jobs for Veterans State Grants, has not received services from any of the applicable programs in which the participant is enrolled for at least 90 days, and no

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

future services are planned. In accordance with Workforce Services Policy – Common Exit from WIOA Partner Programs, in order for staff to properly and timely exit participants, they are required to follow up with participants every 30 days. A detailed description of contact and contact attempts must be documented in case notes, included the intention of the contact. In the event the participant is unable to be reached, staff should do a follow-up contact every five days from the date of the missed contact until contact is made. If staff is unable to reach the participant on the second contact attempt via phone or primary method, then he / she should make every effort to use alternative contact methods (i.e. social media, Facebook, alternative contacts, email, etc.), not to exceed 90 days. If after all contact attempts during the 90-day period the staff is unable to reach the participant, he/she should close all open activities and create a closure with the appropriate closure reason.

### Follow-Up Services

Follow-up services are critical services, provided for no less than 12 months, following a youth participant's exit from the program. These services help ensure the youth is successful in employment and/or postsecondary education and training beyond their program completion. The youth service provider must establish and implement procedures to ensure that follow-up services are conducted and documented in Jobs4TN in accordance with the below guidelines:

1. At the time of enrollment, youth must be informed that follow-up services will be provided for 12 months following exit.
2. If at any point in time during the program or during the 12 months following exit the youth requests to opt-out of follow-up services, they may do so. In this case, the request to opt-out or discontinue follow-up services made by the youth must be documented in case notes.
3. Follow-up services must include more than only a contact attempted or made for securing documentation to report a performance outcome.
4. In the event a participant cannot be located or contacted, attempts to contact the participant must be documented in case notes, including the intent of the attempted contact.

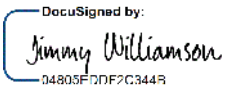
Allowable follow-up activities also include:

1. Supportive Services
2. Adult Mentoring
3. Financial Literacy Education
4. Services that provide Labor Market Information
5. Activities that help youth prepare for and transition to postsecondary education and training

**Reference:** TEN 22-19; 20 CFR § 681.640; TEGL 21-16; WIOA sec. 129(c)(1)(B) and 123; MDRC's [\*Serving Out-of-School Youth Under the Workforce Innovation and Opportunity Act \(2014\)\*](#) by Farhana Hossain; 2 CFR part 200.

**Related TDLWD Policy:** Youth Program Service Design, Common Exit from WIOA Partner Programs

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:  
  
 04805FDDF7C344B  
 Jimmy Williamson, Chair  
 Northwest Tennessee Workforce Board

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

## Adult and Dislocated Worker Eligibility

**Effective Date:** November 15, 2022

**Duration:** Indefinite

**Purpose:** To establish a policy to provide guidance to staff and contractors in determining and documenting eligibility for the Title I Adult and Dislocated Worker programs.

**Policy:** The Workforce Innovation and Opportunity Act (WIOA) allows for services to be provided to eligible Adults and Dislocated Workers. The determination of eligibility encompasses all activities beginning with an application to the final disposition of the application. The applicant has the right and the responsibility to participate in the eligibility determination and is relied on as the first source of information. The applicant is informed of the information needed to establish each condition of eligibility and of the assistance that can be given in establishing eligibility. If the applicant is unable to participate in the eligibility determination because of physical or mental disability, inability to speak English (LEP), or other difficulties, AJC staff is responsible for making arrangements for providing the applicant with the needed assistance to establish eligibility.

### Title I Adult Eligibility Requirements

According to the WIOA, individuals must meet the following requirements in order to be eligible for the Title I Adult program:

1. Age 18 or older
2. Citizens or nationals of the United States, or other lawfully admitted persons<sup>2</sup>
3. In compliance with the Military Service Act (for males born on January 1, 1960, and later)

### Title I Dislocated Worker Eligibility Requirements

According to the WIOA, a Dislocated Worker is an individual who meets the above requirements and —

- (A)** (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment; (ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; **or** (II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), 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** (iii) is unlikely to return to a previous industry or occupation;
- (B)** (i) has been terminated or 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; (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **or** (iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- (C)** 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;
- (D)** is a displaced homemaker - an individual who has been providing unpaid services to family members in the home **and** who—
- (A)(i) has been dependent on the income of another family member but is no longer supported by that income; **or** (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title

## LOCAL WORKFORCE DEVELOPMENT BOARD PARTICIPANT PROGRAM POLICY

10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; **and**

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**(E)** (i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; **or**

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

### Requirement for Documentation for Verifying Eligibility

Although the applicant is the first source of information, the applicant is not the only source, and all information relating to eligibility must be verified by documents furnished by the applicant or from information supplied by collateral sources in accordance with federal, state, and local regulations. Documentation obtained for verifying eligibility must meet the guidelines listed below as well as those listed in the Workforce Services Guidance – Title I Adult and Dislocated Worker Eligibility for each eligibility criteria.

### Requirement for Area Residency

All customers receiving Basic Career Services (registering in Jobs4TN.gov, workshops, job search, resume development, basic skills assessment, filing or certifying for UI, etc.) are not required to live in the service area to receive services. All participants being enrolled in Occupational Skills Training are required to live in the service area to receive training funds. On-the-Job Training (OJT) and Incumbent Worker Training (IWT) participants are not required to live in the service area since this is an employer service and the employer may hire employees outside of our service area.

Examples of acceptable documents to establish residency include a Driver's License with an address that matches the WIOA application address, a lease, utility bill, bank account information, or documentation of address from another state agency (SNAP, TANF, car registration, voter registration card, etc.)

### Requirement for Social Security Number (SSN)

A SSN or application for a SSN is required from every participant. Staff must verify the SSN by obtaining a copy of the card for the case file, such as DHS, TDLWD, or school records. The documentation must be uploaded in VOS and linked to eligibility documentation. Any discrepancies in name (marriage, divorce, etc.) must have supporting documentation (such as a marriage or divorce certificate) and be documented in a case note. Persons for whom a SSN is required but not available must be referred to the appropriate Social Security Administration (SSA) office for SSN enumeration. Applicants must provide verification from SSA indicating they have made application. The application will not be processed until such a time the number has been received by the participant and a copy provided to the AJC staff.

### Requirement for Citizenship

In order to establish eligibility for a WIOA participant, citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized to work by the Attorney General in the United States or who have been issued a work permit by the U.S. Immigration and Naturalization service (INS) must be established.

### Selective Service

All males born on or after January 1, 1960, must be registered timely (between the ages of 18 and 25) for Selective Service. Men cannot register after reaching age 26. All males required to register must provide proof of registration prior to enrollment into WIOA. If they are between the ages of 18 and 26 and have not registered they will be given the opportunity to register immediately, or the Staff may register the applicant with his permission. If a male, who was required to register did not register prior to their 26<sup>th</sup> birthday they must obtain a waiver as allowed by the MSSA (Military Selective Services Act).

### *Who must Register?*

With only a few exceptions, the registration requirement applies to all male U.S. citizens and male aliens residing



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in the United States who are 18 through 25 years of age. This includes all male non-citizens within these age limits who permanently reside in the U.S., as well as men with "green cards" and men living in the U.S. without INS documentation (undocumented aliens) must also register. Non-immigrant men who are in the U.S. temporarily (diplomatic corps, trade mission personnel, men holding valid visitor or student visas, etc.) do not register. A male non-citizen who first enters the U.S. as a permanent resident after he has already passed his 26<sup>th</sup> birthday is not required to register because he is over the age limit. Women do not register because the law does not apply to them.

Category	Yes	No
All male U.S. Citizens born after December 31, 1959, who are 18 but not yet 26 years old, except as noted below.	X	
Military – Related		
Members of the Armed Forces on active duty (active duty for training does not constitute “active duty” for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at The Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
National Guardsmen and Reservists not on active Duty	X	
Delayed Entry Program enlistees	X	
ROTC Student	X	
Separates from Active Military Service, separated for any reason before age 26	X*	
Men rejected for enlistment for any reason before age 26	X	
Civil Air Patrol members	X	
Aliens **		
Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Forms I-94, I-95A, or Border Crossing Documents I-94 or Boarder Crossing Document DSP-150)		X
Permanent resident aliens	X	
Special (seasonal) agricultural workers (I-688)	X	
Special agricultural worker (I-688A)		X
Refugee, parolee, and asylee aliens	X	
Undocumented (illegal) aliens	X	
Dual National U.S. citizens	X	
Confined		
Incarcerated, or hospitalized or institutionalized for medical reasons		X*
Handicapped physically or mentally		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X

\* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25.

\*\* Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. Citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States. Habitual residence is presumed whenever a national or a citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the United States for more than one year in any status, except as a student or employee of the government of his homeland.

NOTE: Immigrants who did not enter the United States or maintain their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old were never required to register. Also, immigrants born before 1960 who did not enter the United States or maintain their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.



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*Waivers*

The MSSA provides for men who did not register and have subsequently turned 26 and are now being denied eligibility for Federal student financial aid, Federal job training, or Federal employment, or are having difficulty obtaining U.S. citizenship because they failed to register, the ability to request a waiver. The MSSA also allows the benefit agency handling the case, not the Selective Service, to determine whether the individual has shown that failure to register was not knowingly and willingly. The final decision regarding eligibility for the benefit will be made by the agency granting the benefit (for example, for student financial aid, this would be the Department of Education). For Title I eligibility, the person would need to obtain an official response from Selective Service stating whether or not he is or is not required to register in the form of a "status information" letter. Once an applicant provides a staff member with a copy of his Status Information Letter, he can receive services from WIOA provided that all additional requirements have been met.

Veteran's Status

A Veteran is defined as an individual who served in the U.S. Military, naval, or air service for a period of not less than or equal to 180 days, or who was discharged under conditions other than discharged or released from such service other than dishonorable; or an individual who met the above conditions for more than 180 days. This definition includes the following individuals, Disabled Veterans (Disabled because of a service connected disability or is rated at 30% or more by the DBA, or at 10 or 20 % for a serious employment disability), Campaign Veteran (An individual who served on active duty in the U/S. military during a war), and Recently Separated Veteran's (an individual who applied for WIOA within 48 months after discharge or release from active duty). Veteran's status must be confirmed by obtaining a copy of their DD214 or other identification confirming the individual as a veteran, and allowing him / her to receive priority for services.

Self-Sufficiency

In accordance with the WIOA, all local areas may establish a policy defining self-sufficiency for the local area. Additionally, the Tennessee Department of Labor and Workforce Development is integrating skill shortage training to assist individuals not meeting self-sufficiency by increasing their skill-sets for in-demand occupations. Hence, skill shortage training will be made available to customers who fall at or below the self-sufficiency level and are determined to benefit from the services.

The term "below self-sufficiency", is used with respect to –

- (A) An Adult, Youth or Dislocated Worker (age 18 or older) whose own income is less than 200% of the poverty level or lower living standard income level; or,
- (B) An Adult, Youth or Dislocated Worker (age 18 or older) whose own income is more than 200% of the poverty level; however, in relationship to family size, his/her family income is less than 175% of poverty level or lower living standard income level.
- (C) An Adult, Youth or Dislocated Worker (age 18 or older) who meets the definition of unemployed.
- (D) An Adult, Youth or Dislocated Worker (age 18 or older) who meets the definition of low income.

The Local Workforce Development Board will provide an updated Self-Sufficiency Chart upon receipt of TDLWD issuance of Poverty Guidelines. The chart utilized for determination of eligibility must be uploaded into VOS for criteria (A) and (B).

*Determining Self-Sufficiency*

If applicants who meet all other eligibility criteria for the Adult or Dislocated Worker programs are unemployed, then they automatically meet general eligibility requirements to be determined as non-self-sufficient. Applicants who are employed but meet the definition of low income are also considered non-self-sufficient and meet general eligibility requirements.

As described in the Priority of Service Policy, per TEGl 19-16, Section 134(c)(3)(E) of WIOA, with respect to funds allocated to a local area for Adult employment and training activities, priority must be given to Veterans and eligible spouses, recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of Individualized Career Services and Training Services.

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Employed applicants who do not meet the definition of low income must be determined to be non-self-sufficient in order to meet general eligibility requirements and be eligible for Individualized Career Services and Training services. In order to determine that applicants are not self-sufficient, income must be computed for the individual and / or the applicant's family to establish that the applicant and / or the applicant's family's annual income falls within the income guidelines as shown below. When applicants whose own income exceeds the income guidelines for a family of one, the family members living in the household with the applicant, and their income, may be factored into income computation, thereby raising the family size and income guidelines. Income from other persons who are also members of the household is not included in determining eligibility or self-sufficiency. If the individual is providing support to the information should be documented in the participant's case file.

PROPOSED SELF-SUFFICIENCY CHART				Effective as of 05/01/2022	
				Received from the State 05/04/2022	
	Non-Metro				
Family	Higher of Poverty				
Size	or LLSIL	Percent	Annualized Income	Weekly Earnings	Hourly Wage
1	\$ 13,590.00	200%	\$ 27,180.00	\$ 522.69	\$ 13.07
2	\$ 18,310.00	175%	\$ 32,042.50	\$ 616.20	\$ 15.41
3	\$ 23,030.00	175%	\$ 40,302.50	\$ 775.05	\$ 19.38
4	\$ 27,997.00	175%	\$ 48,994.75	\$ 942.21	\$ 23.56
5	\$ 33,039.00	175%	\$ 57,818.25	\$ 1,111.89	\$ 27.80
6	\$ 38,638.00	175%	\$ 67,616.50	\$ 1,300.32	\$ 32.51
7	\$ 44,237.00	175%	\$ 77,414.75	\$ 1,488.75	\$ 37.22
8	\$ 49,836.00	175%	\$ 87,213.00	\$ 1,677.17	\$ 41.93
9	\$ 55,435.00	175%	\$ 97,011.25	\$ 1,865.60	\$ 46.64
10	\$ 61,034.00	175%	\$ 106,809.50	\$ 2,054.03	\$ 51.35
11	\$ 66,633.00	175%	\$ 116,607.75	\$ 2,242.46	\$ 56.06
12	\$ 72,232.00	175%	\$ 126,406.00	\$ 2,430.88	\$ 60.77
	Metro - Crockett County Only				
Family	Higher of Poverty				
Size	or LLSIL	Percent	Annualized Income	Weekly Earnings	Hourly Wage
1	\$ 13,590.00	200%	\$ 27,180.00	\$ 522.69	\$ 13.07
2	\$ 18,310.00	175%	\$ 32,042.50	\$ 616.20	\$ 15.41
3	\$ 23,349.00	175%	\$ 40,860.75	\$ 785.78	\$ 19.64
4	\$ 28,826.00	175%	\$ 50,445.50	\$ 970.11	\$ 24.25
5	\$ 34,021.00	175%	\$ 59,536.75	\$ 1,144.94	\$ 28.62
6	\$ 39,790.00	175%	\$ 69,632.50	\$ 1,339.09	\$ 33.48
7	\$ 45,559.00	175%	\$ 79,728.25	\$ 1,533.24	\$ 38.33
8	\$ 51,328.00	175%	\$ 89,824.00	\$ 1,727.38	\$ 43.18
9	\$ 57,097.00	175%	\$ 99,919.75	\$ 1,921.53	\$ 48.04
10	\$ 62,866.00	175%	\$ 110,015.50	\$ 2,115.68	\$ 52.89
11	\$ 68,635.00	175%	\$ 120,111.25	\$ 2,309.83	\$ 57.75
12	\$ 74,404.00	175%	\$ 130,207.00	\$ 2,503.98	\$ 62.60

#### Income Computation

Documentation of income for employed applicants who do not meet the definition of low income must be obtained to determine their estimated annual income. Documentation of income should have the person's name, date(s) of the pay period, and the amount of income before deductions. Calculated income must be compared to the appropriate family size of the Self-Sufficiency Income Table. Case notes must always reflect actual computation used to establish eligibility. All income, unless specifically excluded, is considered in determining gross income. Income may be received periodically or at irregular intervals, but only income which is representative of the potential participant's usual earnings should be included in income computation. When paychecks are not reflective of usual earnings, staff will disregard them in computing the income. Income not reflective of usual earnings includes:

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- Pay for hours that have not usually been worked and are not scheduled to be worked in the future. This includes overtime if it is not something they receive regularly and vacation pay in addition to regular hours. Staff cannot exclude holiday pay if they routinely receive this.
- A one-time bonus.
- Pay for shift differentials that will not exist in the future.
- Wages less than usual due to unpaid sick or annual days off, a temporary loss of wage differential, or due to reduction in hours that are usually worked and are scheduled to be worked in the future.
- Pay that doesn't reflect recent increase in wages.

When a federal statute specifically states that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments are excluded when determining eligibility for WIOA programs. Income excluded from WIOA income computation includes:

- Public Assistance cash payments (including Temporary Assistance to Needy Families (TANF), SSI, Refugee Case Assistance (RCA), and General Assistance (GA));
- Foster care child payments;
- Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), and Federal Work-Study (FWS));
- Needs-Based scholarship assistance;
- Income earned while [the veteran was] on active military duty and certain veteran's benefits (i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance);
- Capital gains; or any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, school meals, and housing assistance;
- Tribal Government Payments (i.e., Per Capita Payments, Lease Payments, Individual Indian Money (IIM))
- One-Stop Partner programs where income is subsidized (e.g. work experiences, support services);
- Any amounts received as military pay or allowance by any person who served on active duty and certain other specified benefits must be disregarded as income.

**Reference:** WIOA Sections 3(2); 3(16)(ii); 107(d)(5)W; 188 (A)(5); 189(h); 121 (e); USC Section 101 (d)(1) of the title 10, United States Code; USC Section 101 (a)(13)(B) of the title 10, United States Code; Section 101 (16) of the title 38, United States Code

**Related TDLWD Policy:** Workforce Services Guidance – Title I Adult and Dislocated Worker Eligibility

**Vetted and Approved by the Local Workforce Development Board:** November 15, 2022

DocuSigned by:  
  
 04805FDDDF2C344B  
 Jimmy Williamson, Chair  
 Northwest Tennessee Workforce Board